

Unapproved Minutes  
Council Special Session  
June 18, 2012  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, June 18, 2012 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present: Davies, French, Grayson, Meins, Osborne, Ward (arrived at 12:10 p.m.), Zimmerman, Mayor Powell

Absent: Willson

2. Informational Session - Ambulance Billing Proposal - Lee Huber

Lee Huber, Ambulance Director, reported that the ambulance service had been doing in-house billing by the ambulance director until 2009 when a part time billing specialist position was created due to call volume. This billing specialist position is very specialized and requires considerable training to remain current in all the coding requirements. Based upon the call volume, the transition to advanced life support (ALS) and change in billing code requirements, this position may need to be expanded. Lee noted that another option reviewed was third party billing whereby the Ambulance Department would submit the call reports to a company that does just ambulance billing. Lee stated that proposals were reviewed from three companies that provide ambulance billing and the recommendation is to contract with Physicians Claims Company, Inc. This company will complete the patient billing including applicable insurance filings and they will also assist us in the ALS transition. A toll free number is included on each statement for customer questions on the billing. Their charge is 8% of the revenues collected. They provide errors and omission insurance, have certified ambulance coding staff, provide for securely transmitted information and will assist with training for City staff. Lee noted that the disadvantages would be the elimination of the billing position and some digitizing equipment will need to be purchased to transmit the information.

Alderman Ward arrived 12:10 p.m.

Lee answered questions of the City Council on the Ambulance Service and the billing process along with the changes proposed. The consensus of the City Council was to proceed with the third party billing proposal by putting it on a future meeting agenda.

3. Informational Session - Hillside Community Church sidewalks - Pastor Jim Tieszen

Pastor Jim Tieszen, representing the Hillside Community Church, thanked the Council for allowing him time to meet with them. He stated that the Church wanted to be a good citizen but, as to putting in sidewalk along their parking lot that will remove trees and grass, he suggested that the Church allow the use of the parking lot in lieu of a sidewalk. Pastor Tieszen noted that if the bus drops off the children in the parking lot they will most likely walk across the parking lot vs. going to the sidewalk. Discussion followed on using a parking lot for pedestrian traffic, safety of the pedestrians using this route and if they do not use the parking lot but walk on the street. Pastor Tieszen also questioned if the sidewalk along the east side of the property that dead ends could be omitted. It was noted that the sidewalk goes south to line up with the sidewalk along the frontage road that goes east. Discussion followed on the need for sidewalks for the safety of pedestrians. Mayor Powell stated that if more time was needed to have the sidewalk installed the City may be able to grant an extension. Pastor Tieszen stated that, as he said earlier, they would be good citizens and based upon the discussion would install the sidewalk unless there were no contractors available to meet the deadline. The Council requested City staff to review the sidewalk going south to connect to the sidewalk coming east from the frontage road as it applies to the traffic safety of stopping for pedestrians after you turn off of Cherry Street, if stop signs were needed on Constance and James and the frontage road and James, and if the sidewalk on the north side of Constance and James would need to be extended to the street.

4. Briefing on the June 18, 2012 City Council Regular Meeting Agenda

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

5. Adjourn

210-12

Alderman Osborne moved to adjourn the Council special session at 1:00 p.m. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 18<sup>th</sup> day of June, 2012.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

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

Mayor

ATTEST:

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



Unapproved Minutes  
City Council Regular Session  
June 18, 2012  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on June 18, 2012 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

Absent: Willson

2. Pledge of Allegiance

3. Minutes

A, June 4, 2012 Special Session; June 4, 2012 Regular Session; June 11, 2012 Special Session

211-12

Alderman Grayson moved approval of the June 4, 2012 special session minutes with the correction that the session was held on Monday, June 4, 2012; the June 4, 2012 regular session minutes and the June 11, 2012 special session minutes with the addition of Alderman Zimmerman being present. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

212-12

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

5. Visitors to be Heard - None

6. Public Hearings

A. Special permit to exceed the permissible sound levels by no more than 50% for the Vermillion Area Chamber of Commerce and

Development Company in Barstow Park on Wednesday, July 4, 2012 from 6:00 p.m. to 11:00 p.m. for family 4<sup>th</sup> of July events

Mike Carlson, Finance Officer, reported that an application for a special permit to exceed permissible sound levels was received from the Vermillion Area Chamber & Development Company for July 4<sup>th</sup> from 6:00 p.m. to 11:00 p.m. in Barstow Park for family 4<sup>th</sup> of July events. This is similar to previous year's events.

