



Special Meeting Agenda City Council

12:00 pm (noon) Special Meeting
Monday, June 18, 2012
Large Conference Room
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Informational session – Ambulance Billing Proposal – Lee Huber.**
3. **Informational Session – Hillside Community Church sidewalks – Pastor Jim Tieszen.**
4. **Briefing on the June 18, 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

Monday, June 18, 2012

City Council Chambers

25 Center Street

Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. June 4, 2012 Special Session; June 4, 2012 Regular Session; June 11, 2012 Special Session.
4. **Adoption of the Agenda**
5. **Visitors To Be Heard**
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 pm to 11:00 pm for family 4th of July events.
7. **Old Business**
 - a. Continuation of Public Hearing on Appeal to Demolition Order for a dangerous building at 23 N. Harvard Street.
 - b. Second Reading of Ordinance 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.
 - c. Second Reading of Ordinance 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.
 - d. Second Reading of Ordinance 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.
8. **New Business**
 - a. Fireworks Public Display Permit July 4, 2012.
 - b. Request to close a portion of High Street from 7:00 am Thursday, August 9 through Sunday, August 12, 2012 at 5:00 pm for the Clay County Fair.
 - c. First Reading of Ordinance 1282 - Repealing Section 51.32(F) relating to the removal of a fee charged to mobile home court owners upon installation of service.
 - d. Reappointment of Steve Howe to serve on the Vermillion Housing Authority.

9. Bid Openings

10. City Manager's Report

11. Invoices Payable

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.

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
June 4, 2012
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, June 5, 2012 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present: Davies, French, Grayson, Meins, Ward, Willson, Zimmerman, Mayor Powell (arrived at 12:03 p.m.)

Absent: Osborne

2. Educational Session - Mobile home park electrical infrastructure - Mark Koller

Mark Koller, Electric Superintendent, reported that City ordinance establishes a fee for electric service for individual lots in mobile home parks which conflicts with how electric service is provided to other customers. Mark reviewed where the electric utility service ends for residential homes, apartment buildings and commercial businesses. Mark noted that for mobile home parks the Electric Department designs and installs the wire and pedestals for the fee that is currently \$600 while the individual lot cost is considerably more. Mark stated that the City also maintains the wire and pedestals that are located on private property where this is not done for other residential or commercial establishments. Mark recommended that the City ordinance be amended to remove the responsibility for the City to install and maintain mobile home court electric systems. Discussion followed with Mark answering questions of the City Council. The consensus of the City Council was to check with the City Attorney on any impact to the City on amending the ordinance.

3. Educational Session - Light & Power Digger Derrick truck - Mark Koller

Mark Koller, Electric Superintendent, explained the use of the digger derrick truck in the Electric Department noting that the existing 1998 truck is unable to lift the larger transformers now in use in the distribution system. Mark noted that the replacement of this truck is planned for 2013 on a comparable size truck at an estimated cost of \$240,000 to \$260,000. The next size larger truck would be able to lift the larger transformers currently in use by

the City but would increase the cost by \$20,000 or more. Mark noted that there is not a larger capacity truck or a crane in the community that would be available to set a large transformer if there was an unplanned outage and, as such, he recommended pursuing the larger capacity truck. Discussion followed with Mark answering questions of the City Council on the truck. The consensus of the City Council was to ask staff to develop plans and specifications for the larger derrick digger truck along with the necessary adjustment to the budget.

4. Informational Session - Sidewalk Survey update - John Prescott

John Prescott, City Manager, reviewed the criteria used to determine which sidewalks need to be installed along with the list of sidewalks that were discussed in April. John stated that these property owners were invited to a meeting that was held in May. Some of the issues raised were that the vacant lots were for sale, question of how much time will be allowed to install the sidewalk and why now.

John reviewed other areas of the community that may need to be considered for sidewalks and wanted to know if the City Council wanted to proceed with sending notice to these property owners about completing the sidewalks.

Discussion followed noting the need to consider safety of the pedestrians in these areas along with being consistent. The consensus was for City staff to move forward with notice to the property owners and the required resolutions to complete the sidewalks for safety of the pedestrians.

