



Special Meeting Agenda City Council

12:00 pm (noon) Special Meeting
Tuesday, January 3, 2012
Large Conference Room
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Informational Session – Update of electrical capital improvement plan purchases – Mark Koller.**
3. **Informational Session – Conference Center study update – Steve Howe, Vermillion Chamber of Commerce and Development Company.**
4. **Briefing on the January 3, 2012 City Council Regular Meeting Agenda-** Briefings are intended to be informational only and no deliberation or decision will occur on this item.
5. **Adjourn**

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

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

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

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

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

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



City of Vermillion Council Agenda

7:00 p.m. Regular Meeting

Tuesday, January 3, 2012

City Council Chambers

25 Center Street

Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. December 19, 2011 Special Session; December 19, 2011 Regular Session.
4. **Adoption of the Agenda**
5. **Visitors To Be Heard**
6. **Public Hearings**
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.
 - 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.
8. **New Business**
 - a. Mid-American Energy Report.
 - 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.
 - 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.
 - d. Resolution establishing fees for Special Permits for Moving Structures.
 - e. 2012 Payroll resolution.
 - f. Resolution for Maintenance and Financial Agreement for the Installation of a Ground Communications Outlet Radio at Harold Davidson Field.
 - 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.
 - h. Declaration of Surplus Wheel Loader.
 - i. Ingress/Egress Agreement with USD for Electric Utility Lines.
9. **Bid Openings**
 - a. Substation Relay Upgrade.
 - b. Fuel Quotes.
10. **City Manager's Report**

11. Invoices Payable

12. Consensus Agenda

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

13. Adjourn

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

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

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

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

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Vermillion City Council's Values and Vision

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



Unapproved Minutes
Council Special Session
December 19, 2011
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, December 19, 2011 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present: Davies, Grayson, Meins, Osborne, Ward, Willson, Zimmerman,

Absent: French, Mayor Powell

2. Informational Session - Annual Review of Water & Electrical Rate Surcharges - Mike Carlson

Mike Carlson, Finance Officer, reported that the water surcharge fee and electric surcharge fee were created by the respective bond resolutions and, as such, call for an annual review and adjustment so that the fee is projected to meet the next year's debt service with the required coverage. Mike reported that the water surcharge fee is for the 2006 State Revolving Fund (SRF) loan for the water treatment plant improvements. The current surcharge rate was last adjusted in December 2010. The water surcharge is a portion of the monthly customer charge and the current rate is projected to generate the revenue needed to meet the 1.10% debt service coverage. The rate resolution provides that any excess surcharge funds be transferred to the water fund at year end. Mike recommended no change in the water surcharge fee.

Mike reported that the electric surcharge was created for the repayment of the bond issue for the transmission line. The bond resolution calls for a surcharge fee to generate 1.25% of the annual debt service. The surcharge fee was last adjusted in December 2010 for the 2011 debt service. The surcharge revenue projection at the current rate for 2012 is \$748,000 which is \$27,000 in excess of the \$721,000 of debt service for 2012. The electric resolution provides that any excess surcharge funds are to be transferred to the electric fund at the end of each year. Mike recommended no change in the electric surcharge fee. Mike noted that he monitors the surcharge fees and would report any variances that would require a rate adjustment. Mike answered questions of the City Council members on the water and electric surcharge fees.

3. Informational Session - Update on draft of the Solid Waste Strategic Planning Process - Bob Iverson and John Prescott

Bob Iverson, Solid Waste Director, reported that the firm of HDR is in the process of developing a master plan for the solid waste system. A draft report was presented to the Joint Powers Board at their last meeting. Bob reviewed the nine summary recommendations provided in the draft report with the City Council. Bob stated that the draft report was provided to the Joint Powers Board who are reviewing and making recommendations at their next meeting before the final report.

4. Briefing on the December 19, 2011 City Council Regular Meeting Agenda

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

5. Adjourn

381-11

Alderman Davies moved to adjourn the Council special session at 1:04 p.m. Alderman Ward seconded the motion. Motion carried 7 to 0. President Osborne declared the motion adopted.

Dated at Vermillion, South Dakota this 19th day of December, 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Kent Osborne, President

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
December 19, 2011
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on December 19, 2011 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Davies, French, Grayson, Meins, Osborne, Ward (arrived at 7:02 p.m.), Willson, Zimmerman, Mayor Powell

2. Pledge of Allegiance

3. Minutes

A. December 5, 2011 Special Session; December 5, 2011 Regular Session

382-11

Alderman Zimmerman moved approval of the December 5, 2011 special session minutes and the December 5, 2011 regular session minutes. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

383-11

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

Alderman Ward arrived at 7:02 pm

5. Visitors to be Heard - None

6. Public Hearings

A. First Reading of Ordinance No. 1269 - Petition for Change of Zoning to Exclude from the NCR 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

José Dominguez, City Engineer, reported that the location of the property requesting the zone change was on West Main Street, with a

map included in the packet. This property was recently annexed into the city limits and, as such, enters the city as NRC, the most restrictive zone. José reported the Planning Commission reviewed the request and recommended approval of the zone change.

384-11

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to proposed Ordinance No.1269 entitled Petition for Change of Zoning to Exclude from the NCR 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 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 of Vermillion on this 19th day of December, 2011 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

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

7. Old Business

A. Second Reading of Ordinance No. 1267 - Amending Title 15 Chapter 155 Section 155.101, Amendments and Change of Zone, to Require Property Owner Consent

Andy Colvin, Assistant to the City Manager, reported that this is second reading of an ordinance to amend the zone change section to require property owner consent from 45% of the property owners within the zone change area and the adjoining 250 feet before consideration. Andy noted that section 155.101 B was changed to clarify that unanimous consent of all property owners is required for a lot or parcel to be considered in the 45%. Administration recommends adoption of second reading.

385-11

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1267 entitled Amending Title 15

Chapter 155 Section 155.101, Amendments and Change of Zone, to Require Property Owner Consent 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 5th 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 19th day of December, 2011 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

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

ORDINANCE NO. 1267

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

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

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

§155.101 AMENDMENTS AND CHANGE OF ZONE

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

(A) At least ten (10) days' notice of the time and place of such hearing shall be published in the official newspaper of the City of Vermillion, said notice to contain a brief statement describing the proposed amendment. If the proposed amendment will change the boundaries of a zoning district, the Zoning Administrator shall post a sign on the property included in the application for a continuous period of ten (10) days immediately prior to the public hearing and shall notify all owners of property within two hundred fifty (250') feet of the proposed boundary change by mail. The mailed notice shall be postmarked ten (10) business days prior to the hearing and state the date, time and location of the public hearing.

(B) Prior to the consideration of any ordinance proposing changes in the zoning ordinance, there shall first be filed, with the Finance Officer, the written consent of the owners of forty-five (45%) percent of the aggregate area having the right of protest against such proposed ordinance, if adopted, as would be determined by SDCL

11-4-5. Unanimous ownership consent for a parcel or lot to be included in the forty-five 45% aggregate area is required.

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

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

Dated at Vermillion, South Dakota this 19th day of December, 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E, (Jack) Powell, Mayor

ATTEST

BY: _____
Michael D Carlson, Finance Officer

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, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y.

