



Special Meeting Agenda City Council

12:00 pm (noon) Special Meeting
Monday, January 16, 2012
Large Conference Room
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Informational Session – Dakota Hospital Foundation report – Mary Merrigan.**
3. **Briefing on the January 16, 2012 City Council Regular Meeting Agenda-** Briefings are intended to be informational only and no deliberation or decision will occur on this item.
4. **Adjourn**

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

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

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

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

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

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



City of Vermillion Council Agenda

7:00 p.m. Regular Meeting
Monday, January 16, 2012
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. Roll Call

2. Pledge of Allegiance

3. Minutes

- a. January 3, 2012 Special Session; January 3, 2012 Regular Session; January 10, 2012 Special Session.

4. Adoption of the Agenda

5. Visitors To Be Heard

- a. Proclamation – Dance Marathon & Children’s Miracle Network Hospitals’ Miracle Month

6. Public Hearings

7. Old Business

- a. Second Reading of Ordinance No. 1272 – Amending Title XI Business Regulations, Chapter 115 Tattooing and Body Piercing, Section 115.13 to remove the one month residency requirement.
- b. Second Reading of Ordinance No. 1273 – Amending Title XV Land Usage, Chapter 152 Signs to provide for the permitting and regulation of signs within the Joint Jurisdictional Zoning Area between Clay County and the City of Vermillion.
- c. Update on ordinance language to provide for industrial uses in the General Business zoning district.

8. New Business

- a. Amendment to Contract with Helms & Associates for Design of Parallel Taxiway Extension.
- b. Resolution fixing the time and place for a hearing and notice of hearing for the Special Assessment Roll for Sidewalk Repairs in the City of Vermillion.

9. Bid Openings

- a. Shared Use Path Phase 2 Construction.
- b. 15.5 kV Load Interrupting Padmount Switchgear.

10. City Manager’s Report

11. Invoices Payable

12. Consensus Agenda

- a. Set a bid opening date of January 31, 2012 at 2:00 p.m. for water treatment and wastewater treatment chemicals.
- b. Set a bid opening date of February 1, 2012 at 10:00 a.m. for four pickup trucks.
- c. Set a public hearing date of February 6, 2012 for landfill expansion project state funding.

- d. Set a public hearing date of February 6, 2012 for transfer of retail on sale liquor license and retail on-off sale malt beverage license for BeBee Street II, Inc for Carey's Bar at 18 West Main transfer from BeBee Street, LLC.

13. Adjourn

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

Addressing the Council: Persons addressing the Council shall use the microphone at the podium. Please raise your hand to be recognized, go to the podium and state your name and address.

a. Items Not on the Agenda Members of the public may speak under Visitors to Be Heard on any topic NOT on the agenda. Remarks are limited to 5 minutes and no decision will be made at this time.

b. Agenda Items: Public testimony will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen who wishes may speak one time for 5 minutes on each agenda item. Public testimony will then be closed and the topic will be given to the governing body for possible action. At this point, only City Council members and staff may discuss the current agenda item unless a Council member moves to allow another person to speak and there is unanimous consent from the Council. Questions from Council members, however, may be directed to staff or a member of the public through the presiding officer at any time.

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

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Vermillion City Council's Values and Vision

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



Unapproved Minutes
Council Special Session
January 3, 2012
Tuesday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Tuesday, January 3, 2012 at 12:00 noon in the City Hall large conference room.

1. Roll Call

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

Absent: French, Ward

2. Informational Session - Update of electrical capital improvement plan purchases - Mark Koller

Mark Koller, Electric Superintendent, reported that the 10 year capital plan was presented to the City Council last summer and the upgrading of the electric switches was recommended to be included in the 2012 work schedule. Bids are scheduled to be opened for the switches on January 11th with estimated delivery in June 2012. The bid is for three of the five switches outlined in the 10 year plan as the Electric Department will install the three this year and plan on installing one in 2013 and one in 2014. Mark noted that the estimated cost of the three switches is \$105,000 that was not included in the 2012 budget but will need to be included in the revision later this year. Mark answered questions of the City Council on the electric system improvements.

3. Informational Session - Conference Center study update - Steve Howe, Vermillion Chamber of Commerce and Development Company

Steve Howe, Executive Director of the Vermillion Area Chamber of Commerce and Development Company, reported on the executive summary of the market feasibility report for a conference center. Steve reported that the firm of Convention, Sports and Leisure International has completed phase one of the study components and he wanted to update the City Council on the report. Steve reported that the demand was from the local market in the 300 plus group size. The facility would be 18,000 to 26,000 square feet with onsite parking for 200 vehicles. The report noted that the facility would need to be publicly funded to some degree as it would need to be affordable for local events. Another consideration would be some equity return vehicles such as leased space or long term facility usage

agreements. Steve stated that the next step would be the economic impact study and wanted to know if the City Council saw the event facility as a necessary community amenity. Discussion followed on the proposed event center noting that without the economic impact study there is no way to know what funds would be needed for the facility. Steve noted that complete copies of the report are available for review at the Chamber office.

4. Briefing on the January 3, 2012 City Council Regular Meeting Agenda

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

5. Adjourn

001-12

Alderman Osborne moved to adjourn the Council special session at 12:59 p.m. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 3rd day of January, 2012.

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
January 3, 2012
Tuesday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on January 3, 2012 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

Absent: Ward

2. Pledge of Allegiance

3. Minutes

A. December 19, 2011 Special Session; December 19, 2011 Regular
Session

002-12

Alderman Meins moved approval of the December 19, 2011 special
session minutes and the December 19, 2011 regular session minutes.
Alderman Grayson seconded the motion. Motion carried 8 to 0. Mayor
Powell declared the motion adopted.

4. Adoption of Agenda

003-12

Alderman French moved approval of the agenda. Alderman Zimmerman
seconded the motion. Motion carried 8 to 0. Mayor Powell declared
the motion adopted.

5. Visitors to be Heard - None

6. Public Hearings - None

7. Old Business

A. Second 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

Jose Dominguez, City Engineer, reported on the location of the lots
to be rezoned noting that this property was just annexed into the
city and upon entering the city limits is zoned NRC, the most
restrictive zoning district. The Planning Commission held a public
hearing and recommended approval of the zone change. There have been
no comments since first reading of the ordinance. Administration
recommends approval of Second Reading.

004-12

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1269 entitled 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 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 19th day of December, 2011 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 3rd day of January, 2012 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. 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 3rd day of January, 2012

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E, (Jack) Powell, Mayor

ATTEST

BY: _____
Michael D Carlson, Finance Officer

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

Motion carried 8 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

B. Second 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

Farrel Christensen, Building Official, reported that the ordinance is to add several safeguards to the house moving process by establishing bonds for the house mover, bond for homeowner to complete the exterior, require a foundation prior to move, and establish criteria to deny the application. Farrel stated that he has talked to a house mover about the proposed ordinance change and the bond is acceptable. The house mover's only concern was the foundation requirement as there is not the time for this to be completed prior to the move in some cases. Farrel noted that Section 150.33 was changed to have the fee set by resolution. Farrel answered questions of the City Council.

005-12

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1271 entitled Amending Title 15, Chapter 150 - Building Regulations, Section 150.26 through 150.36, Amendments for Special Permits for Moving Structures 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 19th day of December, 2011 and that the title was again read at this

meeting, being a regularly called meeting of the Governing Body on this 3rd day of January, 2012 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. 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 Building Official, as authorized by the Council, or through appeal to the Council, and shall file, with the Building Official, 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.

§ 150.27 SPECIAL PERMITS; PREREQUISITE; CONDITIONS IMPOSED.

(A) Conformance. Structures moved into, or within the jurisdiction, shall comply with the provisions of 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 twenty (120) days from the date of 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 coverings.

(B) No building, with an area of one hundred twenty (120) square feet or more, shall be moved until a permit has been

obtained as provided in this chapter. The Building Official 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) No permit to move a residential structure to a new location within the city shall be granted unless the full and true property tax assessment value of the structure at its original location is at least eighty-five percent (85%) of the average full and true property tax assessment values of the residential structures within two hundred feet (200') 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 eighty-five percent (85%) of the owners of residential property within two hundred feet (200') 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) 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) 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. The City shall keep an account of the expense of such removal, and said person, firm, or corporation and the sureties of the bond filed, as required by the provisions of this chapter, shall be liable to the City for such expense and the same 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 city or the weight of the building or structure may 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 city;

(3) The applicant's, or house/building mover's equipment, is unsafe and persons and property may 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 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 CONTENT.

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

(B) Specifically.

1. The name of the owner of the structure;
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. The name of the owner of the premises to which the structure is to be moved and legal description of the premises;

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 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 chapter;

6. The person or contractor by whom the moving operation is to be done;

7. 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. 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. The estimated complete cost of moving the structure and relocating the same;

10. The size of the lot or lots on which the structure will be located;

11. The dimensions of the building or structure, including width, length and height, and the maximum height the building will attain when loaded for moving;

12. 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. Whether the outside walls are frame, brick, stucco, or cement construction and at least two photographs of the structure taken from different angles;

14. Where application is made for moving/construction, as described in this chapter, the owner or the registered design professional in charge, acting as the owner's agent, shall

employ 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 for inspection of the particular type of construction or operation requiring special inspection;

15. The site, from which the structure is moved, 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.

16. 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 or 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.

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 City with sufficient surety to be approved by the Building Official, indemnifying for injury, damage or loss occasioned by the movement of the building or structure described in the application 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 proposing placement of a moved structure shall first have filed a performance bond, in an amount to be fixed by the City, with sufficient surety to be approved by the Building Official to guarantee satisfactory completion of a structure relocation project as required under section 150.27 Conformance.

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

Before any structure is moved onto a tract of ground pursuant to this chapter, a diagram showing water and sewer connections must be presented to the Building Official 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 septic tank system compliance, which is mandatory 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 fee for the supervision shall be set by resolution, and the sum shall be paid to the 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 permit applicant shall pay to the City the cost for each replacement tree which is necessary.

§ 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 shall be required to pay 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 three days prior to the day on which any structure is moved over a public right-of-way.

§ 150.33 FEES.

Fees for special permits for moving structures shall be set by resolution of the City Council.

§ 150.34 PLATTING REQUIREMENTS.

No structure shall be moved onto a tract of ground within the 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 Official to keep a permanent record of all applications for building permits and all moving permits issued either by the Building Official or by the Council.

§ 150.36 EXPIRATION.

Any building permit or moving permit under which no construction work has been commenced within six months after the date of issue of the permit, or under which the proposed construction has not been completed within 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 3rd day of January, 2012

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E, (Jack) Powell, Mayor

ATTEST

BY: _____
Michael D Carlson, Finance Officer

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

Motion carried 8 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. Mid-American Energy Report

John Prescott, City Manager, reported that when the City Council renewed the natural gas franchise with MidAmerican Energy the Council requested that the company provide an annual update. He

stated that representatives are present to provide information and answer questions.

Tim Forsch, MidAmerican Distribution Engineer, reported that the price of natural gas for 2011 was between \$.44 and \$.51 per therm and they expect these rates to remain within this range for 2012. He stated that MidAmerican reinvests in its communities and, as such, contributed \$250 to the library furnishing campaign. Tim reported that 10 new services were made during 2011 and a number of relocations were done. He stated that a 4 inch plastic line was extended to the Lewis & Clark water treatment plant north of town.

Denny VanRuler, MidAmerican Operations Manager, reported on the number of gas leaks during the last two years along with the response times. Denny reported on the staffing levels in the area to respond to leaks.

Brad Howard, MidAmerican Community Relations and Economic Development Representative, stated that he works closely with Steve Howe from the Vermillion Area Chamber of Commerce and Development Company to provide the needed information for natural gas service for business prospects. Brad reported that the MidAmerican Economic Development office contributed \$1,000 to the library furnishing campaign.

The representatives answered questions of the City Council on the MidAmerican operations.

B. First Reading of Ordinance No. 1272 - Amending Title XI Business Regulations, Chapter 115 Tattooing and Body Piercing, Section 115.13 to remove the one month residency requirement

Mike Carlson, Finance Officer, reported that in 1995 an ordinance was adopted for the licensing of tattoo establishments and tattoo artists. The ordinance was amended in 2010 to include the licensing of body piercing establishments and body piercing artists. At that time, the artist licensing requirements were updated to include background checks and criteria were established to determine suitability for licensing. One of the criteria was a one month residence in Clay County before license application. The local tattoo establishment stated that they work with artists from other cities that would like to come into their shop for special events, but the ordinance prevents them from being licensed until they are a resident for one month. The proposed ordinance removes the one month residency requirement for license application. Discussion followed.

006-12

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1272 entitled An Ordinance Amending Title XI, Business Regulations, Chapter 115 Tattooing and Body Piercing, Section 115.13, to remove the one month Clay County residency requirement, 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 3rd day of January, 2012 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman French. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

C. First Reading of Ordinance No. 1273 - Amending Title XV Land Usage, Chapter 152 Signs to provide for the permitting and regulation of signs within the Joint Jurisdictional Zoning Area between Clay County and the City of Vermillion

Andy Colvin, Assistant to the City Manager, reported that the County and City are in the process of adopting zoning regulations for the Joint Jurisdictional Area. During the work sessions to develop the proposed joint jurisdictional ordinance, the County representation felt that signs within the joint jurisdictional area should be regulated by the City's sign code to ensure consistency and fairness for businesses located within the joint area and the city. The proposed amendment creates definition and regulations for signs within the Joint Jurisdictional Zoning area. The amendment also creates a table that creates parallel references between the City's zoning districts and the zoning district in the Joint Jurisdictional Zoning area. Andy answered questions of the City Council on the proposed ordinance.

007-12

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1273 entitled An Ordinance Amending Chapter 152, Signs, Section 152.01 through 152.03 and 152.13 to add

a definition and regulations for signs within the Joint Jurisdictional Zoning Area of Clay County and 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 3rd day of January, 2012 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Meins. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

D. Resolution establishing fees for Special Permits for Moving Structures

Farrel Christensen, Building Official, reported that the resolution is to establish fees for house moving as outlined in the ordinance just adopted. The resolution is to establish the mover's indemnity bond at \$10,000 for damage to the street and public areas, the building owner's performance bond at \$10,000 to complete the house after the move, the cost to move utility wires as determined by the Electric Department and a \$100 fee for moving the structure. Farrel answered questions of the City Council and recommended adoption of the resolution.