213-12

Alderman French moved approval of the special permit to exceed permissible sound levels by no more than 50% for the Vermillion Area Chamber & Development Company on Wednesday, July 4<sup>th</sup> from 6:00 p.m. to 11:00 p.m. in Barstow Park. Alderman Grayson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

## 7. Old Business

### A. Continuation of Public Hearing on Appeal to Demolition Order for a dangerous building at 23 N. Harvard Street

Farrel Christensen, Building Official, reported the continuation of the appeal of the demolition order was to allow the city and the Apostolic Faith Church time to combine the timeline as proposed by the church into the agreement as presented by the city, allow the church time to obtain the proper performance bond and get the addendum to the contract signed. The agreement was completed and reviewed by the city attorney to include the timeline as proposed by the church calling for the completion of the exterior by August 25 and the interior within a year. Farrel stated the city attorney included language to define inactivity. The agreement was signed by Mr. Robinson on behalf of the church but the performance bond has not been received. Farrel stated the agreement provides that a building permit be obtained no later than June 22 and to obtain the building permit a performance bond would be required.

Greg Robinson, representing the Apostolic Faith Church, stated that the signed addendum to the contract has not been received as Mr. Klein has not be able to get it signed and notarized, but stated that Mr. Klein through his attorney has agreed to sign the contract. As to the performance bond, DHC Movers, LLC, who will be serving as the general contractor is working with their insurance company to secure the performance bond that the city is requesting.

Discussion followed with the question to the city attorney of what will be the next step if the building permit is not issued on June 22. Jim McCulloch, City Attorney, stated that failure to obtain the building permit and bond by June 22 would void the agreement and the demolition order would be upheld.

Alderman Grayson stated that the neighbors still have concerns if the property will be completed to become a contributing part of the neighborhood. He stated that the lack of signed agreements and performance bond demonstrate the lack of follow through.

214-12

Alderman Grayson moved approval of the Agreement for Building Permit and Suspension of Dangerous Building Notice and Order as presented, for the property at 23 N. Harvard, with the Apostolic Faith Church that requires a building permit to be issued by no later than the close of business on June 22, 2012 and the failure to obtain a building permit or comply with any other conditions contained in the agreement would make the agreement null and void and the order for demolition will be affirmed with the church being allowed 30 days to remove the dangerous building or the city will abate the nuisance and bill the church for the costs. Alderman Davies seconded the motion. Discussion followed with Mr. Robinson stating that they are currently at the mercy of the insurance company issuing the performance bond to meet the Friday deadline. He stated that they have been working in good faith and asked if additional time could be given if the insurance company could not meet the deadline. Jim McCulloch, City Attorney, reported on June 13th he had been contacted by the attorney for the church regarding the performance bond language. Discussion followed on the time allotted the owner to remove the dangerous building if the bond is not received. Mayor Powell called for a vote on the motion which carried 7 to 1. Mayor Powell declared the motion adopted.

B. Second Reading of Ordinance No. 1279 Zoning Amendment - Amending Title 15 Chapter 155 Sections 155.031, R-1 Residential District, (B) Conditional Uses and (C) Lot and Yard Regulations to add Single Family Attached (townhouse) Dwellings as a Conditional Use and add regulations for Building Lines and Frontage

Andy Colvin, Assistant to the City Manager, reported that the current ordinance does not allow single family attached (townhouse) dwellings in the R-1 District. The proposed change,

as recommended by the Planning Commission, is to allow this use in the R-1 District as a conditional use. Discussion followed.