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

B. Second reading of Ordinance No. 1268 - 2011 Budget Supplemental Appropriations Ordinance

Mike Carlson, Finance Officer, reported that this is second reading of a supplemental appropriations ordinance to provide for unexpected expenditures in the General Fund and Unemployment Fund. Mike reviewed the line item changes and recommended adoption of the appropriation ordinance.

386-11

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1268 entitled 2011 Budget Supplemental Appropriations Ordinance 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 5th 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 19th day of December, 2011 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

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

ORDINANCE NO. 1268
2011 SUPPLEMENTAL APPROPRIATIONS ORDINANCE

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

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

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

Revenues

Appropriation from Reserve	3,700	6,300	2,600
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Dated at Vermillion, South Dakota this 19th day of December, 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D Carlson, Finance Officer

Adoption of the Ordinance 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, French-Y, Grayson-Y, Meins-Y, Osborne-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y.

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

8. New Business

A. First reading of Ordinance No. 1270 - Amending the Municipal Ordinances of the City of Vermillion by repealing Chapter 156, Extraterritorial Zoning, and Adding Appendix A, the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion

Andy Colvin, Assistant to the City Manager, reported that the current Extraterritorial Zoning Ordinance, which extends 3 miles outside of City limits, was adopted over 40 years ago and is outdated and no longer follows State law. The ordinance has a long history of discussion between the City and County that dates back to 1999. In 2010, the City Council and County Commission determined that a working group composed of City and County elected officials and Planning Commissioners members, with the assistance of SECOG, would work through issues and develop an ordinance for County and City adoption. Andy reviewed the joint jurisdictional zoning classifications and provided examples of uses. He reviewed the process for zone changes, conditional uses and ordinance changes, noting that the City and County will be working together on these issues. Andy reviewed the map of the Joint Jurisdictional area noting that the zoning classifications are what currently exist in the area, except for a flood plain area that is now listed as Natural Resource Conservation.

Andy reported that the County has adopted a building code for the joint jurisdictional area that is the same as the city building code. As to inspection, the City and County staffs are working on an agreement whereby the City Building Official would do the building inspections in this area.

Andy reported that the County has had first reading of the ordinance and, if first reading is approved by the City tonight, a joint City Council/County Commission meeting is scheduled for a public hearing for second reading of the ordinance. This special meeting will be January 10, 2012 at 6:30 pm at City Hall. Discussion followed on the proposed ordinance.

387-11

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to proposed Ordinance No. 1270 entitled An Ordinance 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 has been read and the Ordinance has been considered for the first time, in its present form and content, at this meeting being a regularly called meeting of the Governing Body of the City on this 19th day of December, 2011 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Willson. After discussion, it was noted that there is a change to the current operation. This change is that the County would be the point of contact for building permits in this area. The question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

B. First reading of Ordinance 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, in order to address some of the house moving issues, the current ordinance was revised to add several safeguards to the process. The changes require the property owner to have a foundation complete prior to the move; exterior to be completed within 120 days; bond to ensure that the property owner will complete the exterior, in addition to the bond required for the mover for damage to the streets or other

property during the move; a section on reasons for denial of the permit by the Building Official; taxes paid up to date; and that the site be secured. Farrel answered questions of the City Council.

388-11

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to proposed Ordinance No. 1271 entitled 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 has been read and the Ordinance has been considered for the first time, in its present form and content, at this meeting being a regularly called meeting of the Governing Body of the City on this 19th day of December, 2011 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

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

C. Selection of a consultant to assist with the design of a new swimming pool

Dave Nelson, Parks & Recreation Director, reported that the pool in Prentis Park was built in 1965 and that it is nearing the end of its useful life cycle. A citizens committee was formed to study and review the options for an aquatic facility. The City solicited the services of an architect/engineer consultant to work with the committee to determine what type of facility to build, where it should be built, what amenities should be included and quantity, and type of parking. Proposals were received and presentations made to the committee by US Aquatics, Banner, TSP and Water's Edge. The committee recommends the firm of Water's Edge to assist with the project. Water's Edge will analyze sites, develop concept plans and provide construction budgets for a new facility, including phased improvements. They will provide concept planning services for a lump sum fee of \$12,100, which includes three meetings and all project related expenses, including travel expenses. Dave stated that the citizens committee and Administration recommends contracting with Water's Edge for consulting services for the pool project. Discussion followed on the process, noting the need for citizen input, as this facility will serve the community for many years to come.

389-11

Alderman Zimmerman moved approval of the consulting services contact with Water's Edge from Lenexa, Kansas for the aquatic facility project at \$12,100. Alderman Davies seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Report on Options for Industrial Uses in the General Business Zoning District

John Prescott, City Manager, reported that on November 21st, the City Council affirmed the recommendation of the Planning Commission in denying the request 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. In the course of discussion, the City Council asked City staff to address how industrial uses might be allowed in the General Business District. The property in question has 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.

John reported that City staff developed five options to address the question of industrial uses in the general business district:

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

John stated that he would not recommend option 1 and felt a PDD for just one lot would not be a viable option leaving options 2, 3 and 5 as ways to address the situation. John noted that any change to the zoning ordinance will require a recommendation by the Planning Commission, following a public hearing, and a City Council public hearing, with two readings before adoption.

Woody Houser, property owner, stated that he would like the PDD option noting that he agreed that the property area would need to be expanded beyond his lot. He stated his willingness to work with the City on any of the options in order to retain the business and jobs in the community.

Discussion followed on the zoning options as well as the current business at this location. The long range plan for the city was discussed noting the need to retain the Cherry Street property for general business noting that Mr. Houser's property, as with most of the property along Cherry Street, adjoins residential.

390-11

Alderman Ward moved to request City staff to explore Option 5 for a specific use for a particular property with the current owner as reported by SECOG with a report at a future meeting. Alderman Willson seconded the motion. Discussion followed on the proposal to change the zoning ordinance and the impact on future uses in the general business district. Motion carried 8 to 1. Mayor Powell declared the motion adopted.

E. Combined Election Agreement with County and School for June 5, 2012 Election

Mike Carlson, Finance Officer, reported that City ordinance calls for an election on the even numbered years to be combined with the primary election. For the City to combine an election with the primary, an agreement is needed with the County. The School District is also requesting to combine with the primary election. The agreement proposed is the same terms as used in 2010 with the cost to the City of \$2,500. Mike recommended adoption of the agreement.

391-11

Alderman Grayson moved approval of the combined election agreement with Clay County and the School for the 2012 City election to be combined with the June 5th primary. Alderman Osborne seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

F. Commercial Collector License Renewals

Mike Carlson, Finance Officer, reported that the following have made application, including the proof of insurance, for commercial collectors licenses for 2012: Art's Garbage Service - Division of Waste Connections; Independence Waste - K & P Services Inc, Owner; TJP Waste Hauling - Terry Pickett, Owner; Vermillion Garbage Service - Marty Johnson, Owner; Little Garbage Guys - Matt Mulheron, Owner; Loren Fischer Disposal - Loren Fischer, Owner; Fischer Disposal, LLC - Lonnie Fischer. As part of the renewal, applicants were requested to include any violations of City ordinance and the Police Chief did a local records check on each applicant with his results included in the memo. Discussion followed on the license renewals.

