



**Special Meeting Agenda**

**City Council**

12:00 p.m. (noon) Special Meeting  
Tuesday, February 16, 2016  
Large Conference Room-City Hall  
25 Center Street  
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Informational Session – Continue discussion on proposed backyard chicken ordinance – John Prescott.**
3. **Informational Session – Continue discussion on proposed changes to the fireworks ordinance – Shannon Draper.**
4. **Briefing on the February 16, 2016 City Council Regular Meeting** - Briefings are intended to be informational only and no deliberation or decision will occur on this item.
5. **Adjourn**

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

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

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

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

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

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



## City of Vermillion Council Agenda

7:00 p.m. Regular Meeting  
Tuesday, February 16, 2016  
City Council Chambers  
25 Center Street  
Vermillion, South Dakota 57069

### 1. Roll Call

### 2. Pledge of Allegiance

### 3. Minutes

- a. February 1, 2016 Special Meeting, February 1, 2016 Regular Meeting.

### 4. Adoption of the Agenda

### 5. Visitors To Be Heard

### 6. Public Hearings

### 7. Old Business

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

### 8. New Business

- a. Resolution for Annexation of Airport Property.
- b. Authorization to Notify Electric Cooperative of Intent to Serve Annexed Area (airport property).
- c. Final Plat of Lots 3A, 3B and 4A in Block 1, Lot 2A and 2B in Block 4, and a portion of Janklow Court in Outlot B of French East Addition.
- d. Resolution authorizing the purchase of one electrical padmount switch from the City of Moorhead, Minnesota bid.
- e. Resolution approving easements along 316<sup>th</sup> Street and 465<sup>th</sup> Avenue for transmission line to proposed substation to be located in Lot 1, Block 1 of Heikes Addition.

### 9. Bid Openings

### 10. City Manager's Report

### 11. Invoices Payable

### 12. Consensus Agenda

- a. Set a bid opening date of March 1, 2016 for roof repairs of City facilities.
- b. Set a bid opening date of March 1, 2016 for electric wire and padmount transformers.
- c. Set a bid opening date of February 25, 2016 for City vehicles.
- d. Set a bid opening date of February 17, 2016 for a 12-foot 36,200 GVWR truck chassis.

### 13. Adjourn

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

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

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

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

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

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

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



Unapproved Minutes  
Council Special Session  
February 1, 2016  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, February 1, 2016 at 12:00 noon at the City Hall large conference room.

1. Roll Call

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

Absent: Holly Meins

2. Informational Session - Proposed backyard chicken ordinance - John Prescott

John Prescott, City Manager, stated that the draft ordinance for backyard chickens was prepared as a follow up to the discussions previously held regarding changes to the ordinance to allow chickens. John stated that the draft ordinance includes all items found in other city ordinances on chickens, noting that the City Council can add, remove or amend as they want.

Andy Colvin, Assistant to the City Manager, reviewed the draft ordinance noting that it contains items found in other municipal ordinances and noted that the City Council may want to make changes to the draft to reflect our community. Andy stated that also included with the draft ordinance would be the change needed to the zoning ordinance to allow chicken coops as an allowable accessory structure. Andy noted that the Planning Commission reviewed the proposed change to the zoning ordinance and recommended no change on a 4 to 3 vote. Discussion followed on the draft ordinance on how it applies to individual properties as well as the requirement of permission from adjoining property owners/manager. Mayor Powell suggested that, to allow time for all to fully review the draft ordinance, the discussion be continued until the February 16th noon meeting.

3. Informational Session - Proposed changes to fireworks ordinance - Shannon Draper

Shannon Draper, Fire Chief, reviewed the current City ordinance as it applies to fireworks and reviewed proposed changes to the ordinance to define what fireworks may be discharged within the city and when. The changes would also address permitting requirements for vendors within

the city that complies with the state. Discussion followed on the proposed changes to the fireworks ordinance noting that a draft ordinance could be prepared and brought back to the City Council for further discussion.

4. Briefing on the February 1, 2016 City Council Regular Meeting

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

5. Adjourn

22-16

Alderman Price moved to adjourn the Council special session at 12:47 p.m. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 1<sup>st</sup> day of February, 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  
February 1, 2016  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on February 1, 2016 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Erickson (arrived at 7:03 p.m.), Holland, Clarene Meins, Holly Meins, Price, Ward (arrived at 7:03 p.m.), Willson, Mayor Powell, Student Representative Ireland

2. Pledge of Allegiance

3. Minutes

A. Minutes of January 18, 2016 Special Meeting, January 18, 2016 Regular Meeting

23-16

Alderman Collier-Wise moved approval of the January 18, 2016 Special Meeting and January 18, 2016 Regular Meeting minutes. Alderman Clarene Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

24-16

Alderman Willson moved approval of the agenda. Alderman Collier-Wise seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

Alderman Erickson and Ward arrived at 7:03 p.m.

Mayor Powell reported that he was notified that the 2014 Comprehensive Annual Financial Report of the city qualifies for a Certificate of Achievement for Excellence in Financial Reporting. Mayor Powell presented the certificate to Mike Carlson, Finance Officer.

6. Public Hearings - None

7. Old Business - None

8. New Business

A. Request to close Kidder Street from Court Street to the alley between Court Street and Market Street on Saturday, February 27, 2016 from 9:00 a.m. to 6:00 p.m. for Special Olympics Polar Plunge.

John Prescott, City Manager, reported that the Law Enforcement Torch Run and Special Olympics of South Dakota are requesting the closing of Kidder Street from Court Street west to the alley between Court and Market Street on Saturday, February 27, 2016 from 9:00 a.m. to 6:00 p.m. for the Polar Plunge. John noted that the Polar Plunge is an annual fund raising event for the Special Olympics and in prior years was held at the High School parking lot, but the event moved to this

location last year. John stated that the closing request, letter on the event and a map of the proposed closing are included in the packet. John noted that Police, Fire and EMS were notified of the request and that they have no concerns. Todd Bradwisch, representing Special Olympics, stated that he would be happy to answer any questions on the event and provided a certificate of insurance for the event to the Mayor.

25-16

Alderman Erickson moved approval of the street closing request of Kidder Street from Court Street west to the alley between Court and Market Street on Saturday, February 27, 2016 from 9:00 a.m. to 6:00 p.m. for the Polar Plunge. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Resolution approving the acquisition of Outlot 1, Block 1 Bliss Pointe Addition (property for future Public Park)

John Prescott, City Manager, reported that in 2013 the Vermillion Chamber of Commerce and Development Company (VCDC) began the platting work and gained City Council approval of the Bliss Pointe Planned Development District. John noted that, since the initial plans were developed and presented, the first phase of the project has always included a public park. John stated that the intended park property, Outlot 1, Block 1, is located between the south side of the roundabout and the bluff or the park location is south of where Joplin Street and Rockwell Trail meet. John stated that the VCDC is the current owner of the property. John noted that Bliss Pointe Park will be part of the city park system, it would be appropriate to transfer Outlot 1, Block 1 Bliss Pointe Addition from VCDC ownership to the City. John stated that since the City intends to develop the park this year, which includes equipment and other improvements that are paid for with public funds, it would be best for the City to own the property where the improvements will be constructed. John reported that the VCDC is donating the lot to the city so the only costs will be for deed preparation and filing fees. John recommended adoption of the resolution accepting the property.

26-16

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

RESOLUTION APPROVING ACQUISITION OF  
OUTLOT 1, BLOCK 1 BLISS POINTE ADDITION

WHEREAS, the hereinafter described parcel located at 1400 Rockwell Trail has been planned to be a public park since the original Bliss

Pointe development was preliminarily platted by the Vermillion Chamber of Commerce and Development Company; and

WHEREAS, the City of Vermillion desires to develop a public park on said property in the Bliss Pointe Addition; and

WHEREAS, the Vermillion Chamber of Commerce and Development Company Board has approved the donation and transfer of the property to the City of Vermillion to be used as a park; and

WHEREAS, the Vermillion Chamber of Commerce and Development Company certifies that all taxes have been paid and there are no liens on said property

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion:

1. That the City of Vermillion hereby accepts the donation of Outlot 1, Block 1 Bliss Pointe Addition, in the City of Vermillion, Clay County, South Dakota at the cost of Zero (\$0.00) Dollars.
2. That the City of Vermillion be and is hereby authorized to accept a deed from the owners, conveying the owners' interest to the City of Vermillion, South Dakota for the herein described real estate.
3. That the Finance Officer is hereby authorized and directed to cause said Deed to be recorded in the office of the Clay County Register of Deeds, together with a certified copy of this Resolution.

