



## Special Meeting Agenda City Council

12:00 pm (noon) Special Meeting  
Monday, December 19, 2011  
Large Conference Room  
25 Center Street  
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Informational Session – Annual review of water & electrical rate surcharges – Mike Carlson.**
3. **Informational Session – Update on draft of the Solid Waste Strategic Planning Process – Bob Iverson and John Prescott.**
4. **Briefing on the December 19, 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**

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**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.

Date: December 13, 2011

To: John Prescott, City Manager

From: Mike Carlson, Finance Officer

Subject: Annual Review of Water Rate Surcharge

The 2005 State Revolving Loan required the creation of a surcharge water fee whose revenues were pledged to the repayment of the SRF loan. The surcharge rate is to be established to generate 110% of the debt service requirement for the year. The water surcharge rate resolution provides that "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 water rate and surcharge rate were last adjusted in December 2010 to be effective with January 2011 billing. As the SRF loan has equal quarterly payments totaling \$235,669 for each year, the 110% coverage remains the same at just under \$260,000 per year. The water surcharge was established as a portion of the monthly customer charge based upon meter size and the projected revenue for 2011 is \$262,000. As the surcharge is based on the monthly customer charge and there has not been much of an increase in water customers this past year the surcharge fee is projected to generate about the same revenue for 2012. As such there is not a need to adjust the water surcharge rate for 2012. The water rate resolution provides that any excess water surcharge be transferred to the water fund at the year end.

It is my recommendation that the water surcharge rate can remain unchanged for 2012 as it will generate the required revenues for the bond resolution.

The water sales revenues were up for 2011 because of the increased water sales due to the dry fall. My current estimate of water revenues for 2011 is \$1,290,000 which is \$54,000 over the budget of \$1,236,000. The water revenue budget for 2012 is \$1,240,000 and if water sales are the same in 2012 as 2011 the revenues should be \$50,000 over budget. The current water rate should also meet the 2012 budget for water revenues unless there is a decline in water sales.

Date: December 12, 2011

To: John Prescott, City Manager

From: Mike Carlson, Finance Officer

Subject: Annual review of electric rate surcharge

The 2009 Electric Revenue Bonds required the creation of a surcharge electric rate pledged to the repayment of the bonds. The surcharge rate is to be established to generate 125% of the debt service requirement for the year. The rate resolution provides that "The charges shall be reviewed annually by City personnel and administratively adjusted, upwards or downwards, pursuant to SDCL 9-40-15.1 and 9-40-15 to such amounts as may be necessary to pay principal, interest and other charges as may become due and owing on the bonds". The surcharge was last adjusted in December 2010 to be effective with January 2011 billing at \$0.011 per kw. Based upon electric sales to date and projecting December 2011 to be the same as December 2010 the surcharge will generate about \$27,000 in excess of the 125% of the 2011 debt service. The 2012 debt service is \$576,985 at 125% coverage will require the surcharge fee revenues of \$721,231. Based upon our electric sales projections for 2012 of 68,084,000 kw if the surcharge rate is left at \$0.011 it will generate \$748,924 or about \$27,000 in excess of the 125% requirement. The surcharge rate resolution provides that any excess surcharge is to be reimbursed to the electric fund annually thus the excess surcharge revenues are available to the electric fund at year end.

It is my recommendation that the electric surcharge rate remain the same for 2012 which will satisfy the requirements of the bond and rate resolution. I will continue to monitor electric sales to determine if any adjustment will be required.

The seasonal rates for the electric fund were adopted in May, 2011 to go into effect January 1, 2012.



## City of Vermillion Council Agenda

7:00 p.m. Regular Meeting  
Monday, December 19, 2011  
City Council Chambers  
25 Center Street  
Vermillion, South Dakota 57069

### 1. Roll Call

### 2. Pledge of Allegiance

### 3. Minutes

- a. December 5, 2011 Special Session; December 5, 2011 Regular Session.

### 4. Adoption of the Agenda

### 5. Visitors To Be Heard

### 6. Public Hearings

- a. First Reading of Ordinance No. 1269 - Petition for change of zoning to exclude from the NRC Natural Resource Conservation District and include in the R-1 Residential district Lots 2, 3, and 4, Block 1, Bliss Second Addition to the City of Vermillion, Clay County, South Dakota.

### 7. Old Business

- a. Second Reading of Ordinance No. 1267 –Amending Title 15 Chapter 155 Section 155.101, Amendments and Change of Zone, to require property owner consent.
- b. Second reading of Ordinance No. 1268 – 2011 Budget Supplemental Appropriations Ordinance.

### 8. New Business

- a. First reading of Ordinance No. 1270 – Amending the Municipal Ordinances of the City of Vermillion by repealing Chapter 156, Extraterritorial Zoning, and adding Appendix A, the 2012 Joint Zoning Regulations for Clay County and the City Of Vermillion.
- b. First reading of Ordinance No. 1271 – Amending Title 15, Chapter 150 - Building Regulations, Section 150.26 through 150.36, Amendments for Special Permits for Moving Structures.
- c. Selection of a consultant to assist with the design of a new swimming pool.
- d. Report on options for industrial uses in the General Business zoning district.
- e. Combined election agreement with County and School for June 5, 2012 Election.
- f. Commercial collector license renewals.
- g. Public Safety Center Board appointment.
- h. Resolution requesting continued consideration of CDBG application for water tower.

### 9. Bid Openings

### 10. City Manager's Report

### 11. Invoices Payable

### 12. Consensus Agenda

- a. Set a special meeting date of January 10, 2012 at 6:30 pm for a joint meeting with the Clay County Commission for second reading of the Joint Jurisdictional Zoning Ordinance.
- b. Set a bid opening date of January 11, 2012 for the 15.5 kV Load Interrupting Padmount Switchgear.

### 13. Adjourn

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**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  
December 5, 2011  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, December 5, 2011 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present: Davies, Meins, Osborne, Ward (arrived at 12:07, Willson, Zimmerman, Mayor Powell

Absent: French, Grayson

2. Informational Session - Joint Jurisdictional Zoning Ordinance Update - Andy Colvin

Andy Colvin, Assistant to the City Manager, updated the City Council on the Joint Jurisdictional Zoning Ordinance. Andy stated that the tentative adoption schedule is that Clay County will have first reading of the ordinance at their December 6<sup>th</sup> meeting, City Council would have first reading of the ordinance at the December 19<sup>th</sup> meeting, a joint meeting of Clay County Commission and City Council would be held on January 10, 2012 with notice published of a public hearing for second reading and the adoption of the Joint Jurisdictional Ordinance. The Joint Jurisdictional Ordinance will be effective on February 9, 2012. Andy noted that the County will be adopting the City Building Code with some agricultural building exceptions and developing a contractual services agreement with the City for the City Building Official to do the building inspections. Andy noted that building permits will be issued by the County in the joint jurisdictional area and that they will be forwarded to the City Building Official for review. Andy reviewed flow charts of the process in the extraterritorial area for zone change and amendments to the zoning ordinance. He noted that the County Commission and City Council will serve as the Board of Adjustment and that conditional uses would be heard by the Joint County/City Planning Commissions with the appeal of their decisions going to the Joint County Commission/City Council. Discussion followed on the Joint Jurisdictional Ordinance.

3. Informational Session - Update on proposed changes to House Moving ordinance - John Prescott

John Prescott, City Manager, handed out a copy of the house moving ordinance with the proposed changes that were discussed by the Council earlier. John noted that securing of the site(s) would be required, bond for the moving company and for the owner to complete the house relocation exterior and site work, and require that taxes be current on the structure prior to moving. Discussion followed noting that this ordinance will be sent to the City Attorney for review and then will be on an upcoming agenda.

4. Briefing on the December 5, 2011 City Council Regular Meeting Agenda

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

5. Adjourn

356-11

Alderman Osborne moved to adjourn the Council special session at 12:58 p.m. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 5<sup>th</sup> day of December, 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  
December 5, 2011  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on December 5, 2011 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

Absent: Grayson, Ward

2. Pledge of Allegiance

3. Minutes

A. November 21, 2011 Special Session; November 21, 2011 Regular Session

357-11

Alderman Meins moved approval of the November 21, 2011 special session minutes and the November 21, 2011 regular session minutes. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

358-11

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

5. Visitors to be Heard - None

6. Public Hearings

A. Annual liquor and wine license renewals

Mike Carlson, Finance Officer, reported that this was the time set for the public hearing for the annual liquor license and wine license renewals. The Police Chief's report is included in the packet. From the police report, there are four license holders that had failed compliance checks. The management plans for Maya Jane's,

Inc. and Leo's Lounge, Inc. were filed in June with the malt beverage license renewal. The management plan for Fraternal Order of Eagles, Inc., is included in the packet. The other license holder, with an incident from a compliance check violation was Spanrex, Inc for Chae's on November 30<sup>th</sup> which has not been processed by the court system. If convicted, their management plan will be requested with the next license renewal. The list of license applications requesting renewal is included on the notice of hearing. Mike noted that included in the liquor license renewals was John Grunewaldt's renewal request with a site transfer from 9 W. National Street to 15 Court Street. A renewal with name change is requested for Secure Success, LLC for Pro's Sports Bar, formerly known as Prairie Inn SD, LLC, while the corporate ownership remained the same. RED Steakhouse, Inc. has requested a site expansion with their wine license renewal expanding into what was formerly known as 5 East Main Street.

Mike noted that for City Council actions, the Council may first want to consider the Charcoal, Inc. and Fraternal Order of Eagles licenses to allow Alderman French and Osborne to participate in the discussion on the remainder of the licenses. Second would be to consider the renewal of the remainder of licenses, except those that have site transfer, name change and site expansion. Last would be to address the site transfer, name change and site expansion.

359-11

Alderman Davies moved approval of the reissuance of the on-sale retail liquor license for Charcoal, Inc., for Charcoal Lounge, at 6 & 8 E. Main. Alderman Zimmerman seconded the motion. Alderman French requested to abstain. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

360-11

Alderman Davies moved approval of the reissuance of the on-sale retail liquor license for the Fraternal Order of Eagles for Eagles Club at 114 W. Main. Alderman French seconded the motion Alderman Osborne requested to abstain. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

361-11

Alderman Davies moved approval of the reissuance of the following licenses: Re-issuance of On-Sale-Retailer Liquor: Bebee Street, LLC, for Carey's Bar, at 18 West Main Street; Leo's Sports Bar & Grill, LLC, for Leo's Lounge, at 11 South Market Street; Bunyan's, LLC, for Bunyan's, at 1201 West Main Street; Main Street Pub, Inc., for Main Street Pub, at 11 West Main Street; City of Vermillion, for The Bluff's Golf Course, at 2021 East Main Street; Maya Jane's, Inc.,

for Maya Jane's, at 9 W Main Street; J.N.J. Management, Inc., for The Road House, at 911 East Cherry Street; Valiant Vineyards, Inc., for Valiant Vineyards, at 1500 West Main Street; Re-issuance of On-Off Sale Wine: Spanrex, Inc., for Chae's, at 8 West Main Street; Mexico Viejo, Inc., for Mexico Viejo Mexican Restaurant, 432 E. Cherry Street; Blue, Inc., for Little Italy's, at 831 East Cherry Street; Prairie River, Inc., for R Pizza, at 2 West Main Street; Bonnie K. Rowland, for Raziell's, at 13 West Main Street; HyVee Food Stores, Inc., for HyVee, at 525 West Cherry Street; Silk Road Café, Inc., for Silk Road Café, at 12 West Main Street; Wal-Mart Stores, Inc., for Wal-Mart #3734, at 1207 Princeton Street; Café Brule, Inc., for Café Brule, at 24 West Main Street; Re-issuance of Package Wine (Farm Winery): Valiant Vineyards, Inc., for Valiant Vineyards, at 1500 West Main Street; Re-issuance of Municipal Off-Sale Package Liquor: City of Vermillion, for Municipal Liquor Store, at 826 Cottage Avenue. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Mayor Powell stated that the next item would be the site transfer for John Grunewaldt for the Pressbox. Mike Carlson, Finance Officer, reported that the transfer from CLG, LLC to John Grunewaldt was approved with the same restriction as when the license was renewed in 2009 and 2010 being for the interior of the building at said location with the license as inactive pending final inspection of the building at 9 West National Street as being suitable to be occupied for this type of business. Mike noted that, at this new location, no building permit has been received and the management will be the same so the restriction may want to be continued. Discussion followed.

362-11

Alderman Willson moved approval of the renewal with site transfer of the on-sale retail liquor license for John Grunewaldt for the Pressbox at 15 Court Street transferred from 9 West National Street with the same restriction as when renewed in 2009 and 2010 being for the interior of the building now at 15 Court Street with the license as inactive pending final inspection of the building at said location as being suitable to be occupied for this type of business. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Mayor Powell stated that the next item is the renewal with name change for Pro's Sports Bar. Mike Carlson, Finance Officer reported that Secure Success, LLC is the new corporate name for Pro's Sports Bar at 912 North Dakota Street formerly Prairie Inn SD, LLC, noting that the corporate ownership remained the same.

363-11

Alderman Osborne moved approval of the reissuance of the on-sale retailer liquor license with corporate name change for Secure Success, LLC for Pro's Sports Bar at 912 North Dakota Street former corporate name of Prairie Inn SD, LLC. Alderman French seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Mayor Powell stated that the next item is the renewal with site expansion for RED Steakhouse. Mike Carlson, Finance Officer, reported that RED Steakhouse, Inc. has applied for the renewal of the retail on-off sale wine license with a site expansion into what was formerly known as 5 East Main Street. Mike stated the next item on the agenda is the site expansion for the malt beverage license for this establishment. Discussion followed.

364-11

Alderman Zimmerman moved approval of the reissuance of the retail on-off sale wine license for RED Steakhouse, Inc. for RED Steakhouse at 1 East Main Street, including the expansion into what was formerly known as 5 East Main Street. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

B. Site expansion of retail on-off sale malt beverage license for RED Steakhouse, Inc. to expand into what was formerly known as 5 E. Main Street

Mike Carlson, Finance Officer, reported that the site expansion request is for RED Steakhouse, Inc. for their on-off sale malt beverage license until June 30, 2012 to expand into the property known as 5 E. Main Street. The wine license for this location was approved in the previous item.

365-11

Alderman French moved approval of the site expansion for the retail on-off sale malt beverage license for RED Steakhouse, Inc. located at 1 E. Main Street to include the property known as 5 E. Main Street. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

## 7. Old Business

A. Second Reading of Ordinance No. 1266 - Amending Title 15, Chapter 155, Section 155.039 (A), HI Heavy Industrial District, to allow light manufacturing as a permitted use

Andy Colvin, Assistant to the City Manager, reported that the Planning Commission considered a conditional use permit application to allow light manufacturing in the Heavy Industrial District. At the hearing, the Planning Commission members expressed concerns as to why a conditional use permit was required. The primary concern was that such a requirement could be perceived as an unreasonable barrier to development. The amendment will allow general manufacturing uses within the special permit, but still require uses involving refining, noise pollution, or that may harm the quality of life and input safety to go through the conditional use permit process. This change was approved by the Planning Commission. There have been no comments received since first reading and a roll call vote is required.

366-11

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1266 entitled an Ordinance Amending Title 15, Chapter 155, Section 155.039 (A), HI Heavy Industrial District, to allow light manufacturing as a permitted use was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 21<sup>st</sup> day of November, 2011 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 5<sup>th</sup> day of December, 2011 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

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

ORDINANCE NO. 1266

AN ORDINANCE AMENDING TITLE 15, CHAPTER 155, SECTION 155.039 (A), HI HEAVY INDUSTRIAL DISTRICT, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA TO ALLOW LIGHT MANUFACTURING AS A PERMITTED USE.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SD:

That Section 155.039 (A), of the Zoning Ordinance of Vermillion, SD, is hereby amended to read as follows:

§155.039 HI HEAVY INDUSTRIAL DISTRICT

(A) Permitted uses.

This district is intended to provide for general industrial uses which may create some nuisance and which are not properly associated with, nor compatible with residential, office, or commercial establishment. All uses in this district shall comply with any state or local regulations regarding noise, emissions, dust, odor, glare, vibration or heat when applicable.

