Special Meeting Agenda
City Council

12:00 pm (noon) Special Meeting
Monday April 4, 2011
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**

2. **Education Session – Coyoteopoly.**

3. **Education Session – Update on City/County Joint Jurisdictional Items.**

4. **Briefing on the April 4, 2011 City Council Regular Meeting Agenda**- Briefings are intended to be informational only and no deliberation or decision will occur on this item

5. **Adjourn**

Access the City Council Agenda on the web – www.vermillion.us

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

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

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

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

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

City of Vermillion Council Agenda

7:00 p.m. Regular Meeting
Monday, April 4, 2011
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**

2. **Pledge of Allegiance**

3. **Minutes**
   a. March 21, 2011 Special Session; March 21, 2011 Regular Session.

4. **Adoption of the Agenda**

5. **Visitors To Be Heard**
   a. Week of the Young Child Proclamation.

6. **Public Hearings**

7. **Old Business**
   a. Second Reading of Ordinance 1250 – Ordinance Amending Title XV Chapter 155, Zoning Regulations, Proposed Zone Change from R-2 and GB to Cottage Place Planned Development District. (Old Wheeler Inn Property, located approximately at 14 West Cherry Street).
   b. Second Reading of Ordinance 1251 – Ordinance Amending Title XV Chapter 154, Subdivision Regulations, Enacting Revised Subdivision Regulations for the City of Vermillion and Rural Platting Jurisdiction Area and Repealing Prior Subdivision Regulations as Amended.

8. **New Business**
   a. Final Plat of Lots 4 and 5, Block 1, Mehlhaf Addition.
   b. Resolution to Financial Agreement with Department of Transportation for Funding of a Transportation Study.
   c. Resolution to Delegate Minor Plat Approval to the City Engineer and to Designate the City Council as the Board of Appeals for the Minor Plat Process.
   d. Resolution revising wastewater rates.

9. **Bid Openings**
   a. Fuel quotes.
   b. 2011 Golf Course parking lot and recycling center drive concrete paving.
   c. Sale of surplus utility vehicle and fairway mower.
   d. Chassis cab truck.

10. **City Manager's Report**

11. **Invoices Payable**

12. **Consensus Agenda**

a. Set a public hearing date of April 18, 2011 for a special permit to exceed permissible sound levels by no more that 50% for Tour De Kota on the grass area south of the Dakota Dome between Rose and Dakota Streets located in the 900 block of North Dakota Street.
b. Set a public hearing date of April 18, 2011 for a retail on-off sale malt beverage license with video lottery for Jackpot Laundry, LLC at 847 East Cherry Street.

13. Adjourn

Access the City Council Agenda on the web.– www.vermillion.us

Addressing the Council: Persons addressing the Council shall use the microphone at the podium. Please raise your hand to be recognized, go to the podium and state your name and address.
a. Items Not on the Agenda Members of the public may speak under Visitors to Be Heard on any topic NOT on the agenda. Remarks are limited to 5 minutes and no decision will be made at this time.
b. Agenda Items: Public testimony will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen who wishes may speak one time for 5 minutes on each agenda item. Public testimony will then be closed and the topic will be given to the governing body for possible action. At this point, only City Council members and staff may discuss the current agenda item unless a Council member moves to allow another person to speak and there is unanimous consent from the Council. Questions from Council members, however, may be directed to staff or a member of the public through the presiding officer at any time.

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

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Vermillion City Council's Values and Vision

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

Unapproved Minutes
Council Special Session
March 21, 2011
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, March 21, 2011 at 12:00 noon at the Vermillion Fire/EMS station.

1. Roll Call

Present: Grayson, Meins, Osborne, Willson, Zimmerman, Mayor Powell

Absent: Davies, French, Ward

2. Briefing on the March 21, 2011 City Council Regular Meeting Agenda

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

3. Tour of Fire and EMS Station

Doug Brunick, Fire Chief and Merritt Groh, Interim EMS Director, provided a tour of the Fire/EMS facility and answered questions of the City Council.

4. Adjourn

068-11
Alderman Meins moved to adjourn the Council special session at 12:18 p.m. Alderman Zimmerman seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 21st day of March, 2011.

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 21, 2011
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on March 21, 2011 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Davies, French, Grayson, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell

2. Pledge of Allegiance

3. Minutes

A. March 7, 2011 Special Session; March 7, 2011 Regular Session

069-11
Alderman Zimmerman moved approval of the March 7, 2011 special session minutes and the March 7, 2011 regular session minutes. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

070-11
Alderman French moved approval of the agenda. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard - None

6. Public Hearings

A. First Reading of Ordinance 1250 - Proposed zone change from R-2 and GB to Cottage Place Planned Development District (old Wheeler Inn property, located approximately at 14 West Cherry Street).

José Dominguez, City Engineer, reported that a zoning change request was received form Banner Associates on behalf of the owners, Mr. Troy Gregoire, Mr. Mike Manning and Mr. Larry Anthofer. He reported that the development area will include the location of the old Wheeler Inn property and the properties fronting both sides of

Cottage Place. The current plan calls for the construction of a 60-foot by 100-foot storage building fronting Cottage Place. There are future plans that could include constructing commercial and residential units within the development.

During the initial planning stages, it became apparent that the proposed uses would not fit within either a GB or R-2 district. The creation of a Planned Development District seemed to be the best choice to continue with the proposed construction. The Planned Development (PD) process also provides for more public input and oversight by the Planning Commission. José reviewed the conditions attached to each area of the project. He noted that the Planning Commission has studied the planned development district and recommended approval of the zone change to create the district. Discussion followed on the proposed ordinance with José answering questions of the City Council.

071-11
Mayor Powell read the title to the above mentioned Ordinance and Alderman Osborne moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1250 entitled An Ordinance Amending Section 155 of the City of Vermillion, South Dakota to add section 155.57 providing for the Cottage Place Planned Development District 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 21st day of March, 2011 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Davies. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

B. First Reading of Ordinance 1251 - Establishing Definitions and Regulations for the Subdivision of Land within the City of Vermillion and Rural Platting Jurisdiction Area

José Dominguez, City Engineer, reported that the current subdivision ordinance was adopted in 1967 and since that time has had minor updates. He noted that the proposed ordinance was reviewed with the City Council at the March 7th work session.

The proposed ordinance will have requirements for platting and development plans clearly defined. Platting within the City will be divided into minor and major plats with minor plats being utilized to speed up the process for smaller simpler projects within the City. Major plats will require the applicant to present the platting request to the Planning Commission and to the City Council. In addition, the projects going through the major plat process will also have to complete a set of development plans prior to a building permit being issued. The major plat process is meant to afford the public, Planning Commission, and City Council opportunities to comment on developments. However, the development plans will only be reviewed by the staff.

As with plats within the City, platting outside of the City limits will also be divided into minor and major plats. However, the minor plats will be utilized to monitor development occurring further than 1 mile of the City, while the major plat will look at plats within 1 mile of the City. Both minor and major plats will be reviewed by the County Commissioners prior to plats being filed.

José reported that the Planning Commission has reviewed the proposed ordinance and unanimously recommended approval.

Discussion followed with José answering questions of the City Council on the proposed ordinance.

072-11
Mayor Powell read the title to the above mentioned Ordinance and Alderman Ward moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1251 entitled An Ordinance Repealing the existing Subdivision Regulations sections 154.01 through 154.09 and Adoption Revised Subdivision Regulations Sections 154.01 through 154.16 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 21st day of March, 2011 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, the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

C. Adoption of a Future Land Use Map for the City of Vermillion

Andy Colvin, Assistant to the City Manager, stated that with the upcoming proposal to adopt the Joint Jurisdictional Ordinance, SECOG has recommended that the City develop a future land use map to be included in the amended Comprehensive Plan. He stated that the map will serve as a guide for the Planning Commission and City Council when making decisions in the joint jurisdictional area and the three mile platting jurisdiction. Andy reported that the Planning Commission and City Council reviewed the proposed future land use map at a joint meeting on February 8, 2011 and the corrections proposed at that meeting have been incorporated in the map. He reported that the Planning Commission recommended the adoption of the map at their February 28th meeting. Andy stated it is the recommendation of SECOG and staff to delay amending the Comprehensive Plan until the Joint Jurisdictional Zoning map can also be included in the same amendment. Discussion followed.

073-11
Alderman Zimmerman moved adoption of the future land use map as presented recognizing that the map will be amended into the Comprehensive Plan along with the Joint Jurisdictional Zoning map at a future meeting. Alderman French seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Special Assessment Roll for construction of concrete surfacing on South Mickelson Street from East Main Street to 525 feet south of East Main Street

José Dominguez, City Engineer, reported that this was the date set for a public hearing for consideration of special assessment roll for the paving of this portion of Mickelson Street. The property owners were notified of the public hearing. At the hearing, the City Council may approve, equalize, amend or reject the assessment rolls. The project cost to be assessed is $53,124.83 plus the fiscal fee of $4,250.00. Discussion followed.

074-11
After reading the same once, Alderman Davies moved adoption of the following:

RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLLS
AND NOTICE OF SPECIAL ASSESSMENTS
FOR CONCRETE SURFACING
IN THE CITY OF VERMILLION, SOUTH DAKOTA

WHEREAS, the Governing Body of the City of Vermillion, Clay County, South Dakota has established special assessment rolls for defraying the cost of construction of concrete surfacing and related improvements against the several tracts of real property fronting and abutting upon:

PARCEL NUMBER	PROPERTY ADDRESS	LEGAL DESCRIPTION	AMOUNT
15202-00200-040-00	1603 E. Main St.	Lot 4, Block 2 Dahl Addition	$6,125.99
15202-00200-050-00	20 S. Mickelson Ave.	Lot 5, Block 2 Dahl Addition	$32,400.00
15202-00100-040-00	1501 E. Main St.	Lot 4, Block 1 Dahl Addition	$6,125.99
15294-00100-010-00	15 S. Mickelson Ave.	Lot 1, Block 1 French East Addition	$4,258.55
15294-00100-020-00	21 S. Mickelson Ave.	Lot 2, Block 1 French East Addition	$4,851.44
15294-00000-000-00		French East Addition except Lots 1 & 2, Block 1 & part of street	$3,612.86

in the City of Vermillion, Clay County, South Dakota. The assessment rolls were filed in the office of the City Finance Officer of the City of Vermillion, South Dakota on the 20th day of January 2011.

WHEREAS, said Governing Body, by resolution, fixed this time and place for hearing upon the assessment rolls and directed the City Finance Officer of the City of Vermillion, Clay County, South Dakota to publish a Resolution and Notice for such hearing in the official newspaper of Vermillion, South Dakota, one week prior to the date set for said hearing. Said Resolution and Notice described, in general terms, the improvement for which the special assessment is levied, the date of filing of the assessment rolls, and the time and place for the hearing that the assessment rolls would be open for public inspection at the office of the City Finance Officer of Vermillion, South Dakota, and referred to the assessment rolls for

further particulars. The Finance Officer was further directed to mail a copy of the Resolution and Notice, by first-class mail, postage thereon fully prepaid, addressed to the property owners of any property to be assessed for such improvement at their address, as shown by the records of the Director of Equalization, at least one week prior to the date set for the hearing.

WHEREAS, it now appears that the Finance Officer has caused notice of the hearing to be given in the manner provided by the aforementioned Resolution and Notice, and by law.

WHEREAS, all persons interested have been given an opportunity to appear and show cause why the Governing Body should not approve the assessment rolls, and the assessments against the respective premises of the owners, and the Governing Body has determined that the assessment rolls are, in all respects, true and correct and according to law.

NOW, THEREFORE, IT IS RESOLVED, by the Governing Body of the City of Vermillion, Clay County, South Dakota that the special assessment rolls are hereby approved without amendment or change.

BE IT FURTHER RESOLVED, that the approved assessment rolls be filed in the office of the City Finance Officer the day after approval of the assessment rolls. The City Finance Officer shall publish once in the official newspaper of Vermillion, South Dakota, a copy of this Resolution and Notice along with the approved assessment rolls.

BE IT FURTHER RESOLVED, that the City Finance Officer shall immediately mail to the owner or owners of each lot, parcel or piece of ground, as shown by the assessment rolls, a copy of this Resolution and Notice along with the approved assessment roll for that location.

NOTICE IS HEREBY GIVEN, that the assessments mentioned in the assessment rolls will be payable according to the provisions of Plan One as set forth in Sections 9-43-30 to 9-43-41, inclusive of the Codified Laws of 1967 of the State of South Dakota, unless superseded by a deferred assessments agreement.

NOTICE IS FURTHER GIVEN, that any assessment under Plan One, or any installment thereof, may be paid without interest to the City Finance Officer whose office is located in the Municipal Building at 25 Center Street in the City of Vermillion, South Dakota, at any time within thirty days after the filing of the approved assessment rolls in the office of said City Finance Officer. Thereafter, and

prior to the due date of the first installment, the entire assessment remaining, or any number of installments thereof, plus interest thereon, from the filing date to the date of payment may be paid to the said City Finance Officer. After the due date of the first installment, provided that the installments, which are due together with interest included thereon, have been paid, any or all of the remaining installments not yet due may be paid without additional interest to the said City Finance Officer. All installments paid prior to their respective due dates shall be paid in inverse order of their due dates. No installment under Plan One shall be paid to the said City Finance Officer on or after its due date, and on and after said date such installment shall be paid only to the County Treasurer with interest.

NOTICE IS FURTHER GIVEN, that the approved assessment rolls will be filed with the City Finance Officer on January 20, 2011. The assessment is payable in ten (10) installments at ten percent (10%) per annum interest on unpaid installments as stipulated in the assessment roll for each location. The first installment due date is January 1, 2012. Subsequent installments are due January 1 of each succeeding year until the entire assessment is paid.

The assessment rolls herein referred to are attached.

Dated at Vermillion, South Dakota this 21st day of March 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY_____
John E. (Jack) Powell, Mayor

ATTEST:
BY_____
Michael D Carlson, Finance Officer

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

E. Special Assessment Roll for construction of concrete sidewalk at 217 S. Crawford Road

José Dominguez, City Engineer, reported that this was the date set for a public hearing for the special assessment roll for the

sidewalk installation on S. Crawford. The property owner was notified of the hearing and has already made payment of the assessment amount. The City Council will need to adopt the resolution to complete the special assessment process.

075-11
After reading the same once, Alderman Willson moved adoption of the following:

RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLLS
AND NOTICE OF SPECIAL ASSESSMENTS
FOR CONCRETE SIDEWALK SURFACING
IN THE CITY OF VERMILLION, SOUTH DAKOTA

WHEREAS, the Governing Body of the City of Vermillion, Clay County, South Dakota has established special assessment rolls for defraying the cost of construction of concrete surfacing and related improvements against several tracts of real property fronting and abutting upon:

PARCEL NUMBER	PROPERTY ADDRESS	LEGAL DESCRIPTION	AMOUNT
15880-09251-191-18	217 S. Crawford Rd.	South 74′ of the North 77′ and the North 73′ of the South 88′ of Lot G of Block 1 of the East Half of the East Half of the Northeast Quarter of the Northeast Quarter of Section 19, T92N, R51W of the 5th P.M.	$2,574.66

in the City of Vermillion, Clay County, South Dakota. The assessment rolls were filed in the office of the City Finance Officer of the City of Vermillion, South Dakota on the 26th day of October 2010.

WHEREAS, said Governing Body, by resolution, fixed this time and place for hearing upon the assessment rolls and directed the City Finance Officer of the City of Vermillion, Clay County, South Dakota to publish a Resolution and Notice for such hearing in the official newspaper of Vermillion, South Dakota, one week prior to the date set for said hearing. Said Resolution and Notice described, in general terms, the improvement for which the special assessment is levied, the date of filing of the assessment rolls, and the time and place for the hearing that the assessment rolls would be open for public inspection at the office of the City Finance Officer of

Vermillion, South Dakota, and referred to the assessment rolls for further particulars. The Finance Officer was further directed to mail a copy of the Resolution and Notice, by first-class mail, postage thereon fully prepaid, addressed to the property owners of any property to be assessed for such improvement at their address, as shown by the records of the Director of Equalization, at least one week prior to the date set for the hearing.

WHEREAS, it now appears that the Finance Officer has caused notice of the hearing to be given in the manner provided by the aforementioned Resolution and Notice, and by law.

WHEREAS, all persons interested have been given an opportunity to appear and show cause why the Governing Body should not approve the assessment rolls, and the assessments against the respective premises of the owners, and the Governing Body has determined that the assessment rolls are, in all respects, true and correct and according to law.

NOW, THEREFORE, IT IS RESOLVED, by the Governing Body of the City of Vermillion, Clay County, South Dakota that the special assessment rolls are hereby approved without amendment or change.

BE IT FURTHER RESOLVED, that the approved assessment rolls be filed in the office of the City Finance Officer the day after approval of the assessment rolls. The City Finance Officer shall publish once in the official newspaper of Vermillion, South Dakota, a copy of this Resolution and Notice along with the approved assessment rolls.

BE IT FURTHER RESOLVED, that the City Finance Officer shall immediately mail to the owner or owners of each lot, parcel or piece of ground, as shown by the assessment rolls, a copy of this Resolution and Notice along with the approved assessment roll for that location.

NOTICE IS HEREBY GIVEN, that the assessments mentioned in the assessment rolls will be payable according to the provisions of Plan One as set forth in Sections 9-43-30 to 9-43-41, inclusive of the Codified Laws of 1967 of the State of South Dakota, unless superseded by a deferred assessments agreement.

NOTICE IS FURTHER GIVEN, that any assessment under Plan One, or any installment thereof, may be paid without interest to the City Finance Officer whose office is located in the Municipal Building at 25 Center Street in the City of Vermillion, South Dakota, at any time within thirty days after the filing of the approved assessment

rolls in the office of said City Finance Officer. Thereafter, and prior to the due date of the first installment, the entire assessment remaining, or any number of installments thereof, plus interest thereon, from the filing date to the date of payment may be paid to the said City Finance Officer. After the due date of the first installment, provided that the installments, which are due together with interest included thereon, have been paid, any or all of the remaining installments not yet due may be paid without additional interest to the said City Finance Officer. All installments paid prior to their respective due dates shall be paid in inverse order of their due dates. No installment under Plan One shall be paid to the said City Finance Officer on or after its due date, and on and after said date such installment shall be paid only to the County Treasurer with interest.

NOTICE IS FURTHER GIVEN, that the approved assessment rolls will be filed with the City Finance Officer on October 26, 2010. The assessment is payable in two (2) installments at ten percent (10%) per annum interest on unpaid installments as stipulated in the assessment roll for each location. The first installment due date is January 1, 2012. Subsequent installments are due January 1 of each succeeding year until the entire assessment is paid.

The assessment rolls herein referred to are attached.

Dated at Vermillion, South Dakota this 21st day of March 2011.

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.

7. Old Business - None

8. New Business

A. Request to prohibit parking on E. Clark Street between Dakota Street and Pine Street from 5:30 p.m. to 7:00 p.m. on Tuesday, March 29, 2011 for the Stroll for Control - RETT Syndrome awareness walk

Dan Davies, Stroll for Control event organizer, reported that the Stroll for Control event is a walk around campus organized by the Greek Community to raise awareness of RETT Syndrome. To assist with the walk, the organizers have requested the closing of the parking lane on E. Clark Street from Dakota Street to Pine Street from 5:30 p.m. to 7:00 p.m. on March 29th. Dan, along with other event organizers, explained the activities planned for the event. The request is to remove parking along Clark Street from Dakota Street to Pine Street to allow more room for walkers.

076-11
Alderman Grayson moved approval of the request to allow the closure of the parking lane on Clark Street from Dakota Street to Pine Street on March 29th from 5:30 p.m. to 7:00 p.m. Alderman French seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Public Fireworks Display Permit for USD Dance Marathon on March 26, 2011 at 9:00 p.m. at the Vermillion Middle School

Mike Carlson, Finance Officer, reported that an application was received for a Fireworks Public Display Permit for the USD Dance Marathon on March 26, 2011 at 9:00 p.m. west of the Middle School. Mike stated that he talked to Pat Anderson, Middle School Principal, who stated that the school has approved the event. Representatives of the Dance Marathon reported on the activities planned which will raise money for the Children's Miracle Network and invited the City Council members to attend the event.