392-11

Alderman Davies moved approval of the commercial collectors licenses for 2012 for the businesses listed above. Alderman Meins seconded the motion. Discussion followed noting the need to address the condition of the dumpsters in the city. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

G. Public Safety Center Board Appointment

Mike Carlson, Finance Officer, reported that an agreement with the County on the Public Safety Center created the Public Safety Center Board that would resolve any issue between the City and County on the use of the facility. The current Board members are John Storm (2013), Dave Thiese (2012) and Bruce Plate (2011). Sheriff Howe and Police Chief Betzen recommended the reappointment of Bruce Plate for a three year term ending December 31, 2014. Discussion followed on the Safety Center Board.

393-11

Alderman French moved approval of the reappointment of Bruce Plate to the Public Safety Center Board for a term that expires December 31, 2014. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

H. Resolution Requesting Continued Consideration of CDBG Application for Water Tower

Mike Carlson, Finance Officer, reported that we have been working on funding for the replacement of the Market Street Water Tower and applied to the State for grant/loan funding in January 2011. In March, we were notified of a \$1,532,000 loan with 10% principal forgiveness for the Department of Environment and Natural Resources. In June, we applied to the Governor's Office of Economic Development for a Community Development Block Grant of \$300,000 and Mayor Powell was notified at the end of November that, since the project was fully funded, no grant was funded for the project. The Governor's

Office of Economic Development asked if we wanted to keep the application open for consideration in the next funding cycle. Mike stated that to repay the approved loan would require an 8% increase in water rates and noted that our water and wastewater rates are among the highest of first class cities in the state. Mike was concerned about raising our rate as over 50% of our residents are classified as low and moderate income levels. A resolution has been prepared requesting continued consideration of the CDBG application by the Governor's Office of Economic Development at the next funding cycle. Discussion followed.

394-11

Alderman Willson moved approval of the resolution requesting the Governor's Office of Economic Development continue consideration of the CDBG application for the water tower project. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported that City offices will be closed on Monday, December 26th for the Christmas holiday and Monday, January 2nd for the New Year's holiday.

B. John reported that the next City Council meeting will be on Tuesday, January 3rd due to the Monday holiday.

C. John reported that the Christmas Tree collection site is open and accepts real trees. The site is located on the south side of Broadway Street just west of Dakota Street. Users of the site are asked to please remove any plastic, lights and decorations before disposal. The site will remain open until mid January.

D. John reported that cardboard from holiday boxes can be recycled. The cardboard boxes are to be flattened and placed with the curbside recycling materials or can be dropped off at the recycling center.

PAYROLL ADDITIONS AND CHANGES

Code: Todd Nordyke \$12.66/hr; Recreation: Eric Ustad \$7.50/hr-\$25.00/game; Light Dept: Austin Anderson \$23.67/hr

11. Invoices Payable

395-11

Alderman Davies moved approval of the following bills:

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

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

12. Consensus Agenda

A. Set a special meeting date of January 10, 2012 at 6:30 p.m. for a joint meeting with the Clay county Commission for second reading of the Joint Jurisdictional Zoning Ordinance

B. Set a bid opening date of January 11, 2012 for the 15.5 kV Load Interrupting Padmount Switchgear

396-11

Alderman Osborne moved approval of the consensus agenda. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

13. Adjourn

397-11

Alderman Osborne moved to adjourn the Council Meeting at 8:35 p.m. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 19th day of December, 2011.

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

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.



Council Agenda Memo

From: José L. Domínguez, City Engineer

Meeting: January 3, 2012

Subject: Second Reading of Ordinance No. 1269 – Rezoning Lots 2, 3 and 4, Block 1, Bliss Second Addition

Presenter: José L. Domínguez

Background: City staff received a petition to rezone the recently annexed land south of West Main Street and between Mart Auto Body and Valiant Vineyards. When land is annexed by the City, the zoning ordinance provides that it automatically comes in as a Natural Resource Conservation (NRC) District, the most restrictive district in terms of development. The NRC district provides for farm dwellings and prohibits more dense residential development. The property owners submitted a petition to rezone from NRC to R-1, single family residential. All property owners impacted by the zone change have signed the petition. The Council approved first reading of Ordinance No. 1269 at the December 19th, 2011 meeting.

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

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

The Planning Commission considered the rezoning change on December 12th, 2011, and forwarded a recommendation of approval.

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

Conclusion/Recommendations: Administration recommends approval of the second reading of Ordinance No. 1269. As this is second reading, a recorded vote by name is required.

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

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

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



Council Agenda Memo

From: Farrel Christensen, Building Official

Meeting: January 3, 2012

Subject: Second reading of Ordinance No. 1271 – Amending Building Regulations and Permit for Moving Structures

Presenter: Farrel Christensen

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

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

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

A minor change was made to the ordinance since first reading to clarify section 150.33. The section erroneously referred to City building permit fees. The language was adjusted to read similar to other ordinances that the fee will be set by resolution of the City Council, which is later on the agenda.

Financial Consideration: One of the larger changes will be the addition of bonding for both the mover and home owner. The only cost for the ordinance

change is publication. With the second reading of the ordinance, a resolution addressing bond amounts related to moving a structure is presented under New Business.

Conclusion/Recommendations: Administration recommends approval of the second reading of Ordinance No. 1271. As this is the second reading, a recorded vote by name is required.

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.

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

§ 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 building permits 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

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

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



Council Agenda Memo

From: John Prescott, City Manager
Meeting: January 3, 2012
Subject: MidAmerican Energy Company report
Presenter: Tim Forsch, MidAmerican Energy

Background: The City Council adopted Ordinance No. 1164 on January 15, 2007. This ordinance renewed the natural gas franchise with MidAmerican Energy Company for fifteen years, with an option to extend the agreement for an additional five years. Section 15 of the agreement provides for an annual presentation by MidAmerican Energy to the City Council. Operations staff member Tim Forsch, and other MidAmerican representatives, plan to attend the meeting.

Discussion: This is an opportunity for the City Council to ask MidAmerican Energy questions about their operations in the area. At the time of renewal, in January 2007, the City Council did inquire about staffing levels in Vermillion and the area. This presentation would again provide an opportunity for MidAmerican Energy to update the City Council on this issue.

Last year, the MidAmerican Energy representatives also provided information on natural gas pricing, the number of leaks and response time, number of new services, projects in the area, customer relations scoring, local partner funding opportunities, and economic development activities. As there have been some staff changes with respect to the SD Operations Manager and Operations Supervisor over the last couple of years, the City Council meeting might also serve as an opportunity to identify the individuals fulfilling these roles for the company.

Financial Consideration: None

Conclusion/Recommendations: Administration recommends providing MidAmerican Energy representatives the opportunity to present information on their services in Vermillion. No action is required.



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: January 3, 2012

Subject: First Reading of Ordinance No. 1272 Amending Tattoo Ordinance to Remove the 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 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 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 the ordinance prevents them from being licensed in Vermillion.

Financial Consideration: The cost would be the publication of the ordinance and, if any additional licenses are issued, the fee is \$25 per year.

Conclusion/Recommendations: Administration recommends first reading of Ordinance No. 1272 to remove the one month Clay County residency requirement for tattoo and body piercing artists.

PROPOSED 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 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) Is a resident of Clay County for at least 1 month prior to the date of the application;~~
 - (3) 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;
 - (4) Has been fingerprinted and photographed by the Police Department;
 - (5) Has not been convicted of using any controlled drug or substance within 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 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 3, 2012

Subject: First 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: The City and County are in the process of adopting 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 first reading of Ordinance No. 1273.