<i>Permitted Use</i>	<i>Applicable Standards</i>
<b>Light manufacturing</b>	§§ <a href="#">155.070</a> , <a href="#">155.072</a> , <a href="#">155.073</a> , <a href="#">155.077</a>
<b>Wholesale trade</b>	§§ <a href="#">155.070</a> , <a href="#">155.072</a> , <a href="#">155.073</a> , <a href="#">155.077</a>
<b>Farm store or feed store</b>	§§ <a href="#">155.070</a> , <a href="#">155.072</a> , <a href="#">155.073</a> , <a href="#">155.077</a>
<b>Contractor's shop/storage yard</b>	Subject to screening of all outdoor storage from view §§ <a href="#">155.070</a> , <a href="#">155.072</a> , <a href="#">155.073</a> , <a href="#">155.077</a>
<b>Bus/truck terminal</b>	§§ <a href="#">155.070</a> , <a href="#">155.072</a> , <a href="#">155.073</a> , <a href="#">155.077</a>
<b>Public utility facility</b>	§§ <a href="#">155.070</a> , <a href="#">155.072</a> , <a href="#">155.073</a> , <a href="#">155.077</a>
<b>Frozen food locker</b>	§§ <a href="#">155.070</a> , <a href="#">155.072</a> , <a href="#">155.073</a> , <a href="#">155.077</a>
<b>Off-premise signs</b>	§ <a href="#">155.070</a>
<b>Electrical substation</b>	An opaque screen, 6 feet in height, must be located as far back as all setback lines. §§ <a href="#">155.070</a> , <a href="#">155.077</a>
<b>Retailing</b>	Being an accessory use when in conjunction with a primary use of wholesaling or manufacturing. 14.01, 14.03, 14.04, 14.10
<b>A warehouse or mini-warehouse</b>	Subject to the materials stored on the premises shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials. §§ <a href="#">155.070</a> , <a href="#">155.072</a> , <a href="#">155.073</a> , <a href="#">155.077</a>
<b>Bus and truck wash</b>	All water from the truck or bus wash being contained on the site. §§ <a href="#">155.070</a> , <a href="#">155.072</a> , <a href="#">155.073</a> , <a href="#">155.077</a>
<b>Truck repair, sales, and service</b>	No unscreened outdoor storage of parts. §§ <a href="#">155.070</a> , <a href="#">155.072</a> , <a href="#">155.073</a> , <a href="#">155.077</a>
<b>Recycling collection facility</b>	Subject to any outdoor storage of recyclable materials must be within an opaque screened area at least 6 feet in height. §§ <a href="#">155.070</a> , <a href="#">155.072</a> , <a href="#">155.073</a> , <a href="#">155.077</a>
<b>Fruit and vegetable canning and processing</b>	Traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods. §§ <a href="#">155.070</a> , <a href="#">155.072</a> , <a href="#">155.073</a> , <a href="#">155.077</a>
<b>Automobile storage yard</b>	Screening of the storage yard with fence, berm, vegetation or placement on the lot. §§ <a href="#">155.070</a> , <a href="#">155.072</a> , <a href="#">155.073</a> , <a href="#">155.077</a>

<i>Permitted Use</i>	<i>Applicable Standards</i>
<b>Motor vehicle repair shop</b>	An adequate number of parking spots to store the cars and screen parts and materials from view. §§ 155.070, 155.072, 155.073, 155.077
<b>Recycling processing facility</b>	Any outdoor storage of recyclable materials must be within an opaque screened area at least 6 feet in height and all processing operations must be fully enclosed. §§ 155.070, 155.072, 155.073, 155.077
<b>Ready-Mix Plant</b>	§§ 155.070, 155.072, 155.073, 155.077

Dated at Vermillion, South Dakota this 5<sup>th</sup> day of December, 2011.

THE GOVERNING BODY OF THE CITY  
 OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

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

Adoption of the Ordinance was seconded by Alderman French. Thereafter, the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Davies-Y, French-Y, Meins-Y, Osborne-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y.

Motion carried 7 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

B. First Reading of Ordinance No. 1267 - Amending Title 15, Chapter 155, Section 155.101, Amendments and Change of Zone, to require property owner consent

Andy Colvin, Assistant to the City Manager, reported that the amended ordinance is to require property owner consent before a zone change would go to the Planning Commission and City Council. This ordinance would require 45% of the property owner's consent from within the area to be rezoned and 250' around this area. He reported that, as to owners, it was noted that all property owners for a parcel must sign the petition for that parcel to be included in the 45%. Andy noted that this does not apply to Planning Commission or City Council initiated zone changes. Discussion followed on the ordinance with Jim McCulloch, City Attorney, answering the question

on how the percentage is calculated. He stated that the 45% requirement is based upon the area of the property to be rezoned plus the 250' around.

367-11

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to proposed Ordinance No. 1267 entitled An Ordinance Amending Title 15, Chapter 155, Section 155.101, Amendments and Change of Zone, to require property owner consent 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 5<sup>th</sup> day of December, 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 7 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

## 8. New Business

### A. Plans & Specs for Library addition and renovation

John Prescott, City Manager, reported that the Library Board has been planning the expansion of the library for a number of years and the City Council committed \$1.4 million of second penny sales tax funds in 2010 and applied for and received a \$200,000 Community Development Block Grant. The Library Board hired the firm of Architects, Inc. to design the addition and renovation but the project was put on hold due to a shortage of funding as the architects estimated cost was \$3 million. John noted, that with the announcement of the generous gift of Edith Siegrist, the project is moving forward along with the commitment of the Library Board of their investments of \$120,000 and the Library Foundation pledging to raise the funds for the fixtures.

Liz Squires, architect with Architects, Inc., reviewed the design of the new addition to the north and the addition to the south noting that there will be a complete renovation of the existing library space. The construction costs are estimated at \$2.7 million with total project costs at \$3 million. Liz noted that the façade will match the existing library and will incorporate quartzite to match

the Carnegie Library. Liz reported that they have completed the design and are ready to bid with a bid opening date proposed for January 19, 2012. Liz reported on the construction time line for the project.

Carl Gutzman, Fern Kaufman and Jon Flanagan, representing the Library Board, each thanked the City Council and community for the support of the library project noting that it will be a great improvement for the community.

Discussion followed on the funding with John Prescott, City Manager, reporting that the architect's estimate is about \$300,000 over the funding that is in place for the project. He noted that there are alternates in the bid for about \$50,000 that could be removed and there is a contingency of \$125,000, but noted that this project includes renovation of the existing building which may need this contingency. John noted that architects usually estimate the project high and it is hoped that the bids will be closer to the project funding or we may need to look elsewhere to complete the funding.

368-11

Alderman Osborne moved approval of the plans and specifications for the library addition and renovation and set a bid opening date of Thursday, January 19, 2012 at 2:00 p.m. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

B. Seiler's Second Road District (DePaul, Creighton and Purdue Streets)

Jose Dominguez, City Engineer, reported on the location of Seiler's Second Addition that is being proposed for a road district. The owners of the district petitioned for the creation of a road district. Jose stated that state statute requires the City Council approval of the petition as the property is in the subdivision jurisdiction of the City. The approval of the City Council is needed before the property owners can move forward with the process to the County Commission who will need to act on establishing the boundaries and authorize the election. Jose noted that the City Council had approved the plats of the property including the roads. Discussion followed.

369-11

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

RESOLUTION  
FOR SEILER'S SECOND ROAD DISTRICT PETITION

WHEREAS, there has been presented to the City Council of the City of Vermillion, and filed with the City Finance Officer, a Petition, in writing, signed by a majority of the property owners, and otherwise in compliance with the provisions of SDCL 31-12A-3, requesting that a territory described in the petition be formed into the Seiler's Second Road District;

WHEREAS, the property described within the Seiler's Second Road District petition is within the City of Vermillion Subdivision Jurisdictional area;

WHEREAS, SDCL 31-12A-5.1 requires that the road district petition, within the subdivision jurisdictional area of a city, must first be submitted to the municipality's governing body for approval;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion that the Seiler's Second Road District petition is approved and shall be forwarded to the Clay County Board of Commissioners for their approval.

Dated at Vermillion, South Dakota this 5<sup>th</sup> day of December 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 French. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

C. 2012 Bluffs Golf course rates

David Nelson, Parks and Recreation Director, and Kirk Hogan, Golf Course Pro, were present to report on the proposed 2012 golf course rates. Dave reported that the revenues are up this year at the golf

course over last year but an increase in rates is still needed. David noted that the City Council has requested smaller annual rate increases vs. larger increases every few years and annual adjustments have been made since 2007 in the rates. The adjustment proposed for 2012 is 3% in all but season golf passes. These proposed rates have been reviewed by the Golf Advisory Committee who agreed that season passes should remain at 2011 rates as it was felt that additional increases would drive more pass holders away. Discussion followed on the golf course rates, season pass rates, as well as golf operations and comparable rates with other courses. David and Kirk answered questions of the City Council on the golf course.

370-11

Alderman Zimmerman moved approval of the following rates for the golf course for 2012:

The Bluffs Golf Course Fees  
2012 Proposed

\*\*Season Fees do not include tax\*\*

SEASON GOLF PASSES

2 Person Family	\$659
(+ one child \$689 +2 or more \$719)	
Adult	\$499
College(full time)or under 25	\$249
Junior	\$124

SEASON RANGE PASSES

Family	\$259
Adult	\$194
Junior	\$89

PRIVATE CARTS

Cart Storage	\$329
Trail Fee (homeowners)	\$164

SEASON CART PASSES

2 Person Family	\$639
Adult	\$464

\*\*\*ALL DAILY RATES INCLUDE TAXES\*\*\*

GREEN FEES

9-hole Monday-Friday	\$16.50
18-hole Monday-Friday	\$22.50
9-hole Saturday-Sunday & Holidays	\$19.50
18-hole Saturday -Sunday & Holidays	\$30.00
9-hole punch card (10 rounds)	\$148.50 Mon-Fri
9-hole punch card (10 rounds)	\$162.00 Any day
9-hole punch card (15 rounds)	\$214.50 Mon-Fri
9-hole punch card (15 rounds)	\$234.00 Any day

CART RENTAL

9-hole car rental	\$10.50
9-hole car rental punch card (10 rounds)	\$189.00
18-hole car rental (per person)	\$15.50

DRIVING RANGE

Bag of balls	\$4.00
Punch cards (10 bags)	\$36.00

Corporate Punch Card (18 holes & ½ cart) 30 rounds \$999.00  
HANDICAP \$24.00

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

D. 2012 Prentis Park swimming pool rates

David Nelson, Parks & Recreation Director, reported that the swimming pool had a good year generating over 40% of the cost of operations. David noted that the costs of operating the pool keeps increasing and rates were last adjusted in 2010. In comparing our rates to comparable pools, it is proposed that we increase the family and lap swim passes \$10 and all other passes \$5 per year while increasing the general admissions \$1 each. David noted that aquatic center pool facilities are charging considerably higher fees, but offer different services. Discussion followed.

371-11

Alderman Davies moved approval of the 2012 swimming pool rates as follows: Season Passes: Family \$75, Adult \$45, Youth \$35, Child \$30, Lap Swim/Person \$75, Senior \$30, College \$30; General Admission: Family \$7, Adult \$5, Youth & Child \$4, Lap Swim \$5. Alderman French seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

E. Funding Agreement for the Design of the Parallel Taxiway at Harold Davidson Field

Jose Dominguez, City Engineer, reported that the resolution is to authorize the Funding Agreement between the Department of Transportation and the City of Vermillion for the design of the parallel taxiway at Harold Davidson Field. The design cost is estimated at \$47,000, which will be funded by the State at 3%, a Federal grant at 95% and the City at 2%. The firm of Helms Associates will do the design work.

372-11

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

RESOLUTION  
ACCEPTING THE FINANCIAL AGREEMENT FOR THE DESIGN OF THE PARALLEL  
TAXIWAY AT HAROLD DAVIDSON FIELD BETWEEN THE STATE OF SOUTH  
DAKOTA AND THE CITY OF VERMILLION

WHEREAS, the City of Vermillion wishes to extend the existing taxiway at Harold Davidson Field utilizing a combination of Local, State and Federal Funds, and;

WHEREAS, the Governing Body of the City of Vermillion is asked by the South Dakota Department of Transportation to approve the above mentioned funding agreement by resolution, and;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Vermillion accepts the Funding Agreement between the Department of Transportation and the City of Vermillion for Design of Project 3-46-0056-08-2011.

Dated at Vermillion, South Dakota this 5<sup>th</sup> day of December 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. 7 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

F. First Reading of Ordinance No. 1268 - 2011 Budget Supplemental Appropriations Ordinance

Mike Carlson, Finance Officer, reported that the supplemental appropriations ordinance is needed to correct for items that were not budgeted in the General Fund as follows: general government

equipment, City Hall maintenance for alarm control wiring, engineering for appraisal costs, police equipment, code compliance for nuisance abatement costs, and old library for asbestos abatement and the Unemployment Fund for State reimbursement. Mike reviewed the amounts of the changes proposed. Discussion followed.

373-11

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. 1268 entitled 2011 Budget Supplemental Appropriations Ordinance 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 5<sup>th</sup> day of December, 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 7 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

#### G. Landfill Facility Plan for SRF Loan

Bob Iverson, Solid Waste Director, gave a background of the Landfill Facility Plan noting that HDR is working with the City on the master plan for the Joint Powers operation, along with design of Cell 5 and the leachate system. The estimated cost of Cell 5 is \$690,000 and the leachate system estimated cost is \$1,640,000, which will need to be constructed in 2013. To secure funding, it was recommended by SECOG to apply for grants and loans in January 2012. As part of the SRF request, a Facility Plan is needed to demonstrate the need for the project and compliance with State and Federal requirements. A request was made of HDR to do the Facility Plan at an estimated cost of \$17,044. Discussion followed.

374-11

Alderman Davies moved approval of the contract with HDR for the Facility Plan, for the Landfill, at an estimated cost of \$17,044. Alderman French seconded the motion. Motion carried 6 to 0 (Alderman Osborne was excused). Mayor Powell declared the motion adopted.

#### 9. Bid Openings

## A. Fuel Quotes

Mike Carlson, Finance Officer, read the monthly fuel quotes and recommended the low quote of Stern Oil on all three items.

4,350 gal unleaded: Stern Oil \$3.0523, Brunick's Service \$3.12;  
4,350 gal unleaded (10% ethanol): Stern Oil \$3.0720; 1,500 gal  
average cost of No. 1 and No. 2 diesel fuel dyed: Stern Oil \$3.4304,  
Brunick's Service \$3.65; 500 gal average cost of No. 1 and No. 2  
diesel fuel-clear: Stern Oil \$3.6905, Brunick's Service \$3.85

375-11

Alderman Meins moved approval of the low quote of Stern Oil on Items 1-3. Alderman Zimmerman seconded the motion. Motion carried 6 to 0 (Alderman Osborne was excused). Mayor Powell declared the motion adopted.

## B. Electric wire and transformers

Jason Anderson, Assistant City Engineer, read the bids received for electric wire and recommended the low bid of RESCO for 24,000 feet of 1/0 wire and 13,000 feet of 4/0 for a total of \$65,328. Jason read the bids received on pad mount transformers and recommended the low bid on total evaluated price from Stuart Irby of \$48,437.20 on the initial purchase price of \$25,090.00.

24,000' 1/0 wire and 13,000' 4/0 wire: Border States Electric Supply Co. \$76,543.00, Wesco \$78,621.00, RESCO \$65,328.00, Stuart Irby \$79,950.45

Pad Mount Transformers: Border States Electric Supply Co. \$55,716.80 evaluated price, \$27,022.00 base price; Wesco \$55,739.80 evaluated price, \$25,272.00 base price; Dakota Supply \$50,845.80 evaluated price, \$24,168.00 base price; RESCO \$50,368.60 evaluated price, \$24,689.00 base price; Stuart Irby \$48,437.20 evaluated price, \$25,090.00 base price

376-11

Alderman French moved approval of the low bids on the electric wire of RESCO of \$65,328 and for the pad mount transformers from Stuart Irby of total evaluated price \$48,437.20 on the initial purchase price of \$25,090.00. Alderman Willson seconded the motion. Motion carried 6 to 0 (Alderman Osborne was excused). Mayor Powell declared the motion adopted.