077-11
Alderman Davies moved approval of the Fireworks Public Display Permit for the USD Dance Marathon on March 26, 2011 at 9:00 p.m. west of the Middle School. Alderman Zimmerman seconded the motion. Discussion followed on the need to notify the Veterans organizations about the display with John Prescott stating that he will make the contact. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Addendum to the Joint Powers Agreement between the University of South Dakota and the City of Vermillion for the softball complex

John Prescott, City Manager, reported that the City and University of South Dakota entered into a forty year Joint Powers agreement in

March 1998 for the development of the softball and soccer complex on the USD campus. USD has approached the City about the ability to permanently move the outfield fence on one of the two lighted fields into 200 feet from the current 280 feet to allow USD to host a softball tournament. This amendment would reduce the lighted fields available for the City Slo-Pitch League to one until such time as the other fields can have lights installed. The addendum provides that USD will be responsible for the cost of moving the fence and that the parties would work together to complete the lighting of the remaining two fields.

Dave Nelson, Parks Director, stated that he contacted the Slo-Pitch League president who was willing to adjust their game schedule to either start earlier or have later games on the remaining lighted field.

Discussion followed noting that the cost of lighting the two remaining fields is estimated at $180,000 to $240,000 and that at this time neither entity has any funds budgeted. It was suggested that the agreement should include a date for completion of the lighting. Discussion followed on a date for completion of the lighting of the remaining fields.

078-11
Alderman Ward moved approval of the Addendum to the Joint Powers Agreement between the University of South Dakota and the City of Vermillion for the softball complex with the stipulation that the entities agree to work together to complete the lighting of the remaining two softball fields by September 30, 2014. Alderman Grayson seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Authorization to Notify Cooperative of Intent to Serve Annexed Area (Lot 4, Block 1 and Lots 1 thru 5, Block 2 of Arroba Addition - north side of E. Main Street

Mike Carlson, Finance Officer, reported that the City Council approved the resolution annexing Lot 4, Block 1 and Lots 1 thru 5, Block 2, Arroba Addition at the March 7, 2011 meeting. The property is on the north side of East Main Street. The resolution will provide notice to the Cooperative of the City's intent to provide electric service to this annexed area. The City has typically elected to serve annexed areas. Discussion followed.

079-11
After reading the same once, Alderman Willson moved adoption of the following:

NOTICE OF INTENT TO PURCHASE
ELECTRIC UTILITY PROPERTIES
IN ANNEXED AREAS

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

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

Lot 4, Block 1 and Lots 1 thru 5, Block 2, Arobba Addition to the City of Vermillion, Clay County, South Dakota,

(formerly known as the South 225 feet of the East 600.17 feet and the North 200 feet of the South 425 feet of the East 490.17 feet and the North 143 feet of the South 568 feet of the East 214.17 feet and the Southeast half of the North 144.32 feet of the South 712.32 feet of the East 214.17 feet of the West 52.666 rods of the South half of the Southeast quarter of Section 17-92-51, Clay County, South Dakota).

Annexed on March 7, 2011.

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

City further notifies Clay Union that City is not aware of any Clay Union distribution properties being located within the hereinabove described property. City offers to pay, as compensation for service rights, an annual amount equal to the sum of twenty-five (25%) percent of the gross revenues received from power sales to consumers of electric power within the annexed area. The obligation of City to compensate Clay Union for service rights shall continue for eleven (11) years from the date of the offer to purchase by City. During the eleven (11) year period, compensation for service rights to any one customer location within the annexed area shall be paid by City for a period of seven (7) years, or until the expiration of the eleven

(11) year period, whichever is less. Gross revenues received shall be determined by applying the rate in effect by City at the time of purchase.

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

Dated at Vermillion, South Dakota this 27th day of March 2011.

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.

9. Bid Openings - None.

10. City Manager's Report

A. John reported that landfill vouchers are available at City Hall, Recycling Center and Landfill. The voucher will be in the newspaper the first part of April. The rolloff boxes for grass, leaves and small tree branches will be back at the Recycling Center on April 2nd.

B. John reported that there is an opening on the Planning Commission for a term that runs through June 2015. Interested citizens are asked to complete an expression of interest form by noon on April 18th. Forms are available at City Hall.

C. John reported that the Parks and Recreation Department is sponsoring a Father-Daughter Spring Fling on Saturday April 9th at the Middle School. Dinner, games, dance and magician are

included in the ticket price of $20 for two people. The event is designed for girls in the 3-6 grades.

D. John reported that the SDML District Three meeting is in Brandon on Thursday, March 31st and if Council members are interested in attending to please let him know so registrations can be made.

E. John noted that the City has been in contact with the consulting engineer on the bike path to see what options are available based upon the river erosion.

F. On bike paths, John was asked about the ability to extend the bike path east from University Street to Crawford Road. He noted that the City Engineer is reviewing options noting that this area has constraints of the bluff and railroad.

G. John noted that the City is accepting applications for Police Chief and review of the applications will begin on April 4th. John reviewed the process he has planned for the selection.

11. Invoices Payable

080-11
Alderman Davies moved approval of the following bills:

ALLTEL	POLICE COMMUNICATIONS	211.00
ARAMARK	UNIFORMS	69.94
BROADCASTER PRESS	ADVERTISING	753.25
BRUNICKS SERVICE INC	FUEL	7,582.86
BUREAU OF ADMINISTRATION	TELEPHONE	342.05
CASSIE BLUE	REFUND AMBULANCE OVERPAYMENTS	60.00
CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,200.31
DAKOTA SENIOR MEALS	CONTRIBUTION	3,500.00
DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	2,019.46
FOREMAN MEDIA	COUNCIL MTGS	100.00
GREGG PETERS	MANAGERS FEE	5,375.00
JOHN C. PRESCOTT	TRAVEL REIMBURSEMENTS	85.00
JOHNSON CONTROLS	REPAIRS	702.53
KIRK HOGEN	MEALS REIMBURSEMENT	62.00
KNOLOGY	DIAL-UP/E911 CIRCUIT	1,415.45
MARGY KERNS	REFUND AMBULANCE OVERPAYMENT	25.00
MATHESON TRI-GAS, INC	SUPPLIES/CYLINDER RENTAL	241.78
MIDAMERICAN	GAS USAGE	9,001.31
MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	91.75

NETSYSPLUS	PROFESSIONAL SERVICES	527.99
QWEST	TELEPHONE	1,549.36
QWEST BUSINESS SERVICES	911 RELAY SERVICES	5.00
RESERVE ACCOUNT	POSTAGE FOR METER	950.00
RUSTY JENSEN	TRAVEL REIMBURSEMENTS	115.60
SPRINT	CELL PHONES	972.13
STERN OIL CO.	FUEL	6,351.79
TIM TAGGART	SAFETY BOOT REIMBURSEMENT	100.00
UNITED PARCEL SERVICE	SHIPPING	161.78
US POSTMASTER	POSTAGE UTILITY BILLS/PERMIT REN	1,185.00
VISA/FIRST BANK & TRUST	SUPPLIES	276.05

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

12. Consensus Agenda - None

13. Adjourn

081-11
Alderman Osborne moved to adjourn the Council Meeting at 8:14 p.m. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 21st day of March, 2011.

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 _____.

THE WEEK OF THE YOUNG CHILD
PROCLAMATION

Whereas, the Missouri Valley Association for the Education of Young Children and the National Association for the Education of Young Children, are celebrating the Week of the Young Child, April 10-16, 2011; and

Whereas, these organizations are working to improve early learning opportunities, including early literacy programs, that can provide a foundation of learning for children in Vermillion and surrounding communities, and

Whereas, teachers and others who make a difference in the lives of young children in Vermillion, South Dakota, deserve thanks and recognition; and

Whereas, public policies that support early learning for all young children are crucial to young children's futures;

NOW, THEREFORE, we, the governing body of the City of Vermillion, South Dakota, do hereby proclaim April 10-16, 2011 as

THE WEEK OF THE YOUNG CHILD

in Vermillion, South Dakota and encourage all citizens to work to make a good investment in early childhood throughout the state of South Dakota.

In Witness Whereof, I have hereunto set my hand and caused to be affixed the Sale of the City of Vermillion, this 4th day of April, 2011.

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

By: _____
John E. (Jack) Powell

ATTEST:

By: _____
Michael D. Carlson, Finance Officer

Council Agenda Memo

From: José Domínguez, City Engineer

Meeting: April 4, 2011

Subject: Rezone from R-2 and GB to Cottage Place Planned Development District. (Old Wheeler Inn Property, located approximately at 14 West Cherry St.)

Presenter: José Domínguez

Background: Banner Associates has submitted the above rezoning request on behalf of the owners, Mr. Troy Gregoire, Mr. Mike Manning and Mr. Larry Anthofer. The development area will include the location of the old Wheeler Inn property and the properties fronting both sides of Cottage Place. Over the last couple months, City staff has provided input to the consulting engineer. The current plan calls for the construction of a 60-foot by 100-foot storage building fronting Cottage Place. There are future plans that could include constructing commercial and residential units within the development.

During the initial planning stages, it became apparent that the proposed uses would not fit within either a GB or R-2 district. The creation of a Planned Development District seemed to be the best choice to continue with the proposed construction. The Planned Development (PD) process also provides for more public input and oversight by the Planning Commission. The City Council approved first reading of the ordinance at the March 21 meeting.

Discussion: Providing for a PD allows the Planning Commission and City Council to attach conditions to the project. The PD process also fosters public input and a more customized development. Of the many requirements in the GB and R-2 districts, there are several that cannot be met by the Cottage Place District:

1. Area A (Tract 1) of the Cottage Place District would allow, as a permitted use, mixed commercial/residential within what is now a GB district. Residential uses would be located above the first floor only.
2. Area B (Tract 2) of the Cottage Place District would allow, as a permitted use, multiple dwellings within what is now a GB district.
3. Area C (Tracts 3–7) of the Cottage Place District would allow for multiple dwelling units ranging from a duplex to a 12-plex. In addition, the planned district would also allow, as permitted uses, a myriad of commercial uses ranging from

contractor's shop to motor vehicle sales and display. With the exception of the duplex dwelling units, all of the other uses are not allowed within the R-2 district.

4. Area D (Tract 8) of the Cottage Place District would allow for multiple dwelling units ranging from a duplex to a building larger than a 12-plex. A 4-plex is the largest multiple dwelling structure allowed within the R-2 district.

In addition to the changes in zone, it has been agreed that, in order for some of the proposed buildings to be constructed along Cottage Place, additional right-of-ways will have to be dedicated to the public. Cottage Place is currently classified as an alley. City ordinance does not allow for the construction of buildings with the only frontage being an alley. In order to remove this obstacle, the applicants have agreed to dedicate the additional right-of-way and, thus, making Cottage Place into half a street.

The Planning Commission reviewed the Planned Development District (PDD) at their March 14th meeting. The Commission recommended the PDD ordinance with several conditions. The conditions made by the Planning Commission have been incorporated into the document presented to the Council.

Conclusion/Recommendations: The City Council is asked to approve the second reading of the proposed zone change from GB and R-2 to the Cottage Place Planned Development District. A roll call is required for the second reading.

ORDINANCE NO. 1250

AN ORDINANCE AMENDING TITLE XV LAND USE, CHAPTER 155 ZONING REGULATIONS, OF THE 2008 REVISED ORDINANCES FOR THE CITY OF VERMILLION, REZONING CERTAIN PROPERTY (OLD WHEELER INN PROPERTY, LOCATED APPROXIMATELY AT 14 WEST CHERRY STREET) FROM THE R-2 RESIDENTIAL DISTRICT AND GB GENERAL BUSINESS DISTRICT TO THE COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT AND PROVIDING REGULATIONS THEREFORE.

BE IT ORDAINED BY THE GOVERNING BODY OF VERMILLION, SOUTH DAKOTA:

SECTION 1. That Chapter 155, Zoning Regulations for the City of Vermillion, is hereby amended to add the Cottage Place Planned Development District as follows:

THAT THE WEST 225 FEET OF LOT 4 AND THE WEST 225 FEET OF THE NORTH 5 FEET OF LOT 5, BLOCK 85, ADDITION TO SNYDERS; AND THE WEST 293 FEET OF LOT 1 AND 2, EXCEPT H-1, BLOCK 85, ADDITION TO SNYDERS ADDITION; AND THE WEST 293 FEET OF LOT 3, BLOCK 85, ADDITION TO SNYDERS ADDITION; AND THE WEST 150 FEET OF THE SOUTH 94 FEET OF THE EAST 293 FEET OF LOT 5 AND THE WEST 150 FEET OF THE NORTHEAST 49 FEET OF THE EAST 293 FEET OF LOT 6, SUBJECT TO AN EASEMENT IN BLOCK 85, ADDITION TO SNYDERS ADDITION; AND THE WEST 50 FEET OF THE SOUTH 94 FEET OF LOT 5, AND THE WEST 50 FEET OF THE NORTH 49 FEET OF LOT 6, SUBJECT TO A 20 FOOT ROAD EASEMENT ALONG THE SOUTH SIDE THEREOF, BLOCK 85, ADDITION TO SNYDERS ADDITION; AND THE EAST 50 FEET OF THE WEST 100 FEET OF THE SOUTH 94 FEET OF LOT 5 AND THE EAST 50 FEET OF THE WEST 100 FEET OF THE NORTH 49 FEET OF LOT 6, SUBJECT TO A 20 FOOT ROAD EASEMENT ALONG THE SOUTH SIDE THEREOF, ALL IN BLOCK 85, ADDITION TO SNYDERS ADDITION; AND THE SOUTH 50 FEET OF LOT 6, THE NORTH 58 FEET OF LOT 7, AND THE SOUTH 74 FEET, EXCEPT THE SOUTH 10 FEET OF THE EAST 165 FEET, OF LOT 7, BLOCK 85, ADDITION TO SNYDERS ADDITION; AND THE EAST 50 FEET OF THE WEST 150 FEET OF THE SOUTH 94 FEET OF LOT 5 AND THE EAST 50 FEET OF THE WEST 150 FEET OF THE NORTH 49 FEET OF LOT 6, BLOCK 85, ADDITION TO SNYDERS ADDITION, EXCEPT THE SOUTH 20 FEET THEREOF DESIGNATED AS A ROADWAY, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA, IS HEREBY INCLUDED IN THE COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT AND THE OFFICIAL ZONING MAP IS AMENDED TO INCLUDE SUCH LAND IN THE COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT.

SECTION 2. That the Cottage Place Planned Development District include the following regulations:

Section 155.057 Cottage Place Planned Development District. The regulations set forth in this section or set forth elsewhere in the Vermillion Zoning Ordinance when referred to in this section are the district regulations in the Cottage Place Planned Development District.

155.057 COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT.

(A) *Purpose.* The regulations set forth in this section or set forth elsewhere in the Vermillion Zoning Ordinance when referred to in this section are the district regulations in the Cottage Place Planned Development District. The purpose of this district is to provide for mixed use commercial and residential areas within the Planned Development District. All city ordinances apply to the Planned Development District.

(B) *Area A.*(mixed use commercial and residential areas) All city ordinances apply to the planned development district identified as Area A except for those modified below.

(1) *Permitted uses (Area A).*

Permitted Uses	Applicable Standards
Retail trade or service	§§ 155.070, 155.072, 155.073, 155.077
Office	§§ 155.070, 155.072, 155.073, 155.077
Personal service	§§ 155.070, 155.072, 155.073, 155.077
Mixed commercial/residential	Residential being above the ground floor
Accessory structures	§§ 155.070, 155.095(A)
Churches	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Drug store	§§ 155.070, 155.072, 155.073, 155.077
Medical and dental clinics	§§ 155.070, 155.072, 155.073, 155.077
Day care center	Adequate and safe playground area with fence 4 feet high. A safe pickup and drop off area must be provided for the children. §§ 155.070, 155.072, 155.073, 155.077
Fences	§ 155.074

Neighborhood utilities	§ 155.070
Small animal veterinarian	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
On/Off premise parking	§ 155.095(A)

(2) *Conditional uses (Area A).*

Conditional Use	Applicable Standards
Convenience store	§§ 155.070, 155.072, 155.077
Hotel/motel	§§ 155.070, 155.072, 155.073, 155.077
Hospital/clinic	§§ 155.070, 155.072, 155.073, 155.077
Public utility facility	§§ 155.070, 155.072, 155.073, 155.077
Funeral home/mortuary	§§ 155.070, 155.072, 155.073, 155.077
Private club	§§ 155.070, 155.072, 155.073, 155.077
Restaurants	§§ 155.070, 155.072, 155.073, 155.077
Arcade	§§ 155.070, 155.072, 155.073, 155.077
On/Off-sale alcoholic beverage establishment	Located at least 500 feet from a school.* §§ 155.070, 155.072, 155.073, 155.077
Motor vehicle repair shop	Subject to an adequate number of parking spots to allow temporary storage of the cars only while being repaired. §§ 155.070, 155.072, 155.073, 155.077
Greenhouse/nursery	§§ 155.070, 155.072, 155.073, 155.077
Car wash	Five storage spaces for each bay beyond off-street parking requirements and the water from the car wash contained on the site. §§ 155.070, 155.072, 155.073, 155.077
Motor vehicle sales, display, and service	§§ 155.070, 155.072, 155.073, 155.077 Subject to screening of all outdoor storage of parts from view.

Lumberyard	Subject to screening of all outdoor storage from view when abutting a residential district. §§ 155.070, 155.072, 155.073, 155.077 §§ 155.070, 155.072, 155.073, 155.077
Public service facility	§ 155.070
Theatre	§§ 155.070, 155.072, 155.077
Wholesale trade	§§ 155.070, 155.072, 155.073, 155.077
* Measured from the closest point of the outside walls of both structures	

(C) ***Area B*** (commercial, multi dwelling, mixed use) Area B is identified to allow multi-dwelling equivalent to R-3 off of Cherry Street frontage. Area B will utilize the same permitted uses as Area A with the addition of the following. Area B will utilize the same conditional uses as Area A without any additions.

(1) *Permitted uses (Area B).*

Permitted Uses	Applicable Standards
Area A permitted uses	See Area A permitted uses
Multiple- dwellings	§§ 155.070, 155.072, 155.076, 155.077
Accessory use (such as, garage, shed)	§§ 155.071, 155.082(A) (see definition)

(2) *Conditional uses (Area B).*

Conditional Use	Applicable Standards
Area A conditional uses	See Area A conditional uses

(D) ***Area C.*** (storage). All city ordinances apply to the planned development district identified as Area C except for those modified below.

(1) *Permitted uses (Area C).*

Permitted Uses	Applicable Standards
Storage facility	§§ 155.070, 155.072, 155.077, 155.095(A)
Accessory structures	§§ 155.070, 155.095(A) (see definition)
Accessory use (such as, garage, shed)	§§ 155.071, 155.082(A) (see definition)

Fences	§ 155.074
Contractor's shop/storage yard	Subject to screening of all outdoor storage from view. No repairs or sales §§ 155.070, 155.072, 155.073, 155.077
Warehouse, mini-warehouse	The materials stored on the premises shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials. §§ 155.070, 155.072, 155.073, 155.077
Neighborhood utilities	§ 155.070
Motor vehicle storage	
On/Off premise parking for adjacent tracts only and parking shall abut the adjacent tract	§ 155.095(A)

(2) *Conditional uses (Area C).*

Conditional Use	Applicable Standards
Motor vehicle sales, display and service	§§ 155.070, 155.072, 155.073, 155.077 Subject to screening of all outdoor storage of parts from view.
* Measured from the closest point of the outside walls of both structures	

(E) ***Area D.*** (high density residential) This area shall provide for certain high density residential areas now developed primarily with single-family. All city ordinances apply to the planned development district identified as Area D except for those modified below.

(1) *Permitted uses (Area D).*

Permitted Use	Applicable Standards
Single-family detached dwellings	§§ 155.070, 155.072, 155.076, 155.077
Single-family attached dwellings (up to 2)	§§ 155.070, 155.072, 155.076, 155.077
Multiple dwellings	§§ 155.070, 155.072, 155.076, 155.077
Neighborhood utilities	§ 155.070
Fences	§ 155.074

Accessory structure (such as, garage, shed)	§§ 155.071, 155.082(A) (see definition)

(2) *Conditional uses (Area D).*

Conditional Use	Applicable Standards
Public service facility	§ 155.070

(F) ***Lot and yard regulations***. All measurements shall be taken from the lot line to the building line (see definitions).