215-12

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1279 Zoning Amendment - Amending Title 15 Chapter 155 Sections 155.031, R-1 Residential District, (B) Conditional Uses and (C) Lot and Yard Regulations to add Single Family Attached (townhouse) Dwellings as a Conditional Use and add regulations for Building Lines and Frontage 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 4<sup>th</sup> day of June, 2012 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 18<sup>th</sup> day of June, 2012 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

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

AN ORDINANCE AMENDING TITLE 15, CHAPTER 155, SECTIONS 155.031, R-1 RESIDENTIAL DISTRICT, (B) CONDITIONAL USES AND (C) LOT AND YARD REGULATIONS, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA TO ADD SINGLE FAMILY ATTACHED DWELLINGS AS A CONDITIONAL USE AND ADD REGULATIONS FOR BUILDING LINES AND FRONTAGE.

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

That Sections 155.039 (B) and (C), of the Zoning Ordinance of Vermillion, SD, are hereby amended to read as follows:

§ 155.031 R-1 RESIDENTIAL DISTRICT.

(B) Conditional Uses.

Conditional Use	Applicable Standards
Single-family attached (townhouse) dwellings	§§ 155.070, 155.072, 155.076, 155.077
Wireless communication facility on existing support structure	§§ 155.075, 155.095(A)

Public service facility	\$ 155.070
Bed and breakfast	\$\$ 155.070, 155.072, 155.076, 155.077, 155.080, 155.095 (A)
Off-premise parking	\$ 155.095 (A)

(C) Lot and yard regulations. All measurements shall be taken from the lot line to the building line (see definitions). Where a side yard or rear yard is required, half of the required yard must be maintained as a landscaped area.

	Lot Area	Frontage	Building Line	Front Yard	Side Yard	Rear Yard	Maximum Height
Single-family detached	6,500 square feet	50 feet	65 feet see #2	30 feet See #5	8 feet see #3	25 feet	35 feet
Single-family attached (townhouse) dwellings	2,500 square feet	36 feet	36 feet	30 feet see #5	0 feet or 8 feet on non-party wall side	25 feet	35 feet
All other uses	7,500 square feet	50 feet	75 feet	30 feet	30 feet see #1, #3	25 feet	35 feet

Exceptions:

- #1. The side yard will be required to be increased by 10 feet when the building is 3 stories in height or more.
- #2. A residence may be constructed on a lot-of-record, which has a lot width of less than 75 feet.
- #3. There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.
- #4. One required front yard may be reduced to 25 feet on corner lots.
- #5. See also adjustments to yard regulations (\$ 155.082)

for other specific exceptions.

Dated at Vermillion, South Dakota this 18th day of June, 2012

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

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

ATTEST

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

Adoption of the Ordinance was seconded by Alderman 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, Zimmerman-Y, Mayor Powell-Y.

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

C. Second Reading of Ordinance No. 1280 Zoning Amendment - Amending Title 15 Chapter 155 Sections 155.036, GB General Business District, (B) Conditional Uses, to modify the distance requirements for Veterinary Clinics and Kennels

Andy Colvin, Assistant to the City Manager, reported that the current ordinance requires a 1000 foot setback from any residential use for veterinary clinics and kennels. After review of other community ordinances, the Planning Commission recommended changing the setback to 150 feet. Andy noted that this still remains a conditional use in the zoning district.

216-12

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. 1280 Zoning Amendment - Amending Title 15 Chapter 155 Sections 155.036, GB General Business District, (B) Conditional Uses, to modify the distance requirements for Veterinary Clinics and Kennels 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 4<sup>th</sup> day of

June, 2012 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 18<sup>th</sup> day of June, 2012 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

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

ORDINANCE NO. 1280

AN ORDINANCE AMENDING TITLE 15, CHAPTER 155, SECTIONS 155.036, GB GENERAL BUSINESS DISTRICT, (B) CONDITIONAL USES, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA TO MODIFY THE DISTANCE REQUIREMENTS FOR VETERINARY CLINICS AND KENNELS.

