

Unapproved Minutes  
Council Special Session  
May 16, 2016  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, May 16, 2016 at 12:00 noon at the City Hall large conference room.

1. Roll Call

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

Absent: Holly Meins

2 Informational Item - Potential Municipal Liquor Store Improvements - Gregg Peters

Gregg Peters, Liquor Store Manager, reported that we are approaching one and one half years at the new location and that there was an increase in sales the first year and sales are increasing this second year. Gregg stated that with the positive trend he would like to make some investments into the store to see if it will continue the upward trend. Gregg stated that he would like to replace the walk in cooler shelving so that it will handle the increasing number of beers that are available. Gregg stated that he would also like to purchase shelving for the ends of the current shelving and also some changes to the store such as pictures and other items to recognize the city. Gregg estimated the costs of these improvements to be about \$12,000. Gregg answered questions of the City Council on the liquor store and the improvements proposed. The consensus of the City Council was to proceed with the improvements and to direct staff to revise the current year budget to provide \$12,000 for the improvements.

3. Educational Item - EMS Staffing - Fire Chief Shannon Draper

Shannon Draper, Fire Chief, reported on the level of ambulance services noting that we currently provide a great service but do not have enough advanced EMT's or paramedics on the service to provide the advanced level of service at all times. Dr. Mortensen explained the benefits of the advanced level of service from the medical stand points. Matt Callahan, EMS Chief, reviewed the difference between basic service and advanced service on a sample of ambulance calls. Shannon stated that we currently have a few paramedics, A-EMT's and RN's that allow for the advanced service for about 30% of the time. Shannon reviewed options of having part time paramedics cover shifts vs. full time paramedics as

well as the cost of each. Shannon reviewed the billing and collections noting that, if we used the part time paramedics, increased costs which will be offset by the increased billing would cost an estimated \$19,500 per year. Discussion followed on the different options with Shannon and Matt answering questions of the City Council. Shannon stated that he will be bringing this proposal forward for the 2017 budget considerations.

4. Briefing on the May 16, 2016 City Council Regular Meeting

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

5. Adjourn

147-16

Alderman Ward moved to adjourn the Council special session at 1:00 p.m. Alderman Holland seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of May, 2016.

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

ATTEST:

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

Unapproved Minutes  
City Council Regular Session  
May 16, 2016  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on May 16, 2016 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. Minutes of May 2, 2016 Special Meeting, May 2, 2016 Regular Meeting, May 4, 2016 Special Meeting

148-16

Alderman Willson moved approval of the May 2, 2016 Special Meeting, May 2, 2016 Regular Meeting and May 4, 2016 Special Meeting minutes. Alderman Clarene Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

149-16

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

5. Visitors to be Heard

Kathleen Carlson, 210 East Main, stated that her retaining wall was damaged when the water service was replaced. She stated that the City shut off the water because of the leak and the plumber had to repair.

6. Public Hearings

A. Annual malt beverage license renewals

Mike Carlson, Finance Officer, reported that the Notice of Hearing and the Police Chief's report for the applicants are included in the packet. Mike noted that City ordinance requires a management plan upon re-application if a violation occurred since last renewal. Mike noted that the management plans from Hy-Vee, Inc., Sunset Oil, Inc. for Sunset Casino & Lucky Seven Casino, Pump N Stuff, Inc. and Red Steakhouse, Inc were included in the packet. Mike read the list of licenses that had applied for renewal. Discussion followed noting that some of the liquor license holders are not renewing their malt beverage license to avoid paying the 5% malt beverage markup.

150-16

Alderman Collier Wise moved approval of the reissuance of the following malt beverage licenses: Retail (On-Off Sale) Malt Beverage: Bunyan's LLC for Bunyan's Video Lottery at 1201 West Main Street Suite 106; Café Brule, Inc. for Café Brule at 24 West Main Street; Charcoal Lounge, Inc. for Charcoal Lounge at 6 & 8 West Main Street; Coyote Convenience,

Inc. for Coyote Convenience at 116 East Cherry Street; Blue, Inc. for Little Italy's at 831 East Cherry Street; Mexico Viejo, Inc. for Mexico Viejo Mexican Restaurant at 432 E. Cherry Street; NPC International, Inc. for Pizza Hut #2788 at 928 East Cherry Street; Sunset Oil, Inc. for Lucky 7 Casino at 629 Stanford Suite A; Sunset Oil, Inc. for Sunset Casino at 629 Stanford Suite B; Pump N Stuff of Vermillion, Inc. for Pump N Stuff VL room #1 at 203 E Main St; Pump N Stuff of Vermillion, Inc. for Pump N Stuff VL room #2 at 203 E Main St; Red Steakhouse, Inc. for Red Steakhouse at 1 East Main Street; Prairie River, Inc. for R Pizza at 2 West Main Street; Silk Road Café, Inc. for Silk Road Café at 12 West Main Street; OMA SHREE, LLC for Speedee Mart at 802 East Cherry Street; City of Vermillion for The Bluff's Golf Course at 2021 East Main Street; City of Vermillion for Municipal Liquor Store 820 Cottage Avenue; David W. Raabe for Westside Inn at 1313 West Cherry Street; Valiant Vineyard, Inc for Valiant Vineyard at 1500 West Main; Dwight Iverson for Cherry Pit Stop video lottery at 23 East Cherry Street; Varsity Pub, LLC for The Varsity at 113 East Main Street; Guo Wei Zheng for Asian Buffet at 404 Bower Street; Package (Off Sale) Malt Beverage: Dwight Iverson for Cherry Pit Stop at 23 East Cherry Street; Jay-Ambe-7, LLC for Freedom Valu Ctr at 830 E Cherry Street; HyVee Food Stores, Inc. for HyVee at 525 West Cherry Street; Pump N Stuff of Vermillion, Inc. for Pump N Stuff at 203 East Main Street; Wal-Mart Stores, Inc. for Wal-Mart Super Center #3734 at 1207 Princeton Street; Package (Off Sale) Malt Beverage with SD Farm Wine: Casey's Retail Company, Inc. for Casey's General Store at 615 Jefferson St. Alderman Ward seconded the motion. Discussion followed on the estimated loss of malt beverage markup. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