	Tract Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Business and all other uses	7,000 square feet	50 feet	15 feet	5 feet	10 feet	45 feet
Single-family detached	7,000 square feet	60 feet	30 feet	8 feet	25 feet	45 feet
Single-family attached dwellings (2 units-1 lot)	5,000 square feet	20 feet	30 feet	0 or 10 feet on nonparty wall side	25 feet	45 feet
3 to 8 multiple dwelling units (1 lot)	7,500 square feet	60 feet	30 feet	10 feet	10 feet	45 feet
9 to 12 multiple dwelling units (1 lot)	20,000 square feet	70 feet	30 feet	10 feet	10 feet	45 feet
Over 12 multiple dwelling units (1 lot)	30,000 square feet	85 feet	30 feet	10 feet	10 feet	45 feet
Accessory building	NA	NA	Not permitted	5 feet	5 feet	12 feet
Parking Lots	§ 155.072	NA	10 feet	10 feet	10 feet	NA
Exceptions:						
#1	Where a side yard or rear yard is required half of the required yard must be maintained as a landscaped area.					
#2	There shall be a required front yard on each thru street side of lots.					
#3	See adjustments to yard regulations (§ 155.082) for other specific exceptions.					

#4	A conditional use permit will be required for any structure exceeding heights identified above (§ 155.095(A))
#5	The side yard will be required to be increased by 10 feet when the building is 3 stories in height or more.
#6	There shall not be a required front yard on Cottage Place for a double frontage lot. There shall be a required front yard on Cottage Street of a corner lot.
#7	A side or rear yard of 15 feet shall be required when a use other than residential is adjacent to or abuts a residential district.

(G) *Property re-division* All future property re-division shall require a re-platting of the affected parcels. Planned Development District may be required to be amended depending on property redivision.

(1) *Ingress/Egress Easements* – Future transfer of ownership which creates a landlocked parcel shall require a dedicated ingress/egress easement for the issuance of a building permit.

(H) *Parking regulations.* Parking shall comply with § 155.072. Required parking shall be dedicated to the occupants and located as close to the building served as possible.

(I) *Visibility at Intersections and Driveways.* Safety zones shall comply with § 155.070.

(J) *Accessory Use and Structures* shall conform to the following standards:

(1) Roofing and siding materials shall be of a type customarily used on site-constructed residence.

(2) Any accessory building that covers more than 120 square feet shall be secured to the ground to prevent the structure from being moved or damaged by high winds.

(3) Accessory buildings may not be used for dwelling purposes.

(4) Accessory buildings in excess of 750 square feet in area should be approved only if there is a legitimate purpose for accessory buildings.

(K) *Off Street Loading Requirements* shall comply with § 155.073.
(L) *Site-built dwelling standards* shall comply with § 155.076.
(M) *Landscaping standards*

(1) Within any zoning district, at least 75% of the required front yard setback shall be landscaped and maintained with living ground cover except for the portion of the front yard necessary for hard surfaced driveways and parking (§ 155.072).
(2) 1 tree per 50 feet of tract width is required. No more than 25% of the required trees may be deciduous ornamental, evergreen, or coniferous trees.
(3) Each existing tree of at least 1 3/4-inch caliper in size shall count toward the tree requirement.

(4) Where feasible, landscape areas must be capable of providing a substantially full expanse of foliage within 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 6-foot screening if they have a maximum grade of 3 feet horizontal to 1-foot vertical and sodded or planted with other acceptable living ground cover.

(5) A fence, wall, or shrubbery 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-or-way is an arterial street). Berms or other landscaping techniques may be used for all or part of the 6-foot screening if they have a maximum grade of 3 feet horizontal to 1-foot vertical and sodded or planted with other acceptable living ground cover.

(6) If proper screening is provided, parking lot setbacks may be reduced at City Engineer's discretion.

(N) *Adjustments to Yard Regulations* shall comply with § 155.082.

(O) *Non-conforming Uses and Structures* shall comply with § 155.083.

(P) *Lighting*

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

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

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

(c) 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.

(d) The maximum number of canopy luminaries shall be determined by the following industry standard: Canopy length (in feet) x canopy width (in feet) x 3= Maximum No. of Luminaries lamp wattage

(2) 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.

(3) The following structures or uses are exempt from these lighting standards:, parks, pedestrian walkways, and illuminated flags or statues.

(4) Lighting for parking lots shall be constructed so as to prevent light pollution to surrounding properties.

(Q) *Sign regulations.* Signs shall be regulated by Chapter 152. Regulations shall be those used in the R-3 District.

(R) *Fence regulations.* Fences shall comply with § 155.074(A), (B) and (C), except for fences used to enclose recreational areas that may comply with § 155.074(G).

Dated at Vermillion, South Dakota this 4th day of April, 2011.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

_____
John E. (Jack) Powell

ATTEST:

_____
Michael D. Carlson, Finance Officer

First Reading:	March 21, 2011
Second Reading:	April 4, 2011
Publication:	April 15, 2011
Effective Date:	May 5, 2011

COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT

INITIAL DEVELOPMENT PLAN

PROJECT NAME: COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT

OWNERS:

TROY GREGOIRE	MIKE MANNING	LARRY ANTHOFER
500 CRAWFORD CT	30 CYPRESS DR	514 SHARPE
VERMILLION SD 57069	VERMILLION SD 57069	VERMILLION SD 57069

ADDRESS: LOCATIONS IDENTIFIED ON PLAN INCLUDING THE BELOW ADDRESSES
14 W. CHERRY ST, VERMILLION SD
23 COTTAGE PLACE, VERMILLION SD
25 COTTAGE PLACE, VERMILLION SD
502 COTTAGE STREET, VERMILLION SD
508 COTTAGE STREET, VERMILLION SD
514 COTTAGE STREET, VERMILLION SD

EXISTING GREGOIRE LEGAL DESCRIPTION:

- W225' OF LOT 4 & W 225' OF N 5' OF LOT 5 BLOCK 85, ADDITION TO SNYDERS, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA
- W 293' OF 1 & 2 Exc H-1 BLOCK 85 ADDITION TO SNYDERS, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA
- W 293' OF 3 BLOCK 85, ADDITION TO SNYDERS, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA
- W 150' OF S 94' OF E 293' OF 5 & W 150' OF NE 49' OF E 293' OF 6 SUBJECT TO EASEMENT BLOCK 85, ADDITION TO SNYDERS, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA
- THE W 50' OF THE S 94' OF 5 AND THE W 50' OF THE N 49' OF 6, SUBJECT TO A 20' ROAD EASEMENT ALONG THE SOUTH SIDE THEREOF, BLOCK 85, ADDITION TO SNYDERS CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

PROPOSED GREGOIRE LEGAL DESCRIPTION :

- TRACTS 1, 2, 3 & 6, COTTAGE PLACE ADDITION, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

EXISTING MANNING LEGAL DESCRIPTION:

- E 50' OF THE W 100' OF THE S 94' OF 5 AND THE E 50' OF THE W 100' OF THE N 49' OF 6, SUBJECT TO A 20' ROAD EASEMENT ALONG THE SOUTH SIDE THEROF, ALL IN BLOCK 85, ADDITION TO SNYDER'S, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA
- S 50' OF 6, N 58' OF 7, AND THE S 74', EXCEPT THE S 10' OF THE E 165' OF 7, BLOCK 85, ADDITION TO SNYDER'S, CITY OF VERMILLION, SOUTH DAKOTA

PROPOSED MANNING LEGAL DESCRIPTION:

- TRACTS 4, 7, & 8 COTTAGE PLACE ADDITION, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

EXISTING ANTHOFER LEGAL DESCRIPTION:
E 50' OF THE W 150' OF THE S 94' OF LOT 5 AND THE E 50' OF THE W 150' OF THE N 49' OF LOT 6, BLOCK 85, ADDITION TO SNYDER'S ADDITION, EXCEPT THE SOUTH 20 ' THEREOF DESIGNATED AS A ROADWAY, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA.

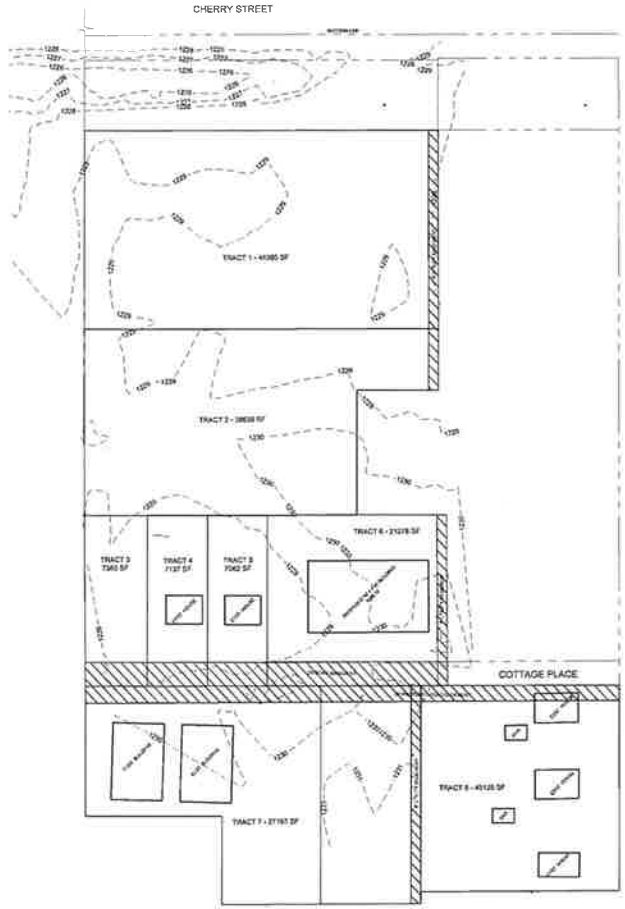
PROPOSED ANTHOFER LEGAL DESCRIPTION:
TRACT 5, COTTAGE PLACE ADDITION, IN THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

PROPOSED LAND USES, DWELLING UNITS/BUILDING, MAXIMUM DWELLING DENSITY, MINIMUM SETBACKS, MAXIMUM HEIGHTS - SEE EXHIBIT A

LAND DESCRIPTION	PROPOSED LAND USES
TRACT 1	AREA A
TRACT 2	AREA B
TRACT 3	AREA C
TRACT 4	AREA C
TRACT 5	AREA C
TRACT 6	AREA C
TRACT 7	AREA C
TRACT 8	AREA D

ANTICIPATED DEVELOPMENT SEQUENCE (TIME FOLLOWING PDD APPROVAL)

TRACT 1	(NO IMMEDIATE PLANS)
TRACT 2	(1-2 MONTHS, WEATHER PERMITTING)
TRACT 3	(NO IMMEDIATE PLANS)
TRACT 4	(NO IMMEDIATE PLANS)
TRACT 5	(NO IMMEDIATE PLANS)
TRACT 6	(NO IMMEDIATE PLANS)
TRACT 7	(NO IMMEDIATE PLANS)
TRACT 8	(NO IMMEDIATE PLANS)



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BANNER
Consulting Engineers & Architects
14 W. Main St. Suite A
Vermillion, South Dakota 57069
605-624-6342
www.bannerassociates.com
Designing Projects, Building Trust

CONSULTANTS:

FOR REVIEW ONLY
NOT FOR CONSTRUCTION

PROJECT TITLE:
COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT

PROJECT LOCATION:
VERMILLION
SOUTH DAKOTA

REV	DATE	DESCRIPTION

DRAWN BY: JLS
DESIGNED BY: LDW
CHECKED BY: LDW
JOB NO: 21200.00.01
DATE: JANUARY 2010

SHEET TITLE:
INITIAL DEVELOPMENT PLAN

SHEET NO.:
1

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Council Agenda Memo

From: José Domínguez, City Engineer

Meeting: April 4, 2011

Subject: Second Reading of Ordinance 1251 - Amendment to Repeal Existing Subdivision Regulations and Adopt New Regulations for the Subdivision of Land within the City of Vermillion and Rural Platting Jurisdiction Area

Presenter: José Domínguez

Background: The current subdivision ordinance was adopted in 1967. Over the years, the ordinance has seen minor updates. Since the ordinance was adopted, new federal regulations and State statutes have been enacted which affect the ordinance. These changes in federal and state regulations have not been included into the City's ordinances. The past 44 years have also seen changes to the way communities are planned and services provided to growing areas. The City Council approved first reading of Ordinance 1251 at the March 21 meeting.

Discussion: As previously mentioned, the current ordinance has not been updated to reflect current federal and state regulations. For example, the platting process called out in our ordinance is outdated. The County is not required to actively participate in the platting process but practice has been to include them. The platting jurisdiction has also changed numerous times since the original ordinance was enacted. Additionally, the requirement for development plans is weak and does not provide for different levels and classifications of plans (i.e. preliminary, conceptual, etc.). Also, the ordinance does not give any authority to enforce storm drainage standards.

In comparison, the proposed ordinance will have requirements for platting and development plans clearly defined. Platting within the City will be divided into minor and major plats, with minor plats being utilized to speed up the process for smaller, simpler, projects within the City. Major plats will require the applicant to present to the Planning Commission and to the City Council. In addition, the projects going through the major plat process will also have to complete a set of development plans prior to a building permit being issued. The major plat process

is meant to afford the public, Planning Commission, and City Council opportunities to comment on developments. However, the development plans will only be reviewed by the staff.

As with plats within the City, platting outside of the City limits will also be divided into minor and major plats. However, the minor plats will be utilized to monitor development occurring further than 1 mile of the City, while the major plat will look at plats within 1 mile of the City. Both minor and major plats will be reviewed by the County Commissioners prior to plats being filed.

On March 7th, staff presented the regulations to the City Council at an education session. The Planning Commission has also reviewed the regulations and unanimously recommends approval. The ordinance was reviewed by the City attorney and was found to comply with State statutes. Only minor language changes were made and have been incorporated into the revised draft.

The regulations were presented to the County Commissioners on their March 29th meeting. At this meeting the County requested that the second reading of the ordinance be done at the April 18th meeting. Moving the second reading would allow the County extra time to review the proposed ordinance.

Conclusion/Recommendations: Administration recommends moving the second reading of the above mentioned ordinance until April 18, 2011.

PROPOSED ORDINANCE NO. 1251

AN ORDINANCE AMENDING TITLE XV CHAPTER 154 SUBDIVISION REGULATIONS, OF THE 2008 REVISED ORDINANCES FOR THE CITY OF VERMILLION, ADOPTING REVISED SUBDIVISION REGULATIONS FOR THE CITY OF VERMILLION AND RURAL PLATTING JURISDICTION AREA AND REPEALING PRIOR SUBDIVISION REGULATIONS AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA that Chapter 154 is repealed and amended to read as follows:

154.01 GENERAL

1) Title:
   a) These regulations may be referred to as the "2011 Subdivision Ordinance for the City of Vermillion".
2) Purpose:
   a) It is the purpose of this chapter to regulate the subdivision of land in order to coordinate streets with subdivisions and with other subdivisions and uses, to provide adequate open space, to efficiently distribute population and traffic, to provide water and sanitation facilities, to manage storm drainage and flood control, to prevent haphazard and premature land subdivision, to promote the harmonious development of the municipality and the area surrounding the municipality and its environment and to conform with the Comprehensive Plan.
   b) Premature subdivision of land is to be discouraged, due to unavailability of urban services, higher energy consumption, premature and excessive loss of agricultural land, and inefficient delivery of basic government services.
   c) Where rural subdivisions are allowed within the platting jurisdiction, their design standard and minimum improvements are the same as those required in the "2011 Subdivision Ordinance for the City of Vermillion", except for the exceptions contained in the following sections of this chapter.
3) Authority:
   a) In accordance with SDCL Chapters 11-3, 11-6 and any other authority provided by law, or as such statutes may be amended, the City does hereby exercise the power and authority to approve or disapprove plats for the subdivision of land within the platting jurisdiction.
4) Jurisdiction:
   a) These regulations shall apply to all subdivisions of land, as defined herein, located within the platting jurisdiction.
   b) It shall be unlawful for any person having control of any land within the platting jurisdiction to subdivide or lay out such land in lots, unless by plat, in accordance with the laws of the State of South Dakota and the regulations contained herein.
5) Definitions: The following words and phrases shall be as defined below:

   Access Easement (Ingress-Egress Easement, Mutual Access Easement): An easement granting the right to abutting property owners to use a designated portion of property for common ingress and/or egress purposes.

Alley: A public way designed to be used as a secondary means of access to the side or rear of abutting property whose principal frontage is on some other public way.

Ancillary structure: Auxiliary or subordinate elements that comprise a storm drainage system and may include ditches, curb inlets, yard inlets, channels, and pipes.

Arterial Street: A street that has the capacity to carry large volumes of traffic quickly and is designated as such on the major street plan.

Building: Any structure having a roof, supported by columns or walls, for shelter or enclosure of persons or property.

Building Line: A line between which line and a street no building or structure may be erected. This line is derived based on the current zoning regulations for each district.

City: The City of Vermillion, South Dakota.

Collector Street: A street that is a primary connector between arterial streets and is designated as such on the major street plan.

Comprehensive Plan: Any legally adopted part or element of the Comprehensive Plan of the City of Vermillion.

Contractor: The person, or entity, who contracts with an individual or developer to construct a building, structure, or ancillary structure on a parcel of land.

Cul-De-Sac: A local street with only one outlet having an appropriate terminal for safe and convenient reversal of traffic movement.

Dedication, Dedicated or Dedicate: A grant of land to the public for their perpetual use.

Detention Basin: A facility within an urban development designed to hold stormwater runoff for various periods of time.

Developer: An owner or agent of an owner of property who desires to establish, alter, change or improve the use of property.

Double Frontage: A lot which abuts a street on two opposite sides (not a corner lot).

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the property.

Easement Area Maintenance Agreement: Agreement describing the legal responsibilities for the repair and maintenance of the easement area and the required traffic signs or striping.

Engineering Design Standards: Criteria and public right-of-way improvements of the City of Vermillion.

Frontage Road: A street, usually parallel and adjacent to an arterial street, which is used for access to abutting property.

Lateral Drainageway: Open channels or storm sewers which carry storm runoff from streets, street crossings, culverts and/or storm sewers to major drainageways.

Local Street: A street intended to provide access to other streets from individual properties and not intended to be used for through traffic.

Lot: A piece, plot or parcel of land, or group of abutting and contiguous parcels of land, established by survey, plat or deed, occupied or to be occupied by a building, or a unit group of buildings and accessory buildings thereto, and having its frontage on a dedicated public street.

Manual on Uniform Traffic Control Devices (MUTCD): Manual recognized as the national standard for all traffic control devices, and striping, installed on any street, highway, bikeway, or private road open to public travel.

Major Drainageway: The main corridor for stormwater flow through developments. Major drainageways are identified as intermittent streams on USGS quadrangle maps, or as otherwise approved by the City Engineer.

Major Storm Event: A term that describes a 100-year storm.

Major Street Plan: The major street plan adopted through the transportation planning process approved by the City Council and incorporated into the Comprehensive Plan.

Minor Storm Event: A term that describes a 5-year storm.

Monument: A boundary marker of concrete, permanently planted and firmly fixed in the ground and placed so that the top of the monument is flush with natural ground. The monument shall be 6 inches in diameter or 6 inches square and 24 inches in depth. A steel rod, 5/8" x 12", shall be placed at the center point on the monument.

Plat: A map or representation of land subdivided into lots, parcels, tracts or blocks, including streets/roads, commons and public grounds, if any, all drawn to scale and complete with all irrevocable offers of dedication.

Preliminary Plat: Drawing or drawings indicating the proposed layout of the lots, blocks and public rights-of-way within a subdivision.

Private Street/Road: A street or road that has not been dedicated, but rather reserved as public access to property. A private street/road is owned and maintained by the property owners which it serves.

Private Road Easement: An easement granting the right to the public, and the City, to use a designated portion of property for common ingress and/or egress purposes.

Reverse Frontage Lot: A lot, among a group of double frontage lots, which contains a dwelling unit that is oriented in the opposite direction from the adjacent dwellings so that its front yard abuts the adjacent rear yards and its rear yard abuts the adjacent front yards.

Right-of-Way: A strip of land occupied by a street, alley, road, railroad, pedestrian walkway or other special travel use. The use of the term right-of-way for platting purposes shall mean that every right-of-way hereafter established and shown on a plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or area of such lots or parcels.

Rural: Territory outside of the City limits.

Structures: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences and signs.

Subdivision: The division of any tract or parcel of land into two or more lots platted for the purpose of transfer of ownership, or building development, whether future or immediate; or any division of land involving a new street or road regardless of parcel size or the number of parcels.

