

Unapproved Minutes
Council Special Session
May 19, 2014
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, May 19, 2014 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise (arrived 12:02 p.m.), Meins, Ward, Willson, Zimmerman, Mayor Powell

Absent: Davies, Grayson, Osborne

2. Presentation of DENR Drinking Water Excellence award to Water Department

Mayor Powell reported that the South Dakota Department of Environment and Natural Resources (DENR) announced that for the 13th consecutive year the City's Water Department has met the requirements of the Safe Drinking Water Act and State of South Dakota regulations. Mayor Powell presented Randy Isaacson, Superintendent, with the Secretary's Award for Drinking Water Excellence along with the individual operator awards.

3. Update on installation of sidewalks in Country Side Addition - Jose Dominguez

Mayor Powell noted that at last meeting, due to concerns about pedestrian safety, a report on the sidewalks along Burbank Road was requested from the City Engineer.

Jose Dominguez, City Engineer, provided a map of the Country Side Addition showing the sidewalks currently installed, sidewalks that will be installed this year as part of a current building permit and sidewalks that are not completed. Discussion followed on the need to complete the sidewalk along Burbank Road for pedestrian safety as it has been reported that many pedestrians are walking along Burbank Road.

Jose reported when Burbank Road is lowered and widened the sidewalk may not be in the correct location. Jose proposed the following options for sidewalk along the road: a) the property owner can pay for the sidewalk installed now and if the sidewalk is relocated because of construction on Burbank Road the City will pay to replace the sidewalk at that time or b) the City will pay for the sidewalk now and if it is relocated

because of construction on Burbank Road the owner will pay to replace the sidewalk at that time.

Discussion followed on the need to complete the sidewalk in this area with the City Engineer to contact the property owners about installing sidewalks and reporting back to the City Council.

4. Educational Session - Discussion of malt beverage mark-up as a funding source for Prentis Park improvements - John Prescott

John Prescott, City Manager, stated that a report was made at the May 5th noon session on possible funding options for the Prentis Park improvements. John stated that since that meeting another funding option has come forward that the City Council might want to consider. John stated that the proposed Prentis Park project consisting of the pool, parking lot and basketball courts would remain the same as well as the funding of \$2 million from reserves, a general obligation bond for \$3 million and \$250,000 of donations and grants. John stated that the malt beverage mark up fee could be another option to assist with repaying the bonds for the improvements. John stated that the City Council looked at this funding option previously in 1988 when the ordinance was adopted and the City Council repealed the ordinance before it became effective. In 1993 the City Council adopted the ordinance which was referred to a vote and defeated. It was again discussed in 2007 but not adopted. John stated that in 2007 it was proposed to generate \$116,000 per year which could be used to make part of the GO bond payment instead of general fund revenues and BBB Sales tax funds. John stated that a few issues would be: a) it is a new tax, b) the City would see all the invoices for purchases and c) there would be staff time in billing and collecting the markup. Discussion followed on the malt beverage as a revenue source for part of the debt service on the Prentis Park Improvements Bond. The consensus was to have the City Manager set up a meeting with the license holders to explain the proposal.

5. Briefing on the May 19, 2014 City Council Regular Meeting

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

6. Adjourn

161-14

Alderman Willson moved to adjourn the Council special session at 12:56 p.m. Alderman Meins seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 19th day of May, 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
May 19, 2014
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, May 19, 2014 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Davies, Meins, Ward, Willson, Zimmerman, Mayor Powell, Student Representative Tordsen

Absent: Grayson, Osborne,

2. Pledge of Allegiance

3. Minutes

A. Minutes of May 5, 2014 Special Session; May 5, 2014 Regular Session

162-14

Alderman Willson moved approval of the May 5, 2014 Special Session and May 5, 2014 Regular Session minutes. Alderman Collier-Wise seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

163-14

Alderman Zimmerman moved approval of the agenda. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. EMS Week Proclamation

Alderman Meins read the EMS Week Proclamation proclaiming the week of May 18-25, 2014 as Emergency Medical Services Week in Vermillion. Mayor Powell presented the proclamation to Alan Hanson, EMS Chief. Alan Hanson thanked the City Council for the proclamation on behalf of the EMS staff.

6. Public Hearings

A. First Reading of Ordinance 1316 - Amending the Zoning Ordinance of the City of Vermillion by amending Section 155.008, Definitions, and Section 155.036, GB General Business District, providing a definition and regulations for limited production and processing as a conditional use.