## 10. City Manager's Report

A. John reported on a raffle notification from the Fraternal Order of Eagles who will be selling 1,500 tickets at \$20 each with 50 tickets selected as winners of a gun. Tickets will be sold until March 31st. Purchasers must be 21 years of age and comply with State and Federal regulations to transfer firearms. The proceeds will benefit Eagles charities.

B. John reminded residents of the need to clear sidewalks 24 hours after the end of a snow event. Snow should be stored on the property, not across the street into the right-of-way or onto a neighbor's property.

C. John reported that City offices will be closed on Monday, December 26<sup>th</sup> for the Christmas holiday.

D. John reported that the Christmas tree collection site will be opened December 12<sup>th</sup> to accept the drop off of real trees. Please remove any plastic as well as lights and decorations. The site is located on the south side of Broadway Street just west of Dakota Street.

E. John reported that the City was notified that the 2010 Annual Financial Report was awarded the Certificate of Achievement for Excellence in Financial Reporting.

PAYROLL ADDITIONS AND CHANGES

Police: Jordan Helming \$18.76/hr; Communications: Laura Bergeleen \$14.44/hr; Recreation: Shane Potter \$7.50/hr

11. Invoices Payable

377-11

Alderman Davies moved approval of the following bill:

WILLSON FLORIST	FLORAL ARRANGEMENT	55.00
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Alderman French seconded the motion. Alderman Willson requested to abstain. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

378-11

Alderman French moved approval of the following bills:

A & A REFRIGERATION	REPAIRS	699.41
A & B BUSINESS, INC	MAINTENANCE	534.56
ACCENT ENVIROBALE	LANDFILL BALE BAGS	72,425.00

ACCENT WIRE PRODUCTS	REPAIRS	757.53
ALLEGIANT EMERGENCY SERVICE	PORTABLE MONITOR	2,341.69
AMSTERDAM PRINTING	PENS/MUGS-OPEN HOUSE	1,088.55
ANBO MANUFACTURING, INC	LOADER BUCKET	10,430.50
APPEARA	SUPPLIES	55.90
AQUA-PURE INC	CHEMICALS	13,901.60
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	204.13
AT&T	POLICE COMMUNICATIONS	224.85
AUDIO GO	BOOKS	151.94
BAKER & TAYLOR BOOKS	BOOKS	649.59
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	4,571.59
BARKLEY ASPHALT	ASPHALT	460.90
BATTERIES PLUS	SUPPLIES	43.57
BIERSCHBACH EQPT & SUPPLY	SUPPLIES	90.25
BOOK WHOLESALERS, INC	BOOKS	690.80
BORDER STATES ELEC SUPPLY	SUPPLIES	66.72
BOW CREEK METAL INC	POWDER COATING	100.00
BROADCASTER PRESS	ADVERTISING	77.00
BROOK HANSEN	SAFETY BOOTS REIMBURSEMENT	100.00
BRYAN ROCK PRODUCTS, INC	SUPPLIES	1,311.57
BUTCH'S PROPANE INC	PROPANE	3,441.95
BUTLER MACHINERY CO.	PARTS	1,241.80
C&H DISTRIBUTORS, INC	SUPPLIES	174.72
CAMPBELL SUPPLY	SUPPLIES	1,148.71
CANNON TECHNOLOGIES, INC	SOFTWARE SUPPORT	900.00
CANON FINANCIAL SERVICES	COPIER LEASE	56.16
CASK & CORK	MERCHANDISE	1,276.00
CENTER FOR WESTERN STUDIES	BOOKS	14.00
CENTER POINT LARGE PRINT	BOOKS	100.72
CENTURY BUSINESS PRODUCTS	COPIER CONTRACT	40.00
CENTURYLINK	TELEPHONE	733.41
CHAD PASSICK	TUITION REIMBURSEMENT	2,160.00
CHEMCO, INC	SUPPLIES	58.06
CITY OF VERMILLION	POSTAGE/COPIES	1,292.14
CITY OF VERMILLION	UTILITY BILLS	34,533.90
CLAY CO REGISTER OF DEED	FILING FEES	28.00
CLAY RURAL WATER SYSTEM	WATER USAGE	35.10
CLIMATE SYSTEMS, INC	MAINTENANCE	1,737.18
COLONIAL LIFE ACC INS.	INSURANCE	3,219.57
CONCRETE MATERIALS	MATERIALS	7,216.07
CRIMSON FIRE	PARTS	271.44
CURT HAAKINSON	SAFTETY BOOT REIMBURSE	100.00
D-P TOOLS	SUPPLIES	77.14

DAKOTA BEVERAGE	MERCHANDISE	9,446.65
DAKOTA LOCK & KEY	KEYS	6.00
DAKOTA PC WAREHOUSE	COMPUTERS/MONITORS	1,539.94
DAKOTA SUPPLY GROUP	SUPPLIES	173.68
DANKO MES, INC.	PARTS	268.50
DELTA DENTAL PLAN	INSURANCE	5,583.44
DELUXE ADVERTISING	CALENDARS	366.96
DEMCO	SUPPLIES	469.37
DENNIS MARTENS	MAINTENANCE	833.34
DEPT OF REVENUE	TESTING	172.00
DICK BROWN	MEALS REIMBURSEMENT	18.00
DUST TEX	SUPPLIES	46.60
E.A SWEEN COMPANY	SUPPLIES	83.79
ECHO ELECTRIC SUPPLY	SUPPLIES	3,563.88
ENERGY LABORATORIES	TESTING	1,345.00
ENVIRONMENTAL SERVICES	ELECTRONICS DISPOSAL	1,210.00
ERIN J. SEEP	MAINTENANCE	65.25
FARMER BROTHERS CO.	MERCHANDISE	37.88
FASTENAL COMPANY	FREIGHT	48.06
FEDEX.	SHIPPING	10.97
FRED HAAR CO, INC	PARTS	514.08
GALE	BOOKS	368.68
GAYLORD BROS INC	SUPPLIES	48.28
GE CAPITAL	COPIER LEASE	228.96
GEAR FOR SPORTS	MERCHANDISE	518.60
GENTLE TOUCH CARPET CARE	PROFESSIONAL SERVICES	8.98
GERSTNER OIL CO	AVAITION FUEL	20,065.95
GRAHAM TIRE CO.	TIRES	1,634.28
GRAINGER	PARTS	255.45
GRAYBAR ELECTRIC	SUPPLIES	58.58
GREGG PETERS	FREIGHT	1,807.00
GREGG PETERS	RENT	937.50
HANSEN LOCKSMITHING	SUPPLIES	12.00
HAUGER YARD/SNOW SERVICE	MOWING/TRIM HEDGE	148.00
HAWKINS WATER TREATMENT	CHEMICALS	1,091.68
HD SUPPLY WATERWORKS	PARTS	2,231.03
HDR ENGINEERING, INC	PROFESSIONAL SERVICES	3,236.91
HEIMAN, INC.	INSPECTION	130.00
HELGET SAFETY SUPPLY, INC	SUPPLIES	392.06
HELMS & ASSOCIATES	PROFESSIONAL SERVICES	11,036.29
HERREN-SCHEMPP BUILDING	SUPPLIES	931.10
HIGMAN SAND & GRAVEL	ICE SAND	3,564.01
HILLYARD FLOOR CARE SUPPLY	SUPPLIES	289.84

HY VEE FOOD STORE	SUPPLIES	176.10
IN CONTROL, INC	LIFT STATIONS RADIO COMM.	45,740.80
INGRAM	BOOKS	2,705.11
INNO-LABS, LP	MERCHANDISE	260.97
INSURANCE BENEFITS INC.	AIRPORT INSURANCE	2,615.00
INTERSTATE POWER SYSTEMS	PREVENTATIVE MAINTENANCE	515.00
ISTATE TRUCK CENTER	2012 FREIGHTLINER-JET TRUCK	226,856.50
JACKS UNIFORM & EQPT	UNIFORMS	101.95
JAY'S PLUMBING	REPAIRS	304.08
JOHN A CONKLING DIST.	MERCHANDISE	6,789.95
JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	24,322.81
JOHNSON FEED, INC	TIRES	1,718.25
JOHNYS ELECTRIC	INSTALL LOAD MGMT CONTROLS	331.50
JONES ACE HARDWARE	SUPPLIES	751.39
JONES FOOD CENTER	SUPPLIES	824.67
JOYCE MOORE	CONFERENCE FEE	46.25
JP COOKE CO	2012 DOG LICENSE TAGS	79.16
JUNIOR LIBRARY GUILD	BOOKS	669.60
KARIAN PETERSON CONTRACTING	TRANSMISSION LINE	15,000.00
KARSTEN MFG CORP	MERCHANDISE	569.61
KNIFE RIVER MIDWEST, LLC	ASPHALT	690.30
KNOLOGY	911 CIRCUIT/DIAL-UP SERVICE	2,780.95
LARGE PRINT OVERSTOCKS	BOOKS	15.29
LAWSON PRODUCTS INC	SUPPLIES	77.93
LAYNES WORLD	LETTERING	3.75
LEISURE LAWN CARE	REPAIRS	265.81
LESSMAN ELEC. SUPPLY CO	SUPPLIES	247.84
LINCOLN MUTUAL LIFE	INSURANCE	479.19
LIVING HERE	SUBSCRIPTION	15.00
LOCATORS AND SUPPLIES, INC	SUPPLIES	3,576.25
LUDEY'S READY MIX	PEA ROCK	150.00
LYLE SIGNS	SUPPLIES	2,229.00
MARKS MACHINERY	PARTS	343.20
MART AUTO BODY	REPAIRS/TOWING	1,080.00
MATHESON TRI-GAS, INC	SUPPLIES	90.64
MATT PARROTT & SONS CO.	SUPPLIES	212.46
MC&R POOLS, INC	WINTERIZE POOL	287.41
MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,632.00
MEAD LUMBER	SUPPLIES	72.96
MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	85.53
MICHAEL CARLSON	REIMBURSE FILING FEE	14.00
MICHAEL TODD	SUPPLIES	231.15
MICRO MARKETING ASSOC	BOOKS	16.48

MID-STATES ASBESTOS REMOVAL	ASBESTOS REMOVAL	850.00
MIDWEST ALARM CO	ALARM MONITORING	60.00
MIDWEST BUILDING MAINTENANCE	MAT SVC	539.20
MIDWEST TURF & IRRIGATION	PARTS	150.19
MILLS DISTRIBUTING	DEICING SALT	4,210.62
MIRACLE RECREATION EQPT CO	SUPPLIES	171.00
MISSOURI VALLEY MAINTENANCE	REPAIRS	638.15
MOORE MEDICAL CORP	SUPPLIES	213.40
MOORE WELDING & MFG	REPAIRS	223.37
NATIONAL ARBOR DAY FOUNDATION	MEMBERSHIP	15.00
NCL OF WISCONSIN, INC	SUPPLIES	145.10
NEBRASKA JOURNAL-LEADER	ADVERTISING	24.06
NETSYS+	REPAIRS & SOFTWARE	3,392.68
NEW YORK LIFE	INSURANCE	95.00
NOVELTY MACHINE & SUPPLY	PARTS	295.08
OFFICE OF FIRE MARSHAL	BOILER INSPECTION	240.00
ORIENTAL TRADING CO	SUPPLIES	97.13
OVERHEAD DOOR OF SIOUX CITY	REPAIRS	1,685.00
OXMOOR HOUSE	BOOKS	42.91
PEDERSEN MACHINE INC	PARTS	454.22
PETE LIEN & SONS, INC	CHEMICALS	4,044.24
PHYSIO-CONTROL CORP	SUBSCRIPTION	477.60
PITNEY BOWES	SUPPLIES	103.47
PKG CONTRACTING, INC	WWTF PHASE II IMPROVEMENTS	40,672.00
PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
PRAIRIE BERRY WINERY	MERCHANDISE	2,955.00
PRESSING MATTERS	SUPPLIES	277.00
PRESTO-X-COMPANY	INSPECTION/TREATMENT	94.00
PRINT SOURCE	SUPPLIES	154.00
PSI POWER WASHERS, INC	REPAIRS	98.80
PUMP N PAK	FUEL	2,451.68
QUALITY TELELCOMMUNICATION	MAINTENANCE	50.00
QUEEN CITY WHOLESALE	MERCHANDISE	432.52
QUILL	SUPPLIES	1,385.81
RACOM CORPORATION	MAINTENANCE CONTRACT	335.00
RADIANT HEAT, INC	PARTS	87.45
RANDOM HOUSE, INC	BOOKS	275.00
RASMUSSEN MOTORS, INC	PARTS	120.90
RECORDED BOOKS, INC	BOOKS	699.60
REGENT BOOK CO.	BOOKS	13.67
REPUBLIC NATIONAL DISTRIBUTING	MERCHANDISE	34,011.34
ROYAL CAR WASH	CAR WASHES	100.00
SAYRE ASSOCIATES, INC	PROFESSIONAL SERVICES	3,642.77

SCHADE'S VINEYARD	MERCHANDISE	540.00
SD DEPT OF REVENUE	TRANSPORTER LICENSE FEE	25.00
SD ELECTRICAL COUNCIL	MEMBERSHIP DUES	40.00
SD GOVERN FINANCE OFFICERS ASSOC	MEMBERSHIP DUES	70.00
SD MUNICIPAL STREET MAINT ASSOC	MEMBERSHIP DUES	35.00
SD POLICE CHIEFS ASSOC	MEMBERSHIP DUES	219.60
SD PUBLIC ASSURANCE ALLIANCE	POLICE LIABILITY INSURANCE	9,010.85
SD RETIREMENT SYSTEM	CONTRIBUTIONS	43,922.82
SERVALL TOWEL & LINEN	SUPPLIES	16.80
SIOUX EQUIPMENT	SUPPLIES	73.64
SIOUX FALLS TWO WAY RADIO	PROGRAMMING/REPAIRS	2,476.10
SIOUXLAND HUMANE SOCIETY	DROP OFF FEES	74.00
SKARSHAUG TESTING LAB.	TESTING	1,068.28
SLATTERY CONSTRUCTION INC	CONSTRUCTION CONTRACTS	48,762.19
STAN HOUSTON EQPT CO	SUPPLIES	230.00
STANDARD & POOR'S	ANNUAL FEE	2,500.00
STATE STEEL	SUPPLIES	51.35
STEWART OIL-TIRE CO	TIRES/REPAIRS	1,327.35
STUART C. IRBY CO.	SUPPLIES	160.65
STURDEVANTS AUTO PARTS	PARTS	952.36
TENNANT SALES & SERVICES	PARTS	308.60
THATCHER COMPANY	CHEMICALS	13,772.00
THE EQUALIZER	ADVERTISING	129.60
THE NEW SIOUX CITY IRON CO	SUPPLIES	43.99
THE RETROFIT COMPANIES, INC	BULB RECYCLING	509.01
THE WALKING BILLBOARD	UNIFORM SHIRTS/HATS	1,393.30
TODDS ELECTRIC SERVICE	STANFORD EASEMENT	1.00
TOM KRUSE	MEALS REIMBURSEMENT	18.00
TRI TECH EMERGENCY MEDICAL	SOFTWARE SUPPORT	2,480.27
TRI TECH SALES	PARTS	535.40
TRUE VALUE	SUPPLIES	1,415.65
TYLER TECHNOLOGIES	MAINTENANCE	374.00
UNITED WAY	CONTRIBUTIONS	265.00
USD	WELLNESS CENTER CONTRIBUTION	68,000.00
USD CREATIVE SERVICES	SUPPLIES	160.50
VALIANT VINEYARDS	MERCHANDISE	108.00
VALLEY AG SUPPLY	LIME REMOVAL	2,500.00
VAN DIEST SUPPLY CO	SUPPLIES	554.75
VEOLIA ENVIRONMENTAL SERVICES	HAUL HAZARDOUS WASTE	26,313.47
VERMEER HIGH PLAINS	SUPPLIES	196.89
VERMILLION COMMUNITY CPR	CPR CARDS	4.00
VERMILLION FORD	PARTS	98.91
VERMILLION ROTARY CLUB	MEALS/DUES	127.25

VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	4,965.79
VISUAL COMPUTER SOLUTIONS	ANNUAL SUPPORT	500.00
VIVAX-METROTECH	PARTS	295.36
WAL-MART	SUPPLIES	1,176.29
WALKER CONSTRUCTION	NUSANCE ABATEMENT	1,148.35
WESCO DISTRIBUTION, INC	SUPPLIES	8,727.80
YANKTON COMMUNITY LIBRARY	BOOK REPLACEMENT CHARGE	18.00
YANKTON JANITORIAL SUPPLY	SUPPLIES	316.73
ZEE MEDICAL SERVICE	SUPPLIES	36.10
ZEP SALES & SERVICE	SUPPLIES	137.28
ZIMCO SUPPLY CO	SUPPLIES	6,886.25

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

12. Consensus Agenda

A. Set a bid opening date of December 22, 2011 for the Vermillion electric substation relay upgrade

379-11

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

13. Adjourn

380-11

Alderman Meins moved to adjourn the Council Meeting at 8:30 p.m. Alderman French seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 5<sup>th</sup> day of December, 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 \_\_\_\_\_.