## 7. Old Business

A. Second Reading of Ordinance 1339 - Amending Section 155.032, R-2 Residential District to provide for Fraternities, Sororities and boarding and lodging houses as conditional uses and providing for lot and yard regulations for such uses

Andy Colvin, Assistant to the City Manager, stated that staff has identified a number of issues related to new Greek houses and compliance with current zoning codes. Andy reported that Greek houses, as well as boarding/lodging houses, are permitted uses within the R-2 district which means they can be built according to current code without a special permit from the City Planning Commission. Andy reported that the proposed ordinance would move these uses to the conditional use category. Andy stated that this will permit a more open approval process for new construction that coincides with relaxing other requirements, such as setbacks, height and parking. Andy stated that the proposed ordinance only addresses the R-2 District changes and

provides for lot and area regulations with the parking issue included in a separate zoning amendment. Andy stated the Planning Commission approved this amendment.

151-16

Second reading of title to Ordinance 1339, entitled An Ordinance Amending Section 155.032, R-2 Residential District to provide for Fraternities, Sororities and boarding and lodging houses as conditional uses and providing for lot and yard regulations for such uses of the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1339 entitled An Ordinance Amending Section 155.032, R-2 Residential District to provide for Fraternities, Sororities and boarding and lodging houses as conditional uses and providing for lot and yard regulations for such uses 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 2<sup>nd</sup> day of May, 2016 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 16<sup>th</sup> day of May, 2016 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 1339

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 155 ZONING REGULATIONS, TO INCLUDE BOARDING/LODGING HOUSES AND FRATERNITIES AND SORORITIES AS A CONDITIONAL USE IN THE R-2 RESIDENTIAL ZONING DISTRICT AND MODIFYING LOT AND YARD REGULATIONS FOR SUCH USES.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota and it is hereby ordained by authority of the same that Chapter 155 be amended as set forth below:

§ 155.032 R-2 RESIDENTIAL DISTRICT.

(A) Permitted uses. The purpose of this district is to provide for certain low to medium density residential areas in the city now developed primarily with single-family, 2-family, and multiple-family dwellings.

| Permitted Use                    | Applicable Standards                  |
|----------------------------------|---------------------------------------|
| Single-family detached dwellings | §§ 155.070, 155.072, 155.076, 155.077 |

|   |  |
|---|--|
| Single-family attached (townhouses) dwellings                               | §§ 155.070, 155.072, 155.076, 155.077  |
| Multiple-family (apartments and condominiums) dwellings (up to 4 dwellings) | §§ 155.070, 155.072, 155.076, 155.077  |
| Two-family attached (duplex) dwellings                                      | §§ 155.070, 155.072, 155.076, 155.077  |
| Churches  | All parking lots being 8 feet from all residential properties.<br>§§ 155.070, 155.072, 155.077   |
| Libraries   | All parking lots being 8 feet from all residential properties.<br>§§ 155.070, 155.072, 155.077   |
| Schools   | All parking lots being 8 feet from all residential properties.<br>One of the principle frontages shall abut upon an arterial or collector street as defined by the city's major street plan map.<br>§§ 155.070, 155.072, 155.077       |
| Public park areas   | § 155.070  |
| Golf course   | §§ 155.070, 155.072  |
| Hospital clinic   | §§ 155.070, 155.072, 155.073, 155.077  |
| Private club/lodge  | §§ 155.070, 155.072, 155.073, 155.077  |
| Electrical substation   | An opaque screen, 6 feet in height, located at all setback lines.<br>§§ 155.070, 155.077   |
| Group day care  | A safe pickup and drop off area must be provided for the children.<br>All applicable dwelling standards apply.   |
| Neighborhood utilities  | § 155.070  |
| Group home  | Structure must be a single housekeeping unit.<br>Applicant must provide copy of state agency license.<br>All applicable dwelling standards apply.  |
| Railroad right-of-way   | Including a strip of land with tracks and auxiliary facilities for track operation, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, power houses, interlocking |

|   |   |
|---|---|
|   | towers, and fueling, sanding and watering stations. |
| Accessory structure (such as, garage, shed) | §§ 155.071, 155.082(A) (see definition)             |