008-12

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

RESOLUTION ESTABLISHING FEES FOR SPECIAL PERMITS
FOR MOVING STRUCTURES

WHEREAS, Ordinance No. 1271 amended the building regulations for special permits for moving structures in the City of Vermillion, and determined the need to establish amounts for indemnity bond, performance bond, utility fees and the special permit fee; and

WHEREAS, the ordinance provided for a indemnity bond from the person moving the structure in an amount to be set by resolution of the City and a performance bond from the property owner proposing placement of a moved structure in an amount to be set by resolution of the City; and

WHEREAS, the ordinance provides for fees to cut, alter or move utility wires be set by resolution of the City Council; and

WHEREAS, the ordinance provides for a special permit fee for moving structures to be set by resolution of the City Council.

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof in the Council Chambers of said City at 7:00 p.m. on the 3rd day of January, 2012, that the bond amounts and fees are established as follows:

§ 150.29 The minimum bond amount for an indemnity bonds shall be \$10,000.00.

§ 150.29 The minimum bond amount for an performance bonds shall be \$10,000.00.

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

§ 150.32 The special permit fee for moving structures shall be \$100.00, plus the building permit fee as established in § 156.15.

Dated at Vermillion, South Dakota this 3rd day of January, 2012.

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. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

E. 2012 Payroll Resolution

John Prescott, City Manager, reported that State Statute requires the City Council to adopt a resolution setting the wages/salaries for all employees for 2012 at its first meeting following the beginning of the fiscal year. John noted that both the AFSCME and Teamsters Union agreements included 2.75% increases for 2012 and this same increase was used for non-union employees. John noted that during the budget session the City Council took action to not increase their wages for 2012. Discussion followed.

009-12

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

CITY OF VERMILLION
2012 PAYROLL RESOLUTION

WHEREAS, effective and responsive delivery of City goods and services is dependent upon the employment of a highly competent and motivated workforce; and

WHEREAS, the City of Vermillion, as an employer, makes periodic adjustments to wages and compensation for inflation and in comparison to other municipal employers; and

WHEREAS, the City of Vermillion has previously approved a collective bargaining agreement with AFSCME Local 1052 covering the calendar year 2012 that includes a 2.750% increase to the wages of employees covered by AFSCME; and

WHEREAS, the City of Vermillion has previously approved a collective bargaining agreement with General Drivers & Helpers Local 749 (Teamsters) covering the calendar year 2012 that includes a 2.750% increase to the wages of Police and Emergency Communications employees; and

WHEREAS, the City of Vermillion desires to increase wages and salaries for management, professional, and non-union employees by 2.750% on January 1, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Vermillion hereby approves and adopts the following wage rates for the calendar year 2012.

Elected Officials/Boards/Commissions:

Mayor: John Powell \$9,956.70; City Council: Tom Davies \$5,764.46, Jennifer French \$5,764.46, John Grayson \$5,764.46, Clarene Meins \$5,764.46, Kent Osborne \$5,764.46, Dennis Zimmerman \$5,764.46, Steve

Ward \$5,764.46, Howard Willson \$5,764.46; Planning Commission: Matthew Fairholm \$15.00/Meeting, Don Forseth \$15.00/Meeting, Steve Howe \$15.00/Meeting, Robert Iverson \$15.00/Meeting, Mike Manning \$15.00/Meeting, Ted Muenster \$15.00/Meeting, Thomas Reasoner \$15.00/Meeting, Debra Gruhn \$15.00/Meeting, Douglas Tuve \$15.00/Meeting, Library Board: Cyndy Chaney \$15.00/Meeting, Jon Flanagan \$15.00/Meeting, Carl Gutzman \$15.00/Meeting, Janet Hoff \$15.00/Meeting, Fern Kaufman \$15.00/Meeting.

FULL-TIME/PART-TIME:

Ambulance: Lee Huber \$41,091.84, Merritt Groh \$8.00/hr \$30.60/1st \$17.34/2nd, Amy Frankl \$10.50/hr, Michael Wildermuth \$8.00/hr \$37.14/1st \$23.35/2nd \$9.00/FTO, Valerie Hower \$8.00/hr \$36.41/1st \$22.89/2nd \$9.00/FTO, Nicole Huber \$8.00/hr \$36.41/1st \$22.89/2nd \$9.00/FTO, Anthony Klunder \$8.00/hr \$36.41/1st \$22.89/2nd \$9.00/FTO, Brandon Hansen \$8.00/hr \$35.70/1st \$22.40/2nd \$9.00/FTO, Beth Boyd \$8.00/hr \$6.00/1st \$6.00/2nd, Mandy Reed \$8.00/hr \$36.41/1st \$22.89/2nd \$9.00/FTO, Kevin Oliver \$8.00/hr \$35.70/1st \$22.40/2nd \$9.00/FTO, Joe Kyte \$8.00/hr \$32.47/1st \$18.40/2nd, Robin Hower \$8.00/hr \$31.21/1st \$17.69/2nd, Jon Christensen \$8.00/hr \$30.60/1st \$17.34/2nd \$9.00/FTO, Patrick Farrens \$8.00/hr \$30.00/1st \$17.00/2nd, Travis Bjordahl \$8.00/hr \$30.00/1st \$17.00/2nd, Doug Brunick \$8.00/hr \$6.00/1st \$6.00/2nd, Darryl Madsen \$8.00/hr \$6.00/1st \$6.00/2nd, Teri Madsen \$8.00/hr \$6.00/1st \$6.00/2nd, Neil Melby \$8.00/hr \$30.00/1st \$17.00/2nd, Layne Stewart \$8.00/hr \$6.00/1st \$6.00/2nd, Michael Wager \$8.00/hr \$30.00/1st \$17.00/2nd, Lisa Wood \$8.00/hr \$30.00/1st \$17.00/2nd, Dominick Santa Maria \$8.00/hr \$35.00/1st \$22.00/2nd, Tyler Schimmel \$8.00/hr \$30.00/1st \$17.00/2nd, Alexander Sherlock \$8.00/hr \$6.00/1st \$6.00/2nd, Travis Snyders \$8.00/hr \$6.00/1st \$6.00/2nd, Cody Jansen \$8.00/hr \$30.00/1st \$17.00/2nd; Code Enforcement: Farrell Christensen \$50,112.00, Jim Balleweg \$17.08, Todd Nordyke \$13.01; Custodial: Karl Bottessini \$13.60, Ron Maher \$10.25, Zibeon Samudzi \$10.00; Electric: Mark Koller \$73,852.56, Rodney Tieman \$30.58, Monty Munkvold \$28.74, Mike Wensel \$28.74, Richard Brown \$28.26, Chad Christopherson \$28.26, Todd Halverson \$28.26, Travis Tarr \$28.26, Austin Anderson \$24.32, Karen Harris \$17.94, Terry Johnson \$0.25/Meter, Jon Trefz \$0.25/Meter; Engineering: Jose Dominguez \$67,839.12, Jason Anderson \$44,182.08, Travis VanBeek \$18.75, Duane Schilling \$17.19; Finance: Mike Carlson \$84,292.56, Michelle Eidem \$23.63, Sherry Howe \$21.96, Vicki Fader \$15.38, Mari Mehlbrech \$14.35, Janis Johnson \$13.72; Fire & Rescue: Doug Brunick \$50,717.52; General Government: John Prescott \$103,919.76, Andrew Colvin \$47,752.56, Kate Amundson \$14.05, Jordan McQuillen \$7.50; Library: Jane Larson \$58,338.72, Wendy Nilson \$17.10, Joyce Moore \$17.14, Michelle Koller \$16.66, Misi Kayl \$14.39, Linda

Calleja \$13.37, Michael Stark \$10.87, Bobbi Burgess \$9.92, Nancy Chelgren \$7.25-Work Study, Joseph Finn \$7.54-Work Study, Rebecca Roberts \$7.54-Work Study, Chandra Schultz \$7.25-Work Study, ShyAnne Zaragoza \$7.25-Work Study; Parks & Recreation: David Nelson \$65,772.00, Kirk Hogen \$56,939.76, Lauren Tolsma \$49,757.04, Mark Clark \$26.10, Russell Jensen \$17.43, Brian Nelson \$14.30, Aaron Baedke \$17.45, Ryan Baedke \$15.75, Jessica Kennedy \$14.30, Dennis Chandler \$11.85, Nick Hovden \$8.50, Elly Melby \$8.50, Amber Walker \$8.50, Jon Brooks \$8.00, Marissa Bunger \$8.00, Tim Christopherson \$8.00, McKenzie Huska \$8.00, Camden Nettestad \$8.00, Ryan Sevening \$8.25, Aaron Steele \$8.00, Mark Turner \$8.00, Erik Ustad \$8.00, Ellen Brown \$7.75, Natasia Eastman \$7.75, Jared Heiden \$7.75, Carol Logoto \$7.75, Alexa Regnerus \$7.75, Lindsay Robinet \$7.75, Chris White \$7.75, Anna Erickson \$7.50, Emma Erickson \$7.50, Anne Grady \$7.75, Allison Heine \$7.50, Elizabeth Hoffman \$7.50, Tom Reynolds \$7.50, Justin Snyder \$7.50, Lucas Turner \$7.50, Dawn Bergeson \$11.25, Alexandra DeJong \$8.00, Kylie Fischbach \$7.75, Bennet Johnson \$7.75, Ryan Kost \$8.00, Skye Lindquist \$8.00, Alexa Mockler \$8.00, Abby Ouellette \$8.00, Shane Potter \$7.75, Rory Tucker \$8.00, Tori Kroll \$7.75, Jason Gault \$25 per game; Police: Matthew Betzen \$74,061.36, Chad Passick \$59,925.60, Ryan Hough \$26.38, Crystal Brady \$24.33, Robin Hower \$24.33, Randy Crum \$22.41, Ben Nelsen \$21.81, Jonathan Warner \$21.82, Luke Trowbridge \$21.81, Jacy Nelsen \$21.22, Bryan Beringer \$19.28, Kevin Malloy \$19.28, Jordan Helming \$19.28, Anthoney Klunder \$18.81, Janna Mollet \$18.35, Brandon Hansen \$18.18, Cindy Carrington \$12.54, Vicki Eilts \$12.77, Nathan Goette \$17.37, Nicholas Marcus \$17.73; Solid Waste: Robert Iverson \$55,812.24, David Christopherson \$21.05, Daniel Goeden \$17.13, Mark Milbrodt \$16.39, Timothy Taggart \$15.29, Barry Braaten \$15.29, Jim Zimmerman \$15.15, Todd Moe \$14.80, Kyle Paulson \$14.62, Matthew Puthoff \$14.48, Dan Hanson \$13.84; Street: Pete Jahn \$53,703.36, Ernie Halvorson \$20.75, Fred Savoie \$20.76, Bradley Swee \$20.26, Jeffrey S Mart \$18.09, Mike Taggart \$18.09, Chris Nissen \$16.15, Duane Fulk \$15.09, Rich Walker \$9.50, Larry Gray \$8.50; Telecommunications: Ryan Anderson \$45,831.60, David Stammer \$19.52, Liv West \$19.52, Marsha McKinney \$19.52, Wendy Carroll \$15.05, Laura Bergeleen \$14.84, Jessica Standley \$14.84, Alicia Kloster \$14.27; Wastewater: Paul Brunick \$59,925.60, Fred Balleweg \$23.12, John Walker \$19.88, Michael Heine \$17.11, Cory Moore \$17.11, Rob Pickens \$15.17; Water: Randy Isaacson \$56,647.44, Tom Kruse \$23.12, Allen Clark \$19.88, Wade Mount \$19.88, Curtis Haakinson \$19.16, Dale Husby \$15.46, Brook Hansen \$15.11, Shane Griese \$15.17; Volunteer Firefighters: Karl Brewer, Doug Brunick, Nick Buckman, Jon Christensen, Kellen Cusick, Ray Decker, Gary Eidem, Patrick Farrens, Ryun Fischbach,

Brandon Hansen, Brook Hansen, Lee Huber, Ryan Husby, Pete Jahn, Cody Jansen, Tony Klunder, Austin Martensen, Cody Merrigan, Curtis Mincks, Cory Moore, James Moore, Monty Munkvold, Rob Pickens, Jay Rydstrom, Terry Rye, Ford Sommervold, Tom Sorensen, Bill Sperry, Layne Stewart, Chuck Taggart, Cory Taggart, Mark Taggart, Matt Taggart, Keith Thompson, Brad Waage, Brian Waage, John Walker, Rich Walker, Brandon Wiemers, Tyler Zimmerman; Associate Firefighters: Bob Frank, Don Forseth, Joe Reedy, Clyde Watts, Mike Chaney, Dean Hansen, Wade Mount, Todd Halverson.

PROVIDED, HOWEVER, the City Manager may make wage increases for the completion of education requirements, for passing certification tests, for fulfillment of job requirements set at the date of employment, and the City Manager may make meritorious wage increases for Department Heads within the budgetary appropriation of the respective departments.

Dated at Vermillion, South Dakota this 3rd day of January 2012.

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

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Willson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

F. Resolution for Maintenance and Financial Agreement for the Installation of a Ground Communications Outlet Radio at Harold Davidson Field

Jose Dominguez, City Engineer, reported that the South Dakota Department of Transportation will be purchasing a ground communications outlet radio that will allow pilots to connect directly with the air traffic control monitoring the airport to get a clearance. The agreement is for the City to provide the phone line and agree to maintain the equipment for 10 years. Jose noted that

the resolution of the City Council is required to accept the maintenance costs. Discussion followed.

010-12

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

RESOLUTION

ACCEPTING THE MAINTENANCE AND FINANCIAL AGREEMENT FOR THE GROUND COMMUNICATION OUTLET RADIO AT HAROLD DAVIDSON FIELD BETWEEN THE STATE OF SOUTH DAKOTA AND THE CITY OF VERMILLION

WHEREAS, the State of South Dakota Department of Transportation is requiring that the City install a Ground Communication Outlet radio (GCO) at the airport, and;

WHEREAS, the State is purchasing the GCO for the City, and;

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

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Vermillion accepts the Maintenance and Financial Assistance Agreement between the Department of Transportation and the City of Vermillion for Project AP7000 (12)-2011 (GCO).

