

Unapproved Minutes
Council Special Session
July 1, 2019
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, July 1, 2019 at 12:00 noon at the Missouri Valley Recycling Center.

1. Roll Call

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

2. Visitors to be Heard - None

3. Briefing on the July 1, 2019 City Council Regular Meeting

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

4. Informational Session - Tour of the recycling center

Tim Taggart, Solid Waste Director, provided a tour of the recycling center and reviewed options for phased updates to the facility.

6. Adjourn

183-19

Alderman Ward moved to adjourn the Council special session at 12:28 p.m. Alderman Sorensen seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 1st day of July, 2019.

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
July 1, 2019
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, July 1, 2019 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. Minutes of June 17, 2019 Special Meeting; June 17, 2019 Joint Meeting; June 17, 2019 Regular Meeting

184-19

Alderman Sorensen moved approval of the June 17, 2019 Special Meeting, June 17, 2019 Joint Meeting and June 17, 2019 Regular Meeting minutes. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

185-19

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

5. Visitors to be Heard

Paul Hasse, Vermillion Resident, provided a hand out of a proposal that he requested the City Council consider which was to do a curb cut on Main Street for a crosswalk crossing Main Street at Walker Street and installing a sidewalk in Prentis Park to the pool.

6. Public Hearings

A. Special daily malt beverage and wine license for Ribs, Rods & Rock'n Roll on or about September 6 & 7, 2019 on Main Street between Washington and Court Street, Ratingen Platz, Market Street from Main to Bloomingdale Street, Austin Street from Main to Kidder, Kidder Street from Austin to half block east of Market, Court Street from Main to half block south, public parking lot at Market and Kidder, private parking lot at Market

and Kidder, and Prospect from Main Street to National Street and to include any other streets closed for the events

Mike Carlson, Finance Officer, reported that an application has been received for a special daily malt beverage and wine license from Ribs, Rods & Rock'n Roll for their events on September 6 & 7, 2019 on Main Street between Washington and Court Street, Ratingen Platz, Market Street from Main to Bloomingdale Street, Austin Street from Main to Kidder, Kidder Street from Austin to half block east of Market, Court Street from Main to half block south, public parking lot at Market and Kidder, private parking lot at Market and Kidder, and Prospect from Main Street to National Street and to include any other streets closed for the events. Mike stated that the request from Ribs, Rods, & Rock'n Roll, notice of hearing and Police Chief's report are included in the packet. Mike noted that sales will remain in the same location as previous years on Main Street by Market Street. Mike stated that City ordinance allows the City Council to set conditions and restrictions, as it may deem appropriate, in issuing a special license. Mike stated that these conditions were to require a Release and Indemnification releasing the City from liability for the event which is included with the street closing request, a Certificate of Insurance naming the City as an additional insured has been received, require clear signage at each egress from the area where alcohol is allowed, reimburse the City for overtime wages of the Police Department up to a maximum of \$750, provide security personnel, require a cleanup plan and provide restroom facilities. Mike reviewed the conditions included in the Police Chief's memo for reimbursement of overtime to locations allowed and signage. Mike recommended approval of the license contingent upon compliance with the Police Chief's recommendations and any other the City Council may want to include.

186-19

Alderman Willson moved approval of the special daily malt beverage and wine license for Ribs, Rods & Rock'n Roll, Inc. on or about September 6 & 7, 2019 on Main Street between Washington and Court Street, Ratingen Platz, Market Street from Main to Bloomingdale Street, Austin Street from Main to Kidder, Kidder Street from Austin to half block east of Market, Court Street from Main to half block south, public parking lot at Market and Kidder, private parking lot at Market and Kidder, and Prospect from Main Street to National Street and to include any other streets closed for the events, contingent upon the following: 1) The applicant provide clear signage at each egress from the area where alcohol is; 2) The Organization provide personnel that are at least age 21 to serve as security for the street dance.; 3) The Organization agrees to reimburse the City of Vermillion for the overtime for police officers assigned to the event limited to \$750 or actual costs, whichever is lower; 4) The Organization shall have a plan for clean-up and provide adequate restroom facilities; 5) The hours authorized for malt beverage and wine sales are

5:00 p.m. Friday to midnight and Saturday 11:00 a.m. until midnight in the areas as outlined in the map included with the application. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Special permit to exceed permissible sound levels by no more than 50% for Ribs Rods & Rock'n Roll, Inc on or about September 6 & 7, 2019 from 5:00 p.m. to midnight on Main Street between High and Prospect Streets

Mike Carlson, Finance Officer, reported that Ribs, Rods & Rock 'n Roll has applied for a special permit to exceed allowable noise levels for several bands and a street dance on Friday, September 6th and Saturday September 7th beginning at 5:00 p.m. and lasting until midnight. The request, diagram and notice of hearing are attached. Mike noted that the application and diagram appear to be the same as last year and recommended approval of the request.

187-19

Alderman Willson moved approval of the special permit to exceed permissible sound levels by no more than 50% for Ribs, Rods & Rock'n Roll, Inc. for a street dance on Main Street between High and Prospect Streets from 5:00 p.m. to midnight on Friday, September 6th and Saturday, September 7th. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

7. Old Business

A. Second reading of Ordinance 1402 amending Title XV Land Usage to add Chapter 157 Small Cell Facility Regulations providing provisions for small cell wireless communication facilities

John Prescott, City Manager, reported that this ordinance started with the SD Municipal League working with representatives from the telecommunications industry to develop a model ordinance for communities to consider with the deployment of small cell technologies. John noted that the ability of local governments to regulate small cells has been impacted by FCC actions over the last year which added to the time it took to develop the model ordinance. John noted that first reading of the ordinance was on June 17, 2019 and at that time a few changes to the ordinance were made that have been updated into the ordinance for consideration of second reading tonight. John reported that he was contacted by an AT&T representative for a copy of the draft ordinance with their only concern was the requirement for full color propagation maps that John noted was removed during discussion at first reading. John stated that the proposed ordinance provides a framework for the provision of small cell technology services in the community. John noted that, per FCC direction, small cell equipment would be allowed anywhere in the

community. John reported that the General Standards section of the ordinance is lengthy and covers small cell applications on utility poles, buildings, marquee type signs, and parking lot lights. John stated that a permit will be needed to locate small cell equipment in the community and these permits would be reviewed and issued administratively. John noted that there is also an appeal process for a permit to be reviewed and issued by the Planning Commission or City Council. John noted that the City will develop an extensive application to address the criteria in the ordinance. John stated that the City has the ability to establish an application fee and annual fee for use of the public right-of-way and that a resolution establishing the fees is later on the agenda under New Business.

Jeff Armour, Verizon representative from the Omaha office, thanked the City Council for allowing them to work with the City on the ordinance and looks forward to working with the City on the deployment of small cell. Sarah Meuli, Verizon representative, thanked John and the City Attorney for allowing them to work together on the ordinance and look forward to working together on the permitting.

Paul Hasse, Vermillion Resident, expressed concerns for the radiation waves that will be a health issue to residents and requested the City Council bring in an expert to report on the health issues associated with small cell. Mr. Hasse stated that he did not want any of this equipment in his neighborhood.

188-19

Second reading of title to Ordinance No. 1402 entitled An Ordinance Amending Title XV Land Usage to Add Chapter 157 Sections 157.01 - 157.13 to the City Of Vermillion Code Of Ordinances Entitled Provisions for Small Cell Wireless Communications Facilities; Providing for the Purpose, Definitions, Permitting and Related Items for the City of Vermillion, South Dakota.

Mayor Powell read the title to the above named Ordinance, and Alderman Holland moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1402 entitled An Ordinance Amending Title XV Land Usage to Add Chapter 157 Sections 157.01 - 157.13 to the City Of Vermillion Code Of Ordinances Entitled Provisions for Small Cell Wireless Communications Facilities; Providing for the Purpose, Definitions, Permitting and Related Items first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 17th day of June, 2019 and that the title was again read at this meeting, being a regularly called meeting

of the Governing Body on this 1st day of July, 2019 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

BE IT RESOLVED and ordained that said Ordinance be adopted to read as follows:

ORDINANCE NO. 1402

AN ORDINANCE AMENDING TITLE XV LAND USAGE TO ADD CHAPTER 157 SECTIONS 157.01 - 157.13 TO THE CITY OF VERMILLION CODE OF ORDINANCES ENTITLED PROVISIONS FOR SMALL CELL WIRELESS COMMUNICATIONS FACILITIES; PROVIDING FOR THE PURPOSE, DEFINITIONS, PERMITTING AND RELATED ITEMS.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the Code of Ordinances Title XV be amended to add Chapter 157, Sections 157.01-157.13 as follows:

§ 157.01 Purpose.

The provisions of this Chapter shall be known as the Small Cell Facilities Regulations. It is the purpose of these provisions to develop standards and siting criteria, and to establish removal procedures. It is further the purpose of these provisions:

- (A) To establish regulations and siting standards for small cell wireless communication facilities (SCFs), whether in the public right-of-way or on other public or private property, in a manner that will protect the public's health, safety, and welfare and maintain the aesthetic integrity of the community. Collocation, modification or replacement of a wireless facility shall be approved by the City Manager or designee if it does not substantially change the physical dimensions of the tower or base station within the meaning of 47 U.S.C. § 1455(a) and 47 C.F.R. § 1.6100.;
- (B) To facilitate the provision of wireless communication services;
- (C) To provide regulations which are specifically not intended to, and shall not be interpreted or applied to: (1) prohibit or effectively prohibit the provision of wireless services; (2) unreasonably discriminate among functionally equivalent service providers; or (3) regulate wireless communication facilities and wireless transmission equipment on the basis of the environmental effects of radio frequency emissions to the extent that such emissions comply with the standards established by the Federal Communications Commission.