Dated at Vermillion, South Dakota this 1<sup>st</sup> day of February, 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

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

C. Resolution approving the acquisition of Lot 3, Block 4 Erickson Addition (property housing a sanitary sewer lift station)

John Prescott, City Manager, reported that in 2004 a sanitary sewer lift station was constructed just south of the intersection of Highway 50 and Princeton Street. John noted that at that time the City owned all of the property between Princeton Street and Carr Street and Highway 50 and Bower Street. John stated that in 2011 the City transferred the entire city owned Erickson Addition property, including the land where the lift station was located, to the Vermillion Chamber of Commerce and Development Company for marketing and development purposes. John noted that the lift station was part of Lot 2 Block 4 of Erickson Addition. John stated that the VCDC is working with a client interested in purchasing Lot 2 Block 4 and, as such, Lot 3 Block 4 Erickson Addition was created in 2015 so that the land housing the sanitary sewer lift would not be sold to a private entity. John stated that the VCDC is currently the owner of Lot 3 Block 4. John noted that since the lift station is a part of the city sanitary sewer infrastructure and the VCDC is not interested in owning the lift station, it would be appropriate to transfer Lot 3 Block 4 from VCDC ownership to the City. John reported that the VCDC is donating the lot to the City so the only costs will be for deed preparation and filing fees. John recommended adoption of the resolution accepting the property.

27-16

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

RESOLUTION APPROVING ACQUISITION OF  
LOT 3, BLOCK 4 ERICKSON ADDITION

WHEREAS, the hereinafter described parcel located at 1314 Princeton Street has a sanitary sewer lift station which was constructed in 2004 by the City of Vermillion and currently serves Vermillion sanitary sewer customers; and

WHEREAS, the City of Vermillion transferred what is now Lot 3, Block 4 Erickson Addition to the Vermillion Chamber of Commerce and Development Company in 2011 when the land was part of Lot 2, Block 4 Erickson Addition; and

WHEREAS, the Vermillion Chamber of Commerce and Development Company Board desires to sell the balance of Lot 2, Block 4 Erickson Addition to a private party and created Lot 3, Block 4 Erickson Addition in 2015 so that the City's sanitary sewer lift station was not sold to a private party; and

WHEREAS, the Vermillion Chamber of Commerce and Development Company Board has approved the donation and transfer of the property to the City of Vermillion to be used as a sanitary sewer lift station; and

WHEREAS, the Vermillion Chamber of Commerce and Development Company certifies that all taxes have been paid and there are no liens on said property

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion:

1. That the City of Vermillion hereby accepts the donation of Lot 3, Block 4 Erickson Addition, in the City of Vermillion, Clay County, South Dakota at the cost of Zero (\$0.00) Dollars.
2. That the City of Vermillion be and is hereby authorized to accept a deed from the owners, conveying the owners' interest to the City of Vermillion, South Dakota for the herein described real estate.
3. That the Finance Officer is hereby authorized and directed to cause said Deed to be recorded in the office of the Clay County Register of Deeds, together with a certified copy of this Resolution.

Dated at Vermillion, South Dakota this 1st day of February, 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

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

D. Resolution approving the acquisition of Lot 1, Block 1 of Heikes Addition to be used for an electrical substation

John Prescott, City Manager, reported that the Vermillion Chamber of Commerce and Development Company (VCDC) in 2010 purchased Heikes Tract

2 consisting of 19.75 acre located at the northwest corner of N. Crawford Road and 317<sup>th</sup> Street. John stated that when the 2016 budget was developed the City Council had several discussions about developing a new electrical substation in the northeast portion of Vermillion. John reported that the VCDC was approached and has agreed to provide land for the new electrical substation in the northeast corner of Heikes Tract 2. John reported that in late 2015 the VCDC created a 250 x 250 foot lot in the northeast corner of Heikes Tract 2 with the legal description of Lot 1 Block 1 Heikes Addition. John stated that, since the substation will be part of the city electrical infrastructure, it would be appropriate to transfer Lot 1 Block 1 Heikes Addition from VCDC ownership to the City. John reported that the VCDC is donating the lot to the City so the only costs will be for deed preparation and filing fees. John recommended adoption of the resolution accepting the property.

28-16

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

RESOLUTION APPROVING ACQUISITION OF  
LOT 1, BLOCK 1 HEIKES ADDITION

WHEREAS, the hereinafter described parcel is located in the northeast corner of Heikes Tract 2 and is intended to be used as the location of an electrical substation; and

WHEREAS, the Vermillion Chamber of Commerce and Development Company currently owns all of Heikes Tract 2 and recently platted Lot 1, Block 1 Heikes Addition in the northeast corner of this tract; and

WHEREAS, the Vermillion Chamber of Commerce and Development Company Board recognizes the community benefit of having a second electrical substation to better serve the current and future electrical load of the community; and

WHEREAS, the Vermillion Chamber of Commerce and Development Company Board has approved the donation and transfer of the property to the City of Vermillion to be used as an electrical station; and

WHEREAS, the Vermillion Chamber of Commerce and Development Company certifies that all taxes have been paid and there are no liens on said property.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion:

1. That the City of Vermillion hereby accepts the donation of Lot 1, Block 1 Heikes Addition, in the City of Vermillion, Clay County, South Dakota at the cost of Zero (\$0.00) Dollars.
2. That the City of Vermillion be and is hereby authorized to accept a deed from the owners, conveying the owners' interest to the City of Vermillion, South Dakota for the herein described real estate.
3. That the Finance Officer is hereby authorized and directed to cause said Deed to be recorded in the office of the Clay County Register of Deeds, together with a certified copy of this Resolution.

Dated at Vermillion, South Dakota this 1<sup>st</sup> day of February, 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

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

E. Review lease abatement request from SBA Communications for a tower lease on E. Highway 50

John Prescott, City Manager, reported that in March 1990 Kenneth Mockler began a land lease agreement with MCI Communications for a 5 acre section of his property located on the north side of E. Highway 50. John stated that the lease provided that MCI and any successors could lease the property for the erection and maintenance of a communications tower. John reported that Mr. Mockler's estate transferred ownership of the property to the City in 1995. John stated that the lease was for five years with seven successive additional five year leases available. John noted that ownership of the lease has been transferred a number of times and the current lease holder is SBA Communications Corporation of Boca Raton, Florida. John reported that SBA Communications recently contacted the City requesting to have the

land lease cost abated for a maximum of three years or until such time as they find a tenant. John reported that he has asked for additional information about the proposal and background on the request by email without a response. John stated that the initial lease was for \$1,200 per year with annual CPI increased with the rent last year of \$1,732.52. John stated that, if the lease is terminated, the land is to be returned to its original condition. John stated that the farmland is leased for about \$262 per acre. John reported that the email containing the request from SBA Communications was included in the packet. John reviewed possible options and requested the wishes of the City Council on how they would want to proceed. Discussion followed on the options noting that a response has not been received from the company.

29-16

Alderman Collier-Wise moved to table action on the request from SBA Communication on the tower lease to allow time for a response on the additional information requested. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

## 9. Bid Openings

### A. Water and wastewater chemicals

Shane Griese, Utility Engineer, reported that bids were opened on January 27th for the annual supply of lime and soda ash used in water and wastewater treatment. Shane reported that documents were sent to seven bidders and four bids were received. Shane reported that the low bid for Proposal 1 for lime was Graymont, LLC at \$159.35 per ton and on Proposal 2 for soda ash was BHS Specialty Chemicals at \$310.13 per ton.

Bids: Proposal 1 lime - Graymont LLC \$159.35/ton, Mississippi Lime \$253.68/ton. Proposal 2 soda ash - Thatcher Company \$312/ton, BHS Specialty Chemicals \$310.13/ton.

30-6

Alderman Collier-Wise moved approval of the low bid on Proposal 1 for lime of Graymont, LLC at \$159.35 per ton and on Proposal 2 for soda ash of BHS Specialty Chemicals at \$310.13 per ton. Alderman Holland seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

### B. LED street lights

Jose Dominguez, City Engineer, reported that bids were opened on January 27th for LED street lights. Jose reported that the bid will allow for the conversion of about a fourth of the existing city street lights. Jose reported that LED street lights have been installed in the

Bliss Pointe development, N. Norbeck Street, some on Crawford Road and at the I-29 and Highway 50 exit. Jose reported that bid packets were sent to five bidders with four received. The low bid was from Irby Utilities at \$124,251.75 for 315 lights. Discussion followed.

Bids: Border States \$133,717.50, RESCO \$136,127.25, Irby Utilities \$124,251.75, WESCO \$128,205.00

31-16

Alderman Holland moved approval of the low bid of Irby Utilities for 315 LED lights for \$124,251.75. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

#### C. Fuel Quotes

Mike Carlson, Finance Officer, read the monthly fuel quotes and recommended the low quote of Brunick's Service all three items.

