

Unapproved Minutes  
Council Special Session  
March 17, 2014  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, March 17, 2014 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Davies, Grayson, Meins, Ward, Willson, Zimmerman, Mayor Powell

Absent: Osborne

2. Proposed updates to 90.70 -90.99 (Tree Ordinance) - Jim Goblirsch

Jim Goblirsch, Director of Parks and Recreation, reported that he has been requested to review and update the City Tree Ordinance. Jim reported that he has worked with all City departments that are impacted by trees in preparing the draft ordinance that was handed out.

Aaron Baedke, Parks Supervisor, reviewed examples of good boulevard trees as well as examples of improper boulevard trees.

Jim reviewed the major changes that are being proposed for the tree ordinance. He stated that a Tree Guide was developed to supplement the ordinance as well as document information on tree care. Jim stated that the street tree planting permit, as well as removal permit, will still be required. Jim stated that his plan would be to have the Tree Board develop objectives to promote tree planting as well as educational sessions. Jim answered questions of the City Council on the proposed tree ordinance as well as the tree guide. Discussion followed on the tree ordinance.

3. Proposed Cottage Avenue water main replacement project - Jason Anderson

Jason Anderson, Assistant City Engineer, reported that a water main break along the Cottage Street 16" water main in November, 2013 brought to light the condition of this section of water main and the need for replacement. He noted that there had been two previous main breaks along this section but the last break showed significant deterioration to the pipe. Jason stated that sections of the pipe are available for inspection at the front of the room. Jason stated that alternatives to open digging were reviewed for the replacement of this water main but,

because of the location of the sewer laterals and other underground utilities, these were not feasible. Jason stated that the recommendation is to replace this section of pipe by open trench at an estimated cost of \$190,000. Jason noted that this was not budgeted for 2014 but will require a budget amendment. Jason stated that the project will require that temporary water service be provided to the homes along this section of Cottage Street. Parking will be removed from the west side but two lanes of traffic will remain. The sidewalk and driveways will need to be removed with the specifications calling for driveways to be open each evening. Jason and Randy Isaacson, Water Superintendent, answered questions of the City Council on the Cottage Street water main replacement project. Jason stated that, if there were no objections from the City Council they would proceed with setting up a meeting with the citizens impacted by the project.

#### 4. Briefing on the March 17, 2014 City Council Regular Meeting

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

Dan Siefken, representing the Multihousing Association, asked the City Council if it would consider appointing a committee to look into the egress window requirements of the proposed ordinance. Dan stated that he was concerned that rental housing code only applies to egress window requirements to rental property, not all housing in the community.

John Prescott, City Manager, reported that the City adopted a rental housing code in 1975 that required adequate sized egress windows in rental bedrooms which was amended in 1986 to require minimum window size of 5 square feet.

Discussion followed on the egress window code as it applied to owner occupied homes vs. rental property. The discussion included minimum egress window size as well as the timeline for complying that was included in the ordinance. It was noted that the ordinance allows five years for compliance except for those that have been previously replaced with inadequate sized windows or windows smaller than three square feet in area. The consensus of the City Council was to not appoint a committee at this time.

#### 5. Adjourn

77-14

Alderman Willson moved to adjourn the Council special session at 1:15 p.m. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 17<sup>th</sup> day of March, 2014.

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

ATTEST:

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

Unapproved Minutes  
City Council Regular Session  
March 17, 2014  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, March 17, 2014 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Davies, Grayson, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell

2. Pledge of Allegiance

3. Minutes

A. Minutes of March 3, 2014 Special Session; March 3, 2014 Regular Session

78-14

Alderman Zimmerman moved approval of the March 3, 2014 Special Session and March 3, 2014 Regular Session minutes. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

79-14

Alderman Willson moved approval of the agenda with the addition of 12C. Consensus Agenda - Set a bid opening date of April 2, 2014 for Norbeck Street Improvements and 13. Executive Session - Economic Development

matters with VCDC SDCL 1-25-2. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

## 5. Visitors to be Heard

### A. Purple Up! For Military Kids Day Proclamation

Alderman Meins read the Purple Up! For Military Kids Day Proclamation that proclaimed April 15, 2014 as "Purple Up! For Military Kids Day" in Vermillion and urge all citizens to wear purple in order to salute, honor, support and thank our military children in the community. Marie Anne Ben, representing the American Legion Auxiliary, thanked the Mayor and City Council for the proclamation and invited the community to the Purple Up kickoff event March 29<sup>th</sup> at the Edith B. Siegrist Vermillion Public library from 1:00 p.m. to 3:00 p.m.

Mayor Powell wanted to congratulate the Lady Coyotes basketball team on winning the Summit League Tournament and advancing to the NCAA Division I Tournament. Mayor Powell reported the Coyotes will be playing Stanford in first round action in Ames, Iowa on Saturday.

## 6. Public Hearings

A. Special permit to exceed allowable sound levels for Pi Kappa Alpha in the northwest corner of Prentis Park on or about March, 22, 2014 from 5:00 p.m. to 7:00 p.m. (requesting change to March 27<sup>th</sup>).

Mike Carlson, Finance Officer, reported that a special permit to exceed permissible sound levels by no more than 50% was received from Pi Kappa Alpha for a fundraising event in Prentis Park on or about March 27, 2014 from 5:00 p.m. to 7:00 p.m. The notice of hearing, application with diagram of the event and a request from Dallas Humphries to change the date to March 27th are included in the packet. Mike noted that the Pikes in the Park event have been held for a number of years without any issues. Mike stated that Dallas Humphries was present to answer any questions on the event.

80-14

Alderman Collier-Wise moved approval of the special permit to exceed permissible sound levels for Pi Kappa Alpha in the northwest corner of Prentis Park on or about March 27, 2014 from 5:00 p.m. to 7:00 p.m. for a fundraising event. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Special daily malt beverage and wine license for the Vermillion Area Arts Council on or about March 21, 2014 at 202 Washington Street

Mike Carlson, Finance Officer, reported that an application for a special daily malt beverage and wine license was received from the Vermillion Area Arts Council for a St Patrick's Day Celebration event on or about March 21, 2014 at 202 Washington Street. Mike noted that the notice of hearing and Police Chief's reports are included in the packet. Mike stated that staff is not aware of any problems with previous special events licenses granted to the Arts Council.

81-14

Alderman Collier-Wise moved approval of the special daily malt beverage and wine license for the Vermillion Area Arts Council on or about March 21, 2014 at 202 Washington Street. Alderman Grayson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company on or about April 24, 2014 from 5:00 p.m. to 7:00 p.m. and July 10, July 24, August 7, August 21 and September 4, 2014 from 6:00 p.m. to 8:00 p.m. at Ratingen Platz.

Mike Carlson, Finance Officer, reported that an application for a special daily malt beverage and wine license was received from the Vermillion Area Chamber and Development Company for the Thursdays on the Platz events on or about April 24, 2014 from 5:00 p.m. to 7:00 p.m., July 10, July 24, August 7, August 21 and September 4, 2014 from 6:00 p.m. to 8:00 p.m. at Ratingen Platz and adjoining portion of Market Street. The notice of hearing and the report of the Police Chief are included in the packet. The VCDC has provided the City with a certificate of insurance and the release and indemnification for the events. Mike noted that the events will be similar to previous years. The location is on the Ratingen Platz and the abutting portion of Market Street and, if approved, should include the use of the Ratingen Platz. The special permit to exceed permissible sound levels and street closing are later on the agenda.

82-14

Alderman Grayson moved approval of the special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company on or about April 24, 2014 from 5:00 p.m. to 7:00 p.m., July 10, July 24, August 7, August 21 and September 4, 2014 from 6:00 p.m. to 8:00 p.m. on Ratingen Platz and adjoining portion of Market Street including the use of the Ratingen Platz for the events. Alderman Ward seconded the motion. Michele Maloney, representing Thursdays on the Platz, explained their plans for the different events. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Special permit to exceed allowable sound levels for the Thursdays on the Platz organization on or about April 24, 2014 from 5:00 p.m. to 7:00 p.m. and July 10, July 24, August 7, August 21 and September 4, 2014 from 6:00 p.m. to 8:00 p.m. at Ratingen Platz.

Mike Carlson, Finance Officer, reported that an application was received for a special permit to exceed permissible sound levels by no more than 50% for the Thursdays on the Platz events scheduled for April 24, 2014 from 5:00 p.m. to 7:00 p.m. and July 10, July 24, August 7, August 21 and September 4, 2014 from 6:00 p.m. to 8:00 p.m. on the Ratingen Platz at the corner of Market and Main Streets. The notice of hearing and application are included in the packet. Discussion followed.

83-14

Alderman Zimmerman moved approval of the special permit to exceed permissible sound levels by no more than 50% for the Thursdays on the Platz events on April 24, 2014 from 5:00 p.m. to 7:00 p.m. and July 10, July 24, August 7, August 21 and September 4, 2014 from 6:00 p.m. to 8:00 p.m. on the Ratingen Platz (corner of Market and Main Streets). 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 1309 to amend Chapter 150 Building Regulations, Section 150.02 International Building Code Adopted and Enacting the 2012 International Building Code as modified by the City of Vermillion; to amend Section 150.03 International Residential Code Adopted and Enacting the 2012 International Residential Code as modified by the City of Vermillion; and to amend Chapter 92 Fire Prevention and Protection Section 92.04 Fire Code Adopted and Enacting the 2012 International Fire Code as modified by the City of Vermillion

Farrel Christensen, Building Official, stated that this is second reading of an ordinance to adopt the 2012 International Building Code, 2012 International Residential Code and the 2012 International Fire Code as modified by the City of Vermillion. Farrel stated that this information had been passed along to local contractors and no comments have been received since first reading. Farrel recommended adoption of second reading of the ordinance.