(B) Conditional uses.

| Conditional Use   | Applicable Standards  |
|---|---|
| Boarding and lodging house                                    | §§ 155.070, 155.072, 155.076, 155.077   |
| Fraternities and sororities                                   | §§ 155.070, 155.072, 155.076, 155.077   |
| Assisted living facility                                      | Applicant must provide copy of South Dakota Department of Health license. All multiple dwelling standards apply. §§ 155.070, 155.072, 155.077, 155.095(A) |
| Nursing home  | Applicant must provide copy of South Dakota Department of Health license. §§ 155.070, 155.073, 155.077, 155.095(A)  |
| Wireless communication facility on existing support structure | §§ 155.075, 155.095(A)  |
| Public service facility                                       | § 155.070   |
| Bed and breakfast   | §§ 155.070, 155.072, 155.076, 155.077, 155.080, 155.095(A)  |
| Manufactured home parks                                       | §§ 155.070, 155.077, 155.079, 155.095(A)  |
| Off-premise parking lots                                      | § 155.095(A)  |

(C) Lot and yard regulations. All measurements shall be taken from the lot line to the building line (see definitions). Where a side yard or rear yard is required, half of the required yard must be maintained as a landscaped area.

|   | Lot Area          | Front age | Building Line  | Front Yard     | Side Yard   | Rear Yard | Maximum Height |
|---|-------------------|-----------|----------------|----------------|-------------|-----------|----------------|
| Single-family detached dwellings (see #2) | 6,500 square feet | 50 feet   | 65 feet see #2 | 25 feet see #3 | 8 feet      | 25 feet   | 35 feet        |
| Single-family attached                    | 2,500 square feet | 25 feet   | 25 feet        | 25 feet see #3 | 0 feet or 8 | 25 feet   | 35 feet        |

|   |                   |         |         |                |                            |         |         |
|---|-------------------|---------|---------|----------------|----------------------------|---------|---------|
| (townhouse dwellings up to 4 attached dwellings) (see #5)                 |                   |         |         |                | feet on nonparty wall side |         |         |
| Two-family attached (duplex) dwelling                                     | 7,500 square feet | 50 feet | 65 feet | 25 feet see #3 | 8 feet                     | 25 feet | 35 feet |
| Multiple-family (apartments and condominiums) dwellings (4 units) (1 lot) | 7,500 square feet | 50 feet | 75 feet | 25 feet see #3 | 8 feet side                | 25 feet | 35 feet |
| Boarding and Lodging Houses; Fraternities and Sororities                  | 7,500 Square feet | 50 feet | 65 feet | 25 feet see #3 | 8 feet                     | 25 feet | 35 feet |
| All other uses  | 6,000 square feet | 50 feet | 60 feet | 25 feet see #3 | 15 feet                    | 25 feet | 35 feet |

Exceptions:

#1 There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.

#2 A residence may be constructed on a lot-of-record, which has a lot width of less than 65 feet.

#3 One required front yard may be reduced to 20 feet on corner lots.

#4 See also adjustments to yard regulations (§ 155.082) for other specific exceptions.

#5 Every 2 units will be staggered.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of May, 2016.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

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

Adoption of the Ordinance was seconded by Alderman Holland. 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, Erickson-Y, Holland-Y, Clarene Meins-Y, Holly Meins-Y, Price-Y, Ward-Y, Willson-Y, Mayor Powell-Y

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

B. Second Reading of Ordinance 1340 - Amending Section 155.072 Off-Street Parking to modify language pertaining to fraternities and sororities, remove the exemptions to parking in the front and side yards and modifying language pertaining to parking allowances in all districts

Andy Colvin, Assistant to the City Manager, reported that another issue which arose in the past years was the location of off-street parking for multi-family structures. Andy stated that the City has allowed off-street parking for multi-family structures to be constructed within the required front yard setbacks. Andy stated that the proposed changes to the ordinance would allow Greek houses to have a portion of the required off-street parking on a different lot. Andy stated that the location, and number of parking stalls, would be determined by the Planning Commission during the Conditional Use Permit process. Andy stated that the amendment would not allow any parking within the required front yard for multi-family structures within the R-2 District and would limit the amount of required front yard parking for multi-family structures to 25-percent of the required parking in the R-3 District. Andy noted that the proposed amendment will apply to future construction or structures that lose their nonconforming status. Andy stated the Planning Commission approved this amendment.

152-16

Second reading of title to Ordinance No. 1340 entitled An Ordinance Amending Section 155.072 Off Street Parking to modify language

pertaining to fraternities and sororities, remove the exemptions to parking in the front and side yards and modifying language pertaining to parking allowances in all districts, of the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1340 entitled An Ordinance Amending Section 155.072 Off Street Parking to modify language pertaining to fraternities and sororities, remove the exemptions to parking in the front and side yards and modifying language pertaining to parking allowances in all districts, 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 2<sup>nd</sup> day of May, 2016 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 16<sup>th</sup> day of May, 2016 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 1340

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 155 ZONING REGULATIONS, TO MODIFY LANGUAGE PERTAINING TO OFF-STREET PARKING FOR FRATERNITIES AND SORORITIES, REMOVE THE EXEMPTIONS TO PARKING IN THE FRONT AND SIDE YARDS AND MODIFYING LANGUAGE PERTAINING TO PARKING ALLOWANCES IN ALL DISTRICTS.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota and it is hereby ordained by authority of the same that Chapter 155 be amended as set forth below:

§ 155.072 OFF-STREET PARKING.