Item 1 -4,350 gal unleaded 10% ethanol: Stern Oil \$1.4189, Brunick's Service \$1.32; Item 2 -3,000 gal No. 1&2 Diesel fuel dyed: Stern Oil \$1.3829, Brunick's Service \$1.35; Item 3 -1,000 gal No. 1&2 diesel fuel-clear: Stern Oil \$1.6829, Brunick's Service \$1.68.

32-16

Alderman Willson moved approval of the low quote of Brunick's Service on three items. Alderman Erickson seconded the motion. Discussion followed. Motion carried 9 to 0. President Powell declared the motion adopted.

#### 10. City Manager's Report

A. John reported that the following two plats were approved by the City Engineer:

Lot 4, Block 1 Bliss Pointe Addition  
Lot 1, Block 1 Heikes Addition

B. John reported that the next City Council meeting will be on Tuesday, February 16th due to the Presidents Day holiday on Monday, February 15th.

C. John reported that at the February 16<sup>th</sup> meeting there will be an agenda item to annex the airport property. John noted that the City is the sole owner of all the land under consideration for annexation.

D. John reported that a special meeting of the City Council has been proposed for 5:15 p.m. on Monday, February 29th to consider Prentis Park swimming pool bids. John requested response from Council members to their availability.

E. John reminded citizens that sidewalks are to be cleared 24 hours after the end of a snow event.

F. John reported on the receipt of the following raffle notification:

Knights of Columbus will be selling \$20 books for the NCAA Men's basketball championship. Prizes range from \$75 to \$150 depending on the game. Tickets will be sold February 1 to March 16, 2016. Proceeds from the raffle go the Knights of Columbus project to purchase gym chairs for St. Agnes and other charitable causes of the Knights.

PAYROLL ADDITIONS AND CHANGES

Engineering: Eric Birkeland \$17.54/hr; Police: Mark Foley \$21.13/hr, Tony Klunder \$22.76/hr; Recreation: Michael Moran \$25.00/game, Kyle Weiss \$25.00/game; Library: Logan Anderson \$8.55/hr, Jessica Howard \$8.55/hr; Golf Clubhouse: Michael Mettler \$9.25/hr; Light: Todd Halverson \$33.70/hr, Mark Koller \$45.00/hr, Monty Munkvold \$34.85/hr

11. Invoices Payable

33-16

Alderman Willson moved approval of the following invoices:

A & A Refrigeration	repairs	831.50
ABI Absolute.Com	field groomer	17,977.00
Aramark Uniform Services	uniform cleaning	111.45
Baker & Taylor Books	books	270.55
Balcon Enterprises	supplies	525.00
Bierschbach Eqpt & Supply	parts	61.09
Blackstone Audio Inc	books	150.00
Bomgaars	tools	509.96
Bookpage	subscription	300.00
Border States Elec Supply	supplies	191.52
Brunicks Service Inc	fuel	1,102.50
Butler Machinery Co.	parts	3,971.36
Campbell Supply	supplies	681.64
Cask & Cork	merchandise	708.50
CDW Government, Inc	computers	8,104.32
Cedar County Veterinary Service	professional services	125.20

Centurylink	911 relay service	5.00
Centurylink	telephone	744.25
Certified Pool Trainers	registration	650.00
Chad Christopherson	meals reimbursement	52.00
City Of Vermillion	postage/copies	1,234.48
City Of Vermillion	utility bills	39,330.46
Class C Solutions Group	supplies	97.79
Colonial Life Acc Ins.	insurance	1,573.39
Coyoteopoly	SD Shakespeare Festival	3,000.00
Culligan Water	drinking water cooler	11.00
D-P Tools	supplies	84.55
Dakota Beverage	merchandise	5,270.13
Dakota Pc Warehouse	equipment/repairs	419.94
Danko Emergency Equipment	parts	182.85
Delta Dental Plan	insurance	6,268.76
Demco	supplies	462.34
Dennis Martens	maintenance	833.34
Dept Of Revenue	testing	290.00
DGR Engineering	professional services	14,668.05
Dust Tex	entry mats	120.00
Echo Electric Supply	supplies	519.40
Electronic Engineering	repairs	109.95
Energy Laboratories	testing	1,150.00
Farmer Brothers Co.	supplies	56.90
Fast Auto Glass	repairs	268.50
Foreman Media	council mtg	100.00
Gerstner Oil Co	jet fuel	6,153.60
Graham Tire Co.	tires	1,153.68
Gregg Peters	freight	729.60
Gregg Peters	rent	937.50
Guarantee Oil Co Inc	oil	40.00
HD Supply Waterworks	supplies	1,693.46
Helms & Associates	professional services	6,648.04
Hillyard Floor Care Supply	supplies	159.86
Hy Vee Food Store	supplies	26.47
Independence Waste	waste hauling	783.00
Ingram	books	2,392.87
Interstate All Battery Center	supplies	46.85
Jacks Uniform & Eqpt	uniform	3,413.55
Jerry's Chevrolet Buick Gm	parts	51.52
John A Conkling Dist.	merchandise	6,131.65
Johnson Brothers Famous Brands	merchandise	13,076.85
Johnson Controls	repairs	4,410.84

Jones Food Center	supplies	905.66
Joseph A Ostrem	boot reimbursement	100.00
Karsten Mfg Corp	merchandise	649.84
Kellen Cusick	meals/mileage reimbursement	128.50
Laynes World	department awards	191.16
Main Street Center	contribution	15,000.00
Mart Auto Body	towing	900.00
Matheson Tri-Gas, Inc	supplies	123.14
Matthew R Callahan	meals reimbursement	114.00
McCulloch Law Office	professional services	2,659.50
Mead Lumber	supplies	24.98
Med Alliance Group, Inc	supplies	586.92
Medical Waste Transport, Inc	haul medical waste	121.58
Medico Life & Health Insurance	life insurance	466.80
Menards	supplies	42.92
Micro Marketing LLC	books	107.97
Mid-States Org. Crime	membership fees	150.00
Midwest Alarm Co	alarm monitoring	132.00
Midwest Building Maintenance	mat svc	188.70
Midwest Turf & Irrigation	parts	2,649.34
Minn Municipal Utility Assoc	1st qtr safety program	6,534.00
Missouri Valley Maintenance	repairs	1,921.03
Monty Munkvold	meals reimbursement	52.00
NBS Calibrations	service/calibrate scale	318.00
Netsys+	online protection/repairs	607.00
North Central Ambulance Sales	repairs	275.07
Northland	supplies	192.00
Office Systems Co	copier contract/copies	866.60
Okoboji Wines-SD	merchandise	333.00
Overdrive Inc	maintenance/participation fee	3,000.00
Overhead Door Of Sioux City	repairs	1,120.00
Penguin Random House LLC	books	48.75
Penworthy Company	books	688.94
Pete Lien & Sons, Inc	chemicals	3,796.14
Phil Wiebelhaus	meals reimbursement	52.00
Pomps Tire Service, Inc.	tires	1,646.10
Precision Lawn Care	snow removal	892.50
Pressing Matters	notary stamp/envelopes	98.00
Public Agency Training Council	registration	295.00
Pump N Pak	fuel	52.86
Quality Control Equipment	parts	310.99
Quill	supplies	1,462.72
Recorded Books, Inc	subscription	1,871.00

Reeves Co, Inc	engraved name pin	15.79
Republic National Dist.	merchandise	9,979.68
Rodney Tieman	meals reimbursement	52.00
Sanford Health Plan	participation fees	60.00
Schindler Elevator Corp	maintenance contract	1,724.88
SD Board Of Operator Certification	certification renewal	6.00
SD Dept Of Public Safety	teletype service	3,590.00
SD Firefighters Association	membership dues	1,150.00
SD Retirement System	contributions	41,260.69
SDN Communications	maintenance	4,800.00
Sensus Metering Systems	repairs	290.09
Servall Towel & Linen	shop towels	16.80
Sioux City Foundry Co	parts	905.41
Stern Oil Co.	oil	89.80
Stewart Oil-Tire Co	tire repair	560.80
Sturdevants Auto Parts	parts	1,192.45
Supplyworks	supplies	346.94
Susan Heggstad	mileage reimbursement	130.18
Testamerica Laboratories	testing	1,457.96
The Supply Cache	firefighter equipment	630.80
Titan Machine-Productivity	parts	72.03
Todds Electric Service	install load mgmt	25.00
Total Tool Supply, Inc	repairs	318.77
True Brands	supplies	49.98
True Value	supplies	124.17
Tyler Technologies	software maintenance	22,398.91
Ultramax	supplies	578.00
United Parcel Service	shipping	33.56
United Way	contributions	569.70
Valiant Vineyards	merchandise	354.00
Vast Broadband	911 circuit/dial-up service	1,416.70
Verizon Wireless	cell phones	1,785.32
Vermillion Ace Hardware	supplies	276.95
Vermillion Chamber Of Comm	2015 4th qtr BID/membership	12,469.20
Vermillion Public Transit	contribution	7,500.00
VHS German Club	trip funding	2,000.00
Visa/First Bank & Trust	fuel/lodging/supplies	8,497.85
Wal-Mart Community	supplies	729.93
Yankton Janitorial Supply	supplies	284.47
Omiowncorp, Inc	Bright Energy Rebate	8,500.00
Prairie Inn	Bright Energy Rebate	3,270.00

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

12. Consensus Agenda - None

13. Adjourn

34-16

Alderman Erickson moved to adjourn the Council Meeting at 7:31 p.m. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 1<sup>st</sup> day of February, 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 \_\_\_\_\_.