84-14

Second reading of title to Ordinance No. 1309, entitled AN ORDINANCE to amend Chapter 150 Building Regulations, Section 150.02 International Building Code Adopted and Enacting the 2012 International Building Code as modified by the City of Vermillion; to amend Section 150.03

International Residential Code Adopted and Enacting the 2012 International Residential Code as modified by the City of Vermillion; and to amend Chapter 92 Fire Prevention and Protection Section 92.04 Fire Code Adopted and Enacting the 2012 International Fire Code as modified by the City of Vermillion.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1309 entitled an ordinance to amend Chapter 150 Building Regulations, Section 150.02 International Building Code Adopted and Enacting the 2012 International Building Code as modified by the City of Vermillion; to amend Section 150.03 International Residential Code Adopted and Enacting the 2012 International Residential Code as modified by the City of Vermillion; and to amend Chapter 92 Fire Prevention and Protection Section 92.04 Fire Code Adopted and Enacting the 2012 International Fire Code as modified by the City of Vermillion was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 3<sup>rd</sup> day of March, 2014 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 17<sup>th</sup> day of March, 2014 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. 1309

AN ORDINANCE AMENDING CHAPTER 150 BUILDING REGULATIONS SECTION 150.02 INTERNATIONAL BUILDING CODE ADOPTED AND ENACTING THE 2012 INTERNATIONAL BUILDING CODE AS MODIFIED BY THE CITY OF VERMILLION, SOUTH DAKOTA; AMENDING SECTION 150.03 INTERNATIONAL RESIDENTIAL CODE ADOPTED AND ENACTING THE 2012 INTERNATIONAL RESIDENTIAL CODE AS MODIFIED BY THE CITY OF VERMILLION AND AMENDING CHAPTER 92 FIRE PREVENTION AND PROTECTION SECTION 92.04 FIRE CODE ADOPTED AND ENACTING THE 2012 INTERNATIONAL FIRE CODE AS MODIFIED BY THE CITY OF VERMILLION, SOUTH DAKOTA

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 150 Section 150.02 International Building Code is repealed and the 2012 International Building Code is enacted, and the following portions of the 2012 International Building Code adopted in this article shall be added, deleted, modified or amended, or not

adopted as follows. All other sections or subsections of the 2012 International Building Code as published shall remain the same.

AN ORDINANCE of the City of Vermillion adopting the 2012 edition of the International Building Code as amended, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Vermillion; providing for the issuance of permits and collection of fees therefore; repealing ordinance 1242 of the City of Vermillion and all other ordinances or parts of laws in conflict herewith including existing ordinance section 150.02 and replacing with the following.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 150, Section 150.03 International Residential Code is repealed and the 2012 International Residential Code is enacted, and the following portions of the 2012 International Residential Code shall be amended, added, or deleted by the City as follows. All other portions of the 2012 International Residential Code as published shall remain the same.

AN ORDINANCE of the City of Vermillion adopting the 2012 edition of the International Residential as amended, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Vermillion; providing for the issuance of permits and collection of fees therefore; repealing ordinance 1243 of the City of Vermillion and all other ordinances or parts of laws in conflict therewith including existing ordinance section 150.03 and replacing with the following.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 92: Section § 92.04 Fire Code is repealed and the 2012 International Fire Code is enacted, and the following portions of the 2012 International Fire Code adopted in this article shall be added, deleted, modified or amended, or not adopted as follows. All other sections or subsections of the 2012 International Fire Code as published shall remain the same.

AN ORDINANCE of the City of Vermillion adopting the 2012 edition of the International Fire Code as amended, regulating and governing the

safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises.

§ 150.02 INTERNATIONAL BUILDING CODE ADOPTED

A certain document, one copy of which is on file in the office of the City Building Official, a copy of which is on file at the Vermillion Public Library, designated as the International Building Code, 2012 Edition, including Appendix J, as published by the International Code Council, Inc., is hereby adopted as the erection construction, enlargement, alteration, moving, removal, demolition, conversion, occupancy, height, area, and maintenance of all property, buildings, and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use, and for the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of the structures as herein provided, and providing for the issuance of permits and collection of fees therefore. Each and all of the regulations, provisions, penalties, conditions, and terms of the International Building Code, 2012 Edition, on file in the locations mentioned above are hereby referred to, adopted, and made a part hereof, as if fully set out in the ordinance, with the additions, insertions, deletions, and changes if any, prescribed below. The minimum building standards of International Building Code, 2012 Edition, and amendment thereto shall be applied to any building permit issued after the effective adoption date.

The following additions, deletions, modifications and or amendments to the International Building Code 2012 are hereby incorporated into and made a part of this code.

International Building Code modifications

101.1 Title. These regulations shall be known as the Building Code of the City of Vermillion, hereinafter referred to as "this code."

103.1 Enforcement Agency. Building Services is hereby created and the official in charge thereof shall be known as the Building Official.

101.4.3 Plumbing. All references to the International Plumbing Code shall refer to the provisions of the Uniform Plumbing Code. The provisions of The Uniform Plumbing Code as modified by the state of South Dakota shall apply to the installation of plumbing systems, including design, construction, installation, improvement, extension and alteration of materials, piping, venting, fixtures, appliances and appurtenances in relation to plumbing and plumbing systems. Permits and

inspection for plumbing work shall be obtained through the State Plumbing Commission.

101.4.7 Electrical. The provisions of the National Electric Code as adopted by the State of South Dakota shall apply to the installation of electrical systems, including equipment, appliances, fixtures, fittings and/or appurtenances thereto. All references to the International Electrical Code shall refer to the National Electrical Code. Permits and inspections for electrical work shall be obtained through The State Electrical Commission.

103.2 Appointment. Not adopted by the City

104.8 Liability. The Building Official, member of the Board of Appeals or employee charged with the enforcement of this code while acting for the jurisdiction in good faith and without malice shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city's insurance pool and any immunities and defenses provided by other applicable state and federal law and shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the city, its officers and employees, be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

105.1 Permit Required. Fees for replacement window permits shall be set by Resolution. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. The building official may exempt permits for minor work.

(a) Replacement windows in existing openings

All window replacement shall require a building permit. Replacement windows shall conform to the code for new construction whenever possible, including but not limited to light, ventilation, safety glazing and egress. Windows that cannot meet the code for new construction within the existing opening shall utilize the opening to its maximum potential to comply. Double hung windows or sliding windows that limit light, ventilation or egress are required to be changed to a casement style or similar to maximize the opening. Windows located in rental housing shall meet the requirement to provide for the health, safety and welfare of the occupants. Fee shall be set by Resolution of the City of Vermillion Governing Body.

#### Exceptions

The replacement of glazing only, in non hazardous location shall not require a permit.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

#### Building:

1. One-story detached accessory structures with side walls no greater than 8 feet in height, used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet.
2. Retaining walls that are not over 4 feet in height measured from the bottoms of the grade elevation to the top of the wall, unless supporting a surcharge.
3. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
4. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
5. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 52 inches deep, are not greater than 9,000 gallons and are installed entirely above ground
6. Swings and other playground equipment accessory to detached one- and two-family dwellings

7. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
8. Decks not exceeding 200 square feet in area and not more than 30 inches above grade at any point within 3 feet of the deck.
9. Exterior Siding, Design and installation shall conform to Chapter 7 wall covering.
10. Roofing, Design and installation shall conform to Chapter 9 roof assemblies.
11. Sidewalks and driveways. A driveway permit is required from the City Engineer.
12. Temporary motion picture, television, and theater stage sets and scenery.
13. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

107.3.1 Approval of Construction Documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Approved." One set of construction documents so reviewed shall be retained by the building official. The site submittal set shall be returned to the applicant, shall be kept at the site of work, and shall be open to inspection by the building official or duly authorized representative.

109.2 Schedule of Permit Fees. Fees shall be set by Resolution of the City of Vermillion Governing Body.

109.4 Work Commencing Before Permit Issuance. Any person who commences work requiring a permit on a building or structure before obtaining the necessary permits shall be subject to a fee established by Resolution of the City of Vermillion's Governing Body and shall be in addition to the required permit fees. Legal and/or civil proceedings may also be commenced.

109.7 Delinquent Accounts. The building official may refuse to issue permits, register rental units or conduct inspections for any person or business that has a delinquent account with any City department.

110.3 Required Inspection. The building official shall indicate on the building permit the inspections required for each job and upon notification shall make the inspections.

110.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official. Fees for violations of this requirement shall be set by Resolution.

113.1 Application for appeal. Any person having any record title or legal interest in the dwelling, dwelling unit, rooming unit, or premises directly affected by a decision of the Code Official or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

113.2 Forms. Appeals shall be submitted on the forms provided by the Code Official. Applications must be accompanied with the application fee, applications without fees shall not be considered filed until the fee is received.

113.3 Membership of board. The Board of Appeals shall consist of the City of Vermillion Governing Body.

113.4 Chairman. The Governing Body's presiding member shall serve as the chairman of the Board of Appeals.

113.5 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

113.6 Secretary. The Governing Body shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

113.7 Notice of Meeting. The Board of Appeals shall meet upon notice from the chairman within 30 days of the filing of an appeal, or at stated periodic meetings.

113.8 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership.

113.9 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

113.10 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

113.11 Board decision. The board shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of the total number of appointed board members.

113.12 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the Code Official.

113.13 Administration. The Code Official shall take immediate action in accordance with the decision of the board.

113.14 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

113.15 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

113.16 Fees. The fee for appeal application will be set by Resolution. Fees are required for appeal requests regardless of the outcome of the request and are nonrefundable.

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the

provisions of this code, shall be subject a fine set by Resolution in addition to any and all other penalties as prescribed by law.

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided through out all buildings with a Group R fire area.