Dated at Vermillion, South Dakota this 3rd day of January 2012.

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. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

G. Resolution of Necessity and Notice of Hearing for Construction of Concrete Surfacing, Trails and Sidewalks on Stanford Street from West Main to West Cherry Street

Jose Dominguez, City Engineer, reported that the reconstruction of Stanford Street between Main and Cherry Streets was budgeted for 2012. The project is to be funded from Federal Aid Urban funds through the State, second penny sales tax and assessments to the adjoining property owners. Jose reported that he met with the property owners and it was agreed that the City would assess 8% of the construction costs, but that the amount will not exceed \$28 per foot. The resolution will set a public hearing of February 6, 2012 to consider the resolution of necessity to assess the construction costs. Discussion followed.

011-12

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

RESOLUTION OF NECESSITY AND NOTICE OF HEARING
FOR CONSTRUCTION OF CONCRETE SURFACING, TRAILS AND SIDEWALKS ON
STANFORD STREET FROM WEST MAIN STREET TO WEST CHERRY STREET IN THE
CITY OF VERMILLION, SD

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regularly called meeting thereof, in the Council Chambers of said City at 7:00 p.m. on the 3rd day of January 2012, that the convenience and necessity has arisen for the construction of concrete surfacing on the portion of the public streets and in front, or abutting, several lots, or parcels of land, hereinafter named:

STANFORD STREET from West Main to West Cherry Street:
Lot 1, Block 1, Bliss Addition
Lot 2, Block 1, Bliss Addition
Auditors Tract 3 and 4 of SE $\frac{1}{4}$, 14-92-52
Lot 1, Replat of Block 28 and N $\frac{1}{2}$ of Lot 5 and Lot 8, Block
9, Van Meters Addition
Lot 3, Block 1, Bliss Addition
Lot 21, Replat Lots 15 & 17, E $\frac{1}{2}$ SE $\frac{1}{4}$, 14-92-52
Lot 14, NE $\frac{1}{4}$ SE $\frac{1}{4}$, 14-92-52

Lot A and B of Lot 13, Collins Addition
Lot 1D, Collins Addition
Lot 1A, Collins Addition
Lot 1B, Collins Addition
Lot 1 & W ½ of Lot 2, Larson's Subdivision
Lot 22, Replat of Lot 16, E ½ SE ¼, 14-92-52
Lot 23, Replat Lots 15 & 17, E ½ SE ¼, 14-92-52
South 103' of Lot 6, Oden Addition
North 255' of Lot 6, Oden Addition

BE IT FURTHER RESOLVED, that the general nature of the improvement shall be as follows:

The gravel base shall be 44 feet, 4 inches wide and 5 inches thick.

The concrete surfacing shall be 33 feet wide and 8 inches thick.

The concrete sidewalk shall be 5 feet wide and 4 inches thick.

The concrete trail shall be 8 feet wide and 6 inches thick.

The concrete curb and gutter shall be 2 feet and 8 inches wide and 6 inches high.

BE IT FURTHER RESOLVED, that the materials to be used in the construction of said improvement shall be according to the specifications adopted by the City.

BE IT FURTHER RESOLVED, that the benefit of the improvement to each lot or tract is as follows:

Any cost incurred, but not covered by the following benefits, will be paid for with City or Federal funds.

The estimated assessment, excluding the fiscal fee, against the properties fronting and abutting on said streets is as follows:

The cost, per foot, for the gravel, concrete surfacing, sidewalk, trail and curb and gutter will be eight percent (8%) of the final construction cost divided by the total frontage along Stanford Street. The cost per foot shall not exceed \$28.00.

BE IT FURTHER RESOLVED, that when the cost of construction of the improvement has been determined, the Engineer shall calculate and report to the Governing Body the amount to be assessed against each lot, or part of lot, fronting or abutting upon the improvement. In determining such assessment, the Engineer shall divide the total cost of the improvement, less the City's share of the cost, by the

number of feet fronting or abutting upon said improvement. The quotient, plus an eight percent (8%) fiscal fee, shall be the amount assessed, per front foot, upon the property fronting or abutting thereon.

BE IT FURTHER RESOLVED, that the assessment shall be divided into ten (10) equal annual installments, which shall be payable under Plan One, collection by the County Treasurer, as set forth in 1967 SDCL 9-43-30 etc. e.g., and that all deferred installments shall bear interest at the rate of not more than ten percent (10%) per annum.

BE IT FURTHER RESOLVED, that the contractors who undertake to perform the work of construction herein provided for shall be paid, in cash, from the sale of special assessment bonds.

BE IT FURTHER RESOLVED, that any person interested may appear and show cause before the Governing Body of the City of Vermillion at the City Council Chambers of said City at 7:00 p.m. on the 6th day of February 2012, why the above and foregoing resolution should not, at said time and place, be adopted and passed by the Governing Body, at which time the Governing Body will finally approve, disapprove, or modify the same in its discretion.

Dated at Vermillion, South Dakota this 3rd day of January 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

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. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

H. Declaration of Surplus Wheel Loader

Jason Anderson, Assistant City Engineer, reported that the new wheel loader has been received and placed into service at the landfill. The 2005 Caterpillar 938G II will need to be declared

surplus, appraised by the Surplus Property Appraisal Committee and sold by sealed bids. Jason answered questions of the City Council.

012-12

Alderman Willson moved to declare the 2005 Caterpillar 938G II wheel loader as surplus to be appraised by the Surplus Property Appraisal Committee to be sold by sealed bids. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted and requested the Surplus Property Appraisal Committee meet to establish the value.

I. Ingress/Egress Agreement with USD for Electric Utility Lines

Jason Anderson, Assistant City Engineer, reported that an electric utility line was installed between Rose Street and University Street south of the Dakota Dome on the University property in 1985. In reviewing the records, no easement or agreement was granted for the installation. The Electric Department would like to replace the line as part of the 2012 construction projects and, as such, an Ingress/Egress Agreement with USD has been prepared to allow for the replacement and continued maintenance of this line. The agreement has been reviewed by the City Attorney and if approved will be filed with the Register of Deeds. Discussion followed.

013-12

Alderman Zimmerman moved approval of the Ingress/Egress Agreement with USD for the electric utility line between Rose Street and University Street. Alderman Grayson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Substation Relay Upgrade

Jason Anderson, Assistant City Engineer, reported that bids were opened on December 22, 2011 for the substation relay upgrade. Four bids were received with the low bid of Harold K. Scholz Company of \$86,157.00. A letter is included in the packet from DGR, the consulting engineer, recommending the acceptance of the low bid. Jason noted that Harold K. Scholz has done previous work for the City on the substations. This project was included in the 2011 budget but, due to delays in getting the project bid, will require a revision to the 2012 budget. Discussion followed.

Bids: Harold K. Scholz Co. \$86,157.00; Utilities Plus Energy Services \$97,550.00; L & S Electric, Inc \$130,031.00; Aevenia Inc \$171,409.69

014-12

Alderman Davies moved approval of the low bid of Harold K. Scholz Company of \$86,157.00 for the substation relay upgrade. Alderman Grayson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Fuel Quotes

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

Item 1: 4,350 gal unleaded (10% ethanol): Stern Oil \$3.0749, Brunick's Service \$3.14; Item 2: 1,500 gal average cost of No. 1 and No. 2 diesel fuel dyed: Stern Oil \$3.3492, Brunick's Service \$3.45; Item 3: 500 gal average cost of No. 1 and No. 2 diesel fuel-clear: Stern Oil \$3.6294, Brunick's Service \$3.72

015-12

Alderman Zimmerman moved approval of the low quote of Stern Oil on Items 1-3. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported that the Christmas tree collection site is accepting real trees through January 20, 2012. The site is located on the south side of Broadway Street just west of Dakota Street. Please remove any plastic, lights and decorations.

B. John reported that the City Engineer approved a plat of Lots 8A and 9A, Block 49 Snyder's Addition on December 30, 2011.

PAYROLL ADDITIONS AND CHANGES

Finance: Mari Mehlbrech \$13.97/hr; Ambulance: Kevin Oliver \$22.40/2nd shift; Wastewater: Mike Heine \$16.65/hr, Fred Balleweg \$22.50/hr, John Walker \$19.35/hr; Recycling: Todd Moe \$14.40/hr

11. Invoices Payable

016-12

Alderman Davies moved approval of the following invoice:

WILLSON FLORIST	FUNERAL ARRANGEMENTS	127.00
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Alderman Zimmerman seconded the motion. Alderman Willson requested to abstain. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

017-12

Alderman Osborne moved approval of the following invoices:

3D SPECIALTIES INC	SUPPLIES	1,355.00
AGLAB EXPRESS	TESTING	32.00
AMERICAN TECHNICAL SERVICE	ENVIRONMENTAL DRILLING	2,115.84
AQUA-PURE INC	SUPPLIES	311.00
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	254.85
AT&T	POLICE COMMUNICATIONS	21.85
AUDIO GO	BOOKS	123.98
AUTOMATIC BUILDING CONTROL	REPAIRS	1,404.54
BAKER & TAYLOR BOOKS	BOOKS	458.57
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	4,119.20
BIERSCHBACH EQPT & SUPPLY	PVC HOSE/COUPLERS	759.20
BLACKBURN MANUFACTURING CO	SUPPLIES	156.81
BOOK WHOLESALERS, INC	BOOKS	474.62
BOUND TREE MEDICAL, LLC	SUPPLIES	712.86
BROADCASTER PRESS	ADVERTISING	42.00
BUTCH'S PROPANE INC	PROPANE	6,262.67
BUTLER MACHINERY CO.	REPAIRS	7,508.33
CADD/ENGINEERING SUPPLY, INC	SUPPLIES	52.71
CALLAWAY GOLF	MERCHANDISE	152.00
CAMPBELL SUPPLY	SUPPLIES	2,293.21
CANNON TECHNOLOGIES, INC	ELECTRIC MATERIALS	10,503.96
CANON FINANCIAL SERVICES,	COPIER LEASE	56.16
CASK & CORK	MERCHANDISE	948.02
CBCINNOVIS, INC	TESTING SUPPLIES	25.96
CEDAR SHORE RESORT	TRAVEL	163.90
CENTER POINT LARGE PRINT	BOOKS	53.80
CENTRAL STATES WIRE PRODUCTS	WIRE	10,528.30
CENTURY BUSINESS PRODUCTS	COPIER CONTRACT	40.00
CENTURYLINK	TELEPHONE	734.52
CHEMCO, INC	SUPPLIES	379.60
CITY OF VERMILLION	COPIES/POSTAGE	4,427.07
CITY OF VERMILLION	UTILITY BILLS	34,355.91
CLAY COUNTY HIGHWAY DEPT	CULVERTS/BANDS	276.60
CLIMATE SYSTEMS, INC	REPAIRS	1,123.06
COLONIAL LIFE ACC INS.	INSURANCE	3,219.57

COYOTE CHEMICAL COMPANY	SUPPLIES	88.00
COYOTE VENDING	SUPPLIES	156.25
CUMMINS CENTRAL POWER, LLC	REPAIRS	748.30
D & D PEST CONTROL	INSPECTION/TREATMENT	17.50
D-P TOOLS	SUPPLIES	23.90
DAKOTA BEVERAGE	MERCHANDISE	6,401.95
DAKOTA PC WAREHOUSE	COMPUTERS/SOFTWARE/REPAIRS	14,907.66
DANKO MES, INC.	SUPPLIES	335.44
DAVIS PHARMACY	SUPPLIES	72.23
DELTA DENTAL PLAN	INSURANCE	5,583.44
DENNIS MARTENS	MAINTENANCE	833.34
DEPT OF REVENUE	TESTING	329.00
DEWILD GRANT RECKERT & ASSOC.	PROFESSIONAL SERVICES	11,690.00
DUECO, INC	REPAIRS	1,735.00
DUST TEX	SUPPLIES	46.60
ECHO ELECTRIC SUPPLY	SUPPLIES	3,679.20
ELECTRONIC ENGINEERING	REPAIRS	735.00
ELLIOTT EQUIPMENT CO	SUPPLIES	740.00
ERIN J. SEEP	MAINTENANCE	65.25
FARMER BROTHERS CO.	SUPPLIES	70.76
FEDEX.	SHIPPING	10.97
FLAGS UNLIMITED	FLAGS	59.76
FOREMAN MEDIA	COUNCIL MTG	200.00
GALE	BOOKS	177.56
GE CAPITAL	COPIER LEASE	136.48
GILLEN LAND SURVEYING	LAND SURVEYOR	264.00
GLAXOSMITHKLINE FINANCIAL	SUPPLIES	1,324.30
GRAHAM TIRE CO.	TIRES	465.36
GREGG PETERS	FREIGHT	1,839.50
GREGG PETERS	RENT	937.50
HD SUPPLY WATERWORKS	SUPPLIES	447.56
HDR ENGINEERING, INC	PROFESSIONAL SERVICES	3,469.50
HERREN-SCHEMPP BUILDING	SUPPLIES	353.62
HIGHLAND PRODUCTS GROUP LLC	BENCHES/WASTE CONTAINERS	2,874.90
HILLYARD FLOOR CARE SUPPLY	SUPPLIES	171.58
HY VEE FOOD STORE	SUPPLIES	19.39
IN CONTROL, INC	LIFT STATIONS RADIO COMM.	15,439.23
INDEPENDENCE WASTE	WASTE HAULING	792.00
INGRAM	BOOKS	710.54
INTERSTATE POWER SYSTEMS	REPAIRS	575.59
JACKS UNIFORM & EQPT	UNIFORMS	1,848.95
JEFF MART	SAFETY BOOT REIMBURSEMENT	100.00