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

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

6. Adjourn

177-12

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

Dated at Vermillion, South Dakota this 4th 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 4, 2012
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on June 4, 2012 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Davies, French, Grayson, Meins, Willson, Zimmerman, Mayor Powell, Student Representative Thiel

Absent: Osborne, Ward

2. Pledge of Allegiance

3. Minutes

A. May 21, 2012 Special Session; May 21, 2012 Regular Session

178-12

Alderman Willson moved approval of the May 21, 2012 regular session minutes and the May 21, 2012 special session minutes. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

179-12

Alderman French moved approval of the agenda with the addition of Item 12A - Set a public hearing date of June 18, 2012 for a special

permit to exceed allowable sound levels for the Vermillion Area Chamber of Commerce & Development Company in Barstow Park on Wednesday, July 4, 2012 from 6:00 p.m. to 11:00 p.m. for family 4th of July events. Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. Proclamation for State Championship Baseball Team

Alderman Meins read the proclamation recognizing the High School Baseball Team for winning the 2012 State "B" Championship on May 28th. Mayor Powell presented the proclamation to the coach and team members present.

6. Public Hearings

A. Appeal to a Demolition Order for a dangerous building located at 23 N. Harvard

Farrel Christensen, Building Official, reported that a building permit was issued on October 5, 2010 to the Apostolic Faith Church to move an existing house located at 214 E. Main to 23 Harvard Street. At the time the house was moved, a foundation was not installed and on March 8, 2011 a letter was sent informing the owner of the need to place the house on a foundation or it would be declared a dangerous building. Later that summer, the foundation was poured with block walls and the home placed on the foundation. No windows were installed in the basement walls, the basement was not backfilled and the exterior of the structure was unfinished and left open. Notice was sent to the owner to remove the debris, dirt pile that was on the sidewalk and secure the structure. The owner removed some construction debris and installed a very poorly constructed fence, but failed to clear the sidewalk. The City hired a contractor to remove the remaining debris and clear the sidewalk and billed \$164.30 for the work. Farrel stated that another notice was sent on November 9, 2011 declaring the structure as unsafe and requiring work to be done to render the structure temporarily safe and, as no work was done by the owner, the City hired a contractor to make the structure and site safe. The bill for this last work was \$1,218.35. Farrel stated that he has continued to work with the owners to finish work on the project and without any activity on April 9, 2012 sent notice revoking the building permit and declaring the structure dangerous and requiring it to be demolished. The owner had contacted the City and an agreement was developed whereby the owner would pay the outstanding bills, complete the work timely and provide a bond to pay for the removal of the structure if the work was not

completed. The owner signed the agreement but came back the next day to withdraw the agreement and file an appeal. The public hearing notice was published for tonight. Farrel reported that the property was purchased on contract for deed and the lawyer for the seller, stated that there is a balloon payment past due. Farrel recommended that the structure be removed unless a suitable agreement can be reached.

Greg Robinson, representing the Apostolic Faith Church, introduced Dan Edwards as the Church Minister, and stated that there was a discrepancy on the taxes due which our attorney has worked out with the seller attorney. Greg reviewed the background of the property along with providing pictures of how the finished project will look. Greg stated that they have contracted with Adams Construction for the project and have volunteers to assist with the work. Greg asked for 60 days to complete the exterior work. Greg handed out a timeline for the exterior work to be completed in 60 days.

Chad Grunewaldt, 100 N Yale, stated that he lives across the street from the project and recommended allowing the extra time to complete the project.

A member of the Apostolic Faith Church stated that he would assist with completing the project if the City would grant the 60 days.

Greg Robinson stated that he would propose to provide a weekly progress report to Farrel but, as to the agreement, the Church is unable to purchase a bond that was required in the agreement.

Discussion followed with Jim McCulloch, City Attorney, reporting that a cash bond could be required and that the City could release portions of the cash bond as the project proceeds.

Alderman Grayson read a letter that was received from Dave and Joyce Zimmer who live across the street from this property stating that if the demolition is not upheld they asked if there was a plan in place including the financing to complete the project.

Greg was asked about the outstanding bill to the City and if they would be willing to make a cash bond deposit. Greg replied that they need to pay their outstanding debt, but to make a cash bond deposit would take funds that are needed to complete the project. Discussion followed questioning the financial ability to complete the project. Greg reviewed the amount that the Church has already invested in the property and stated that they are committed to completing the project.

John Prescott, City Manager, stated that the agreement proposed by the Church is very similar to what the City offered except for the surety bond. Greg stated that the Church was unable to obtain a bond and a cash bond would use the funds that would be used on the project.