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, 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:

<u>Joint Jurisdiction Area Zoning District</u>	<u>City of Vermillion Zoning District</u>
<u>A-1 Agriculture</u>	<u>NRC Natural Resource</u>
<u>Conservation</u>	
<u>RR Rural Residential</u>	<u>R-1 Residential</u>
<u>C Commercial</u>	<u>GB General Business</u>
<u>LI Light Industrial</u>	<u>GI General Industrial</u>
<u>HI Heavy Industrial</u>	<u>HI Heavy Industrial</u>
<u>NRC Natural Resource Conservation</u>	<u>NRC Natural Resource Conservation</u>
<u>PD Planned Development</u>	<u>PD Planned Development</u>

(*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: Farrel Christensen

Meeting: January 3, 2012

Subject: Resolution establishing fees for Special Permits for Moving Structures

Presenter: Farrel Christensen

Background: Ordinance No. 1271 requires bonding amounts and fees for permits to move structures to be set by resolution of the City Council. The attached resolution outlines the proposed amounts.

Discussion: The proposed fee of \$100.00 for special permits to move a structure is based on estimated staff time needed to calculate average property values and ensure site and structure suitability. The fee will be in addition to the building permit fee, which is based on valuation of the project.

The amount of the proposed bonds was based on other communities and the estimated cost of problems that may be encountered during or after a structure move. City staff presented the proposed amount for the indemnity bond to the owner of a house moving company. He did not feel a \$10,000 indemnity bond was unreasonable.

Additionally, the resolution includes a provision that a deposit for moving or altering utility lines will be required and calculated based on estimated staff time and the equipment necessary to complete the required work. The final amount will be calculated after the move is complete, minus the initial deposit amount.

Financial Consideration: Revenue generated from the fees will go into the General Fund.

Conclusion/Recommendations: Administration recommends adoption of the proposed resolution.

**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, 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

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

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

Published: January 13, 2012
Effective Date: February 1, 2012



Council Agenda Memo

From: John Prescott, City Manager

Meeting: January 3, 2012

Subject: 2012 Payroll Resolution

Presenter: John Prescott

Background: State statute requires the publication of the complete list of all salaries of officers and employees of the City. The City of Vermillion has traditionally passed a resolution adopting the salaries, which is then included in the meeting minutes. The state law is as follows:

6-1-10. Publication of payroll information. Notwithstanding the provisions of §§7-18-3, 9-18-1, and 13-8-35, the boards of county commissioners, the governing board of each municipal corporation, and school boards shall publish, with the minutes of the first meeting following the beginning of the fiscal year, or within thirty days thereafter, or in the minutes of the first meeting following the completion of salary negotiations with employees for that fiscal year, or within thirty days thereafter, a complete list of all the salaries of all officers and employees and, thereafter, shall publish once any salary paid to any officer or employee who has been added or whose salary has been increased.

Discussion: The three-year agreements with the AFSCME and Teamsters unions, both effective January 1, 2010, provide for a cost of living pay adjustment of 2.75% for calendar 2012. The attached resolution also provides for a 2.75% increase for non-union, professional, and management employees. During the September budget sessions, the City Council took action not to adjust the Mayor and City Council salaries for 2012.

Financial Consideration: The 2012 budget includes sufficient funding to cover the wage rates reflected in the salary resolution.

Conclusion/Recommendations: Administration recommends the City Council approve the resolution and authorize the publication thereof as required by law.

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; Mitch Flanagan/\$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 Flagin/\$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/\$10.25; 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; Merritt Groh/\$8.00/hr; \$30.60/1st; \$17.34/2nd; 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 Nettetstad/\$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/\$.25; 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/\$15.291 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



Council Agenda Memo

From: José Domínguez, City Engineer

Meeting: January 3, 2012

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

Presenter: José Domínguez

Background: Currently, pilots departing or flying into Vermillion have to obtain a clearance prior to taking to the air. The current process requires the pilot to wait on the taxiway and use their own cell phone to call for the clearance. This method is cumbersome and slow. The Ground Communications Outlet Radio (GCO) will allow the pilot to connect directly with the Air Traffic Control monitoring the airport to get a clearance. This will considerably cut down on the time that the pilots have to wait for clearance.

Discussion: The South Dakota Department of Transportation will be purchasing the GCO for the City. Once the City receives the GCO, the City will install it and assume all costs related to maintenance.

The agreement will require that the City assume all maintenance and financial costs associated with the GCO for the next 10-years.

Financial Consideration: The cost to the City, at this point, is nothing. Once the GCO is received we will have to install it, and get a dedicated phone line for the GCO. Both of these costs will be included during the 2012 budget revision.

Conclusion/Recommendations: Administration recommends approval of the resolution for maintenance and financial agreement.

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



Council Agenda Memo

From: José L. Domínguez, City Engineer

Meeting: January 3, 2012

Subject: 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

Presenter: José L. Domínguez

Background: For several years, the City has been planning on reconstructing Stanford Street from West Main Street to West Cherry Street. The reconstruction will include widening the street to three lanes, extending the storm sewer, constructing an 8-foot trail and constructing a 5-foot sidewalk. This work will be designed through a contract with Sayre Engineering. The costs associated with the project will be paid through a combination of City and Federal funds and assessments.

Discussion: City staff presented several assessment options to the Council at the May 16, 2011 noon meeting. At this meeting, Council directed staff to hold a public hearing with the affected property owners. This meeting was held June 8th, 2011. At the meeting, staff explained the project to the affected property owners and the assessment process. Due to the amount of money available for the project, both Federal and City, it was agreed that the City will only be assessing the owners up to a maximum of \$28.00 per foot, or 8% of the estimated cost of \$1.2-million. The actual assessment will depend on the final construction cost.

Setting the maximum amount to be assessed allows the affected owners to plan ahead for the cost of the project. This method also allows the City to facilitate the funding of the project by removing some of the construction cost from the affected owners.

The resolution before the City Council is to set a public hearing on February 6, 2012 for consideration of the resolution of necessity for the improvement. The property owners will be sent a copy of the resolution to notify them of the public hearing.

Financial Consideration: There is no cost associated at this time. However, the cost of the project is estimated at \$1.2 million. The City will assess approximately \$96,000, with the Federal funds covering for approximately \$750,000. The City will pay for the remaining \$354,000 from second penny funds. In addition to this money, the City has \$167,000 saved for contingencies.

Conclusion/Recommendations: Administration recommends approval of the Resolution of Necessity and Notice of Public Hearing for February 6th, 2012.

**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 and sanitary sewer laterals 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 45 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 $\frac{1}{2}$ of Lot 2, Larson's Subdivision
Lot 22, Replat of Lot 16, E $\frac{1}{2}$ SE $\frac{1}{4}$, 14-92-52
Lot 23, Replat Lots 15 & 17, E $\frac{1}{2}$ SE $\frac{1}{4}$, 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.

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: Jason Anderson, Asst. City Engineer

Meeting: January 3, 2012

Subject: Declaration of Surplus Wheel Loader

Presenter: Jason Anderson

Background: The 2005 Caterpillar 938G II wheel loader at the landfill was budgeted to be replaced in 2011. The new loader was received and has since been placed into service. The 2005 loader needs to be declared surplus by the City Council and appraised by the Surplus Property Appraisal Committee.