JOHN A CONKLING DIST.	MERCHANDISE	5,560.85
JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	27,716.09
JOHNSON CONTROLS	REPAIRS	2,356.05
JONES ACE HARDWARE	SUPPLIES	1,667.94
JONES FOOD CENTER	SUPPLIES	544.01
JOYCE MOORE	EDUCATION REIMBURSEMENT	500.00
KALINS INDOOR COMFORT	REPAIRS	1,236.40
KARIAN PETERSON CONTRACTING	REPAIRS	4,344.19
KARSTEN MFG CORP	MERCHANDISE	181.13
LARGE PRINT OVERSTOCKS	BOOKS	27.08
LAYNES WORLD	PLAQUE	58.84
LEARNING OPPORTUNITIES, INC	BOOKS	37.50
LESSMAN ELEC. SUPPLY CO	PARTS	1,750.36
LINCOLN MUTUAL LIFE	INSURANCE	497.01
LINDA CALLEJA	MILEAGE REIMBURSEMENT	95.46
LOCATORS AND SUPPLIES, INC	SUPPLIES	1,169.18
MALLOY ELECTRIC	PARTS	279.16
MARKS MACHINERY	PARTS	75.74
MART AUTO BODY	TOWING	720.00
MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,488.10
MERRICK INDUSTRIES	POWER SUPPLY UPGRADE	824.88
MICHAEL HEINE	SAFETY BOOTS REIMBURSEMENT	100.00
MICHAEL TODD	PARTS	2,956.26
MICHELLE KOLLER	MILEAGE REIMBURSEMENT	103.79
MID-STATES ASBESTOS REMOVAL	ASBESTOS REMOVAL-LIBRARY	850.00
MIDCONTINENT COMMUNICATION	JOINT TRENCH	21,415.00
MIDWEST ALARM CO	ALARM MONITORING	135.00
MIDWEST BUILDING MAINTENANCE	MAT SVC	475.10
MIDWEST READY MIX	FLOWABLE FILL	679.94
MISSOURI RIVER ENERGY SERVICE	ELECTRIC RATE STUDY	6,000.00
MISSOURI VALLEY MAINTENANCE	REPAIRS	557.00
MOORE WELDING & MFG	REPAIRS	469.00
MORSES FARM MARKET	SUPPLIES	16.00
NATIONAL ARBOR DAY FOUNDATION	MEMBERSHIP DUES	15.00
NATL REC & PARK ASSOC	MEMBERSHIP DUES	150.00
NCL OF WISCONSIN, INC	SUPPLIES	409.25
NETSYS+	REPAIRS	1,064.65
NEW YORK LIFE	INSURANCE	95.00
NORTHERN BALANCE & SCALE	SERVICE/CALIBRATION	606.46
NORTHERN TRUCK EQPT CORP	DUMP BODY/SNOWPLOW	33,549.00
O'GRADY PUBLISHING COMPANY	BOOKS	39.00
OFFICE SYSTEMS CO	COPIER CONTRACT	697.28

PETE LIEN & SONS, INC	CHEMICALS	3,886.69
PFEIFER IMPLEMENT CO.	PARTS	28.57
PITNEY BOWES	POSTAGE METER RENTAL	242.49
PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
POMPS TIRE SERVICE, INC.	TIRES	2,133.98
PRESSING MATTERS	SUPPLIES	15.00
PRESTO-X-COMPANY	INSPECTION/TREATMENT	47.00
PRINT SOURCE	SUPPLIES	98.00
PUMP N PAK	FUEL	2,141.46
QUALITY BOOKS INC.	BOOKS	1,625.31
QUALITY TELECOMMUNICATION	TELEPHONE	269.00
QUILL	SUPPLIES	1,595.41
RACOM CORPORATION	MAINTENANCE CONTRACT	335.00
RANDOM HOUSE, INC	BOOKS	107.00
RECORDED BOOKS, INC	BOOKS	1,211.65
REPUBLIC NATIONAL DIST	MERCHANDISE	22,240.32
RESCO	SUPPLIES	314.30
RIVERSIDE HYDRAULICS & LAB	REPAIRS	138.32
SANFORD USD MEDICAL CENTER	TESTING	35.00
SAYRE ASSOCIATES, INC	PROFESSIONAL SERVICES	334.94
SCHWEITZER ENGINEERING LAB	ELECTRIC MATERIALS	30,808.00
SD BOARD OF OPERATOR CERT	OPERATOR CERTIFICATION RENEWAL	60.00
SD PUBLIC ASSURANCE ALLIANCE	AUTO DAMAGE COVERAGE	2,180.00
SD REDBOOK FUND	TEXTBOOKS	927.00
SD RETIREMENT SYSTEM	CONTRIBUTIONS	10,419.25
SDWWA	MEMBERSHIP	70.00
SEAN BRAY	UNDERGROUND REIMBURSEMENT	500.00
SERVALL TOWEL & LINEN	SHOP TOWELS	29.40
SIOUX CITY WINTRONIC	PARTS	437.56
SIOUX FALLS TWO WAY RADIO	PARTS	135.77
SIOUXLAND HUMANE SOCIETY	DROPOFF FEES	37.00
SKARSHAUG TESTING LAB.	TESTING	1,605.79
SOOLAND BOBCAT	PARTS	226.83
STEFFEN	PARTS	167.52
STERN OIL CO.	SUPPLIES	444.15
STEVE FORD	REFUND RECREATION FEES	10.00
STEWART OIL-TIRE CO	REPAIRS	152.90
STUART C. IRBY CO.	REPAIRS	4,605.00
STURDEVANTS AUTO PARTS	PARTS	605.98
SWANA	MEMBERSHIP DUES	228.00
SYMBOL ARTS	SUPPLIES	685.00
THATCHER COMPANY	SODA ASH	6,886.00

THE EQUALIZER	ADVERTISING	86.40
TITAN ACCESS ACCOUNT	PARTS	1,358.16
TITLEIST DRAWER CS	MERCHANDISE	138.84
TONY KLUNDER	MEALS REIMBURSEMENT	144.00
TRI TECH SALES	PARTS	1,010.55
TRUE VALUE	SUPPLIES	305.39
TYLER TECHNOLOGIES	MAINTENANCE	774.40
TYS BUILDING SERVICE	REPAIRS	180.54
UNITED WAY	CONTRIBUTIONS	266.00
US POSTMASTER	FIRST-CLASS PRESORT FEE	190.00
USD	COMPLEX SHARED REPAIRS	962.64
USD CREATIVE SERVICES	SUPPLIES	12.00
VALIANT VINEYARDS	MERCHANDISE	252.00
VERIFICATIONS INC	PROFESSIONAL SERVICES	64.95
VERIZON WIRELESS	POLICE COMMUNICATIONS	402.77
VERMEER HIGH PLAINS	PARTS	1,138.86
VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	6,026.22
WADE LARSON	WATER HEATER REBATE	150.00
WAL-MART COMMUNITY	SUPPLIES	583.75
WALKER CONSTRUCTION	SIDEWALK REPAIR	182.60
WASTEQUIP	SUPPLIES	979.36
WESCO DISTRIBUTION, INC	SUPPLIES	2,297.95
WEST GROUP PAYMENT CENTER	SUBSCRIPTION	85.50
WESTERN OFFICE TECHNOLOGIES	FILE CABINET	210.95
YANKTON JANITORIAL SUPPLY	SUPPLIES	141.00
ZEE MEDICAL SERVICE	SUPPLIES	222.40
ZIMCO SUPPLY CO	SUPPLIES	4,180.00
HANSEN FUNERAL HOME	BRIGHT ENERGY REBATE	400.00

Alderman Davies seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

12. Consensus Agenda

A. Set a Bid Opening of Wednesday, February 1st at 2:00 p.m. for Sale of Surplus Wheel Loader

018-12

Alderman Osborne moved approval of the consensus agenda. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

13. Adjourn

019-12

Alderman Osborne moved to adjourn the Council Meeting at 7:53 p.m. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 3rd day of January, 2012.

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 _____.

Unapproved Minutes
City Council Special Meeting
January 10, 2012
Tuesday, 6:30 pm

The special meeting of the City Council, City of Vermillion, South Dakota was called to order on Tuesday, January 10, 2012 at 6:30 p.m. by Mayor Powell.

1. Roll Call

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

Absent: Ward

2. Pledge of Allegiance

3. Adoption of Agenda

20-12

Alderman Willson moved approval of the agenda. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Public Hearings

a. Second 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.

Mayor Powell stated that this was a joint meeting with the Clay County Commission for a public hearing for second reading of the Joint Zoning Regulations for Clay County and the City of Vermillion. Mayor Powell asked Toby Brown of SECOG to review the ordinance and process.

Toby Brown, SECOG, provided some history of the extraterritorial zoning and that representatives from the County and the City worked together with SECOG to develop the Joint Jurisdictional Zoning regulations, along with the corresponding map outlining the area. Toby noted the proposed ordinance is set up in a structure that is similar to the current County and City zoning ordinances. As to zoning control, Toby stated that the City zoning ordinance would apply to the area within the corporate city limits, the County zoning ordinance would apply to the area excluding the corporate limits and the joint jurisdictional area and the Joint

Jurisdictional Zoning ordinance would apply to the area in between the city limits and the county ordinance.

Toby noted that the joint jurisdictional zoning regulations, being for the area adjoining the city that would be the city future growth area, are more similar to the City zoning regulations.

Toby reviewed the zoning districts contained in the joint jurisdictional zoning regulations.

Toby reviewed how changes would be made to the Joint Jurisdictional zoning regulations. A change to the ordinance would require recommendation of the joint County and City Planning Commissions before consideration by the County Commission and City Council with second reading and adoption at a joint meeting similar to tonight. As to variances, the County Zoning Administration would receive the application to be heard by the Board of Adjustment, which again would be a joint meeting of the County Commission and City Council. For conditional uses, the application would be made to the County Zoning Administrator for a hearing before the joint County and City Planning Commissions. If there is an appeal of the decision of the joint Planning Commissions, it would be heard by the joint County Commission and City Council. Toby noted that this process mirrors what is done by each entity now but, in the joint jurisdictional area, would require the joint meeting of the respective boards and noted all applications are to be made to the County Zoning Administrator.

Toby noted that in the proposed ordinance section 2.01, Districts and Boundaries, refers to the map but it was noted there could be some issues as the river serves as a boundary which could change. Toby handed out language that provided a legal definition to the area and recommended any final adoption include this revised language. Toby stated that the map will be included as part of the ordinance.

As to the map, Toby noted that the zoning districts were taken from what has been included on the city extraterritorial zoning map. Toby stated that, during the Joint Planning Commission meeting, citizen comments were received about an area in the southeast that is listed as NRC. Toby noted that this area was listed as F1 on the city extraterritorial zoning map and was changed to NRC for this map. In researching this designation, there was no formal action found to change this zoning district from the A1 (Agricultural) District. If the joint boards wanted to change this zoning designation, it could be made before final adoption.

Mayor Powell opened the hearing to public comment.

Rich Walker, 16 W Cedar, stated that part of the property listed as NRC, in question, is owned by the Thomas Walker Trust, which he is a trustee. Rich stated that, in his research, he was unable to find when the zoning was changed on this property and requested that it be listed as A1 as it is farm ground.

Craig Thompson, representing Will O'Connor, stated that Mr. O'Connor owns the remainder of the property that is listed in the NRC district being discussed. Craig reported that Mr. O'Connor has platted 7 lots of this property to be used for single family dwellings and has a preliminary plat for the remainder of the property for single family lots. Craig noted that under the current zoning regulations, as F1 or A1, there is no restrictions on single family lots of one acre in size but the new zoning regulations, as NRC, would require conditional use permits for each lot and as an A1 district would require two acre lots and limit the number of lots without a conditional use permit. Craig stated that Mr. O'Connor requested to have his property under the same zoning requirements in the new ordinance as he currently remains in the same position after adoption of the ordinance.

Discussion followed on the options of including this property in the different districts, noting that the A1 district requires two acre lots and a conditional use permit for more than three building eligibilities in a quarter-quarter but it was noted that any lot of record would be buildable providing all remaining ordinance provisions are met. For the NRC district, single family is allowed on one acre lots and a conditional use permit is required for more than three building eligibilities in a quarter-quarter, but it was noted that this district is to protect natural drainage, areas subject to flooding and limit permanent structures. The RR (Rural Residential) district allows one acre lots, but doesn't allow farming.

Craig Thompson provided the plat and preliminary plat of the O'Connor property requesting the exceptions to allow this property to be developed as one acre lots and be farmed until it is developed without the requirement of a conditional use permit as there is no guarantee that future governing bodies will approve the permits.

Toby Brown noted that the current zoning requirements have been in place for many years and the proposed zoning regulations are more restrictive. These regulations have been reviewed by both the County and City Planning Commissions and both the County Commission and City Council.

Jim McCulloch, City Attorney, noted that the proposed zoning regulations provide for the continuation of a nonconforming use, thus Mr. O'Connor could continue to farm the property until it was developed if it was included in the rural residential district.

Hearing no further public comment the public hearing was closed. Discussion followed among the governing bodies on the zoning district requirements and changes to the NRC district proposed in the map.

21-12

Second reading of title to Ordinance No. 1270, entitled AN ORDINANCE 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.

Mayor Powell read the title to the above named Ordinance, and Alderman French moved adoption of the following resolution with the change to section 2.01 Boundaries of the Joint Jurisdiction as presented by Toby and to amend the map to have the Walker property that was listed as the NRC district changed to A1 and the O'Conner property to have the 7 platted lots designated as Rural Residential district and the balance of his property as NRC:

Resolution

BE IT RESOLVED, that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1270, entitled AN ORDINANCE 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 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 19th day of December, 2011 and that the title was again read at this meeting, being a special meeting of the Governing Body on this 10th day of January, 2012 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:

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 10th day of January, 2012.

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 as amended was seconded by Alderman Zimmerman. 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, Grayson - Y, French - Y, Meins - Y, Osborne - Y, Willson - Y, Zimmerman - Y, Mayor Powell - Y.

Motion carried 8 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

5. Adjourn

22-12

Alderman Grayson moved to adjourn the Council Meeting at 7:45 p.m. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 10th day of January, 2012.

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 _____.

PROCLAMATION
Dance Marathon and Children's Miracle Network Hospitals'
MIRACLE MONTH

WHEREAS, 170 Children's Miracle Network Hospitals care for 17 million sick and injured children nationwide; and

WHEREAS, Funds received through Children's Miracle Network Hospitals at Sanford Children's Hospital in Sioux Falls, South Dakota directly impacts the lives of children and their families by providing assistance in travel, lodging, food, and medical expenses; and

WHEREAS, The Dance Marathon at the University of South Dakota has given more than \$300,000 to creating miracles at Sanford Children's Hospital in Sioux Falls, South Dakota by raising year-long funds that culminate in a 24-hour event that celebrates children and families for the past 15 years in Vermillion, South Dakota; and

WHEREAS, Dance Marathon at the University of South Dakota is the largest student-run philanthropy organization in the State of South Dakota; and

WHEREAS, Dance Marathon at USD has partnered with area businesses to help raise awareness for the 2012 event to be held March 24-25, 2012, as well as raise funds for the region's only Children's Miracle Network Hospital, Sanford Children's Hospital.