Mayor Powell asked the City Attorney if the status of the contract for deed should be resolved before the City takes action. Jim McCulloch, City Attorney, reported that he has talked to attorneys representing the buyer and seller noting they are working on an agreement, but it is not finalized as of yet. Discussion followed.

180-12

Alderman Willson moved to continue the public hearing until the June 11th special meeting to allow the parties to finalize the agreement on the contract for deed and asked the City Attorney to report his findings to staff before the special meeting. Alderman Grayson seconded the motion. Discussion followed noting the special meeting is at 5:15 p.m. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

B. Annual malt beverage license renewals

Mike Carlson, Finance Officer, reported that the Notice of Hearing and the Police Chief's report for the applicants are included in the packet. Mike noted that City ordinance requires a management plan upon re-application if a violation occurred since last renewal. The management plan for Spanrex, Inc for Chae's, Oma Shree, LLC, for Speedee Mart, Sunset Oil, Inc., for Pump N Pak and Coyote Convenience, Inc for Coyote Convenience, were handed out at last Council meeting. Mike read the list of licenses that had applied for renewal noting that the Old Lumber Company license had conditions placed on it when it was issued and that Dwight Iverson has applied to include the SD Farm Wine option on his on-off sales license for Cherry Pit Stop.

181-12

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

182-12

Alderman Davies moved approval of the reissuance of the retail on-off sale malt beverage license for Old Lumber Company, Inc. for the Old Lumber Company Bar & Grill at 15 Court Street for the interior

of the building at said location, as inactive, pending final inspection of the building as being suitable to be occupied for this type of business. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

183-12

Alderman Davies moved approval of the reissuance of Retail (On-Off Sale) Malt Beverage: Bunyan's, LLC., for Bunyan's, at 1201 West Main Street; Café Brule, Inc., for Café Brule, at 24 West Main Street; BeBee Street II, Lnc., for Carey's Bar, at 18 & 20 West Main Street; Spanrex, Inc., for Chae's, at 8 West Main Street; Coyote Convenience, Inc., for Coyote Convenience, at 116 East Cherry Street; Jackpot Laundry, LLC, for Jackpot Laundry, at 847 East Cherry Street; Blue, Inc., for Little Italy's, at 831 East Cherry Street; Main Street Pub, Inc., for Main Street Pub, at 11 West Main Street; Maya Janes, Inc., for Maya Janes, at 9 West Main Street; Mexico Viejo, Inc., for Mexico Viejo Mexican Restaurant, at 432 East Cherry Street; NPC International, Inc., for Pizza Hut #2788, at 928 East Cherry Street; Secure Success, LLC, for Prairie Lanes, at 912 North Dakota Street; Sunset Oil, Inc., for Pump N Pak, at 629 Stanford; Sunset Oil, Inc., for Pump N Pak Casino, at 629 ½ Stanford; Pump N Stuff of Vermillion, Inc., for Pump N Stuff, at 203 East Main Street; Pump N Stuff VL Room #1 of Vermillion, Inc., for Pump N Stuff VL Room #2, at 203 E Main; Bonnie K. Rowland, for Raziell's, at 13 West Main Street; Red Steakhouse, Inc., for Red Steakhouse, at 1 East Main Street; Prairie River, Inc., for R Pizza, at 2 West Main Street; Silk Road Café, Inc., for Silk Road Café, at 12 West Main Street; OMA SHREE, LLC, for Speedee Mart, at 800 East Cherry Street; City of Vermillion, for The Bluff's Golf Course, at 2021 East Main Street; Sammelson Brothers, Inc., for The Varsity, at 113 East Main Street; David W. Raabe, for Westside Inn, at 1313 West Cherry Street; Valiant Vineyard, Inc. for Valiant Vineyard at 1500 West Main and Re-issuance of Package (Off Sale) Malt Beverage: Dwight Iverson, for Cherry Pit Stop, at 23 East Cherry Street; Freedom Valu Centers, Inc., for Erickson Freedom Valu Centers, at 830 East Cherry Street; Hy-Vee Food Stores, Inc., for Hy-Vee, at 525 West Cherry Street; Jones' Food Center of Vermillion, Inc., for Jones' Food Center, at 812 Cottage; Leo's Sports Bar & Grill, LLC, for Leo's Lounge, at 11 Market Street; Pump N Stuff of Vermillion, Inc., for Pump N Stuff, at 203 East Main Street; Wal-Mart Stores, Inc., for Wal-Mart Super Center #3734, at 1207 Princeton Street; Re-issuance of Package (Off Sale) Malt Beverage with SD Farm Wine: Casey's Retail Company, Inc. for Casey's General Store at 615 Jefferson St. Alderman French seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