(A) General conditions.

(1) No parking spaces are permitted in the required front yard in any district, except as follows:

(a) Single Family Dwellings, Townhouse dwellings and two-family (duplex) dwellings are permitted to provide off-street parking on driveways constructed according to City standards.

(b) Multiple Family dwellings located in the R-3 zoning district may provide no more than 25% of the required area for parking in the required front yard.

(c) Commercial uses located in the NRC, CB, GB, NC, GI and HI districts may provide required parking in the required front yard.

- (2) Parking spaces may be permitted in any required rear yard.
- (3) All parking spaces shall be connected to a public street or alley.
- (4) Except in conjunction with a legal nonconforming business, it is unlawful for any person to park, store, leave, or permit the parking, storing or leaving of any commercial vehicle with a gross vehicle weight rating (GVWR) of over 13,000 pounds in a NRC, R-1, R-2, R-3 or R-4 Zoning District, unless the vehicle is parked in connection with the performance of a service. The transferring of refuse from a smaller satellite vehicle to a large packer garbage truck is prohibited.
- (5) All parking, loading, and maneuvering and drive areas thereto shall be hard surfaced with asphalt or concrete.
- (6) The parking requirements in this section shall not be applicable to property in the CB Central Business District.
- (7) Off-street parking shall be located on the same zoning lot as the principal use served.

(B) Required parking spaces.

- (1) In computing the number of required off-street parking spaces, the floor area shall mean the gross floor area of the specific use, excluding any floor or portion used for parking. Where fractional spaces result, the parking spaces required shall be the nearest whole number. For the number of off-street parking and loading spaces required in all other districts, see Table 1 below:

Table 1: Minimum Off-Street Parking and Loading Requirements

| Uses and Structures                                      | Minimum Parking Requirements   |
|--|--|
| Rooming and boarding houses, sororities and fraternities | 1 parking space for each 200 square feet of floor area. In calculating the required parking spaces, these uses may be permitted to include off street parking available on a different lot, or zoning lot, than the use served, subject to approval of the use through the Conditional Use Permit process. Parking |

|   |  |
|---|--|
|   | spaces may not count towards more than one use.  |
| Bowling alleys                                      | 4 spaces per lane  |
| Church or temple                                    | 1 space for each 4 seats in main seating area  |
| Private club or lodge                               | 1 parking space for each 300 square feet of floor area   |
| High school   | 4 spaces for each classroom or office room, plus 1 for each 150 square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium |
| Elementary school                                   | 2 spaces for each classroom or office room, plus 1 for each 150 square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium |
| Eating and drinking places                          | 1 space for each 300 square feet of gross floor area   |
| Hospitals   | 1 space for each bed   |
| Nursing, convalescent and rest homes                | 1 space for each 3 beds  |
| Auditoriums, theaters and places of public assembly | 1 space for each 4 seats of design capacity  |
| Hotels and motels                                   | 1 space for each 2 rental rooms  |
| Funeral homes                                       | 1 space for each 4 seats in the chapel   |
| Retail sales establishments                         | 1 space for each 300 square feet of floor area   |
| Medical and dental clinics                          | 1 space for each 2 staff members and full-time employees, plus 1 space for each 600 square feet of gross floor area  |
| Manufactured home parks                             | 2 spaces for each  |
| Industrial uses                                     | 1 space for each 2 employees on the maximum working shift  |
| Service establishments                              | 1 space for each 300 square feet of floor area   |
| Wholesale and distribution                          | 1 space for each 2 employees on the maximum working shift  |

|                |  |
|----------------|--|
| establishments |  |
|----------------|--|

- (2) For parking requirements for residential uses (excluding manufactured homes) see Table 2 below. In order for the alternate parking requirements to be used the following criteria must be met:
- (a) Each unit must have access to their garage through a walk-thru door leading to the garage without going through the outside;
  - (b) Each garage stall shall be a minimum of 10 feet wide by 20 feet long; and
  - (c) The property owner will ensure that the garage space is open for tenant parking as a condition of their rental registry. The garage space cannot be used for any other purpose.