Urban: Territory inside the City limits.

Utility Easement: An easement granting the right to the City to use a designated portion of property for the installation, maintenance and access related to City utilities.

154.02 GENERAL INFORMATION REGARDING PLATS AND DEVELOPMENT PLANS

154.02.1 URBAN

1) Requirement:
   a) Plats will be required whenever any subdivision of land is proposed, before any contract is made for the transfer of any part thereof, and before any permit for the erection of any structure in such proposed subdivision shall be granted, the developer, owner or an authorized agent shall apply for and secure approval of such proposed subdivision plat in accordance with the procedures set forth.
2) Recording, use and selling:
   a) No owner or agent of the owner of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a subdivision plan before a plat of said land has been approved and recorded in the manner prescribed herein.
   b) No local agency shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this title. The authority to deny such a permit shall apply whether the applicant was the owner of record at the time of such violation or whether the applicant is the current owner of record or a vendee of the former owner pursuant to a sale with or without actual or constructive knowledge of the violation at the time of acquisition of an interest in said real property.
   c) No local agency shall issue any permit or grant any approval necessary to construct any structures, or ancillary structures, within a development which does not have an approved final plan.
3) Types of plats and development plans:
   a) Minor Plat: With plats containing 5 or less lots, all lots shall be fronting an existing right-of-way and the area platted shall be 3 acres or less in size. The requirement of a preliminary plat will be waived with minor plats. The City Engineer will approve or disapprove the minor plats. The City Council will serve as the Board of Appeal in the instance that a minor plat is disapproved by the City Engineer.
   b) Major Plat: Plats containing any number of lots, but there is no existing right-of-way; typically contain 6 or more lots. Major plats require a preliminary and final plat prior to approval by the City Council. Both plats will be reviewed first by the City's Planning Commission and they will in turn make a recommendation to the City Council.
   c) Replat: May contain any number of lots. If the replat contains less than 5 lots, and all lots front an existing right-of-way and the area to be platted is 3 acres or less, then the approval process is the same for as the minor plat; otherwise, procedures for the major plat will be followed.
   d) Conceptual Plans: Conceptual plans will be required of all major plats. Depending on size and planned development, a conceptual plan may also be required by the City Engineer in concurrence with a minor plat or replat. A conceptual plan shall depict the concept of the proposed development. The plan shall show the general layout of streets/roads, street improvements, parks, trails, open spaces, sewerage, water systems, and any other utilities. A conceptual storm drainage study shall also be submitted as per the storm drainage design criteria or as required by the City Engineer. The conceptual plan shall be reviewed and approved by the City Engineer prior to the development being allowed to continue.

e) Preliminary Plans: As with conceptual plans, preliminary plans will be required of all major plats. This requirement may be waived for minor plats or replats. The preliminary plan shall consist of a general layout plan, grading plan, drainage plan, utility plan and a ground water control plan. These plans will be reviewed and approved by the City Engineer prior to the development being allowed to continue.
f) Final Plans: Final plans will be required when a major plat is filed with the City. This requirement may be waived for minor plats or replats. The final plans shall consist of a general layout plan, grading plan, drainage plan, street/road plan, utility plan, ground water control plan, typical cross section sheets, construction detail sheets, road cross section sheets and specifications. These plans will be reviewed and approved by the City Engineer prior to the development being allowed to continue.
g) Filling Fee: A filling fee shall be deposited at the City Engineer's department for all minor plats, major plats and replats. The filling fee shall be set by City Council resolution.

154.02.2 RURAL

1) Requirement:
   a) Requirements shall be the same as those required on 154.02.1.(1.).
2) Recording, use and selling:
   a) Requirements shall be the same as those required on 154.02.1.(2.).
3) Types of plats and development plans:
   a) Minor Plat: Plat containing 5 or less acres and are further than one (1) mile from city limits. In addition, all lots shall be fronting an existing right-of-way. The requirement of a preliminary plat will be waived with minor plats. The City Engineer will approve the minor plats. The City Council will serve as the Board of Appeal in the instance that the plat is disapproved by the City Engineer. After the City has approved a minor plat, the plat will be presented to the County's Planning Director for the County's approval. Any additional requirements of the County will also require approval by the City prior to a minor plat being filed.
   b) Major Plat: Plats containing more than five (5) acres and within one (1) mile of city limits. Major plats require a preliminary and final plat prior to approval by the City Council. Both plats will be reviewed first by the City's Planning Commission, which will make its recommendation to the City Council. After the City Council has approved the plat, the plat will be presented to the County's Planning Director for the County's approval. Any additional requirements set by the County will require City Council approval prior to a plat being recorded.
   c) Replat: May contain any number of lots. If the replat meets the requirements for a minor plat, then the approval process will be similar to that of the minor plat process, otherwise, it will follow the same approval process as that for the major plat process.
   d) Conceptual Plans: Requirements shall be the same as those in 154.02.1(3)(d) except that the City Engineer may waive this requirement depending on the proposed use. The requirement will not be waived if the area is anticipated to become a portion of a larger development.
   e) Preliminary Plans: Requirements shall be the same as those required in 154.02.1(3)(e) except that the City Engineer may waive this requirement depending

on the proposed use. The requirement will not be waived if the area is anticipated to become a portion of a larger development.

f) Final Plans: Requirements shall be the same as those in 154.02.1(3)(f) except that the City Engineer may waive the requirement depending on the proposed use. The requirement will not be waived if the area is anticipated to become a portion of a larger development.

g) Filling Fee: Requirements shall be the same as those in 154.02.1(3)(g) except that the applicant in addition will also have to pay any associated County platting fees.

154.03 MINOR PLAT

154.03.1 URBAN

1) Scale, Size and Submittals:
   a) The plat shall be at a scale of 50, 60, 100 or 200 feet to one inch.
   b) The plat shall be drawn on an 11"x17" sheet.
   c) The developer shall submit four (4) sheet copies and one (1) Mylar copy to the City Engineer. All copies shall be signed by the owners and be sealed and signed by a registered land surveyor in the State of South Dakota.
2) Information Required:
   a) The proposed name of the subdivision. The name shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to said recorded subdivision.
   b) The names of all adjacent subdivisions, all lot and block lines, types of easements and rights-of-way. Adjoining unplatted property shall be labeled as such.
   c) A systematic lot and block numbering pattern, lot lines and street names, and the square footage of all lots.
   d) The location and width of all proposed and existing rights-of-way, alleys, and easements, as well as the location of any parks. A final storm drainage study as required by the storm drainage design and technical criteria manual shall be submitted for final approval.
   e) The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest established street line, section corner, other previously described subdivision or a City recognized permanent monument which shall be accurately described on the plat.
   f) The correct legal description, notation stating acreage, scale and north arrow.
   g) Location of all monuments and permanent control points, and all property pins, either set or located.
   h) The identification of any portions of the property intended to be dedicated or granted for public use such as school or parkland.
   i) All dimensions, linear and angular, necessary for locating the boundaries of the subdivision lots, streets/roads, alleys, easements and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot. All bearings and angles must be expressed in degrees, minutes and seconds.
   j) The radii, chords, length or curve, point of tangency and central angles for all curvilinear streets/roads and radii for rounded corners.

k) The boundary lines of the floodway and 100-year flood zones, along with the base flood elevation on each lot as delineated on the flood insurance rate maps (FIRM).
l) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all pins and monuments shown.
m) Acknowledgement of the owner or owners of the plat of any restrictions, including dedication to public use of all streets/roads, alleys, parks or other open spaces shown thereon and the granting of easements required.
n) All formal irrevocable offers of dedications for all streets/roads, alleys, parks and other uses as required.
o) City Council resolution recommending approval.
p) Certificates for the director of equalization, county treasurer and register of deeds.
q) Certificate for the owner attesting that they are the absolute owners of the property being platted.

3) Approval Process:
   a) The plat shall be submitted to and approved by the City Engineer. The City Council shall serve as the Board of Appeals in the instance that the plat is denied by the City Engineer.

154.03.2 RURAL

1) Scale, Size and Submittals:
   a) Requirements are as those in 154.03(1)(1) except that:
      (i) The developer shall submit 5 sheet copies and one Mylar copy to the City Engineer.
      (ii) All copies shall be signed by the owners and be sealed and signed by a registered land surveyor in the State of South Dakota.
2) Information Required:
   a) Requirements as those in 154.03(1)(2) with the following additions:
      i) Certificate for Clay County Planning Commission approval.
      ii) Clay County Commissioners' resolution recommending approval.
      iii) Certificate of Township Street Authority.
      iv) Certificate of Approval by the Highway Authority.
3) Approval Process:
   a) The plat shall be submitted to and approved by the City Engineer. The City Council shall serve as the Board of Appeals in the instance that the plat is denied by the City Engineer. Once the City has approved the plat, the developer shall submit the plat to the County's Planning and Zoning Director. The Planning and Zoning Director shall present the plat to the County's Planning Commission and to the County Commissioners. Once the County has approved the plat, the developer may record the plat document. In the event that the County has any additional requirements, the developer will need to resubmit the plat to the City for reapproval.

154.04 MAJOR PLAT

154.04.1 URBAN

1) Scale, Size and Submittals:
   a) The plat shall be at a scale of 50, 60, 100 or 200 feet to one inch.
   b) The plat shall be drawn on an 11"x17" sheets.
   c) The developer shall submit four (4) copies and one (1) Mylar copy to the City Engineer. All copies shall be signed by the owners and be sealed and signed by a registered land surveyor in the State of South Dakota.
2) Information Required (this information shall be required for both preliminary and final plats):
   a) The proposed name of the subdivision. The name shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to said recorded subdivision.
   b) The names of all adjacent subdivisions, all lot and block lines, types of easements and rights-of-way. Adjoining unplatted property shall be labeled as such.
   c) A systematic lot and block numbering pattern, lot lines and street names, and the square footage of all lots.
   d) The location and width of all proposed and existing rights-of-way, alleys, and easements, as well as the location of any parks. A final storm drainage study as required by the storm drainage design and technical criteria manual shall be submitted for final approval.
   e) The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest established street line, section corner, other previously described subdivision or a City recognized permanent monument which shall be accurately described on the plat.
   f) The correct legal description, notation stating acreage, scale and north arrow.
   g) Location of all monuments and permanent control points, and all property pins, either set or located.
   h) The identification of any portions of the property intended to be dedicated or granted for public use such as school or parkland.
   i) All dimensions, linear and angular, necessary for locating the boundaries of the subdivision lots, streets/roads, alleys, easements and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot. All bearings and angles must be expressed in degrees, minutes and seconds.
   j) The radii, chords, length or curve, point of tangency and central angles for all curvilinear streets/roads and radii for rounded corners.
   k) The boundary lines of the floodway and 100-year flood zones, along with the base flood elevation on each lot as delineated on the flood insurance rate maps (FIRM).
   l) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all pins and monuments shown.
   m) Acknowledgement of the owner or owners of the plat of any restrictions, including dedication to public use of all streets/roads, alleys, parks or other open spaces shown thereon and the granting of easements required.
   n) All formal irrevocable offers of dedications for all streets/roads, alleys, parks and other uses as required.
   o) City Council resolution recommending approval.
   p) Certificates for the director of equalization, county treasurer and register of deeds.

q) Certificate for the owner attesting that they are the absolute owners of the property being platted.

3) Approval Process:
   a) All major plats will follow preliminary and final plat procedures.
   b) Preliminary Plat:
      i) The preliminary plat will be subject to review and approval of the City Planning Commission. Prior to submittal to the City Planning Commission, the plat will be reviewed by the City Engineer. An approved preliminary plat shall be kept on file in the office of the City Engineer. Approval of the preliminary plat indicates approval of the development concept only, and it does not constitute an acceptance or approval of the subdivision plan or final plat. Therefore, no building permits shall be issued based upon approval of the preliminary plat.
   c) Final Plat:
      i) The final plat shall be submitted to the City Planning Commission for review and recommendation to the City Council. The City Planning Commission shall act upon the final plat within 30 days after the submission of the final plat to the City Engineer. If no action is taken within 30 days of submission, said final plat shall be deemed to have been recommended for approval and forwarded to the City Council for action. Building permits may only be issued once the plat has been recorded at the Register of Deeds.
4) Effective Period of Preliminary Plat:
   a) The approval of a preliminary plat shall remain effective for a period of three (3) years, at the end of which time approval of the plat or a portion thereof must again be obtained from the City. Any preliminary plat which has not received full approval for all its content within three (3) years may be declared void and the applicant will be required to resubmit a new preliminary plat for review and approval subject to any new subdivision regulations.
5) Revisions to Preliminary Plat:
   a) Amendments to an approved preliminary plat may be submitted at any time, during its effective period, by the developer. Minor changes, such as street or subdivision names, lot lines, easements, drainage or lot and block number, may be approved by the City Engineer. Major changes, such as a change in street layout, open space or parkland dedication, number of lots or perimeter boundaries, will follow the procedure for approval of a preliminary plat as required in this section.

154.04.2 RURAL

1) Scale, Size and Submittals:
   a) Requirements shall be the same as those required in 154.04.1(1) except:
      i) The developer shall submit 5 sheet copies and one Mylar copy to the City Engineer.
      ii) All copies shall be signed by the owners and be sealed and signed by a registered land surveyor in the State of South Dakota.
2) Information Required:
   a) Requirements shall be the same as those required in 154.02.1(2) with the following additions:

i) Certificate for Clay County Planning Commission approval.
ii) Clay County Commissioners' resolution recommending approval.
iii) Certificate of Township Street Authority.
iv) Certificate of Approval by the Highway Authority.

3) Approval Process:
   a) All major plats will follow preliminary and final plat procedures.
   b) Preliminary Plat:
      i) The preliminary plat will be subject to review and approval of the City Planning Commission. The approved preliminary plat shall be kept on file in the office of the City Engineer. Approval of the preliminary plat indicates approval of the development concept only, and it does not constitute an acceptance or approval of the subdivision plan or final plat. Therefore, no building permits shall be issued based on the approval of the preliminary plat.
   c) Final Plat:
      i) The final plat shall be submitted to the City Planning Commission for its review and recommendation to the City Council. The Planning Commission shall act upon the final plat within 30 days after the submission of the final plat to the City Engineer. If no action is taken within 30 days of submission, said final plat shall be deemed to have been recommended for approval and forwarded to the City Council for action. The developer will then submit the approved preliminary plat to the County's Planning and Zoning Director. The Planning and Zoning Director will then present the preliminary plat to the County's Planning Commission and County Commissioners for approval. In the event that the County has any additional requirements, the developer will resubmit a plat to the City Engineer for reapproval by the City. Building permits may only be issued once the plat has been recorded at the Register of Deeds and a Final Development Plan has been approved by the City Engineer.
4) Effective Period of Preliminary Plat:
   a) Requirements shall be the same as those required in 154.04.4.
5) Revisions to Preliminary Plat:
   a) Requirements shall be the same as those required in 154.04.5.

154.05 REPLAT

154.05.1 URBAN

1) A replat will only be required in specific situations. Circumstances, such as:
   a) An existing lot will be further divided into multiple buildable lots.
   b) Two or more existing lots, either defined by legal descriptions or plats, will be utilized for proposed construction. The building line shall not cross an existing lot.
   c) If the depth of the lot allows for a portion of the property to be built without the front of the property being utilized, or without the dedication of a mutual access easement and agreement.
   d) If a building permit is required for construction on a parcel that has been purchased by legal description, but not properly platted.

e) An application is made for building permits, if the description given for the lots on the building permit application shows the property lines to be different from the platted lot lines.

2) Scale, Size and Submittals:
   a) The plat shall be at a scale of 50, 60, 100 or 200 feet to one inch.
   b) The plat shall be drawn on an 11"x17" sheets.
   c) The developer shall submit all required copies to the City Engineer. All copies shall be signed by the owners and be sealed and signed by a registered land surveyor in the State of South Dakota.

3) Information Required:
   a) The proposed name of the subdivision. The name shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to said recorded subdivision.
   b) The names of all adjacent subdivisions, all lot and block lines, types of easements and rights-of-way. Adjoining unplatted property shall be labeled as such.
   c) A systematic lot and block numbering pattern, lot lines and street names, and the square footage of all lots.
   d) The location and width of all proposed and existing rights-of-way, alleys, and easements, as well as the location of any parks. A final storm drainage study as required by the storm drainage design and technical criteria manual shall be submitted for final approval.
   e) The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest established street line, section corner, other previously described subdivision or a City recognized permanent monument which shall be accurately described on the plat.
   f) Location of all monuments and permanent control points, and all property pins, either set or located.
   g) The identification of any portions of the property intended to be dedicated or granted for public use such as school or parkland.
   h) All dimensions, linear and angular, necessary for locating the boundaries of the subdivision lots, streets/roads, alleys, easements and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot. All bearings and angles must be expressed in degrees, minutes and seconds.
   i) The radii, chords, length or curve, point of tangency and central angles for all curvilinear streets/roads and radii for rounded corners.
   j) The boundary lines of the floodway and 100-year flood zones, along with the base flood elevation on each lot as delineated on the flood insurance rate maps (FIRM).
   k) Any replat containing lots which contain an existing structure into separate lots shall include existing building outlines to verify setback requirements. Any other replat of lots containing existing structures shall certify that the replat meets all requirements including adequate setbacks and lot area.
   l) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all pins and monuments shown.
   m) Acknowledgement of the owner or owners of the plat of any restrictions, including dedication to public use of all streets/roads, alleys, parks or other open spaces shown thereon and the granting of easements required.

n) All formal irrevocable offers of dedications for all streets/roads, alleys, parks and other uses as required.
o) City Council resolution recommending approval.
p) Certificates for the director of equalization, county treasurer and register of deeds.
q) Certificate for the owner attesting that they are the absolute owners of the property being platted.

4) Approval Process:
   a) The plat shall be submitted to the City Engineer for review. Based upon the number of lots contained in a replat, the approval process will either follow the minor plat procedure or the major plat procedure.

154.05.2 RURAL

1) A Replat will be required as follows:
   a) Requirements as those in 154.05.1(1).
2) Scale, Size and Submittals:
   a) Requirements as those in 154.05.1(2).
3) Information Required:
   a) Requirements as those in 154.05.1(3), with the following additions:
      i) Certificate for Clay County Planning Commission approval.
      ii) Clay County Commissioners' resolution recommending approval.
      iii) Certificate of Township Street Authority.
      iv) Certificate of Approval by the Highway Authority.
4) Approval Process:
   a) The plat shall be submitted to the City Engineer for review. Depending on the number of acres, existence of fronting street and whether the property is contiguous to the City, minor plat procedures or major plat procedures will be followed.

154.06 CONCEPTUAL PLANS

154.06.1 URBAN

1) Conceptual Plans are required:
   a) In conjunction with a major plat
   b) In conjunction with minor plats or replats, depending on the size of the lots and the anticipated planned development expected to occur within the area planned to be developed, the conceptual plan is at the discretion of the City Engineer.
   c) In conjunction with a Planned Development District.
2) Scale, Size and Submittals:
   a) The conceptual plans shall be at a scale of 50, 60, 100 or 200 feet to one inch.
   b) The plans shall be drawn on an 11"x17" sheets.
   c) The developer shall submit all required copies to the City Engineer. All copies shall be signed and be sealed by a registered professional engineer in the State of South Dakota.
3) Information Required:
   a) General layout of the streets and roads.

b) Proposed street improvements.
c) Proposed sanitary sewer, water system, storm sewer, street lighting improvements.
d) Proposed parks, open spaces and trails.

4) Approval Process:
   a) The Conceptual Plans shall be reviewed and approved by the City Engineer before the proposed development proceeds to the Preliminary Plan stage.

154.06.2 RURAL

1) Conceptual plans are required:
   a) As in 154.06.1(1).
2) Scale, Size and Submittals:
   a) As in 154.06.1(2).
3) Information Required:
   a) As in 154.06.1(3).
4) Approval Process:
   a) As in 154.06.1(4).