Exceptions:

1. Group R-2 occupancies with four or fewer units.
2. Group R-3 occupancies

1009.7.5.3 Solid risers. Not adopted by the city

150.03 INTERNATIONAL RESIDENTIAL CODE ADOPTED.

A certain document, one copy of which is on file in the office of the Building Official and one copy of which is on file in the Vermillion Public Library, designated as the International Residential Code, 2012 Edition, as published by the International Code Council, Inc., be and is hereby adopted as the residential building code of the City of Vermillion in the State of South Dakota for regulating and governing design, construction, quality of materials, erection, installation, alteration, movement, repair, equipment, use and occupancy, location, removal and demolition of one- and two-family dwellings and townhouses not more than three stories in height with a separate means of egress and their accessory structures, and providing for the issuance of permits and collection of fees therefore. Each and all of the regulations, provisions, penalties, conditions, and terms of the International Residential Code, 2012 Edition, on file in the locations mentioned above are hereby referred to, adopted, and made a part hereof, as if fully set out, with the additions, insertions, deletions, and changes, if any below. The minimum building standards in the International Residential Code, 2009 Edition, shall be applied to any building permit after effective adoption date.

The following additions, deletions, modifications, or amendments to the International Residential Code, 2012 Edition, are hereby incorporated into and made a part of the code.

International Residential Code

R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-family Dwellings of the City of Vermillion, and shall be cited as such and will be referred to herein as "this code".

R103.1 Enforcement agency. Code Compliance is hereby created and the official in charge thereof shall be known as the Building Official.

R103.2 Appointment. Not adopted by the City.

R104.8 Liability. The Building Official, members of the Board of Appeals, or employees charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city's insurance pool and any immunity and defenses provided by other applicable state and federal law. The building official or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. The building official may exempt permits for minor work.

(a) Replacement windows in existing openings

All window replacement shall require a building permit. Replacement windows shall conform to the code for new construction whenever possible, including but not limited to light, ventilation, safety glazing and egress. Windows that cannot meet the code for new construction within the existing opening shall utilize the opening to its maximum potential to comply. Double hung windows or sliding windows that limit light, ventilation or egress are required to be changed to a casement style or similar to maximize the opening. Windows located in rental housing shall meet the requirement to provide for the health,

safety and welfare of the occupants. Fees for replacement window permits shall be set by Resolution.

Exception The replacement of glazing only, in non hazardous location shall not require a permit.

R105.2 Work Exempt from Permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory structures with side walls no greater than 8 feet in height, used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet.
2. Retaining walls that are not over 4 feet in height measured from the bottoms of the grade elevation to the top of the wall, unless supporting a surcharge.
3. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
4. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
5. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 52 inches deep, are not greater than 9,000 gallons and are installed entirely above ground
6. Swings and other playground equipment accessory to detached one- and two-family dwellings.
7. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
8. Decks not exceeding 200 square feet in area and not more than 30 inches above grade at any point within 3 feet of the deck.
9. Exterior Siding, Design and installation shall conform to Chapter 7 wall covering.

10. Roofing, Design and installation shall conform to Chapter 9 roof assemblies.
11. Sidewalks and driveways. A driveway permit is required from the City Engineer.
12. Temporary motion picture, television, and theater stage set and scenery.
13. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

R106.3.1 Approval of construction documents. When the Building Official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Approved." One set of construction documents so reviewed shall be retained by the building official.

R108.2 Schedule of permit Fees. Fees shall be set by Resolution of the City of Vermillion's Governing Body.

R108.6 Work Commencing Before Permit Issuance. Any person who commences work requiring a permit on a building or structure before obtaining the necessary permits shall be subject to a fee established by Resolution of the City of Vermillion's Governing Body and shall be in addition to the required permit fees. Legal and/or civil proceedings may also be commenced.

R108.7 Delinquent Accounts. The building official may refuse to issue permits, register rental units or conduct inspections for any person or business that has a delinquent account with any City of Vermillion department or entity.

R109.4 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official upon notification shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official. Fees for violations of this requirement shall be set by Resolution.

R112.1 Application for appeal. Any person having any record title or legal interest in the dwelling, dwelling unit, rooming unit, or premises directly affected by a decision of the Code Official or a

notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

R112.1.2 Forms. Appeals shall be submitted on the forms provided by the Code Official. Applications must be accompanied with the application fee, applications without fees shall not be considered filed until the fee is received.

R112.1.3 Membership of board. The Board of Appeals shall consist of the City of Vermillion Governing Body.

R112.1.4 Chairman. The Governing Body's presiding member shall serve as the chairman of the Board of Appeals.

R112.1.5 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

R112.1.6 Secretary. The Governing Body shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

R112.1.7 Notice of Meeting. The Board of Appeals shall meet upon notice from the chairman within 30 days of the filing of an appeal, or at stated periodic meetings.

R112.1.8 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership.

R112.1.9 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

R112.1.10 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

R112.1.11 Board decision. The Board shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of the total number of appointed board members.

R112.1.12 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the Code Official.

R112.1.13 Administration. The Code Official shall take immediate action in accordance with the decision of the board.

R112.1.14 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

R112.1.15 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

R112.1.16 Fees. The fee for appeal application will be set by Resolution. Fees are required for appeal requests regardless of the outcome of the request and are nonrefundable.

R202. Definitions. Add the following definition.

Bedroom. A finished space that affords privacy to the occupant, at least seventy square feet in space with no dimensions less than seven feet. Bedrooms may not be located in a kitchen, dining room, living room, hallway or bathroom.

Exception: Efficiency units or one bedroom units that are designed to be used as shared or group occupancy.

Outdoor smoking shelters. An "outdoor smoking shelter" is an attached addition to, or detached structure located on the same lot as the primary structure.

Outdoor smoking shelters shall:

- Comply with all provisions of the building code, and any other ordinances of the jurisdiction as adopted, regardless of size;
- Shelters 120 square feet, or less, in size: may be constructed of any materials permitted by the building code.
- Shelters greater than 120 square feet, or more, in size: Shall be constructed of noncombustible materials only.
- Have not more three sides or more than seventy-five percent (75%) of the aggregate wall area enclosed.
- Shall not be located within 10 feet of the primary entrance or interfere in any way with the operation of any required entrances or exits.
- Be lighted with appropriate weatherproof fixtures;
- Be no taller than the primary structure; and
- Be both aesthetically and structurally similar to the primary structure.

Table R301.2 (1) Climatic and Geographic Design Criteria.

Ground Snow Load (Footnote l) 40 psf contour  
 Wind Speed (Footnote d) 90 mph  
 Topographic Effects (Footnote k) no  
 Seismic Design Category (Footnote f) A  
 Weathering (Footnote a) Severe  
 Termite Damage (Footnote c) Slight to Moderate  
 Winter Design Temperature -11 Degrees Fahrenheit  
 Ice Barrier Underlayment Requirement (Footnote i) yes  
 Flood Hazards. (Footnote g) Vermillion entered the regular phase of the National Flood Insurance in 1975 Map numbers are 46027C0265C and 46027C0270C.  
 Air Freezing Index (Footnote i) 3,000  
 Mean Annual Temperature 46 Degrees Fahrenheit  
 For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

R302.5.1 Opening Protection

Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 13/8 inches in thickness, solid or honeycomb-core steel doors not less than 13/8 inches thick, or 20-minute fire-rated doors

R303.4 Mechanical ventilation. (testing). Not adopted by the city

R309.5 Fire sprinklers. Not adopted by the city.

R310.1 Emergency escape and rescue required.

Basements, habitable attics and every sleeping room shall have at least one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

R312.2.1 Window sills. Not adopted by the City.

R319.1 Address Numbers. Not adopted by the City.

R501.3 Fire protection of floors. Not adopted by the city.

N1101 Energy Efficiency. Not adopted by the City.

Chapters 25 through 33. Not adopted by the City.

Chapters 34 through 43. Not adopted by the City.

M1502.4.2 Duct installation.

Exhaust ducts shall be supported at intervals not to exceed 12 feet and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Exhaust duct joints shall be sealed in accordance with Section M1601.4.

§ 92.04 INTERNATIONAL FIRE CODE ADOPTED 2012 EDITION

The Governing Body of the City of Vermillion does ordain as follows:

That a certain document, one copy of which is on file in the office of the Fire Chief and one copy of which is on file in the Vermillion Public Library, being marked and designated as the International Fire Code, 2012 edition, as published by the International Code Council, be

and is hereby adopted as the Fire Code of the City of Vermillion, in the State of South Dakota regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Vermillion are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance. The following additions, deletion, modification or amendment to the International Fire Code 2012 edition, listed by Fire Code section 92.04 are hereby incorporated into and made part of the code.

Section 2. That the following sections are hereby revised:

101.1 Title. These regulations shall be known as the Fire Code of the City of Vermillion, hereinafter referred to as "the code."

103.1 General. The department of fire prevention is established within the jurisdiction and the official in charge thereof shall be known as the Fire Chief. The function of the department shall be the implementation, administration and enforcement of the provisions of the code.

103.2 Appointment. Not adopted by the City.

103.4 Liability. The Fire Official, member of the Board of Appeals or employee charged with the enforcement of this code while acting for the jurisdiction in good faith and without malice shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city's insurance pool and any immunities and defenses provided by other applicable state and federal law and shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the city, its officers and employees, be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

106.2.2 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Fire Code Official. The Fire Code Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected, and such portion shall not be covered or concealed until authorized by the fire Code Official. Fees for violations of this requirement shall be set by Resolution.

[A] 108.1 Application for appeal. Any person having any record title or legal interest in the dwelling, dwelling unit, rooming unit, or premises. Any person directly affected by a decision of the Code Official or a notice or order issued under the code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of the Code do not fully apply, or the requirements of the code are adequately satisfied by other means.

[A] 108.2 Forms. Appeals shall be submitted on the forms provided by the Code Official. Applications must be accompanied with the application fee. Applications without fees shall not be considered filed until the fee is received.