Table 2: Minimum Off-Street Parking and Loading Requirements for Residential Uses

| Uses and Structures                           | Minimum Parking Requirements   | Alternate Parking Requirements**   |
|---|--|--|
| Single-family detached                        | 2 spaces for each dwelling unit  | 2 spaces for each dwelling unit  |
| Single-family attached (townhouses)           | 2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater | 2 parking spaces per each dwelling unit or 1 per bedroom whichever is greater  |
| Two-family attached (duplex)                  | 2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater | 2 parking spaces per each dwelling unit or 1 per bedroom whichever is greater  |
| Multiple-family (apartments and condominiums) | 2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater | Use either 2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater. This value shall be multiplied by the following factors. The number of garage stalls shall be subtracted from the product.<br><br>If garage is 1 stall then the factor will be 1.2<br><br>If garage is 2 stalls, or |

|  |  |                                    |
|--|--|------------------------------------|
|  |  | larger,<br>then factor will be 1.4 |
|--|--|------------------------------------|

\*\* The parking stall (10 feet wide by 20 feet long) within the garage and the area directly in front of the garage (9 feet wide by 18 feet long) will count towards the off-street parking requirements.

(3) All other uses not specified in the above tables shall have minimum off-street parking and off-street loading spaces as determined by the City Council.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of May, 2016.

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

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

Adoption of the Ordinance was seconded by Alderman Collier-Wise. 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, Erickson-Y, Holland-Y, Clarene Meins-Y, Holly Meins-Y, Price- Y, Ward-Y, Willson-Y, Mayor Powell-Y

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

C. Second Reading of Ordinance 1341 - Amending Section 155.008 Definitions, amending the definition of an Accessory Building or Use

Andy Colvin, Assistant to the City Manager, reported that this ordinance would clarify the definition of an accessory building or use. Andy stated that currently parking facilities can be located on a lot with different zoning than the principal use served. Andy stated that the proposed amendment would require future accessory uses, including parking, to be have the same zoning as the lot of the primary use served. Andy stated the Planning Commission approved this amendment.

153-16  
Second reading of title to Ordinance 1341 entitled An Ordinance Amending Section 155.008 Definitions, amending the definition of an Accessory Building or Use, of the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1341 entitled An Ordinance Amending Section 155.008 Definitions, amending the definition of an Accessory Building or Use, 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 2<sup>nd</sup> day of May, 2016 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 16<sup>th</sup> day of May, 2016 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 1341

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 155 ZONING REGULATIONS, TO MODIFY THE DEFINITION OF AN ACCESSORY BUILDING OR USE.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota and it is hereby ordained by authority of the same that Chapter 155 be amended as set forth below:

§ 155.008 DEFINITIONS.

ACCESSORY BUILDING OR USE. An accessory building or use is one which:

- (1) Is customary and clearly incidental to the principal use;
- (2) Serves exclusively the principal use;
- (3) Is subordinate in area, extent or purpose to the principal use served;
- (4) Contributes to the comfort, convenience, or necessity of occupants of the principal use served; and
- (5) Is located on the same zoning lot as the principal use served.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of May, 2016.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

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

Adoption of the Ordinance was seconded by Alderman Collier-Wise. 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, Erickson-Y, Holland-Y, Clarene Meins-Y, Holly Meins-Y, Price- Y, Ward-Y, Willson-Y, Mayor Powell-Y

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

D. Second Reading of Ordinance 1342 - Amending Section 155.077, Landscaping Standards, providing additional requirements for living ground cover in all residential, commercial and industrial districts

Andy Colvin, Assistant to the City Manager, reported that this ordinance proposed some changes to the landscaping standards in the zoning regulations. Andy noted that this ordinance would require one tree per 50 feet of frontage in R-1, R-2 and R-3 zones. Andy stated that the City Council has already adopted a revised tree ordinance, which regulates trees planted in the right-of-way and provides a guide for residents, noting that this amendment will work with the tree ordinance in an effort to beautify the community. Andy stated that these new requirements will apply to future developments. Andy stated the Planning Commission approved this amendment.

154-16

Second reading of title to Ordinance 1342 entitled An Ordinance Amending Section 155.077, Landscaping Standards, providing additional requirements for living ground cover in all residential, commercial and industrial districts, of the City of Vermillion, South Dakota.

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. 1342 entitled An Ordinance Amending Section 155.077, Landscaping Standards, providing additional requirements for living ground cover in all residential, commercial and industrial districts, of 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 2<sup>nd</sup> day of May, 2016 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 16<sup>th</sup> day of May, 2016 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 1342

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 155 ZONING REGULATIONS, TO MODIFY LANGUAGE PERTAINING TO LANDSCAPING STANDARDS.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota and it is hereby ordained by authority of the same that Chapter 155 be amended as set forth below:

§ 155.077 LANDSCAPING STANDARDS.

It is the desire of the city to encourage development, which is environmentally sensitive and aesthetically pleasing. To assist in these objectives, a minimum standard for landscaping is prescribed.