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

That Section 155.036 (B), of the Zoning Ordinance of Vermillion, SD, are hereby amended to read as follows:

§ 155.036 GB GENERAL BUSINESS DISTRICT.

(B) Conditional use.

Conditional Use	Applicable Standards
Motor vehicle service station/gas dispensing station	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Assisted living facility	§§ 155.070, 155.072, 155.077, 155.095(A) Applicant must provide copy of South Dakota Department of Health license. All multiple dwelling standards apply.
Nursing home	§§ 155.070, 155.072, 155.077, 155.095(A) Applicant must provide copy of South Dakota Department of Health license.
Mortuary with crematorium	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Wireless communication facility on existing support structure	§§ 155.075, 155.095(A)
Telecommunications tower	§§ 155.070, 155.072, 155.075, 155.077, 155.095(A)
Drive-in theater	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A) Located in such a manner that the screen will not deprive adjacent properties of solar access. Lighting of the theaters shall not reflect into adjacent residential areas.

Veterinarian	No outdoor kenneling of dogs within 150 feet of a residential area. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Campground	Lot must contain at least 2,000 square feet and supplied with city water and sanitary sewer services; access road on the campground site shall be 14 feet for 1-way and 20 feet for 2-way roads. No campground may be occupied by the same person or persons for more than 30 days in any 1 calendar year. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Kennel	Located 150 feet from residential district area. * §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Commercial parking lots/parking ramps	§§ 155.070, 155.072, 155.077, 155.095(A)
Storage facility	§§ 155.070, 155.072, 155.077, 155.095(A)
Adult oriented business	§§ 155.070, 155.072, 155.077, 155.095(A) and SDCL § 11-12
Wind energy conversion system	§§ 155.070, 155.072, 155.077, 155.081, 155.095(A)
* Measured from the closest point of the outside walls of both structures	

Dated at Vermillion, South Dakota this 18<sup>th</sup> day of June, 2012

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

ATTEST

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

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

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

D. Second Reading of Ordinance No. 1281 Zoning Amendment - Amending Title 15 Chapter 155 Sections 155.034 (C), R-4 Manufactured Housing District Lot and Yard Regulations, 155.035 (C), CB Central Business District Lot and Yard Regulations, 155.036 (C), GB General Business District Lot and Yard Regulations 155.038 (C), GI General Industrial District Lot and Yard Regulations and 155.039 (C), HI Heavy Industrial District Lot and Yard Regulations, to add regulations for Building Lines and frontage.

Andy Colvin, Assistant to the City Manager, reported that the proposed ordinance is a clean-up item to remove lot width and insert building line and frontage to the R-4, Central Business District, General Business District, General Industrial and Heavy Industrial Zones. Andy noted that the changes have previously been made in the other zoning districts and, as such, this change will update these zoning districts to similar language. Discussion followed.

217-12

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1281 Zoning Amendment - Amending Title 15 Chapter 155 Sections 155.034 (C), R-4 Manufactured Housing District Lot and Yard Regulations, 155.035 (C), CB Central Business District Lot and Yard Regulations, 155.036 (C), GB General Business District Lot and Yard Regulations 155.038 (C), GI General Industrial District Lot and Yard Regulations and 155.039 (C), HI Heavy Industrial District Lot and Yard Regulations, to add regulations for Building Lines and frontage 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 4<sup>th</sup> day of June, 2012 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 18<sup>th</sup> day of June, 2012 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

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

ORDINANCE NO. 1281

AN ORDINANCE AMENDING TITLE 15, CHAPTER 155, SECTIONS 155.034 (C), R-4 MANUFACTURED HOUSING DISTRICT LOT AND YARD REGULATIONS, 155.035 (C), CB CENTRAL BUSINESS DISTRICT LOT AND YARD REGULATIONS, 155.036 (C), GB GENERAL BUSINESS DISTRICT LOT AND YARD REGULATIONS 155.038 (C), GI GENERAL INDUSTRIAL DISTRICT LOT AND YARD REGULATIONS AND

155.039 (C), HI HEAVY INDUSTRIAL DISTRICT LOT AND YARD REGULATIONS, TO ADD REGULATIONS FOR BUILDING LINES AND FRONTAGE.