## *Council Agenda Memo*

**From:** José L. Domínguez, City Engineer

**Meeting:** December 19, 2011

**Subject:** First Reading of Ordinance 1269 – Rezoning Lots 2, 3 and 4, Block 1, Bliss Second Addition

**Presenter:** José L. Domínguez

**Background:** City staff received a petition to rezone the recently annexed land south of West Main Street and between Mart Auto Body and Valiant Vineyards. When land is annexed by the City, the zoning ordinance provides that it automatically comes in as a Natural Resource Conservation (NRC) District, the most restrictive district in terms of development. The NRC district provides for farm dwellings and prohibits more dense residential development. The property owners submitted a petition to rezone from NRC to R-1, single family residential. All property owners impacted by the zone change have signed the petition.

**Discussion:** Staff accepted the petition and scheduled the public hearings with the Planning Commission and City Council. The applicants are requesting that the zoning change from the NRC District to the R-1 District. This change would permit single family dwellings to be constructed. A map of the affected area is attached.

It should be noted that construction of a single-family home has begun on Lot 4. The owner signed a developer's agreement that construction is allowed to begin pending approval of the Planning Commission and City Council.

The Planning Commission considered the change on December 12<sup>th</sup> and forwarded a recommendation of approval.

**Financial Consideration:** Publication costs for the adoption of the ordinance.

**Conclusion/Recommendations:** All of the property owners have signed the petition for the proposed change. Staff is not aware of any concerns from the public. Administration recommends approval of the first reading of Ordinance No. 1269.

PROPOSED ORDINANCE NO. 1269

AN ORDINANCE AMENDING TITLE 15, CHAPTER 155, SECTION 155.026,, OFFICIAL ZONING MAP, FOR THE CITY OF VERMILLION, SOUTH DAKOTA, BY REZONING CERTAIN REAL PROPERTY FROM THE NRC NATURAL RESOURCE CONSERVATION DISTRICT TO THE R-1 RESIDENTIAL DISTRICT

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

That Section 155.026 is hereby amended as follows:

Lots 2, 3 and 4, Bliss Second Addition to the City of Vermillion, Clay County, South Dakota, are hereby rezoned from the NRC Natural Resource Conservation District to the R-1 Residential District and the official zoning map referred to in Section 155.026 of the 2008 Revised Ordinances of the City of Vermillion, South Dakota, is amended to include such land in the R-1 Residential District:

Dated at Vermillion, South Dakota this 3<sup>rd</sup> day of January, 2012.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

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John E. (Jack) Powell, Mayor

ATTEST:

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Michael D. Carlson, Finance Officer

First Reading: December 19, 2011  
Second Reading: January 3, 2012  
Publication: January 13, 2012  
Effective Date: February 2, 2012



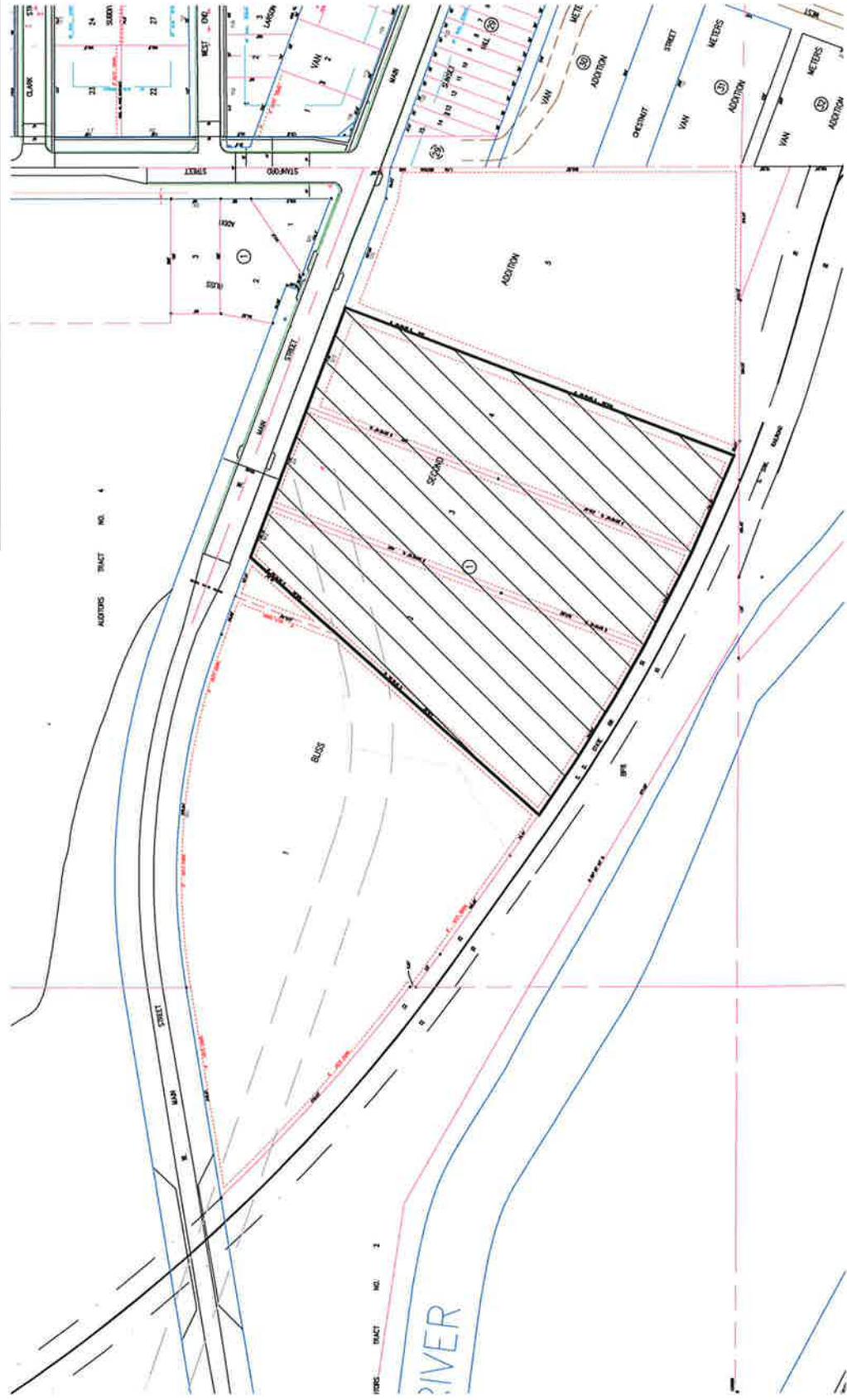
ZONE CHANGE, LOTS 2-4, BLK 1, BLISS 2ND

1.1

CITY OF VERMILLION, SD 57069

SCALE: NTS

DEC. 2011





## *Council Agenda Memo*

**From:** Andrew Colvin, Assistant to the City Manager

**Meeting:** December 19, 2011

**Subject:** Second Reading of Ordinance 1267 - Amending Title 15, Chapter 155, Section 155.101, Amendments and Change of Zone, to require property owner consent

**Presenter:** Andrew Colvin

**Background:** The City's zoning ordinance provides for certain procedures when changing the zoning of property. These changes can be part of a comprehensive change to a large part of the community, or could be as small in area as a few lots. Citizens, property owners and elected officials can initiate zone changes. State law enables municipalities to regulate uses and provides minimum requirements for public hearings and an appeal process to send an issue back to the City Council.

The current language to change the City's zoning is vague and broad. Essentially, any property owner can bring a zone change for City Council consideration, whether or not the applicants' property is included in the proposed change. For example, earlier this year, petitions were submitted to change the zoning of a large part of the City from R-2 Medium Density Residential to R-1 Low Density Residential. If approved, the change would have prohibited multi-family housing and made existing duplexes and four-plexes non-conforming uses. The language of the petition included sixteen square blocks of the City, bordered by Clark Street on the north, Main Street on the south, Plum Street on the east and the alley between Harvard Street and Dakota Street on the west.

The City received signatures from approximately 20% of the property owners. It was unclear if those gathering signatures did not approach all owners or if there was opposition to the change. Staff sent notices to the owners of all property citing the public hearing dates for the Planning Commission and City Council. The zone change failed at both the Planning Commission and City Council levels from lack of public support for the change. There appeared to be more opposition to the change than those speaking in favor. Concerns were raised as to how such a broad

proposal made it to the Planning Commission and City Council level with a lack of demonstrated support from property owners in the neighborhood when compared to those opposed to the change.

**Discussion:** City staff looked into how other cities handle zone changes. Almost all first class cities require the signature of property owners to be considered valid when considering citizen-initiated zone changes. Others utilize a state statute that permits cities to require property owner consent prior to bringing forth a petition for a zone change:

SDCL 11-4-9. Requiring consent of landowners to change in zoning ordinance. The governing body may by ordinance require as a condition precedent to the introduction of any ordinance proposing changes in the zoning ordinance that there be first filed with the city auditor, finance officer, or clerk the written consent of the owners of not exceeding sixty percent of the aggregate area having the right of protest against such proposed ordinance if adopted, determined as provided by § 11-4-5.

SDCL 11-4-5 provides that a zone change adopted by the council can be sent back for a third reading if petitions protesting the change are signed by at least 40 percent of those in the affected area and within 250 feet of the affected area are submitted. In such cases, it would take a two-thirds vote of the City Council to adopt the ordinance overriding the protest.

City staff presented the proposed amendment to the City Council for discussion at a noon educational session. The Council expressed positive feedback on the amendment and wanted to see a report and recommendation from the Planning Commission. Different percentages of signatures were discussed with 45% being the most recommended and included in the ordinance. The City can insert any percentage not exceeding 60%.

The Comprehensive Plan specifies that the City should encourage development within the undeveloped areas inside City limits. Property owners will still be able to initiate zone changes as long as the required percentage of signatures is met. The City will still be able to initiate zone changes and amendments without signatures. Additionally, properties being rezoned within one year of annexation are exempt from the signature requirement. The amendment cleans up the language of the section, removing unnecessary procedural items that are already required by state law. A better way to describe the process would be to attach a document to the application form that walks petitioners through the steps to change the zoning.

The Planning Commission considered the amendment on November 14<sup>th</sup> and forwarded a recommendation to approve the ordinance as drafted. The City Council tabled action on the ordinance at the November 21<sup>st</sup> meeting. There were

some questions about how the percentage will be calculated should, for instance, 9 of 10 possible owners sign a petition and whether that petition would be considered. Staff worked with the City Attorney to clarify the ordinance. Following is a list of the major changes made after the November 21 meeting:

- Section B was removed in entirety to prevent confusion. This section is a right already given to citizens under state law, whether it is in City ordinances or not. This amendment is only concerned with the “consent” side of the issue and including language pertaining to the “protest” side will be confusing.
- Section A(2) was changed to require the written consent of the “owners” according to SDCL 11-4-9. Staff and legal counsel agree that this change will require all owners of a parcel to sign a petition in order for that parcel to be counted. In other words, if only 9 of 10 owners sign a petition for a parcel of ground to be rezoned, that parcel will not count as part of the 45% since all owners would not have signed.
- All sections were re-numbered accordingly. The changes are not substantial enough to require a new public hearing. Removing language that is already state law was the most significant change.

At the December 5<sup>th</sup> meeting there was a misunderstanding between staff and the City Attorney with respect to whether the percentage is calculated by lot area. To clarify, “area” refers to the square footage of a lot in meeting the 45% requirement. Therefore, larger parcels, or lots, will count more toward the 45%. The first reading of Ordinance No. 1267 was approved at the December 5<sup>th</sup> meeting.

**Financial Consideration:** Costs for publication in accordance with state law.

**Conclusion/Recommendations:** The amendment will ensure some degree of neighborhood support prior to coming before the Planning Commission and City Council. Administration recommends approval of Ordinance No. 1267. As this is the second reading, a recorded vote by name is required.

ORDINANCE NO. 1267

AN ORDINANCE AMENDING TITLE 15, CHAPTER 155, SECTION 155.101, AMENDMENTS AND CHANGE OF ZONE, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, TO REQUIRE PROPERTY OWNER CONSENT.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SD:

*That Section 155.101, of the Zoning Ordinance of Vermillion, SD, is hereby amended to read as follows:*

§155.101 AMENDMENTS AND CHANGE OF ZONE

The regulations imposed, and the districts created, under this ordinance may be amended, supplemented or repealed by ordinance, but no such amendment shall be made without public notice and without a public hearing, at which, parties in interest and citizens shall have an opportunity to be heard.

- (A) At least ten (10) days' notice of the time and place of such hearing shall be published in the official newspaper of the City of Vermillion, said notice to contain a brief statement describing the proposed amendment. If the proposed amendment will change the boundaries of a zoning district, the Zoning Administrator shall post a sign on the property included in the application for a continuous period of ten (10) days immediately prior to the public hearing and shall notify all owners of property within two hundred fifty (250') feet of the proposed boundary change by mail. The mailed notice shall be postmarked ten (10) business days prior to the hearing and state the date, time and location of the public hearing.
- (B) Prior to the consideration of any ordinance proposing changes in the zoning ordinance, there shall first be filed, with the Finance Officer, the written consent of the owners of forty-five (45%) percent of the aggregate area having the right of protest against such proposed ordinance, if adopted, as would be determined by SDCL 11-4-5.

Proposed changes initiated by the City, or for properties within one year after annexation, shall be exempt from the provisions of this section.

- (C) No application requesting a change of zone for any property whose application includes any such property, either entirely or substantially the same, as that which has been denied by the City Council, shall again need to be considered by the Planning Commission before the expiration of six (6) months from the date of the final action of the City Council.

Dated at Vermillion, South Dakota this 19<sup>th</sup> day of December, 2011.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

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John E. (Jack) Powell, Mayor

ATTEST:

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Michael D. Carlson, Finance Officer

First Reading: December 5, 2011  
Second Reading: December 19, 2011  
Publication: December 30, 2011  
Effective Date: January 19, 2012



## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer

**Meeting:** December 19, 2011

**Subject:** Second Reading of Ordinance 1268 – 2011 Supplemental Budget Appropriations

**Presenter:** Mike Carlson

**Background:** The City Council adopted a revised budget for 2011 as part of the budget process in September 2011. Since that time, some expenses have taken place resulting in the need to revise the budget and accounting requirement.

- General Government purchased a new computer that will be a capital expenditure as it is over the \$500 capitalization value. The budget adjustment was to increase the furniture & minor equipment and reduce the other supplies and materials for no net change in the budget.
- City Hall Maintenance supplies repairs and maintenance was increased for the cost of connecting the sump pump alarms to the building alarm panel. This will provide for 24/7 alarm monitoring of the levels in the four sump pits in City Hall. The cost of this is \$2,600, which was not budgeted.
- Engineering professional services paid for half of the \$4,000 cost of the property appraisals needed for the right-of-way for the traffic signals at the Rose and Cherry Street intersection. This cost was not budgeted for 2011.
- Police Administration and Patrol are replacing computers in the offices and patrol cars totaling \$11,800. The fund for these capital expenditures is being adjusted from the wages line items due to savings from empty positions for part of the year. These items result in no net change in the budget.
- Code Compliance professional services is being increased \$5,000 for the landfill fees and asbestos removal at 716 Maple Street and for costs incurred in securing the structure at 23 N. Harvard. These costs will be billed to the property owners and, if not paid, will be assessed against the property. These items were not budgeted.
- Old library building maintenance line item is being increased by \$1,000 to provide for the asbestos removal from the old furnace. The furnace was replaced last year and, as the contractor was in town for the Maple Street property, a quote was obtained to remove this hazardous material from the old library. This item was not budgeted.