[A] 108.3 Membership of board. The Board of Appeals shall consist of the City of Vermillion Governing Body.

[A] 108.4 Chairman. The Governing Body's presiding member shall serve as the chairman of the Board of Appeals.

[A] 108.5 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

[A] 108.6 Secretary. The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary

shall file a detailed record of all proceedings in the office of the chief administrative officer.

[A] 108.7 Notice of Meeting. The Board of Appeals shall meet upon notice from the chairman within 30 days of the filing of an appeal, or at stated periodic meetings.

[A] 108.8 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership.

[A] 108.9 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

[A] 108.10 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

[A] 108.11 Board decision. The board shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of the total number of appointed board members.

[A] 108.12 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the Code Official.

[A] 108.13 Administration. The Code Official shall take immediate action in accordance with the decision of the board.

[A] 108.14 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

[A] 108.15 Stays of enforcement. Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

[A] 108.16 Fees. The fee for appeal application will be set by Resolution. Fees are required for appeal requests regardless of the outcome of the request and are nonrefundable.

109.2 Schedule of Permits. Fees shall be set by Resolution of the City of Vermillion Governing Body.

109.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Fire Official, or of a permit or certificate issued under the provisions of this code, shall be subject a fine set by Resolution in addition to any and all other penalties as prescribed by law.

113.3 Work commencing before permit issuance. Any person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to an established by Resolution of the City of Vermillion's Governing Body and shall be in addition to the required permit fees. Legal and/or civil proceedings may also be commenced.

109.4.1 Delinquent Accounts. The Fire Official may refuse to issue permits, or conduct inspections for any person or business that has a delinquent account with any City department.

912.2.2 Existing buildings. On existing buildings, the Fire Department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such signs shall have the letters "FDC" at least 6 inches high and words in letters at least 2 inches high or an arrow to indicate the location. All such signs shall be subject to the approval of the Fire Code Official.

5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited is the corporate limits of the City of Vermillion).

5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited corporate limits of the City of Vermillion).

5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited corporate limits of the City of Vermillion).

6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas corporate limits of the City of Vermillion).

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided through out all buildings with a Group R fire area.

Exceptions:

1. Group R-2 occupancies with four or fewer units.
2. Group R-3 occupancies

Dated at Vermillion, South Dakota this 17<sup>th</sup> day of March, 2014.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

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

Adoption of the Ordinance was seconded by Alderman Meins. 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, Davies-Y, Grayson-Y, Meins-Y, Osborne-Y, Ward-Y, Willson-Y, Zimmerman-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.

B. Second Reading of Ordinance 1310 to amend Chapter 150 Building Regulations, Section 150.50 International Property Maintenance Code, Adopting and Enacting the 2012 International Property Maintenance Code as modified by the City; to amend Chapter 94 Rental Housing Code deleting Sections 94.07(3)(d), (e) (5) (a) (b), (6), (7) Enforcement Notice and Hearing and Section 94.09 (A) and (B) Board of Housing Appeals to Eliminate Conflicting Appeal Sections between the Rental Housing Code and the International Property Maintenance Code and Add Standards and Deadlines for Compliance for Emergency Escape and Rescue Openings in Existing Buildings and Return Air and Controllable Heat Sources in Existing Buildings.

Farrel Christensen, Building Official, reported that since first reading that there have been discussions with the Multihousing Association which have resulted in some changes to the proposed ordinance. Farrel stated that the dates in 94.02 (J) 1. & 2. were changed from 1988 to 1986 to reflect the building code. Farrel stated that an exception was added to the ordinance. This exception states that egress windows that are less than 18" in width, 24" in height or less than 3 square foot in area need to be replaced by September 1, 2014. All other egress windows in structures built prior 1974 will have until July 1, 2019 to become compliant with this code. Farrel noted that egress windows that were changed and reduced the opening size are not included in this exception and will be required to be replaced with the correct size window no later than September 1, 2014. Farrel noted that any rental unit not currently registered will be required to comply with the minimum standards established in this code and none of the exceptions will apply. He stated that this exception maintains the 4.5 square foot requirement that the Fire Chief agreed is the minimum safe size but allows owners with windows that do not pose an imminent danger to the occupants as deemed hazardous by the Fire Chief to have until July 1, 2019 to bring existing windows up to code. The change referenced above has been included in the ordinance and is in section 94.02 J 3 Exception.

Farrel stated that one other item was the allegation that this code requirement should apply to owner occupied structures. He stated that the contention is that the use is the same under the code which is not correct. Farrel stated that the building code applies construction standards based on occupancy classification; apartment houses, boarding housing, and similar use are classified as Residential Group R division 2. Farrel stated that all single family homes are classified as Residential Group R division 3. Farrel stated that Single Family Dwellings whether owner occupied or rental do share the same classification R-3 however the use is very different. Rental units are owned by investors whose primary concern is a return on an investment. Owner occupied homes are not commercial investments and the owners primary concern is himself or family, a very different situation. A single family rental owner is making decisions based on how much an investment will return while the owner occupied single family owner is basing his decisions on his family. Farrel stated that it is important to remember that the new window replacement ordinance does apply to owner occupied structures.

Farrel stated that the ordinance will establish 4.5 square feet area as the minimum size for egress windows for all rental units.

Dan Siefgen, Multihousing Association, wanted to thank Alderman Willson and Zimmerman along with City staff for working with them on this

issue. He noted that the association is in agreement with everything except the requirement that structures built prior to 1974 will need to have egress windows of at least 4.5 square feet in area in all bedroom windows. He noted that these homes may require structural alterations for these windows to be installed. Dan requested that the City Council establish a committee to review options for the older housing stock to accommodate this egress window requirement.

Discussion followed with Farrel stating that the Code Enforcement office has documented 157 windows that do not comply with this ordinance. Farrel noted that the exemption provides for a step if they do not meet the sill height and an exemption for building in the Historic District and in the Central Business District. Discussion followed on the option of only replacing noncompliant windows when the existing window fails. Farrel noted that this might be subjective and if properly maintained windows can last many years.

Dan stated that egress windows that were compliant but were replaced with a window that is non compliant will need to be replaced. He stated that the code is clear on this that you cannot remove life safety equipment and, as such, these windows will need to be replaced.

Dan stated that his organization's concern is the pre 1974 homes, many of which are single family, that have been rental property for many years and have passed the rental inspections and are now being required to have 4.5 square foot egress windows. He noted that the landlord's costs keep adding up and will impact the amount of rent. Dan again requested a committee be established to review the impact of this new ordinance on the older housing stock in the community.

Upon request, Shannon Draper, Fire Chief, stated that the minimum size egress window in the building code has been 4.5 square feet in area and the current code requires 5.7 square feet of area for egress windows.

Alderman Davies expressed his concern about if 4.5 square feet in area is the minimum acceptable size why is the ordinance allowing 5 years for the windows to become compliant. Jim McCulloch, City Attorney, stated that making a change in a code such as zoning or rental housing that requires immediate compliance can be considered a regulatory taking. Jim noted that properties may be leased for a period of time that does not allow the landlord the ability to adjust rents. Jim stated that he would recommend allowing the extra time to become compliant.

Another option suggested was to not have a minimum standard but to have the building inspector use his judgment as to what windows would be acceptable and which would need to be replaced. It was noted that an

option might be to bring the windows up to code at which time the inspector determined they needed to be replaced. Jim McCulloch, City Attorney, stated that it would be best to have a minimum standard. That way everyone will know the requirement and it is not subjective to individual judgment.

Discussion followed on the establishment of a committee or task force to look at the long term objectives as it applies to rental housing in the community. It was noted that this committee or task force would be advisory only as statute does not provide for the creation of this committee or task force.

85-14

Second reading of title to Ordinance No. 1310, entitled AN ORDINANCE to amend Chapter 150 Building Regulations, Section 150.50 International Property Maintenance Code, Adopting and Enacting the 2012 International Property Maintenance Code as modified by the City; to amend Chapter 94 Rental Housing Code deleting Sections 94.07(3)(d), (e) (5) (a) (b), (6), (7) Enforcement Notice and Hearing and Section 94.09 (A) and (B) Board of Housing Appeals to Eliminate Conflicting Appeal Sections between the Rental Housing Code and the International Property Maintenance Code and Add Standards and Deadlines for Compliance for Emergency Escape and Rescue Openings in Existing Buildings and Return Air and Controllable Heat Sources in Existing Buildings for the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1310 entitled an ordinance to amend Chapter 150 Building Regulations, Section 150.50 International Property Maintenance Code, Adopting and Enacting the 2012 International Property Maintenance Code as modified by the City; to amend Chapter 94 Rental Housing Code deleting Sections 94.07(3)(d), (e) (5) (a) (b), (6), (7) Enforcement Notice and Hearing and Section 94.09 (A) and (B) Board of Housing Appeals to Eliminate Conflicting Appeal Sections between the Rental Housing Code and the International Property Maintenance Code and Add Standards and Deadlines for Compliance for Emergency Escape and Rescue Openings in Existing Buildings and Return Air and Controllable Heat Sources in Existing Buildings for the City of Vermillion, South Dakota was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 3<sup>rd</sup> day of March, 2014 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 17<sup>th</sup> day of March, 2014 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. 1310

AN ORDINANCE AMENDING CHAPTER 150 BUILDING REGULATION SECTION 150.50 INTERNATIONAL PROPERTY MAINTENANCE CODE, ADOPTING AND ENACTING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE AS MODIFIED BY THE CITY OF VERMILLION; AND AMENDING CHAPTER 94: RENTAL HOUSING CODE DELETING SECTIONS 94.07(3) (d), (e) (5) (a) (b), (6), (7) ENFORCEMENT NOTICE AND HEARING AND SECTION 94.09 (A) and (B) BOARD OF HOUSING APPEALS TO ELIMINATE CONFLICTING APPEAL SECTIONS BETWEEN THE RENTAL HOUSING CODE AND THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND ADDING STANDARDS AND DEADLINES FOR COMPLIANCE FOR, EMERGENCY ESCAPE AND RESCUE OPENINGS IN EXISTING BUILDINGS AND RETURN AIR AND CONTROLLABLE HEAT SOURCES IN EXISTING BUILDINGS.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 150, Section 150.50 International Property Maintenance Code is repealed and the 2012 International Property Maintenance Code is enacted, and the 2012 International Property Maintenance Code shall be amended, added, or deleted by the City as follows. All other portions of the 2012 International Property Maintenance Code as published shall remain the same.