§ 157.02 Definitions.

As used in this Chapter, the following terms shall have the meanings set forth below:

Antenna. Any communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services. This definition does not include broadcast radio or television antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

Applicant. Any person who submits an application as or on behalf of a Wireless Provider.

City. The City of Vermillion, South Dakota.

Collocation. The mounting or installation of an antenna or a small cell facility on a pre-existing Utility Pole or SCF Support Structure and/or modifying a Utility Pole or SCF Support Structure for the purpose of mounting or installing an antenna or SCF on that Utility Pole or SCF Support Structure in order to transmit and/or receive radio frequency signals for communications purposes.

Department. The Engineering Department of the City.

Director. The City Engineer of the Department.

FCC. The Federal Communications Commission.

Height. The vertical distance measured from the base of the structure at grade to the highest point of the structure, including the antenna.

Network Interface Device. The telecommunications demarcation and test point separating the wireless facility and the wireline backhaul facility.

Person. An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the City.

Public Right-of-Way or Right-of-Way or ROW. The surface and space above and below any street, sidewalk, avenue, boulevard, alley, lane, easement, right-of-way, highway or thoroughfare open for public use in which the city has an interest in law or equity, whether held in fee, or other estate or interest, or as a trustee for the public.

Small Cell Facility or SCF. A Wireless Facility that either meets both of the following qualifications or is within a Stealth Design that is consistent with the design guidelines:

- (1) Each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of no more than three cubic feet; and
- (2) Each provider's equipment enclosures shall be no larger than 28 cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meters, concealment measures, Network Interface Device, underground enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switches, cable, conduit, and vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment.
- (3) The facility is mounted (i) on a Utility Pole or SCF Support Structure 50 feet or less in height including antennas; (ii) on a Utility Pole or SCF Support Structure no more than 10 percent taller than other adjacent structures; or (iii) on an existing Utility Pole or SCF Support Structure where the facility does not extend the height of the Utility Pole or SCF Support Structure on which it is to be located to a height of more than the greater of either 50 feet or the height of such Utility Pole or SCF Support Structure plus 10 percent.

Small Cell Facility Permit. A permit authorizing the installation, construction, and maintenance of a Small Cell Facility.

Small Cell Facility Support Structure or SCF Support Structure. A structure, such as a monopole; tower, either guyed or self-supporting; billboard; building; or other existing or proposed structure designed to support or capable of supporting SCFs. Such term does not include a Utility Pole.

Stealth Design. Any SCF that is integrated as an architectural feature of a Utility Pole or changes a support structure design so that the purpose of the Utility Pole or SCF Support Structure for providing wireless services is not as readily apparent. This includes the ability of SCFs to blend into the neighborhood environment at a given location and camouflage or conceal the SCF subject to applicable law.

Utility Pole. A pole or similar structure that is or may be used in whole or in part to facilitate telecommunications, electric distribution, lighting, traffic control, signage, or to carry lines, cables, or other similar function, or for location or collocation of Small Cell Facilities. Such term does not include a SCF Support Structure.

Wireless Facility. Equipment at a fixed location that enables Wireless Services between user equipment and a communications network, including (i) equipment associated with wireless communications; (ii) radio transceivers; (iii) antennas; (iv) coaxial or fiber optic cable located on a Utility Pole or SCF Support Structure or immediately adjacent to the Utility Pole or SCF Support Structure or directly associated with equipment located on the Utility Pole or SCF Support Structure; (v) regular and backup power supplies and rectifiers; and comparable equipment, regardless of technological configuration. The term includes SCFs but does not include (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul facilities.

Wireline Backhaul Facility. An above-ground or underground wireline facility used to transport communications data from a wireless facility network interface device to a network.

Wireless Infrastructure Provider. A person that builds or install wireless facilities or Utility Poles or SCF Support Structures, but not a Wireless Provider.

Wireless Provider. A Wireless Infrastructure Provider or a Wireless Services Provider.

Wireless Services. Any services, using licensed or unlicensed spectrum, including the use of WiFi, whether at a fixed location or mobile, provided to the public.

Wireless Services Provider. A person who provides wireless services.

§ 157.03 Applicability.

- (A) Permit Processing: For all SCF installation types, including new and replacement Utility Poles and SCF Collocations to existing SCF Support Structures or existing Utility Poles, the Department shall issue permits in accordance with the terms and procedures set forth in this Chapter.
- (B) Zoning Exemption: All SCF installations shall be exempt from general zoning restrictions unless a provision of such zoning code is explicitly cited by a section of this Chapter.

(C) Exempt Activities: This Chapter shall not apply to: (i) routine maintenance; or (ii) the replacement of an SCF, Utility Pole, or SCF Support Structure which was previously approved pursuant to this Chapter or prior to enactment of this Chapter with another SCF, Utility Pole, or SCF Support Structure that is the same or substantially similar.

§ 157.04 Siting and Collocation Criteria.

(A) SCFs shall:

- (1) be located on existing structures, such as Utility Poles or SCF Support Structures; or
- (2) be located on public property and structures if the controlling public entity agrees to the placement.

(B) Application to collocate SCFs at locations other than those listed in §157.04(A) may not be approved administratively. However, if an Applicant certifies that it is not technically feasible, economically feasible, or unduly burdensome to collocate an SCF at a location designated in §157.04(A), the Applicant may request a Special Review of the application as provided in §157.05(C)(2). Such Certification shall include a written statement indicating the reasons why said location is not feasible.

§ 157.05 Small Cell Facility Permits.

(A) Permit Required. An SCF Permit shall be required to install any SCF, Utility Pole, or SCF Support Structure. Applications for an SCF Permit shall be considered and approved pursuant to the provisions of this Chapter. An SCF Permit shall be deemed to include all other municipal permits which may be necessary to place and construct an SCF, Utility Pole, or SCF Support Structure as represented in an approved application. The granting of an SCF Permit pursuant to this Chapter is not a grant of any franchise. All applications shall first be reviewed administratively and then, if not eligible for administrative approval, may be considered via the Special Review processes provided in §157.05(C)(2).

(B) General Review Provisions

- (1) Review Period: The Department must approve or deny all SCF Permit applications pursuant to this Chapter (i) within ninety (90) days after the date an application is filed for an SCF Permit Application to place a new Utility Pole or SCF Support Structure, or (ii) within sixty (60) days after the date an application is filed for

collocation of an SCF. If approved, the permit shall be issued on or before day ninety (90) or sixty (60).

- (2) Tolling of Review Period: An Applicant and the Department can mutually agree in writing to toll the applicable review period at any time.
- (3) Final Decision: By the end of the applicable review period, the Department must advise an Applicant in writing of its final decision. If the final decision is to deny the application, the final decision shall state the basis for denial, including specific code provisions on which the denial is based.
- (4) Nondiscrimination: The Department shall process all applications under this Chapter in a nondiscriminatory manner. Aesthetic requirements shall be (i) reasonable, (ii) no more burdensome than for other types of infrastructure deployments, and (iii) objective and published in advance.

(C) Small Cell Facility Permit Process

- (1) Administrative Review Process: An application submitted pursuant to this subsection shall be reviewed as follows:

a. Submission of Application: Applicant shall submit a complete SCF Application accompanied by any corresponding application fee to the Department.

b. Review for Completeness: The Department shall review the application for completeness following submittal. The Department must provide a written notice of incompleteness to the Applicant within ten (10) days of receipt of the SCF Permit Application, clearly and specifically delineating all missing information. Information specified in a notice of incompleteness shall be limited to that which is relevant to the approval or denial of an Application under this Chapter. Applicant shall then submit all information specified in the notice of incompleteness. The applicable review period shall restart at zero on the date the Applicant provides the missing information to complete the application. For subsequent determinations of incompleteness, the applicable review period shall be tolled if the Department provides written notice within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The applicable review period will continue, and shall not restart at zero, on the date the Applicant provides the missing information identified in a subsequent incompleteness review.

c. An application may not be approved via the Administrative Review Process unless the proposed SCF, Utility Pole, or SCF Support Structure meets all applicable location and design requirements of this Chapter. An application shall be approved via the Administrative Review Process if the proposed SCF, Utility Pole, or SCF Support Structure meets all applicable location and design requirements of this Chapter.

(2) Special Review Process:

- a. An Applicant may request a Special Review of an application which is not eligible for administrative approval due to not meeting the applicable location or design requirements of this Chapter and where compliance with said requirements is not technically feasible, economically feasible, or unduly burdensome.
- b. Special Reviews shall be conducted by the Planning and Zoning Commission in a public meeting. Notice of such meeting shall comply with SDCL 1-25-1.1. The review hearing and final decision shall take place within the applicable sixty (60) or (90) day review period which shall begin on the date a complete application is submitted to the Department.
- c. The Planning and Zoning Commission must approve, by majority vote of all members, an SCF application upon finding that the proposed installation has no reasonable alternative which better fits the location and design requirements of this Chapter. The Commission shall deny an application which does have a reasonable alternative which better fits the location and design requirements of this Chapter. For an alternative to be reasonable, the alternative must be technically feasible, economically feasible, and not unduly burdensome.
- d. After the Planning and Zoning Commission has made a determination on an SCF application, the Department shall issue an SCF permit if the application was approved. If denied, the Department shall provide a notice of final decision including the grounds upon which the Planning and Zoning Commission denied the application.