The net change to the general fund is \$11,000 that will be appropriated from the reserve. The general fund reserve, at the beginning of 2011, was \$1,816,281 and the revised budget proposed to reduce the reserve by \$134,310. With this supplemental ordinance, the proposed reduction in the general fund reserve will be \$145,310.

The Unemployment Fund has had more claims than what was included in the revised budget. An additional \$2,600 is estimated and will be needed for the fourth quarter claims. The City reimburses the South Dakota Department of Labor for unemployment claims on a quarterly basis. The Unemployment Reserve was \$17,410 at the beginning of the year and, with this revision, will be reduced to \$11,110.

To adjust for these items, the City needs to supplement the budget as provided by statute.

SDCL 9-21-7. Supplemental appropriation ordinance for indispensable functions or discharge of municipal duties. In the event of the failure to provide by the annual appropriation ordinance, sufficient revenue to enable the municipality to conduct the indispensable functions of government, in any department, or to discharge any duty which it is the lawful duty of the municipality to discharge, and which requires the incurring of liabilities or expenditures of funds for a purpose or object for which no provision has been made in the annual appropriation ordinance for such fiscal year and, when any of such occasions arise, the governing body of such municipality may make, approve and adopt a supplemental appropriation ordinance, providing therein for appropriations for any or such purposes in such amounts as said governing body may determine necessary and such supplemental appropriation ordinance shall set out in detail each item for which an appropriation is made and the amount thereof. The adoption of such supplemental appropriation ordinance shall be governed by the same laws pertaining to the adoption of the annual appropriation ordinance.

**Discussion:** The 2011 budget needs to be supplemented in the General fund and Unemployment fund for the expenses and revenues listed above.

**Financial Consideration:** The General Fund Reserve will be reduced \$11,000 over what was budgeted and the Unemployment Fund Reserve will be reduced \$2,600 over what was budgeted.

**Conclusion/Recommendations:** Administration recommends approval of second reading of Ordinance No. 1268 Supplemental Appropriations Ordinance for 2011. The second reading requires a recorded vote. The second reading requires a recorded vote.

ORDINANCE NO. 1268  
2011 SUPPLEMENTAL APPROPRIATIONS ORDINANCE

AN ORDINANCE ADOPTING a 2011 Supplemental Appropriations Ordinance for the City of Vermillion, South Dakota.

BE IT ORDAINED, BY THE GOVERNING BODY of the City of Vermillion, that the following sums are appropriated to meet the obligations of the municipality.

	<u>2011 Budget</u>	<u>Proposed Budget</u>	<u>Amount of Supplemental Budget</u>
<u>General Fund:</u>			
General Government			
Other Supplies & Materials	4,000	3,380	(620)
Furniture & Minor Equipment	-0-	620	620
City Hall Maintenance			
Supplies Repairs & Maint	12,000	14,600	2,600
Engineering			
Professional Services	500	2,900	2,400
Police Administration			
Wages	226,732	221,582	(5,150)
Furniture & Minor Equipment	600	5,750	5,150
Police Patrol			
Wages	661,450	654,800	(6,650)
Furniture & Minor Equipment	-0-	6,650	6,650
Code Compliance			
Professional Services	5,000	10,000	5,000
Old Library			
Building Repairs & Maint	-0-	1,000	1,000
Revenues			
Appropriation from Reserve	134,310	145,310	11,000
<u>Unemployment Fund:</u>			
Reimbursement to State	4,000	6,600	2,600
Revenues			
Appropriation from Reserve	3,700	6,300	2,600

Dated at Vermillion, South Dakota this 19<sup>th</sup> day of December, 2011.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

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

First Reading: December 5, 2011  
Second Reading: December 19, 2011



## *Council Agenda Memo*

**From:** Andy Colvin, Assistant to the City Manager  
**Meeting:** December  
**Subject:** First Reading of Ordinance No. 1270 - Joint Jurisdictional Zoning Regulations for Clay County and the City of Vermillion  
**Presenter:** Andy Colvin

**Background:** The City/County planning committee has been working to draft zoning regulations for the area within 1½ to 2 miles outside of City limits, not including areas within City limits. The current Extraterritorial Zoning Ordinance, which extends 3 miles outside of City limits, was adopted over 40 years ago and is outdated and no longer follows state law. The ordinance has a long history of discussion between the City and County that dates back to 1999. In 2010, the City Council determined that a working group composed of City and County elected officials and planning commissioners would work through areas of disagreement and present an ordinance for County and City adoption. The City representatives are Howard Willson, Jenny French, Matt Fairholm, and Don Forseth. The County representatives are Jerry Wilson, Dusty Passick, Melvin Walz, and Paul Bliss.

The draft ordinance was prepared with the following facts in mind:

- State law has been changed and Cities are no longer able to exercise blanket zoning authority outside of City limits without the express consent of the County Commission. Authority can be granted to the City if the County 1) relinquishes zoning control to the City by ordinance or 2) enters into a joint jurisdictional agreement with the City. Prior to some major changes in the 1970s, Cities could exercise zoning control without the County Commission's approval.
- The current extraterritorial ordinance is outdated and does not address many types of uses appropriately.
- The City and the County have a vested interest in development that takes place in and around Vermillion. Representatives from both jurisdictions have agreed that scattered development on the outskirts of Vermillion is neither desirable nor affordable – development should take place in and adjacent to the City of Vermillion where utilities and infrastructure can be provided.

**Discussion:** The proposed ordinance is very similar to the City zoning ordinance and contains many of the same uses. Agricultural uses are permitted to allow existing landowners to continue their operations, while at the same time recognizing some uses as harmful to the City. Staff summarized each district and provided examples of potential uses below.

- **Zoning Map/Joint Jurisdictional Boundary** – The proposed joint jurisdictional map extends approximately 1 ½ to 2 miles outside of City limits. The City Council and Planning Commission representatives strongly advocated pushing the boundaries further on the highways and major transportation corridors. The City and County will exercise joint zoning control on all uses within the boundary. Both the City Council and County Commission must agree in order for a change to take place. The ordinance provides that should the City annex land, the joint jurisdictional boundary shall be reviewed such that the area of joint jurisdiction will not be less than what existed prior to the annexation.
- **Chapter 3: A-1 Agricultural District** - The goal of this district is to preserve agricultural lands immediately beyond the City's boundary and the growth area. Permitted uses include, but are not limited to agriculture (farming activities), greenhouses, farm dwellings, and neighborhood utility facilities. Conditional uses include single-family dwellings, golf courses, firework sales, sanitary landfills, cemeteries, animal feeding operations and bed and breakfast facilities. The lot area requirement for residential uses is two acres for every ¼ ¼, which is meant to avoid dense development and subdivision of land. It should be noted that the committee had discussed in a previous meeting that concentrated animal feeding operations should be very limited in the joint jurisdictional area. As you will see in the allowed uses, only small operations are allowed. Vermillion does not have a parallel district.
- **Chapter 4: RR Rural Residential District** - This chapter provides for more dense, urban-type residential development, similar to what you would see in the City. The ultimate goal is to see this development within City limits; however, something should be provided for in the joint jurisdictional area in such a way that it can be incorporated into the City as smoothly as possible. Residential lots are limited to a minimum of one acre in size, with a reduction to 7,500 square feet if the area can be served by sanitary sewer. The City subdivision ordinance will govern development outside of the City—the revised version includes a provision for lot placement so land can be further subdivided in the case of annexation. Permitted uses include single-family dwellings, churches, schools, and libraries. Some conditional uses include bed & breakfast establishments group daycares, and golf courses. These are all currently permitted within City limits. Attached multi-family dwellings are not allowed in the joint jurisdictional area. Vermillion's parallel district is the R-1 single family residential district. *Note:* After talking with SECOG, it was decided to recommend eliminating manufactured home parks and subdivisions from the ordinance altogether. The reason behind this is that these facilities should be licensed and inspected. The City currently performs these activities and provides for mobile home parks in City limits.
- **Chapter 5: C Commercial District** - This district provides for commercial uses with the intent to locate such uses along major intersections and transportation corridors. Permitted uses include retail trade or service, offices, hotels/motels, hospitals, motor vehicle sales, lumberyards and bus terminals and are all currently allowed in Vermillion. The district also permits museums, libraries, churches, greenhouses, and wholesale trade & service in this area. Parallel conditional uses include gas stations, assisted living facility, mortuary with crematorium, drive-in theatres, adult orientated business and campgrounds. Light manufacturing is allowed by conditional use. There is no lot area requirement for this district. This district is similar to Vermillion's GB General Business District.

- **Chapter 6: LI Light Industrial District** - This district provides for light manufacturing/wholesale activities that do not depend on frequent personal visits from customers or clients. Permitted uses include wholesale trade, light manufacturing, frozen food lockers, warehousing, and automobile storage yards. Conditional uses include storage facility, Ready-mix plants, and wind energy conversion systems. There are no lot area requirements for this district. This district runs parallel to Vermillion's GI General Industrial District.
- **Chapter 7: HI Heavy Industrial District** - This district provides for heavy industrial uses that make bad residential neighbors and are not generally associated with residential, office, or institutional establishments. Permitted uses include contractor's shop/storage yards, fruit and vegetable processing, truck repair, sales and service. Conditional uses include general manufacturing, stockyards, rendering, tank farms, grain terminals, solid waste transfer facilities, and salvage yards. There are no lot area requirements for this district. This would be parallel to Vermillion's HI Heavy Industrial District.
- **Chapter 8: NRC Natural Resource Conservation District** - The purpose of this district is to protect natural areas, drainage courses and to prevent pollution of aquifers. This is parallel to Vermillion's NRC district. Unlike Vermillion, cemeteries and farm dwellings have been permitted as conditional uses. The minimum lot area requirement is one acre unless the structure is connected to a centralized wastewater collection system. This would be parallel to Vermillion's NRC Natural Resource Conservation District with a few exceptions.
- **Chapter 9: PD Planned Development District** - This district essentially mirrors that which you would find in the City zoning ordinance. This is a "customized" development approach that takes a complex project through a network of public review proceedings and allows the governing bodies and planning commissions to vary district regulations in certain situations, such as redevelopment, or development on land that is normally undesirable.
- **Chapter 10: APO Aquifer Protection Overlay District** – This district protects water resources and is superimposed over all districts where applicable. The City does not have a similar district.
- **Chapters 11-19:** These chapters cover other regulations such as parking, procedures for conditional uses, changes of zoning, and variances, as well as building permits. Staff attached a series of flow charts to explain the procedures for these items.

**Other items to be determined** – The committee has completed most of the work to present a draft to the governing bodies. An additional item that will need to be addressed is the comprehensive rezoning of the joint jurisdictional area. A majority of the land will remain AG with a few exceptions for areas that have been rezoned under the extraterritorial ordinance

The City has brought up the issue of building inspections on a number of occasions. Currently, the City performs all building inspections and permitting within the extraterritorial area. The proposed ordinance provides that the County will take care of issuing permits, with the City performing inspections. The County Commission has adopted an ordinance enacting the same building codes as the City, with an effective date

to coincide with the Joint Jurisdictional Ordinance. City and County staff are putting together a joint powers agreement for building inspection services.

The City and County Planning Commissions considered the ordinance on November 28<sup>th</sup> and unanimously recommended approval to the governing body. The second reading and Public Hearing for the ordinance is scheduled for January 10<sup>th</sup>, 2012, at which time the City Council and County Commission will meet for joint adoption.

**Conclusion/Recommendations:** The Joint Planning Committee met on several occasions to work through differences and misunderstandings. A lot of time and effort has been dedicated to developing a workable ordinance. Administration recommends adoption of the first reading of Ordinance No. 1270.

PROPOSED ORDINANCE NO. 1270

AN ORDINANCE OF THE CITY OF VERMILLION, SD, AMENDING THE MUNICIPAL ORDINANCES OF THE CITY BY REPEALING CHAPTER 156, EXTRATERRITORIAL ZONING, AND ADDING APPENDIX A, THE 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION.

BE IT ORDAINED, BY VERMILLION, SD:

Section 1. That this Ordinance repeals Chapter 156, Extraterritorial Zoning, and adopts Appendix A, 2012 Joint Zoning Regulations for Clay County and the City of Vermillion, attached hereto; provides restrictions, district boundaries and zoning map; provides for the administration, enforcement and amendment of this Ordinance; and repeals any other ordinance, or parts thereof, in conflict with this Ordinance. The 2012 Joint Zoning Regulations and associated Official Zoning Map are on file with the Clay County Auditor and the Vermillion Finance Officer.

Dated at Vermillion, South Dakota this 10<sup>th</sup> day of January, 2011.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

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John E. (Jack) Powell, Mayor

ATTEST:

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Michael D. Carlson, Finance Officer

First Reading: December 19, 2011  
Second Reading: January 10, 2012  
Publication: January 20, 2012  
Effective Date: February 9, 2012



## *Council Agenda Memo*

**From:** Farrel Christensen, Building Official

**Meeting:** December 19, 2011

**Subject:** First reading of Ordinance 1271 – Amending building regulations and permit for moving structures

**Presenter:** Farrel Christensen

**Background:** Over the last few years, several existing structures have been moved in, out, and from place to place in Vermillion. Although most moves have gone well, some have not. Problems range from bad routes, tree interference and delays moving, placing and completing the structures. In order to minimize problems and better plan routes, placement, completion goals and suitability, revisions to the existing ordinance are being proposed.

**Discussion:** The new ordinance adds several safeguards to the process. The first change allows the building official to deny permits if the structure fails to meet various minimum standards. If a permit can be issued, the proposed ordinance requires that the foundation to be in place prior to the move and limits the owner to 120 days to complete all exterior work. Both the mover and the homeowner are required to have bonds in place to insure the safe, complete, and timely placement of the structure. Property taxes shall be paid and fencing at the move site is required. Fencing of the former foundation, if in the City, would be required.

The goal of the proposed ordinance is to prevent homes from being moved that should not be moved, to insure correct routes with minimum damage to trees and all other items located along the street, and to prepare the proposed move site and speed the transition from moving a structure to a completed and occupied structure.

**Financial Consideration:** One of the larger changes will be the addition of bonding for both the mover and home owner. The only cost for the ordinance change is publication. With the second reading of the ordinance, a resolution addressing bond amounts related to moving a structure will be presented.

**Conclusion/Recommendations:** Administration recommends approval of the first reading of Ordinance 1271.

PROPOSED ORDINANCE NO. 1271

AN ORDINANCE AMENDING TITLE 15, CHAPTER 150 – BUILDING REGULATIONS, SECTION 150.26 THROUGH 150.36, AMENDMENTS FOR SPECIAL PERMITS FOR MOVING STRUCTURES OF THE CITY OF VERMILLION, SOUTH DAKOTA.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SD:

*That Sections 150.26 through 150.36, of the Building Regulations of Vermillion, SD, is hereby amended to read as follows:*

**§ 150.26 SPECIAL PERMITS; FOR MOVING STRUCTURES.**

Any person proposing to move, on or across the public streets of the city, any building or structure used for business, dwelling, storage, or other similar purpose shall obtain any permit required therefore from ~~the Council or from the Building Inspector~~ Building Official as authorized by the Council, or through appeal to the Council, and shall file, with the Building Official, Finance Officer a written application for the permit. Permits are only required for structures being moved from their original permanent building site to a new permanent location.

(1975 Code, § 7-23) (Ord. 367, passed 2-2-1959)

**§ 150.27 SPECIAL PERMITS; PREREQUISITE; CONDITIONS IMPOSED.**

~~(A)~~ (A) Conformance. Structures moved into, or within the jurisdiction, shall comply with the provisions of ~~the building code~~ the Building Code, Plumbing Code and Electrical Code for new structures at the time the building or buildings are located or relocated. The foundation and/or basement on which structure will rest shall be complete and ready to accept the building prior to moving said building from the present location to the proposed location. A maximum of one hundred twentyeighty (120) days from the date of issue issuance of the moving permit shall be allowed for the completion of all exterior modifications and changes including, but not limited to, house placement, foundation back fill, final grading, required sidewalks, all siding exterior doors and windows, and roof covering ~~complete compliance with chapter.~~

~~(B)~~ (B) No building, with an area of regardless of size over over 8 feet in width & 10 feet in length, 120 square feet, or more, shall be moved until a permit has been obtained as provided in this ~~sub~~chapter. The Building Official ~~Council~~ shall not issue the permit if, in the Building Official's judgment, the proposed new location of the structure would seriously increase the fire hazard of the surrounding buildings, or if moving the building or structure will or probably will likely result in unreasonable damage to streets, trees, or other property along the route over which the building or structure is proposed to be moved.