AN ORDINANCE of the City of Vermillion adopting the 2012 edition of the International Property Maintenance Code as amended, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Vermillion; providing for the issuance of permits and collection of fees therefore; repealing and replacing current section 150.50 of the City of Vermillion and all other ordinances or parts of laws in conflict therewith

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that Chapter 94 Rental Housings Code Sections 94.07(3) (d), (e) (5) (a) (b), (6), (7) and section 94.09 Board of Housing Appeals of the Revised Ordinances of the City of Vermillion be deleted and that Section 94.02 (G), (H), (I) & (J) Responsibilities of Owners and Occupants of Rental units is modified and amended and it is hereby ordained by authority of the same as follows:

§ 150.50 INTERNATIONAL PROPERTY MAINTENANCE CODE 2012 ADDITION ADOPTED.

A certain document, one copy of which is on file in the office of the Building Official and one copy of which is on file in the Vermillion Public Library, designated as the International Property Maintenance Code, 2012 Edition, be and is hereby adopted as the property maintenance code of the City of Vermillion in the State of South Dakota.

The following additions, deletions, modifications and or amendments to the International Property Maintenance Code, 2012 Edition, are hereby incorporated into and made a part of the code.

102.3 Application of Other Codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of Chapter 150, sections 150.02 and 150.03 and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City's zoning regulations.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall set by Resolution of the City of Vermillion's Governing Body.

106.4 Violation penalties Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be subject a fine set by Resolution in addition to any and all other penalties as prescribed by law.

[A] 111.1 Application for appeal. Any person having any record title or legal interest in the dwelling, dwelling unit, rooming unit, or premises. Any person directly affected by a decision of the Code Official or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

[A] 111.2 Forms. Appeals shall be submitted on the forms provided by the Code Official. Applications must be accompanied with the application fee, applications without fees shall not be considered filed until the fee is received.

[A] 111.2.1 Membership of board. The Board of Appeals shall consist of the City of Vermillion Governing Body.

[A] 111.2.2 Chairman. The Governing Body's presiding member shall serve as the chairman of the Board of Appeals.

[A] 111.2.3 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

[A] 111.2.4 Secretary. The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

[A] 111.2.5 Notice of Meeting. The Board of Appeals shall meet upon notice from the chairman within 30 days of the filing of an appeal, or at stated periodic meetings.

[A] 111.3 Open hearing. All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership.

[A] 111.4 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

[A] 111.4.1 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

[A] 111.5 Board decision. The board shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of the total number of appointed board members.

[A] 111.6 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the Code Official.

[A] 111.6.1 Administration. The Code Official shall take immediate action in accordance with the decision of the board.

[A] 111.6.2 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

[A] 111.7 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

[A] 111.8 Fees. The fee for appeal application will be set by Resolution. Fees are required for appeal requests regardless of the outcome of the request and are nonrefundable.

202 General Definitions. Add the following definition.

Bedroom. A finished space that affords privacy to the occupant, at least seventy square feet in space with no dimensions less than seven feet. Bedrooms may not be located in a kitchen, dining room, living room, hallway or bathroom.

Exception: Efficiency units or units that are designed to be used as shared or group occupancy.

302.4 Weeds. Not adopted by the City

302.8 Motor Vehicles. Not adopted by the City

304.14 Insect Screens. During the period from May 1 to October 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception:

1. Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.3 Premises Identification. Not adopted by the City

308 Rubbish and Garbage. Not adopted by the City

404.4.1 Room area. Every living room shall contain at least 120 square feet and every bedroom shall contain a minimum of 70 square feet. Bedrooms 100 square feet or less are allowed two occupants and every bedroom occupied by more than two persons shall contain a minimum of 50 additional square feet of floor area for each occupant thereof.

602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 1 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F a minimum temperature of 65°F shall be maintained.

602.4 Occupiable Work Spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following:

All window replacement shall require a building permit. Replacement windows shall conform to the code for new construction whenever possible, including but not limited to light, ventilation, safety glazing and egress. Windows that cannot meet the code for new construction within the existing opening shall utilize the opening to its maximum potential to comply. Double hung windows or sliding windows

that limit light, ventilation or egress are required to be changed to a casement style or similar to maximize the opening. Windows located in rental housing may require additional modification to comply with the minimum standards of section 94.02 (J).

Exceptions: The replacement of glazing only, in non hazardous location shall not require a permit.

CHAPTER 94: RENTAL HOUSING CODE

Deleting 94.07 (3) (d) (e), (5), (6), (7) and 94.09.  
Modifying 94.02 (G) (H)

94.02 RESPONSIBILITIES OF OWNERS AND OCCUPANTS OF RENTAL UNITS

~~(G) In order to comply with the intent of this ordinance and protect the health, safety and welfare of occupants in rental units, effective January 1, 2014.~~ All registered rental units shall be provided with smoke alarms that receive their primary power from the building wiring and when primary power is interrupted shall receive power from a battery.

Exceptions:

1. Smoke alarms shall be permitted to be battery operated when installed in buildings without commercial power.
2. Interconnection of hard-wired smoke alarms in existing areas shall not be required where the alterations or repairs result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection of hard-wired smoke alarms without the removal of interior finishes.

~~(H) In order to comply with the intent of this ordinance and protect the health, safety and welfare of occupants in rental units, effective January 1, 2014.~~ All registered rental units shall be provided with carbon monoxide alarms and shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units with fuel-fired appliances and/or attached garages.

(J) All registered rental units shall be provided with Emergency Escape and Rescue Openings in each sleeping room located below the fourth story.

1. Structures built in or after 1986 shall be provided with Emergency Escape and Rescue Openings that conform to the requirements of the International Building code(s) 2012 edition.

2. Structures built in or after 1974 and before 1986 shall be allowed to utilize windows that have a minimum net clear opening of 5.0 square feet and shall have a sill height of not more than 48 inches above the floor. The minimum net clear opening height dimension shall be 20 inches. The minimum net clear opening width dimension shall be 20 inches. The net clear opening dimensions shall be the result of normal operation of the opening.
3. Structures built before 1974 shall be allowed to utilize windows that have a minimum net clear opening of 4.5 square feet. One fixed step with a rise of no more than 7 3/4 inches and a tread of no less than 10 inches and a width no less than the window served, may be used to gain access to the window. The sill height shall be no more than 48 inches from the step to the finished sill. The minimum net clear opening height dimension shall be 20 inches. The minimum net clear opening width dimension shall be 18 inches. The net clear opening dimensions shall be the result of normal operation of the opening.

Exception: Lawfully established and maintained non-conforming emergency, escape and rescue openings in rental units registered before March 17, 2014 may continue to be used. Emergency, escape and rescue openings that do not pose an imminent danger to the occupants as deemed hazardous by the Fire Chief shall have until July 1, 2019 to comply with this code. The Fire Chief of the City of Vermillion has determined that emergency, escape and rescue openings that are less than 18" in width, 24" in height or are less than three square feet in area create an imminent danger and an unsafe condition; therefore any window that fails to meet these standards shall be replaced no later than September 1, 2014. All rental units that do not meet the minimum size established herein shall post a notice on the inside of each bedroom door(s) stating that the emergency, escape and rescue opening(s) do not meet the minimum standard established by this code. After July 1, 2019 all rental units shall comply with the minimum sizes established herein.

4. Buildings located in Historic districts or on the state or national register of historic places may be granted the same exception as those buildings located in the C-B district, when judged by the Building Official to not constitute a distinct life safety hazard.
5. Existing windows shall be maintained in a manner that maintains the level of protection provided for the means of egress.

6. Owners may apply for a time extension to modify non-compliant windows, using the form provided by the Housing Inspector.
7. Rental units new to the registry shall be required to comply with the emergency escape and opening requirements determined by the time of construction.

EXCEPTION: Dwelling units in the C-B Central Business may utilize approved windows or openings in adjoining rooms. In no case shall an occupant have to go through more than one adjoining room to reach an approved emergency escape and rescue opening and only when judged by the building official to not constitute a distinct life safety hazard.

(K) All Dwelling Units shall be constructed in such a manner that return air from one dwelling is not discharged into another dwelling unit through the heating or cooling air systems

1. Each separate dwelling unit shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.
2. Where privacy is required, such as in bedrooms and bathrooms the heating facilities shall be capable of maintaining the required room temperature with the doors closed.
3. Effective August 1, 2014 all registered rental units shall be required to comply with these return air limitations, to provide separate and controllable heat sources to each dwelling unit in all habitable rooms, bathrooms and toilet rooms. Installation or replacement of heating units shall comply with the Uniform Mechanical Code and the manufacturer's installation instructions; unvented or portable units shall not be used.
4. Owners may apply for a time extension to comply with the deadline, using the form provided by the Housing Inspector

Dated at Vermillion, South Dakota this 17<sup>th</sup> day of March, 2014.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

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

Adoption of the Ordinance was seconded by Alderman Grayson. 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, Davies-N, Grayson-Y, Meins-Y, Osborne-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y

Motion carried 8 to 1. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

C. Second Reading of Ordinance 1311 to amend Chapter 91 Airport, Section 91.08 Permit Requirement; Fees

Jason Anderson, Assistant City Engineer, reported at the March 3<sup>rd</sup> meeting that the City Council adopted minimum standards for commercial activities at the airport. Jason reported that there have not been any comments since the first reading.