(D) Small Cell Facility Permit Applications

(1) Application Form: The Director shall designate or develop an Application Form for an SCF Permit. An Applicant may include requests for new or replacement Utility Poles or SCF Support Structures. The Director shall allow for Applications to be consolidated pursuant to this Section. Each Applicant must submit a complete Application for each permit desired.

(2) Consolidated Applications: Each SCF Permit request in a Consolidated Application shall be considered individually.

(3) All Applications for the placement of an SCF, including modification or construction of a Utility Pole or SCF Support Structure, submitted under this Chapter shall include the following:

a. Photo Simulations. A photo simulation of a reasonably representative installation type that includes to-scale visual simulations that show unobstructed before-and-after construction daytime views from at least two angles, together with a map that shows the location of the proposed installation, including all equipment. A separate set of such materials shall be required for any design which is materially different.

b. Noise Study. A noise study for the SCF if (i) requested by the Department, (ii) the proposed site is within twenty (20) feet of a residential structure, or (iii) the application proposes to utilize equipment which may produce a persistent or chronic audible tone at such distance.

c. Radio Frequency (RF) Emissions Compliance. Whereas the FCC has exclusive jurisdiction to establish radio frequency emission safety standards, the Department may only require a written report or statement, signed and sealed by a South Dakota licensed engineer or signed by a competent employee of the Applicant satisfactory to the City, which explains compliance with the RF emissions limits established by the FCC.

d. Utility Pole or SCF Support Structure Inspection: For collocations or modifications to existing Utility Pole or SCF Support Structure, Applicant shall inspect the structure to which a proposed SCF would be attached and determine, based on a structural engineering analysis by a South Dakota registered professional engineer, the suitability of the pole or structure for Applicant's purposes. The structural engineering analysis shall be submitted to the Department and shall certify that the Utility Pole or SCF Support Structure can reasonably support the proposed SCF.

e. New and Replacement Utility Poles and SCF Support Structures. For new and replacement Utility Poles and SCF Support Structures, Applicant shall submit foundation drawings demonstrating the foundation and new or replacement Utility Pole or SCF Support Structure can reasonably support the SCF.

f. Design Justification. A clear and complete written analysis that explains how the proposed design complies with the applicable design standards under this Chapter unless photo simulation and design documents are satisfactory to the City. A complete design justification must identify all applicable design standards under this Chapter and provide a factually detailed reason why the proposed design either complies or cannot feasibly comply.

g. Site Plan. A site plan clearly indicating the location, type, height and width of the proposed pole, on-site land uses and zoning, adjacent land uses and zoning, distances to nearby objects, structures, and property lines, adjacent roadways, proposed means of access, utility runs, and other information which may uniquely impact the SCF's fitness for a particular site.

h. Aesthetic Compliance Summary. An explanatory statement of aesthetic considerations and requirements factored into Applicant's design such as stealthing, finishing, fencing, landscaping, or other elements which may impact the visual appeal of the SCF unless photo simulation and design documents are satisfactory to the City.

i. A clear and complete written statement of purpose which shall minimally include: (i) a description of the technical objective to be achieved; and (ii) a to-scale map that identifies the proposed site location and the targeted service area to be benefited by the proposed project.

(E) General Standards

(1) Utility Pole Design: An existing Utility Pole may be replaced or extended to accommodate Small Cell Facilities subject to the following requirements:

a. Replacement and New Utility Poles: Replacement Utility Poles shall be substantially similar to the width, color, and material of the original or adjacent Utility Poles. The Department may approve minor deviations up to the minimum additional height needed to allow for the required clearance from electrical wires to accommodate an antenna or antennas and may also approve minor deviations up to

fifty percent (50%) of the pole width at its base, not to exceed thirty inches (30"), when housing equipment is placed within the pole base. Replacement Utility Poles shall be located as close as possible to the existing Utility Pole, and the replaced Utility Pole shall be removed. Replacement street lights and poles shall conform to the adopted streetscape design standard for the zoning district. New Utility Poles shall mimic the design of a Replacement Utility Pole that is most suitable for the proposed location.

- b. Replacement and Existing Utility Pole Height: The height of any antennas at the top of a replacement or existing Utility Pole or any pole extender, shall be no higher than the greater of either 50 feet or the height of such Utility Pole or SCF Support Structure plus 10 percent.
- c. Equipment Concealed: Whenever technically feasible, antennas, cabling, and equipment shall be fully concealed within a pole, or otherwise camouflaged to appear to be an integrated part of a pole.
- d. Flush-Mounting and Pole-top Antennas: When technically feasible, antennas will be flush-mounted on a pole, which means either: (i) mounted directly to the pole with no gap other than that which may be required for screws, bolts, or similar hardware; (ii) located at the top of the pole; or (iii) side-mounted by mounted arm as needed for required clearance. Canisters attached to the top of a pole shall not exceed the diameter of the pole, unless technically required, and then shall not be more than fifty percent (50%) greater than the diameter of the pole at the point of attachment or up to 16" in diameter, whichever is greater. Exceptions may be permitted whenever the City and applicant mutually agree on acceptable alternative designs.
- e. Antenna Design: Each antenna shall be located in an enclosure of no more than three (3) cubic feet in volume, or in case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of no more than three (3) cubic feet.
- f. No Illumination: Small Cell Facilities shall not be illuminated except for small status LEDs installed by the manufacturer. Such LEDs may not be of a nature which is likely to distract a vehicle or pedestrian due to

brightness, size, blinking, other similar condition, or any combination thereof.

g. Generators and Battery Backup: Generators are not permitted for Small Cell Facilities. A battery backup may be permitted if it is concealed consistent with the provisions of this Chapter.

h. Cabinet Location and Dimensions: Any equipment cabinet for a Small Cell Facility shall utilize the smallest cabinet enclosure that is technically feasible to enclose the equipment. Disconnect switches may be located outside of the primary equipment cabinet.

i. Painting, Coating, or Finish Material: The exterior of an SCF shall be painted, coated, or be of a material which draws minimal attention from an observer. For example, an SCF painted in blaze orange or safety green is highly likely to draw attention and be distracting. An SCF finished with polished aluminum is more likely to be distracting than an SCF finished with matte grey paint.

(2) Ground-Mounted Equipment: To allow full use of the Public Right-of-Ways by pedestrians, bicyclists, and other users, all ground-mounted equipment, excluding antennas, shall to the extent feasible be either (i) undergrounded, (ii) incorporated into street furniture, or (iii) concealed in the base of a pole, and in all cases shall comply with the Americans with Disabilities Act (ADA), City construction standards, and any applicable state or federal regulations in order to provide clear and safe passage within the Public Right-of-Ways. The location of any ground-mounted equipment shall also comply with the Americans with Disabilities Act (ADA), City construction standards, and any applicable state or federal regulations in order to provide clear and safe passage within the Public Right-of-Ways.

(3) Building-Mounted Small Cell Facilities: Antennas may be mounted to a building if the antennas do not interrupt the building's architectural theme.

a. Balanced Design: Small Cell Facilities attached to the side or roof of buildings shall employ a symmetrical, balanced design for all façade-mounted antennas. Subsequent deployments on a structure's exterior will be required to ensure consistent design, architectural treatment and symmetry with

any existing Small Cell Facilities on the same side of the structure.

- b. Architectural Preservation: The interruption of architectural lines or horizontal or vertical reveals is prohibited unless demonstrated to be unavoidable.
- c. Complementary Architecture: New architectural features, such as columns, pilasters, corbels, or other ornamentation that conceal an antenna or antennas, may be used only if the new feature complements the architecture of the existing building.
- d. Mounting Brackets: Small Cell Facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.
- e. Concealment: Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed conduit, cabling and wiring is prohibited.
- f. Matching Paint: Small cell facilities, and all visible mounting hardware, shall be painted and textured to match adjacent building surfaces.
- g. Permission: All installations of a Small Cell Facility shall have permission from the Utility Pole or SCF Support Structure owner to install the Small Cell Facility on such Utility Pole or SCF Support Structure. Nothing in this Section affects the need for an Applicant seeking to place a Small Cell Facility on a Utility Pole or SCF Support Structure that is not owned by the City to obtain from the owner of the Utility Pole or SCF Support Structure any necessary authority to place the Small Cell Facility, nor shall any provision of this Section be deemed to affect the rates, terms, and conditions for access to or placement of a Small Cell Facility on a Utility Pole or SCF Support Structure not owned by the City. This Section does not affect any existing agreement between the Department and an entity concerning the placement of Small Cell

Facilities on any City-owned Utility Pole or SCF Support Structure.

- (4) Preferred Projecting or Marquee Sign: Small Cell Facilities replicating a projecting or marquee sign must comply with the City's sign regulations. All antennas shall be completely screened by the façade of the sign. All cables and conduit to and from the sign shall be routed from within a building wall. Cable coverings may be allowed on the exterior of the building wall in limited circumstances and in situations where the coverings are minimally visible and concealed to match the adjacent building surfaces.
- (5) Parking Lot Lighting: Small Cell Facilities are permitted as attachments to or replacements of existing parking lot light fixtures. The design of the parking lot light fixture shall be in accordance with applicable City construction standards, except that a pole extender up to five (5) feet in height may be utilized.
- (6) Purely Aesthetic Standards: To the extent that a requirement is purely aesthetic, an SCF applicant shall not be required to meet a more burdensome standard than other users of the right-of-way. Other users of the right-of-way shall meet the purely aesthetic standards of this Chapter for new or replacement deployments to the extent which is technically and economically feasible.