~~(C)~~ (C) No permit to move a residential structure to a new location within the city shall be granted unless the full and ~~true~~ true property tax assessment value of the structure at its

original location is at least 85% of the average full and true property tax assessment values of the residential structures within 200 feet of any part of the premises upon which the structure shall be located at its future proposed site within the city. If the structure does not meet the value requirement, a variance may be granted within the city if at least 85% of the owners of residential property within 200 feet of the structure at its future proposed site, excluding property owned by the applicant, sign a petition favoring the variance. The city may require an appraisal to determine the full and true value of the structure to be moved if it is not located within Clay County.

~~(D)~~ ~~(D)~~ Any structure that shall remain upon, occupy or stand upon any street, alley or sidewalk is hereby declared a public nuisance pursuant to SDCL ch. 21-10 and may be abated by the city according to law.

~~(E)~~ ~~(E)~~ Whenever the person, firm, or corporation moving a structure upon or along any street or alley shall willfully or negligently permit such structure, while in transit, to remain upon the street, alley or sidewalk, the City shall have the authority, and is authorized, to move said building from the street, alley, or sidewalk to any point or place in the city where the same shall not obstruct travel or cause inconvenience to the public. T, and the City shall keep an account of the expense of such removal, and said person, firm, or corporation and the sureties offe the bond filed, as required by the provisions of this chapter, shall be liable to the City for such expense and the same shall be collected in any court having jurisdiction, may be recovered by civil action.

(F) A permit to move a building or structure shall not be granted if:

- (1) The building is too large to move without endangering persons or property in the Citycity or the weight of the building or structure wouldmay cause damage to the roadway;
- (2) In the opinion of the Building Official, the building or structure is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it cannot be moved without potentially endangering persons or property in the cityCity;
- (3) The applicant's or house/building mover's equipment is unsafe and persons and property wouldmay be endangered by its use;
- (4) The location where the building or structure would be moved would be in violation of any of the provisions of the Zoning Regulationszoning regulations relating to location, use and occupancy,; or
- (5) The building or structure to be moved would be in violation of any of the provisions of the Building Code relating to, but not limited to, construction methods and periodic inspections.

§ 150.28 SPECIAL PERMITS; APPLICATION CONTENTS.

~~(A)~~~~(A)~~ *Generally*. The application for a special permit to move a structure shall contain the following information.

~~(B)~~~~(B)~~ *Specifically*.

1. ~~(1)~~ The name of the owner of the structure;
2. ~~(2)~~ The name of the owner of the premises from which the structure is to be moved, and the legal description of the premises;
3. ~~(3)~~ The name of the owner of the premises to which the structure is to be moved and legal description of the premises;
4. ~~(4)~~ The applicant or house/building mover shall furnish a travel route along with the date and time when the move will commence. The City Engineer may require that the route be changed or altered in the interest of protecting the public's health, safety and welfare and/or minimize potential damage to property, or to minimize potential traffic problems that may occur.
5. Any travel route that involves ~~any~~transit on city streets within the City of Vermillion, but does not include locating the moved building in the city limits, shall be subject to the same requirements and applicable fees as stated in the sections of this ~~article~~chapter. The exact route over which the structure is to be moved;
6. ~~(5)~~ The person or contractor by whom the moving operation is to be done;
7. ~~(6)~~ A statement enumerating and locating electric wire or other public utility installations which will have to be removed or altered in order to accommodate the moving operation;
8. ~~(7)~~ A statement containing an accurate estimate of the extent and nature of trimming, alteration, or removal of trees, which will be necessary to accommodate the moving operation;
9. ~~(8)~~ The estimated complete cost of moving the structure and relocating the same;
10. ~~(9)~~ The size of the lot or lots on which the structure will be located;
11. ~~(10)~~ The size dimensions of the building or structure, including width, length and height, and the maximum height the building will attain when loaded for moving;
12. ~~(11)~~ The distance that the building will be from the front lot line, the rear lot line, and the side lot lines on each side of the building;
13. ~~(12)~~ Whether the outside walls are frame, brick, stucco, or cement construction and at least two photographs of the structure taken from different angles;

14. ~~(13)~~ Where application is made for moving/construction as described in this ~~section~~chapter, the owner or the registered design professional in charge acting as the owner's agent shall employ ~~one~~one or more special inspectors to provide inspection reports detailing the existing building's noncompliance with the current building, plumbing and electrical codes. The special inspector(s) shall be qualified person(s), licensed in each field who shall demonstrate competence, to the satisfaction of the ~~building official~~Building Official~~Building Official~~, for inspection of the particular type of construction or operation requiring special inspection;

15. The site from which the structure is moved, from, if within City limits, is to be fenced upon removal of the structure if a basement remains. Openings in the foundation where the structure is placed must be closed or fenced until permanently enclosed.

—~~(14)~~ A statement signed by the owner or his or her agent that all work will be done in conformity to the facts stated in the application and that all work done will conform with the zoning ordinance of the city, this chapter, and the laws of the state; ~~and~~

16. ~~(15)~~ Any other information as the Building Official or Council may require in any particular case.

17. Provide documentation that all property taxes are current per SDCL 10-20-10 on the proposed former and future site locations.

## § 150.29 SPECIAL PERMITS; BONDS REQUIRED.

~~The application for a special permit shall be accompanied by~~ Any person moving a structure under the conditions of this ordinance shall first have filed an indemnity bond in an amount to be fixed by the ~~Council~~City with sufficient surety to be approved by the Building Official, ~~conditioned~~indemnifying for injury, damage or loss occasioned by ~~upon~~ the movement of the building or structure described in the application ~~without damage~~ to the streets, the adjacent parking, the trees or shrubs along the streets, the property of any municipal utility, or the property of any person. In lieu of the surety bond, cash may be deposited with the Finance Officer ~~in an amount approved by the Building Official.~~

Any property owner ~~plaeing~~proposing placement of a moved building~~structure under the conditions of this ordinance~~ shall first have filed a performance bond in an amount to be fixed by the ~~Council~~City with sufficient surety to be approved by the Building Official, ~~conditioned upon the movement of the building or structure described in the application~~ to guarantee satisfactory completion of a structure relocation project as required under section 150.27 Conformance.

~~The application for a special permit shall be accompanied by an indemnity bond in an amount to be fixed by the Council with sufficient surety to be approved by the Building Inspector~~Building Official, ~~conditioned upon the movement of the building or structure described in the application without damage to the streets, the adjacent parking, the trees or shrubs along the streets, the~~

~~property of any municipal utility, or the property of any person. In lieu of the surety bond, cash may be deposited with the Finance Officer.~~

### **§ 150.30 SPECIAL PERMITS; PLANS FOR WATER AND SEWER REQUIRED.**

Before any structure is moved onto a tract of ground pursuant to this ~~sub~~chapter, a diagram showing water and sewer connections must be presented to the ~~Building Official~~governing body for approval. If the structure is beyond the minimum distance required for connecting with the city sewer system, then the diagram must show plans for ~~a~~septic tank system compliance, which is mandatory ~~where-if~~ connection with the city sewer is not required.

### **§ 150.31 SPECIAL PERMITS; CUTTING OR PRUNING TREES.**

Any cutting or pruning of trees, ~~that needs to be complete before moving any building or structure over the public right-of-ways of the City,~~ must be done under the direction and supervision of a responsible person designated by the City Manager, and the ~~charge-fee~~ for the supervision shall be set by resolution, and the sum shall be paid to the ~~city~~-City by the owner of the structure or person contracting to move the same at least three days prior to the day on which any structure is moved over a public right-of-way. Trimming shall be done in accordance with pruning standards. If a tree is removed, severely damaged or dies as a result of trimming or as a result of the moving of a building or other structure, the permittee applicant shall pay to the city the cost for each replacement tree which is necessary. All cut ends of tree branches shall be painted or otherwise properly treated.

### **§ 150.32 SPECIAL PERMITS; APPLICANT TO PAY COST OF ALTERING UTILITY WIRES.**

Every applicant for a permit to move any building or structure over the public right-of-ways of the ~~city~~-City shall be required to pay ~~a~~an advance minimum sum of an amount set by resolution for each electric wire or cable of any municipal utility which must be cut, altered, or removed; and the necessity for the removal or alteration of the wires or cable shall be determined by the ~~City's~~ Superintendent of Electrical Distribution. The minimum charge shall be paid by the applicant to the Finance Officer at least ~~3~~three days prior to the day on which any structure is moved over a public ~~street~~right-of-way.

### **§ 150.33 FEES.**

Fees for building permits shall be set by resolution in § 156.15.

### **§ 150.34 PLATTING REQUIREMENTS.**

No structure shall be moved onto a tract of ground within the ~~city~~-City which has not been platted into lots and approved by the governing body.

**§ 150.35 REQUIRED RECORDS.**

It shall be the duty of the ~~Building Inspector~~Building Official to keep a permanent record of all applications for building permits and all moving permits issued either by the ~~Building Inspector~~Building Official or by the Council.

**§ 150.36 EXPIRATION.**

Any building permit or moving permit under which no construction work has been commenced within ~~6-six~~ months after the date of issue of the permit, or under which the proposed construction has not been completed within ~~2-two~~ years after the date of issue, shall expire by limitation and no work or operations shall take place under any such permit after the expirations unless the permit has been renewed.

Dated at Vermillion, South Dakota this 19<sup>th</sup> day of December, 2011.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

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John E. (Jack) Powell, Mayor

ATTEST:

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Michael D. Carlson, Finance Officer

First Reading: December 19, 2011  
Second Reading: January 3, 2012  
Publication: January 13, 2012  
Effective Date: February 3, 2012



## *Council Agenda Memo*

**From:** David Nelson, Parks & Recreation Director

**Meeting:** December 19, 2011

**Subject:** Aquatic Facility

**Presenter:** David Nelson

**Background:** The current pool in Prentis Park was built in 1965 and is nearing the end of its useful life cycle. The City of Vermillion solicited for and received four proposals from qualified architectural/engineering firms to provide consulting services in the design of an aquatic facility.

**Discussion:** The City of Vermillion solicited the services of an architect/engineer consultant to work with a citizen committee, City Council and community to provide design services for an aquatic facility. In determining what type of facility to build, the following questions will be addressed:

1. Where does the City build a new aquatic facility?
2. Does the City build a leisure and recreation pool with slides and zero depth entry and/or a swimming pool with diving boards and an area for lap swimming?
3. What quantity and type of parking is needed and can be provided for the facility and neighborhood?
4. What shade structures, turf areas and sundecks are needed?

Four consultants, US Aquatics, Banner, TSP and Water's Edge, each made a one hour presentation to the Citizen Committee. The committee members are Jenny French, Carolyn Carr, Steve Ward, Ric Rasmussen, Kari Jensen, Mike Moran, John Prescott and David Nelson.

After discussion, the committee is recommending Water's Edge from Lenexa, Kansas as the consultant for the City Council to utilize to develop a design.

**Financial Consideration:** The City of Vermillion has \$50,000 budgeted for design services in 2012. Water's Edge will analyze sites, develop concept plans and provide construction budgets for a new facility including phased improvements. They will provide concept planning services for a lump sum fee of \$12,000, which includes three meetings and all project related expenses, including travel expenses.

**Conclusion/Recommendations:** Administration recommends that the City Council contract with Water's Edge from Lenexa, Kansas, to provide design plans for a new aquatic facility.



## *Council Agenda Memo*

**From:** John Prescott, City Manager

**Meeting:** December 19, 2011

**Subject:** Report on options for having industrial uses in the General Business District

**Presenter:** John Prescott

**Background:** The City Council denied first reading of Ordinance No. 1265 at the November 21, 2011 to rezone a parcel of ground at 1222 W Cherry Street from General Business to Light Industrial. The Planning Commission had also recommended denial of the rezoning request. The rezoning request was made by the property owner in response to a zoning violation identified by City staff. In the course of the discussion, the City Council requested, from staff, clarification on how industrial uses might be allowed to exist in the General Business District. The property in question had been zoned industrial prior to the comprehensive rezoning in 2008, although the current use, which created the zoning violation, has only been in existence for a couple of months.

**Discussion:** City staff developed several ideas to address the question of industrial uses in the General Business district. The options include:

1. Amending General Business District zoning regulations to allow light manufacturing as a conditional use.
2. Amending General Business District zoning regulations to allow assembly and packaging as a conditional use. This is a more specific use related to business at hand vs. option #1.
3. Create a subzone within the General Business District zoning regulations for industrial uses. The City Council would identify specific uses and locations in the General Business District where industrial uses could take place in addition to allowable General Business uses.
4. Create a Planned Development District (PDD). A PDD is designed to have a mix of uses or be utilized in a transitional area. The City Council would approve the PDD zoning while the Planning Commission approves the details.
5. Provide for the specific use of the particular property with the current owner in the General Business District zoning regulations. This was an idea suggested by SECOG and is apparently done in other communities they serve.

With the first two options, the approved uses would be allowed anywhere in the General Business District. A conditional use permit could address outside storage or assembly. Light manufacturing or assembly uses might be practical to carryout in other parts of the General Business district particularly on E. Cherry Street where existing buildings appear to lend themselves to this use. One challenge is that a blanket change as options 1 or 2 represent, could result in unintended mixed uses in the General Business district. Option 3 would allow the City Council to better target where industrial or assembly uses take place. The City hasn't used a subzone.

The City has a couple of PDDs. These districts take some work to set up and should represent more than a single lot. The property owner expressed interest, in a phone conversation on December 14<sup>th</sup>, about developing a Planned Development District. The interest of neighboring property owners, in this approach, was not yet determined in the phone call. If this route is selected, staff would work with the applicant to develop a PDD. The City Council would approve the PDD zoning while the Planning Commission approves the details of the PDD.

Option #5 was presented by SECOG. To accomplish this option, the City Council would amend the General Business district zoning regulations to spell out the assembly use at 1222 W. Cherry Street, specifically for the owner, as an allowable use. The use would be permitted as long as it remains in place. If the use ends, it could not be restarted by a different owner at a different time.

The City Council also has the option of taking no action.

**Financial Consideration:** Undetermined at this time. It is anticipated that publication costs would be incurred should a change be made to zoning regulations.

**Conclusion/Recommendations:** Administration believes that options 2, 3, and 5 currently represent the best way to address the situation. Option #4 (the PDD) is something that could be advanced but multiple parcel ownership and interest in the process needs to be developed.



## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer

**Meeting:** December 19, 2011

**Subject:** Combined Election Agreement

**Presenter:** Mike Carlson

**Background:** The City Council, by ordinance, sets election dates to correspond with the June primary, thus, providing for a combined election and a better voter turnout. The City ordinance is as follows:

§ 30.02 CITY ELECTIONS.

The city election shall be held on the first Tuesday in June and combined with the primary and school board elections if applicable.

**Discussion:** State Statute provides for combining elections and encourages entities to enter into agreements as to the duties and responsibilities of each. Previously, we entered into a joint election agreement with the County to combine the City election with the primary election. The cost two years ago was \$2,500 and County Auditor, Ruth Bremer, has proposed the following agreement with the same cost for 2012. If the City were to hold its own election using the county equipment, the cost would be considerably higher due to the programming of the equipment and ordering ballots. The cost for the electric transmission line referendum was \$2,868 in January 2009 where paper ballots were used. Attached is the proposed combined election agreement for 2012. Combining the City election with the County should increase voter turnout. For the electric transmission line referendum there was an 11% voter turnout, while in the June 2010 primary there was a 24% voter turnout. For the curbside referendum, held with the general election in November 2008, there was a 66% voter turnout.

**Financial Consideration:** The combined election would cost the City \$2,500, which is less than conducting a separate election. We have noted a better voter turnout with combined elections since residents only need to go to the polls once for the primary, school and city.