NOW THEREFORE, we, the governing body of the City of Vermillion, South Dakota, do hereby proclaim our appreciation of Dance Marathon and Children's Miracle Network and declare February 2012 to be Miracle Month. We are urging all citizens to actively participate in the scheduled events and programs and to think about the miracles made every day for local sick and injured children.

Dated at Vermillion, South Dakota this 16th day of January, 2012.

THE GOVERNING BODY OF THE
CITY OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: January 16, 2012

Subject: Second Reading of Ordinance No. 1272 Amending Tattoo Ordinance to Remove the One (1) Month Clay County Residency Requirement

Presenter: Mike Carlson

Background: In 1995, an ordinance was adopted providing for the licensing of tattoo establishments and tattoo artists. This ordinance was amended in 2010 to include the licensing of body piercing establishments and artists. At that time, the artist licensing requirements were updated to require a background check to determine applicant's suitability, and the following criteria were established to determine suitability for license issuance:

- (1) Is at least 18 years of age;
- (2) Is not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body and mind that might affect his/her ability to properly and safely administer a tattoo and/or body piercing;
- (3) Is a resident of Clay County for at least one (1) month prior to the date of the application;
- (4) Has not been convicted of a felony, as defined by state law, within 3 years of the date of the application. All conditions of any felony sentence must be fulfilled;
- (5) Has been fingerprinted and photographed by the Police Department;
- (6) Has not been convicted of using any controlled drug or substance within 3 years prior to the date of application;
- (7) Has not been convicted of any charge of possession of marijuana or any controlled drug or substance, or possession with intent to distribute marijuana or any controlled drug or substance, within 3 years prior to date of the application; and,
- (8) Is of good moral character.

Discussion: Some concerns have been raised about the requirement to be a resident of Clay County for at least one (1) month prior to the date of application by Atomic Ink Wells Tattoo owner, Sara Wells. She has stated that they work with

tattoo and piercing artists in other cities that would like to have come into their shop for special events, but have no intention of moving to Clay County. The current ordinance prevents them from being licensed in Vermillion. Ordinance No. 1272 would remove the requirement for residency of one (1) month in Clay County before applying for a license. Ordinance No. 1272 was approved on first reading at the January 3, 2012 meeting.

Financial Consideration: The cost would be the publication of the ordinance. If any additional licenses are issued, the fee is \$25 per year, which goes to the General Fund.

Conclusion/Recommendations: Administration recommends approval of second reading of Ordinance No. 1272 to remove the one (1) month Clay County residency requirement for tattoo and body piercing artists. As this is second reading, a recorded vote by name is required.

ORDINANCE NO. 1272

AN ORDINANCE AMENDING TITLE XI, BUSINESS REGULATIONS, CHAPTER 115 – TATTOOING AND BODY PIERCING, SECTION 115.13, OF THE CITY OF VERMILLION, SOUTH DAKOTA, TO REMOVE THE ONE (1) MONTH CLAY COUNTY RESIDENCY REQUIREMENT.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SD: That Section 115.13 of the Business Regulations for Tattooing and Body Piercing of Vermillion, SD, is hereby amended to read as follows:

§ 115.13 INVESTIGATION UPON RECEIPT OF APPLICATION FOR TATTOO ARTIST AND/OR BODY PIERCING ARTIST LICENSE.

- (A) Each applicant must submit to a background check to determine applicant's suitability. Each new applicant shall make arrangements with a law enforcement agency and submit to the fingerprinting process. The applicant also must submit to, pay for, and provide a FBI and DCI criminal background check. The applicant may be given a conditional license pending the results of the background check.
- (B) The City Finance Officer shall have discretion to approve or disapprove the application depending on whether the City Finance Officer deems the applicant a suitable person to hold the license. The City Finance Officer may issue the license if the City Finance Officer is satisfied that the applicant:
- (1) Is at least 18 years of age;
 - (2) Is not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body and mind that might affect his or her ability to properly and safely administer a tattoo and/or body piercing;
 - (3) Has not been convicted of a felony, as defined by state law, within three (3) years of the date of the application. All conditions of any felony sentence must be fulfilled;
 - (4) Has been fingerprinted and photographed by the Police Department;
 - (5) Has not been convicted of using any controlled drug or substance within three (3) years prior to the date of application;
 - (6) Has not been convicted of any charge of possession of marijuana or any controlled drug or substance or possession with intent to distribute marijuana or any controlled drug or substance within three (3) years prior to date of the application; and,
 - (7) Is of good moral character.

Dated at Vermillion, South Dakota this 16th day of January, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

First Reading: January 3, 2012
Second Reading: January 16, 2012
Publication: January 27, 2012
Effective Date: February 16, 2012



Council Agenda Memo

From: Andrew Colvin, Assistant to the City Manager

Meeting: January 16, 2012

Subject: Second Reading of Ordinance No. 1273 – Amending Chapter 152, Signs, to Add a Definition and Regulations for Signs within the Joint Jurisdictional Zoning Area of Clay County and the City of Vermillion

Presenter: Andrew Colvin

Background: On January 10, 2012, the City and County adopted zoning regulations for the Joint Jurisdictional Area. During the work sessions to develop the proposed draft zoning regulations, the County representation felt that signs within the joint area should be regulated by the City's sign code to ensure consistency and fairness for businesses located within the proposed Joint Jurisdictional Area and those within the City.

Discussion: The proposed amendment creates a definition and regulations for signs within the Joint Jurisdictional Zoning Area. The most significant change is the addition of a table that creates parallel references between the City's zoning districts and the zoning districts within the joint ordinance. Since the City does not have an A-1 District, the regulations for the NRC District will be applied. Individuals and businesses interested in erecting or installing a sign will come to the City for a permit, if required, as is done within the City limits currently. The current fee for a sign permit is \$25 dollars.

Financial Consideration: Adoption of the ordinance will involve publication costs. Revenue generated from sign permits goes into the general fund.

Conclusion/Recommendations: The County Zoning Administrator has reviewed Ordinance No. 1273 and did not express any concerns. Administration recommends approval of Ordinance No. 1273. As this is the second reading, a roll call vote is required.

ORDINANCE NO. 1273

AN ORDINANCE AMENDING CHAPTER 152, SIGNS, SECTIONS 152.01 THROUGH 152.03 AND 152.13, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, TO ADD A DEFINITION AND REGULATIONS FOR SIGNS WITHIN THE JOINT JURISDICTIONAL ZONING AREA OF CLAY COUNTY AND THE CITY OF VERMILLION.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA THAT CHAPTER 152, SECTIONS 152.01 THROUGH 152.03 AND 152.13, SHALL BE AMENDED AS FOLLOWS:

CHAPTER 152. SIGNS.

§ 152.01 PURPOSE.

The purpose of these sign regulations is to encourage the effective use of signs as a means of communication in the city, and the Joint Jurisdictional Zoning Area pursuant to expressed provisions 11.05 and 11.06 in the Joint Zoning Regulations adopted by the City of Vermillion and Clay County, to minimize the possible adverse effect of signs on adjacent public and private property, to improve pedestrian and traffic safety, to maintain and enhance an aesthetic environment and to enable the fair and consistent enforcement of these sign regulations. It is, therefore, the intent of these regulations to achieve the following:

(A) *Safety.* To promote the safety of persons and property by providing that signs:

- (1) Do not create a hazard due to collapse, fire, collision, decay or abandonment;
- (2) Do not create traffic hazards by confusing or distracting motorists; or by impairing the driver's ability to see pedestrians, obstacles or other vehicles; or to see and interpret any official traffic sign, signal or device.

(B) *Communications efficiency.* To promote the efficient transfer of information by providing that:

- (1) Businesses and services may identify themselves;
- (2) Customers and other persons may locate a business or service;
- (3) No person or group is arbitrarily denied the use of the sight line from public rights-of-way for communication purposes.

(C) *Landscape quality and preservation.* To protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:

- (1) Do not create a nuisance to persons using the public rights-of-way;
- (2) Do not constitute a nuisance to occupancy of adjacent and contiguous property by

their brightness, size, height or movement.

§ 152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

ABANDONED SIGN. A sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of 6 months.

AREA IDENTIFICATION SIGN. A sign to identify a common area containing a group of structures, such as a residential subdivision, apartment complex, industrial park, or shopping center which is located at the entrance or entrances of the area.

AWNING, ELECTRIC (ALSO BACK LIT AWNING). An internally illuminated fixed space-frame structure with translucent, flexible reinforced covering designed in awning form and with graphics or copy applied to the visible surface of the awning.

AWNING SIGN. See **CANOPY SIGN**.

BANNER. Any sign of lightweight fabric or similar material that is attached to a structure or building with cables, ropes, tie downs or other fasteners. National flags, state or municipal flags, or the official flags of any educational institution shall not be considered banners.

BANNER, POLE. Any sign of lightweight fabric or similar material that is mounted to a pole at 1 or more edges that advertise a product or brand. National flags, state or municipal flags, official flags of any educational institution, or the official flags of any sports team shall not be considered banners.

BEACON. A stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which is intended to attract or divert attention. However, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.

BILLBOARD. A sign located on a parcel containing no buildings or commercial activity.

BUILDING MARKER. Any sign indicating the name of a building and date and incidental information about its construction, which is cut into a masonry surface or made of bronze or other permanent material. An historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.

BUILDING SIGN. Any sign attached to any part of a building.

BULLETIN BOARD. Any sign erected by a charitable, educational, civic, or religious

institution or a public body, which is erected upon the same property as the institution, for purposes of announcing events which are held on the premises, and contains no commercial message.

CANOPY/AWNING SIGN. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a **CANOPY**.

CHANGEABLE COPY SIGN/READER BOARD. A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face of the surface of the sign. A sign on which the message changes more than 8 times per day shall be considered an electronic message display sign and not a **CHANGEABLE COPY SIGN** for purposes of this chapter. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a **CHANGEABLE COPY SIGN** for purposes of this chapter.

CLEARANCE (OF A SIGN). The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

COMMERCIAL MESSAGE. Any sign, wording, logo or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, sale or sales event or other commercial activity.

CONSTRUCTION SIGN. A temporary sign identifying a building or construction site, contractors, architects, engineers or suppliers.

DISPLAY SURFACE AREA. The net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, characters and delineations. However, **DISPLAY SURFACE AREA** shall not include the structural supports for freestanding signs.

ELECTRONIC MESSAGE DISPLAY. A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. Characteristics are defined as follows:

- (1) *Dissolve.* A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.
- (2) *Fade.* A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually reduces in intensity to the point of not being legible and the subsequent message gradually increases in intensity to the point of legibility.

- (3) *Frame*. A complete, static display screen on an electronic message display.
- (4) *Frame effect*. A visual effect on an electronic message display applied to a single frame to attract the attention of viewers.
- (5) *Scroll*. A mode of message transition on an electronic message display where the message appears to move vertically across the display surface
- (6) *Transition*. A visual effect used on an electronic message display to change from 1 message to another.
- (7) *Travel*. A mode of message transition on an electronic message display where the message appears to move horizontally across the display surface

ERECT. To build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of wall signs.

FLAG. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

FLASHING SIGN. An illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

FREESTANDING SIGN. A sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.

GARAGE/YARD SALE SIGN. A temporary sign indicating a private sale of personal household possessions and which is not for the use of any continuing commercial business.

GROUND SIGN. A sign anchored to the ground similar to a freestanding sign but which has no free air space between grade and the top of the frame or sign facing.

IDENTIFICATION SIGN. A sign containing only the address and name of the occupant of the building.

ILLUMINATED SIGN. Any sign which has characters, letters, figures, symbols, signs or its outline illuminated by electric light, luminous tubes, or other artificial sources.

- (1) **INTERNAL LIGHTED SIGN.** A sign with luminous tubes, electric lights or other devices located within the interior of the sign.
- (2) **EXTERNAL LIGHTED SIGN.** A sign which is illuminated by spotlights, floodlights, lamps, lenses or other devices designed to focus or concentrate light rays on the sign display area.

(3) ***SURFACE LIGHTED SIGN.*** Any sign which is illuminated by electric bulbs or other similar devices which are attached to the exterior of the sign and are an integral part of the sign.

INCIDENTAL SIGN. A sign which is generally informational, and which has a purpose secondary to the principal use of the lot on which it is located such as “no parking”, “entrance”, “exit”, “loading only” or other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

INFLATABLE SIGN. A sign capable of expanding due to the injection of air or gas.

INTERSECTION SAFETY ZONE. A triangle measured from the point of intersection of the curb lines or edge of pavement of the street or alley to a point 40 feet in each direction from the intersection along curb lines.

JOINT JURISDICITONAL ZONING AREA. The area outside of the corporate boundaries of the City of Vermillion, known as the Joint Jurisdictional Area of Clay County and the City of Vermillion, as referenced in Chapter 2.03 (A) of Appendix A of the Revised Ordinances of the City of Vermillion.

LOT. A tract of land or group of abutting and contiguous tracts of land under common ownership and principal use that are of sufficient size to meet the minimum zoning requirements as required by the zoning regulations.

MANSARD ROOF. Any roof that has an angle greater than 45 degrees and which derives part of its support from the building wall and is attached to (but not necessarily a part of) a low slope roof and which extends along the full length of the front building wall or 3/4 of the length of a side building wall. For purposes of this chapter, a low slope roof shall mean any roof with a pitch less than 3 inches rise per 12 inches horizontal.

MARQUEE. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN. Any sign attached to, in any manner, or made a part of a marquee.

NONCONFORMING SIGN. Any sign that does not conform to the requirements of this chapter.

NONILLUMINATED SIGN. A sign other than an illuminated sign or reflective sign which is visible primarily from a natural light source.

NONPERMANENT SIGN. A surface-mounted sign or a sign with a support member extending below grade which is usually established for a specific period of time.

OUTDOOR MENU BOARD. An outdoor sign, associated with restaurants with drive-through windows, which gives a detailed list of foods served that are available at a restaurant.