## *Council Agenda Memo*

**From:** John Prescott, City Manager  
**Meeting:** February 16, 2016  
**Subject:** SBA Communications tower lease abatement  
**Presenter:** John Prescott

**Background:** On March 1, 1990 Kenneth Mockler began a land lease agreement with MCI Communication for a 5-acre section of his property located on the north side of E. Highway 50. The lease provided that MCI and any successors could lease the property for the erection and maintenance of a communications tower. The initial lease term was for five years with seven successive additional five year leases available. Mr. Mockler's estate transferred ownership of the property in 1995 to the City. Ownership of the tower and related land lease have been transferred a couple of times since the City was gifted the property in 1995. The current lease holder is SBA Communications Corporation of Boca Raton, Florida.

SBA Communications contacted the City in January. They currently have no tenants on this communications tower and a series of other towers owned by the company. SBA Communications is requesting to have the land lease cost abated for a maximum of three years or until such time as they find a tenant. SBA Communications would continue to pay the property taxes and any tower maintenance costs. Lease payments would resume if a tenant locates on the tower. Attached is the documentation SBA Communications supplied to request the abatement.

**Discussion:** On January 28<sup>th</sup> City staff sent the following questions to SBA to help prepare for the City Council discussion.

- Have all past tenants removed all of their equipment from this tower?
- When did the last tenant end their lease on the tower?
- What length of lease did the last tenant have?
- How many tenants could the tower accommodate?
- What length of lease are you seeking for new tenants to this tower?
- How is SBA marketing this tower to attract new tenant(s)?
- How would the City of Vermillion know that a tower lease has been entered into?

- How many towers does SBA have in South Dakota, Nebraska and Iowa?
- How many of these towers rent for somewhere between \$1500 and \$2000 a year?
- How many of these towers are you seeking the same arrangement on?
- Please provide a list of any municipalities (particularly in this area) that have agreed to this arrangement?

A response was not provided prior to the February 1<sup>st</sup> Council meeting. The same email was again sent on February 8<sup>th</sup> with no response. City staff called SBA on February 11<sup>th</sup> to see if they were going to be responding. SBA representative Adam Gallo had forwarded the questions to others in the company to determine if the questions could be answered. At the time of packet preparation, no response had been received.

The initial rent was \$1,200 per year. A CPI is used to calculate any increase in the annual rent. The rent for March 1, 2015 to February 29, 2016 was \$1,732.52 and was paid in February 2015.

If the land lease for the tower ends, the land would mostly likely be added to the lease of the surrounding farm ground. The surrounding farm ground is currently leased for \$262 an acre. The original lease does include language about restoring the property to the original condition.

In 2015 the City entered into a land lease with Swiftel Communications for a tower in Lions Park at \$8,400 a year with a 10% increase every five years. Swiftel Communications also has a lease that began in 2000 for a tower at the recycling center which currently rents for \$5,590.20.

Options for the City Council may include: Declining the offer and let SBA continue to pay rent or remove the tower; counter with a shorter lease abatement period such as one year; accept the option as presented with final document approved by the City Attorney; or another option as determined by the City Council.

**Financial Consideration:** Any funding received from this tower lease is placed in the golf course fund as Mr. Mockler requested that the proceeds from his gift be used for the benefit of the Bluffs Golf Course.

**Conclusion/Recommendations:** Administration recommends declining the request from SBA Communications as no response has been provided to request for additional information that may assist the City Council in making a determination on abating the lease cost.

## John Prescott

---

**From:** Adam Gallo [AGallo@sbsite.com]  
**Sent:** Tuesday, January 26, 2016 10:52 AM  
**To:** John Prescott  
**Subject:** SBA Tower Site - Ground Lease Restructure Proposal  
**Attachments:** AOD TEMPLATE - ABATEMENT.pdf

CITY OF VERMILLION (c/o John Prescott),

RE: Site ID: SD20946-A                      Site Name: Vermillion

Thank you for your time on the phone. I will do my best to summarize the proposal in this e-mail. Should any questions arise, please do not hesitate to contact me.

Due to AT&T terminating their agreement with us, SBA has been put into a difficult position to identify how we would like to move forward with each affected site. With respect to the tower we have with you, SBA's leasing committee is proposing the following to keep the tower standing:

- Temporary suspension of ground rent for a maximum of 36 months, and
  - o Rent would resume at the end of the abated period, OR
  - o Rent would resume immediately upon SBA entering into a subtenancy agreement with a wireless carrier.Whichever occurs first.
- o Rent will resume at an amount of \$1,732.52/Yearly or possibly higher depending upon the escalation schedule.

The abatement process would involve SBA drafting a simple, 1 page amendment of the ground lease for execution after verifying title. This amendment only modifies the ground rent section of the lease; all other terms and responsibilities would remain the same. For example, SBA will continue to maintain, insure and pay the associated taxes for the tower. Additionally, any increases which would take place during the abatement period will be honored when payment resumes. We believe this would create the best possible scenario financially for both parties moving forward as it gives the opportunity to resume the steady, positive cash flow.

If accepted, I will need to verify some information before putting into process. Should this be declined, the leasing committee will conduct a final review and at that point the decision would be out of our hands. Response necessary by 2/26/16.

Again, if any questions arise I will be happy to answer them for you.

Best regards,

**Adam Gallo**  
*Real Estate Acquisitions Specialist*



**SBA COMMUNICATIONS CORPORATION**

8051 Congress Avenue  
Boca Raton, FL 33487-2797

561.322.7894 + T  
561.322.2911 + F

Prepared by: Nicole Boyd  
After recording return to: Khreshmore Spence  
SBA Network Services, Inc.  
5900 Broken Sound Parkway, NW, 3<sup>rd</sup> Floor  
Boca Raton, FL 33487-2797  
Ph: 1-800-487-7483 ext. 9585

Parcel ID: \_\_\_\_\_

**AMENDMENT TO COMMUNICATIONS SITE LEASE AGREEMENT (GROUND)**

**THIS AMENDMENT TO COMMUNICATIONS SITE LEASE AGREEMENT (GROUND)** (hereinafter referred to as "Amendment") is executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ (the "Effective Date"), by \_\_\_\_\_, having an address at \_\_\_\_\_ ("Owner") and SBA \_\_\_\_\_, having a principal office located at 5900 Broken Sound Parkway, NW, Boca Raton, Florida 33487-2797 ("Tenant").

**WHEREAS,** \_\_\_\_\_, and \_\_\_\_\_ ("\_\_\_\_\_"), entered into that certain \_\_\_\_\_, dated \_\_\_\_\_ (the "\_\_\_\_\_") for Tenant's use of a portion of the real property commonly known as \_\_\_\_\_ (the "Land"), as more particularly described in the attached Exhibit "A"; and

**WHEREAS,** \_\_\_\_\_ assigned it interest in the Agreement to \_\_\_\_\_ company pursuant to that certain Assignment and \_\_\_\_\_.