Jason stated that City Ordinance Chapter 91 addresses airport specific items with section 91.08 addressing specific commercial uses that require a permit from the City. Jason reported that the proposed changes to this section will make the existing ordinance compatible with the minimum standards for commercial uses allowed at the airport. The changes will remove the commercial uses currently provided for in the City Code and replace them with the ones in the Airport Minimum Standards policy. Jason stated that a new description for each use is included with the change. The fees for the different licenses are later on the agenda. Discussion followed on the ordinance.

86-14

Second reading of title to Ordinance No. 1311, entitled AN ORDINANCE to amend Chapter 91 Airport, Section 91.08 Permit Requirement; Fees for the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1311 entitled an ordinance to amend Chapter 91 Airport, Section 91.08 Permit Requirement; Fees for the City of Vermillion, South Dakota was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 3<sup>rd</sup> day of March, 2014 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 17<sup>th</sup> day of March, 2014 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. 1311  
AN ORDINANCE AMENDING CHAPTER 91 AIRPORT,  
SECTION 91.08 PERMIT REQUIREMENT; FEES.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 91 Airport, Section 91.08 Permit Requirement; Fees will be amended as follows:

§ 91.08 PERMIT REQUIREMENT; FEES.

- (A) The following permits shall be required for operations based at or originating from the airport and shall be issued on an annual basis:
- (B) Aircraft Sales. An amount set by resolution per year for a business that is engaged in the sale of new, or used, aircraft;
  - (1) Airframe and Power Plant Repair (Aircraft Maintenance and Repair). An amount set by resolution per year for a business engaged in repair services to the airframe and/or power plan;
  - (2) Aircraft Rental. An amount set by resolution per year for a business engaged in the rental of aircrafts to the public;
  - (3) Flight Training. An amount set by resolution per year for a business engaged in commercial flight instruction;
  - (4) Air Taxi and Charter Services. An amount set by resolution per year for a business engaged in air taxi or charter services;
  - (5) Specialized Commercial Flight Services. An amount set by resolution per year for a business engaged in any/or all of the following: banner towing, aerial advertising, aerial photography, aerial surveys, fire fighting, fire patrol, power line patrol or pipeline patrol;
  - (6) Avionics, Instruments and/or Propeller Services. An amount set by resolution per year for a business engaged in providing services to avionics, instruments and/or propeller;
  - (7) Permanent Aerial Applicators. An amount set by resolution per year for a business engaged in aerial applications;

(8) Temporary Aerial Applicators. An amount set by resolution per year for a business engaged in aerial applications;

(9) Multiple Commercial Aeronautical Services or a Limited Service Fixed Based Operator. An amount set by resolution per year for a business engaged in any two or more of the commercial services previously mentioned.

(C) All aeronautical commercial services must comply with the current Harold Davidson Field Airport - Minimum Standards for Operators of Commercial Activities.

(D) Any permit may be cancelled by the Council for the violation of this chapter or for the violation of any pertinent provisions of this code, State Aeronautics Commission, or Federal Aviation Administration rules and regulations by the holder of the permit, his or her agents, employees, or servants upon 15 days written notice given to the permit holder.

Dated at Vermillion, South Dakota this 17th day of March, 2014.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

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

Adoption of the Ordinance was seconded by Alderman Willson. 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, Davies-Y, Grayson-Y, Meins-Y, Osborne-Y, Ward-Y, Willson-Y, Zimmerman-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. Request to close Market Street on April 24, July 10, July 24, August 7, August 21 and September 4, 2014 from W. Main Street south for one-half block for Earth Day and Thursdays on the Platz events

John Prescott, City Manager, indicated with the earlier items on the agenda that the Thursdays on the Platz group are again planning to hold

several events in downtown Vermillion on the Platz. This summer's events are scheduled for April 24, July 10, July 24, August 7, August 21, and September 4, 2014. The events will host local and regional musical entertainment. The group will utilize Ratingen Platz at the corner of W. Main and Market Streets for the events. Due to the number of anticipated attendees, a street closure request has again been submitted for Market Street from W. Main Street to the East/West alley between W. Main Street and Kidder Street. The street closure request is the same as past years. The closing on April 24<sup>th</sup> is from 4:00 p.m. to 7:00 p.m. and for the rest of the dates from 5:30 p.m. to 8:00 p.m. John stated that the request indicates the neighboring businesses and residents have been notified and the group will do clean up.

87-14

Alderman Willson moved approval of the street closing request for Market Street from W. Main Street to the East/West alley between W. Main Street and Kidder Street on April 24<sup>th</sup> from 4:00 p.m. to 7:00 p.m. and from 5:30 p.m. to 8:00 p.m. on July 10, July 24, August 7, August 21, and September 4, 2014, for the "Thursdays on the Platz" events. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

#### B. Resolution Establishing Fees for International Codes and Rental Housing Code

Farrel Christensen, Building Official, reported that all of the fees that would apply to the International Codes and Rental Housing Code have been included in this resolution. Farrel stated that there have been two additional fees. The first fee is for providing false information to an official of \$100 and the other is the appeal fee which is \$100, similar to other appeal fees. Discussion followed on the fees and the schedule.

88-14

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

#### RESOLUTION TO ESTABLISH FEES FOR INTERNATIONAL BUILDING CODES AND RENTAL HOUSING CODE

WHEREAS, the City Council has by ordinance adopted the 2012 International Building Code, the 2012 International Residential Code, the 2012 International Fire Code, the 2012 International Property Maintenance Code and approved modification and amendment to the Rental Housing Code; and

WHEREAS, the Ordinances provides for the City Council by resolution to establish various rates, fees and penalties.

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 17th day of March, 2014 that the rates, fees and penalties are changed as follows:

Building Permit Fees Sections IBC 109.2, IRC 108.02 & IFC 113.2  
 The building permit fees shall be \$25.00 for valuations of \$1,000 or less plus \$.075 for each additional \$100 or fraction thereof up to \$2,000. The fee shall be \$32.50 for valuations of \$2,001 plus \$6.00 for each additional \$1,000 or fraction thereof up to \$25,000. The fee shall be \$170.50 for valuations of \$25,001 plus \$4.50 for each additional \$1,000 or fraction thereof up to \$50,000. The fee shall be \$283.00 for valuations \$50,001, plus \$3.00 for each additional \$1,000 or fraction thereof up to \$100,000. Thereafter, the fee shall be \$433.00 for the first \$100,000 of valuation plus \$2.50 for each additional \$1,000 or fraction thereof.

TABLE

Valuation	Cost of Permit
Less Than \$1,000	\$25.00
\$1,001 to \$2,000	\$25.00 plus .75 per \$100 for values over \$1,000
\$2,001 to \$25,000	\$32.50 plus \$6.00 per \$1,000 for values over \$2,000
\$25,001 to \$50,000	\$170.00 plus \$4.50 per \$1,00 for values over \$25,000
\$50,001 to \$100,000	\$283.00 plus \$3.00 per \$1,000 for values over \$50,000
\$100,001 and over	\$433.00 plus \$2.50 per \$1,000

OTHER INSPECTIONS AND FEES

Razing Permit \$25.00  
 Inspection outside normal business hours \$70.00 per hour  
 Re-inspection Fees \$40.00 per re-inspection

Special Permits for Moving Structures 150.29  
 The minimum bond amount for an indemnity bond shall be \$10,000  
 The minimum bond amount for a performance bond shall be \$10,000

150.32 The fee to cut, alter or move utility wires shall be the actual costs of employee time and equipment with the superintendent of Electric Distribution estimate used for deposit.

150.32 The special permit fee for moving structures shall be \$100.00, plus the building permit fee as established in 156.15, IBC 109.2, IRC 108.92 & IFC 113.2

Window Replacement Section 105.1 Permit Required. The permit fee for the replacement of windows shall be \$25.00 dollars for each permit regardless of the number of windows.

#### VIOLATION PENALTIES SECTIONS IBC 114.4, IRC 113.4 & IFC 109.4

Permits Sections IBC 109.4 IRC 108.6 and IFC 113.3

The Fee for commencing work before obtaining the necessary permits shall be equal to one and one-half of the amount of the permit, but not less than \$100.00 or more than \$500.00.

Approval Required Sections IBC 110.6, IRC 109.4 and IFC 106.2.2 The Fee for work done without a required inspection, or beyond the point indicated in each successive inspection, without first obtaining the approval of the building official, shall be \$100.00

Section Certificate of Occupancy IBC 111.1 IRC R110.1 IFC 909.19 System Acceptance. The fee for occupying a building before a certificate of occupancy is issued shall be \$100.00.

Appeals Section IBC 113.16, IRC 112.1.16, IFC 108.16 and IPMC 111.8 The fee for an appeal application is \$100.00. Fees are required for appeal requests regardless of the outcome of the request and are nonrefundable.

#### FEE SECTION 103.5 FEE SCHEDULE

Providing False Information. The fee for any person that provides false information, either orally or in writing, to any Code Official, on any document, form, report or application shall be \$100.00

IPMA Violation Penalties Section 106.4 The fee for violating any provision of this code, other than those specifically listed is \$100.00 penalty in addition to any and all other penalties as prescribed by law.

Failure to Comply Section 112.4 Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 or more than \$500.00 dollars.

#### RENTAL HOUSING CODE CHAPTER 94

Registration Required 94.05 (I) A fee of \$25.00 per structure and \$15.00 per unit.

Registration Required 94.05 (I) (1) A penalty of \$5.00 per unit, per month, shall be added to the annual registration fee if not paid by January 15<sup>th</sup> of each year.