154.07 PRELIMINARY PLANS

154.07.1 URBAN

1) Preliminary plans are required:
   a) Following the City Engineer's approval of a Conceptual Plan, in conjunction with a preliminary plat stage of the major plat procedure.
   b) In conjunction with minor plats or replats, depending on the size of the lots and anticipated planned development, preliminary plans are at the discretion of the City Engineer. The preliminary plans are to be submitted to the City Engineer after the conceptual plan has been approved.
   c) In conjunction with a planned development district.
2) Scale, Size and Submittals:
   a) The preliminary plans shall be at a scale of 50, 60, 100 or 200 feet to one inch.
   b) The plans shall be drawn on an 11"x17" sheets.
   c) The developer shall submit all required copies to the City Engineer. All copies shall be signed and be sealed by a registered professional engineer in the State of South Dakota.
3) Information Required:
   a) Preliminary Plans shall consist of the following plan sheets:
      i) *General Layout Plan.* The general layout plan shall show the proposed road alignments along with the sidewalks curb and gutter, proposed lots and any existing features that will remain in place after development is completed.
      ii) *Grading Plan.* The grading plan shall show the existing contours with intervals acceptable to the City Engineer's office. Any proposed cut and fill operations must also be shown if they will substantially alter existing land elevations.
      iii) *Utility Plan.* The utility plan shall show all sanitary sewer locations, size, flow direction, approximate manhole locations and invert elevations, lift stations and

connection to the existing system. The water main layout shall show the pipe location and size, hydrant and valve location and connection to the existing system. The street lighting layout shall show the street light pole locations and street light wattage.

iv) *Drainage Plan.* A preliminary storm drainage study as required by the storm drainage design and technical criteria manual, or by the City Engineer, shall be submitted for preliminary approval. The drainage plan shall also indicate which downstream drainageways or detention basins will be affected by the full development of the subdivision.

v) *Groundwater Control Plan.* Groundwater elevations shall be required wherever it is deemed necessary by the City Engineer to establish a finished grade for the proper development of the subdivision. When elevations are required, the method of groundwater collection shall be indicated for all lots prior to development. Dewatering for the purposes of establishing a lower finished grade is prohibited. Buildings with crawl spaces or slab- on- grade construction are exempt from groundwater collection requirements.

4) Approval Process:
The preliminary plans shall be reviewed and approved by the City Engineer before the proposed development continues to the final plan stage.

154.07.2 RURAL

1) Preliminary plans are required:
   a) As in 154.07.1(1).
2) Scale, Size and Submittals:
   a) As in 154.07.1(2).
3) Information Required:
   a) As in 154.07.1(3).
4) Approval Process:
   a) As in 154.07.1(4).

154.08 FINAL PLANS

154.08.1 URBAN

1) Final plans are required:
   a) Following the City Engineer's approval of the conceptual and preliminary plans, and in conjunction with the final plat stage of the major plat process.
   b) In conjunction with minor plats or replats, depending on the size of the lots and anticipated planned development, the final plan is at the discretion of the City Engineer Final plans are to be submitted to the City Engineer after the conceptual and preliminary plans have been approved.
   c) In conjunction with a planned development district.
2) Scale, Size and Submittals:

a) The final plans shall be at a scale of 50, 60, 100 or 200 feet to one inch. Profile views shall be a tenth of the plan view scale (i.e. 1"=50' plan view requires a 1"=5' profile view).
b) The plans shall be drawn on an 11"x17" sheets.
c) The developer shall submit all required copies to the City Engineer. All copies shall be signed and be sealed by a registered professional engineer in the State of South Dakota.

3) Information Required:
   a) Final plans are to be utilized during construction of the development, as such, they must provide the contractor sufficient information for construction of all infrastructure (locations, elevations, and any pertinent notes). Final plans shall, at a minimum, consist of the following plan sheets and supplemental plan sheets may be required depending on specific circumstances of a development::
      i) *General Layout Plan.* The general layout plan shall show the proposed road alignments along with the sidewalks curb and gutter, proposed lots and any existing features that will remain in place after development is completed.
      ii) *Grading plan.* The grading plan shall show the existing contours with intervals acceptable to the City Engineer's office. Any proposed cut and fill operations must also be shown if they will substantially alter existing land elevations.
      iii) *Drainage plan.* A final storm drainage study as required by the storm drainage design and technical criteria manual, or the by the City Engineer, shall be submitted for final approval. The drainage plan shall also indicate which downstream drainageways or detention basins will be affected by the full development of the subdivision. A plan and profile of the proposed storm sewer system shall also be included. The storm sewer shall be in relation to the centerline of the street.
      iv) *Street/Road Plan:* The street/road plan shall show the proposed street alignments along with curb and gutter and sidewalks. The centerline shall be stationed at critical locations. The curb and gutter shall be stationed and offset based on the stationing used on the centerline. Elevations shall also be included for the curb and gutter at critical locations (i.e. intersections crest and sag vertical curves). Along with the plan view of the street or road, plans shall also depict the centerline profile along with the curb and gutter flow line profile at intersections and at crest and sag vertical curves. Existing and proposed centerline elevations shall be included on the plan sheets.
      v) *Utility plans.* Separate plans for all municipal utilities (water, sanitary and street lighting) will be required. The plans shall show the proposed utility in relation to the centerline of the proposed street. The plan view shall show the proposed utility line, all of the structures associated with such utility and the location of all services. The profile view shall show the elevations of the proposed utility along with the location, and elevations, of any intersecting utility. A separation distance shall be shown on the profile view for all conflicts between utilities. The street lighting plan shall be completed as per current city standards.

vi) *Typical Cross Section Sheets.* Typical cross section sheets shall show the proposed typical cross section's width along with the right-of-way and the proposed pavement section. The existing street cross section will also be shown along with the existing pavement section. Any dimensions will be in relation to the proposed street centerline. Developer may only use an already approved typical cross section.

vii) *Construction Detail Sheets:* Construction detail sheets shall show all details needed for construction of all infrastructure improvements. The developer shall utilize the approved details, as well as additional details required by the City Engineer prior to construction.

viii) *Road Cross Section Sheets:* Road cross sections shall be shown every 50 feet based on the centerline stationing. In addition, cross sections shall be shown at the start and end of any horizontal and vertical curves along with cross sections every 25 feet. A cross section shall also be placed at intersections, driveways and culverts.

ix) *Groundwater control plan.* Groundwater elevations shall be required where it is deemed necessary by the City Engineer to establish a finished grade for the proper development of the subdivision. When elevations are required, the method of groundwater collection shall be indicated for all lots prior to development. Dewatering for the purposes of establishing a lower finished grade is prohibited. Buildings with crawl spaces or slab-on-grade construction shall be exempt from groundwater collection requirements.

x) *Construction Specifications:* Construction specifications shall be in accordance with the City, the South Dakota Department of Transportation or any other previously approved construction specification.

4) Approval Process:
   a) The Final Plans shall be reviewed and approved by the City Engineer prior to the proposed development being constructed. No building permit shall be issued until a final plan has been approved by the City Engineer.

154.08.2 RURAL

1) Final plans are required:
   a) As in 154.08.1(1).
2) Scale, Size and Submittals:
   a) As in 154.08.1(2).
3) Information Required:
   a) As in 154.08.1(3).
4) Approval Process:
   a) As in 154.08.1(4).

154.09 GENERAL INFORMATION REGARDING DESIGN STANDARDS

1) Design Standards to be Used:
   a) Unless otherwise specified within these regulations, the developer shall utilize the following recognized standards:

i) AASHTO.
ii) MUTCD.
iii) SD DOT.
iv) SD DENR.

b) The City Engineer may require additional standards to be utilized depending on the circumstances of the development.

154.10 DESIGN STANDARDS – LAND DESIGN

154.10.1 URBAN

1) Blocks:
   a) The lengths, widths and shapes of blocks shall be determined with regard to the following:
      i) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
      ii) The need for convenient access, circulation, control and safety of traffic and utilities.
      iii) Limitations and opportunities of topography.
   b) Block lengths shall not exceed 1,000-feet and shall normally be wide enough to allow two tiers of lots of an appropriate depth.
2) Lots:
   a) Lot dimensions shall be appropriate for the location of the subdivision and conform to the requirements of the city zoning regulations.
   b) Corner lots for residential use shall have extra width to permit appropriate building setbacks from both sides.
   c) All interior lot lines shall be a straight line or a series of straight lines. Curved interior lot lines are prohibited.
   d) Side lot lines shall be at right angles to the street.
   e) Each lot shall abut to a dedicated street right-of-way, or shall include an approved private street, or shall include a mutual access easement.
   f) Whenever residential lots abut an existing or proposed arterial street, they shall be double frontage lots.
   g) Lot development that creates reverse frontage lots is prohibited.
   h) Lots abutting major drainageways, detention basins or a railroad right-of-way shall be designed with an increased depth to allow for extra setback.
3) Public Parks and Open Spaces:
   a) Where a proposed park, playground, school or other public use, shown in the comprehensive development plan, is located in whole or in part in a subdivision, the City Planning Commission may require the reservation or option acquisition by the appropriate public agency of the right to purchase such an area within the subdivision. Necessary information related to the possible sale or transfer of land to a public agency shall be as follows:
      i) The size and location of the parcel and its relationship to the subdivision design and purpose.

ii) The topography of the parcel to include elevations, drainage, wetlands, floodplains, soil suitability, tree cover and other vegetation.

4) Utility Easements.
   a) All easements for utilities shall be shown on the final plat.
   b) Standard utility easements shall be 8 feet in total width. Each lot shall have an 8 foot easement around the perimeter of the property and within the lot.
   c) Easements wider than 8 feet shall be noted on the final plat.
   d) Easements along lot lines shall be arranged in such a manner as to eliminate unnecessary jogs or offsets and to facilitate the distribution of all utilities.
   e) Easements shall conform substantially to the boundaries of watercourses, drainageways, channels and streams and shall have adequate width for proper access and maintenance.
5) Maintenance Agreements. Where a subdivision contains sewers, lift stations, water supply systems, park areas, road systems or other facilities or services which are necessary to the area, and which are of common use or benefit and which are not accepted for maintenance by an existing public agency, provisions shall be made by written agreement for the proper and continuous maintenance and supervision of such facilities. A signed copy of the agreement shall accompany every plat having a facility or service covered by such an agreement.
6) Final Drainage Plan. The final drainage plan for the subdivision shall conform to the City approved master drainage plan. If a master drainage plan is not available for a proposed subdivision location, and, if the City deems it necessary, a drainage study will be conducted by the City for the drainage basin of which the proposed subdivision is part. All drainage facilities including storm sewers, on-site detention, drainageways, detention ponds and detention channels shall be designed in compliance with approved engineering design standards and are subject to approval of the City Engineer.
7) Final Grading Plan. The final grading plan shall, as much as possible, be designed to conform to the natural contours of the land. The plan shall be submitted to and approved by the City Engineer.
8) Erosion: Wherever possible, development plans should coincide with the existing topography in order to create the least erosion potential. Stripping of vegetation, duration of exposure, regrading and cut and fill operations should be kept to a minimum. Erosion from developments or individual building sites shall be prevented from being deposited on public streets or other adjacent property. Public ditches and drainageways shall not be disturbed without prior approval of the City Engineer.
9) Preservation of Natural Landscape. Existing natural features such as trees, water courses or similar amenities, which would add value to a development or to the community as a whole, should, to the extent possible and practical, be preserved and integrated into the design of the subdivision. Sensitive environmental areas shall be reviewed with regard to promoting harmonious design.

154.10.2 RURAL

1) Blocks:
   a) As in 154.10.1(1).
2) Lots:

a) As in 154.10.1(2) except any of the following:
   i) Whenever a plat or preliminary plan is proposed having lots which are 1-acre or larger in size, plat or plan shall show how such lots can be resubdivided into urban sized lots.

3) Public Parks and Open Space:
   a) As in 154.10.1(3).
4) Utility Easements:
   a) As in 154.10.1(4).
5) Maintenance agreements:
   a) As in 154.10.1(5).
6) Final drainage plan:
   a) As in 154.10.1(6).
7) Final grading plan:
   a) As in 154.10.1(7).
8) Erosion:
   a) As in 154.10.1(8).
9) Preservation of natural landscape:
   a) As in 154.10.1(9).

154.11 DESIGN STANDARDS – STREETS

154.11.1 URBAN

1) All public street improvements, including pavement width, street grades, alignment and visibility, intersections and access shall be designed in accordance with standard accepted engineering practices and are subject to the approval of the City Engineer.
2) Street System Coordination and Arrangement:
   a) The arrangement of streets in new subdivisions shall conform to the major street plan or the Comprehensive Plan.
   b) Provisions shall be made for the continuation of existing streets in adjoining areas or their proper extension where adjoining land is not subdivided.
   c) Whenever new streets are proposed which have not been included in the major street plan in the Comprehensive Plan, amendment of the major street plan to include these new streets is required first
   d) As a general rule, collector streets shall be located every half mile, and there should be a street connecting adjacent subdivisions at appropriate intervals where topographical and land use considerations permit.
   e) The arrangement of all streets and alleys shall be such as to minimize hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
   f) In undeveloped or vacant areas, streets shall be identified and classified through the transportation planning process. The location of major streets shall conform to the major street plan.
3) Street Names:
   a) Streets in alignment with existing streets shall bear the names of those streets.

b) No street names shall be used which will duplicate, be the same in spelling or alike in pronunciation with any other existing streets. All street names should be kept as short as possible to permit signs to be no longer than 30 inches.

c) Street name suffixes shall be applied as follows:

i) *Street and Road:* These suffixes shall be used for roads running either east and west or north and south.

ii) *Avenue:* A road running north to south.

iii) *Lane:* A road running northeast to southwest.

iv) *Drive:* A road running northwest to southeast.

v) *Trail:* A road that wanders in different directions.

vi) *Circle:* All cul-de-sacs.

vii) *Court:* A road with two openings that enter and exit onto the same road.

viii) *Place:* All private roads.

ix) *Parkway:* Limited access roads that are divided by a median.

x) *Boulevard:* A local street divided by a median.

d) The prefix of all cul-de-sacs shall, whenever possible, match the prefix of the intersecting road.

e) When, due to topography, offsets cause streets to become interrupted, sixteenth-line, quarter-line and section line streets shall retain the same name on either side of the irregularities.

f) Subdivision names shall not duplicate, be the same in spelling or alike in pronunciation with any existing subdivision names, and shall be subject to the approval of the City Engineer.

4) Design Standards:

a) The developer shall be responsible for dedication of all right-of-way widths according to the major street plan.

b) A tangent at least 100 feet long shall be placed between reverse curves on arterial and collector streets; on all other streets the tangent shall be at least 50 feet long.

c) Alleys are permitted in commercial and industrial districts when no other reasonable provision is made for service access, such as off-street loading, unloading, and parking consistent with the requirements set forth in the zoning ordinance.

d) Alleys are permitted in residential districts when conditions warrant an alternative means of access. However, an alley shall never be proposed as a primary form of access.

e) Dead-end alleys shall be avoided, but if unavoidable, they shall be provided with a turnaround as determined by the City Engineer.

f) Whenever an existing half-street is adjacent to a tract being subdivided, the other half of the street shall be platted within said subdivision.

g) A subdivision may show one-half of a street along adjoining property which has not been subdivided, but no lot abutting on such half-street shall have a building permit issued for it until such time as the other half street is dedicated.

h) Cul-de-sacs and eyebrows will be allowed where they are necessary for the reasonable development of a subdivision. The maximum length of a cul-de-sac should not exceed 500 feet measured along the centerline, between the radius point of the turnaround and the right-of-way line of the abutting street. The maximum length of a cul-de-sac may be extended where no other practical alternative is available for the

reasonable development of a subdivision. Temporary turnarounds may also be required by the City Engineer on dead-end streets that will eventually be continued. No more than 50 dwellings will be allowed on a cul-de-sac of 500 feet in length.

i) Where street jogs are unavoidable, the right-of-way offset shall not be less than 100-feet.

j) Streets shall be laid out in such a manner that they intersect, as nearly as possible, at right angles and no street shall intersect any other street at less than 80 degrees.

k) Private streets or roads, if allowed, shall meet the following requirements:
   i) Private streets shall be paved by the developer to a width of not less than 26 feet measured from back-of-curb to back-of-curb, and maintained in a passable condition. Greater width may be required when necessary. All private streets/roads must provide a minimum height clearance of 14' 6" and are subject to the same grade and construction material requirements as public streets.
   ii) The property owner(s) or agent shall place street signs on all private streets or compensate the City to place street signs for private streets at the locations the City Engineer deems necessary for the safety and convenience of the public. Street signs shall meet all current MUTCD standards and are subject to the approval of the City Engineer.
   iii) Buildings located adjacent to a private street or road shall be addressed in accordance with City of Vermillion Code of Ordinance and zoning regulations.
   iv) Private streets or roads shall be indicated on the plat as a private roadway easement and shall not be included as part of any required lot area or setback.
   v) Any private street or road approved by the City shall provide permanent unobstructed access to the area it serves. The erecting of any structure within or adjacent to the private street or road which would in any way interfere with the use of such private street or road by the public or any governmental agency will not be permitted.
   vi) Any plat presented for City approval which shows a private street or road as a means of access shall include language in the owner's certificate providing for private maintenance and reserving the private street or road as a permanent unobstructed access.
   vii) The City will not subsequently accept a private street or road for dedication unless and until it is compliant with the City standards, providing adequate rights-of-way without requiring variances for setbacks.

l) When the traffic impact of one or more proposed property developments indicates that the public safety can be better served by the use of mutual access easements, the following requirements shall be observed:
   i) Any mutual access easement accepted by the City must provide for perpetual unobstructed access to the area it serves, and shall prohibit the erection of any structure within or adjacent to the access area which would interfere with the use of the mutual access easement by the public or any governmental agency.
   ii) Mutual access easements shall be indicated on the plat.
   iii) Any plat presented for City approval which shows a mutual access easement as a means of access shall provide language in the owner's certificate reserving the mutual access easement as a perpetual unobstructed access easement.

iv) Mutual access easement areas shall be paved by the developer and maintained in passable condition. Designs for mutual access easements must be approved by the City Engineer. An easement area maintenance agreement among property owners who will use the mutual access easement for access shall be filed with the plat. The agreement shall describe the legal responsibilities for the repair and maintenance of the easement area and the required signs.

m) The developer/owner may be required to place traffic control signs, or striping, on mutual access easements or to compensate the City for traffic control signs, placement, for mutual access easements, and striping at the locations the City Engineer deems necessary for the safety and convenience of the public. Traffic control signs and striping shall be approved by the City Engineer and in accordance with the current MUTCD standards.

n) Sidewalks shall be constructed in accordance with Chapter 96 of the City of Vermillion's Code of Ordinances.

o) The Developer shall submit a geotechnical report to the City. The study shall include soil boring information; laboratory results for moisture content; dry density and Atterberg limits; opinions and recommendations regarding utility excavation procedures, site preparation and excavation/filling procedures; comments regarding constructability and final performance of the project, and recommendation for Portland cement pavement sections.

p) The roadway shall consist of Portland cement pavement. At no point will the pavement section be less than 6 inches on local streets and 8 inches on collector or arterial streets. The base course shall be, at a minimum, 6 inches thick for either a local, collector or arterial street.

DESIGN ELEMENTS	ARTERIALS	COLLECTORS	LOCAL	FRONTAGE ROAD	PRIVATE ROAD EASEMENT	CUL-DE-SAC	ALLEY
RIGHT-OF-WAY (FT)	80 – 100	80	66 – 80	50	66 –100	66 – 80 (SEE NOTE 1 & 2)	20
DESIGN SPEED (MPH)	50	50	25	25	25	25	25
PARKING ALLOWED	NONE	SEE NOTE 1	SEE NOTE 1	SEE NOTE 1	SEE NOTE 1	SEE NOTE 1	NONE

Note:

1. On-street parking will be determined based on zoning and neighborhood characteristics.
2. Minimum radius right-of-way of 55 feet.

5) Access to Streets and Roads:

a) *Street Access for Streets within City Jurisdiction*

i) Permit: Before any new driveway is connected to a street or an existing driveway approach is modified, a permit shall be obtained from the City. The permit shall

be signed by the property owner or owner representative. All access permits must be obtained prior to building permits being issued.

ii) Specifications: All driveways shall be constructed according to the current details and specifications on file with the City Engineer. The City Engineer, if necessary, may vary them, as long as safety and traffic capacity are not compromised.

iii) Access point location:

(1) Each single-family residential lot is allowed up to one access point per street frontage.

(2) Access to multi-family residential, commercial, industrial and institutional construction will be determined on a case-by-case basis. It is desired that these mentioned types of property fronting an arterial or collector street have shared access points.

(3) If the property is a corner lot where one street is a higher classification than the other street, the property owner will be required to place the access point on the street with the lower classification.