- (A) Within any zoning district, at least 90% of the required front yard setback, including the parkway and 50% of the rear yard, shall be landscaped and maintained with living ground cover except for the portion of the front or rear yard necessary for hard surfaced driveways and parking (§ 155.072).
- (B) Within the R-1, R-2, R-3, GB, CB, NC, GI, and HI districts, one (1) tree per 50 feet of frontage is required. A minimum of one (1) tree must be planted in the front yard. No more than 50% of the required trees may be planted in the parkway. No more than 25% of the required trees may be deciduous ornamental, evergreen, or coniferous trees. Exception: If parking facilities or buildings utilize zero setbacks as permitted by ordinance, one (1) tree per 50 feet of frontage shall be required within the parkway, subject to approval by the Zoning Administrator.
- (C) Each existing tree of at least 1 3/4-inch caliper in size shall count toward the tree requirement.
- (D) Only, permitted, deciduous shade trees may be planted in the street right-of-way.
- (E) Where feasible, landscape areas must be capable of providing a substantially full expanse of foliage within three (3) years after planting. All deciduous trees shall be 1 3/4 inch caliper and all deciduous ornamental shall be 1 1/4-inch caliper. Berms or other landscaping techniques may be used for all or part of the six (6) foot screening if they have a maximum grade of three (3) feet horizontal to one (1) foot vertical and sodded or planted with other acceptable living ground cover.

(F) A fence, wall, or shrubbery six (6) feet in height and of a character necessary for adequate screening shall be installed or planted when a commercial use is located adjacent to residentially used property or across the right-of-way from residentially used property (unless the right-of-way is an arterial street). Berms or other landscaping techniques may be used for all or part of the six (6) foot screening if they have a maximum grade of three (3) feet horizontal to one (1) foot vertical and sodded or planted with other acceptable living ground cover.

(G) A setback of at least five (5) feet shall be provided between a commercial parking lot and residentially zoned property. If proper screening is provided, the setback may be two (2) feet.

(H) When property is adjacent to or within 150 feet of residentially used or zoned property, the following lighting standards apply:

(1) The maximum light level shall be no greater than three (3) foot candles field measured at the property line (ground level).

(2) The maximum height of light luminaries shall be 25 feet above the ground.

(3) Canopy luminaries and other on-site lighting with luminaries greater than 2000 lumens shall include a 90-degree cut-off type, deflector, refractor, or forward throw light fixture.

(4) The maximum number of canopy luminaries shall be determined by the following industry standard:

$$\frac{\text{Canopy length (in feet)} \times \text{canopy width (in feet)} \times 3}{\text{Luminaries lamp wattage}} = \text{Maximum No. of}$$

(5) All other light luminaries shall have a maximum height of 38 feet above the ground. Submittal of photometric plans shall be required with all site plan checks for building projects on property with lighted parking lots or lighted canopies.

(6) The following structures or uses are exempt from these lighting standards: public recreation facilities, parks, pedestrian walkways, illuminated flags or statues, airport runways, telecommunication towers, broadcast towers, and historic period lighting.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of May, 2016.

THE GOVERNING BODY OF THE CITY

OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

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

Adoption of the Ordinance was seconded by Alderman Holland. 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, Erickson-Y, Holland-Y, Clarene Meins-Y, Holly Meins-Y, Price-Y, Ward-Y, Willson-Y, Mayor Powell-Y

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

#### 8. New Business

A. Request to close Main St. from the intersection of Main and S. Norbeck St. to the intersection of Main and High St. on October 8, 2016 from 6:00 a.m. to 12:30 p.m. for the Dakota Days Parade

Derek Chancellor, Administrative Intern, reported that a street closing request was received from the Dakota Days Executive Board to close Main Street from Norbeck Street to High Street on Saturday, October 8, 2016 from 7:00 a.m. to the conclusion of the parade, approximately noon. Derek stated that this is the same route as last year beginning at the intersection of Prentis Street and Main Street and ending at the intersection of High Street and Main Street. Derek reported that the USD Sustainability Club will be doing clean up after the event. Discussion followed.

155-16

Alderman Collier-Wise moved approval of the street closing as requested by the Dakota Days Executive Board for the Dakota Days parade on Saturday, October 8, 2016. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Request to apply for COPS grant application to cover the partial cost of a Police Officer

Matt Betzen, Police Chief, reported that the Hiring and Recovery Program is a federal program offered by the Community Oriented Policing Services (COPS) office which provides local police departments the opportunity to apply for hiring grants. Matt stated that the grant application requires the approval of the City Council. Matt stated that the grant would provide \$125,000 of funding over three years with the

City providing the balance along with agreeing to fund the position for 12 months after the grant.

156-16

Alderman Willson moved approval for the Vermillion Police Department to apply for the Community Oriented Policing Services (COPS) grant for 2016. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

#### C. Planning Commission member appointment

Mayor Powell stated that there is a vacancy on the Planning Commission due to Laura Jones resigning as she is relocating outside the city. Mayor Powell stated that the City received expression of interest forms and that from polling the Council members the recommendation for the replacement is Jim Wilson. Mayor Powell wanted to thank Laura for her service on the Planning Commission and to all that took the time to complete the expression of interest forms.