Discussion: Staff would like the City Council to declare the wheel loader surplus and have the Surplus Property Appraisal Committee meet to appraise the loader. Staff recommends appraising the wheel loader at \$78,000. The item will be advertised and sold on sealed bids with a proposed bid opening date of February 1, 2012 to be set on the Consensus Agenda.

Financial Consideration: The revenue from the sale of the surplus wheel loader will go to the landfill fund.

Conclusion/Recommendations: Administration recommends declaring the wheel loader surplus and authorizing the appraisal by the Surplus Property Appraisal Committee for sale by sealed bids.



Council Agenda Memo

From: Jason Anderson, Asst. City Engineer

Meeting: January 3, 2012

Subject: Ingress/Egress Agreement with USD

Presenter: Jason Anderson

Background: The City installed an electric utility line between Rose Street and University Street, south of the Dakota Dome, in 1985. The line provides power to several USD facilities and the W.H. Over Museum. Currently, no records exist indicating that an easement or agreement was granted for the installation and maintenance of the utility line.

Discussion: In 2012, the City would like to replace the utility line. The proposed agreement will allow the City access to the utility line for the purpose of repairing or replacing the line.

Financial Consideration: The agreement must be filed at the Register of Deeds office. The \$14.00 fee will be paid by the Publishing & Advertising budget line from the Light & Power Department.

Conclusion/Recommendations: Administration recommends the City Council enter into the attached agreement with USD regarding the ingress/egress agreement between Rose Street and University Street, south of the Dakota Dome.

Prepared by: The City of Vermillion
 25 Center Street
 Vermillion, SD 57069
 605-677-7050

AGREEMENT FOR INGRESS/EGRESS BETWEEN UNIVERSITY OF SOUTH DAKOTA AND CITY OF VERMILLION

WHEREAS, The City of Vermillion installed electric utility lines in or about 1985 in an area in and around USD property as indicated on the attached map and further described as Exhibit A, and

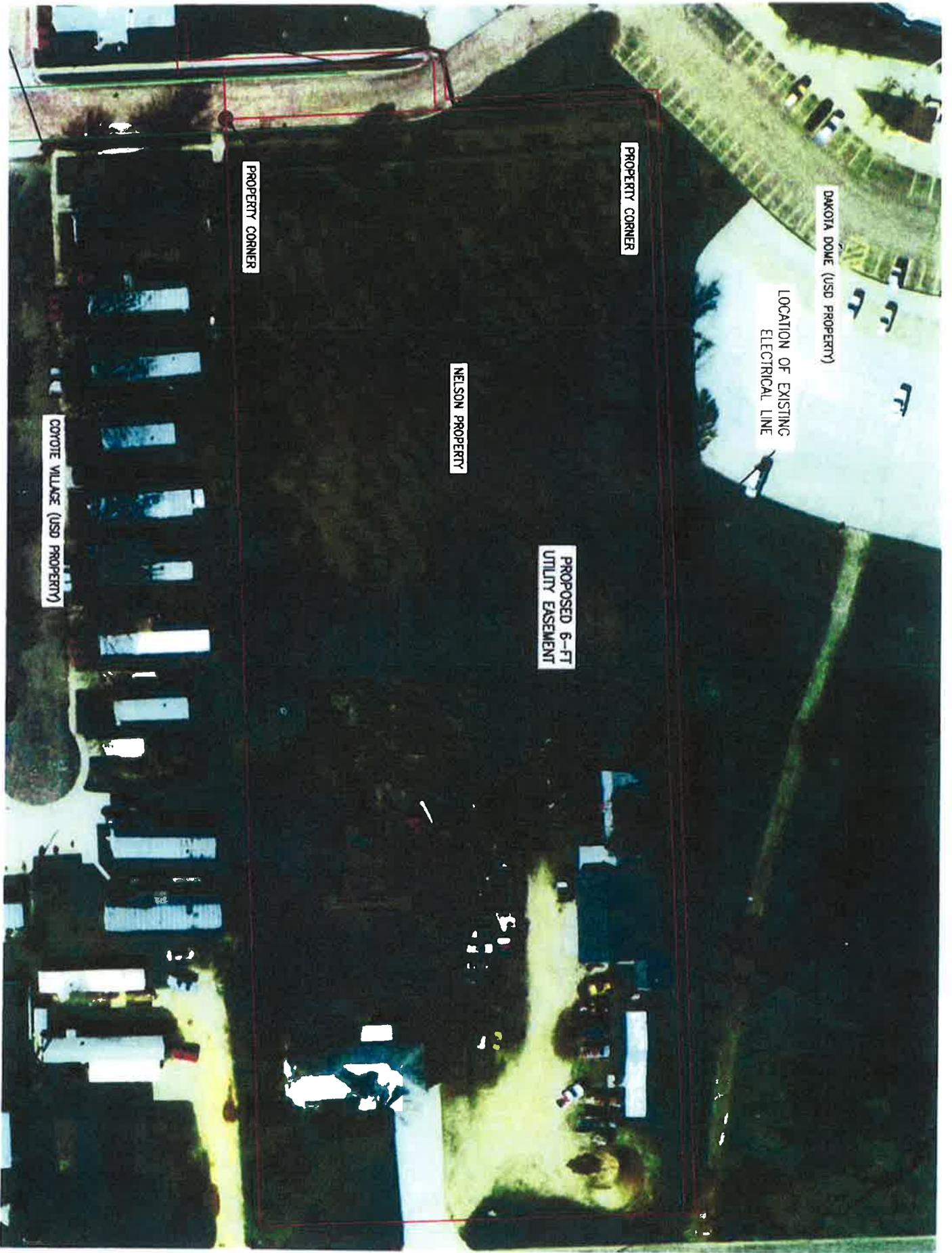
WHEREAS, there is no record on file at University of South Dakota or City of Vermillion or Clay County Register of Deeds indicating an Easement or Agreement was granted for the installation and maintenance of the utility lines, and

WHEREAS, the City of Vermillion has requested access to the property in perpetuity for purposes of repairing or replacing said utility lines, and

WHEREAS, said utility lines provide electrical power to several University of South Dakota facilities and the W.H. Over Museum, and

THEREFORE, in good and valuable consideration, the parties agree to this Ingress/Egress Agreement effective December 1, 2011 per the following conditions.

1. City of Vermillion (City) shall schedule all work with the University of South Dakota, Facilities Management Planning and Construction Office. Planning & Construction shall approve work schedules before commencement of work
2. City shall return property to its original condition, ordinary wear and tear excepted
3. USD grants access only to the property in which it has legal ownership
4. City agrees to perform all work in a professional manner and will coordinate with USD to limit interruption to USD activities
5. City shall acquire any permits or licenses required to perform any of the work associated with this agreement



DAKOTA DOME (USD PROPERTY)

LOCATION OF EXISTING ELECTRICAL LINE

PROPERTY CORNER

NEILSON PROPERTY

PROPOSED 6-FT UTILITY EASEMENT

PROPERTY CORNER

COYOTE VILLAGE (USD PROPERTY)



Council Agenda Memo

From: Jason Anderson, Asst. City Engineer

Meeting: January 3, 2012

Subject: Substation Relay Upgrade Bid Opening

Presenter: Jason Anderson

Background: On December 22, 2011 bids were opened for construction of the Substation Relay Upgrade project. The Substation Relay Upgrade project consists of upgrading the relaying at the City of Vermillion Substation (south building). The existing electromechanical-style relays will be replaced with electronic relays similar to those on the two new control panels.