PENNANT. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERMANENT SIGN. A sign which is permanently attached to a framing or a sign with a support member at or below the frost line or attached to a building or another structure by direct attachment to a rigid wall, frame or structure.

PERSON. Any person, firm, partnership, association, corporation, company or organization, singular or plural, of any kind.

POLITICAL SIGN. A temporary sign such as a poster card or lawn sign identifying a candidate or issue to be voted for or upon on a definite election day.

PORTABLE SIGN. Any sign not permanently attached to the ground or other permanent structure, or sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to “A-frames” or “T-frames”; menu and sandwich board signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used in the normal day-to-day operations of the business.

PRINCIPAL BUILDING. The building in which is conducted the principal use of the parcel on which it is located. Lots with multiple principal uses may have multiple **PRINCIPAL BUILDINGS**, but storage buildings, garages, and other clearly accessory uses shall not be considered **PRINCIPAL BUILDINGS**.

PROJECTING SIGN. Any sign that is affixed at an angle or perpendicularly to the wall of any building in a manner as to be read perpendicularly or at an angle to the wall on which it is mounted.

PUBLIC EVENT. Any event that is authorized by the city.

PYLON. See **FREESTANDING SIGN**.

REAL ESTATE SIGN. A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of the property.

REFLECTING SIGN. Any sign which returns light waves from its surface back toward the light source.

RESIDENTIAL SIGN. Any sign located in a district zoned for residential uses that contains no commercial message except advertising for services legally offered on the

premises where the sign is located.

ROOF SIGN. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

ROOF SIGN, INTEGRAL. Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and that no part of the sign is separated from the rest of the roof by a space of more than 6 inches.

SETBACK. The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

SHOPPING CENTER. Two or more retail stores and/or service establishments, or 1 retail store and 1 service establishment, sharing customer parking areas, regardless of whether the stores and/or establishments occupy separate structures or are under separate ownership.

SIGN. Every device, frame, letter, figure, character, mark, plane, point, design, picture, logo, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information to the general public. In addition, any of the above which is not placed out of doors, but which is illuminated with artificial or reflected light and in view of the general public and used or intended to be used to attract attention or convey information to motorists.

SIGN, GAS PUMP TOPPER. Any sign, of lightweight fabric or similar material, that is attached to a fuel pumping station within a rigid frame. Such sign shall be permanently fastened to the pumping station.

SNAP FRAME. Any sign of lightweight fabric or similar material that is attached to a structure or building within a rigid frame. A **SNAP FRAME** shall run parallel to but within 4 inches of the wall of any building in such a manner as to be read in front of the wall on which it is mounted, provided, however, that the sign shall not project above the top of the wall or beyond the end of the building.

STREETS AND SIDEWALKS. A strip of land or access way subject to vehicular traffic and/or pedestrian traffic that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, sidewalks, terraces, trails, or other thoroughfares.

STREET FRONTAGE. The distance for which a lot line of a lot runs parallel to and adjoins a public street.

SUSPENDED SIGN. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN. Any sign that is used for varying periods of time and may be

mounted on or below grade.

WALL SIGN. Any sign that shall be affixed parallel to but within 12 inches of the wall or printed on the wall of any building in a manner as to be read parallel to the wall on which it is mounted, provided, however, the **WALL SIGN** shall not project above the top of the wall or beyond the end of the building. For the purpose of this chapter, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a **WALL SIGN**. Any sign that is affixed to the windows, benches, or building marquee shall be considered a **WALL SIGN**.

WALL SIGN, PAINTED. A sign which is applied with paint or similar substance on the surface of a wall.

WINDOW SIGN. Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is painted on or installed inside a window for the purpose of viewing from outside the premises.

§ 152.03 COMPLIANCE AND APPLICABILITY OF DIVISION PROVISIONS.

A sign may be erected, placed, established, painted, created, maintained or altered in the city or Joint Jurisdictional Area only in conformance with the standards, procedures, exceptions and other requirements of this chapter. The effect of this chapter as more specifically set forth herein is:

- (A) To require a permit for certain types of signs subject to the standards and procedures of this chapter;
- (B) To allow certain signs that are small, unobtrusive and incidental to the principal use of the parcel on which they are located, subject to the requirements of this chapter but without a requirement for a permit;
- (C) To provide for temporary signs in limited circumstances; and
- (D) To prohibit all signs not expressly permitted by this chapter.

§ 152.13 TABLES.

- (A) Signs shall be allowed on private property in accordance with Table 1. If the letters "NP" appear for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letters "PR" appear for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letters "NA" appear for a sign type in a column, a sign is not allowed in the zoning districts represented by that column under any circumstances. Any sign designated by "NP" or "PR" shall be allowed only if it conforms to all other applicable requirements of this chapter.

- (1) When regulating signs within the Joint Jurisdiction area, the zoning districts of the Joint Jurisdictional Zoning Area shall correspond to the zoning districts of the City of Vermillion as follows:

Joint Jurisdiction Area Zoning District

A-1 Agriculture
RR Rural Residential
C Commercial
LI Light Industrial
HI Heavy Industrial
NRC Natural Resource Conservation
PD Planned Development

City of Vermillion Zoning District

NRC Natural Resource Conservation
R-1 Residential
GB General Business
GI General Industrial
HI Heavy Industrial
NRC Natural Resource Conservation
PD Planned Development

(*Tables 1-6 Remain Unchanged*)

Dated at Vermillion, South Dakota this 16th day of January, 2012.

THE GOVERNING BODY OF THE CITY OF
VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

First Reading: January 3, 2012
Second Reading: January 16, 2012
Publish: January 20, 2012
Effective: February 9, 2012



Council Agenda Memo

From: John Prescott, City Manager

Meeting: January 16, 2012

Subject: Update on possible option to provide for industrial uses in the General Business District

Presenter: John Prescott

Background: The Planning Commission recommended, and the City Council denied, at the November 21, 2011 meeting, first reading of Ordinance No. 1265, to rezone a parcel of ground at 1222 W. Cherry Street from General Business to Light Industrial. The rezoning request was made by the property owner in response to a zoning violation identified by City staff. During the November discussion, the City Council requested information on how industrial uses might be allowed to exist in the General Business District. Five ideas were presented at the December 19, 2011 meeting. Staff was asked to further develop and bring back to a later meeting what was labeled, option #5. This option would allow for industrial uses in specific locations. The property, in the initial rezoning request, 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: The option, which the City Council requested staff to further develop, was initially proposed by SECOG. After the December meeting, staff had further discussions with SECOG about the proposal. It became apparent to City staff that it wasn't possible to do exactly as SECOG first indicated. What has developed, and is proposed for City Council consideration, might be called a hybrid of several options presented at the December meeting.

The use of 1222 W. Cherry Street, which created the zoning violation and the now denied rezoning application, is an assembly and packaging use. Staff would propose drafting an ordinance to modify the General Business zoning regulations to provide for assembly and packaging use via a Conditional Use Permit (CUP). Under current code, the Planning Commission approves CUP's and has the ability to add unique conditions. Assembly and packaging processes would likely be contained within the building, have minimal noise, and possibly limited traffic. As a business is getting started, it is possible that assembly, packaging and retail could all exist within the same structure. The proposed definition of Assembly and Packaging is as follows:

ASSEMBLING/PACKAGING OPERATION: *An operation where manufactured parts are assembled into a complete machine, structure or unit and packaged for shipment.*

There was some discussion, at the December 19, 2011 meeting, about limiting the length of time a CUP is issued. After consultation with the City Attorney, it was determined that the length of the CUP can not be limited. The CUP can only expire if the use becomes inactive for two years, or more, or if the use for which the permit has been granted has not been undertaken within two years of approval.

City staff would also propose a residential zoning buffer with the assembly and packaging language. Some uses permitted in the general business zoning regulations may not make the best neighbors to residential uses but their hours, truck traffic, etc., tend to be more limited. An assembly and packaging use could operate multiple shifts and have traffic throughout the day. A distance of 300 feet, or a standard block from a residential use, is suggested to avoid having an industrial use such as assembly and packaging operation as a backyard neighbor.

Administration has concerns about modifying the zoning regulations in response to a zoning violation. However, if the City Council would like to further consider this option, an ordinance will be drafted to reflect the Council's intent. Initially, staff would start the ordinance development with a definition of assembly and packaging and the residential buffer as noted. Modifications to these items or others would be made and a draft of the ordinance advanced to the Planning Commission for consideration and a recommendation. The City Council also has the option of taking no action.

Financial Consideration: Likely minimal cost to the City. There would be publication costs for the ordinance, should a change be made to zoning regulations. Application fees from CUP's are placed in the General Fund.

Conclusion/Recommendations: If the City Council does not wish to amend the zoning regulations, staff will then work with the W. Cherry Street rezoning applicant to resolve their zoning violation. Action on resolving the zoning violation has been temporarily placed on hold while the City Council looks at options.

If the City Council feels that amending zoning regulations for assembling and packaging uses in the General Business District is appropriate, a CUP is a good option. If the City Council would like to proceed with this solution, Administration recommends providing direction on what to include in a draft ordinance to forward to the Planning Commission for consideration and action.



Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: January 16, 2012

Subject: Amendment No. 1 to Contract with Helms & Associates for the Parallel Taxiway Extension

Presenter: Jose Dominguez

Background: The City entered into a contract with Helms & Associates for the design of the parallel taxiway extension at Harold Davidson Field. The extension of the taxiway has been planned since the 2005 airport capital improvement plan.

Discussion: Recently, one of the major users of the airport purchased a plane that requires jet fuel. In order to accommodate the users' needs better, the City will be installing a jet fueling system. The amendment, in question, will allow Helms & Associates to include the design of the jet fueling system in to the parallel taxiway extension project.

Financial Consideration: The original cost to the project was \$52,326.02. The amendment will add to the contract \$15,315.05. If the amendment is approved, the new contract amount would be \$67,641.07. Due to the fact that this is a State/Federal government funded project, after reimbursements, the City will only pay for 2% of the cost, or \$1,352.82.

Conclusion/Recommendations: Administration recommends approval of Amendment No. 1 with Helms & Associates for the design of the jet fueling system for Harold Davidson Field.

AMENDMENT NUMBER 1

TO

**AGREEMENT FOR PROFESSIONAL SERVICES
FOR
HAROLD DAVIDSON FIELD
VERMILLION, SOUTH DAKOTA**

**AIP #3-46-0056-08-2011
A-5091**

AGREEMENT FOR PROFESSIONAL SERVICES, dated May 16, 2011, by and between the City of Vermillion, South Dakota as OWNER and Helms & Associates, as ENGINEER, hereinafter referred to as the Agreement for Professional Services, for improvements known as the Parallel Taxiway Extension to the 12 End of the Runway; and other miscellaneous items of related construction, hereinafter referred to as the PROJECT, is hereby amended as follows:

- A. The ENGINEER shall provide additional Design Services for the installation of a New Jet A Fuel Tank and Dispenser. These services shall be performed as described in Article I, Section 1 and the ENGINEER shall be compensated for these services as described in Article II, Section 1 of the Agreement for Professional Services. The itemized cost summary for the additional Design Services is included as Attachment "C", Sheet "C-2A & C-3A". The additional Design Services portion of the AGREEMENT is hereby increased by a Lump Sum amount of \$13,331.51, bringing the total Design Services cost to a Lump Sum amount of \$59,300.42.
- B. The ENGINEER shall provide additional Bidding and Negotiation Services for the installation of a New Jet A Fuel Tank and Dispenser. These services shall be performed as described in Article I, Section 2 and the ENGINEER shall be compensated for these services as described in Article II, Section 2 of the Agreement for Professional Services. The itemized cost summary for the additional Bidding and Negotiation Services is included as Attachment "C", Sheet "C-4A". The additional Bidding and Negotiation Services portion of the AGREEMENT is hereby increased by a Lump Sum amount of \$1,983.54, bringing the total Bidding and Negotiation Services cost to a Lump Sum amount of \$8,340.65.

Upon receipt of this signed Amendment Number 1 from the OWNER, the Agreement for Professional Services is hereby modified to allow for the increased engineering costs for completion of the additional Design Services; and Bidding and Negotiation Services.

The total amount of the additional engineering costs for this Amendment Number 1 is \$15,315.05. See Attachment "B" – Revised.

IN WITNESS WHEREOF the parties hereto have made and executed this Amendment Number 1 this _____ day of _____, 2012.

OWNER:

City of Gregory, South Dakota

BY: _____

JOHN E. (JACK) POWELL

TITLE: _____ MAYOR _____

ENGINEER:

Helms & Associates

A Division of Schmucker, Paul, Nohr & Associates, Inc.

BY: _____ 

BOB J. BABCOCK, P.E.