**Conclusion/Recommendations:** Administration recommends that the City Council authorize the Mayor to sign the Combined Election Agreement for the June 2012 municipal election.

## COMBINED ELECTION AGREEMENT-2012

This agreement is entered into between Clay County, Vermillion School District and the City of Vermillion; political subdivisions of the State of South Dakota, for the purpose of conducting a combined election as provided under the provisions of SDCL 9-13-37 and 12-2-5.

**EFFECTIVE DATE:** This agreement shall become effective on the date that all parties have signed the agreement.

**PURPOSE:** It is the purpose of this agreement for the parties to conduct their individually required election in one combined election. The combined elections will be held on June 5, 2012. Elections are being combined to save tax dollars on the cost of individually conducted elections and to encourage a better voter turnout for all entities.

**COST SHARING:** The parties to this agreement shall share the costs of the combined election as set forth herein.

The City of Vermillion & Vermillion School District shall publish their respective Notice of Vacancy for positions to be filled.

The City Finance Officer will be responsible for the petition process for municipal election candidates and will certify the names of the candidates to be listed on the ballot to the County Auditor by 5:00 P.M. on April 2, 2012.

The Vermillion School District Business Manager will be responsible for the petition process for school election candidates and will certify the names of the candidates to be listed on the ballot to the County Auditor by 5:00 P.M. on April 2, 2012.

The cost for a combined election will be \$2,500 for the City of Vermillion and \$1,000 for the Vermillion School District. These costs include joint legal notices, election worker salaries, election materials, such as ballots, poll books, programming costs and all other related expenses.

If the City of Vermillion or Vermillion School District are not required to have an election, the only cost to be paid by the city/school will be the Notice of Vacancy publication.

Clay County will pay all costs associated with the election and the City and School agrees to reimburse the County for its share of the costs, as determined in this agreement. If the County does not have an election, the City of Vermillion & Vermillion School District will be allowed the use of the county election equipment at no cost.

**ABSENTEE BALLOTS:** Absentee ballots shall be available at the office of the County Auditor for voters who wish to vote absentee.

**CANVASSING OF THE VOTE:** Each entity shall canvass the votes of their election at their next meeting, following the election. Poll books will be opened by the County Canvassing Board, canvassed, resealed and passed on to the City and then the school. Poll books will be returned to County Auditor when the City & School has completed their canvass.

The Clay County Auditor, School Business Manager and the City Finance Officer are hereby empowered and directed to cooperate in any manner that will accomplish the purpose and intent of this agreement in order to facilitate this election in the most efficient and economical manner.

ATTEST:

\_\_\_\_\_  
Ruth A. Bremer, Clay County Auditor  
Date: \_\_\_\_\_

\_\_\_\_\_  
Leo F. Powell, Chairman  
Clay County Commissioners

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

\_\_\_\_\_  
John E. (Jack) Powell, Mayor  
City of Vermillion

\_\_\_\_\_  
Sheila Beermann, Business Manager  
Date: \_\_\_\_\_

\_\_\_\_\_  
Mark Bottolfson, President  
Vermillion School District



## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer  
**Meeting:** December 19, 2011  
**Subject:** Renewal of Commercial Collectors Licenses  
**Presenter:** Mike Carlson

**Background:** City ordinance requires approval by the City Council for the issuance of a commercial collector's license. The ordinance sections are as follows:

**Sec. 52.09 License-Required.**

It shall be unlawful for contract or commercial haulers to use the streets for the collection, removal or disposal of any receivable solid waste and yard waste without first having obtained a license to perform such services from the finance officer. As a condition to the granting of any said license, all commercial haulers shall agree to abide by all city ordinances or landfill regulation involving the collection or depositing of any receivable solid waste and yard waste, including the requirements of sections 52.07, 52.12 and 52-13. In the event any commercial garbage hauler fails to abide by these said ordinances or regulations, the City of Vermillion reserves the right to terminate said license. This requirement does not apply to building contractors removing and disposing of receivable solid waste incidental to a construction contract, nor to any firm or individual who, for a fee, engages in the removal of receivable solid waste for disposal for fewer than two days in any calendar year.

**Sec. 52.10. Same-Application; plate to be displayed.** Application for license shall be filed at the office of the finance officer five (5) days prior to any consideration and approval by the council. The license fee shall be three hundred dollars (\$300.00) per year for commercial collectors or contract haulers collecting and transporting receivable solid waste including any one of the following types of material: garbage, household waste, industrial waste, and commercial waste. Such license shall also entitle holder to collect and transport yard waste and large trees and limbs. All licenses expire December 31 in the year that they are issued. The license plate or placard issued shall be displayed on each such vehicle at all times. Each license applicant shall, at the time of the submission of the license application, provide written verification to the City that the applicant met the financial liability requirement of state.

**Sec. 52.13 Duty of Collectors.** Licensed collectors or haulers shall obey all the ordinances and all the rules and regulations of the City of Vermillion or its designated officer and report to the supervising department any violation of this subchapter which may come to their notice. All licensed collectors or haulers may provide a subscription service for each customer. All charges for the collection of yard waste shall be made separate and distinct from any basic charges for all other collection services of receivable solid waste. Any violation of this subchapter or other rules and regulations that may be made from time to time by the City of Vermillion or any nonpayment of the fees provided by this subchapter will result in the suspension or revocation of the license to haul.

**Discussion:** The following firms have submitted an application to renew their commercial collector's license:

TJP Waste Hauling - Terry Pickett, Owner  
Independence Waste - K & P Services Inc, Owner  
Loren Fischer Disposal - Loren Fischer, Owner  
Fischer Disposal, LLC - Lonnie Fischer, Operator  
Art's Garbage Service - Division of Waste Connections  
Little Garbage Guys – Matt Mulheron, Owner  
Vermillion Garbage Service - Marty Johnson, Owner

The licensing requires those licensed to abide by City Ordinances. As part of the application process, the City requests, upon renewal, that they list any violations of City Ordinances during the past year. No violations were listed.

The license applications were sent to the Chief of Police and his report on the records check is attached. No violations were reported. The Police Chief's review only covers violations of city code or state statutes in the City limits.

**Financial Consideration:** The annual license fee is \$300 per year.

**Conclusion/Recommendations:** Administration recommends the City Council review the information on the commercial collections license applications to determine if the licenses should be renewed.



City of Vermillion

## Police Department

15 Washington Street • Vermillion, SD 57069

**Matthew Betzen**

*Chief of Police*

Phone: (605) 677-7070

Fax: (605) 677-7166

[www.vermillionpd.org](http://www.vermillionpd.org)

### MEMORANDUM

**To:** Mike Carlson **Date:** December 14, 2011

**From:** Matthew Betzen  
Chief of Police

**Subject:** Applicants for Commercial Haulers License(s)

I conducted a search of the Vermillion Police Department Records to determine if any of the applicants or their vehicles had been subject to enforcement action regarding the operation of their haulers activities during 2011 in the City of Vermillion. I discovered the following:

Loren Fisher Disposal – No contacts/enforcement action during 2011

Vermillion Garbage Service – No contacts/enforcement action during 2011

TJP Waste Hauling – No contacts/enforcement action during 2011

Fischers Disposal LLC – No contacts/enforcement action during 2011

Independence Waste – No contacts/enforcement action during 2011

Art's Garbage Service – No contacts/enforcement action during 2011

Mulheron, Matthew – No contacts/enforcement action during 2011

Please let me know if you have any comments, concerns, or questions.



## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer  
**Meeting:** December 19, 2011  
**Subject:** Public Safety Center Board appointments  
**Presenter:** Mike Carlson

**Background:** When the Public Safety Center was built, there was a Construction and Use Agreement entered into between the City and County on January 21, 1988. The agreement provided for a Public Safety Center Board that would resolve any issues and/or conflicts between the City and County in the use of the facility. Article III of the agreement is as follows:

The County and City agree to form a Public Safety Center Board which shall be the governing body of the Joint Law Enforcement center. The Board shall be comprised of the Sheriff, Chief of Police, Mayor, Chairman of Clay County Commissioners and three residents of Clay County. The political officials shall remain on the Board during their respective terms of office. The residents shall be appointed for a three (3) year term with the first appointees serving a three (3) year term, a two (2) year term, and a one (1) year term, respectively. All appointees to the Board shall be nominated jointly by the Clay County Commission and the Vermillion City Council.

As far as we can determine, the board has never had to meet.

**Discussion:** The current members of the board are Bruce Plate (2011), John Storm (2013) and Dave Thiesse (2012). Sheriff Howe and Police Chief Betzen recommend reappointing Bruce Plate for a term ending December 31, 2014. Sheriff Howe will be recommending to the County Commissioners the reappoint of Bruce Plate to the Public Safety Center Board.

**Financial Consideration:** None.

**Conclusion/Recommendations:** Administration recommends reappointing Bruce Plate to the Public Safety Center Board with a term expiring December 31, 2014.



## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer

**Meeting:** December 19, 2011

**Subject:** Resolution requesting continued support of Community Development Block Grant (CDBG) application for water tower project

**Presenter:** Mike Carlson

**Background:** The Market Street Water Tower is in need of major repairs estimated at over \$300,000. The City requested that Banner Associates review the report of the necessary repairs to determine if it should be repaired, replaced, or to do nothing. The report from Banner Associates recommended the replacement of the nearly 100 year old water tower vs. making the investment in repairs to the existing tower, or doing nothing.

The City applied for State Revolving Fund (SRF) loans with principal forgiveness and consolidated grants through the Department of Environment and Natural Resources (DENR) in January 2011. In March, the City was notified that a SRF loan of \$1,532,000, with 10% principal forgiveness for 30 years at 2.25%, had been approved. It was hoped that additional grant funds could be utilized to reduce the impact on water rates. An application was made to the Governor's Office of Economic Development (GOED) for a CDBG grant to assist with the funding for the water tower replacement project in June 2011. On November 29, 2011, the Mayor was notified that since the DENR had provided full funding of the project, the CDBG grant was not authorized. The GOED requested to know if the City would like to keep the CDBG application open for consideration in the next funding cycle.

**Discussion:** To fund the project with the SRF loan of \$1,532,000, with 10% principal forgiveness, would require over an 8% increase in our current rates. As our current water and wastewater rates are high in comparison to other first class cities, administration would recommend the CDBG application be considered in the next funding cycle. The next funding cycle would have the application being heard in January and, hopefully, we can get a response sooner than the June 2011 application but, in any case, we are not at the point that we would be moving forward with this project until spring anyway. As such, a resolution was prepared

addressing the current ranking of the city's water and wastewater rates, the percentage of low to moderate income residents and requested reconsideration of the grant application.

**Financial Consideration:** The cost to the City is the publication and postage to mail the application. Delaying the tower project may have inflationary costs of increasing the construction cost of the project but, as we are requesting a \$300,000 grant, hopefully, any grant funds will more than offset.

**Conclusion/Recommendations:** Administration recommends adoption of the resolution requesting continued consideration of the CDBG application for the water tower.



**SOUTH DAKOTA**  
GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT

November 29, 2011

The Honorable John E. Powell  
Mayor of Vermillion  
25 Center Street  
Vermillion, SD 57069

Dear Mayor Powell,

Thank you for your recent application for Community Development Block Grant (CDBG) funding for Vermillion's Water Tower Improvements Project. Your effort to improve public infrastructure for the citizens of your community is commendable. It is my understanding this project has already been approved for full funding by the Board of Water and Natural Resources. Please let our office know if you would like to move forward with the project or keep your CDBG application open for consideration in the next funding cycle.

Sincerely,

Cody Richter  
CDBG Program Manager

Cc Janice Gravning, South Eastern Council of Governments

RESOLUTION REQUESTING CONTINUED SUPPORT OF COMMUNITY  
DEVELOPMENT BLOCK GRANT FOR WATER TOWER PROJECT

WHEREAS, the City of Vermillion Water Distribution System consists of two elevated water storage towers, and

WHEREAS, one of the Market Street water towers is almost 100 years old and is in need of major repairs at an estimated cost of approximately \$300,000, and

WHEREAS, the City had a study done to determine if the tower should be repaired, replaced or to do nothing, with the recommendation to build a new water tower to replace the old tower, and

WHEREAS, to finance the new tower project the City made application to the South Dakota Department of Environment and Natural Resources (DENR) for grant and loan funding for the project and was awarded a \$1,532,000 State Revolving Fund Loan with 10% principal forgiveness contingent upon the City raising its rates to meet the 110% debt service requirement of the loan funding, and

WHEREAS, to meet the debt service requirement on the approved loan would require over an 8% rate increase to the city's water rates, and

WHEREAS, a utility rate study, prepared by Advanced Engineering and Environmental Services, Inc. for 2011, lists Vermillion with the third highest water rates while its wastewater rates are second to the highest making the City of Vermillion combined water and wastewater rates the highest for first class cities in South Dakota, and

WHEREAS, the water tower project will provide a benefit to the over 50% of the City's residents that have low and moderate incomes while the receipt of grant funds will reduce the impact of future rate increases to all residents, and

WHEREAS, the City of Vermillion made an application to the Governor's Office of Economic Development for Community Development Block Grant funding for assistance with the project and were informed as the DENR has approved loan and grant funding contingent upon raising the rates 12.5%

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Vermillion respectfully requests to reduce the impact of rate increases. Continued consideration by the Governor's Office of Economic Development of the City's Community Development Block Grant application remains open for consideration in the next funding cycle.

Dated at Vermillion, South Dakota this 19<sup>th</sup> day of December, 2011.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

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

Attest:

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

CITY OF VERMILLION  
 INVOICES PAYABLE-DECEMBER 19, 2011

1 A & M PRODUCTS COMPANY	PLAQUES	97.00
2 ARCHITECTURE INC.	PROFESSIONAL SERVICES LIBRARY	80,010.00
3 BROADCASTER PRESS	ADVERTISING	562.01
4 BUREAU OF ADMINISTRATION	TELEPHONE	304.44
5 CENTURYLINK	TELEPHONE	59.16
6 CITY OF VERMILLION	LANDFILL VOUCHERS	225.75
7 CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,208.75
8 DEPT OF REVENUE	LICENSE RENEWAL	275.00
9 DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,279.28
10 DIVISION OF MOTOR VEHICLE	TITLE/PLATES	10.00
11 GREGG PETERS	MANAGERS FEE	5,375.00
12 INDEPENDENCE WASTE	WASTE HAULING	747.00
13 JOHNSON CONTROLS	REPAIRS	564.51
14 JOINT UTILITY TRAINING SCHOOL	REGISTRATION	400.00
15 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
16 LYLE SIGNS	SUPPLIES	70.07
17 MATHESON TRI-GAS, INC	CYLINDER RENTAL	82.29
18 MIDAMERICAN	GAS USAGE	4,427.77
19 MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	95.95
20 MIDWAY SERVICE, INC	FUEL	5,515.48
21 RECYCLING EQUIPMENT MANUFACTURING	MAGNETIC CONVEYOR	10,009.75
22 RESERVE ACCOUNT	POSTAGE FOR METER	950.00
23 SERVALL TOWEL & LINEN	SHOP TOWELS	44.10
24 SPRINT	CELL PHONES	2,755.97
25 STERN OIL CO.	FUEL	18,112.63
26 THE EQUALIZER	ADVERTISING	618.20
27 UNITED PARCEL SERVICE	SHIPPING	170.49
28 US POSTMASTER	POSTAGE FOR UTILITY BILLS	1,025.00
29 VAN DIEST SUPPLY CO	SUPPLIES	15.75
30 VERMILLION NOW!	CONTRIBUTION FOR CAPITAL IMPROVEMENTS	8,713.20
31 VISA/FIRST BANK & TRUST	FUEL/SUPPLIES	435.55
32 YANKTON JANITORIAL SUPPLY	SUPPLIES	321.59
33 DOME TOURNAMENT	TOURNAMENT EXPENSES	5,200.08
34 PATRICK CROSS	BRIGHT ENERGY REBATE	25.00
2012 INVOICES		
35 SDML WORKER'S COMPENSATION FUND	WORKERS COMPENSATION	106,664.00
36 SD PUBLIC ASSURANCE ALLIANCE	BOILER INSURANCE	12,784.00
	GRAND TOTALS	\$151,846.77

**VERMILLION PUBLIC LIBRARY  
BOARD OF TRUSTEES  
MONTHLY MEETING**

**Thursday, December 15, 2011  
6:00pm  
South Dakota Room**

**AGENDA**

- I Roll Call
  
- II Approval of the minutes of the November 15, 2011 meeting . . . . Page 3
  
- III Reports of the Director
  - A. November Commentary. . . . . Page 5
  - B. November Statistics . . . . . Pages 7-8
  - C. Financial Reports for November. . . . . Page 9
  
- IV Approval of the Expenditures for December . . . . Handout
  
- V Reports
  - A. SD Library Network
  - B. Friends of the Library
  - C. VPL Foundation
  
- VI Unfinished Business
  - A. Building Project
  - B.
  