**WHEREAS, (Insert as needed)**

**WHEREAS,** the Agreement is evidenced by that certain \_\_\_\_\_ Document No. \_\_\_\_\_ in Book \_\_\_\_\_, Page \_\_\_\_\_, of the Official Records \_\_\_\_\_, \_\_\_\_\_ County, \_\_\_\_\_. **( Insert as needed)**

SBA Site Name:  
SBA Site ID:

**WHEREAS,** \_\_\_\_\_, assigned its interest in the Agreement to Tenant as evidenced by that certain \_\_\_\_\_ recorded DATE, as Document No.\_\_\_\_, in Book\_\_\_\_, Page\_\_\_\_, of the Official Records of the \_\_\_\_\_,\_\_\_\_\_,\_\_\_\_\_. **(Insert as needed)**

**WHEREAS,** Owner and Tenant desire and intend to amend and supplement the Agreement as provided herein.

**NOW, THEREFORE,** for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant, agree and bind themselves to the following modifications to the Agreement:

1. **Section \_\_ of the Agreement, Rent,** is hereby modified in its entirety and replaced as follows:

Commencing on the first (1<sup>st</sup>) day of the month following the Effective Date of this Amendment, the Rent and any escalations pursuant to the terms of the Agreement shall be abated for a period of \_\_\_\_ years (“Abatement Period”). Rent payments shall resume upon the expiration of the Abatement Period according to the terms of the Agreement. In the event that Tenant enters into a new subtenancy with any broadband telephony provider during the Abatement Period, Rent and any escalations will resume according to the terms of the Agreement.

2. Tenant hereby rescinds its termination letter dated \_\_\_\_\_ and Owner accepts such rescission and acknowledges that the Agreement remains in full force and effect. **(Insert as needed)**

3. Capitalized terms not defined in this Amendment will have the meaning ascribed to such terms in the Agreement.

4. This Amendment may be executed in one or more counterparts, and by different parties hereto in separate counterparts, each of which when executed shall be deemed to be an original but all of which taken together shall constitute one and the same Agreement.

5. Tenant shall have the right to record this Amendment.

6. This Amendment will be governed by and construed and enforced in accordance with the laws of the state in which the Land is located without regard to principles of conflicts of law.

7. Except as specifically set forth in this Amendment, the Agreement is otherwise unmodified and remains in full force and effect and is hereby ratified and reaffirmed. In the event of any inconsistencies between the Agreement and this Amendment, the terms of this Amendment shall take precedence.

8. Owner represents and warrants to Tenant that the Owner is the sole owner in fee simple title to the Land and the Owner's interest under the Agreement and that consent or approval of no other person is necessary for the Owner to grant such consent.

[The remainder of this page was intentionally left blank]

SBA Site Name:  
SBA Site ID:

## *Council Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** February 16, 2016

**Subject:** Resolution annexing Lot A of Lot 1, S11-T32N-R4E; and, Lot A of Lot 2, S11-T32N-R4E, and accretion; and, Re-survey of Record Lot A-3 of Replat of Lot A, S24-T92N-R52W; and, Re-survey of Record Lot A-2 of Replat of Lot A, S24-T92N-R52W; and, Lot T of Lot B, Sealey Farm Plat, S24-T92N-R52W; and, Lot A of Lot A-4, S24-T92N-R52W; and, Lot A of Lot 1, S24-T92N-R52W; and, Lot A of Lot 2, S24-T92N-R52W

**Presenter:** Jose Dominguez

**Background:** The land proposed to be annexed into the City is along the west side of south Dakota Street, south of the Vermillion River. This land is owned by the City. The City's airport, Harold Davidson Field, is situated within the land to be annexed.

**Discussion:** State Law 9-4-1 gives municipalities the ability to extend boundaries. Typically, the land to be annexed into the City has to be contiguous to the municipality; however, State Law allows municipalities to annex airports whether they are contiguous or not. Following is the State Statute that allows this annexation:

9-4-14. Municipal airport outside corporate limits exempt from annexation restrictions--Extraterritorial jurisdiction--Application to property in another municipality. **If a municipality operates an airport organized pursuant to Title 50 outside the corporate limits of the municipality, the restrictions of §9-4-1 against annexation of noncontiguous territory do not apply to the annexation of the airport by such municipality.** If the municipality annexes such airport, the municipality may exercise extraterritorial jurisdiction pursuant to chapter 11-6, but only to the extent of one and one-quarter miles of the exterior boundary of the airport property. Such one and one-quarter mile extraterritorial jurisdiction supercedes the three-mile extraterritorial jurisdiction of any other municipality or jurisdiction of any other governmental entity, except as provided in Title 50.

Such one and one-quarter mile extraterritorial jurisdiction does not include property located within the corporate limits of another municipality. However, the latter municipality may not allow any airport hazards as defined in Title 50 in its corporate limits within the one and one-quarter mile extraterritorial jurisdiction around the airport property.

The intent of the City is to have a significant municipal asset, the City airport, and associated property which may be used for potential future municipal infrastructure, in the city limits. The land will enter the City zoned NRC, Natural Resource Conservation, which is the most restrictive classification and allows farming operations within the City. Additionally, the annexation will allow the City to gain approximately \$1,100.00 in property tax from the hangars located at the airport. This increase in the tax revenue accounts for roughly 2.5% of the airport's operating budget when the purchase of fuel for resale is excluded.

A sign was posted in the terminal building and a letter was sent to all of the hangar owners indicating that the City Council would be considering annexation of the airport property at the February 16<sup>th</sup> meeting. A notification that the annexation would be considered at this meeting was also mentioned at several previous City Council meetings.

**Financial Consideration:** This annexation will increase property tax receipts by approximately \$1,100.00.

**Conclusion/Recommendations:** Administration recommends approving the resolution to annex Lot A of Lot 1, S11-T32N-R4E; and, Lot A of Lot 2, S11-T32N-R4E, and accretion; and, Re-survey of Record Lot A-3 of Replat of Lot A, S24-T92N-R52W; and, Re-survey of Record Lot A-2 of Replat of Lot A, S24-T92N-R52W; and, Lot T of Lot B, Sealey Farm Plat, S24-T92N-R52W; and, Lot A of Lot A-4, S24-T92N-R52W; and, Lot A of Lot 1, S24-T92N-R52W; and, Lot A of Lot 2, S24-T92N-R52W.



**Proposed Annexation**

PETITION TO ANNEX TERRITORY  
TO THE CITY OF VERMILLION

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

We, the undersigned, acting pursuant to SDCL 9-4, hereby petition your honorable body, by a duly adopted resolution, to change the boundaries of the City of Vermillion, South Dakota, so as to include therein the following described real property in the County of Clay and State of South Dakota:

**Lot A of Lot 1, S11-T32N-R4E; and, Lot A of Lot 2, S11-T32N-R4E, and accretion; and, Re-survey of Record Lot A-3 of Replat of Lot A, S24-T92N-R52W; and, Re-survey of Record Lot A-2 of Replat of Lot A, S24-T92N-R52W; and, Lot T of Lot B, Sealey Farm Plat, S24-T92N-R52W; and, Lot A of Lot A-4, S24-T92N-R52W; and, Lot A of Lot 1, S24-T92N-R52W; and, Lot A of Lot 2, S24-T92N-R52W.**

We, the undersigned petitioners, hereby represent that all of the territory within the above described boundary is the land used by the Harold Davidson Field Airport, the City of Vermillion's airport. Acting pursuant to SDCL 9-4-14 the City of Vermillion is allowed to annexed noncontiguous territory belonging to an airport organized pursuant to SDCL 50. We also represent to the City of Vermillion, that no registered voter is resident of the territory to be annexed and we are the owners of not less than three-fourths of the value of the territory to be annexed to the City of Vermillion.

By virtue of SDCL 9-4, the undersigned petitioners do hereby petition the Governing Body of the City of Vermillion that the City extend its boundaries by annexation to include the real estate described above.

Dated at Vermillion, South Dakota this 29<sup>th</sup> day of January 2016.

  
\_\_\_\_\_  
John Prescott, City Manager  
City of Vermillion

## *Council Agenda Memo*

**From:** Shane Griese, Utilities Manager

**Meeting:** February 16, 2016

**Subject:** Authorization to Notify Electric Cooperative of Intent to Serve Annexed Area (Lot A of Lot 1, S11-T32N-R4E; and, Lot A of Lot 2, S11-T32N-R4E, and accretion; and, Re-survey of Record Lot A-3 of Replat of Lot A, S24-T92N-R52W; and, Re-survey of Record Lot A-2 of Replat of Lot A, S24-T92N-R52W; and, Lot T of Lot B, Sealey Farm Plat, S24-T92N-R52W; and, Lot A of Lot A-4, S24-T92N-R52W; and, Lot A of Lot 1, S24-T92N-R52W; and, Lot A of Lot 2, S24-T92N-R52W. Clay County, South Dakota)

**Presenter:** Shane Griese

**Background:** The purpose of this authorization is to notify Clay Union Electric Corporation (Clay Union) of our intent to provide annexed property with city electric service. This coincides with the previous agenda item to annex these six (6) parcels into the City. The land is located west of Dakota St. south of the Vermillion River. Currently the City's airport, Harold Davidson Field, is on the property including hangars and a terminal. The City currently supplies power to a number of facilities on the property. The intent of the annexation is to have a significant municipal asset and associated property which may be used for potential future municipal infrastructure within the city limits.