§ 157.06 Permit Conditions.

- (A) A permittee shall comply with all applicable law, including, but not limited to, applicable historic preservation ordinances of the City and utility undergrounding requirements.
- (B) Issuance of any permit pursuant to this Chapter shall not confer any ownership rights in the Public Right-of-Way.
- (C) No permittee may construct, operate, place, locate, or maintain any Small Cell Facility so as to interfere with the use of the Public Right-of-Way by the City, the general public, or any other persons authorized to use or be present in or upon the Public Right-of-Way.
- (D) No permittee or affiliate thereof shall take any action or cause any action to be done which may impair or damage any ROW, or other property located in, on or adjacent thereto. Any and all Public Right-of-Way, public property, or private property that is

disturbed or damaged by the permittee or affiliate thereof during the construction, operation, maintenance, or repair of a Small Cell Facility shall be promptly repaired by permittee. In the event permittee fails to make such repairs within a reasonable time period, the City may complete or cause to be completed the repair work and bill the actual and reasonable costs to the permittee. Public property, private property, and Public Right-of-Way must be restored to as good a condition as before the disturbance or damage occurred to the reasonable satisfaction of the City.

- (E) In the event of an unexpected repair or emergency, the owner of a Small Cell Facility may commence such repair and emergency response work as required under the circumstances, provided it shall notify the Department promptly before such repair or emergency work, or the next day thereafter if advance notice is not practicable.
- (F) Each permittee shall maintain its facilities in good and safe condition and in a manner that complies with all applicable federal, state, and local requirements. Permittee shall be responsible for all electrical or other utility costs associated with operating each installed SCF.
- (G) Every Small Cell Facility shall be subject to the right of periodic inspection by the Department, after notification to the Small Cell Facility owner. Each operator must respond to requests for information regarding its system and plans for the system as the Department may from time to time issue, including requests for information regarding its plans for construction, operation and repair of the Public Right-of-Way.
- (H) The City retains the right and privilege, after notifying the Small Cell Facility owner, to move any Small Cell Facility located within the Public Right-of-Way as the City may determine to be necessary. In response to any public health or safety emergency, the City shall work in good faith with the Small Cell Facility Owner to locate a technically and economically feasible alternate location.
- (I) To the extent permitted by South Dakota law, the City shall not be liable for any damage to any Small Cell Facility within the Public Right-of-Way as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the Public Right-of-Way by or on behalf of the City, except to the extent such damage is due to or caused by the City's sole negligence or willful misconduct.
- (J) Restoration shall comply with the following:

- (1) When a permittee, or any person acting on its behalf, does any work in or affecting any Public Right-of-Way, it shall, at its own expense, promptly remove any obstructions therefrom and restore such Public Right-of-Way or property to the same, or better than the, condition which existed before the work was undertaken. As used in this section, "promptly" shall mean as soon as required by the Department in the reasonable exercise of the Department's discretion.
- (2) If weather or other conditions do not permit the complete restoration required hereunder, the permittee shall temporarily restore the affected right-of-way or property. Such temporary restoration shall be at the permittee's sole expense, and the permittee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration.
- (3) Right-of-Way or property. Such temporary restoration shall be at the permittee's sole expense, and the permittee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration.
- (4) A permittee or other person acting on its behalf shall use suitable barricades, flags, flagmen, lights, flares and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting the Right-of-Way.
- (5) Restoration and repair work shall be the responsibility of the permittee for two (2) years after completion thereof. Such work shall be limited to further restoration or repairs arising out of deficient completion of the initial work but shall not include further restoration or repairs arising out of events not related to the initial completion of the work.

(K) The site and Small Cell Facilities and SCF Support Structures, including all landscaping, fencing and related transmission equipment must be maintained at all times in a neat and clean manner and in accordance with all approved plans.

(L) All graffiti on Small Cell Facilities must be removed at the sole expense of the permittee after notification by the Department to the owner or operator of the Small Cell Facilities.

(M) Certificate of Completion

(1) A certificate of completion will only be granted upon satisfactory evidence that the SCF was installed in substantial compliance with the approved plans and photo simulations.

(2) If it is found that the SCF installation does not substantially comply with the approved plans and photo simulations, Applicant shall make any and all such changes required to bring the SCF installation into compliance within the timeframe established by the City. Failing to obtain a Certificate of Completion within the applicable timeframe shall cause a permit to be revoked.

(N) Compliance: All Small Cell Facilities must comply with all standards and regulations of the FCC and any state or other federal government agency with the authority to regulate small cell facilities.

(O) Applicant Insurance

Each Applicant shall secure and maintain liability insurance policies, as accepted by the City, insuring the Applicant and including the City, and its elected and appointed officers, officials, boards, commissions, agents, representatives, and employees as additional insureds, as their interest may appear under this section except worker's compensation and employer's liability, which insurance shall be maintained during and for one (1) years after termination of the permit. Expected coverage shall be the same or substantially similar to the following:

(1) General liability insurance with minimum limits of:
a. \$5,000,000 per occurrence for bodily injury (including death); and
b. \$2,000,000 for property damage resulting from any one accident; and
c. \$5,000,000 general aggregate including premise-operations, products/completed operations, and explosion, collapse and underground hazards.

(2) Automobile liability for owned, non-owned and hired vehicles in the amount of \$2,000,000 combined single limit for each accident for bodily injury and property damage

- (3) Worker's compensation within state statutory limits and employer's liability insurance with \$1,000,000 each accident/disease minimum policy limit.

Upon receipt of notice from its insurer(s), Applicant shall provide City with thirty (30) days prior written notice of cancellation of any required coverage.

Applicant shall obtain and furnish to the City replacement insurance policies meeting the requirements of this Section.

(P) Financial Assurance

Upon the approval of an SCF application, the permittee shall post a bond, letter of credit, or other form of surety acceptable to the City.

- (1) The purpose of such financial assurance shall be to:
 - a. Provide for the removal of abandoned or improperly maintained SCFs, including those that the City determines need to be removed to protect public health, safety, or welfare;
 - b. Restoration of the ROW in connection with removals as provided for in this Chapter; or
 - c. Recoup rates or fees that have not been paid by the permittee in excess of 12 months, so long as the permittee has received reasonable notice from the City of any of the non-compliance listed above and an opportunity to cure.
- (2) The amount of the financial assurance shall be \$200 per approved SCF permit. For permittees with multiple SCFs within the City, the total amount of financial assurance across all facilities may not exceed \$10,000, which amount may be combined into one surety instrument.

§ 157.07 Relocation.

All Small Cell Facilities shall be constructed and maintained so as not to obstruct or hinder the usual travel on or safety of the Public Right-of-Way or obstruct any legal use of the City's Right-of-Way or uses of the Right-of-Way by utilities or other providers. If, in the reasonable determination of the City, a Small Cell Facility needs to be relocated for reasons of public health, safety or welfare, or ROW maintenance or construction projects, then the Small Cell Facility shall be relocated at the permittee's expense. If the permittee of the Small Cell Facility

fails to complete any relocation as required by the City within ninety (90) days of mailing of written notice, the City may commence and complete the relocation and charge the permittee of the Small Cell Facility for the actual and reasonable costs of the relocation, including reasonable any attorneys' fees and expenses.

§ 157.08 Removal of Abandoned Small Cell Facilities, Utility Poles, and Other SCF Support Structures.

Any SCF, Utility Pole or other SCF Support Structure that is not operated for a continuous period of twelve (12) months or is no longer authorized by a Small Cell Facility Permit or other permit shall be considered abandoned, and the permittee of such SCF, Utility Pole or other SCF Support Structure shall so notify the City in writing and remove the same within ninety (90) days of giving notice to the City of such abandonment. Failure to remove an SCF, Utility Pole, or other SCF Support Structure within said ninety (90) days shall be grounds for the City to remove the SCF, Utility Pole, or SCF Support Structure, at the permittee's expense, including all costs and reasonable attorneys' fees.

If there are two (2) or more users of a single Utility Pole or SCF Support Structure, then these provisions shall not become effective until all users cease using the Utility Pole or SCF Support Structure.

§ 157.09 General Indemnification.

In addition to and distinct from the insurance requirements of this Chapter, each Applicant hereby agrees to defend, indemnify and hold harmless the City and its officers, officials, boards, commissions, employees, agents and representatives from and against any and all damages, losses, claims and expenses, including reasonable attorneys' fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the acts, omissions, failure to act or misconduct of Applicant or its affiliates in the construction, installation, operation, maintenance, repair, removal or replacement of the SCF. This Chapter shall not require the Applicant to indemnify or hold harmless the City for any losses, claims, damages, and expenses arising out of or resulting from the sole negligence or willful misconduct of the City.

§ 157.10 Appeal Process.

If a permit is denied in the administrative review process, then Applicant may appeal that decision to the Planning and Zoning Commission for further consideration. If that same permit or a request for a permit is denied by the Planning and Zoning Commission, then Applicant may appeal that decision to the City Council for further consideration. Such

reviews must be completed within the review period set forth in §157.05 (B). Nothing in this Section is intended to require exhaustion of administrative remedies or otherwise prevent an applicant from proceeding directly to court or to the Federal Communications Commission following expiration of the 157.05(B) time period.

§ 157.11 Application Fees, Rates and License.