184-12

Alderman Davies moved approval of the Retail (On-Off Sale) Malt Beverage with SD Farm Wine for Dwight Iverson for Cherry Pit Stop video lottery room at 23 East Cherry Street. Alderman French seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

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

Andy Colvin, Assistant to the City Manager, reported that this amendment was proposed to add to the R-1 Zoning District permitted uses to allow townhomes in the district. When the zoning ordinance was revised in 2008, townhomes were only allowed in R-2 and R-3 zones. A property owner has requested to build townhomes in the R-1 District thus the amendment was proposed to the Planning Commission. The Planning Commission discussed this issue with the recommendation to allow townhomes in the R-1 District not as a permitted use but as a conditional use. Discussion followed.

185-12

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. 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 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 4th 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 Willson. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 7 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

D. First Reading of Ordinance No. 1280 Zoning Amendment - Amending Title 15 Chapter 155 Sections 155.036, General Business District,

and (B) Conditional Uses, to modify the distance requirements for Veterinary Clinics and Kennels

Andy Colvin, Assistant to the City Manager, reported that this issue was raised for a doggie daycare business which would be an outdoor kennel and the current zoning ordinance would require this use to be 1,000 feet from any residential use. This requirement would essentially prohibit kennels anywhere in the GB district. In reviewing other city ordinances in the state, 150 feet is the standard distance. This issue was presented to the Planning Commission and their recommendation was to reduce the distance from 1,000 feet to 150 feet. Andy noted that this use would be a conditional use in the GB district. Discussion followed.

186-12

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1280 Zoning Amendment - Amending Title 15 Chapter 155 Sections 155.036, General Business District, (B) Conditional Uses, to modify the distance requirements for Veterinary Clinics and Kennels 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 4th 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 Grayson. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 7 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

E. First 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.

187-12

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. 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 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 4th 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 Willson. After discussion the question of adoption of the Resolution was put to a vote of the Governing Body and 7 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

F. Special permit to exceed the permissible sound levels by no more than 50% for Thursdays on the Platz (Ratingen Platz corner of W. Main Street and Market Street) on July 12, 26, August 9 and August 23, 2012 from 6:00 p.m. to 8:00 p.m.

Mike Carlson, Finance Officer, reported that a permit to exceed permissible sound levels by no more than 50% was received from the Thursdays on the Platz Committee for a live concert and public gathering on Ratingen Platz on July 12, July 26, August 9 and August 23, 2012 from 6:00 p.m. to 8:00 p.m. The notice of hearing was published. Michelle Maloney was present to answer questions on the event.

188-12

Alderman Grayson moved approval of the special permit to exceed permissible sound levels by no more than 50% for the Thursdays on the Platz for a live concert and public gathering on Ratingen Platz

on July 9, July 26, August 9, and August 23, 2012 from 6:00 p.m. to 8:00 p.m. Alderman French seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

G. Special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company on or about July 12, July 26, August 9 and August 23, 2012 from 6:00 p.m. to 8:00 p.m. on the Platz (Ratingen Platz corner of W. Main Street and Market Street) and the abutting portion of Market Street

Mike Carlson, Finance Officer, reported that an application was received for a special daily malt beverage and wine license from the Vermillion Area Chamber of Commerce and Development Company (VCDC) for the Thursdays on the Platz events on or about July 12, July 26, August 9 and August 23, 2012 on the Ratingen Platz on the corner of Market and W. Main and a portion of Market Street abutting the Platz. The notice of hearing and Police Chief's report are included in the packet. The signed Release and Indemnification was received today from the VCDC. Administration recommends approval of the application contingent upon receipt of certificate of insurance naming the City as additional insured and establishment of hours for sales. Steve Howe, Executive Director for the VCDC, stated that the insurance certificate should be coming and Michelle Maloney representing Thursdays on the Platz stated that the hours of sales should be 6:00 p.m. to 8:00 p.m. and they can provide a list of servers.