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

That Sections 155.034 (C), 155.035 (C), 155.036 (C), 155.038 (C) and 155.039 (C) of the Zoning Ordinance of Vermillion, SD, are hereby amended to read as follows:

§ 155.034 R-4 MANUFACTURED HOUSING DISTRICT.

(C) Lot and yard regulations. All measurements shall be taken from the lot line to the building line (see definitions). Where a side yard or rear yard is required, half of the required yard must be maintained as a landscaped area.

	Lot Area	Building Line	Frontage	Front Yard	Side Yard	Rear Yard	Maximum Height
Residential uses	5,500 square feet	50 feet	50 feet	25 feet	8 feet	25 feet	35 feet
Corner lots	6,000 square feet	60 feet	50 feet	25 feet	8 feet	25 feet	35 feet
All other uses	6,000 square feet	60 feet	50 feet	25 feet	15 feet	25 feet	35 feet

Exceptions:

- #1 One required front yard may be reduced to 20 feet.
- #2 See also adjustments to yard regulations (§155.082 for other specific exceptions).

§ 155.035 CB CENTRAL BUSINESS DISTRICT.

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

	Lot Area	Building Line	Frontage	Front Yard	Side Yard	Rear Yard	Maximum Height
All uses	NA	NA	NA	See #1, #2	See #1, #2	See #1, #2	NA
All uses	NA	NA	NA	See #1, #2	See #1, #2	See #1, #2	NA
All uses	NA	NA	NA	See #1, #2	See #1, #2	See #1, #2	NA

Exceptions:

#1 a 20-foot landscaped area shall be required between an abutting residential district boundary line and any structure, access drive, parking lot or other accessory use when not separated by a street or alley.

#2 See also adjustments to yard regulations (§155.082) for other exceptions.

§ 155.036 GB GENERAL BUSINESS DISTRICT.

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

	Lot Area	Building Line	Frontage	Front Yard	Side Yard	Rear Yard	Maximum Height
All uses	NA	Up to 50 feet	50 feet	15 feet see #3	5 feet see #1, #3	5 feet see #2	45 feet
All uses	NA	51 to 100 feet	50 feet	20 feet see #3	5 feet see #1, #3	5 feet see #2	45 feet
All uses	NA	101 or more feet	50 feet	25 feet see #3	5 feet see #1, #3	5 feet see #2	45 feet

Exceptions:

#1 A side yard of 15 feet shall be required where a lot is adjacent to or abuts a residential district

#2 A rear yard of 20 feet shall be required where a lot is adjacent to or abuts a residential district

#3 There shall be a required front yard on each street side of lots

#4 A conditional use permit will be required for any structure having a maximum height exceeding 45 feet (§ 155.095(A))

#5 See also adjustments to yard regulations (§ 155.082) for other specific exceptions

§ 155.038 GI GENERAL INDUSTRIAL DISTRICT

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

	Lot Area	Building Line	Frontage	Front Yard	Side Yard	Rear Yard	Maximum Height
All uses	NA	75 feet	50 feet	25 feet see #4	10 feet see #2, #4	25 feet see #3	45 feet see #1

Exceptions:

#1 A conditional use permit will be required for any structure having a maximum height exceeding 45 feet (see § 155.095(A)).

#2 A side yard of 15 feet shall be required where a lot is adjacent to or abuts a residential district.

#3 A rear yard of 25 feet shall be required where a lot is adjacent to or abuts a residential district.

#4 There shall be a required front yard on each street side of lots.

#5 See also adjustments to yard regulations (§ 155.082) for other specific exceptions.

§ 155.039 HI HEAVY INDUSTRIAL DISTRICT

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

	Lot Area	Building Line	Frontage	Front Yard	Side Yard	Rear Yard	Maximum Height
All uses	NA	NA	NA	25 feet see #4	5 feet see #2, #4	5 feet see #3	55 feet see #1

Exceptions:

#1 A conditional use permit will be required for any structure having a maximum height exceeding 5 feet (see § 155.095(A)).