Andy Colvin, Assistant to the City Manager, reported that the ordinance to allow limited production and processing as a conditional use in the GB zone was brought forward at the request of the Vermillion Chamber and Development Company (VCDC). Andy noted that, in 2011, the Planning Commission and City Council considered an ordinance to rezone a parcel of property located at 1222 West Cherry from General Business to General Industrial. At that time, the City Council voted against the rezoning ordinance and reviewed options to allow certain uses without rezoning. The issue recently resurfaced with the VCDC who is attempting to market to economic development prospects some older buildings in the west part of the community. Andy noted that prior to the adoption of the 2008 Zoning Regulations the commercial district zoning permitted light industrial uses. Andy noted that when the zoning ordinance was amended in 2008 the Planning Commission and City Council felt that Cherry Street is the City's primary commercial district and is best suited for larger office, retail, and service operations. Andy reported that staff working with SECOG drafted an ordinance to allow for limited production and processing as a conditional use in the GB zone with buildings size limited to a maximum of 20,000 square feet. Andy reported that the Planning Commission considered the amendment on April 28th and recommended approval. Andy reported that the Planning Commission was concerned about expanding light industrial uses, but also desired to put active uses in existing vacant buildings which would help economic development and expand the tax base. Andy noted that, since the hearing, staff visited with SECOG who suggested inserting an additional restriction that the use would only be available to existing buildings constructed prior to the 2008 zoning revision. Andy stated that with the option suggested by SECOG, new

construction could not apply for the conditional use that would address the Planning Commission's concerns about protecting the GB district and the City's entryways from industrial uses.

Discussion followed on the proposed ordinance as well as the impact of the proposed change. Upon request, Nate Welch, representing the VCDC, reported that he has had two businesses looking at buildings located in the GB zone for light manufacturing with all the processing being done inside the building but the zoning has prevented these businesses from locating in the city. Nate noted that the proposed ordinance would allow the Planning Commission to attach conditions to the use in the district thus allowing for these buildings to house employees.

164-14

Alderman Willson moved approval of first reading of Ordinance No. 1316 as recommended by the Planning Commission. Alderman Zimmerman seconded the motion. Discussion followed with John Prescott noting that another option might be to limit the conditional use to the area that was zoned light industrial prior to the 1988 zone change. Jim McCulloch, City Attorney, stated that this could be accomplished by adding to the "Applicable Standards" language that the conditional use will apply to existing buildings in areas zoned as light industrial prior to the 2008 zone change. Discussion followed on existing buildings as compared to vacant lots in this zone.

165-14

Alderman Ward moved to amend the motion to restrict the conditional use to existing buildings in the GB zone. Alderman Collier-Wise seconded the motion. Discussion followed on the proposed amendment and existing buildings compared to vacant lots. Mayor Powell called for the vote on the amendment to the motion. A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Davies-N, Meins-N, Ward-Y, Willson-N, Zimmerman-N, Mayor Powell-Y. The amendment to the motion failed 3 to 4. Mayor Powell declared the amendment failed.

Discussion followed on the proposed ordinance with the option to allow the conditional use for properties that were zoned light industrial prior to 2008 zoning ordinance. Jim McCulloch, City Attorney, stated that the Applicable Standards will need to be expanded to include "on property that was formerly located in the light industrial zone prior to the adoption of the 2008 zoning ordinance." Discussion followed noting that this would allow the conditional use on existing building as well as new building located within this area.

164-14

Alderman Willson moved to amend his original motion to include the addition to the Applicable Standards "on property that was formerly

located in the light industrial zone prior to the adoption of the 2008 zoning ordinance" for the first reading of Ordinance No. 1316 and the adoption of the following resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1316 entitled An Ordinance amending the zoning ordinance of the City of Vermillion by amending section 155.008, definitions, and section 155.036, GB General Business District, providing a definition and regulations for limited production and processing as a conditional use 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 19th day of May, 2014 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

As the second on the original motion, Alderman Zimmerman agreed with the change to the original motion. After discussion, the question of adoption of the Resolution was put to a roll vote of the Governing Body. A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Davies-N, Meins-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y. Motion carried 6 to 1. Mayor Powell declared the motion adopted.