189-12

Alderman Willson moved approval of the special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company from 6:00 p.m. to 8:00 p.m. on or about July 12, July 26, August 9 and August 23, 2012 on the Ratingen Platz on the corner of Market and W. Main and a portion of Market Street abutting the Platz contingent upon the receipt of the certificate of insurance and that the list of servers be provided to the City Manager 24 hours prior to the events. Alderman French seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

7. Old Business - None

8. New Business

A. Library construction/renovation project Change Order #1

John Prescott, City Manager, reported that in February 2012 the City Council awarded a \$2,375,000 contract to Welfl Construction for the

addition and renovation of the library. Change Order number #1 is for a change in the south entrance doors. During the design phase, an 8'0" sliding door was identified as the desired door for the south entrance. The architect included two 7'4" sliding doors in the bid specs. The architect has acknowledged that they understood the wishes of the owner but made an error in preparing the bid specs. The doors have not yet been ordered from the supplier so there is no restocking fee. The cost difference between the doors, which were in the bid spec, and the desired doors, from the planning stage, is \$507. The architect has agreed not to charge their 8% fee on the additional \$507 increase in the project for the correct size doors. John stated that Mark Aspaas with Architecture Incorporated was present to explain the change order.

Mark Aspaas, representing Architecture Incorporated, stated that the change order is the cost difference between the 7'4" doors and 8'0" doors which appears to be reasonable and would be an added value to the project. He stated that the floor plan showed the wider doors but the materials list prepared by the firm and used by the contractor to bid the project had the smaller doors in error. He stated that the City would not be paying any penalty or architects fee on this value added of \$507 for the wider doors. Discussion followed.

190-12

Alderman Davies moved approval of change order #1 with Welzl Construction for the library project in the amount of \$507. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

B. Thursdays on the Platz request for funding from Bed, Board and Booze Fund

John Prescott, City Manager, reported that Thursdays on the Platz is requesting \$500 of funding for promotion of the event. John noted that the City Council had approved a \$500 of funding for 2011. John stated that, if the Council would want to fund this, he would recommend the Bed, Board and Booze Sales Tax Fund as this would be for the promotion of the community.

191-12

Alderman Grayson moved approval of funding the Thursdays on the Platz Committee of up to \$500 for promotion of the event based upon invoices to document the expenditures from the BBB Sales Tax Fund. Alderman Davies seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

C. Request to close Market Street on July 12, July 26, August 9 and August 23, 2012 from W. Main Street to one-half block south for Thursdays on the Platz

John Prescott, City Manager, reported that the street closing request is for a portion of Market Street to one half block south for the Thursdays on the Platz events on July 12, July 26, August 9 and August 23, 2012. This closing was done in previous years without any issues and provides additional space to conduct the event safely.

192-12

Alderman Grayson moved approval of the closing of Market Street on July 12, July 26, August 9 and August 23, 2012 from Main Street south to the east/west alley from 5:30 p.m. to 8:00 p.m. for the Thursdays on the Platz events. Alderman French seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

D. Vermillion Area Community Foundation Round-up Program proposal

Lisa Ketcham, representing the Vermillion Community Foundation, introduced other Foundation members present and explained the round-up program proposed to be implemented by the City on the utility bills. She stated that it is a voluntary program whereby the customer signs up to have their utility bill rounded up to the next whole dollar and the City collects and reimburses the change to the Vermillion Community Foundation. She reported that the City of Mitchell has been doing this round-up program for a number of years. Lisa stated that she has reviewed this with Mike Carlson and John Prescott with the understanding that the City Council would need to approve any such program. She noted that the City of Mitchell and City of Vermillion use the same utility billing software program and the only conflict is that customers using the automatic payment plan will not be able to participate.

Mike Carlson, Finance Officer, reported that from contacting the software company this can be implemented with just staff time as there will be not software costs. The software company knows of the problem with ACH payment customers but until there is enough customers requesting the fix it will not be done.

Discussion followed on why the Community Foundation and not another nonprofit organization in the community as well as any length of term of the agreement. Lisa explained the funding for the Community Foundation and the availability of funds that are all used within the community. It was noted that this could be reviewed if needed during the budget process.

193-12

Alderman Grayson moved approval of the Round-up program on City utility bills with the proceeds going to the Vermillion Community Foundation as presented. Alderman Davies seconded the motion. Further discussion followed on the implementation of the program. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

E. Landfill Motor grader purchase

Bob Iverson, Solid Waste Director, reported that the Landfill is in the process of digging cell 5 and, to assist with this, estimates were requested to rent a motor grader. In the review of the rental costs, it was determined that it would be more cost effective to purchase a motor grader. The city can purchase a motor grader from Butler Machinery Company from a Millette County bid for \$266,019 and financed through Kinetic Leasing over 7 years at 3.25%. Bob answered questions of the City Council. Discussion followed.