#2 A side yard of 20 feet shall be required where a lot is adjacent to or abuts a residential district.

#3 A rear yard of 25 feet shall be required where a lot is adjacent to or abuts a residential district.

#4 There shall be a required front yard on each street side of lots.

#5 Wastewater treatment facilities are exempt from minimum yard or setback requirements

#6 See also adjustments to yard regulations (§ 155.082) for other specific exceptions.

Dated at Vermillion, South Dakota this 18<sup>th</sup> day of June, 2012

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

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

ATTEST

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

Adoption of the Ordinance was seconded by Alderman Grayson. 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, Zimmerman-Y, Mayor Powell-Y.

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

#### 8. New Business

##### A. Fireworks Public Display Permit July 4, 2012

Mike Carlson, Finance Officer, reported that a Fireworks Public Display Permit was received from Tom Taylor on behalf of the Vermillion Area Chamber and Development Company for the July 4<sup>th</sup> fireworks display that will be discharged from the field south of Polaris, west of Carr Street. Mike noted that this is similar to last year's request.

218-12

Alderman Osborne moved approval of the Fireworks Public Display Permit for the Vermillion Area Chamber and Development Company for the 4<sup>th</sup> of July fireworks display south of Polaris, west of Carr Street. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Request to close a portion of High Street from 7:00 a.m. Thursday, August 9 through Sunday, August 12, 2012 at 5:00 p.m. for the Clay County Fair

Andy Colvin, Assistant to the City Manager, reported that a request was received from the Clay County Fair Association to close High Street through the Fairgrounds from 7:00 a.m., Thursday, August 9<sup>th</sup> through 5:00 p.m., Sunday, August 12<sup>th</sup> for the Clay County Fair. Andy noted that the request is similar to previous years and included the use of the road ditch for parking.

219-12

Alderman Grayson moved approval of the closing of High Street through the Fairgrounds from 7:00 a.m. August 9<sup>th</sup> through 5:00 p.m. August 12<sup>th</sup> for the Clay County Fair. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. First Reading of Ordinance No. 1282 - Repealing Section 51.32(F) relating to the removal of a fee charged to mobile home court owners upon installation of service

Andy Colvin, Assistant to the City Manager, reported that this ordinance follows the report by Mark Koller, Electric Superintendent, made at the June 4, 2012 information session whereby the existing City Code Section 51.32 provides that the City will install pedestals for mobile home park units and wire the mobile home court. Andy noted that it had been explained and included in the packet that the ordinance has led to the City providing a higher level of service to mobile home courts than other utility customers. Andy reported that the proposed ordinance would remove the section that provides that the City will provide electric service to the individual mobile home lots and that this would be effective on October 1<sup>st</sup> to allow time to notify the court owners of the change. Discussion followed with Jim McCulloch, City Attorney, explaining the change in the ordinance. Mark Koller, Electric Superintendent, answered questions of the City Council.

220-12

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1282 Amending Title V, Chapter 51 Special Service, Repealing Section 51.32(F) relating to the removal of a fee charged to mobile home court owners upon installation of service 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 18<sup>th</sup> day of June, 2012 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

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

in opposition to the motion. Mayor Powell declared the motion adopted.

D. Reappointment of Steve Howe to serve on the Vermillion Housing Authority

Mayor Powell reported that, by State statute, the City Council is charged with appointing members to the Vermillion Housing Authority. The Board consists of five members with five year terms, one of which expires each June. Steve Howe's term expires this June and he has expressed a desire to continue to serve.

221-12

Alderman French moved approval of the reappointment of Steve Howe to the Vermillion Housing Authority Board with a term expiring at the end of June 2017. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings - None

10. City Manager's Report

The report was made by Andy Colvin, Assistant to the City Manager, as John Prescott was out of town attending a meeting.