Discussion: Four bids, with appropriate bid security, were received, ranging in price from \$86,157.00 to \$171,409.69. The low bidder was Harold K. Scholz Company with a total base bid of \$86,157.00. A copy of the bid tabulation sheet and consulting engineer recommendation are attached.

Financial Consideration: The Substation Relay Upgrade project was included in the 2011 revised budget, but, due to delays in getting the project bid, will require a revision to the 2012 budget. The unspent 2011 funds will be carried forward and the line item will be revised during the 2012 budget revisions. Two of the bids received for construction of the relay upgrade came in under DGR's estimate of \$118,000 for construction.

Conclusion/Recommendations: The recommendation of Administration and DGR is to award the Substation Relay Upgrade project to the low bidder, Harold K. Scholz Company, for a total amount of \$86,157.00.



DeWild Grant Reckert and Associates Company

CONSULTING ENGINEERS AND LAND SURVEYORS

1302 SOUTH UNION STREET
P.O. BOX 511
ROCK RAPIDS, IA 51246
(712) 472-2531
FAX: (712) 472-2710

December 29, 2011

Jason Anderson
Utilities Engineer
City of Vermillion
25 Center Street
Vermillion, SD 57069

**RE: Award Recommendation
Substation Relay Upgrade
City of Vermillion, SD
DGR File No. 414812**

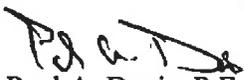
Dear Jason:

We have completed our review of the bids that were received on December 22, 2011 for the Substation Relay Upgrade for the City of Vermillion. A total of four bids were received for this work, ranging in price from \$86,157.00 to \$171,409.69. The low bidder was Harold K. Scholz Company. A bid summary form and detailed bid tabulation is included with this letter. We have sent a copy of the bid tabulation to the bidders, and bid summary to the planholders.

We have worked with Harold K. Scholz Company on past projects and are confident they will perform well on this project. Harold K. Scholz has also completed past projects at Vermillion's substation. Therefore, we recommend Harold K. Scholz be awarded this project.

We ask that you pass on our recommendations to the Council, and let us know when the contract award has been made, so we can prepare the contract document for signature. Please feel free to contact us at 800-446-2531 with any questions you may have.

Sincerely yours,
DEWILD GRANT RECKERT
& ASSOCIATES COMPANY


Paul A. Davis, P.E.

PAD:pad

BID SUMMARY

SUBSTATION RELAY UPGRADE
CITY OF VERMILLION
VERMILLION, SOUTH DAKOTA

DeWild Grant Reckert & Associates Company
Consulting Engineers
Rock Rapids, Iowa 51246
DGR Project No. 414812



Bid Letting: December 22, 2011 - 2:00 p.m.
Vermillion City Hall
Page 1 of 1

Bidder and Address	Bid Security	Acknowledge Addendum No. 1 & 2	Total Base Bid	Comments
Harold K. Scholz Co. 7800 Serum Ave. Ralston, NE 68127	10% Bond	yes	\$86,157.00	
Utilities Plus Energy Services 18940 York St. NW Elk River, MN 55330	10% Bond	yes	\$97,550.00	
L. & S Electric, Inc. 9300 Evergreen Blvd NW Minneapolis, MN 55433	10% Bond	yes	\$130,031.00	
Aevenia, Inc. 3030 24th Ave S Moorhead, MN 56560	10% Bond	yes	\$171,409.69	

Unit No.	Name and Description of Construction Unit	No. of Units	Harold K. Schulz Co.			Utilities Plus Energy Services			L & S Electric, Inc.		
			Labor	Material	Bid Security	Labor	Material	Bid Security	Labor	Material	Bid Security
F1	Removing & replacing relays and equipment (as req'd)	1	\$ 13,530.00	\$ 12,719.00	\$26,249.00	\$21,616.00	\$16,864.00	\$38,480.00	\$45,182.00	\$29,240.00	\$74,422.00
F2	Includes DC-DC converter & conversion of equip to 125 VDC (as req'd)	1	9,772.00	38,406.00	48,178.00	10,265.00	23,500.00	33,765.00	12,738.00	25,505.00	38,243.00
R1	(2) Conductor #1/0, 2/C-1/0 (ft.)	100	3.00	3.00	6.00	13.00	10.51	23.51	10.00	10.50	20.50
R2	(2) Conductor #8, 2/C-8 (ft.)	50	3.00	3.00	6.00	16.88	2.50	19.38	10.00	9.60	19.60
R3	(2) Conductor #10, 2/C-10 (ft.)	50	4.00	1.00	5.00	16.74	1.44	18.18	8.00	0.75	8.75
R4	(5) Conductor #10.5/C-10 (ft.)	250	3.00	2.00	5.00	6.14	2.42	8.57	9.00	1.75	10.75
R5	(12) Conductor #12, 12/C-12 (ft.)	50	10.00	4.00	14.00	31.58	4.90	36.48	12.00	2.75	14.75
T1	Sales Tax on Owner Furnished Materials (as req'd)	1	0.00	2,515.00	2,515.00	0.00	2,515.00	2,515.00	0.00	2,515.00	2,515.00
U1	Mobilization (as req'd.)	1	4,510.00	0.00	4,510.00	12,840.00	0.00	12,840.00	5,011.00	750.00	5,761.00
V1	Battery Removal and related equipment (as req'd.)	1	1,555.00	0.00	1,555.00	1,670.00	0.00	1,670.00	1,740.00	350.00	2,090.00
TOTAL - BASE BID			\$86,157.00			\$97,550.00			\$170,031.00		

Corrected amount shown shaded

BID TABULATION
 SUBSTATION RELAY UPGRADE
 CITY OF VERMILLION - VERMILLION, SOUTH DAKOTA
 DGR Project No. 414812
 Bid Letting: December 22, 2011 - 2:00 p.m.

DGR
 Avenit, Inc.
 DGR & ASSOCIATES CO.
 CONSULTING ENGINEERS
 ROCK RAPIDS, IOWA

Unit No.	Name and Description of Construction Unit	No. of Units	Bid Security:			10% Bid		
			Labor	Material	L & M	L & M	Ext. Price L & M	
F1	Removing & replacing relays and equipment (as req'd)	1	\$55,901.73	\$0.00	\$55,901.73	\$55,901.73		
F2	Includes DC-DC converter & conversion of equip to 125 VDC (as req'd)	1	79,135.23	5,189.98	84,325.23	84,325.23		
R1	(2) Conductor #10, 2/C-1/0 (ft.)	100	33.67	10.41	44.08	4,408.00		
R2	(2) Conductor #8, 2/C-8 (ft.)	50	25.25	3.77	29.02	1,451.00		
R3	(2) Conductor #10, 2/C-10 (ft.)	50	21.05	1.94	22.99	1,149.50		
R4	(5) Conductor #10 5/C-10 (ft.)	260	31.99	1.08	33.07	8,598.20		
R5	(12) Conductor #12, 12/C-12 (ft.)	50	42.09	9.85	51.94	2,597.00		
T1	Sales Tax on Owner Furnished Materials (as req'd)	1	0.00	2,515.00	2,515.00	2,515.00		
U1	Mobilization (as req'd)	1	8,815.53	0.00	8,815.53	8,815.53		
V1	Battery Removal and related equipment (as req'd)	1	1,648.50	0.00	1,648.50	1,648.50		
TOTAL - BASE BID						\$171,409.69		