(4) Driveways on corner lots shall be a minimum of 40 feet from the right-of-way of the cross street for all properties, except single-family residential. On arterial streets, the distance shall be increased to 60 feet. Single-family residential driveways must be a minimum of 30 feet from the cross street right-of-way.

(5) Access to arterial and collector streets shall be limited and strictly enforced. Properties fronting these roads shall be require to either have right-of-way dedicated for the construction of a frontage road or have a shared access point with the adjacent lots. In addition, the City Engineer could require a limited movement driveway in special situations.

iv) Access size: The maximum driveway width shall be 36 feet. This does not include the tapers at the access cut.

b) *Street Access for Streets within State Jurisdiction*

i) Permit: Before any new driveway is connected to a street or an existing driveway approach is modified, an access permit shall be obtained from the State of South Dakota. The City permit shall be obtained after the State permit is awarded. The permit shall be signed by the property owner or owner representative. All state permits must be obtained prior to final plat approval, while all City access permits must be obtained prior to issuance of the building permit.

ii) Specifications: All driveways shall be constructed according to the current details and specifications on file with the City Engineer. The City Engineer, if necessary, may vary them, as long as safety and traffic capacity are not compromised.

iii) Access point on South Dakota Highway 50 Loop (Cherry Street between North Crawford Road and James Street):

(1) Each single-family residential lot is allowed up to one access point per street frontage.

(2) Access to multi-family residential, commercial, industrial and institutional construction will be determined on a case-by-case basis. It is desired that these mentioned types of property fronting an arterial or collector street have shared access points. At no point, will a new access point be allowed when

there are more than two accesses per block face. Limited movement driveways will be required on special situations. Connections to the frontage road shall be made at the minimum rate of 1 access point per each 2 lots and at a maximum rate of 1 access point per each 4 lots.

(3) If the property is a corner lot where one street is a higher classification, or within City or State jurisdiction the property owner will be required to place the access point on the street within the City's jurisdiction or on the street with lower classification.

iv) Access point on South Dakota Highway 50 (By-Pass), South Dakota Highway 50 (east of North Crawford Road and West of James Street), South Dakota Highway 19 (north of South Dakota Highway 50 and south of West Cherry Street):

(1) Each single-family residential lot is allowed up to one access point per street frontage.

(2) Access to multi-family residential, commercial, industrial and institutional construction will be determined on a case-by-case basis. It is desired that these mentioned types of property fronting an arterial or collector street have shared access points. At no point, will a new access point be allowed when there are more than two accesses per block face. Limited movement driveways will be required in special situations. Connections to the frontage road shall be made at the minimum rate of 1 access point per each 2 lots and at a maximum rate of 1 access point per each 4 lots.

(3) If the property is a corner lot where one street is a higher classification, or within City or State jurisdiction the property owner will be required to place the access point on the street within the City's jurisdiction or on the street with lower classification.

v) Access size: The maximum driveway width shall be 36 feet. This does not include the tapers at the access cut.

154.11.2 RURAL

1) All public street improvements, including pavement width, street grades, alignment and visibility, intersections and access shall be designed in accordance with standard accepted engineering practice and are subject to the approval of the City Engineer.
2) Street System Coordination and Arrangement:
   a) Requirements are as in 154.11.1(2).
3) Street Names:
   a) Requirements are as in 154.11.1(3).
4) Design Standards:
   a) Requirements are as in 154.11.1(4) except as follows:
      i) Developer shall submit a geotechnical report to the City. The study shall include soil boring information, laboratory results for: moisture content, dry density and Atterberg limits, opinions and recommendations regarding: utility excavation procedures, site preparation and excavation/filling procedures, comments regarding constructability and final performance of the project, and recommendation for Portland cement, asphalt and gravel pavement sections.

ii) Roadway shall consist of gravel, asphalt or Portland cement. Geotechnical recommendation shall be used for pavement section. At no point will the pavement section be less than the following:

SURFACE TYPE	ROAD SURFACE	BASE COURSE	SUB-BASE	SUB-GRADE
Portland Cement	6" on Local streets, See Note #1	6" Gravel Cushion	See Note #2	See Note #2
Asphalt	3" on Local streets, See Note #3	8" Gravel Cushion	12" Sand	See Note #2
Gravel	3" on Local streets, See Note #4	9" Gravel Cushion	See Note #2	See Note #2

Notes:

1) All other streets shall have a pavement thickness of at least 8".
2) Refer to geotechnical recommendation for minimum.
3) All other streets shall have a pavement thickness of at least 5". All asphalt pavements shall be laid in at least two lifts.
4) All other streets shall have a gravel thickness of at least 4".

iii) Gravel streets will only be allowed on developments, or portions of development, that will expect to see traffic volumes less than 200 vehicle per day.

b) Private streets or roads, if allowed, shall meet the following requirements:
   i) Requirements shall be the same as those in 154.11.1.4.l.
c) When the traffic impact of one or more proposed property developments indicates that the public safety can be better served by the use of mutual access easements, the following requirements shall be observed:
   i) Requirements shall be the same as those in 154.11.1.4.m.
d) The developer/owner may be required to place traffic control signs, or striping, on mutual access easements or to pay the City to place traffic control signs and striping for mutual access easements at the locations the City Engineer deems necessary for the safety and convenience of the public. Traffic control signs and striping shall be approved by the City Engineer and in accordance with the current MUTCD standards.
e) If sidewalks are required, they shall be constructed in accordance with the City of Vermillion's Code of Ordinance.

5) Access to Streets and Roads:
   Requirements shall be the same as those in 154.11.1.5.

154.12 DESIGN STANDARDS – WATER FACILITIES

154.12.1 URBAN

1) The developer shall take the action necessary to create or extend a water supply system capable of providing domestic water use and fire protection to the entire subdivision.
2) Where a public water main is accessible, the developer shall install adequate water facilities (including fire hydrants) subject to the specifications of the City Engineering Department.
3) Water main extensions shall be approved by the City Engineering Department. If the water main is extended adjacent to property that will not participate in the initial construction cost of the water main, the developer shall submit to the department a cost recovery study. The study shall be based upon the actual construction costs showing the amount due from each property when a connection is made to the extended water main. To facilitate the study, the location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts shall be shown on the preliminary water and sewer plan.
4) Land, which is located over or adjacent to a water bearing stratum or water supply reservoir that is designated as an area providing or supplementing the municipal water supply, shall remain undeveloped and unsubdivided unless public water and sewer systems are provided.
5) All water facilities including water mains, valves, fire hydrants, storage facilities and pumping stations shall be subject to the approval of the City's Engineering Department.

154.12.2 RURAL

Requirements shall be the same as those in 154.12.1.

154.13 DESIGN STANDARDS – SANITARY SEWER FACILITIES

154.13.1 URBAN

1) Each lot within a subdivision area shall be provided with a connection to an approved public sanitary sewer.
   Exception: In areas where a public sanitary sewer is not reasonably accessible, but such area is included in the Comprehensive Plan, the developer shall install sewage systems in conformance to the wastewater regulations of the State of South Dakota and all other local applicable rules and regulations.
2) In cases where a connection to an existing public sanitary sewer may not be immediately practical, a connection may be made to a gravity sewer system by the use of a lift station constructed in accordance with the regulations and requirements set forth by the City Engineering Department.
3) All sanitary sewer facilities, including gravity sewers, manholes, lift stations and force mains, shall be designed in accordance with standard accepted engineering practices and are subject to the approval of the City Engineering Department.

154.13.2 RURAL

Design Standards – Sanitary Sewer Facilities requirements are as in Requirements shall be the same as those in 154.13.1.

154.14 DESIGN STANDARDS – SUMP PUMPS

154.14.1 URBAN

1) The following provisions pertain to structures built after June 2011 and to any construction on an existing structure that affects the drainage system of that structure.
2) New construction with basements, or a usable crawl space, shall have a drain tile placed around the inside or outside perimeter of the foundation connected to a sump pit. All baseboard seepage collection systems shall be discharged to the sump pit. The sump pit shall be located at least 10 feet away from the inside sanitary floor drain.
3) Buildings with existing sump pumps or drain lines shall construct a discharge line. The line shall be installed to the outside wall of the building with rigid plastic pipe. The discharge pipe must have a check valve within 1 foot of the floor grade and union or other approved coupling for easy disconnection for repair or replacement. The discharge line shall extend at least 3 feet outside of the foundation wall, and no closer than 5 feet from any sidewalk.
4) Alternate method of installation:
   a) The discharge pipe may be connected directly to the public storm sewer system provided the discharge is at a higher elevation than the normal flow level and that an approved backflow prevention device is installed. A permit is required for the construction of a discharge pipe which is connected directly to the storm sewer system.
5) At no point shall the discharge line discharge 10 feet from an adjacent property. No discharge shall be directed so as to impact neighboring properties.
6) Discharging into the street, alley or over the sidewalk will not be allowed during the months of November through March of the year.
7) Curb cuts for discharge lines will only be allowed in situations where there is no public storm sewer system within 100 feet of the property. The discharge line shall be placed under the sidewalk and through the back of the curb. If a storm sewer system is constructed at a later date the owner shall be required to connect to new sewer during construction or within a year. The cost for connecting to storm sewer will be borne by the property owner.

154.14.2 RURAL

Requirements shall be the same as those in 154.14.1.

154.15 GENERAL PROVISIONS AND ASSURANCES

154.15.1 URBAN

1) Conformity with other Plans and Ordinances:
   a) All subdivision plans and plats shall comply with the following additional laws, ordinances and regulations:
      i) The Comprehensive Plan of the City and the policies set forth therein.

ii) The zoning regulations of the City.
iii) The major street plan.
iv) SDCL 11-3-12.1. Approval of access to street or highway prerequisite to filing plat.
v) Other plans which may be or have been adopted that would affect the subdivision and use of land, such as those contained in SDCL Ch. 11-3 and 11-6.

2) Interpretation, Abrogation and Severability:
   a) In interpreting and applying the provisions of this chapter, these regulations are the minimum requirements for the promotion of public safety, health and general welfare. It is not the intent of this chapter to repeal, abrogate or impair any existing easement, covenant or deed restriction. Where these provisions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
3) Amendments:
   a) For the purpose of providing for the health, safety and general welfare of the community, the City Council may from time to time amend the provisions imposed by these subdivision regulations in the manner prescribed by law.
4) Variances:
   a) The City Council may reduce or otherwise vary the requirements of these regulations whenever it encounters a situation described below. In granting such variances, the City Council may require whatever conditions deemed necessary to secure the basic objectives of the particular regulations. The variances and waiver may be granted by the vote of three-fourths (¾) of the City Council. Any variance granted by the City Council shall be noted in its official minutes.
   b) *Unwarranted Hardship.* Whenever the City Council finds that unwarranted hardships or particular difficulties may result from strict compliance with these regulations, it may, after written application by the developer, grant variances to the regulations subject to specified conditions so that substantial justice may be done and the public interest secured. Such variances shall not have the effect of nullifying the intent and purpose of these regulations or the Comprehensive Plan. The City Council shall not grant variances to these regulations unless it makes findings based upon the evidence presented in each specific case on the following criteria:
      i) Because of unusual surroundings, shape or topographical conditions of the specific property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were adhered to.
      ii) The conditions upon which the request for a variance is based are unique to the property and are not applicable, generally, to other property and have not been created by any person having an interest in the property.
      iii) The purpose of the variance is not based exclusively upon a desire for financial gain.
      iv) The granting of the variance will not be detrimental to the public's health, safety or welfare or injurious to property or improvements in the neighborhood in which the property is located.
   c) *Large scale residential developments.* The standards and requirements of these regulations may be modified by the City Council Planning Commission in the case of a plan for a new residential neighborhood which, in the judgment of the City Council, complies with the objectives of the Comprehensive Plan and City zoning regulations.

d) *Design innovations.* From time to time subdivisions may be designed to provide unusual amenities and at the same time fail to conform strictly to the provisions of these regulations. The City Council may waive certain requirements of these regulations in approving subdivisions involving detailed and workable design innovations that would yield an enhanced living environment for future occupants.

5) Development Agreements:
   a) No plat or plats of any subdivision shall be approved unless the improvements required by this chapter have been installed prior to such approval or unless the developer shall have signed a development agreement to establish the responsibility for the construction of such improvements in a satisfactory manner as specified by the City Engineering Department and the City Council. This development agreement shall be recorded with the register of deeds at the time of the filing of the plat.

154.15.2 RURAL

General Provision and Assurances

1) Conformity with other Plans and Ordinances:
   a) Requirements as in 154.15.1.1 with the addition of :
      i) Clay County and City of Vermillion Joint Jurisdictional Zoning Regulations
2) Interpretation, Abrogation and Severability:
   a) Requirements are as in 154.15.1(2).
3) Amendments:
   a) Requirements are as in 154.15.1(3).
4) Variances:
   a) Requirements are as in 154.15.1(4).
5) Development Agreements:
   a) Requirements are as in 154.15.1(5).

154.16 ENFORCEMENT

154.16.1 URBAN

1) Authority:
   a) The City Engineering Department shall have the authority to make interpretations of this chapter and to implement policies that clarify the application of its provisions.
   b) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of this chapter.
   c) Whenever any work or use is being done contrary to the provisions of this chapter, the City Engineer may order the work or use stopped by notice in writing served on any person engaged in the doing or causing the work to be done, and any persons forthwith stop the work or use until authorized by the City Engineer to proceed with the work or use.
   d) Penalty language requirements are as in 155.999.

154.16.2 RURAL

1) Authority:
   a) Requirements shall be the same as those in 154.16.1.

Dated at Vermillion, South Dakota this 4th day of April, 2011.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

_____
John E. (Jack) Powell

ATTEST:

_____
Michael D. Carlson, Finance Officer

First Reading:	March 21, 2011
Second Reading:	April 4, 2011
Publication:	April 15, 2011
Effective Date:	May 5, 2011

John Prescott

From: Jose Dominguez
Sent: Wednesday, March 30, 2011 5:02 PM
To: John Prescott
Subject: Topographical Survey

John,

Acquiring a topographical survey is a necessity for the great majority of projects. The Engineering Department performs topographical surveys on all of our projects. These projects range from water main replacements, sanitary sewer improvements to road construction. The topographical survey allows us to determine what the existing lay of the land is. Without the survey we would be doing projects blindly since we would not know what is out there. The topographical survey is also used when laying out subdivisions. For example, we would want to lay out a subdivision to follow as closely the lay of the land since it would minimize the amount of earth that would need to be moved. Also, the surveys provide a measure of safety since it shows how the proposed alterations would impact the neighboring properties.

It should be noted that topographical surveys are required from all of the ordinances that we looked at (Sioux Falls, Brookings, Yankton, Greeley, CO, and Fort Collins, CO). The surveys were also required on our 1967 ordinance since the ordinance required contours at 5-foot, or less, interval. The only way to acquire contours is by knowing the lay of the land, which would require a topographical survey.

As a side note, a topographical survey to be performed on a level, 10-acre parcel with minimal amounts of trees would cost between $3,000 and $5,000.

Jose L. Dominguez, PE
City Engineer
City of Vermillion
25 Center Street
Vermillion, SD 57069
phone (605) 677-7083
fax (605) 677-5461

Council Agenda Memo

From: José Domínguez, City Engineer

Meeting: April 4, 2011

Subject: Final Plat of Lots 4 and 5, Block 1, Mehlhaf Addition to the City of Vermillion, Clay County, South Dakota

Presenter: José Domínguez

Background: Brandt Land Surveying has filed a plat to subdivide a portion of land located at the east end of East Clark Street. The property is located on the south side of E. Clark Street immediately east of the apartment buildings constructed by Dr. Mehlhaf in 2010. This area is within the City limits and does not lie within the extraterritorial area. The proposed plat will vacate the existing plat of Outlot C and re-subdivide the approximately 1.39-acres into 2-lots and also dedicate a portion of East Clark Street and North Norbeck Street.

The applicant will also be dedicating all of the required 8-foot easement around the outside perimeter of each lot. In addition to the vacation of Outlot C, the applicant will also be vacating an existing 8-foot utility easement that runs east to west along the south side of Outlot C. There are no utilities within the easement.

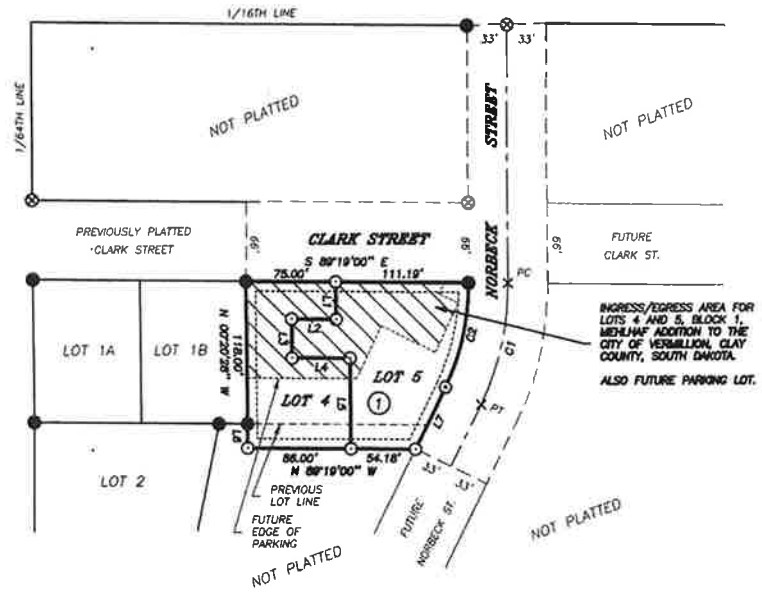
The plat was reviewed by the Planning Commission at the March 28th meeting. The Planning Commission recommended approval.

Discussion: Staff reviewed the final plat and find that it complies with all code provisions.

Financial Consideration: The platting fee has been paid by the applicant.

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

A PLAT OF LOTS 4 AND 5, BLOCK 1, MEHLHAF ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA.



CURVE TABLE

C1	L = 103.87'	R = 226.00'
C2	L = 89.19'	R = 163.00'

AREA

LOT 4	9,987.21 SQUARE FEET
LOT 5	13,403.94 SQUARE FEET

LINE TABLE

L1	31.00'	S 00°20'19" E
L2	37.00'	N 89°19'00" W
L3	32.00'	S 00°20'19" E
L4	48.00'	S 89°19'00" E
L5	78.00'	S 00°20'19" E
L6	20.00'	N 00°20'28" W
L7	57.16'	S 26°12'30" W

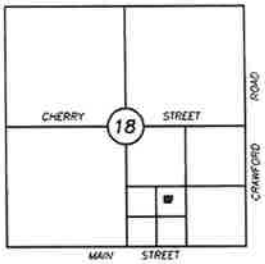
LEGEND

- ⊙ SET 5/8" REBAR WITH L.S. CAP STAMPED "J. BRANDT R.L.S. 5349"
- ● FOUND 5/8" REBAR WITH L.S. CAP STAMPED "GILLEN 1342"
- ⊗ FOUND REBAR
- × CALCULATED CORNER
- (1) BLOCK NUMBER
- ---------- 8' UTILITY EASEMENT
- INGRESS/EGRESS EASEMENT

NOTE:
BASIS OF BEARING BY GPS OBSERVATION

PREPARED BY:
BRANDT LAND SURVEYING
1202 WILLOWDALE ROAD
YANKTON, SD 57078
(605) 665-8455

100 0 100 200
Scale 1" = 100'



LOCATION (N.T.S.)

JOB № 11035

Council Agenda Memo

From: José Domínguez, City Engineer

Meeting: April 4, 2011

Subject: Resolution Accepting the Agreement for Funding of a Transportation Planning Study

Presenter: José Domínguez

Background: The City of Vermillion has been selected to receive assistance from the Department of Transportation (DOT) to perform a Transportation Study. The DOT is required by the Federal government to set aside a certain amount of the federal funds received for the Statewide Transportation Improvement Program (STIP) to perform the studies. The DOT then selects a couple of sites to perform the study from a pool of applications.

The program works through a federal funding matching formula. This formula requires that the City reimburse the State a minimum of 20% of the cost of the study. In our case, the amount will be 20%, not to exceed $25,000. This amount would be reimbursed to the State at the completion of the study.

The application for the assistance with the study was submitted to the DOT on January 7, 2011.