- (A) Application Fees. The fee for a permit for each SCF or SCF Support Structure shall be established by resolution approved by the City Council.
- (B) Recurring Fees. A Wireless Provider authorized under this Chapter to place SCFs and any related Utility Pole or SCF Support Structure in the ROW shall pay to the City a ROW access fee established by resolution adopted by the City Council in an amount not to exceed the maximum fee permitted by applicable Federal law. Recurring fees shall be paid annually in accordance with the City's standard billing or invoicing procedures.
- (C) The application fee and the recurring fees under this Section shall be the sole compensation that the Wireless Provider shall be required to pay the City. However, the rates of either the application fee or the recurring fees may be increased due to extreme circumstances but in no case may such fees exceed a reasonable approximation of the City's actual and reasonable costs. In addition, such fees must be objectively reasonable, and no higher than charged to similarly-situated competitors in similar situations.
- (D) Each applicant shall enter into a lease / license agreement with the City. The lease / license agreement defines term, license, termination, and SCF removal provisions as well as any other terms and conditions that City and SCF may mutually agree upon.

§ 157.12 Severability.

The various parts, sentences, paragraphs, sections and clauses of this Chapter are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

§ 157.13 Conflict.

Subject to the limitation set forth in §157.03(B), these Small Cell Facilities Regulations are in addition to other regulations in the City's

Code of Ordinances. In case of a conflict between regulations, and provided the regulation is consistent with federal law, the more restrictive provisions shall apply.

Dated at Vermillion, South Dakota this 1st day of July, 2019.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____

John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Hellwege. Thereafter, the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Collier-Wise-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Powell-Y

Motion carried 9 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. Fireworks public display permit for Thursday, July 4, 2019 at 10:00 p.m. on land west of the Vermillion Technology Center (1012 Princeton Street) on the south side of Bower Street for the Vermillion Chamber of Commerce and Development Company

John Prescott, City Manager, reported that a fireworks public display permit was received for the Vermillion Chamber of Commerce and Development Company for a 4th of July event with a rain date of July 5th. John noted that the display is planned to begin at about 10:00 p.m. and would be discharged from the field southeast of Polaris and south of Bower Street noting that the location has moved south of Bower Street this year. Tom Taylor and James Taylor will be conducting the show. John stated that a copy of the permit application, site plan and diagram are included in the packet. John noted that the Fire Department has reviewed and approved the permit location.

189-19

Alderman Holland moved approval of the fireworks public display permit for the Vermillion Chamber of Commerce and Development Company 4th of July event at about 10:00 p.m. from the field east of Polaris and north of Bower Street with a rain date of July 5th. Alderman Price seconded

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

B. Resolution setting small cell facility or small cell support structure permit application fees and the recurring fee for placement of small cell facilities in the right-of-way as provided for in Ordinance No. 1402 establishing Chapter 157

John reported that with the adoption of Ordinance No. 1402 regarding small Cell provides for fees to be set by resolution. John noted that the construction of private company assets in the public right-of-way and use of this land typically includes a cost for the permit and placement. John stated that the FCC has also weighed in on what municipalities can charge for fees related to small cell application permits and recurring fees. John noted that the maximum permit fee of \$100 per site and an additional \$100 for each additional small cell per application is permitted up to a maximum amount of \$500 per permit application. John stated that the resolution proposed a fee of \$100 per permit application for one device with a maximum of five devices or \$500 permit amount. John noted that the FCC rulings also established \$270 as a maximum annual fee per small cell device for the use of the right-of-way. John noted that, in discussions with Verizon, a range of \$100 to \$150 per year, per small cell device was more of the norm in this area. John stated that the resolution proposes an annual fee of \$150 per device for the use of the right-of-way. Discussion followed on the permit fee questioning if the permit fee for additional sites should be the same as most all information would be duplicated for additional sites. Jeff Armour, Verizon Representative, stated that each site will require site specific information for the permit process. Discussion followed on the fee for small cell devices in the right-of-way.

190-19

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

RESOLUTION ESTABLISHING APPLICATION FEE FOR SMALL CELL FACILITIES OR SMALL CELL FACILITY SUPPORT STRUCTURES AND RECURRING FEE FOR PLACING SMALL CELL FACILITIES IN RIGHT-OF-WAY IN ACCORDANCE WITH CHAPTER 157, SECTIONS 157.11(A) AND 157.11(B)

WHEREAS, with the second reading and adoption of Ordinance No. 1402 Amending Title XV Land Usage to add Chapter 157 Section 157.01-157.13 Entitled Provision for Small Cell Wireless Communications Facilities; providing for the purpose, definitions, permitting and related items there are sections that provide for fees to be established by resolution adopted by the City Council, and

WHEREAS, the City of Vermillion is authorized in Chapter 157 Section 157.11(A), of the City of Vermillion Code of Ordinances to set by resolution adopted by the City Council permit application fees for small cell facilities or small cell facility support structures; and

WHEREAS, the City of Vermillion is authorized in Chapter 157 Section 157.11(B), of the City of Vermillion Code of Ordinances to set by resolution adopted by the City Council recurring fees for small cell facilities or small cell facility support structures use of the right-of-way.

NOW, THEREFORE, BE IT 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 1st day of July, 2019 that the fee for small cell facilities or small cell facility support structures and recurring fee for placing small cell facilities in the right-of-way be established as follows:

Sec 157.11(A) The fee of \$100 per permit application for each small cell facility or small cell facility support structure on an application with a total application fee of a maximum of \$500 for multiple sites per a single permit application.

Sec 157.11(B) The annual fee recurring fee of \$150 per small cell facility located in the right-of-way with such fee expiring on December 31st next following its issuance, unless reissued. The initial fee shall not be prorated.

Dated at Vermillion, South Dakota this 1st day of July, 2019.

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 Humphrey. 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. Request to close Main Street from South Norbeck Street to High Street for the Dakota Days Parade scheduled for Saturday, October 5, 2019.

Jolly Omar, Administrative Intern, reported that a street closing request was received from the Dakota Days Board to close Main Street from Norbeck Street to High Street on Saturday, October 5, 2019 from 7:00 a.m. for the duration of the Dakota Days parade estimated at 11:30 a.m. Jolly stated that the Police, Fire and EMS were notified with the request. Jolly noted that the application indicates that the Board will clean up after the parade.

191-19

Alderman Sorensen moved approval of the street closing request from the Dakota Days Board for Main Street from Norbeck Street to High Street on Saturday, October 5, 2019 from 7:00 a.m. for the duration of the parade for the Dakota Days Parade. Alderman Price seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Request to close Main Street between Washington and Church Street, Ratingen Platz, Market Street from Main to Bloomingdale Street, Austin Street from Main to Kidder, Kidder Street from Austin to half block east of Market, Court Street from Main to half block south, and Prospect from Main Street to National Street for Ribs, Rods, & Rock'n Roll on September 6-8, 2019 (note the times and days of closings vary with the different streets).

Jolly Omar, Administrative Intern, stated that Ribs, Rods, & Rock 'n Roll organization is requesting a street closing to host their State BBQ Championship, music festival, corn hole tournament and car show on September 6 and 7, 2019. Jolly reported that the request is broken down into two sections as follows:

Section One - Proposed to be closed from Friday, September 6, 2019 at 7:00 a.m. until Sunday, September 8, 2019 at Noon: Main Street, from High Street to Prospect Street; Austin Street, from W. Main Street to Kidder Street; Market Street; from W. Main Street to Bloomingdale Street; Prospect Street, from W. Main Street to National Street; and Kidder Street, from Austin Street to ½ block east of Market Street. This closing would also include Ratingen Platz and the City parking lot at the southwest corner of Market Street and Kidder Street.

Section Two - Proposed to be closed on Saturday, September 7, 2019 from 6:00 a.m. until 5:00 p.m.: W. Main Street, from Washington Street to High Street; Main Street, from Court/Center Street intersection to Church Street; and Court Street from E. Main Street south for one-half block.

Bank of the West and First Bank and Trust customers would have access to their drive-up facilities in the morning.

Section Three - Proposed to be closed on Friday, September 6, 2019 at 1:30 p.m. until Saturday, September 7, 2019 at 5 p.m. Main Street from Center/Court Street intersection to the of Prospect / Market Street.

Jolly stated that the street closing request and diagram of the streets are included in the packet. Jolly stated that Police, Fire and EMS were notified and had no safety concerns.

192-19

Alderman Willson moved approval of the street closing as requested on September 6, 7 & 8, 2019 for the Ribs, Rods & Rock 'n Roll event as presented. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Request to close N. Plum Street from E. Cherry Street to SD Highway 50 on Friday, August 23, 2019 from 5:00 a.m. to 4:00 p.m. for USD's Move-In Day.

Jolly Omar, Administrative Intern, reported that the University of South Dakota has historically been utilizing Plum Street, between Highway 50 and E. Cherry Street, during their Move-In Day. Jolly stated that the traffic control for the move-in requires the assistance of the City and the DOT. Jolly stated that the request from USD is included in the packet. Jolly reported that, in order to mitigate the danger of the local traffic on Plum Street, USD has requested that Plum Street from Cherry Street to Hwy. 50 be closed from 5:00 a.m. to 4:00 p.m. on Friday, August 23, 2019. Jolly noted that the Police, Fire and EMS Departments have been notified of the closure request. Jolly noted that USD could not sign the certificate of insurance naming the City as an additional insured but provided language that they have insurance for the street closure. Jolly noted the next item on the agenda also is for move-in day with the closing of Rose Street from Coyote Village to the Dakota Dome on August 23, 2019 from 5:00 a.m. to 4:00 p.m. Jolly recommended approval of the street closure.