By State law, if the City does not notify a rural electric cooperative within one year of annexation of its intent to serve the annexed area, the annexed area shall continue to be served by the rural electric cooperative.

**Discussion:** The City has typically elected to serve all annexed areas since a 1992 State law changed the notification time to one year from annexation. The City is aware of Clay Union customers in the annexed area, so the City offers to pay, as compensation for service rights, an annual amount equal to the sum of twenty-five (25%) percent of the gross revenues received from power sales to consumers of electric power within the annexed area. Additional lost revenue payments would not start until a City electric customer service is established in the area during the next eleven years. The City would only be responsible to make lost revenue payments for a maximum of seven years.

**Financial Consideration:** The City will work with Clay Union to transfer service to existing properties. Once the City begins serving said properties we will begin paying lost revenue fees for a period of seven years. Should a City service be established in the highlighted territory during the next eleven years, additional lost revenue payments may be needed for a maximum of seven years within the 11-year window. The Electric budget has funds to cover these fees.

**Conclusion/Recommendations:** Administration recommends the City elect to serve the annexed area and approve the attached Notice of Intent to Purchase Electric Utility Properties in Annexed Areas.

**NOTICE OF INTENT TO PURCHASE  
ELECTRIC UTILITY PROPERTIES  
IN ANNEXED AREAS**

TO CLAY UNION ELECTRIC CORPORATION, A RURAL ELECTRIC COOPERATIVE,  
VERMILLION, SOUTH DAKOTA:

Pursuant to SDCL 49-34A-49, the City of Vermillion (the City), a municipal corporation, which operates an electrical utility, hereby notifies Clay Union Electric Corporation (Clay Union), a rural electric cooperative, that the City intends to exercise its statutorily conferred rights to serve electrical energy to customers in areas, which are hereinafter more particularly described and which were annexed to the City on the date hereinafter mentioned, to-wit:

**Lot A of Lot 1, S11-T32N-R4E; and, Lot A of Lot 2, S11-T32N-R4E, and accretion; and, Re-survey of Record Lot A-3 of Replat of Lot A, S24-T92N-R52W; and, Re-survey of Record Lot A-2 of Replat of Lot A, S24-T92N-R52W; and, Lot T of Lot B, Sealey Farm Plat, S24-T92N-R52W; and, Lot A of Lot A-4, S24-T92N-R52W; and, Lot A of Lot 1, S24-T92N-R52W; and, Lot A of Lot 2, S24-T92N-R52W.**

Annexed on February 16, 2016.

The above described area is currently in the Clay Union service area. Said service areas are also described graphically on maps of the City of Vermillion, copies of which are attached hereto and served herewith.

The City further notifies Clay Union that the City is aware of Clay Union distribution properties being located within the hereinabove described property. The City offers to pay, as compensation for service rights, an annual amount equal to the sum of twenty-five (25%) percent of the gross revenues received from power sales to consumers of electric power within the annexed area. The obligation of the City to compensate Clay Union for service rights shall continue for eleven (11) years from the date of the offer to purchase by the City. During the eleven (11) year period, compensation for service rights to any one customer location within the annexed area shall be paid by the City for a period of seven (7) years, or until the expiration of the eleven (11) year period, whichever is less. Gross revenues received shall be determined by applying the rate in effect by the City at the time of purchase.

In the event the City and Clay Union are unable to agree as to the amount to be paid, the City will apply to the Public Utilities Commission of the State of South Dakota, requesting the Commission, after notice and hearing, to determine the amount of the payment in accordance with SDCL 49-34A-50.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of February, 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:** Jose Dominguez, City Engineer

**Meeting:** February 16, 2016

**Subject:** Final Plat of Lots 3A, 3B and 4A in Block 1; Lot 2A and 2B in Block 4, and a portion of Janklow Court in Outlot B of French East Addition to the City of Vermillion, Clay County, South Dakota

**Presenter:** Jose Dominguez

**Background:** Banner Associates has submitted a final plat for a portion of French East Addition. The area to be final platted is roughly 0.84-acres in area. This is a replat of Lots 3 & 4 of Block 1; and, Lot 2 of Block 4 into townhome lots. A small portion of Janklow Court will also be platted at the same time. The lots are located on either side of Mickelson Avenue just north of Lewis Street.

The final plat was reviewed by the Planning Commission at their February 9<sup>th</sup> meeting. At that meeting the Planning Commission recommended that the Council approve the plat. The proposed final plat will facilitate townhouse development on the lots. The Planning Commission also approved conditional use permits for townhouse development on these lots at the same meeting.

**Discussion:** Staff reviewed the final plat and finds that it complies with all code provisions. The applicant will also be dedicating all of the required utility easements around the lots. In addition, the developer will also be platting the required drainage easements.

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

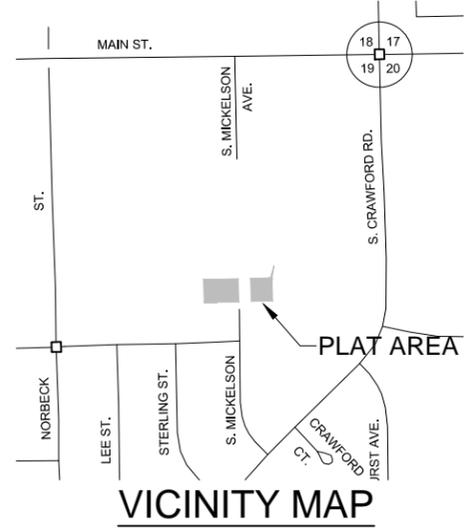
**Conclusion/Recommendations:** Administration finds that the final plat meets all of the ordinance requirements and recommends approval of the final plat.

# PLAT OF

## LOTS 3A, 3B AND 4A IN BLOCK 1; LOTS 2A AND 2B IN BLOCK 4, AND A PORTION OF JANKLOW COURT IN OUTLOT B OF FRENCH EAST ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

GRID BEARING  
SCALE: 1" = 100'

DAHL TRACT 1



**VICINITY MAP**

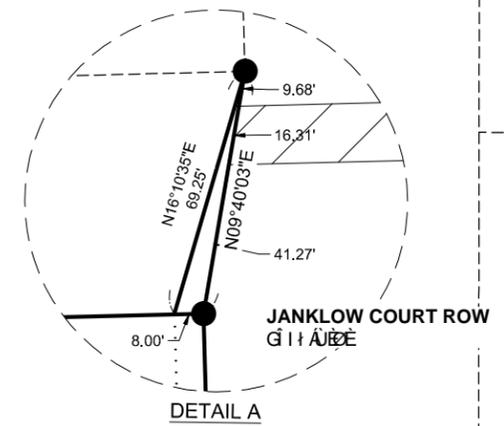
SEE NOTE #3 FOR LEGAL DESCRIPTION



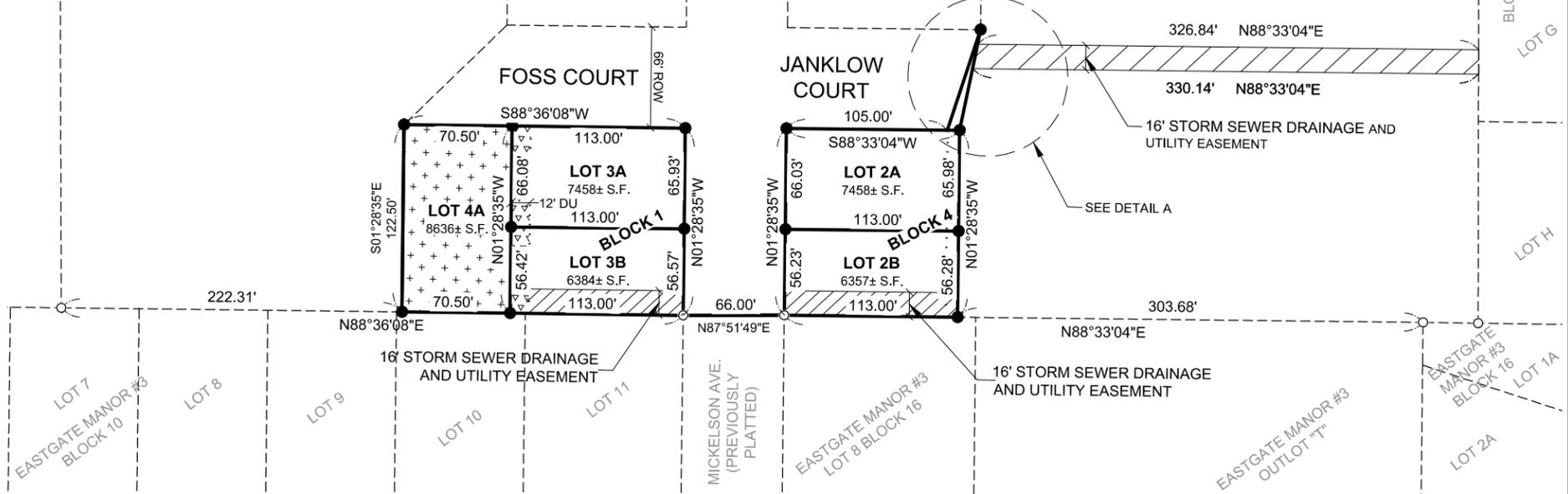
FRENCH

EAST

ADDITION



**DETAIL A**



**VACATION NOTICE**

THIS PLAT SHALL VACATE LOTS 3-4 IN BLOCK 1, LOT 2 IN BLOCK 4 AND PORTION OF OUTLOT B OF FRENCH EAST ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA PLAT BOOK 8 PAGE 61.