194-12

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

RESOLUTION
AUTHORIZING PURCHASE OF MOTOR GRADER
AND LEASE WITH OPTION TO PURCHASE AGREEMENT

WHEREAS, The City of Vermillion, South Dakota (the "City"), existing as a municipal corporation of the State of South Dakota (the "State"), is authorized by the laws of the State to purchase, acquire and lease personal property for the benefit of the City and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, SDCL 5-18A-22 authorizes a governmental entity to purchase necessary supplies from the lowest responsible bidder of another governmental entity or State or United States at the accepted bid price and the concurrence of said bidder, and;

WHEREAS, the City of Vermillion has reviewed and determined that the bid awarded by the Millette County, South Dakota for 2012 Caterpillar motor grader from Butler Machinery Co. in the amount of \$266,019 offers an advantageous price to the City for said machine, and;

WHEREAS, the City has contacted Butler Machinery Co. and they have agreed to allow the City to purchase a 2012 Caterpillar 140M2AWD motor grater at the awarded prices of Millette, South Dakota.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the City of Vermillion that the Mayor and City Finance Officer are hereby authorized to execute the documents necessary to purchase a 2012 Caterpillar 140M2AWD Motor Grader at the awarded price of Millette, South Dakota.

BE IT FURTHER RESOLVED by the Governing Body of the City of Vermillion, South Dakota (the Issuer), as follows

Section 1. Recitals and Authorization. The Issuer, as lessee, has heretofore entered into a Lease with Option to Purchase Agreement (the Lease) for the above described motor grader with Kinectic Leasing, Inc, as lessor. It is hereby determined that it is necessary and desirable and in the best interests of the Issuer to enter into the Lease for the purposes therein specified, and the execution and delivery of the Lease by the Issuer are hereby approved, ratified and confirmed.

Section 2. Designation as Qualified Tax-Exempt Obligation. Pursuant to Section 265(b)(3)(B)(ii) of the Internal Revenue Code of 1986 (the Code), the issuer hereby specifically designates the Lease as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code. In compliance with Section 265(b)(3)(D) of the Code, the Issuer hereby represents that the Issuer will not designate more than \$10,000,000 of obligations issued by the Issuer in the calendar year during which the Lease is executed and delivered as such "qualified tax-exempt obligations."

Section 3. Issuance Limitation. In compliance with the requirements of Section 265(b)(3)(c) of the Code, the Issuer hereby represents that the Issuer (including all "subordinate entities" of the Issuer within the meaning of Section 265(b)(3)(E) of the Code) reasonable anticipates not to issue in the calendar year during which the Lease is executed and delivered, obligations bearing interest exempt from federal income taxation under Section 103 of the Code (other than "private activity bonds" as defined in Section 141 of the Code) in an amount greater than \$10,000,000.

Section 4. Authorized Signatories. The Mayor John E. (Jack) Powell is authorized to execute the Lease on behalf of the City.

Dated at Vermillion, South Dakota this 4th 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

The motion was seconded by Alderman Zimmerman. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

F. Resolution Establishing Fees-in-Lieu-of-Assessment for Baylor Street from Stanford Street to 633 feet West

Jason Anderson, Assistant City Engineer, reported that the City completed the water main improvements on Baylor Street in 2006 prior to the reconstruction of Cherry Street to provide a looped feed to the area. The fees-in-lieu-of-assessment would be due when the main is tapped. The fee is the cost of the water main plus an 8% fiscal fee. Discussion followed.

195-12

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

RESOLUTION ESTABLISHING TAPPING FEES IN LIEU OF ASSESSMENT FOR
CONSTRUCTION OF WATER MAIN FROM STANFORD STREET TO A POINT 633-
FEET WEST

WHEREAS, the City of Vermillion has constructed a water main from Stanford Street to a point 633-feet west at a cost of \$11,205.00, which the City has paid, and which has not been apportioned against the property which may be benefited thereby as provided by SDCL 9-47-5 and SDCL 9-48-15, as amended, and will require such property owner to pay its proportionate share of the cost of such construction, without interest, according to the benefits which the Governing Body has determined to accrue to such property before such property may be served by the facility; and