A. Andy reported that the City offices will be closed on Wednesday, July 4<sup>th</sup> for the holiday. The Wednesday curbside recycling collection will take place on Monday July 9<sup>th</sup> and he asked Wednesday curbside customers to note the change.

B. Andy reported that there are currently four open seats on the Planning Commission and requested interested citizens to complete an expression of interest form available at City Hall or the Library.

C. Andy reported that West Main Street is now open at Stanford Street intersection and thanked citizens for their cooperation while the intersection was closed. He noted that there is still some work that will require one lane to be closed from time to time.

PAYROLL ADDITIONS AND CHANGES

Police: Brian Beringer \$19.76/hr, Luke Trowbridge \$22.41/hr;  
Communications: Alicia Kloster \$14.84/hr; Recreation: Hope Erickson \$7.75/hr, Natasha Gault \$7.75/hr, Morgan Hower \$7.75/hr, Josie Huber \$7.75/hr, Mackenzie Huber \$7.75/hr; Pool: Katie Herrera \$7.75/hr, Heather Petrino \$7.75/hr; Golf Clubhouse: Trent Burns \$7.25/hr; Recycling: Jim Zimmerman \$15.50/hr; Volunteer Fire Dept: Doug Brunick

11. Invoices Payable

222-12

Alderman Davies moved approval of the following bills:

AMERICAN RAMP COMPANY	SKATE PARK KIT	30,000.00
ARCHITECTURE INC.	PROFESSIONAL SERVICES	2,715.00
AVERA HEART HOSPITAL OF SD	AED - CITY HALL	1,385.00
BROADCASTER PRESS	ADVERTISING	1,624.01
BUREAU OF ADMINISTRATION	TELEPHONE	289.70
CENTURYLINK	TELEPHONE	1,460.99
CITY OF VERMILLION	LANDFILL VOUCHERS	435.00
CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,363.38
D & G CONCRETE CONSTRUCTION	PROFESSIONAL SERVICES	21,205.94
DEPT. ENVIRONMENT NATL RES	LANDFILL OPER FEE	3,277.32
FOREMAN MEDIA	COUNCIL MTG	100.00
GEOTEK ENGINEERING	PROFESSIONAL SERVICES	9,552.50
GLENDA WALKER	USED REFRIGERATOR/WASTEWATER	350.00
GREGG PETERS	MANAGERS FEE	5,375.00
KARIAN PETERSON CONTRACTING	TRANSMISSION LINE	29,854.54
KNOLOGY	DIAL UP SERVICE	49.95
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	70.00
MATHESON TRI-GAS, INC	SUPPLIES	236.20
MIDAMERICAN	GAS USAGE	591.20
MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	105.95
RESERVE ACCOUNT	POSTAGE FOR METER	900.00
SPRINT	CELL PHONE	1,334.01
STERN OIL CO.	FUEL	22,470.55
THE EQUALIZER	ADVERTISING	1,194.00
TRUE VALUE	SUPPLIES	66.97
UNITED PARCEL SERVICE	SHIPPING	92.28
US POSTMASTER	POSTAGE FOR UTILITY BILLS	1,050.00
VERMILLION POLICE DEPT	OPERATIONS FUND	800.00
VISA/FIRST BANK & TRUST	TRAVEL/SUPPLIES	180.00
WATER'S EDGE AQUATIC DESIGN	PROFESSIONAL SERVICES	3,000.00

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

12. Consensus Agenda

A. Set a public hearing date of July 2, 2012 for a special daily malt beverage and wine license for the Fraternal Order of Eagles on or about July 4, 2012 in Barstow Park

B. Set a public hearing date of July 2, 2012 for a retail on-off sale malt beverage license for Guo Fei Zheng for the Asian Buffet at 404 Bower Street

223-12

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

13. Adjourn

224-12

Alderman Zimmerman moved to adjourn the Council Meeting at 7:47 p.m. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 18<sup>th</sup> day of June, 2012.

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

ATTEST:

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

Published once at the approximate cost of \_\_\_\_\_.