**PREPARED BY:**

BANNER ASSOCIATES, INC.  
VERMILLION, SOUTH DAKOTA  
(855) 323-6342  
JANUARY 2016

**LEGEND**

- MONUMENT SET THIS SURVEY 5/8" REBAR WITH STAMPED PLASTIC CAP #9924
- MONUMENT FOUND
- ▨ STORM SEWER DRAINAGE AND UTILITY EASEMENT
- ▤ DRAINAGE AND UTILITY EASEMENT (DU)
- ⊕ STORM SEWER DRAINAGE EASEMENT

**SURVEYORS NOTES**

- NOTE 1 -- ALL LOTS CONTAIN AN 8' PERIMETER UTILITY EASEMENT.
- NOTE 2 -- ADDITIONAL WIDTH STORM SEWER DRAINAGE EASEMENT AS SHOWN ABOVE.
- NOTE 3 -- THE WEST 6 RODS OF THE NE1/4 OF THE NE1/4 AND THE EAST 26 RODS OF THE NW1/4 OF THE NE1/4 EXCEPT 33' OF SECTION LINE ROW ON THE NORTH THEREOF, AND EXCEPT FRENCH'S TRACT 1 AND FRENCH'S TRACT 2 THEREOF, IN SECTION 19, T92N, R51W OF THE 5TH P.M., CITY OF VERMILLION, CLAY COUNTY, SD.

**SURVEYOR'S CERTIFICATE**

I, Nathan W. Nielson, Registered Land Surveyor in the State of South Dakota, do hereby certify that at the direction of FRENCH INVESTMENTS, L.L.C., AND MATTHEW JORGENSEN, have surveyed and re-platted a tract of land in: LOTS 3-4 IN BLOCK 1, LOT 2 IN BLOCK 4 AND A PORTION OF OUTLOT B IN FRENCH EAST ADDITION ALL IN THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA.

This tract of land shall hereafter be known as LOTS 3A, 3B AND 4A IN BLOCK 1; LOTS 2A AND 2B IN BLOCK 4, AND A PORTION OF JANKLOW COURT IN OUTLOT B OF FRENCH EAST ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA.

I certify that the locations and dimensions as shown on the plat are true and correct to the best of my knowledge, information and belief and that monuments were set at the corners so indicated. Said survey was surveyed and platted by me or under my direct personal supervision, following generally accepted Professional Standards for Surveying and Platting in the State of South Dakota.

IN WITNESS WHEREOF, I have set my hand and seal the \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_\_.

Nathan W. Nielson  
Registered Land Surveyor  
Registration No. 9924  
Banner Associates, Inc.  
14 W. Main St., Suite A  
Vermillion, South Dakota 57069  
Tel. (Toll Free): 1-855-323-6342

**CERTIFICATE OF OWNER**

We, FRENCH INVESTMENTS, L.L.C., AND MATTHEW JORGENSEN, do hereby certify that we are the owners of all land included in the above plat and that the plat has been made at my request and in accordance with my instructions for the purposes indicated herein.

We, FRENCH INVESTMENTS, L.L.C., AND MATTHEW JORGENSEN, certify that said plat was made at our request and direction for the purpose of locating, marking, and platting the same, and that said property is free of all encumbrances. We also certify that development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations. It is further provided that any streets, roads, alleys, and/or other easements shown on this plat are hereby, or have been previously, dedicated for the purpose indicated thereon.

We, FRENCH INVESTMENTS, L.L.C., AND MATTHEW JORGENSEN, certify that this replat will not place any existing lot or building in violation of any applicable ordinance, code, regulation, law including but not limited to zoning, building, subdivision, and flood prevention.

We, FRENCH INVESTMENTS, L.L.C., AND MATTHEW JORGENSEN, our successors and/or assigns, or other entity other than the City of Vermillion are responsible for maintenance and upkeep of drainage easements and facilities, are responsible for the construction of sidewalks and for their maintenance along drainage easements fronting public right-of ways, and shall not erect any structures, fences, or alter the elevations within the drainage easements without prior approval from the City of Vermillion. This addition to owner's certificate is binding upon subdivision owners, successors and assigns, and is intended as a covenant to run with the land.

Pursuant to SDCL 11-3-20.1, we further certify that this platting of said described LOTS 3A, 3B AND 4A IN BLOCK 1; LOTS 2A AND 2B IN BLOCK 4, AND A PORTION OF JANKLOW COURT IN OUTLOT B OF FRENCH EAST ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA does hereby vacate a portion of the following platting:

LOTS 3-4 IN BLOCK 1, LOT 2 IN BLOCK 4 AND PORTION OF OUTLOT B OF FRENCH EAST ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA on file at the Register of Deeds office in Plat Book 8 Page 61, said plat or part thereof, hereby vacated, being situated within described LOTS 3A, 3B AND 4A IN BLOCK 1; LOTS 2A AND 2B IN BLOCK 4, AND A PORTION OF JANKLOW COURT IN OUTLOT B OF FRENCH EAST ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA as surveyed.

IN WITNESS WHEREOF, I have set my hand the \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_\_.

SUSAN M. FRENCH, AUTHORIZED SIGNATORY

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ { SS

MATTHEW JORGENSEN

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before the undersigned officer, personally appeared SUSAN M. FRENCH, AUTHORIZED SIGNATORIES OF FRENCH INVESTMENTS, L.L.C., known to me or satisfactorily proven to be the person(s) whose name are subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ { SS

Notary Public My Commission Expires

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before the undersigned officer, personally appeared MATTHEW JORGENSEN, known to me or satisfactorily proven to be the person(s) whose name are subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Notary Public My Commission Expires

**VERMILLION CITY COUNCIL RESOLUTION**

WHEREAS, it appears that the owner(s) thereof has/have caused a plat to be made of the following described real property: Plat of LOTS 3A, 3B AND 4A IN BLOCK 1; LOTS 2A AND 2B IN BLOCK 4, AND A PORTION OF JANKLOW COURT IN OUTLOT B OF FRENCH EAST ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA.

BE IT RESOLVED, that the attached and foregoing plat has been submitted to and a report and recommendation hereon, made by the Vermillion Planning Commission to the Vermillion City Council and has recommended approval.

BE IT FURTHER RESOLVED, that the attached and foregoing plat has been submitted to the Governing Body of the City of Vermillion, which has examined the same; that it appears the system of streets and alleys set forth therein conforms to the system of streets and alleys of Vermillion; that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid; that such plat and survey thereof have been executed according to law; the same is hereby accordingly approved. Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mayor, City of Vermillion, South Dakota

I, the undersigned Finance Officer of the City of Vermillion, South Dakota, do hereby certify that the within and foregoing is a true copy of the resolution passed by the City Council of the City of Vermillion, South Dakota on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Finance Officer, City of Vermillion, South Dakota

**CERTIFICATE OF COUNTY TREASURER**

The undersigned, County Treasurer of Clay County, South Dakota, hereby certifies that all taxes that are liens upon the land included in the above plat, as shown by the records of this office, have been fully paid. Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Treasurer, Clay County, South Dakota

**CERTIFICATE OF DIRECTOR OF EQUALIZATION**

The undersigned, Director or Equalization of Clay County, South Dakota, hereby certifies that I have received a copy of the foregoing plat. Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Director of Equalization, Clay County, South Dakota

**CERTIFICATE OF REGISTER OF DEEDS**

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_\_ M, and recorded in Book \_\_\_\_\_ of Plats, on page \_\_\_\_\_.