WHEREAS the owners, at the time of construction, acknowledged the responsibility to pay the tapping fee, in lieu of assessment, upon

the Governing Body adopting a Resolution for construction of the water main, in lieu of an assessment; and

WHEREAS, the Governing Body acknowledges the delay in the adoption of this Resolution; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, that each of the lots, hereinafter described in Column 2, has been benefited by the construction of the water main in the amount set forth in Column 3, opposite such description, viz:

PROPERTY OWNER	LEGAL DESCRIPTION	AMOUNT
Clay County	East 652-feet of Lot B-3 of Lot B, SW ¼ NE ¼, 14-92-52	\$ 5,602.50
Westgate Mobile Home Village, LLC	East 652-feet of Lot X of Lot B-2, SW ¼ NE ¼, 14-92-52	\$ 5,602.50

BE IT FURTHER RESOLVED, that each of the lots described in the table above shall pay the amount of benefit which includes an eight percent (8%) fiscal fee.

Dated at Vermillion, South Dakota this 4th 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

The motion was seconded by Alderman Willson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

G. Resolution Establishing Fees-in-Lieu-of-Assessment along University Road from SD Highway 50 to Coyote Street

Jason Anderson, Assistant City Engineer, reported that the City entered into an agreement with Clay Rural Water System (CRWS) whereby CRWS will install a water main along University Road from SD Highway 50 to Coyote Street that would be donated to the city in exchange the City would establish and collect tapping fees that

would be reimbursed to CRWS. These fees would only be collected when someone tapped the water main. Discussion followed.

196-12

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

RESOLUTION ESTABLISHING TAPPING FEES IN LIEU OF ASSESSMENT FOR
CONSTRUCTION OF WATER MAIN ALONG UNIVERSITY ROAD FROM SOUTH
DAKOTA HIGHWAY 50 TO COYOTE STREET

WHEREAS, Clay Rural Water System, has constructed a water main from University Road from South Dakota Highway 50 to Coyote Street at a cost of \$57,049.86, which Clay Rural Water System has paid, and which has not been apportioned against the property which may be benefited thereby as provided by SDCL 9-47-5 and SDCL 9-48-15, as amended, and will require such property owner to pay its proportionate share of the cost of such construction, without interest, according to the benefits which the Governing Body has determined to accrue to such property before such property may be served by the facility; and

WHEREAS the governing body has agreed to collect such fee and remit same to Clay Rural Water System, as collected, for all property fronting and abutting said water.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that each of the lots, hereinafter described in Column 2, has been benefited by the construction of the water main in the amount set forth in Column 3, opposite such description, viz:

PROPERTY OWNER	LEGAL DESCRIPTION	AMOUNT
Joshua J. & Katie L. Fisher	Lot 4, Block 1, Deyonge Addition	\$ 1,201.52
Joshua J. & Katie L. Fisher	Lot 5, Block 1, Deyonge Addition	\$ 1,903.95
Barbara J. Iacino	Lot 1, Block 1, Deyonge Addition	\$ 1,679.35
Robert J. & Heidi N. Moser	Lot 5, Lowells Subdivision	\$ 231.06
Kal D. Simons	West ½ of the SW ¼, exc. Deyonge Addition, Lot A, Lot S-2, Lot S-1 of Gov. Lot 2 & exc. Macy Tract 1 & 2, 7-92-51	\$ 17,051.22
Eric Olson	Lot S-2, Gov. Lot 2 in SW ¼, 7-92-51	\$ 1,383.60
Sol & Mary Redlin	Lot A, Gov. Lot 2 in SW ¼, 7-92-51	\$ 1,690.44

University of South Dakota	East ½ SE ¼ exc. Lot H-1 & exc. West 732-feet of North 1,475-feet, 12-92-52	\$ 23,708.55
Joyce P. Zimmerman	Lot 6, Lowells Subdivision	\$ 3,234.86

Dated at Vermillion, South Dakota this 4th 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

The motion was seconded by Alderman Meins. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

H. Final Plat of Lot 3, Block 4 of Brooks Industrial Park Addition

Jose Dominguez, City Engineer, reported on the location of the property being platted. He stated that the Planning Commission has recommended approval of the final plat. Jose noted that an application to the SD Department of Transportation for the highway access permit has been filed and approval of the plat should be contingent upon receipt of the access.