193-19

Alderman Holland moved approval of the request to close N. Plum Street from E. Cherry Street to SD Highway 50 bypass on Friday, August 23, 2019 from 5:00 a.m. to 4:00 p.m. for USD Move-in Day. Alderman Humphrey seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

F. Request to close Rose Street from Coyote Village to the Dakota Dome on Friday, August 23, 2019 from 5:00 am to 4:00 pm for USD's Move-In Day.

Jolly Omar, Administrative Intern, reported that the University has requested the closing of Rose Street from Coyote Village to the Dakota Dome during their Move-In Day. Jolly stated that the request for the closure is due to safety concerns with traffic. Jolly reported that, to remove the danger of the local traffic on Rose Street, USD has requested that Rose Street from Coyote Village to the Dakota Dome be closed from 5:00 a.m. to 4:00 p.m. on Friday, August 23, 2018. Jolly noted that the Police, Fire and EMS Departments have been notified of the closure request. Jolly noted that as to insurance this request is the same as the last agenda item. Jolly recommended approval of the street closure.

194-19

Alderman Humphrey moved approval of the closing of Rose Street from Coyote Village to the Dakota Dome, on Friday, August 23, 2018 from 5:00 a.m. to 4:00 p.m. for USD Move-In Day. Alderman Hellwege seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

G. Resolution establishing a surcharge fee for 2019 Electric Revenue Refunding Bonds and revising electric rates

Mike Carlson, Finance Officer, reported that in 2009 the City issued \$7,220,000 of bonds to finance the construction of the electric transmission line and related improvements at the Spirit Mound Substation and City Substation. Mike reported that the outstanding 2009 bonds were a taxable bond with interest rates that ranged from 4.9% to 6.25%, but were Build America Bonds that originally had a 35% interest refund. Mike noted that the interest refund amount has been reduced to 32.585%, thus the net interest rate is 3.30% to 4.21%. Mike stated that the 2009 bonds are callable starting on December 1, 2019 with an outstanding principal of \$5,400,000. Mike stated that on February 4, 2019 the City Council adopted a resolution authorizing the issuance of Electric Revenue Refunding Bonds and since that time we have been working with Dougherty & Company, LLC gathering information for the official statement. Mike stated that the 2009 Bonds are a surcharge bond and has been repaid from an electric surcharge fee series 2009. Mike stated that the Bond Rating Agency, Standard & Poors (S&P), has requested that a surcharge rate resolution for the 2019 Electric Revenue Refunding bond be approved prior to providing a rating. Mike noted that the 2009 and 2016 Electric Revenue bonds required a rate resolution to be adopted prior to closing but now S&P has requested the resolution prior to providing the bond rating. Mike stated that the resolution will establish a surcharge fee series 2019 refunding to replace the surcharge fee series 2009 upon final payment of the 2009 bond. Mike noted the other change in Section 51.26 Night Watch Flood Service Rate that referred to lamp sizes that have been converted to LED lamps with different watt sizes. Mike noted that since there is no 250 watt size, that rate was removed. Mike stated that the resolution

will not impact the utility customer billing, only how the revenues are allocated to the bond payment reserves and electric utility should the bonds be refunded in December 2019. Mike noted that after the refunding when the final numbers are known we will review the impact of the change in surcharge. Discussion followed on the night watch flood lamp size noting that the watt size may change with technology which may require changes in the lamp size.

195-19

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

RESOLUTION ESTABLISHING A SURCHARGE FEE SERIES 2019 REFUNDING
TO REPLACE THE SURCHARGE FEE SERIES 2009 UPON FINAL BOND PAYMENT
AND REVISING ELECTRICAL RATES

WHEREAS, Chapter 51 of the 2008 Revised Ordinances of the City of Vermillion allows the City Council to establish and change electrical rates, and;

WHEREAS, the City of Vermillion Light & Power utility receives a fixed allotment of power from the Western Area Power Administration and the remaining power allotment is from Missouri River Energy Services, our supplemental power supplier, and;

WHEREAS, the 2009 Electric Revenue Bonds Series B are callable on or after December 1, 2019 and based upon current market interest rates it would be beneficial to the city to refund the 2009 Bonds with 2019 Electric Revenue Refunding Bonds, and;

WHEREAS, the City has received revenues from the Southwest Power Pool for use of the 115kV transmission facilities that were financed by the 2009 Electric Revenue Bonds and will apply up to two million dollars to refunding the 2009 Series B bond, and

WHEREAS, the City of Vermillion intends to sell an Electric Utility Revenue Refunding Bonds, Series 2019 to refund the Electric Utility Revenue Bonds, Series 2009 B, and;

WHEREAS, it is necessary to provide for the Surcharge Fee Series 2009 to expire upon final payment on the Electric Utility Revenue Bonds Series 2009 and to establish a Surcharge Fee Series 2019 Refunding for payment of the Electric Utility Revenue Refunding Bonds Series 2019.

NOW THEREFORE BE IT 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 1st day of July, 2019, that rates be changed or established as follows:
Sec. 51.22 Residential service rates.

Seasonal residential rates will be:
Rate: All KWH per month per KWH at 9.1 cents for October - June billing and at 9.8 cents for July - September billing.
The rate includes a surcharge fee per KWH at .0158 cents or if the Electric Revenue Bonds Series 2009 are refunded the surcharge fee per KWH shall be .0129 cents as defined below.
Customer charge: \$11.00 per month

Sec. 51.22 (B) (2) (c) Service for 70 or more dormitory style apartment units providing exclusive student housing for 200 or more students.
Seasonal exclusive student housing service rates will be:
Rate: All KWH per month per KWH at 3.9 cents.
Maximum KW demand at \$12.50 per KW for October - June billing and at \$15.00 per KW for July - September billing.
The rate includes a surcharge fee per KWH at .0158 cents or if the Electric Revenue Bonds Series 2009 are refunded the surcharge fee per KWH shall be .0129 cents as defined below.
Customer charge: \$40.00 per month plus an additional charge \$6.75 per month shall be assessed for each unit over one (1) connected to a master meter.

Sec. 51.23 Small commercial power secondary service rate.

Seasonal small commercial secondary rates will be:
Rate: All KWH per month per KWH at 9.6 cents for October - June billing and at 10.2 cents for July - September billing.
The rate includes a surcharge fee per KWH at .0158 cents or if the Electric Revenue Bonds Series 2009 are refunded the surcharge fee per KWH shall be .0129 cents as defined below.
Customer charge: \$18.00 per month for single phase services and \$28.00 per month for three phase services.

Sec. 51.24 Large commercial power secondary service rate.

Seasonal large commercial secondary service rates will be:
Rate: All KWH per month per KWH at 3.9 cents.
Maximum KW demand at \$12.50 per KW for October - June billing and at \$15.00 per KW for July - September billing.
The rate includes a surcharge fee per KWH at .0158 cents or if the Electric Revenue Bonds Series 2009 are refunded the surcharge fee per KWH shall be .0129 cents as defined below.
Customer charge: \$40.00 per month.

Sec. 51.26 Night Watch Flood Service Rate.

For billing made after August 1, 2019 the night watch flood service rate for electrical service shall be as follows:

LED Lamp Size	Monthly Charge
40 watt	\$5.90
60 watt	\$7.25
300 watt	\$19.40

Sec. 51.27 City Street Lighting.

City street lighting service rates will be:

Rate: All KWH per month per KWH at 12.9 cents.

The rate includes a surcharge fee per KWH at .0158 cents or if the Electric Revenue Bonds Series 2009 are refunded the surcharge fee per KWH shall be .0129 cents as defined below.

Surcharge Fee Series 2009:

There is hereby established and imposed, pursuant to the authority of SDCL 9-40, a surcharge upon the electric service served by the City of Vermillion electric utility. The surcharge shall apply to all classes of electric customers listed above. The surcharge is a special charge for the use of the electric system improvements financed with the proceeds of the City's 2009 Electric Revenue Bonds, and is pledged for the payment of the costs of operating and maintaining said improvements, and the debt service and other charges as may become due and owing on the 2009 Electric Revenue Bonds. The City hereby finds that the said improvements benefit all customers of its electric System and therefore imposes the surcharge fees on each customer of its System. The surcharge shall at all times be sufficient to produce net revenues for each fiscal year at least equal to one hundred twenty five (125) percent of the principal and interest on the bonds coming due in such fiscal year. 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, interest and other charges as may become due and owing on the bonds. The surcharge fee per monthly billing shall be .0107 cents per KWH.

Should the 2009 Electric Revenue Bond be refunded the Surcharge Fee Series 2009 shall be replaced with the Surcharge Fee Series 2019 after the final payment on the 2009 Electric Revenue Bond.

Surcharge Fee Series 2016A:

There is hereby established and imposed, pursuant to the authority of SDCL 9-40, a surcharge upon the electric service served by the City of Vermillion electric utility. The surcharge shall apply to all classes of

electric customers listed above. The surcharge is a special charge for the use of the electric system improvements financed with the proceeds of the City's 2016A Electric Revenue Bonds, and is pledged for the payment of the costs of operating and maintaining said improvements, and the debt service and other charges as may become due and owing on the 2016A Electric Revenue Bonds. The City hereby finds that the said improvements benefit all customers of its electric System and therefore imposes the surcharge fees on each customer of its System. The surcharge shall at all times be sufficient to produce net revenues for each fiscal year at least equal to one hundred twenty five (125) percent of the principal and interest on the bonds coming due in such fiscal year. 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, interest and other charges as may become due and owing on the bonds. The surcharge fee per monthly billing shall be .0051 cents per KWH.