PREPARED BY:  
BANNER ASSOCIATES, INC.  
VERMILLION, SOUTH DAKOTA  
(855) 323-6342  
JANUARY 2016

Register of Deeds, Clay County, SD

## *Council Agenda Memo*

**From:** Shane Griese, Utilities Manager  
**Meeting:** February 16, 2016  
**Subject:** Purchase of Electric Padmount Switch  
**Presenter:** Shane Griese

**Background:** The City of Vermillion has elected for several years to purchase electrical padmount switches for the Electric Department off of other governmental bids to either save on annual price increases, take advantage of volume discounts, or save on the preparation of bid specifications and associated bidding costs.

**Discussion:** The City of Moorhead, MN, recently took bids on six switches meeting City standards from four bidders. The bid was awarded to Stuart C. Irby Co., of Eagan, Minnesota. The Stuart C. Irby Co. is willing to sell one padmount switch to the City of Vermillion at the Moorhead, MN bid price. The Moorhead switch bid meets our standards and will save the City from having to prepare bid specifications, advertise, and other associated bidding costs.

**Financial Consideration:** The cost of the one padmount switch to the Electric Department fund would be \$10,750.00. The 2016 budget in line item 3810 (Electric Construction) includes adequate funding for capital purchases such as padmount switches.

**Conclusion/Recommendations:** Administration recommends purchasing one padmount switch off the City of Moorhead, MN bid from Stuart C. Irby Co. for \$10,750.00. Attached is a resolution authorizing purchase of the padmount switch for City Council consideration.

**RESOLUTION  
AUTHORIZING PURCHASE OF  
PADMOUNT SWITCH**

**WHEREAS**, SDCL 5-18A-22 authorizes a governmental entity to purchase necessary supplies from the lowest responsible bidder of another governmental entity or State or United States at the accepted bid price and the concurrence of said bidder, and;

**WHEREAS**, the City of Vermillion has reviewed and determined that the bid awarded by the City of Moorhead, Minnesota for padmount switches from Stuart C. Irby Co. in the amount of \$10,750 each for S&C PMH-9 padmount switch offers an advantageous price to the City for said item, and;

**WHEREAS**, the City has contacted Stuart C. Irby Co. and they have agreed to allow the City to purchase one S&C PMH-9 padmount switch for the awarded price and terms as they have contracted with the City of Moorhead, Minnesota.

**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 S&C PMH-9 padmount switch** at the awarded price and under the same terms as the City of Moorhead, Minnesota for a total amount of \$10,750.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of February 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:** Jose Dominguez, City Engineer

**Meeting:** February 16, 2016

**Subject:** Easements for Transmission Line to Proposed Substation in the NE Part of the City

**Presenter:** Jose Dominguez

**Background:** As a part of the City's new electric substation project there is a need to extend the existing transmission line to the new substation. DGR has negotiated both permanent and overhang electric transmission line easements for construction of approximately 1.75-miles of looped 115-kV transmission line from the corner of 316<sup>th</sup> Street and University Road east to 465<sup>th</sup> Avenue and then south on 465<sup>th</sup> Avenue to the northeast substation.

DGR estimates that the proposed substation and transmission line will cost \$4,900,000. The proposed work should be completed around December 2017.

**Discussion:** Based on the experience that the City gained during the construction of the last transmission line it was decided early on to construct the new transmission line as close to the right-of-way line as possible. The property owners along the route have been contacted to discuss the location of the poles and to attempt to negotiate an overhang easement and as needed a permanent easement. Again, based on previous experience the City focused on acquiring overhang easements for the majority of the route to diminish the impact a permanent easement would have on the property owners. With that being said, a permanent easement was still required in the southeast corner of 316<sup>th</sup> Street and University Road.

DGR is recommending that the City obtain one permanent easement and four overhang easements along the proposed transmission route. At this time the City has only attained the permanent easement and three of the overhang easements. One property owner has not yet completed the overhang easement paperwork. The City is also in the process of acquiring permission from Clay County and Vermillion Township to occupy the right-of-way. It is anticipated that both of the entities will review the granting of permission at their February 23<sup>rd</sup> meetings.

**Financial Considerations:** The electrical transmission line easements are included in the Electric Distribution Fund as part of the electric transmission line project.

**Conclusion/Recommendations:** Administration recommends approval of the transmission line easement resolution that authorizes the Mayor and Finance Officer to execute the easements and the payment of the amounts as listed with the condition that the payments are not mailed to the recipients until the permission is acquired from the County and Vermillion Township to occupy the right-of-way.

**RESOLUTION APPROVING EASEMENTS FOR CONSTRUCTION  
OF AN ELECTRIC SUBSTATION**

**WHEREAS**, the City of Vermillion is developing a substation in Lot 1, Block 1 of Heikes Addition; and,

**WHEREAS**, the City will need to take power from the east leg of the City's 115kV transmission line to serve the new substation and to help provide redundant electrical service for the community; and

**WHEREAS**, the City desires to construct a transmission line to from the corner of 316<sup>th</sup> Street and University Road east to 465<sup>th</sup> Avenue and then south on 465<sup>th</sup> Avenue to the northeast substation to serve the facility; and,

**WHEREAS**, all the adjoining landowners were contacted about providing a permanent easement or overhang easement as needed, and,

**WHEREAS**, the following property owners have agreed to provide the necessary easements on their property for an overhang or permanent easement in exchange for the amounts listed:

<u>Property Owner</u>	<u>Property Legal Description</u>	<u>Parcel ID</u>	<u>Amount</u>
Merrigan Wayne & Mary M Trust	N 880.97' NW 1/4 EXC S 362.62' OF W 494' 7-92-51 VERMILLION TWP	11000-09251-072-33	\$2,400
Tom and Mary Merrigan	W 1/2 NE 1/4 7-92-51 VERMILLION TWP	11000-09251-071-00	\$1,500
Merrigan Wayne & Mary M Trust	E 1/2 NE 1/4 7-92-51 VERMILLION TWP	11000-09251-071-03	\$3,800

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the City of Vermillion that the City Council approves the execution of the above listed easements and payment of the amounts listed and authorizes the Mayor and Finance Officer to execute the necessary documents on behalf of the City to document and preserve the easements on behalf of the City once the Clay County Commissioners and Vermillion Township board have provided approval of the use of the public right-of-way.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of February, 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

CITY OF VERMILLION  
 INVOICES PAYABLE-FEBRUARY 16, 2016

1 BRUNICKS SERVICE INC	FUEL	3,436.25
2 BUREAU OF ADMINISTRATION	TELEPHONE	253.27
3 CENTURYLINK	TELEPHONE	1,503.31
4 CLAY RURAL WATER SYSTEM	WATER USAGE	53.40
5 CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,960.01
6 CLUBHOUSE HOTEL & SUITES	LODGING	684.00
7 DENORA WATER TECHNOLOGIES	REPAIRS	4,430.00
8 DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	2,453.74
9 DIVISION OF MOTOR VEHICLE	TITLE AND PLATES	14.00
10 FASTENAL COMPANY	SUPPLIES	100.07
11 GREGG PETERS	MANAGERS FEE	6,000.00
12 JOHNSON BROTHERS OF SD	MERCHANDISE	13,238.42
13 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	210.00
14 MART AUTO BODY	TOWING	1,350.00
15 MATTHEW R CALLAHAN	TRAVEL REIMBURSEMENT	340.92
16 MIDAMERICAN	GAS USAGE	8,022.83
17 MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	658.68
18 OVERHEAD DOOR OF SIOUX CITY	REPAIRS	340.80
19 REPUBLIC NATIONAL DIST.	MERCHANDISE	28,285.34
20 RESERVE ACCOUNT	POSTAGE FOR METER	900.00
21 SDGCSA	REGISTRATION	440.00
22 STERN OIL CO.	FUEL	5,497.83
23 THE EQUALIZER	ADVERTISING	585.46
24 UNITED PARCEL SERVICE	SHIPPING	11.15
25 US POSTMASTER	POSTAGE/PERMIT	1,275.00
26 VERMILLION ACE HARDWARE	SUPPLIES	145.27
27 VERMILLION FASTPITCH SOFTBALL	ONLINE REGISTRATION	184.00
28 VERMILLION YOUTH WRESTLING	ONLINE REGISTRATION	110.20
29 VGSA	ONLINE REGISTRATION	81.15
30 VISA	FUEL/REPAIRS	851.68
31 OMIOWNCORP, INC	BRIGHT ENERGY REBATE	375.00
32 KAYLEEN REYNOLDS	BRIGHT ENERGY REBATE	425.00
33 ROBERT WOHLER	BRIGHT ENERGY REBATE	150.00
	GRAND TOTAL	\$84,366.78