TITLE: _____ PRINCIPAL _____

ATTEST: _____

MICHAEL CARLSON

TITLE: _____ FINANCE OFFICER _____

Attachment "C"
Section 1

Airport Construction

Vermillion Airport Fuel System
Vermillion, SD

11/15/2011

Mechanical - Preliminary Design - West Plains Engineering

	Principal hours	Project Manager hours	Design Engineer hours	CADD Drafter hours	Clerical hours	
(a) Preliminary Layout	1	0	12	8	2	
(b) Preliminary Computation	0	2	6	0	0	
(c) Preliminary Estimates	0	2	6	0	0	
(d) Site Visits (1)	0	0	16	0	0	
(e) Design Coordination Meeting	0	0	2	0	0	
(f) Utility Company Coordination	0	0	0	0	0	
(g) Building Design	0	0	0	0	0	
Total hours	1	4	42	8	2	
Total hours -	57					
Direct Labor Rate/hour	\$63.74	\$58.59	\$28.98	\$21.86	\$15.00	
Subtotal Direct Labor Cost	\$63.74	\$234.36	\$1,217.16	\$174.88	\$30.00	
Direct Labor Overhead -	21%	\$13.39	\$49.22	\$255.60	\$36.72	\$6.30
General & Administrative Overhead -	101%	\$64.38	\$236.70	\$1,229.33	\$176.63	\$30.30
Subtotal	\$141.50	\$520.28	\$2,702.10	\$388.23	\$66.60	
Profit -	10%	\$14.15	\$52.03	\$270.21	\$38.82	\$6.66
Additional Costs - Mileage	\$0.00	\$0.00	\$120.00	\$0.00	\$0.00	
Additional Costs - Meals and Lodging	\$0.00	\$0.00	\$20.00	\$0.00	\$0.00	
Subtotal	\$155.65	\$572.31	\$3,112.30	\$427.06	\$73.26	
Total for Preliminary Mechanical Design -					<u>\$4,340.58</u>	
Employee Number =	32	40	115	96	143	

**Attachment "C"
Section 1**

Airport Construction

**Vermillion Airport Fuel System
Vermillion, SD**

11/15/2011

Mechanical - Final Design - West Plains Engineering

	Principal hours	Project Manager hours	Design Engineer hours	CADD Drafter hours	Clerical hours	
(a) Final Plans	1	8	8	16	4	
(b) Final Quantities	0	2	6	0	0	
(c) Specifications	0	0	10	0	0	
(d) Design Coordination Meetings (1)	0	0	4	0	0	
(e) Site Visits (1)	0	0	16	0	0	
(f) Utility Company Coordination	0	0	0	0	0	
(g) Building Design/Renovations	0	0	0	0	0	
Total hours	1	10	44	16	4	
Total hours -		75				
Direct Labor Rate/hour	\$63.74	\$58.59	\$28.98	\$21.86	\$15.00	
Subtotal Direct Labor Cost	\$63.74	\$585.90	\$1,275.12	\$349.76	\$60.00	
Direct Labor Overhead -	21%	\$13.39	\$123.04	\$267.78	\$73.45	\$12.60
General & Administrative Overhead -	101%	\$64.38	\$591.76	\$1,287.87	\$353.26	\$60.60
Subtotal	\$141.50	\$1,300.70	\$2,830.77	\$776.47	\$133.20	
Profit -	10%	\$14.15	\$130.07	\$283.08	\$77.65	\$13.32
Additional Costs - Mileage	\$0:00	\$0.00	\$120.00	\$0.00	\$0.00	
Additional Costs - Meals and Lodging	\$0.00	\$0.00	\$20.00	\$0.00	\$0.00	
Subtotal	\$155.65	\$1,430.77	\$3,253.84	\$854.11	\$146.52	
Total for Final Mechanical Design -					<u>\$5,840.90</u>	
Employee Number =	32	40	115	96	143	

**Attachment "C"
Section 2**

Airport Construction

**Vermillion Airport Fuel System
Vermillion, SD**

11/15/2011

Mechanical - Bidding and Negotiation - West Plains Engineering

	Principal hours	Project Manager hours	Design Engineer hours	CADD Drafter hours	Clerical hours	
(a) Bid Open and Contract Negotiation	0	0	0	0	0	
(b) Answer Questions	0	0	2	0	0	
(c) Issue Amendments/Addenda	0	0	2	2	1	
(d) Prebid Meeting (1)	0	0	4	0	0	
(e) _____	0	0	0	0	0	
(f) _____	0	0	0	0	0	
Total hours	0	0	8	2	1	
Total hours -	11					
Direct Labor Rate/hour	\$63.74	\$58.59	\$28.98	\$21.86	\$15.00	
Subtotal Direct Labor Cost	\$0.00	\$0.00	\$231.84	\$43.72	\$15.00	
Direct Labor Overhead -	21%	\$0.00	\$0.00	\$48.69	\$9.18	\$3.15
General & Administrative Overhead -	101%	\$0.00	\$0.00	\$234.16	\$44.16	\$15.15
Subtotal	\$0.00	\$0.00	\$514.68	\$97.06	\$33.30	
Profit -	10%	\$0.00	\$0.00	\$51.47	\$9.71	\$3.33
Additional Costs - Mileage	\$0.00	\$0.00	\$60.00	\$0.00	\$0.00	
Additional Costs - Meals and Lodging	\$0.00	\$0.00	\$20.00	\$0.00	\$0.00	
Subtotal	\$0.00	\$0.00	\$646.15	\$106.76	\$36.63	
Total for Mechanical Bidding and Negotiation -					<u>\$789.55</u>	
Employee Number =	32	40	115	96	143	



Council Agenda Memo

From: José L. Domínguez, City Engineer

Meeting: January 16, 2012

Subject: Resolution Fixing the Time and Place for a Hearing and Notice of Hearing on the Special Assessment Roll for Sidewalk Repairs

Presenter: José L. Domínguez

Background: On September 7, 2010, the City Council approved a Resolution Adopting the Resolution of Necessity for Sidewalk Repairs. This resolution involved the sidewalks in the northeast quadrant of the community. Work has been completed and the final payment has been authorized. The special assessments were calculated and filed with the Finance Officer on January 10, 2012.

Discussion: Per State statute, the City is required to hold a public hearing to allow the affected property owners to review and discuss any concerns regarding the assessed value. The property owners to be assessed will also be notified of the hearing by mail. The public hearing notice will be published in the Plain Talk.

Financial Consideration: The construction cost was \$29,406.02, of which \$17,574.44 is assessable. This assessable value does not include the administrative fee; which is either \$50 or 8% of the construction cost, whichever is greater.

Conclusion/Recommendations: Administration recommends approving the Resolution to set a hearing date of February 6th, 2012 for the special assessments for the sidewalk repairs.

RESOLUTION FIXING THE TIME AND PLACE FOR A HEARING
AND NOTICE OF HEARING ON THE SPECIAL ASSESSMENT ROLL
FOR SIDEWALK REPAIRS IN THE CITY OF VERMILLION, SD

WHEREAS, a special assessment roll was filed in the office of the City Finance Officer of the City of Vermillion, Clay County, South Dakota, on the 10th day of January, 2012, for the repair of sidewalks in front or abutting lots in the City of Vermillion, Clay County, South Dakota, said special assessment being against the property abutting upon said improvement; and

WHEREAS, said assessment roll, now on file in the office of the City Finance Officer of the City of Vermillion, South Dakota, is open for public inspection and is referred to for further particulars; and

WHEREAS, said assessment roll shows as follows:

1. The name of the owner(s) of each lot to be assessed, as shown by the assessment rolls, of the Director of Equalization.
2. A description by lot, block and addition, or by metes and bounds of each parcel of land to be assessed, recognizing divisions by deed of platted lots, and obtaining the legal description of land as of the date of the adoption of the Resolution of Necessity for such improvement;
3. The amount assessed against each lot;
4. The number of installments, the rate of interest deferred installments shall bear, and the whole of such assessment, or any installment thereof, may be paid at any time, and that all installments paid prior to the respective due dates shall be deemed paid in inverse order of their due date;
5. Whenever the word "lot" appears therein, it shall be construed to include tracts and other parcels of land.

NOW, THEREFORE, BE IT RESOLVED, that Monday, the 6th day of February, 2012, at the hour of 7:00 p.m. in the City Council Chambers at City Hall located at 25 Center Street, in the City of Vermillion, Clay County, South Dakota, be and the same is hereby fixed as the time and place for hearing upon said assessment roll. Any interested person may appear and show cause why the Governing Body of said City of Vermillion, South Dakota, should not approve and levy said assessments against the respective premises as set forth in said assessment roll, to defray the costs of the construction of said improvement.

BE IT FURTHER RESOLVED, that the Finance Officer of the City of Vermillion, Clay County, South Dakota, shall be and is hereby authorized and directed to cause this Resolution and Notice to be published in the official newspaper in the City of Vermillion, South Dakota, one week prior to the date set for such hearing.

BE IT FURTHER RESOLVED, that the Finance Officer of the City of Vermillion, Clay County, South Dakota, shall mail a copy of this Resolution and Notice, by first-class mail, with postage thereon fully prepaid, addressed to the owner(s) of any property to be assessed for such improvement at their address as shown by the records of the Director of Equalization. Such mailing shall be done at least one (1) week prior to the date set for said hearing.

Dated at Vermillion, South Dakota, this 16th day of January, 2012.

THE GOVERNING BODY OF THE CITY OF
VERMILLION, CLAY COUNTY, SOUTH DAKOTA:

By: _____
John E. (Jack) Powell

ATTEST:

Michael D. Carlson, Finance Officer

SEAL

CERTIFICATION OF ADOPTION:

Adoption of the above and foregoing Resolution and Notice was moved by Alderman _____, seconded by Alderman _____ and said Resolution and Notice was thereafter put to a vote of the Governing Body, whereupon ___ members voted in favor thereof and ___ members voted in opposition thereto; said Resolution and Notice being by the Mayor declared adopted.

Michael D. Carlson, Finance Officer

Publish: January 27th, 2012



Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: January 16, 2012

Subject: Acceptance of bid for the Shared Used Path, Phase 2 Project

Presenter: Jose Dominguez

Background: Federal Highway Bill #4921 provided the City of Vermillion \$750,000 to construct bike and pedestrian paths. The largest portion of the funding was used to construct the hike/bike path extension along the Vermillion River. As funding remained after the Vermillion River portion was bid, a second project was developed to utilize the federal funding and complete trails in the community. This project will construct portions of the path along the south side of SD Hwy. 50 between Stanford Street and Dakota Street. The City has already completed the path along portions of the route where City owned land was involved, or a previous arrangement for a trail was made, before the grant was awarded.

Discussion: On January 11th, 2012, the City opened bids on the shared used path along the south side of SD Hwy. 50. The City received bids from 11 contractors. All bids were reviewed and deemed acceptable. The low bidder was D & G Concrete Construction of Sioux Falls, South Dakota. Their bid was \$126,917.25. The engineer's estimate was \$188,143.40.

We have included a letter from Eisenbraun & Associates, the design engineer, with their recommendation and a complete list of bidders and their bids.

Financial Considerations: The project will be funded by a Federal grant. The City will pay for the entire cost of the project and be reimbursed by the State 81.95% of the cost. Applying the reimbursement percentage to the low bid, the City will receive \$104,008.68 back from the State. The City match for the project was included in the 2012 second penny fund.

Conclusion/Recommendations: Administration, and the consultant, recommend awarding the project to D & G Concrete Construction of Sioux Falls, SD for a total cost of \$126,917.25, contingent on DOT approval.

Eisenbraun & Associates

Professional Engineers & Surveyors

January 12, 2012

Jose L. Dominguez, City Engineer
City of Vermillion
25 Center Street
Vermillion, SD 57069

RE: Vermillion Shared Use Path, Phase 2 Project
E/A Project No. Y06174.D02

Dear Mr. Dominguez:

The bid letting for the above referenced project was held on Wednesday, January 11, 2012. Eleven bids were received and they are listed below:

D & G Concrete Construction, Sioux Falls, SD	\$126,917.25
KN Construction, Inc., Harrisburg, SD	\$136,726.83
Masonry Components, Yankton, SD	\$136,987.20
Big Al's Contracting LLC, Sioux Falls, SD	\$137,755.75
T & R Contracting, Sioux Falls, SD	\$138,064.50
Smith & Smith Construction, Tea, SD	\$149,997.97
Lappe Construction, Sioux Falls, SD	\$158,118.51
Carl V. Carlson, Tea, SD	\$166,414.46
Feimer Construction, Yankton, SD	\$187,092.50
Buskerud Construction, Dell Rapids, SD	\$190,271.95
Carstensen Contracting, Pipestone, MN	\$239,374.38

Two of the bids read at the opening had errors in them. The bid from KN Construction, Inc. had an error of \$0.02 and the bid from Big Al's Contracting, LLC had an error of \$749.98. However the low bid from D&G Concrete Construction did not have any errors and it remained the low bid. The bids were competitive and most of the bids were below the Engineer's Estimate of \$188,143.40 for the project. The low bid is in order, including the appropriate bid bond, acknowledgement of Addendum No. 1, and supporting documentation for the State.

I have worked with D&G Concrete Construction several times in the past and they are a very reputable construction company. Last year they completed 2.3 miles of paving in Yankton, two miles of paving in Sioux Falls and 1.8 miles of paving at the Tea airport. Also, they completed the Cherry Street project in Vermillion a few years ago. Based on this information, I am recommending that the City of Vermillion award the Vermillion Bike Trail Project to D&G Concrete Construction of Sioux Falls, SD contingent upon concurrence by the SDDOT.

Enclosed for your use are three copies of the Notice of Award. Upon your approval and signature, please return the copies to me. I will then prepare the contract documents for execution by D&G Concrete Construction.

I look forward to working with the City and this contractor on the successful completion of the shared use path project. If you have any questions, please don't hesitate to contact me.

Sincerely,

Eisenbraun & Associates, Inc.

A handwritten signature in cursive script that reads "Keith DeJong".

Keith DeJong, PE
Project Manager

Enclosures

cc: D&G Concrete Construction

NOTICE OF AWARD

Dated: _____, 2012

TO: D&G Concrete Construction, Inc.

ADDRESS: 1408 E. 39th Street N.

Sioux Falls, SD 57104

OWNER'S PROJECT NO.: LGA-01-07

PROJECT: Vermillion Shared Use Path, Phase 2

OWNER'S CONTRACT NO.: EM8014(29), PCN010F

CONTRACT FOR Vermillion Shared Use Path, Phase 2

You are notified that your Bid, dated January 11, 2012, for the above Contract has been considered. You are the apparent Successful Bidder and have been awarded a contract for

Vermillion Shared Use Path, Phase 2

The Contract Price of your contract is: \$126,917.25.

Three copies of each of the proposed Contract Documents accompany this Notice of Award.

You must comply with the following conditions precedent within twelve (12) days of the date of this Notice of Award, that is by _____, 2012:

1. You must deliver to the OWNER three (3) fully executed counterparts of the Agreement.
2. You must deliver with the executed Agreement, the Contract Security (Bonds) as specified in Instructions to Bidders (paragraph 17), and General Conditions, (paragraph 5.1).

3. (List other conditions precedent).

Along with the Agreement and Contract Security you must include the required Certificates of Insurance naming the Owner and Engineer as additionally insured (See General Conditions paragraph 5 and Supplementary Conditions SC-5.

Failure to comply with these conditions within the time specified will entitle OWNER to consider your bid abandoned, to annul the Notice of Award and to declare your Bid Security forfeited.

Within ten days after you comply with those conditions, OWNER will return to you one fully signed counterpart of the Agreement with the Contract Documents attached.

City of Vermillion, SD
(Owner)

By _____
(Authorized Signature)

By John E. (Jack) Powell
(Typed or Printed Name)

Mayor
(Title)

You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER.