Surcharge Fee Series 2019 Refunding:

In anticipation of refunding the Electric Utility Series 2009 B bonds the Surcharge Fee Series 2019 shall replace the Surcharge Fee Series 2009 after the final payment on the 2009 Electric Revenue Bond. There is hereby established and imposed, pursuant to the authority of SDCL 9-40, a surcharge upon the electric service served by the City of Vermillion electric utility. The surcharge shall apply to all classes of electric customers listed above. The surcharge is a special charge for the use of the electric system improvements financed with the proceeds of the City's 2009 Electric Revenue Bonds, that are anticipated to be refunded and replaced with the 2019 Electric Revenue Refunding bonds and is pledged for the payment of the costs of operating and maintaining said improvements, and the debt service and other charges as may become due and owing on the 2019 Electric Revenue Refunding Bonds. The City hereby finds that the said improvements made with the 2009 Electric Revenue Bonds benefited all customers of its electric System and therefore imposes the surcharge fees on each customer of its System. The surcharge shall at all times be sufficient to produce net revenues for each fiscal year at least equal to one hundred twenty five (125) percent of the principal and interest on the bonds coming due in such fiscal year. 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, interest and other charges as may become due and owing on the bonds. The surcharge fee per monthly billing shall be as follows:

For billing made after the final payment on the 2009 Electric Revenue Bonds and the Surcharge Fee Series 2009 ceases the Surcharge Fee Series 2019 Refunding shall be established at .0078 cents per KWH.

The 2009 Surcharge fee and the 2016A Surcharge fee total of .0158 cents may be combined with the electric KWH charge on the monthly billing for ease of reporting. Should the 2009 Electric Revenue Bonds be refunded the Surcharge fee Series 2019 Refunding may be combined with the Surcharge Series 2016A fee total of .0129 cents may be combined with the electric KWH charge on the monthly billing for ease of reporting.

Dated at Vermillion, South Dakota this 1st day of July, 2019.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By: John E. (Jack) Powell, Mayor

Attest:

Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Hellwege. 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.

H. Vermillion Housing Authority Board appointment

Mayor Powell reported that Cindy Benzel's current term on the Vermillion Housing Authority will be expiring. Mayor Powell noted the opening was posted and Cindy Benzel was the only individual that completed the Expression of Interest form for the position. Mayor Powell recommended the reappointment of Cindy Benzel to a five-year term on the Vermillion Housing Authority Board.

196-19

Alderman Willson moved approval of the Mayor's recommendation of the reappointment of Cindy Benzel to a five-year term on the Vermillion Housing Authority Board. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Fuel quotes

Mike Carlson, Finance Officer, read the monthly fuel quotes and recommended the low quote of Stern Oil on Items 1, 3 & 4 and Brunick's Service on Item 2.

Item 1 - 4,350 gal unleaded 10% ethanol: Stern Oil \$2.2817, Brunick's Service \$2.31; Item 2 - 1,000 gal unleaded: Stern Oil \$2.5519, Brunick's Service \$2.54; Item 3 - 3,000 gal No. 2 Diesel fuel dyed: Stern Oil \$2.1888, Brunick's Service \$2.19; Item 4 - 1,000 gal No. 2 diesel fuel-clear: Stern Oil \$2.4853, Brunick's Service \$2.51.

197-19

Alderman Ward moved approval of the low quote of Stern Oil on Items 1, 3 & 4 and Brunick's Service on Item 2. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Ground Storage Reservoir Improvements

Shane Griese, Utility Manager, reported that in 2017 the Water Department drained and inspected the ground storage reservoir. Shane reported that the inspection revealed that the interior of the roof was experiencing substantial deterioration and was in need of recoating and also noted blistering on the walls and floor. Shane noted that the walls and floor were most recently coated in 1987 while the ceiling is still original from 1971. Shane reported that in January of 2019 the City entered into an engineering agreement with Banner Associates Inc. who completed the plans and specifications for the project and set a bid opening date of June 25, 2019. Shane noted that the project was broken into a base bid for the recoating of the ceiling, and an alternate bid #1 to include the recoating of the walls and the floor. Shane reported that seven bids were received at the bid opening with the low bid received from Viking Industrial Painting for \$282,500. Shane stated that a letter from Banner Associates recommending the low bid is included in the packet along with the bid tabulation.

Bids: J.R. Steltzer Co base bid \$182,050 alternate bid #1 \$216,184 total \$398,234; Maguire Iron, Inc base bid \$131,070 alternate bid #1 \$181,560 total \$312,630; Color Dynamics, LLC base bid \$173,600 alternate bid #1 \$123,000 total \$296,600; TMI Coating, Painting & restoration Contractors base bid \$260,000 alternate bid #1 \$177,000 total \$437,000; Viking Industrial Painting base bid \$177,500 alternate bid #1 \$105,000 total \$282,500; A1A Sandblasting base bid \$98,744 alternate bid #1 \$196,800 total \$295,544; Mongan Painting Co. Inc base bid \$275,222 alternate bid #1 \$123,168 total \$398,390.

198-19

Alderman Collier-Wise moved approval of the low bid of Viking Industrial Painting for the base bid and alternate bid #1 of \$282,500 for interior

coating of the ground storage reservoir. Alderman Hellwege seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported that a home rule study committee is being formed and asked interested citizens to complete an Expression of Interest form and return to the City Manager by noon on July 12th. John noted that appointments will be made shortly after that date.

B. John reported that a complete Count Committee for the 2020 Census is being formed. John asked citizens interested in participating to please contact City Hall for more information.

C. John reported that the Downtown BID #2 will be hosting another public meeting on the downtown streetscape plan. John noted that the date is not yet set but we want to get the word out that there will be another opportunity for public comment on the project.

D. John reported that City offices are closed this Thursday, July 4th for the holiday. John stated that curbside recycling customers who have a Thursday pickup will have their July 4th collection on Monday, July 8th.

E. John reported that the Thursdays on the Platz start on July 11th. John noted that every Thursday through the end of August from 4:00-8:00 p.m. West Main Street and Market Street, as they abut Ratingen Platz, will be closed.

PAYROLL ADDITIONS AND CHANGES

Police Admin: Debra Derocher \$17.03/hr; Police: Nathan Evilsizor \$21.84/hr, Andrew Delgado \$24.95/hr; Recreation: Anne Rasmussen \$9.50/hr, Jakob Parks \$9.25/hr-\$30.00/game; Light: Brandon Steeneck \$29.84/hr

11. Invoices Payable

199-19

Alderman Collier-Wise moved approval of the following invoices:

3D Specialties Inc	supplies	1,431.25
A-1 Portable Toilets	portable toilet rental	480.00
A-Ox Welding Supply Co	chemicals	1,127.50
A.R.K Media Accounting Services	advertising	135.00
Adapco, Inc	supplies	2,946.40
American Engineering Testing	professional services	5,755.00

Ams Building System LLC	Barstow park bathrooms	7,474.18
Appeara	shop towels	45.00
Aramark	work shirts	235.79
Aramark Uniform Services	uniform cleaning	377.12
Argus Leader Media #1085	subscription	28.00
Arrow Manufacturing	repairs	506.45
Banner Associates, Inc	professional services	11,246.25
Barco Municipal Products	supplies	708.49
Bierschbach Eqpt & Supply	supplies	1,128.69
Big State Industrial Supply	safety vests	202.80
Blackstone Publishing	books	150.00
Blaine's Body Shop	repairs	2,837.59
Blick Art Materials	supplies	248.06
Border States Elec Supply	supplies	3,376.37
Bound Tree Medical, LLC	supplies	1,568.76
Bow Creek Metal Inc	powder coating	405.00
Boyer Trucks	parts	145.75
Brunick's Service Inc	propane	97.00
Burbach Aquatics, Inc	plunge design final	334,581.18
Burns & McDonnell	professional services	2,714.75
Butler Machinery Co.	parts/repairs	1,617.08
Callaway Golf	merchandise	351.60
Campbell Supply	supplies	2,191.50
Cardis Fence & Iron Co	repairs	4,700.00
Carlie Ness	refund rec program fees	17.00
Cask & Cork	merchandise	810.00
Cedar County Veterinary Services	professional services	123.45
Century Business Products	copier contract/copies	187.19
Centurylink	telephone	701.88
Chargepoint	electric car charger lease	2,750.00
Chesterman Co	merchandise	1,876.45
City Of Vermillion	postage/copies	480.47
City Of Vermillion	utility bills	39,213.91
Clay Co Register Of Deed	filing fee	30.00
Clay County Auditor	emergency mgmt	1,200.00
Clay County Equalization	Pictometry	5,630.00
Clay Union Electric	buyout contract	2,506.84
Coffee King, Inc	supplies	125.50
Colonial Life Acc Ins.	insurance	3,056.41
Continental Research Corp	parts	315.29
Core & Main LP	parts	14,942.56
Coyote Chemical Company	supplies	172.00
Crouch Recreation	water fountains	5,730.00