Corrected amount shown shaded

CITY OF VERMILLION
 INVOICES PAYABLE-JANUARY 3, 2012

1 WILLSON FLORIST	FUNERAL ARRANGEMENTS	127.00
2 3D SPECIALTIES INC	SUPPLIES	1,355.00
3 AGLAB EXPRESS	TESTING	32.00
4 AMERICAN TECHNICAL SERVICE	ENVIRONMENTAL DRILLING	2,115.84
5 AQUA-PURE INC	SUPPLIES	311.00
6 ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	254.85
7 AT&T	POLICE COMMUNICATIONS	21.85
8 AUDIO GO	BOOKS	123.98
9 AUTOMATIC BUILDING CONTROL	REPAIRS	1,404.54
10 BAKER & TAYLOR BOOKS	BOOKS	458.57
11 BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	4,119.20
12 BIERSCHBACH EQPT & SUPPLY	PVC HOSE/COUPLERS	759.20
13 BLACKBURN MANUFACTURING CO	SUPPLIES	156.81
14 BOOK WHOLESALERS, INC	BOOKS	474.62
15 BOUND TREE MEDICAL, LLC	SUPPLIES	712.86
16 BROADCASTER PRESS	ADVERTISING	42.00
17 BUTCH'S PROPANE INC	PROPANE	6,262.67
18 BUTLER MACHINERY CO.	REPAIRS	7,508.33
19 CADD/ENGINEERING SUPPLY, INC	SUPPLIES	52.71
20 CALLAWAY GOLF	MERCHANDISE	152.00
21 CAMPBELL SUPPLY	SUPPLIES	2,293.21
22 CANNON TECHNOLOGIES, INC	ELECTRIC MATERIALS	10,503.96
23 CANON FINANCIAL SERVICES,	COPIER LEASE	56.16
24 CASK & CORK	MERCHANDISE	948.02
25 CBCINNOVIS, INC	TESTING SUPPLIES	25.96
26 CEDAR SHORE RESORT	TRAVEL	163.90
27 CENTER POINT LARGE PRINT	BOOKS	53.80
28 CENTRAL STATES WIRE PRODUCTS	WIRE	10,528.30
29 CENTURY BUSINESS PRODUCTS	COPIER CONTRACT	40.00
30 CENTURYLINK	TELEPHONE	734.52
31 CHEMCO, INC	SUPPLIES	379.60
32 CITY OF VERMILLION	COPIES/POSTAGE	4,427.07
33 CITY OF VERMILLION	UTILITY BILLS	34,355.91
34 CLAY COUNTY HIGHWAY DEPT	CULVERTS/BANDS	276.60
35 CLIMATE SYSTEMS, INC	REPAIRS	1,123.06
36 COLONIAL LIFE ACC INS.	INSURANCE	3,219.57
37 COYOTE CHEMICAL COMPANY	SUPPLIES	88.00
38 COYOTE VENDING	SUPPLIES	156.25
39 CUMMINS CENTRAL POWER, LLC	REPAIRS	748.30
40 D & D PEST CONTROL	INSPECTION/TREATMENT	17.50
41 D-P TOOLS	SUPPLIES	23.90
42 DAKOTA BEVERAGE	MERCHANDISE	6,401.95
43 DAKOTA PC WAREHOUSE	COMPUTERS/SOFTWARE/REPAIRS/SUPPLIES	14,907.66
44 DANKO MES, INC.	SUPPLIES	335.44
45 DAVIS PHARMACY	SUPPLIES	72.23

46 DELTA DENTAL PLAN	INSURANCE	5,583.44
47 DENNIS MARTENS	MAINTENANCE	833.34
48 DEPT OF REVENUE	TESTING	329.00
49 DEWILD GRANT RECKERT & ASSOC.	PROFESSIONAL SERVICES	11,690.00
50 DUECO, INC	REPAIRS	1,735.00
51 DUST TEX	SUPPLIES	46.60
52 ECHO ELECTRIC SUPPLY	SUPPLIES	3,679.20
53 ELECTRONIC ENGINEERING	REPAIRS	735.00
54 ELLIOTT EQUIPMENT CO	SUPPLIES	740.00
55 ERIN J. SEEP	MAINTENANCE	65.25
56 FARMER BROTHERS CO.	SUPPLIES	70.76
57 FEDEX.	SHIPPING	10.97
58 FLAGS UNLIMITED	FLAGS	59.76
59 FOREMAN MEDIA	COUNCIL MTG	200.00
60 GALE	BOOKS	177.56
61 GE CAPITAL	COPIER LEASE	136.48
62 GILLEN LAND SURVEYING	LAND SURVEYOR	264.00
63 GLAXOSMITHKLINE FINANCIAL	SUPPLIES	1,324.30
64 GRAHAM TIRE CO.	TIRES	465.36
65 GREGG PETERS	FREIGHT	1,839.50
66 GREGG PETERS	RENT	937.50
67 HD SUPPLY WATERWORKS	SUPPLIES	447.56
68 HDR ENGINEERING, INC	PROFESSIONAL SERVICES	3,469.50
69 HERREN-SCHEMPP BUILDING	SUPPLIES	353.62
70 HIGHLAND PRODUCTS GROUP LLC	BENCHES/WASTE CONTAINERS	2,874.90
71 HILLYARD FLOOR CARE SUPPLY	SUPPLIES	171.58
72 HY VEE FOOD STORE	SUPPLIES	19.39
73 IN CONTROL, INC	LIFT STATIONS RADIO COMM.	15,439.23
74 INDEPENDENCE WASTE	WASTE HAULING	792.00
75 INGRAM	BOOKS	710.54
76 INTERSTATE POWER SYSTEMS	REPAIRS	575.59
77 JACKS UNIFORM & EQPT	UNIFORMS	1,848.95
78 JEFF MART	SAFETY BOOT REIMBURSEMENT	100.00
79 JOHN A CONKLING DIST.	MERCHANDISE	5,560.85
80 JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	27,716.09
81 JOHNSON CONTROLS	REPAIRS	2,356.05
82 JONES ACE HARDWARE	SUPPLIES	1,667.94
83 JONES FOOD CENTER	SUPPLIES	544.01
84 JOYCE MOORE	EDUCATION REIMBURSEMENT	500.00
85 KALINS INDOOR COMFORT	REPAIRS	1,236.40
86 KARIAN PETERSON CONTRACTING	REPAIRS	4,344.19
87 KARSTEN MFG CORP	MERCHANDISE	181.13
88 LARGE PRINT OVERSTOCKS	BOOKS	27.08
89 LAYNES WORLD	PLAQUE	58.84
90 LEARNING OPPORTUNITIES, INC	BOOKS	37.50
91 LESSMAN ELEC. SUPPLY CO	PARTS	1,750.36
92 LINCOLN MUTUAL LIFE	INSURANCE	497.01
93 LINDA CALLEJA	MILEAGE REIMBURSEMENT	95.46
94 LOCATORS AND SUPPLIES, INC	SUPPLIES	1,169.18