157-16

Alderman Ward moved approval of the appointment of Jim Wilson to the Planning Commission to fill Laura Jones term that expires in 2020. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

#### D. Request from Plain Talk to accept proposed settlement for legal notice overcharges

John Prescott, City Manager, reported in June 2015, the City received a letter from Scott Munger, Owner and Publisher of The Equalizer newspaper, requesting consideration to become the official legal newspaper for the City. John stated that the City Council directed staff to develop an RFP to be sent to The Plain Talk and The Equalizer with the information being presented to the City Council at the August 3rd noon meeting along with presentations from both papers. John stated that the City Council asked staff to compare the pricing between the two papers and used the June 30, 2015 special election notice that was published in both papers. John stated that the comparison determined that both papers had overcharged for the publication. John stated that upon further examination it was discovered that The Plain Talk had continued to bill for 11 pica columns after they converted to a 9.5 pica column on June 28, 2013. John stated that the Plain Talk sent the City a letter following discovery of the error computing the overcharge at \$5,469.70 over this time period. John stated that the overcharge was given as a credit and a refund check for the balance. John stated that in reviewing the charges for legal publications there were also questions of how the amounts were calculated that was being pursued by

the City Attorney, Jim McCulloch, representing the School District and City along with the States Attorney representing the County. John stated that a letter was sent to Gary Wood of the Plain Talk asking for a detailed review of the legal notice publication for 2010-2015 by the three entities. John stated that the reply from Gary Wood was dated November 20, 2015 stating that the request was too labor intensive and requested that each entity submit a fair amount by December 11, 2015. John stated that a letter from the three entities was sent to Gary Wood of the Plain Talk offering to settle the overcharge for a total of three times the original calculation by the Plain Talk if payment was made by December 31, 2015. John stated that a letter dated May 3, 2016 along with a check in the amount of \$10,993.40 was received from Gary Wood of the Plain Talk which stated that acceptance and deposit of the check reflects the City's acceptance of the total refund and should be considered payment in full for any and all unintentional overcharges by the Plain Talk. John stated that the City Attorney felt that it would be in the best interest of the City to accept the check as full payment rather than incurring the additional costs of recalculating the billing and possible court costs. John stated that the School Board and Clay County Commissioners have accepted the payment as full settlement. Discussion followed.

158-16

Alderman Holland moved approval of accepting the payment from the Plain Talk in the amount of \$10,993.40 as full payment for the overcharge in prior years. Alderman Erickson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

#### E. Designation of Legal Newspaper

Mike Carlson, Finance Officer, stated that statute requires the City Council to designate an official newspaper for the publication of minutes and required notices. Mike stated that on August 17, 2015 the City Council designated the Equalizer as the official newspaper effective September 1, 2015. Mike stated that the Equalizer has notified the City that May 28, 2016 will be the last publication of the Equalizer, as such, the City Council will need to designate an official newspaper. Mike stated that the Vermillion Plain Talk is the only local newspaper that meets the state statute as an official newspaper. Mike recommended the appointment of the Vermillion Plain Talk as the official newspaper. Discussion followed on the billing for the official newspaper in the future.

159-16

Alderman Holland moved to designate the Vermillion Plain Talk as the official newspaper for the City effective after May 28, 2016. Alderman

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

F. Library Board request for a permit for consumption but not sale on June 17 and July 15, 2016 from 7:00 p.m. to 9:00 p.m. at 18 Church for "Books & Brew" event

Mike Carlson, Finance Officer, reported that Susan Heggstad, on behalf of the Vermillion Public Library, has requested a permit to consume alcoholic beverages on public property for a "Books & Brew" event at the Edith B. Siegrist Vermillion Public Library garden behind the library from 7:00 p.m. to 9:00 p.m. on June 17 and July 15, 2016. Mike noted that, if the weather does not cooperate, the event will be held in the Kozak Room. Mike stated that a copy of the request and information on the event was included in the packet. Mike noted that the City Council approved a consumption request for May 20th at last meeting. Mike reported that State statute provides that the Governing Body of a municipality may permit the consumption, but not sale, of any alcoholic beverage on property owned by the public.

160-16

Alderman Ward moved approval of the permit for consumption but not sale on public property for a "Books & Brew" event at the Edith B. Siegrist Vermillion Public Library garden behind the Library or the Kozak Room from 7:00 p.m. to 9:00 p.m. on June 17 and July 15, 2016. Alderman Erickson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

## 9. Bid Openings

### A. 2010 Elgin Pelican NP Street Sweeper

Shane Griese, Utility Manager, reported that the 2010 Elgin Pelican NP street sweeper was declared surplus and appraised at \$50,000 on April 4, 2016. Shane stated that the sweeper was advertized for sale by sealed bids which were opened on May 5th with only one bid received from Sanitation Products, Inc of \$49,900. Shane recommended acceptance of the only bid as it was within 90% of the appraised value.

161-16

Alderman Collier-Wise moved approval of the only bid of Sanitation Products, Inc of \$49,900 for the sale of the 2010 Elgin Pelican NP street sweeper. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

### B. 2016 Chip Seal Project

Shane Griese, Utility Manager, reported that bids were opened on May 11, 2016 for the summer chip seal project. Shane stated that two bids were received but noted that they were considerably higher than last year and that staff is recommending that bids be tabled until the June 6<sup>th</sup> meeting.