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged by (name) _____

_____ this the _____ day of _____, 2012.

(Contractor)

By _____
(Authorized Signature)

By _____
(Typed or Printed Name)

(Title)



Council Agenda Memo

From: Jason Anderson, Asst. City Engineer
Meeting: January 16, 2012
Subject: 15.5 kV Load Interrupting Padmount Switchgear
Presenter: Jose Dominguez

Background: At the August 1, 2011 City Council noon session, the Electric System Study Report was presented by DGR, City Electrical Consulting Engineer, and Mark Koller, Electric Superintendent. Phase 1 recommended the installation of three tie switches on the distribution system in 2012 to address the need for additional tie points between substation circuits to allow the City to maintain voltage levels and feeder capacity more effectively when back-feeding circuits on the distribution system due to an outage. Mark updated the City Council on this phase of the project at the January 3, 2012 noon session. The electric department plans to install two switches in 2012, one in 2013, and one in the future when an additional circuit to the southeast part of town is constructed. The additional switches will be budgeted and purchased as needed. The City opened bids on Wednesday, January 11th, 2012, at 2:00 p.m., for furnishing three load interrupting tie switches. A copy of the bid tabulation sheet is attached.

Discussion: Bid specifications were sent to three potential bidders and three bids were received. The low bid from Cooper Power Systems does not meet specifications in five areas. The other two bids from Stuart Irby and RESCO meet bid specifications.

Financial Consideration: As noted at the January 3rd, 2012 meeting, the City will have to revise the Electric Distribution Fund in September to provide the necessary funding from electric reserves. All three bids are under DGR's material estimate of \$112,000.

Conclusion/Recommendations: The recommendation of Administration is to reject the low bid from Cooper Power Systems for three load interrupting tie switches, as they does not meet specifications, and award the bid to RESCO, the next lowest bidder meeting specifications for \$97,071.

BID TABULATION

PROJECT: 15.5 kV Load Interrupting Padmount Switchgear

DATE: January 11, 2012

BIDDER	Stuart Irby	Cooper Power Systems	Resco
ADDRESS	3776 W Broadway Minneapolis, MN 55422	1319 Lincoln Ave Waukesha, WI 53186	4100 30th Ave South Moorhead, MN 56560
BID SECURITY	10 % Bid Bond	10 % Bid Bond	10 % Bid Bond
Quan.-Description	Unit Price	Unit Price	Unit Price
3-15.5 kV, 3 Phase, 600A Load Interrupting Padmount Switchgear	Total Price \$ 35,875.00 \$ 107,625.00	Total Price \$ 31,120.00 \$ 93,360.00	Total Price \$ 32,357.00 \$ 97,071.00
Make & Model	S&C Vista 550	Cooper RVAC-10T	G&W T44-376L-40RP-BT
Equipment Delivery ARO	112 days	112 days	77-84 days

PROPOSAL – CONTRACT

TO THE HONORABLE MAYOR AND THE
CITY COUNCIL OF THE
CITY OF VERMILLION, SOUTH DAKOTA

Vermillion, South Dakota
January 11, 2012

NAME OF
BIDDER RESCO

ADDRESS 4100 30th Avenue So Moorhead, MN 56560

Hereinafter called the party of the Second Part, hereby proposes and agrees to and with the City of Vermillion, hereinafter called the party of the First Part, to furnish all equipment specified in full accordance with the contract documents and this Proposal – Contract at the following prices, to wit:

<u>QTY</u>	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>
3	15.5 kV, 3 phase, 600 A load interrupting, SF6 insulated, padmount switchgear in accordance with specifications, F.O.B. Vermillion, South Dakota	\$ <u>32,357.00</u>	\$ <u>97071.00</u>
	Make <u>G&W</u> Model <u>T44-376L-40RP-BT</u>		

The bidder acknowledges the receipt of the following addendums: _____

Equipment delivery will be made within 77-84 days after receipt of order.

The bidder shall provide catalog schematic and dimensional drawing with the bid documents.

The within Proposal and Agreement are based upon the conditions and stipulations named in the advertisement inviting proposals for such equipment and the specifications for same, which are on file in the office of the Utilities Engineer, a copy of which specifications are hereto attached and are hereby made as definitely a part of this contract as if written herein at length.

Therefore, it is hereby agreed by and between the parties hereto that in consideration of the equipment to be furnished by the said party of the Second Part as set forth in the said specification and Proposal – Contract, the said Party of the First Part will pay to the said Party of the Second Part the sum stipulated for the furnishing of said equipment.

See attached G&W quote, drawing and G&W Terms & Conditions plus RESCO's Terms & Conditions.

In witness whereof the Party of the First Part has approved this agreement and authorized the Mayor and Finance Officer to sign the same on the _____ day of _____, 2012, and the Party of the Second Part has affixed his signature hereto this _____ day of _____, 2012.

CITY OF VERMILLION

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

RESCO

Bidder

Patricia & Otto

Signed

4100 30th Avenue So Box 160

Address

Moorhead, MN 56561-0160

Telephone 800-346-3330

CITY OF VERMILLION
 2011 INVOICES PAYABLE-JANUARY 16, 2012

1 AQUA-PURE INC	CHEMICALS	4,180.00
2 ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	48.69
3 BIRSCHBACH EQPT & SUPPLY	SAFETY GLASSES	54.00
4 BLUFFS GOLF COURSE	TEE BOX MARKER	500.00
5 BROADCASTER PRESS	ADVERTISING	1,481.03
6 BUREAU OF ADMINISTRATION	TELEPHONE	267.21
7 BUTLER MACHINERY CO.	PARTS	2.16
8 CAMPBELL SUPPLY	SUPPLIES	107.87
9 CASK & CORK	MERCHANDISE	239.75
10 CENTRAL STATES WIRE PRODUCTS	SUPPLIES	1,929.00
11 CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,322.81
12 COLONIAL LIFE ACC INS.	INSURANCE	1,609.94
13 DAKOTA BEVERAGE	MERCHANDISE	68.05
14 DAKOTA PC WAREHOUSE	SUPPLIES	501.89
15 DANKO MES, INC.	FIRE HOSE	1,843.84
16 DEPT. ENVIRONMENT NATL RESOURCES	LANDFILL OPERATIONS FEE	2,574.62
17 DOWNTOWN DECORATIONS	SUPPLIES	135.16
18 ECHO ELECTRIC SUPPLY	SUPPLIES	81.96
19 EPG COMPANIES, INC	PROFESSIONAL SERVICES	2,577.00
20 FEDEX.	SHIPPING	10.97
21 G & R CONTROLS	PARTS	767.50
22 GRAHAM TIRE CO.	TIRES	454.28
23 GRAINGER	PARTS	541.52
24 GREGG PETERS	MANAGERS PROFITS 4TH QTR	22,056.41
25 GUARANTEE OIL CO INC	SUPPLIES	97.30
26 HD SUPPLY WATERWORKS	PARTS	244.55
27 JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	5,997.98
28 JOHNSON CONTROLS	REPAIRS	356.75
29 JOHNSON FEED, INC	REPAIRS	145.82
30 JONES ACE HARDWARE	SUPPLIES	115.92
31 JONES FOOD CENTER	SUPPLIES	27.33
32 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
33 LUDEY'S READY MIX	CONCRETE	627.00
34 LYLE SIGNS	SUPPLIES	840.00
35 MALLOY ELECTRIC	PARTS	16.35
36 MARKS MACHINERY	SNOW BLADE	1,600.00
37 MART AUTO BODY	TOWING/REPAIRS	612.50
38 MATHESON TRI-GAS, INC	MEDICAL OXYGEN	484.02
39 MEAD LUMBER	SUPPLIES	60.77
40 MIDAMERICAN	GAS USAGE	6,468.46
41 MIDWEST BUILDING MAINTENANCE	MAT SVC	309.00
42 MOORE WELDING & MFG	REPAIRS	141.25
43 NEW YORK LIFE	INSURANCE	95.00
44 NORTHERN TRUCK EQPT CORP	PARTS	12.20

45 NOVELTY MACHINE & SUPPLY	SUPPLIES	525.16
46 OLSON MEDICAL CLINIC	PRE-EMPLOYMENT PHYSICAL	107.00
47 PETE LIEN & SONS, INC	CHEMICALS	3,768.87
48 PHEASANTLAND INDUSTRIES	SUPPLIES	411.00
49 PUMP N PAK	FUEL	2,092.98
50 RASMUSSEN MOTORS, INC	REPAIRS	46.39
51 REPUBLIC NATIONAL DIST.	MERCHANDISE	6,140.91
52 SANITATION PRODUCTS	SUPPLIES	294.38
53 SD DEPARTMENT OF LABOR	REIMBURSE BENEFITS	652.00
54 SD ONE CALL	LOCATES	224.70
55 SD POLICE CHIEFS ASSOCIATION	TESTING MATERIALS	482.50
56 SIOUX EMPIRE SAFETY VILLAGE	DRIVING SIMULATORS	56.25
57 SIOUX FALLS TWO WAY RADIO	REPAIRS	140.99
58 STAN HOUSTON EQPT CO	SUPPLIES	30.55
59 STERN OIL CO.	SUPPLIES	15,863.44
60 STURDEVANTS AUTO PARTS	PARTS	91.63
61 THE BOULDER COMPANY	SUPPLIES	46.50
62 THE NEW SIOUX CITY IRON CO	TOOLS	644.07
63 TRUE VALUE	SUPPLIES	141.40
64 UNITED PARCEL SERVICE	SHIPPING	24.41
65 UNITED WAY	CONTRIBUTIONS	216.40
66 USD ATHLETIC DEPARTMENT	BASKETBALL TOURNAMENT	1,756.57
67 VESSCO, INC	SUPPLIES	277.91
68 VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	1,174.65
69 WAL-MART COMMUNITY	SUPPLIES	431.13
70 ZEP SALES & SERVICE	SUPPLIES	97.75
	GRAND TOTAL	\$97,487.40

CITY OF VERMILLION
 2012 INVOICES PAYABLE-JANUARY 16, 2012

1 ACS-FIREHOUSE SOFTWARE	SUPPORT CONTRACT	625.00
2 AUDIO GO	BOOKS	123.98
3 BOOK WHOLESALERS, INC	BOOKS	474.62
4 CENTER POINT LARGE PRINT	BOOKS	53.80
5 CENTURYLINK	TELEPHONE	1,448.23
6 CORY MOORE	SAFETY BOOTS REIMBURSEMENT	100.00
7 DEPT. ENVIRONMENT NATL RESOURCES	DISCHARGE PERMIT	10,500.00
8 GALE	BOOKS	177.56
9 GREGG PETERS	MANAGERS FEE	5,375.00
10 KNOLOGY	911 CIRCUIT/DIALUP SERVICE	1,415.45
11 MATHESON TRI-GAS, INC	SUPPLIES	195.34
12 MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	95.95
13 MIDWEST ALARM CO	ALARM MONITORING	300.00
14 MINN MUNICIPAL UTILITY ASSOC	1ST QTR 2012 SAFETY MGMT PROGRAM	5,755.86
15 MUNICIPAL ELEC. ASSOC	MEMBERSHIP DUES	4,087.00
16 NATIONAL FIRE PROTECTION ASSOC	MEMBERSHIP DUES	165.00
17 QUALITY BOOKS INC.	BOOKS	1,625.31
18 RANDOM HOUSE, INC	BOOKS	107.00
19 RECORDED BOOKS, INC	BOOKS	1,211.65
20 RESERVE ACCOUNT	POSTAGE FOR METER	950.00
21 SD AIRPORT MANAGEMENT ASSOC	MEMBERSHIP DUES	25.00
22 SD ASSOC. OF CODE ENFORCEMENT	MEMBERSHIP DUES	40.00
23 SD BOARD OF OPERATOR CERTIFICATION	OPERATOR CERTIFICATION RENEWAL	60.00
24 SD BUILDING OFFICIALS ASSOC	MEMBERSHIP DUES	50.00
25 SD CITY MGMT ASSOC	MEMBERSHIP DUES	300.00
26 SD FIREFIGHTERS ASSOC	MEMBERSHIP DUES	630.00
27 SD GOVERNMENTAL HUMAN RESOURCES ASSOC	MEMBERSHIP DUES	25.00
28 SD MUNICIPAL LEAGUE	MEMBERSHIP DUES	3,674.10
29 SD MUNICIPAL LIQUOR CONTROL ASSOC	MEMBERSHIP DUES	25.00
30 SDWWA	REGISTRATION	90.00
31 SE FIREFIGHTERS ASSOC	MEMBERSHIP DUES	50.00
32 SECOG	DUES	10,753.00
33 SPRINT	CELL PHONES	1,081.29
34 US POSTMASTER	POSTAGE FOR UTILITY BILLS	975.00
35 VERMILLION DEVELOPMENT CO	CONTRIBUTION	46,350.00
36 VERMILLION HOUSING AUTHORITY	CONTRIBUTION	1,000.00
37 KEITH JOY	BRIGHT ENERGY REBATE	3.50
	GRAND TOTAL	99,918.64

Date: January 12, 2012

To: Mayor and City Council

From: Finance Officer

Subject: City Election and Nominating Petitions

The combined primary, school and city election is set for June 5, 2012. Nominating petitions can be circulated starting March 1, 2012 and must be filed in the City Finance Office by 5:00 p.m. on March 27, 2012. The term for these offices will be four-years until July 2016.

The following offices will be vacant due to the expiration of the present term of office:

- Alderman Central Ward (French)
- Alderman Northeast Ward (Meins)
- Alderman Northwest Ward (Willson)
- Alderman Southeast Ward (Ward)

Nominating petitions can be picked up at the City Finance Office during regular office hours.

Number of Signatures

If the candidate is to be voted for by the voters of a ward of a municipality of the first or second class having more than one ward, a nominating petition shall be signed by at least five percent of the registered voters of the ward. The percentage shall be based on the total number of registered voters voting in the ward at the last preceding general election. No petition need be signed by more than fifty voters.

Based upon the number of voters at the November 2010 general election petitions will need to be signed by at least:

Central Ward	24
Northeast Ward	25
Northwest Ward	42
Southeast Ward	50

Ward boundary maps are available at the finance office or on the city web page. Any questions about circulating a nominating petition please contact the City Finance Officer. When the petition is filed the candidate must also complete a Statement of Financial Interest