Violations Section 94.11

(B) The fee for failing to properly register a rental unit shall be:

- 1. For the first violation within a calendar year, \$100.00
- 2. For the second violation within a calendar year, \$250.00
- 3. For three or more violations within a calendar year, \$500.00

(C) The fee for failure to make required repairs within the time allotted shall be \$100.00.

(D) The fee for failing to meet the inspector and provide access to all rental units and accessory and spaces at a scheduled inspection time and place or failure to reschedule an inspection at least one working day prior to the scheduled time, shall be \$25.00 per structure or \$5.00 per unit, whichever is greater.

The City Manager may abate all or a portion of any fee or penalty for just cause. The issuance of a fee or penalty shall not be construed to be approval of any violation of any of the provisions of the code. Stop orders, demolition orders, other fees orders, and/or penalties issued by Federal, State or local jurisdictions may be applied in addition to the fees and penalties listed above.

Dated at Vermillion, South Dakota this 17th day of March, 2014.

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 Zimmerman. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted

in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

C. Resolution Establishing Fees for Commercial Uses at the Airport.

Jason Anderson, Assistant City Engineer, reported that the second reading of ordinance 1311 was earlier on the agenda and this resolution is to set the fees for commercial activities at the airport. Jason stated that the proposed fees are \$100 per permit except for LSFBO which is \$200. Discussion followed.

89-14

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

RESOLUTION ESTABLISHING FEES FOR COMMERCIAL USES AT THE AIRPORT

WHEREAS, the City Council has authorized Chapter 91, Section 91.08 to be amended by Ordinance 1311; and

WHEREAS, the amended ordinance established the permit requirements for commercial activities at the Harold Davidson Field Airport that correspond to Minimum Standards for Operators of Commercial Activities adopted by the City Council; and

WHEREAS, the amended ordinance provides that the commercial activity permit fees be set by Resolution of the City Council; and

WHEREAS, any permit that has been issued for a commercial service at the airport prior to the effective date of this resolution shall remain in effect until December 31, 2014.

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof in the Council Chambers of said City at 7:00 p.m. on the 17<sup>th</sup> day of March, 2014, that the rates be set as follows:

- (1) Aircraft Sales permit shall be \$100.00
- (2) Airframe and Power Plant Repair (Aircraft Maintenance and Repair) permit shall be \$100.00
- (3) Aircraft Rental permit shall be \$100.00
- (4) Flight Training permit shall be \$100.00
- (5) Air Taxi and Charter Services permit shall be \$100.00

- (6) Specialized Commercial Flight Services permit shall be \$100.00
- (7) Avionics, Instruments and/or Propeller Services permit shall be \$100.00
- (8) Permanent Aerial Applicators permit shall be \$100.00
- (9) Temporary Aerial Applicators permit shall be \$100.00
- (10) Multiple Commercial Aeronautical Services or a Limited Service Fixed Based Operator permit shall be \$200.00

BE IT FURTHER RESOLVED, by the Governing Body of the City of Vermillion, South Dakota that the minimum standards section 2.14 allows the City to establish a flowage for current leases that allow fuel sales at the airport. The flowage fee shall be \$0.05 per gallon due by the 5<sup>th</sup> of each month, effective for all sales after May 1<sup>st</sup>, 2014.

Dated at Vermillion, South Dakota this 17th day of March, 2014.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

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

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

D. First Reading of Ordinance 1312 creating a Business Improvement District, assessing a General Occupation Tax on Hotel, Motel and Lodging establishments let for overnight occupancy, and adding Title XI Business Regulations, Chapter 120

John Prescott, City Manager, reported on September 2013 that the City Council adopted a resolution designating the boundaries of Business Improvement District #1. The district was created following the request of the Vermilion Area Chamber of Commerce and Development Company Convention and Visitors Committee as a revenue source to increase the

promotion of the community. John stated that the Council has also adopted a resolution establishing the Board of Directors. Five Board directors have been appointed and bylaws have been approved. A Resolution of Intent to adopt an Ordinance establishing a lodging fee and BID #1 was adopted on February 3, 2014. John reviewed the steps completed to date in the process of implementing the fee which brings the process to considering the ordinance to implement the fee.

John reported that the BID Board looked at how other South Dakota cities utilized a lodging fee. Thirteen cities were identified to have at least one BID. The BID receipts are used primarily to market the individual communities. In the Plan that the BID Board developed and the Council accepted, the main purpose for BID funds was described as:

The Board finds that there is a city wide need to fund a portion of the costs of creation, promotion and marketing of visitor facilities, events, attractions and activities which benefit the City and hotels. Eligible expenses may include payment for costs of acquisition, construction, maintenance, operation and funding of public improvements, facilities for the enhancement, expansion, marketing, and promotion of visitor facilities, events, attractions and activities, and the necessary staff to execute these efforts.

John noted that the BID Board invited all of the lodging owners to a meeting on February 20, 2014. The purpose of the meeting was to review a draft of the proposed ordinance and answer questions. John stated there was discuss how the lodging fee would work, and how the funds would be utilized. John stated that two of the lodging establishments attended the meeting and Joe Eckert, a board member, represented another lodging establishment was also present.

John stated that, at the recommendation of the BID Board, the proposed Ordinance utilizes a start date of June 1, 2014 and recommended a \$1.00 per night lodging fee. John stated that there was discussion about the amount of the fee among the BID Board, as well as, at the City Council meeting when the Resolution of Intent was adopted. John reported that staff has included the maximum fee of \$2.00 per night, per occupied room in the proposed Ordinance as staff interpreted that to be the desire of the Council when the Resolution of Intent was adopted on February 3, 2014. John stated that the Council will set the fee with the adoption of the Ordinance.

Mayor Powell stated that, at the meeting with the lodging establishment owners, the fee was discussed noting to start at a \$1.00 per night with a review after the first year to eighteen months. After the review if the fee is working, then increase it to \$2.00 per night. Discussion

followed on the fee including the projections on the revenue to be generated.

90-14

Mayor Powell read the title to the above mentioned Ordinance and Alderman Grayson moved adoption of the following Resolution with the fee to be set at \$2.00 per night:

#### First Reading Resolution

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1312 entitled An Ordinance creating a Business Improvement District, assessing a General Occupation Tax on Hotel, Motel and Lodging establishments let for overnight occupancy, and adding Title XI Business Regulations, Chapter 120 of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 17<sup>th</sup> day of March, 2014 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Willson. After discussion, Mayor Powell stated that he could not support the motion as it was his understanding in the meeting with the hotel owners that the fee would start at \$1.00 to be reviewed in a year to eighteen months. Additional discussion followed.

Alderman Grayson called for the question to end debate. The motion to end debate carried 9 to 0.

Mayor Powell put the question of adoption of the Resolution to a vote of the Governing Body and 7 members voted in favor of and 2 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

#### E. Resolution Establishing Fees for Water and Sewer Taps and Street Cuts

Jason Anderson, Assistant City Engineer, reported that City staff periodically conducts a review of costs for water taps, sewer taps and street cuts. The resolution is to adjust the fees for these services to reflect the current cost to the City for providing these services. Jason noted that the old rates were included in the packet. Jason recommended adoption of the resolution. Discussion followed.

91-14

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

RESOLUTION ESTABLISHING FEES FOR WATER AND SEWER TAPS AND STREET CUTS

WHEREAS, Sec. 25-51(e), Sec. 25-19(b) and Sec. 22-34 of the 1975 Revised Ordinances of the City of Vermillion allows the City Council to establish and change water tapping fees, sewer tapping fees and fees to cut and repair pavements.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regularly called meeting thereof in the Council Chambers of said City at 7:00 p.m. on the 17<sup>th</sup> day of March, 2014 that fees be established or changed as follows:

WATER (Add excise tax to all fees)

Water Tapping Fee for 1" far side service shall be:

\$1,090.00 plus \$165.00 for 3/4" meter

Water Tapping Fee for 1" near side service shall be:

\$530.00 plus \$165.00 for 3/4" meter

Water Tapping Fee for over 1" service shall be charged for time and materials plus 20%, plus the cost of the meter required.

SEWER (Add excise tax to all fees)

Sewer Tapping Fee for 4" or 6" service to clay or PVC sewer shall be \$250.00

STREET (Add excise tax to all fees)

	<u>Fixed Cost</u>	<u>Unit Cost</u>	<u>Minimum Charge</u>
Sawing Asphalt	\$65.00	\$10.00/LF	
Sawing Concrete	\$65.00	\$10.00/LF	
Cutting Asphalt with Colter	\$130.00	\$5.00/LF	
Patching Preparation	\$130.00	\$15.00/SY	\$255.00
Asphalt Placement	\$145.00	\$11.00/SY/IN	\$270.00

BE IT FURTHER RESOLVED, that the effective date of the above listed fees is April 17, 2014 and that said fees shall be collected before work is done. If pavement patching quantities cannot be accurately determined before the cut is made, this fee shall be computed and billed after quantities are determined.

Dated at Vermillion, South Dakota this 17<sup>th</sup> day of March, 2014.

FOR THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

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

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

#### F. Appointment to the Consolidated Board of Equalization

Mike Carlson, Finance Officer, reported that, as part of the Consolidated Board of Equalization agreement between the County, City and School, the City needs to appoint three members to serve on the Consolidated Board of Equalization that will meet April 8<sup>th</sup> and, if needed, another day later in April. The appointment should include that the remaining Council members will serve as alternates if one of the members is unable to serve. Discussion followed with Alderman Zimmerman, Ward and Osborne volunteering to serve.

92-14

Alderman Willson moved approval of the appointment of Alderman Osborne, Ward and Zimmerman to serve as the City representatives on the Consolidated Board of Equalization with the remaining members to serve as alternates. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Council Mayor Powell declared the motion adopted.