7. Old Business - None

8. New Business

A. ISO Fire Department rating

Shannon Draper, Fire Chief, reported that in 2013 the Fire Department began the process to update the Insurance Service Office (ISO) score that applied to the city and rural area for insurance purposes. Shannon stated that this is an independent company that provides information about the community risk in their rating. Shannon reviewed the process used to gather information including the site visit by the rating team in November 2013. Shannon stated that the old rating was 5/9 with 5 being in the city and 9 being the rural area. The new rating was 3/3Y with three being for the city and property within five miles or 1,000 feet of a hydrant and the 3Y applies to property beyond the five miles or 1,000 feet from a hydrant. Shannon reported that the rating is more than just the Fire Department equipment and operations. It includes the Water Department and Emergency Communications. Shannon reviewed the Water Department and Emergency Communications items included in the report for the rating. Shannon reported that the new rating will be effective August 1, 2014. Shannon noted that he contacted some local insurance agents that reported that the in-city insurance rate would be reduced up to \$50 per year and the rural rate

would be reduced between \$0 and \$150 per year. Shannon answered questions of the City Council on the report.

166-14

Alderman Zimmerman moved to acknowledge receipt of the Fire Department ISO report. Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted and wanted to thank Shannon, on behalf of the whole Fire Department, as well as the Water and Emergency Communications Departments for their work in reducing the rating for the community.

B. Capital Improvement Plan

John Prescott, City Manager, reported in April the Capital Improvement Plan was updated for 2014 to 2018 and presented to the City Council. John noted that funding may not be defined for each item at present but will be developed as the timeline moves closer. John stated that the Capital Improvement Plan has been developed for the last several years as a planning document to be used in developing the future budgets. John reviewed the projects being considered for 2015 that will be included in the 2015 budget later this summer.

167-14

Alderman Ward moved approval of the Capital Improvement Plan for 2014-2018 as presented. Alderman Willson seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. Request from USD to close Dakota Street from E. Clark to E. Cherry Street from June 2, 2014 to June 6, 2014 for construction

Jose Dominguez, City Engineer, reported USD is starting on a project that will be making significant improvements to the utilities on campus. Jose noted that, in order for the project to be completed, they would like to add another tie-in to our sanitary sewer system on North Dakota Street. Jose reported that USD's contractor is planning on closing North Dakota Street from East Clark to East Cherry Street to tie to a sanitary sewer manhole located across from Akeley-Lawrence Science Center. The street will need to be closed due to the location of the manhole and the depth of the manhole. Jose noted that, because of both of these factors, there will not be enough road width remaining for the safe passage of vehicular traffic. Jose reported that USD will have appropriate signage notifying traffic of the closure. The work is anticipated to occur from June 2nd to June 6th, depending on weather conditions. Jose recommends the closing of North Dakota Street between East Clark and East Cherry Street for the duration of one week and also recommended allowing, if necessary, the closure to be extended by a

maximum of an additional week due to weather issues. Jose noted that representatives from the consulting firm were present if there were any questions.

168-14

Alderman Ward moved approval of the closing of North Dakota Street from East Clark to East Cherry Street from June 2nd to June 6th depending on the weather and up to a maximum of one additional week due to weather issues. Alderman Willson seconded the motion. Discussion followed. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

D. Request from USD to close N. University Street from 500-ft North of East Cherry Street to 700-ft North of East Cherry Street from June 9, 2014 to June 13, 2014 for construction.

Jose Dominguez, City Engineer, stated that, as was reported in the previous agenda item, USD is starting on a project that will be making significant improvements to the utilities on campus. Jose noted that in order for the project to be completed they would like to add another tie-in to our sanitary sewer system on North University Street. Jose noted that USD's contractor would like to close North University Street north of East Cherry Street to tie to the sanitary sewer located in the center of the street. Jose said that North University Street will need to be closed due to the location of the sanitary sewer line, the depth of the line and the type of work. Jose noted that USD will have appropriate signage notifying traffic of the street closure. The work is anticipated to occur from June 9th to June 13th, depending on weather conditions. Jose recommended the closing of North University Street north of East Cherry Street for the duration of one week and also recommended allowing, if necessary, the street closure to be extended by a maximum of an additional week due to weather issues.

169-14

Alderman Davies moved approval of the closing of North University Street from 500-ft North of East Cherry Street to 700-ft North of East Cherry Street from June 9th to June 13th depending on the weather and up to a maximum of one additional week due to weather issues. Alderman Collier-Wise seconded the motion. Discussion followed. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Surplus vacuum excavator

Jason Anderson, Assistant City Engineer, reported that the 2003 Ringomatic 550SJV50D has been replaced and was declared surplus on April 21, 2014. The used vacuum excavator was appraised at \$16,500 and

advertized for sale by sealed bids. Bids were opened on May 14, 2014 with only one bid received from Vermeer High Plains for \$15,000 which was in excess of 90% of appraised value. Jason recommended acceptance of the only bid to sell the surplus equipment.