95 MALLOY ELECTRIC	PARTS	279.16
96 MARKS MACHINERY	PARTS	75.74
97 MART AUTO BODY	TOWING	720.00
98 MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,488.10
99 MERRICK INDUSTRIES	POWER SUPPLY UPGRADE	824.88
100 MICHAEL HEINE	SAFETY BOOTS REIMBURSEMENT	100.00
101 MICHAEL TODD	PARTS	2,956.26
102 MICHELLE KOLLER	MILEAGE REIMBURSEMENT	103.79
103 MID-STATES ASBESTOS REMOVAL	ASBESTOS REMOVAL-LIBRARY	850.00
104 MIDCONTINENT COMMUNICATION	JOINT TRENCH	21,415.00
105 MIDWEST ALARM CO	ALARM MONITORING	135.00
106 MIDWEST BUILDING MAINTENANCE	MAT SVC	475.10
107 MIDWEST READY MIX	FLOWABLE FILL	679.94
108 MISSOURI RIVER ENERGY SERVICE	ELECTRIC RATE STUDY	6,000.00
109 MISSOURI VALLEY MAINTENANCE	REPAIRS	557.00
110 MOORE WELDING & MFG	REPAIRS	469.00
111 MORSES FARM MARKET	SUPPLIES	16.00
112 NATIONAL ARBOR DAY FOUNDATION	MEMBERSHIP DUES	15.00
113 NATL REC & PARK ASSOC	MEMBERSHIP DUES	150.00
114 NCL OF WISCONSIN, INC	SUPPLIES	409.25
115 NETSYS+	REPAIRS	1,064.65
116 NEW YORK LIFE	INSURANCE	95.00
117 NORTHERN BALANCE & SCALE	SERVICE/CALIBRATION	606.46
118 NORTHERN TRUCK EQPT CORP	DUMP BODY/SNOWPLOW	33,549.00
119 O'GRADY PUBLISHING COMPANY	BOOKS	39.00
120 OFFICE SYSTEMS CO	COPIER CONTRACT	697.28
121 PETE LIEN & SONS, INC	CHEMICALS	3,886.69
122 PFEIFER IMPLEMENT CO.	PARTS	28.57
123 PITNEY BOWES	POSTAGE METER RENTAL	242.49
124 PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
125 POMPS TIRE SERVICE, INC.	TIRES	2,133.98
126 PRESSING MATTERS	SUPPLIES	15.00
127 PRESTO-X-COMPANY	INSPECTION/TREATMENT	47.00
128 PRINT SOURCE	SUPPLIES	98.00
129 PUMP N PAK	FUEL	2,141.46
130 QUALITY BOOKS INC.	BOOKS	1,625.31
131 QUALITY TELELCOMMUNICATION	TELEPHONE	269.00
132 QUILL	SUPPLIES	1,595.41
133 RACOM CORPORATION	MAINTENANCE CONTRACT	335.00
134 RANDOM HOUSE, INC	BOOKS	107.00
135 RECORDED BOOKS, INC	BOOKS	1,211.65
136 REPUBLIC NATIONAL DIST	MERCHANDISE	22,240.32
137 RESCO	SUPPLIES	314.30
138 RIVERSIDE HYDRAULICS & LAB	REPAIRS	138.32
139 SANFORD USD MEDICAL CENTER	TESTING	35.00
140 SAYRE ASSOCIATES, INC	PROFESSIONAL SERVICES	334.94
141 SCHWEITZER ENGINEERING LAB	ELECTRIC MATERIALS	30,808.00
142 SD BOARD OF OPERATOR CERTIFICATION	OPERATOR CERTIFICATION RENEWAL	60.00
143 SD PUBLIC ASSURANCE ALLIANCE	AUTO DAMAGE COVERAGE	2,180.00

144 SD REDBOOK FUND	TEXTBOOKS	927.00
145 SD RETIREMENT SYSTEM	CONTRIBUTIONS	110,419.25
146 SDWWA	MEMBERSHIP	70.00
147 SEAN BRAY	UNDERGROUND REIMBURSEMENT	500.00
148 SERVALL TOWEL & LINEN	SHOP TOWELS	29.40
149 SIOUX CITY WINTRONIC	PARTS	437.56
150 SIOUX FALLS TWO WAY RADIO	PARTS	135.77
151 SIOUXLAND HUMANE SOCIETY	DROPOFF FEES	37.00
152 SKARSHAUG TESTING LAB.	TESTING	1,605.79
153 SOOLAND BOBCAT	PARTS	226.83
154 STEFFEN	PARTS	167.52
155 STERN OIL CO.	SUPPLIES	444.15
156 STEVE FORD	REFUND RECREATION FEES	10.00
157 STEWART OIL-TIRE CO	REPAIRS	152.90
158 STUART C. IRBY CO.	REPAIRS	4,605.00
159 STURDEVANTS AUTO PARTS	PARTS	605.98
160 SWANA	MEMBERSHIP DUES	228.00
161 SYMBOL ARTS	SUPPLIES	685.00
162 THATCHER COMPANY	SODA ASH	6,886.00
163 THE EQUALIZER	ADVERTISING	86.40
164 TITAN ACCESS ACCOUNT	PARTS	1,358.16
165 TITLEIST DRAWER CS	MERCHANDISE	138.84
166 TONY KLUNDER	MEALS REIMBURSEMENT	144.00
167 TRI TECH SALES	PARTS	1,010.55
168 TRUE VALUE	SUPPLIES	305.39
169 TYLER TECHNOLOGIES	MAINTENANCE	774.40
170 TYS BUILDING SERVICE	REPAIRS	180.54
171 UNITED WAY	CONTRIBUTIONS	266.00
172 US POSTMASTER	FIRST-CLASS PRESORT FEE	190.00
173 USD	COMPLEX SHARED REPAIRS	962.64
174 USD CREATIVE SERVICES	SUPPLIES	12.00
175 VALIANT VINEYARDS	MERCHANDISE	252.00
176 VERIFICATIONS INC	PROFESSIONAL SERVICES	64.95
177 VERIZON WIRELESS	POLICE COMMUNICATIONS	402.77
178 VERMEER HIGH PLAINS	PARTS	1,138.86
179 VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	6,026.22
180 WADE LARSON	WATER HEATER REBATE	150.00
181 WAL-MART COMMUNITY	SUPPLIES	583.75
182 WALKER CONSTRUCTION	SIDEWALK REPAIR	182.60
183 WASTEQUIP	SUPPLIES	979.36
184 WESCO DISTRIBUTION, INC	SUPPLIES	2,297.95
185 WEST GROUP PAYMENT CENTER	SUBSCRIPTION	85.50
186 WESTERN OFFICE TECHNOLOGIES	FILE CABINET	210.95
187 YANKTON JANITORIAL SUPPLY	SUPPLIES	141.00
188 ZEE MEDICAL SERVICE	SUPPLIES	222.40
189 ZIMCO SUPPLY CO	SUPPLIES	4,180.00
190 HANSEN FUNERAL HOME	BRIGHT ENERGY REBATE	400.00
	GRAND TOTAL	\$519,073.57