#### G. Fireworks Permit for USD Dance Marathon April 5th at the Vermillion high school

Mike Carlson, Finance Officer, reported that a fireworks public display permit was received from Jim Taylor for a public display on April 5, 2014 south of the high school at 8:00 p.m. for the USD Dance Marathon. Mike noted that Jim Taylor has not met with the Fire Chief on this request but that displays have been conducted at this location in the past. Mike stated that if the permit is approved it will need to be contingent upon the Fire Chief's approval of the site. Mike stated that Sean McCann representing USD Dance Marathon is present if there are any questions.

93-14

Alderman Zimmerman moved approval of the fireworks public display permit for the USD Dance Marathon on Aril 5, 2014 south of the high school at 8:00 p.m. contingent upon the Fire Chief's site approval. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

#### H. Resolution Authorizing the Purchase of a Police SUV

Jason Anderson, Assistant City Engineer, reported that the 2014 Equipment Replacement Fund includes the replacement of the 2003 Ford Expedition used by the Police Department. Jason stated that the State of South Dakota on February 27, 2014 provided a state contract price for a Chevy Tahoe Police SSV of \$30,015 through Beck Motors of Pierre. Jason stated that the budget was \$32,000 for the replacement. Jason noted that staff would recommend adding the locking differential and post mount spotlight for \$1,045 for a total of \$31,060. Jason recommended adoption of the resolution authorizing the purchase. Discussion followed.

94-14

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

#### RESOLUTION AUTHORIZING THE PURCHASE OF A POLICE VEHICLE

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

WHEREAS, the City of Vermillion has reviewed and determined that the 2014 bid awarded by the State of South Dakota for a Chevrolet Tahoe police vehicle from Beck Motors of Pierre, South Dakota for the base bid of \$30,015 plus additional options in the amount of \$1,045, for a total cost of \$31,060, offers an advantageous price to the City for said item; and

WHEREAS, the City has contacted Beck Motors and they have agreed to allow the City to purchase the police vehicle for the awarded price and terms as they have contracted with the State of South Dakota as of February 2014.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to purchase a 2014 Chevrolet Tahoe police package vehicle from Beck Motors

of Pierre, South Dakota at the above stated price and under the same terms as the annual State of South Dakota vehicles bid.

Dated at Vermillion, South Dakota this 17th day of March, 2014.

THE GOVERNING BODY OF THE  
CITY OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

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

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

I. Resolution Authorizing the Purchase of a Light & Power Department Vacuum Excavator

Jason Anderson, Assistant City Engineer, reported that the 2014 Equipment Replacement Fund included the replacement of the 2003 Ringomatic vacuum excavator used by the Electric Department. Jason reported that the National Joint Purchasing Alliance has a contract with Vermeer Corporation that Vermeer High Plains of Tea, SD will honor for the purchase. Jason stated that the total purchase price for a 2014 Vermeer vacuum excavator with accessories is \$52,306. Jason noted that the equipment replacement fund had a budget of \$47,400 with salvage on the old machine of \$10,000 for a net cost of \$37,400 and the new machine has a higher purchase but the salvage estimate from the dealer was \$15,000 bringing the net purchase to \$37,306. Jason recommended adoption of the resolution authorizing the purchase. Discussion followed

95-14

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

RESOLUTION  
AUTHORIZING THE PURCHASE OF A  
LIGHT & POWER DEPARTMENT VACUUM EXCAVATOR

WHEREAS, SDCL 5-18A-37 authorizes a governmental entity to enter into agreements with purchasing agents in any other state for purchases under a joint agreement or contract at the accepted bid price and the concurrence of said bidder; and

WHEREAS, the City of Vermillion has reviewed and determined that the bid awarded by the National Joint Powers Alliance for a vacuum excavator from the Vermeer Corporation's participating distributor, Vermeer High Plains, for the total amount of \$52,306.00 offers an advantageous price to the City for said item; and

WHEREAS, the City has contacted Vermeer High Plains and they have agreed to allow the City to purchase a vacuum excavator for the contract price and terms as awarded by the NJPA Contract #070313.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to purchase a new 2014 Vermeer V500LE-HD from Vermeer High Plains of Tea, South Dakota at the above stated price and under the same terms as NJPA Contract #070313.

Dated at Vermillion, South Dakota this 17th day of March, 2014.

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 Meins. 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.

9. Bid Openings - None

10. City Manager's Report

A. John reported that the Paint South Dakota program is offering an opportunity for 25 communities to participate in Paint South Dakota. A volunteer group is needed to organize the equipment and paint the

house. Paint and supplies are provided. The home must be a single family, owner-occupied residence in need of paint where the owner is physically or financially unable to paint their house. Applications are due by April 9<sup>th</sup> with the painting to take place in June. John asked interested parties to contact city hall for additional information.

B. John noted that the City sent out a survey to just over 300 randomly selected residents the first week of March as part of the Planning Commission public information gathering process for the Comprehensive Plan. John asked those that received a survey to please complete and return by March 31, 2014.

C. John reported that there will be a Planning Commission vacancy starting in mid-April. John stated that interested individuals are asked to complete an Expression of Interest form by noon on Thursday, April 17<sup>th</sup> with the Council making an appointment at the April 21<sup>st</sup> meeting. This particular term expires in July 2015.

D. John reported that there will be Stakeholder meetings for input on the 2035 Comprehensive Plan. John stated that the process to update the Comprehensive plan began last September. He reported that the meetings will be focusing primarily on land uses. The Comprehensive Plan will provide a long-term vision for the community and the steps that need to be taken in order to accomplish that vision. Different focus groups have different targeted invitees but all are open to the public. The Monday, March 24<sup>th</sup> meeting will focus on landowners, real estate agencies, property managers and the Vermillion Chamber of Commerce and Development Company. The meeting time is 5:30 p.m. at Vermillion City Hall.

E. John reported that petitions for City Council seats can be picked up from the Finance Officer and are due by 5:00 p.m. on March 25<sup>th</sup> at City Hall.

F. John stated that next meeting will have an item on the agenda to concur with the County on installing air conditioning into the IT room. The bid price for this was \$7,977. The City would be asked to pay 50% of this cost (chiller bid was \$175,608 - City share \$38,107 Alt #1 was \$14,963 - City share \$7,481.50; Alt #2 of IT Room - \$7,977).

G. John reported on receipt of three raffle notifications:

- 1) St. Agnes Knights of Columbus is selling \$20 books from March 9 to March 24, 2014. Drawings will be held on March 29 & 30 as well as April 5 & 7. There will be 2 - \$50 winners per game for the NCAA regional's, 2 - \$75 winners

for semi-final games, and 2 -\$150 winners for the final game. Proceeds go to a new church sign.

- 2) American Indians in Science & Engineering (AISES) will be selling tickets for \$1 or 6 for \$5 during USD Wicipi on March 29 and 30. Winner receives half of the proceeds and the rest go for the new student organization.
- 3) Vermillion Eagle Riders are raffling \$5 tickets from April 1 to May 10 for an Apple Ipad mini with proceeds going to Eagles charities.

PAYROLL ADDITIONS AND CHANGES

Police: Jessica Wade \$18.96/hr; Recreation: Shayla Kiertzner \$8.00/hr;  
 Golf Maintenance: Michael Butler \$7.50/hr

11. Invoices Payable

96-14

Alderman Zimmerman moved approval of the following invoices:

BIERSCHBACH EQPT & SUPPLY	PARTS	10.76
BILLION CHEVROLET	POLICE CAR	26,719.00
BOUND TREE MEDICAL, LLC	SUPPLIES	771.27
BROADCASTER PRESS	ADVERTISING	979.77
BUREAU OF ADMINISTRATION	TELEPHONE	257.44
CANON FINANCIAL SERVICES	COPIER LEASE	196.27
CENTURYLINK	TELEPHONE	1,486.89
CLAY-UNION ELECTRIC CORP	ELECTRICITY	942.33
DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	2,079.44
DIVISION OF MOTOR VEHICLE	TITLE/LICENSE PLATES	17.00
FOREMAN MEDIA	COUNCIL MTG	100.00
GREGG PETERS	MANAGERS FEE	5,375.00
LOCATORS AND SUPPLIES, INC	SUPPLIES	149.44
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
MATHESON TRI-GAS, INC	OXYGEN	204.06
MIDAMERICAN	GAS USAGE	12,083.52
MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	118.68
RESERVE ACCOUNT	POSTAGE FOR METER	750.00
SD SOLID WASTE MANAGEMENT	REGISTRATION	375.00
STERN OIL CO.	FUEL	15,549.48
UNITED PARCEL SERVICE	SHIPPING	20.76
US POSTMASTER	POSTAGE UTILITY BILLS/POSTAGE DUE	1,100.00
WOW! BUSINESS	DIAL-UP SERVICES	49.95
GENE LUNN	BRIGHT ENERGY REBATE	275.00

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

## 12. Consensus Agenda

A. Set a public hearing date of April 7, 2014 for a special permit to exceed permissible sound levels for Coyoteopoly and South Dakota Shakespeare Festival in the band shell area of Prentis Park from Wednesday, June 11 through June 15, 2014 from 6:00 p.m. to 10:00 p.m. for Shakespeare festival performances

B. Set a bid opening date of April 15, 2014 for the Vermillion WWTP Process Boiler Improvements project

C. Set a bid opening date of April 2, 2014 for Norbeck Street Improvements

97-14

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

## 13. Executive Session

A. Executive Session for Economic Development matters with VCDC SDCL 1-25-2

98-14

Alderman Zimmerman moved to go into executive session at 9:00 p.m. for economic development matters with VCDC SDCL 1-25-2.

Mayor Powell declared the council out of executive session at 9:17 p.m.

## 14. Adjourn

99-14

Alderman Osborne moved to adjourn the Council Meeting at 9:18 p.m. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 17<sup>th</sup> day of March, 2014.

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 \_\_\_\_\_.