Bids: TOPKOTE, Inc. 1 39,762 sy, \$1.73/sy \$68,788.26; 2 mobilization \$6,500.00, 3 traffic control \$500.00, total; \$75,788.26 4; add alternate 6,981 sy, \$2.25/sy \$15,707.25; total with alternate \$91,495.51; The Road Guy Construction Co. 1 39,762 sy, \$1.75/sy \$69,583.50, 2; mobilization \$5,000.00, 3 traffic control \$2,000.00, total; \$76,583.50 4; add alternate 6,981 sy \$1.75/sy \$12,216.75; total with alternate \$88,800.25

162-16

Alderman Ward moved to table action on the chip seal bids until the June 6<sup>th</sup> meeting. Alderman Holland seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

#### 10. City Manager's Report

A. John reported that the Prentis Park pool is scheduled to open on May 26<sup>th</sup> if weather permits.

B. John reported that City offices will be closed on Monday, May 30, 2016 for the Memorial Day holiday.

C. John reported that through a state grant residents of the City of Vermillion and Clay County may dispose of tires free at the landfill during normal business hours. John stated that the state grant is to control the mosquito population, noting the free residential disposal will most likely end in a few weeks as the grant funds will be gone.

#### PAYROLL ADDITIONS AND CHANGES

General: Derek Chancellor \$8.55/hr; Garage: Cody Sommervold \$16.54/hr; Police: Matthew Davis #19.43/hr; Ambulance: Audrey Larsen \$10.00/hr; Recreation: Haley Doty \$8.75/hr, Taylor Roeman \$8.75/hr; Pool: Jon Maag \$10.00/hr; Parks: Travis Taggart \$15.67/hr; Library: Scott Stallman \$8.55/hr; Communications: Derek Ronning \$17.59/hr; Golf Clubhouse: Meghan Dennis \$8.80/hr, Kiley Wood \$8.55/hr; Golf Maintenance: Brian Nelson \$16.02/hr; Electric: Chad Christopherson \$32.75/hr, Josh Partridge \$9.00/hr, Travis Tarr \$33.33/hr; Water: Calym Adamson \$9.00/hr; Landfill: Leslie Aust \$10.00/hr; Recycling: Jacob Newton \$9.00/hr

#### 11. Invoices Payable

163-16

Alderman Willson moved approval of the following invoices:

|                            |                              |           |
|----------------------------|------------------------------|-----------|
| Aetna                      | refund ambulance payment     | 672.00    |
| Blick Art Materials        | supplies                     | 6.36      |
| Broadcaster Press          | advertising                  | 962.00    |
| Bureau Of Administration   | telephone                    | 213.26    |
| Centurylink                | telephone                    | 1,495.41  |
| City Of Vermillion         | landfill vouchers            | 384.00    |
| Clay Rural Water System    | water usage                  | 53.40     |
| Clay-Union Electric Corp   | electricity                  | 1,853.07  |
| Credit Collections Bureau  | collection fee               | 206.39    |
| Dakota Beverage            | merchandise                  | 11,152.22 |
| Dept. Environment Natl Res | landfill operations fee      | 3,353.73  |
| Gregg Peters               | managers fee                 | 6,000.00  |
| Humana                     | refund ambulance payment     | 76.46     |
| John A Conkling Dist.      | merchandise                  | 9,939.70  |
| Johnson Brothers Of SD     | merchandise                  | 22,103.99 |
| Loren Fischer Disposal     | haul cardboard               | 210.00    |
| Medica                     | refund ambulance overpayment | 45.66     |
| MidAmerican                | gas usage                    | 2,105.67  |
| Midcontinent Communication | internet/cable service       | 718.68    |
| Nets Of America            | supplies                     | 1,489.00  |
| Phyllis D Hanson           | refund ambulance payment     | 135.78    |
| Republic National Dist     | merchandise                  | 16,705.28 |
| Reserve Account            | postage for meter            | 900.00    |
| Staples                    | supplies                     | 1,532.68  |
| Stern Oil Co.              | fuel                         | 8,496.14  |
| The Equalizer              | advertising                  | 2,524.30  |
| Tricare West Region        | refund ambulance payment     | 664.90    |
| United Parcel Service      | shipping                     | 277.53    |
| US Postmaster              | postage for utility bills    | 1,050.00  |
| Visa/First Bank & Trust    | supplies                     | 49.00     |
| Wendy Nilson               | travel reimbursement         | 206.00    |
| Paul Johnson               | Bright Energy Rebate         | 6.00      |
| Ernetta Fox                | Bright Energy Rebate         | 12.00     |

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

12. Consensus Agenda

A. Set a public hearing date of June 6, 2016 for a special permit to exceed permissible sound levels for Vermillion Area Chamber of Commerce and Development Company for "Thursdays on the Platz" live music on or about July 21, August 4, August 18, and September 1 with rain dates of July 28, August 11, August 25 and September 8 on Ratingen Platz and half block of Market Street south of Main Street.

B. Set a public hearing date of June 6, 2016 for a special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company, Inc. for "Thursdays on the Platz" events on or about on or about July 21, August 4, August 18, and September 1 with rain dates of July 28, August 11, August 25 and September 8 on Ratingen Platz and half block of Market Street south of Main Street.

164-16

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

13. Adjourn

165-16

Alderman Ward moved to adjourn the Council Meeting at 7:47 p.m. Alderman Erickson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of May, 2016.

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

ATTEST:

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

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