D-P Tools	supplies	156.00
Dakota Beverage	merchandise	12,041.06
Dakota Pc Warehouse	computer/software/supplies	1,511.87
Dakota Riggers & Tool Supply	supplies	876.85
Dan Christopherson	water heater/wiring rebate	200.00
Danko Emergency Equipment	repairs/parts	9,464.49
Delta Dental Plan	insurance	6,431.38
Demco	supplies	119.39
Dennis Martens	maintenance	833.34
Dept. Environment Natl Res	annual fees	4,520.00
DGR Engineering	professional services	1,768.00
Division Of Motor Vehicle	title/plates	100.75
Dubois Chemicals	soda ash	7,282.00
Earthgrains Baking Co's Inc	supplies	506.20
Echo Electric Supply	supplies	2,104.52
Ed M. Feld Eqpt Co	supplies	2,363.04
Elliott Equipment Co	parts	221.04
Energy Laboratories	testing	1,170.00
Engraver's Edge	nametags	22.90
Farmer Brothers Co.	supplies	74.44
Farner Bocken Company	merchandise	21,195.62
Faronics Technologies USA	subscription	1,368.00
Fast Auto Glass	repairs	250.00
Foreman Media	council mtg	100.00
Fred Haar Co, Inc	parts	135.69
Gale	books	446.21
Galls Incorporated	overhead racks	1,198.27
Gary's Tree Service, Inc	tree removal/stump grinding	4,506.00
Gerstner Oil Co	aviation fuel	11,079.00
Global Dist.	merchandise	495.56
Global Packaging Solutions	bale bags	27,032.15
Graham Tire	repairs	410.20
Graham Tire Co.	tires	807.54
Grainger	parts	116.63
Graybar Electric	supplies	347.83
Graymont Capital Inc	chemicals	8,025.96
Gregg Peters	freight	1,466.40
Gregg Peters	rent	937.50
Grey House Publishing	books	126.00
Hach Co	supplies	528.90
Hauff Mid-America Sports	repairs	347.65
Hauger Lawn Service	mowing	132.00
Hawkins Inc	parts	7,501.84

Helms & Associates	professional services	934.08
Herren-Schempp Building	supplies	38.40
Hy Vee Food Store	supplies	653.40
Hydro Klean	professional services	23,664.29
Ingram	books	4,348.63
Integrated Technology & Services	workstation licenses	450.00
Ironclad Construction	repairs	3,747.48
J & L Harley-Davidson	repairs	240.99
Jacks Uniform & Eqpt	uniforms	1,144.15
Jason & Valerie Headlee	special assessment overpmt	361.89
JCM Uniforms Inc	patches	292.00
Jerry's Chevrolet Buick GM	pickup	31,650.70
Jim Goblirsch	registration reimbursement	60.00
Jo-Ann Stores, LLC	subscription	900.00
John A Conkling Dist.	merchandise	7,873.75
Johnsen Heating & Cooling	repairs	766.07
Johnson Brothers Of SD	merchandise	22,956.95
Johnson Electric	install load mgmt controller	350.00
Jones Food Center	supplies	1,057.33
Jose Dominguez	safety glasses reimbursement	150.00
Karsten Mfg Corp	merchandise	1,137.00
Katie Redden	meal reimbursement	11.00
Kenneth Seymour	refund ambulance overpmt	12.00
Knife River Midwest, LLC	asphalt	11,029.85
Komline-Sanderson	repairs	2,021.00
Lawson Products Inc	supplies	141.78
Leisure Lawn Care	repairs	118.30
Library Ideas	subscription	2,594.98
Locators And Supplies, Inc	supplies	661.21
M & M Construction LLC	Prentis park sidewalk	18,327.00
Maguire Iron, Inc	repair water tower	6,750.00
Mart Auto Body	towing	500.00
Matheson Tri-Gas, Inc	oxygen/cylinder rental	958.82
Matthew R Callahan	reimbursement	72.80
Mead Lumber	supplies	49.25
Medical Waste Transport, Inc	haul medical waste	108.76
Menards	shelf kit/supplies	322.96
Michael Carlson	meal reimbursement	11.00
Micro Marketing LLC	books	36.00
Midwest Alarm Co	alarm monitoring	497.00
Midwest Ready Mix & Equipment	rebar/red rock	778.00
Midwest Turf & Irrigation	parts	3,144.41
Midwest Wheel Companies	parts	278.06

Missouri Valley Maintenance	repairs	2,356.80
Mister Smith's	meals	76.07
Moore Welding & Mfg	supplies	90.00
Morningside Plumbing	repairs	390.29
National Outdoor Furniture	trash/recycling containers	4,323.00
NCL Of Wisconsin, Inc	parts	1,018.60
Nebraska Journal-Leader	advertising	155.47
Netsys+	professional services/server	11,590.75
Newman Signs, Inc	supplies	2,085.42
O'Reilly Auto Parts	parts	648.99
Office Of Weights & Measurements	inspection	254.00
Olson Medical Clinic	pre-employment exam	196.00
Original Watermen	lifeguard uniforms	1,405.48
Overhead Door Of Sioux City	repairs	388.00
Paige Severson	refund swim lessons fee	34.00
PCC, Inc	commission	6,794.79
Penworthy Company	books	109.80
Pepsi Cola Of Siouxland	merchandise	1,871.15
Pete Jahn	safety boots reimbursement	100.00
Petrochoice	supplies	105.72
Pitney Bowes	postage meter lease	289.71
Pitney Bowes, Inc	ink cartridge	80.74
Pizza Ranch	meals	274.14
PKG Contracting, Inc	wwtf digester improvements	183,646.35
Prairie Berry Winery	merchandise	720.00
Pressing Matters	supplies	692.00
Presto-X-Company	inspection/treatment	112.00
Print Source	brochures/advertising	588.00
Property Maintenance Services	mowing	148.75
Quill	supplies	918.33
Racom Corporation	maintenance	465.96
Ramkota Hotel	lodging	192.00
Recorded Books, Inc	books	309.40
Reflective Apparel Factory	work shirts	447.41
Republic National Dist.	merchandise	23,130.75
Ribs, Rods & Rock N' Roll	contribution	5,000.00
Riverside Technologies, Inc	monitors	298.00
Rockmount Research & Alloy	supplies	898.61
Rosewood Greenhouse	plants	75.45
Sam Jacobs	water heater rebate	150.00
Sanford Clinic Vermillion	supplies	27.16
Sanford Health Occupational	testing	25.00
Schaeffer Mfg. Co	supplies	672.00

SD Assoc. Of Rural Wtr Sys	usage/maintenance fee	150.00
SD Dept Of Health	testing	239.00
SD Humanities Council	professional services	50.00
SD Public Assurance Alliance	insurance	146.86
SD Retirement System	contributions	57,585.06
Service Master Of Se SD	custodial	3,409.68
Seton Identification Products	parts	224.44
Sioux Falls Crane & Hoist	repairs	1,586.75
Siouxland Scale Service	repairs	538.27
Sooland Bobcat	tires	1,731.27
Southern Glazer's Of SD	merchandise	3,728.41
Steffen Truck Equipment	tommy gate	2,713.11
Stern Oil Co.	oil	2,018.45
Streichers	supplies	2,249.99
Sturdevants Auto Parts	parts	1,449.29
Syncb/Amazon	books/dvds/supplies	626.36
Taylor & Associates, Inc	white molded tables/base	544.87
The Equalizer	advertising	475.00
The Graphic Edge	work shirts/sweatshirts	1,764.66
The Growler Station, Inc	licensing fee/maintenance	749.97
The Lifeguard Store, Inc	supplies	202.80
The Ups Store #6751	shipping	419.88
The Walking Billboard	work shirts	630.48
Tina Girard	refund rec program fees	32.00
Titleist-Acushnet Company	merchandise	2,879.98
Tractor Supply Credit Plan	supplies	155.98
Triview Communications	phone/headset	180.00
Turner Plumbing	repairs	175.60
Twin City Hardware	door locks/keys	2,558.84
Two Way Solutions	batteries	651.99
United Laboratories	supplies	747.74
United Way	contributions	683.00
Unum Life Insurance Company	insurance	1,438.66
Valiant Vineyards	merchandise	144.00
Vast Broadband	911 circuit/dialup service	1,415.45
Verizon Wireless	cell phones/Ipad access	2,179.95
Vermillion Ace Hardware	supplies/parts	3,537.08
Vermillion Ford	4-pickups	117,516.00
Vessco, Inc	parts	3,058.00
Visa/First Bank & Trust	fuel/lodging/supplies	12,109.01
Wal-Mart Community	supplies	2,021.03
Walker Construction	cotton park bathrooms	4,726.96
Walt's Homestyle Foods, Inc	merchandise	247.00

Watchguard Video	police equipment	360.00
Wesco Distribution, Inc	meters	702.00
Williams & Co.	2018 audit	3,000.00
Yankton County Observer	subscription	30.00
Yankton Janitorial Supply	supplies	199.00
Yankton Medical Clinic	testing	120.00
Ziegler Inc	parts	3,731.58
Valiant Vineyards	Bright Energy Rebate	150.00
Anthony Burbach	Bright Energy Rebate	500.00
Siouxland Heating & Cooling	Bright Energy Rebate	100.00
Scott Crouse	Bright Energy Rebate	500.00
Kalins Indoor Comfort	Bright Energy Rebate	100.00

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

12. Consensus Agenda

A. Set a public hearing date of July 15, 2019 for a retail on-off sale malt beverage license and retail on-off sale wine and cider license for Aramark Educational Services, LLC at Sanford Coyote Sports Center & Dakota Dome 1101 North Dakota Street

200-19

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

13. Adjourn

201-19

Alderman Ward moved to adjourn the Council Meeting at 7:54 p.m. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 1st day of July, 2019.

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 _____.