Discussion: The City had a transportation study completed in December 2004. This study looked at area wide transportation issues within the City, while focusing more on Crawford Road issues. From this study, several improvement concepts were presented to the City Council for future action. These concepts ranged from widening Dakota Street from Main Street to Cherry Street, widening Cherry Street, access control along Cherry Street, extending Crawford Road to Burbank Road, removing stop signs thru the community, etc. Most of the items generated during the 2004 study have been completed or were voted by the City Council not to be performed.

The proposed study will focus on the area surrounding the University. This area was noted as being impacted negatively by the University due to the lack of parking on campus in the 2004 study. The intent of the proposed study will be to

provide the City with a document that would allow for better planning transportation (vehicular, pedestrian or bicycles) routes around the campus and to also address some of the parking issues confronting the streets.

After the financial agreement is signed a Study Advisory Team will be formed to draft the scope for the study. The scope will then be mailed to consultants for proposals. The Advisory Team will then choose a consultant to perform the study. It is expected that the study will take around one year to complete. This timeframe also includes public meetings.

Financial Consideration: The cost to the City will be 20% not to exceed $25,000. This will be reimbursed to the DOT once the study is completed. Funding would be included in the 2012 budget to fund the City share.

Conclusion/Recommendations: Administration recommends approving the Resolution Accepting the Agreement for Funding of a Transportation Planning Study.

Resolution
Accepting the Agreement for Funding of a Transportation Planning Study

WHEREAS, the City of Vermillion applied for a State Planning and Research (SPR) Funded Transportation Study through the South Dakota Department of Transportation, and;

WHEREAS, the City of Vermillion was notified of the approval of the application to receive assistance to perform a transportation study, and;

WHEREAS, the Governing Body of the City of Vermillion is required to accept the financial agreement by resolution, and;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Vermillion accepts to reimburse the State twenty percent (20%), not to exceed twenty-five thousand dollars ($25,000), of the study's final cost.

Dated at Vermillion, South Dakota this 4th day of April, 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

_____
John E. (Jack) Powell, Mayor

ATTEST:

_____
Michael D. Carlson, Finance Officer

AGREEMENT FOR FUNDING OF A
TRANSPORTATION PLANNING STUDY
IN VERMILLION, SOUTH DAKOTA

This Agreement is made by and between the State of South Dakota, acting by and through its Department of Transportation, referred to in this Agreement as the "STATE," and the City of Vermillion, South Dakota, referred to in this Agreement as the "CITY."

1. CONTRACT PROCUREMENT

   A. The STATE intends to seek proposals for a transportation planning study for the area of Vermillion, South Dakota (referred to in this Agreement as the "STUDY");

   B. If the STATE and the CITY pursue the STUDY, the federal funding source is anticipated to be state planning and research (SPR) funds;

2. FINANCIAL RESPONSIBILITY

   A. The parties anticipate that federal funding requirements will result in the CITY having to provide the funding match of approximately twenty percent (20%) of the STUDY'S final cost, not to exceed Twenty-Five Thousand Dollars ($25,000.00).

   B. The parties agree that if the STATE enters into a contract for the STUDY, the CITY will reimburse the STATE for the match as indicated in 2. A. above, to fund the STUDY.

3. The CITY has designated its Mayor as the CITY'S authorized representative and has empowered the Mayor with the authority to sign this Agreement on behalf of the CITY. A copy of the CITY'S Commission minutes or resolution authorizing the execution of this Agreement by the Mayor as the CITY'S authorized representative is attached hereto as Exhibit A.

The CITY, by signing this Agreement, evidences authority to enter into this Agreement through formal action of its governing body.

City of Vermillion, South Dakota

By: _____

Its: Mayor

Date: _____

Attest:

_____
City Auditor/Clerk

(CITY SEAL)

State of South Dakota
Department of Transportation

By: _____

Its: Project Development Engineer

Date: _____

Approved as to Form:

_____
Special Assistant Attorney General

Council Agenda Memo

From: José Domínguez, City Engineer

Meeting: April 4, 2011

Subject: Resolution to Delegate Minor Plat Approval to the City Engineer and to Designate the City Council as the Board of Appeals for the Minor Plat Process.

Presenter: José Domínguez

Background: The proposed ordinance 1251 will split the platting process into minor and major plats. It is proposed that the major plats will follow the typical process of Planning Commission and then City Council. However, the minor plat process is proposed to follow a different avenue. The minor plats are proposed to be approved, or disapproved, by the City Engineer with the City Council acting as the Board of Appeals. This method is allowed by State statute 11-3-6, which reads:

> "...The governing body may be resolution designate an administrative official of the municipality to approve plats in lieu of approval by the governing body. The auditor or finance officer shall endorse on the face of the plat a copy of the resolution or the designated administrative official's approval and certify the same. No plat of any such addition or subdivision so situated may be recorded unless the plat bears on its face a copy of the resolution or approval and certificate of the auditor or finance officer. If the designated administrative official denies the plat request, the person requesting the plat may appeal to the governing body."

Discussion: The minor platting process is intended to expedite the approval process for minor plats by eliminating the Planning Commission and City Council meetings. It is estimated that this will shorten the approval process by at least two weeks which expedites the approval process for individuals working to develop the community. In the event that the minor plat is disapproved by the City Engineer the applicant will have the opportunity to approach the Board of Appeals (which will be the City Council). At this point the City Council will either approve or disapprove the plat.

Financial Consideration: The fee for a minor plat is not impacted by the resolution.

Conclusion/Recommendations: If 2nd reading of Ordinance 1251 is moved to April 18th, Administration recommends moving the above mentioned resolution to the same date so it is presented concurrently. If Ordinance 1251 is not moved to a different date, Administration recommends approval of the Resolution.

RESOLUTION
DELEGATING MINOR PLAT APPROVAL TO THE CITY ENGINEER AND DESIGNATING THE CITY COUNCIL AS THE BOAR OF APPEALS FOR THE MINOR PLAT PROCESS

WHEREAS, SDCL 11-3-6 authorizes a governmental entity to designate an administrative official to approve plats, and;

WHEREAS, SDCL 11-3-6 authorizes a governmental entity to act as a Board of Appeals when an administrative official is designated to approve plats, and;

WHEREAS, in order to expedite the platting process and maintain an orderly and sustained growth;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion that the City Engineer is hereby authorized to approve, or disapprove, Minor Plats and that the City Council will act as the Board of Appeals during the Minor Plat process commencing on May 5th, 2011.

Dated at Vermillion, South Dakota this 4th day of April 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By_____
John E. (Jack) Powell, Mayor

ATTEST:

By_____
Michael D. Carlson, Finance Officer

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: April 4, 2011

Subject: Resolution revising wastewater rates

Presenter: Mike Carlson

Background: The annual wastewater rate for customers is computed as a percentage of the average monthly consumption based on the January, February and March water usage billing for each account. The new wastewater fee is computed in April of each year and remains the same for the next twelve months. Since the water usage of each account varies from year to year, wastewater fees are determined on an annual basis.

The wastewater rates were last adjusted in April 2010 to 118% of the water billing. In April 2010, the wastewater rates were increased $2.72 per month, or just over a 9% increase from 2009. Wastewater rates were also adopted in April 2008 for 2009-2011 as part of the application for the State Revolving Loan application to meet the debt service on the Phase II Wastewater Improvements and increased operating costs. Projections were used to determine the annual percentage increases to meet the debt service and operating costs.

Discussion: As actual water sales revenues are known, and if the rate for 2011 adopted in 2008 for the SRF loan of 132% was to remain in effect, the projected wastewater revenues would exceed the amount needed for 2011 by $24,500.

Based upon the 2011 water consumption levels, if the wastewater rate is adjusted to 129%, it is projected to generate the revenues needed to meet the net budgeted expenses of $1,689,000. This would be an 11.5% increase in wastewater rates. Included in the 2011 budget was $75,000 to build a reserve for future slip lining projects. The plan is to generate $75,000 for 3-4 years then bid a project that will be large enough to attract competitive bids from companies that do this work due to large mobilization costs.

An alternative reviewed by the Utility Committee was to reduce the amount of the rate increase to 126%, which is projected to generate $1,651,500 in user fees for

2011. The monthly bill for a customer using 668 cubic feet will increase 8.91% from $31.20 to $33.98 or $2.78 per month which is very comparable to the 2010 rate increase. The reduction in projected revenues of $37,500 would be taken from the future slip lining reserve proposed to be established. As Phase II will be finishing this spring we will be able to review the operating costs which may provide some savings that can be applied to this reserve.

The 2008 State Revolving Fund Loan requires a surcharge fee for the repayment of this loan that began in July 2010 so 2011 will be the first full year of debt service projected at $281,900. The project is not complete so the exact amount of the debt service is not known. The surcharge fee portion of the wastewater charges will need to generate $310,000 which is 110% of the principal and interest payments for the year.

Financial Consideration: The recommendation of the Utility Committee is to adjust the wastewater charge to 126% that will increase the monthly charge 8.91% from $31.20 to $33.98 or $2.78 per month for the customer using 668 cubic feet. This adjustment, along with increases in 2010, are needed to provide for the debt service and operating costs for the Phase II improvements that are just being completed.

Conclusion/Recommendations: Administration recommends the adoption of the rate resolution to meet the 2011 budget and provide the rates needed for the SRF Loan requirements for the Phase II improvements to the treatment plant and lift station.

RESOLUTION AMENDING SEWER RATES

WHEREAS, Section 53.018 of Title V Public Works of the 2008 Revised Ordinances of the City of Vermillion allows the City Council to establish and change sewer rates and reads as follows:

> The monthly sewer charge to each user for ordinary use of the public sanitary sewer utility shall be equal to a percentage, set from time to time by resolution of the council, of the average monthly charges made for water during the last January, February and March period to any person occupying any premises served by the utility and to his successors in the occupancy. In cases where the premises were unoccupied during the months of January, February and March and/or where the use of the premises has significantly changed the water usage, the sewer charge may be based on the average usage during three (3) other months of the year.

WHEREAS, the State Revolving Loan for the Phase II improvements required the creation of a surcharge fee sufficient to produce net revenues for each fiscal year at least equal to one hundred ten (110%) percent of the principal and interest on the bonds coming due in such fiscal year be established, and;

WHEREAS, the rates being proposed are projected to produce the revenues necessary to cover the wastewater operations and the debt service surcharge requirement of the SRF loan.

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 4th day of April, 2011, that the percentage for calculating the sewer charge be established or charged as follows:

(a) Total charge: ~~One hundred thirty two percent (132%)~~ One hundred twenty six percent (126%).
This rate include a surcharge fee defined in (b) below.

(b) Debt Service Surcharge Fees effective for billing after April 20, 2011: There is hereby established and imposed, pursuant to the authority of SDCL ch. 9-40, a surcharge upon the sewer service in the City of Vermillion. The surcharge shall apply to all classes of customers. The debt service surcharges is a special charge for the use of the wastewater plant and lift station improvements and is pledged to the South Dakota Conservancy District for the payment of the loan payments on the 2008 Clean Water State Revolving Fund Loan. The City does hereby establish the debt service surcharge fees for each customer of its System who received or benefits from the Project or services of the Project. Such allocation shall be set at a level which, assuming a ten percent (10%) delinquency rate, will produce income at the times and in amounts sufficient to pay when due the principal of and interest on the borrower 2008 bonds and the administrative expense surcharges and all other

payments as may be required under the loan agreement. The charges shall be reviewed annually by city personnel and administratively adjusted, upwards or downwards, pursuant to SDCL 9-40-15.1 and 9-40-15 to such amounts as may be necessary to pay principal, administrative surcharge and other charges as may become due and owing under the loan agreements. The debt service surcharge percentage included in (a) above, per monthly billing shall be ~~thirty six percent (36%)~~ twenty five and three tenths percent (25.3%).

The Debt Service Surcharge may be combined with the Meter Service Charge on the monthly billing for ease of reporting.

Effective Date of Rate:

The effective date of the rates listed in Vermillion City Ordinance 53.018 is for bills with a billing date after April 20, 2011.

Dated at Vermillion, South Dakota this 4th day of April, 2011.

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

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: April 4, 2011

Subject: 2011 PCC Parking Lots Bid Opening

Presenter: Jose Dominguez

Background: Bids were opened on March 30th for the 2011 PCC Parking Lots project. The project consists of paving a driveway around the Recycling Center and completing the parking lot at the golf course. This will be the third, and second to last, paving project at the Recycling Center in order to complete the paving of the driveway. In comparison, this will complete the parking lot construction at the golf course.

The Notice to Bidders was published twice in the Plain Talk and bid documents were sent to several contractors.

Discussion: The area surrounding the Recycling Center is being paved in order to eliminate the continuous maintenance performed on the existing gravel roadway. Additionally, the condition of the existing gravel roadway deteriorates greatly during the spring and rain events. Again, this would be eliminated once the concrete paving is completed.

The work at the golf course is being done in order to remove gravel from being tracked into Main Street. The paving will also diminish the amount of particulates that enter the storm sewer system at the golf course.

The City received thirteen responses to the bid proposal; a bid tabulation is attached. Slattery Construction, from Vermillion, was the low bidder at $157,282.34. The engineer's estimate for the project was $239,668.25.

Financial Consideration: The 2011 budget includes sufficient funding for the project.

Conclusion/Recommendations: Administration recommends awarding the 2011 PCC Parking Lot project to Slattery Construction for a project total of $157,282.34.

BID TABULATION
2011 PCC Parking Lots
Bids opened March 30, 2011 at 2:00 p.m.

				Walker Construction 603 S. Norbeck Vermillion, SD 57069		Masonry Components, Inc. 3702 Leader Lane Yankton, SD 57078		Triple R Paving, Inc. 27069 Katie Road Tea, SD 57064		D & G Concrete Construction, Inc 1408 E. 39th Street, N. Sioux Falls, SD 57104		Slattery Constructin 31070 463rd Avenue Vermillion, SD 57069	
	Bid Security			10% Bid Bond		10% Bid Bond		10% Bid Bond		10% Bid Bond		10% Bid Bond	
Bid Item Number	Item Description	Unit	Quantity	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1	Mobilization	LS	1	10,298.00	10,298.00	7,797.00	7,797.00	5,800.00	5,800.00	17,500.00	17,500.00	4,580.87	4,580.87
2	Traffic Control	LS	1	2,835.00	2,835.00	1,500.00	1,500.00	1,000.00	1,000.00	2,500.00	2,500.00	25.00	25.00
3	Unclassified Excavation	CY	1,345	4.03	5,420.35	6.00	8,070.00	3.50	4,707.50	6.50	8,742.50	3.45	4,640.25
4	Crushed Aggregate Base Course	Tons	370	15.94	5,897.80	16.00	5,920.00	16.00	5,920.00	17.00	6,290.00	13.50	4,995.00
5	Crushed Concrete (1 1/2-inch to 2-inch Dia.	Tons	310	24.38	7,557.80	20.00	6,200.00	16.00	4,960.00	23.25	7,207.50	15.00	4,650.00
6	Geotextile Separator (Woven)	SY	2,310	2.85	6,583.50	2.00	4,620.00	1.50	3,465.00	4.00	9,240.00	1.30	3,003.00
7	Concrete Pavement, 6-inch	SY	3,140	27.43	86,130.20	25.20	79,128.00	25.00	78,500.00	25.25	79,285.00	24.66	77,432.40
8	Concrete Pavement, 8-inch	SY	2,098	31.88	66,884.24	29.80	62,520.40	30.00	62,940.00	32.00	67,136.00	25.65	53,813.70
9	Drilled Pavement Ties	EA	535	6.51	3,482.85	11.00	5,885.00	6.00	3,210.00	12.00	6,420.00	4.16	2,225.60
10	Drop Inlet, Type B	EA	1	900.00	900.00	2,500.00	2,500.00	900.00	900.00	2,750.00	2,750.00	850.00	850.00
11	12" RCP, Class III	FT	18	48.32	869.76	60.00	1,080.00	25.00	450.00	50.00	900.00	25.64	461.52
12	Landscaping	LS	1	400.00	400.00	800.00	800.00	500.00	500.00	500.00	500.00	145.00	145.00
13	Erosion Control	LS	1	600.00	600.00	1,000.00	1,000.00	400.00	400.00	500.00	500.00	460.00	460.00
	Total				$ 197,859.50		$ 187,020.40		$ 172,752.50		$ 208,971.00		$ 157,282.34

Carstensen Contracting, Inc. 901 West 19th Yankton, SD 57078		Feimer Construction 2208 West 50th Street Sioux Falls, SD 57105		KP Construction, Ind. 1624 210th Street Sgt. Bluff, IA 51054		TR Harris Construction, Inc. PO Box 129 Homer, NE 68030		Buskerud Construction PO Box 187 Dell Rapids, SD 57022		A Plus Concrete Construction 2913 Sunrise Court Brandon, SD 57005		SodBusters, Inc. 46919 Cody Trail, Suite 100 Tea, SD 57064		Carl V. Carlson Company 27278 Verhey Place Tea, SD 57064	
10% Bid Bond		10% Bid Bond		10% Bid Bond		10% Bid Bond		10% Bid Bond		10% Bid Bond		10% Bid Bond		10% Bid Bond	
Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
2,905.00	2,905.00	10,000.00	10,000.00	2,500.00	2,500.00	8,200.00	8,200.00	23,000.00	23,000.00	4,000.00	4,000.00	12,000.00	12,000.00	3,965.50	3,965.50
450.00	450.00	1,000.00	1,000.00	1,500.00	1,500.00	1,000.00	1,000.00	3,000.00	3,000.00	1,500.00	1,500.00	1,000.00	1,000.00	1,080.00	1,080.00
4.85	6,523.25	5.00	6,725.00	6.00	8,070.00	6.50	8,742.50	6.50	8,742.50	6.00	8,070.00	5.50	7,397.50	5.94	7,989.30
22.45	8,306.50	18.00	6,660.00	25.00	9,250.00	31.00	11,470.00	22.00	8,140.00	15.50	5,735.00	15.00	5,550.00	19.98	7,392.60
27.15	8,416.50	18.00	5,580.00	20.00	6,200.00	31.00	9,610.00	24.00	7,440.00	21.00	6,510.00	18.00	5,580.00	54.00	16,740.00
1.80	4,158.00	2.00	4,620.00	2.00	4,620.00	2.00	4,620.00	2.25	5,197.50	3.60	8,316.00	2.00	4,620.00	2.21	5,105.10
26.85	84,309.00	30.00	94,200.00	27.00	84,780.00	30.34	95,267.60	33.00	103,620.00	26.01	81,671.40	27.99	87,888.60	30.90	97,026.00
35.75	75,003.50	34.00	71,332.00	30.00	62,940.00	36.20	75,947.60	35.50	74,479.00	31.14	65,331.72	33.12	69,485.76	38.63	81,045.74
9.55	5,109.25	6.75	3,611.25	7.00	3,745.00	6.50	3,477.50	9.50	5,082.50	3.00	1,605.00	6.50	3,477.50	9.68	5,178.80
2,185.00	2,185.00	1,500.00	1,500.00	2,000.00	2,000.00	1,800.00	1,800.00	1,800.00	1,800.00	1,000.00	1,000.00	2,000.00	2,000.00	1,620.00	1,620.00
28.00	504.00	28.00	504.00	47.00	846.00	45.00	810.00	34.00	612.00	40.00	720.00	83.33	1,499.94	30.24	544.32
5,025.00	5,025.00	1,750.00	1,750.00	1,500.00	1,500.00	11,500.00	11,500.00	2,400.00	2,400.00	1,000.00	1,000.00	1,500.00	1,500.00	2,160.00	2,160.00
1,515.00	1,515.00	750.00	750.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	350.00	350.00	810.00	810.00
	$ 204,410.00		$ 208,232.25		$ 188,951.00		$ 233,445.20		$ 244,513.50		$ 186,459.12		$ 202,349.30		$ 230,657.36

Council Agenda Memo

From: Harold Holoch, Utilities Engineer

Meeting: April 4, 2011

Subject: Sale of Surplus Utility Vehicle and Fairway Mower

Presenter: Harold Holoch

Background: The 2003 Toro utility vehicle and 2003 Toro fairway mower were included in the Equipment Replacement Fund to be replaced in 2011. The new equipment has been delivered. The used equipment has been declared surplus, appraised, and a bid date of March 29, 2011 set for opening of sealed bids.

Discussion: The 2003 utility vehicle and 2003 fairway mower were appraised at $2,700 and $3,800, respectively. The City cannot accept a bid for less than 90% of appraised value, which would be $2,430 and $3,420, respectively.