170-14

Alderman Willson moved to accept the only bid of Vermeer High Plains of \$15,000 for sale of the surplus 2003 Ringomatic 550SJV50D vacuum excavator. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayo Powell declared the motion adopted.

10. City Manager's Report

A. John stated that there are two openings on the Library Board for three year terms. John asked interested individuals to complete Expression of Interest forms and return them by noon on Thursday, May 29th as the City Council will make the appointments at their June 2nd meeting.

B. John reported on a raffle request from the Vermillion Rotary Club who will be selling Monday Night Football books for \$25 each between June 1st and September 30th. Weekly winners will receive \$50 with the proceeds going to Rotary Club charitable causes.

C. John reported that City offices will be closed on Monday, May 26th for Memorial Day.

D. John reported that the Prentis Park pool is scheduled to open on May 24th.

E. John invited interested citizens to a program explaining the City Mosquito Spraying Program on Thursday, May 29th at noon at the National Guard Armory.

F. John reminded citizens that lawn grass should not be discharged into the street when mowing.

G. John reminded citizens that garage sale signs should not be attached to stop sign or stop light posts.

H. John reminded citizens that political signs should be placed on private property that would generally be behind the sidewalk.

PAYROLL ADDITIONS AND CHANGES

Garage: Vincent Johnson \$8.00/hr; Engineering: Chris Lubbers \$9.00/hr;
Street: Adam Praska \$9.00/hr, Josh Timmerman \$8.75/hr; Parks: Allison

Heine \$7.75/hr, Megan Olson \$7.75/hr; Library: Susan Heggstad \$12.70/hr, Beth Knedler \$12.70/hr, Patricia Roberts-Pizzuto \$10.99/hr; Communications: Derek Ronning \$15.48/hr; Golf Clubhouse: Ellen Brown \$8.25/hr, Sam Craig \$7.25/hr, Nick Hovden \$9.00/hr, Garrett Peterson \$7.25/hr, Lindsay Robinet \$8.25/hr; Golf Maintenance: Madilyn Myers \$7.25/hr, Nicklaus Jensen \$7.25/hr

11. Invoices Payable

171-14

Alderman Zimmerman moved approval of the following invoices:

ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	51.10
BROADCASTER PRESS	ADVERTISING	1,340.71
BUREAU OF ADMINISTRATION	TELEPHONE	236.07
CANON FINANCIAL SERVICES	COPIER LEASE	196.27
CENTURYLINK	TELEPHONE	1,486.89
CITY OF VERMILLION	LANDFILL VOUCHERS	744.00
CLAY-UNION ELECTRIC CORP	ELECTRICITY	758.22
DANIELS RESIDENTIAL INC	LANDFILL BUILDING	14,715.00
DEPT OF ENVIRONMENT	LOAN PAYMENT	66,031.51
DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,208.89
DIVISION OF MOTOR VEHICLE	TITLE/PLATES	5.00
GREGG PETERS	MANAGERS FEE	5,375.00
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
MATHESON TRI-GAS, INC	CYLINDER RENTAL	10.50
MIDAMERICAN	GAS USAGE	4,895.46
MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	118.68
RESERVE ACCOUNT	POSTAGE FOR METER	950.00
RICHARD DRAPER	REIMBURSEMENT-BACK PACKS	128.01
STERN OIL CO.	FUEL	23,724.00
THE EQUALIZER	ADVERTISING	992.79
TITLEIST DRAWER CS	MERCHANDISE	2,772.00
UNITED PARCEL SERVICE	SHIPPING	243.69
US POSTMASTER	POSTAGE FOR UTILITY BILLS	1,050.00
VERIZON WIRELESS	WIRELESS COMMUNICATION	245.12
SHARON OLSON	BRIGHT ENERGY REBATE	250.00
CAFÉ BRULE	BRIGHT ENERGY REBATE	200.00

Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

12. Consensus Agenda

A. Set a public hearing date of June 2, 2014 for annual malt beverage license renewals

B. Set a public hearing date of June 2, 2014 for special daily malt beverage and wine license for Fraternal Order of Eagles on or about June 13-15, 2014 in an area by the band shell in Prentis Park

C. Set a public hearing date of June 16, 2014 for the Integrated Resource Plan (IRP) for the Municipal Electric Utility.

172-14

Alderman Davies moved approval of the consensus agenda. Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

13. Adjourn

173-14

Alderman Meins moved to adjourn the Council Meeting at 8:23 p.m. Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 19th day of May, 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 _____.