- VII New Business
  - A. End of year expenditures
  - B.

VERMILLION PUBLIC LIBRARY  
BOARD OF TRUSTEES  
MONTHLY MEETING

TUESDAY, NOVEMBER 15, 2011  
6:00 PM  
SOUTH DAKOTA ROOM

MINUTES

TRUSTEES PRESENT: Fern Kaufman, Cyndy Chaney, Carl Gutzman and Jon Flanagin

OTHERS PRESENT: Jane Larson

On a motion by Chaney, seconded by Kaufman the minutes of the October 20, 2011 meeting were read and approved. All present voted aye.

The reports of the Director were reviewed and discussed. Larson added additional information on ebooks and the Yankton Literacy Council.

On a motion by Gutzman, seconded by Chaney the proposed expenditures for November were approved for payment. Larson provided additional information on the new security cases for DVDs. All present voted aye.

REPORTS

SDLN - No report.

FRIENDS - No report.

FOUNDATION – Larson reported that the fund-raising project is moving along at a steady pace. The group applied to four foundations in the state and they are waiting for responses which are expected by the end of 2011.

UNFINISHED BUSINESS:

The building project was reviewed and discussed. A request to send out bids will be presented to City Council on December 5 with bids open on January 19, 2012. November 22 the final design will be reviewed by city staff, library staff and the architectural team. Board members reviewed the drawings and Larson will inquire about painting the triangle the same color as the triangle over the Carnegie Building.

NEW BUSINESS:

On a motion by Gutzman, seconded by Chaney, the Library will be closed the following dates: Wednesday, November 23 at 5pm; Thursday, November 24; Saturday, December 24-Monday, December 26 and Sunday, January 1- Monday, January 2. All present voted aye.

On a motion by Kaufman, seconded by Gutzman the Library will sponsor a "Food for Fines" until the end of 2011 to help the Vermillion Food Pantry re-stock their shelves. All present voted aye.

Respectfully submitted,

  
Jane A. Larson  
Secretary for the Board

## DIRECTOR'S REPORT – NOVEMBER 2011

November 1 – Proctored an exam for WIT

November 2 – I attended a Department Head meeting at City Hall.

November 3 – John Prescott and I met with staff from Architecture Inc. to review casework specs for the building project.

November 4 – Proctored an exam for WIT

November 7 – Library Board members and I presented building project information to the City Council at their noon educational meeting.

November 9 – Proctored an exam for WIT.

November 9 – Proctored an exam for the University of Iowa.

November 9 – John Prescott and I met with a contractor regarding the locking and security system for the building project.

November 11 – The Library was closed in honor of Veteran's Day.

November 15 – At the monthly staff meeting the following topics were discussed: Department Head meetings; building project; DVD cases; end-of-year payroll; hospital cookbook; vacations; CPR class; shirts for 2012; holds; children's department on weekends; Parade of Lights; fine limits and series notation added to item records.

November 16 – I attended a Department Head meeting at City Hall.

November 17 – City Light and Power moved our lines to the electrical transformer to accommodate the expansion of the building

November 22 – John Prescott and I reviewed the last blueprints for the building project.

November 24 – The Library was closed for Thanksgiving.

November 30 – I attended a Department Head meeting at City Hall.

# Circulation Statistics for November 2011

## Circulation

<b>By Category</b>	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1) Adult Fiction	1724	1655	1711	1596	1596	1971	1831	1905	1427	1479	1565	
2) Adult Non-Fiction	619	653	694	691	481	612	581	572	494	548	539	
3) Video	721	712	973	706	744	946	873	807	683	742	747	
4) Child Non-Fiction	442	469	523	506	348	878	658	426	374	399	422	
5) Child Fiction	1324	1477	1730	1269	1105	2754	2117	1486	1507	1600	1774	
7) Child A/V	57	73	72	46	49	51	52	31	50	41	63	
8) Adult A/V	375	383	361	375	440	400	433	460	416	407	416	
9) Child Periodicals	13	4	1	8	8	11	6	6	2	2	3	
10) Adult Periodicals	139	142	153	177	114	179	176	167	182	169	200	
11) Art Prints	4	10	6	13	6	7	1	3	1	4	10	
14) Toys	0	0	1	1	0	4	3	4	5	3	0	
15) CD-Rom	5	4	1	5	2	3	3	3	4	4	3	
16) New Books	857	942	1067	895	965	1366	1275	1165	924	905	1013	
17) Book Club Bags	3	5	2	3	3	1	4	1	2	3	3	
18) Parent/Teacher	5	6	26	9	7	10	13	9	11	7	17	
Ebooks Adults	30	12	14	20	16	14	10 *	*		6	10	
Ebooks Child	9	3	6	7	1	3	2 *	*		4	5	
<b>Total</b>	<b>6327</b>	<b>6550</b>	<b>7341</b>	<b>6327</b>	<b>5885</b>	<b>9210</b>	<b>8038</b>	<b>7045</b>	<b>6082</b>	<b>6323</b>	<b>6790</b>	<b>0</b>

## Year's Comparison

	<u>Nov 2010</u>	<u>Nov 2011</u>
Adult	3361	3497
Child	2169	2262
New	843	1013
CD-Rom	6	3
<b>Total</b>	<b>6379</b>	<b>6775</b>

## Outreach

Month	Items	Patron:	Deliveries
Nov 2010	546	35	71
Dec 2010	515	35	79
Jan 2011	611	36	69
Feb 2011	709	36	70
Mar 2011	621	37	95
Apr 2011	558	37	71
May 2011	500	35	84
Jun 2011	545	35	70
Jul 2011	569	37	70
Aug 2011	625	34	74
Sep 2011	605	34	87
Oct 2011	601	34	62
Nov 2011	681	34	110

## Book and A/V Drop

Month	Total	#/Day
Nov 2010	1619	51
Dec 2010	1912	71
Jan 2011	1605	54
Feb 2011	1714	64
Mar 2011	1936	63
Apr 2011	1737	62
May 2011	1736	60
Jun 2011	1879	72
Jul 2011	2044	82
Aug 2011	2275	84
Sep 2011	1588	53
Oct 2011	1865	60
Nov 2011	1734	62

## Interlibrary Loan

Borrowed	251
Loaned	147
<b>Total</b>	<b>398</b>

**Items Returned: 6668**

## Activities

<b>Adult Programs</b>	Read	Attended	<b>Room Usage</b>	Sessions	Users	<b>Computer Usage:</b>	987
P.O.E. Films		6	Activity Room	4	24		
P.O.E. Discussion	14	5	Community Room	33	678		
Fun & Games		6	South Dakota Room	17	136		

## Miscellaneous

<b>Patron Gate</b>	People	Alarms	<b>Holds Placed</b>		<b>Open Days:</b>	28
Nov 2010	2626	50	Adult Items	58	<b>Reference Questions:</b>	754 27/day
Nov 2011	3035	79	Children's Items	4	<b>In-Library Browse:</b>	1087
			New Items	45		

# Circulation Statistics for November 2011

## **Children's Activities**

<b><i>After School Programs</i></b>			
	<u>Kids</u>	<u>Adults</u>	<u>USD Vol</u>
Family Literacy Day	58	7	1
Prairie Bud Books	15	2	3
<b>Total</b>	<b>73</b>	<b>9</b>	<b>4</b>

<b><i>Storytime</i></b>		
	<u>Kids</u>	<u>Adults</u>
Preschool	101	
Toddler	188	140
Headstart	129	
USD Pre	44	
<b>Total</b>	<b>462</b>	<b>140</b>

<b><i>YA Activities</i></b>	
	<u>YA</u>
YA Gaming Event	0
<b>Total</b>	<b>0</b>

## **Facebook Statistics**

	Public
Monthly Active Users	313
People "Likes"	183
Wall Posts	0
Visits	95

**FINES AND GIFTS CHECKING ACCOUNT - NOVEMBER 2011**

Month	Revenue				Expenditures		Balance
	Copier	Fines	Other	Donations	Paid Out	Checks	
							1285.10
January	138.20	444.30	117.50	500.41	37.46	1000.00	1448.05
February						771.14	676.91
March	398.81	576.27	153.00	5.06	86.28	35.00	1688.77
April	265.36	241.38	32.00	75.65	25.63	142.50	2135.03
May						1069.50	1065.53
June	335.90	237.67	95.19	1775.20	241.82	450.00	2817.67
July	205.30	250.38	405.00	525.20	212.98	0.00	3990.57
August	294.40	540.13	97.37	901.50	216.31	277.59	5330.07
September						7.50	5322.05
October	329.90	541.81	91.10	4.25	195.14	505.00	5589.49
November	190.52	209.46	93.19	52.30	137.02	1800.00	4197.94
December							
<b>Totals</b>	<b>2158.39</b>	<b>3041.40</b>	<b>1084.35</b>	<b>3839.57</b>	<b>1152.64</b>	<b>6058.23</b>	

**CHECKS**

\$ 1,800.00 Hartington Tree Co. - Remove trees & bushes North of building

**RECEIPTS**

Donations

\$ 2.30 Anonymous  
 \$ 50.00 Tommie Baxter

Cards

\$ 64.00

Miscellaneous

\$ 29.19

**INVESTMENTS**

Institution	Type	Amount	Rate	Maturity	Total
1st Bank & Trust	Money Market	2.18 YTD 30.67	0.20%		\$ 11,703.71
1st Bank & Trust	CD		1.00%	1/30/2012	\$ 31,242.00
1st Bank & Trust	CD		1.05%	3/9/2012	\$ 52,021.07
CorTrust	CD	31.01 YTD 122.10	2.05%	4/4/2012	\$ 6,077.00
<b>TOTAL:</b>					<b>\$ 101,043.78</b>

**1st Bank & Trust Money Market Account**

No transactions during the month of November

## Got Fines? Give Food!

The Vermillion Public Library is offering a way to help our patrons and the Vermillion community. The Vermillion Food Pantry is a self-supporting operation and needs donations to help local families.



From now until the end of the year, return your overdue library items and pay for the fines with food goods. Below is a list of which items will be accepted and how much each is worth in fines.

### Canned Goods:

- Chunky Soups = \$ 2.00
- Chili = \$ 2.00
- Chili Beans = \$ 1.50
- Tomato Soup = \$ .50
- Pork N Beans = \$ 2.00
- Vegetable Soup = \$ 2.50



### Dry Goods:

- Jelly/Jam 18oz = \$ 3.00
- Boxed Cold Cereal = \$ 4.00
- Muffin/Cake Mixes = \$ 1.00
- Hamburger/Tuna Helper = \$ 1.75
- Peanut Butter 18oz = \$ 4.00
- Soda Crackers 4 pack = \$ 2.00
- Rice Dry White 1 lb = \$ 2.50
- Pancake Mixes 28oz = \$ 2.50
- Spaghetti Noodles 1lb = \$ 1.75
- Spaghetti Noodles 2lb = \$ 2.75
- Diapers sizes 3,4,5,or 6 = \$ 20.00



## Upcoming Fall Events

### Upper Elementary: Origami Yoda & Darth Paper

Join us Thursday, December 1st: 3:45-5pm, for activities, crafts, and snacks.

### Holiday Open House: The Spirit of Giving

Friday, December 2nd: 7pm, after the Parade of Lights come to the Library. Children will be decorating stockings, making wrapping paper, choosing a book to give as a gift and one to keep, and meeting Santa Clause. All ages welcome.

### YA Book Club

We will be discussing *Revolution* by Jennifer Donnelly on Sunday, December 4th: 3pm. We will also be picking our next selection. Snacks will be provided.

### All Ages: Build-a-Book

Come build a book, *The Twelve Days of Christmas*, Wednesday, December 7th: 3:45-5pm. Materials and snacks will be provided.

### 3-6 year olds: Mrs. Claus Reads

Mrs. Clause is coming to the Vermillion Public Library to read stories and give away books. Come listen Saturday, December 10th: 1-3pm. Sponsored by the VPL and the Literacy Council.

### All Elementary: Play Day!

Come play games and do crafts Thursday, December 29th: 1-3pm. Great way to have fun over the holiday vacation.



## Vermillion Public Library's Book of the Month:

### *A Sound Among the Trees* by Susan Meissner



As a young bride, Susannah Page was rumored to be a Civil War spy for the North, a traitor to her Virginian roots. Her great-granddaughter Adelaide, the current matriarch of Holly Oak, doesn't believe that Susannah's ghost haunts the antebellum mansion looking for a pardon, but rather that the house itself bears a grudge toward its tragic past.

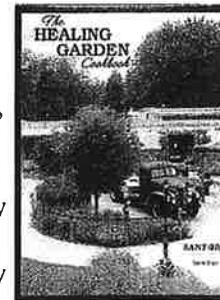
When Marielle Bishop marries into the family and is transplanted from the arid west to her husband's home, she is soon led to believe that the house she's just settled into brings misfortune to the women who live there.

With Adelaide's richly peppered superstitions and deep family roots at stake, Marielle must sort out the truth about Susannah Page and Holly Oak - and make peace with the sacrifices she has made for love.

## Cookbooks for the YA Room

The Sandford PRIDE Committee has put together a cookbook, *The Healing Garden*, that they are selling with all the proceeds to be donated to the Vermillion Public Library's new Young Adult Room. The cost is \$15 and they make great holiday gifts.

Stop down at our circulation desk today to pick up your copy.



## Check It Out!

### Newsletter and Calendar of Events December 2011



## Vermillion Public Library 18 Church St., Vermillion, SD 57069

### Hours:

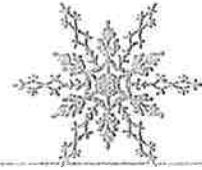
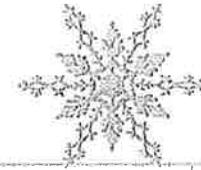
<b>Monday-Thursday</b>	<b>10am-9pm</b>
<b>Friday</b>	<b>10am-6pm</b>
<b>Saturday</b>	<b>10am-5pm</b>
<b>*Sunday</b>	<b>1-5pm</b>

**\*Closed Sundays from Memorial Day through Labor Day**

Phone:	(605) 677-7060
Email:	vpl@sdln.net
Website:	vpl.sdln.net
Fax:	(605) 677-7160



# December 2011



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
December is ....				1 Preschool Storytime 11:15-11:45am Upper Elem. Program 3:45-5pm	2 Holiday Open House 7pm	3
- National Drunk & Drugged Driving Prevention Month - Safe Toys and Gifts Month - Operation Santa Paws Month		- National Write a Business Plan Month - Spiritual Literacy Month - Food Service Safety Month				
4 YA Book Club SD Room, 3pm	5 City Council Meeting City Hall, 7pm	6	7 Build-a-Book Program 3:45-5pm	8	9	10 Mrs. Claus Reads 1-3pm  * Melvil Dewey was born Dec 10, 1851.
11 * UNICEF was established Dec 11, 1946.	12	13	14 * Capitan Roald Amundsen and his crew of four discovered the South Pole in 1911.	15 Library Board Meeting SD Room, 6pm	16	17 * The Wright Brothers achieved the first powered flight of an airplane on Dec 17, 1903.
18	19 City Council Meeting City Hall, 7pm	20 * Dec 20, 1860, South Carolina became the first state to secede from the US. A week later five states also seceded.	21	22	23	24 Library Closed
25  Library Closed for Christmas	26 Library Closed	27	28	29 Play Day! K-5 Program 1-3pm	30 * USSR was established on Dec 30, 1922 after the Russian revolution. It was the first state in the world to be based on Marxist communism.	31 New Years Eve