Bid specifications were sent to two potential bidders for the utility vehicle and one potential bidder for the fairway mower, but no bids were received on either machine. Since no bids were received, the City by State law can sell the surplus property by private sale for not less than 90% of appraised value. At this time staff recommends looking for interested parties willing to pay 90% of appraised value. If the equipment is not sold in a few months, the City can reappraise at a lower amount, set a new bid date, and advertise accordingly.

Financial Consideration: The revenue from the sale of the surplus equipment will go to the appropriate fund.

Conclusion/Recommendations: Staff plans on advertising in a Midwest used turf equipment flyer in the near future and continuing to look for interested bidders. Staff is recommending council approval to award the sale of the surplus equipment for not less than 90% of appraised value. The purchaser and the amount of the sale would be included in the next council meeting packet.

Council Agenda Memo

From: Harold Holoch, Utilities Engineer

Meeting: April 4, 2011

Subject: Chassis Cab Truck Purchase

Presenter: Harold Holoch

Background: The replacement of the 1991 dump truck is budgeted in the 2011 Equipment Replacement Fund. The City opened sealed bids on March 28, 2011 for the truck chassis. A copy of the bid tabulation sheet is attached. The dump body and front mount snow plow will be bid separately in the near future.

Discussion: Two bids with the proper bid security were received. Both bids meet specifications and the bidders included pricing for various options. Staff recommends award to the low bidder, Holcomb Freightliner, for $68,290.12 plus options 2 and 6 for $29 for a total contract amount of $68,319.12. The options include pull cables on all air reservoirs and extreme climate cab insulation.

Financial Consideration: The 2011 Equipment Replacement Fund includes the purchase of the truck chassis and dump body. The front mount snow plow is budgeted in the 2011 Second Penny Sales Tax Fund in the Street Department equipment line item.

Conclusion/Recommendations: Administration recommends awarding the truck chassis bid to the low bidder, Holcomb Freightliner, for $68,290.12 plus options 2 and 6 for $29 for a total contract amount of $68,319.12.

BID TABULATION

PROJECT: 36,200 GVWR TRUCK CHASSIS Date: March 28, 2011

BIDDER: ADDRESS:	Holcomb Freightliner 4801 Harbor Drive Sioux City, IA 51111	Great Plains Intl. 4511 N Cliff Ave Sioux Falls, SD 57104
BID SECURITY:	$6,829.00 Bid Bond	$7,800.00 Bid Bond
PROPOSAL New 36,200 GVWR Truck Chassis	**$68,290.12**	$73,865.00
Make	Freightliner	International
Model	M2106V	7400 SBA 4x2 Workstar
Equipment Delivery ARO	120-150 days	90-120 days
Option #1 Two yr in lieu of 1 yr warranty	(Standard Equipment)	$1,200.00
Option #2 Pull cables on all air reservoirs	**$4.00**	$297.00
Option #3 Air cleaner w/snow valve	Not Available	$241.00
Option #4 Transmission control module in cab	Not Available	$141.00
Option #5 Front engine PTO provision	(Standard Equipment)	$177.00
Option #6 Extreme climate cab insulation	**$25.00**	Not Available

CITY OF VERMILLION
INVOICES PAYABLE-APRIL 4, 2011

1	JOHN POWELL	MRES TRAVEL REFUND APPA TRIP	1,339.68
2	AMERICAN LIBRARY ASSOCIATION	BOOKS	32.50
3	AMSAN	SUPPLIES	123.68
4	ANTIGUA GROUP, INC	MERCHANDISE	2,145.66
5	APPEARA	SUPPLIES	51.75
6	ARAMARK	UNIFORM SHIRTS	192.69
7	ARAMARK UNIFORM SERVICES	UNIFORMS & CLEANING	447.13
8	ARGUS LEADER	ADVERTISING-EMPLOYMENT PKG	706.50
9	AUDIO GO	BOOKS	163.91
10	AUTOMATIC BUILDING CONTROL	INSPECTIONS/REPAIRS	2,133.32
11	AWWA	MEMBERSHIP DUES	330.00
12	BAG BOY CO	MERCHANDISE	236.00
13	BAKER & TAYLOR BOOKS	BOOKS	392.68
14	BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	6,161.82
15	BARNES DISTRIBUTION	SUPPLIES	274.32
16	BASIN ELECTRIC POWER COOP	MAINTENANCE	442.96
17	BEST WESTERN RAMKOTA INN	TRAVEL	162.00
18	BIITTNER MASONRY	REPAIRS	816.00
19	BOBS CANDY SERVICE, INC	SUPPLIES	237.72
20	BOMGAARS	SUPPLIES	301.65
21	BOOK WHOLESALERS, INC	BOOKS	275.99
22	BROADCASTER PRESS	ADVERTISING	98.94
23	BUSHNELL OUTDOOR PRODUCTS	MERCHANDISE	969.68
24	BUTLER MACHINERY CO.	ENG. EQUIPMENT/PARTS	18,612.81
25	CADD/ENGINEERING SUPPLY, INC	SUPPLIES	94.15
26	CALLAWAY GOLF	MERCHANDISE	1,323.60
27	CAMPBELL SUPPLY	SUPPLIES	910.96
28	CANON FINANCIAL SERVICES	COPIER LEASE	56.16
29	CASK & CORK	MERCHANDISE	1,180.31
30	CENTURY BUSINESS PRODUCTS	COPIER CONTRACT	36.00
31	CHESTERMAN CO	MERCHANDISE	487.00
32	CITY OF VERMILLION	COPIES/POSTAGE	1,455.66
33	CITY OF VERMILLION	UTILITY BILLS	32,060.81
34	CLAY RURAL WATER SYSTEM	WATER USAGE/SODA ASH	936.20
35	CLAY-UNION ELECTRIC CORP	ONE CALL MTG SPONSOR SHARE	89.45
36	COBRA PUMA GOLF, INC	MERCHANDISE	242.74
37	COFFEE KING, INC	SUPPLIES	57.75
38	COLLINS BROTHERS, INC	MERCHANDISE	257.46
39	COLONIAL LIFE ACC INS.	INSURANCE	3,250.10
40	CONCRETE MATERIALS	SUPPLIES	480.48
41	CONTINENTAL RESEARCH CORP	SUPPLIES	1,385.35
42	CORY MOORE	SAFETY BOOT REIMBURSEMENT	79.49
43	CRYSTAL BRADY	MEALS REIMBURSEMENT	52.00

44	D & D PEST CONTROL	INSPECTION/TREATMENT	17.50
45	DAKOTA BEVERAGE	MERCHANDISE	8,282.57
46	DAKOTA PC WAREHOUSE	COMPUTER/REPAIRS	534.95
47	DAKOTA PUMP INCORP	PARTS	4,725.89
48	DAKOTA RIGGERS & TOOL SUPPLY	SUPPLIES	68.06
49	DANKO MES, INC.	FIRE HOSE	7,858.03
50	DAPHNE'S HEADCOVERS	MERCHANDISE	49.91
51	DAVIS PHARMACY	SUPPLIES	651.95
52	DELTA DENTAL PLAN	INSURANCE	5,537.52
53	DEMCO	SUPPLIES	296.73
54	DENNIS MARTENS	MAINTENANCE	833.34
55	DEPT OF REVENUE	TESTING	236.00
56	DEWILD GRANT RECKERT & ASSOC	PROFESSIONAL SERVICES	1,246.00
57	DIVISION OF MOTOR VEHICLE	TITLE/PLATES	13.00
58	DUST TEX	SUPPLIES	45.26
59	EARTHGRAINS BAKING CO'S INC	SUPPLIES	92.26
60	ECHO ELECTRIC SUPPLY	SUPPLIES	197.09
61	ENTERSECT	USER AGREEMENT	79.00
62	ENVIRONMENTAL RESOURCE ASSOC	SUPPLIES	1,051.84
63	ERIN J. SEEP	MAINTENANCE	87.00
64	FARMER BROTHERS CO.	COFFEE PACKETS	32.88
65	FOREMAN MEDIA	COUNCIL MTG	100.00
66	FORESTRY SUPPLIERS, INC	SUPPLIES	684.78
67	FULL BLAST ENGINEERING	POLICE EQUIPMENT	2,100.00
68	FULLERTON LUMBER CO	SUPPLIES	106.15
69	GAYLORD BROS INC	SUPPLIES	42.47
70	GE CAPITAL	COPIER LEASE	114.48
71	GEAR FOR SPORTS	MERCHANDISE	5,212.84
72	GL SPORTS	REC SUPPLIES	201.00
73	GRAINGER	PARTS	91.46
74	GREGG PETERS	FREIGHT	1,907.75
75	GREGG PETERS	RENT	937.50
76	GUARANTEE OIL CO INC	SUPPLIES	26.45
77	HACH CO	PARTS	1,084.45
78	HANSEN LOCKSMITHING	SUPPLIES	65.00
79	HARLAND TECHNOLOGY SERVICE	EQUIPMENT MAINTENANCE	1,485.00
80	HAWKINS WATER TREATMENT	CHEMICALS	932.50
81	HD SUPPLY WATERWORKS	SUPPLIES	2,111.00
82	HDR ENGINEERING, INC	PROFESSIONAL SERVICES	1,703.26
83	HEIMAN, INC.	INSPECTION	162.16
84	HERREN-SCHEMPP BUILDING	SUPPLIES	44.97
85	HOUSE OF WHITE BIRCHES	BOOKS	29.94
86	HY VEE FOOD STORE	SUPPLIES	66.01
87	IN CONTROL, INC	PROFESSIONAL SERVICES	768.00
88	INDEPENDENCE WASTE	WASTE HAULING	774.00
89	INGRAM	BOOKS	3,345.89
90	JACKS UNIFORM & EQPT	UNIFORM/SUPPLIES	2,109.49

91	JACQUELINE LOGUE	REFUND AMBULANCE OVERPAYMENT	368.80
92	JOHN A CONKLING DIST.	MERCHANDISE	6,234.59
93	JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	29,710.04
94	JOHNSON CONTROLS	SERVICE AGREEMENT	1,388.22
95	JOHNSTONE SUPPLY	SUPPLIES	131.16
96	JONES ACE HARDWARE	PARTS/SUPPLIES	1,832.85
97	JONES FOOD CENTER	SUPPLIES	654.86
98	JOSE DOMINGUEZ	MEALS REIMBURSEMENT	54.00
99	KAISER REFRIGERATION	SUPPLIES	98.98
100	KALINS INDOOR COMFORT	PART	3.69
101	KARIAN PETERSON CONTRACTING	TRANSMISSION LINE	50,876.90
102	KARSTEN MFG CORP	MERCHANDISE	2,538.50
103	KIRK HOGEN	MILEAGE REIMBURSEMENT	76.00
104	KNOLOGY	E911 CIRCUIT/DIALUP SERVICE	1,415.45
105	KOLETZKY IMPLEMENT	PARTS	282.80
106	LAKE REGION CONTRACTING, INC	SNOW HAULING	386.64
107	LARGE PRINT OVERSTOCKS	BOOKS	14.51
108	LARRYS HOME REPAIR	REPAIRS	45.00
109	LAUREN L. TOLSMA	REIMBURSE SUPPLIES	9.98
110	LAWSON PRODUCTS INC	SUPPLIES	215.51
111	LEARNING OPPORTUNITIES, INC	BOOKS	838.07
112	LEGGETTE, BRASHEARS & GRAHAM	PROFESSIONAL SERVICES	3,344.43
113	LEISURE LAWN CARE	SERVICE CENTER TREATMENT	167.20
114	LESSMAN ELEC. SUPPLY CO	SUPPLIES	617.70
115	LIFESPAN TECHNOLOGY RECYCLING	TRANSPORT ELECTRONICS	5,605.40
116	LINCOLN MUTUAL LIFE	INSURANCE	518.91
117	LONGS PROPANE INC	PROPANE	4,749.20
118	LOREN FISCHER DISPOSAL	HAULING CARDBOARD	140.00
119	M.W BEVINS CO	REPAIRS	217.45
120	MAGNUM DEVELOPMENT	WATER HEATER REBATES	1,872.00
121	MARK CLARK	MEALS/MILEAGE REIMBURSEMENT	46.40
122	MARK MILBRODT	SAFTETY BOOT REIMBURSEMENT	100.00
123	MARKS LAWN CARE	DEBRIS REMOVAL	209.75
124	MART AUTO BODY	TOWING	520.00
125	MATHESON TRI-GAS, INC	SUPPLIES	86.75
126	MATTHEW BENDER & CO, INC	BOOK	31.87
127	MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,088.00
128	MCLEODS PRINTING	TRAFFIC TICKETS	606.05
129	MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	55.00
130	MIDWEST ALARM CO	ALARM MONITORING	120.00
131	MIDWEST BUILDING MAINTENANCE	MAT SERVICE	520.90
132	MIDWEST TURF & IRRIGATION	MOWERS/REPAIRS	46,035.06
133	MISSOURI RIVER ENERGY SERVICE	ADVERTISING	225.00
134	MISSOURI VALLEY MAINTENANCE	REPAIRS	897.90
135	MOORE WELDING & MFG	REPAIRS	15.30
136	N B GOLF LLC	GOLF CARS LEASE/BEVERAGE UNIT	4,238.40
137	NATIONAL MUSIC MUSEUM	CONTRIBUTION	7,500.00

138	NATL GOLF FOUNDATION	MEMBERSHIP DUES	199.00
139	NCL OF WISCONSIN, INC	SUPPLIES	651.00
140	NETSYS+	PROFESSIONAL SERVICES	400.00
141	NEW YORK LIFE	INSURANCE	95.00
142	NIKE INC	FREIGHT	3,375.59
143	NOVELTY MACHINE & SUPPLY	SUPPLIES	43.00
144	OFFICE SYSTEMS CO	INK CARTRIDGES/COPIER CONTRACTS	1,348.92
145	PEPSI COLA	POP-RECREATION	257.75
146	PETE LIEN & SONS, INC	CHEMICALS	3,973.00
147	PITNEY BOWES	POSTAGE METER RENTAL	242.49
148	PKG CONTRACTING, INC	WWTF PHASE II IMPROVEMENTS	16,200.00
149	PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
150	PRAIRIE BERRY WINERY	MERCHANDISE	1,581.00
151	PRESSING MATTERS	SUPPLIES	317.00
152	PRESTIGE FLAG	SUPPLIES	328.64
153	PRINT SOURCE	ADVERTISING	453.00
154	PUMP N PAK	FUEL	2,437.81
155	QUALITY EQUIPMENT AND SERVICE	BLADE SHARPENING	37.50
156	QUEEN CITY WHOLESALE	MERCHANDISE	432.51
157	QUILL	SUPPLIES	769.69
158	QWEST	TELEPHONE	733.56
159	RACOM CORPORATION	MAINTENANCE CONTRACT	335.00
160	RANDOM HOUSE, INC	BOOKS	378.95
161	RECORDED BOOKS, INC	BOOKS	930.20
162	REINHART FOODSERVICE, LLC	SUPPLIES	833.42
163	REPUBLIC NATIONAL DIST	MERCHANDISE	27,638.30
164	RESCO	WIRE/SUPPLIES	31,495.78
165	RIVERSIDE HYDRAULICS & LAB	PARTS	707.08
166	ROBIN HOWER	MEALS REIMBURSEMENT	64.00
167	SANFORD CLINIC VERMILLION	SUPPLIES	57.36
168	SANITATION PRODUCTS	PARTS	79.94
169	SD RETIREMENT SYSTEM	CONTRIBUTIONS	44,339.41
170	SD SOLID WASTE MANAGEMENT	REGISTRATION	330.00
171	SENIOR CITIZEN	CONTRIBUTION	15,000.00
172	SENSUS METERING SYSTEMS	REPAIRS	152.25
173	SERVALL TOWEL & LINEN	SUPPLIES	24.96
174	SIOUX CITY JOURNAL	ADVERTISING	358.71
175	SIOUX FALLS CRANE & HOIST	CRANE INSPECTION	510.00
176	SIOUX FALLS TWO WAY RADIO	REPAIRS	517.39
177	SIOUX SALES CO.	POLICE EQUIPMENT	1,103.70
178	SIOUXLAND HUMANE SOCIETY	DROP OFF FEES	74.00
179	STAN HOUSTON EQPT CO	PARTS	102.24
180	STERN OIL CO.	SUPPLIES	104.54
181	STEWART OIL-TIRE CO	REPAIRS	121.90
182	STURDEVANTS AUTO PARTS	PARTS	959.77
183	SUN MOUNTAIN	MERCHANDISE	520.70
184	TEAM GOLF	MERCHANDISE	394.28

185	THATCHER COMPANY	SODA ASH	6,886.00
186	THE EQUALIZER	ADVERTISING	144.00
187	THE NEW SIOUX CITY IRON CO	SUPPLIES	302.94
188	TITLEIST DRAWER CS	MERCHANDISE	10,185.99
189	TODDS ELECTRIC SERVICE	INSTALL LOAD CONTROLS	420.00
190	TRUE VALUE	PARTS	157.92
191	TUBLEWEED PRESS INC	SUBSCRIPTION	399.00
192	TURFWERKS	PARTS	31.90
193	TYLER TECHNOLOGIES	MAINTENANCE	18,119.20
194	ULTRAMAX	SUPPLIES	545.79
195	UNITED WAY	CONTRIBUTIONS	285.00
196	UPSTART	BOOKS	677.10
197	USA BLUEBOOK	PARTS	342.05
198	UTILTIES PLUS ENERGY SERVICE	REPAIRS	1,875.00
199	VERMILLION CHAMBER OF COMMERCE	DUES/TICKETS	190.00
200	VERMILLION COMMUNITY CPR	CPR CLASS	28.00
201	VERMILLION FORD	2011 FORD FUSION/REPAIRS	18,969.35
202	VGSA	SOFTBALL SPONSORSHIP	150.00
203	VISA/FIRST BANK & TRUST	TRAVEL/LODGING/SUPPLIES	7,228.64
204	WAHLTEK	SERVICE AGREEMENT COM CENTER	2,048.00
205	WAL-MART COMMUNITY	SUPPLIES	558.72
206	WALT'S HOMESTYLE FOODS, INC	MERCHANDISE	66.00
207	WESCO DISTRIBUTION, INC	SUPPLIES	2,774.65
208	WEST GROUP PAYMENT CENTER	SUBSCRIPTION	197.52
209	WESTERN STATES CABLING INC	SUPPLIES	616.00
210	YANKTON FIRE & SAFETY	EXTINGUISHER RECHARGE	65.00
211	YANKTON JANITORIAL SUPPLY	SUPPLIES	1,693.34
212	ZEE MEDICAL SERVICE	SUPPLIES	34.90
213	ZEP SALES & SERVICE	SUPPLIES	335.35
214	ZIMCO SUPPLY CO	SUPPLIES	2,827.40
		GRAND TOTAL	$555,839.98

Unapproved Minutes
Vermillion Planning Commission
Monday March 28, 2011 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order in the conference room at City Hall on March 28, 2011 at 5:30 p.m.

1. Roll Call
   Present: Fairholm, Forseth, Muenster, Reasoner, Tuve and Iverson. Absent: Howe and Gruhn.

   Also present was José Dominguez, City Engineer.

2. Minutes
   a. March 14, 2011 Regular Meeting.

   Moved by Forseth to approve the March 14, 2011 Regular Meeting and minutes, seconded by Reasoner. Motion carried 6-0.

3. Adoption of the Agenda
   Moved by Fairholm to adopt the agenda as printed, seconded by Muenster. Motion carried 6-0.

4. Visitors to be Heard

5. Public Hearing

6. Old Business

7. New Business
   a. José reported that the plat meets city ordinance requirements including the dedication of a portion of East Clark Street and North Norbeck Street. José noted that the plat will also dedicate the required 8-foot easement around the outside perimeter of each lot. In addition to the vacation of Outlot C, the applicant will also be vacating an existing 8-foot utility easement that runs east to west along the south side of Outlot C. Discussion followed.

      Concerns were expressed about all of the required parking being located on the street side of the lot. Mr. Mehlhaf, owner, stated that arranging the parking similar to the other buildings would put the buildings back-to-back and potentially cause privacy issues for the occupants.

   Moved by Muenster to recommend approval of the plat to the City Council, seconded by Forseth. Motion carried 6-0.

8. Staff Reports
   Discussion took place on the possible annexation of the airport.

9. Adjourn
   Moved by Forseth to adjourn, seconded by Tuve. Motion carried 6-0.

   Chairman Iverson declared the meeting adjourned 5:55 p.m.