197-12

After reading the same once, Alderman French moved approval of the following plat with the stipulation that the Highway Access Permit from the DOT be received for final approval:

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Lot 3, Block 4 of Brooks Industrial Park Addition City of Vermillion, Clay County, South Dakota for approval.

BE IT RESOLVED that the attached and foregoing plat has been submitted to and a report and recommendations thereon made by the Vermillion Planning Commission to the City Council of Vermillion which has approved the same.

BE IT FURTHER RESOLVED that the attached and foregoing plat has been submitted to the Governing Body of the City of Vermillion which has examined the same, and it appears that the systems of streets and alleys set forth therein conforms to the system of streets and alleys of the existing plat of such city, and that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid and that such plat and survey thereof have been executed according to law, and the same is hereby accordingly approved.

The motion was seconded by Alderman Zimmerman. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

I. Resolution Establishing Fees for Land being leased for Hangar Space

Jose Dominguez, City Engineer, reported that the City has been leasing land at the airport for hangars with amounts ranging from \$5.00 to \$250.00 per year. These agreements have a number of renewal options and some are coming up for renewal. The newer leases are for \$.05 per square foot of building. Jose proposed to leave the initial building size lease amount at \$.05 per square foot but include a lease amount of \$.10 per square foot for the balance of the land lease. This new formula will generate revenue for the airport from all the property not just the building area. Discussion followed.

198-12

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

RESOLUTION TO ESTABLISHING THE HANGAR SPACE FEE

WHEREAS, Section 91.09 of the 2008 Revised Ordinances of the City of Vermillion allows the City Council to charge for land leased to hangar owners; and

WHEREAS, it was determined that a fee change would promote more efficient use of the land being leased;

BE IT HEREBY RESOLVED, by the Governing body of the City of Vermillion, South Dakota, at a regular meeting thereof of said City at 7:00 p.m. on the 4th day of June, 2012 that the fee be changed as follows:

5-cents per square foot per year based on the building size and 10-cents per square foot per year based on the unused land being leased, the lease amounts may be increased over the term of the lease.

Dated at Vermillion, South Dakota this 4th 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

The motion was seconded by Alderman Grayson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

9. Bid Openings

A. 2012 Tree Stump Removal Contract

Matthew Martin, Engineering Intern, reported that City crews remove diseased trees and trees causing property damage over the winter. To finish the project proposals are requested to remove the stumps. As the contract is less than \$25,000, quotes are requested from four firms. Quotes were received from two firms with the low quote of \$2,874 from Hartington Tree Service, LLC. The other quote was \$8,732.00.

199-12

Alderman Grayson moved approval of the low quote of Hartington Tree Service, LLC of \$2,874.00 for stump removal. Alderman French seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

B. Fuel Quotes

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

4,350 Gal unleaded 10% ethanol: Stern Oil \$3.0989, Brunick's Service \$3.22; 1,000 gal unleaded: Stern Oil \$3.1620, Brunick's Service

\$3.30; 3,000 gal No. 2 diesel fuel-dyed: Stern Oil \$2.9235, Brunick's Service \$3.25; 1,000 gal No. 2 diesel-clear: Stern Oil \$3.1735, Brunick's Service \$3.55

200-12

Alderman Grayson moved approval of the low quote of Stern Oil on all four items. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported that the Vermillion Public Library submitted a raffle request, raffling an Apple I Pad. They will be selling tickets from May 30th to July 26th for \$5 or 6 for \$25 with the proceeds for the Summer Reading Program.

B. John reported that the swimming pool will be closing at 5:00 p.m. on June 8, 9 and 10 due to the Shakespeare Festival in Prentis Park. Also as part of the Shakespeare Festival, E. Main Street from Plum to Sycamore Street will be closed from 5:00 p.m. to 9:30 p.m. on those same days.

C. John reminded citizens of the Primary/City/School election tomorrow Tuesday, June 5, 2012 with all wards voting in the 4-H Center at 515 High Street.

D. John reported that there are Planning Commission terms that will be expiring in June and any interested citizen can complete an expression of interest form available at City Hall.

PAYROLL ADDITIONS AND CHANGES

Ambulance: Ryun Fischbach \$6.00/hr shift-\$8.00/hr call, Jordana Lamb \$6.00/hr shift-\$8.00/hr call, Calle Sorensen \$6.00/shift-\$8.00/hr call, Brandon Wiemers \$6.00/hr shift-\$8.00/call, Laura Wiemers \$6.00/shift-\$8.00/call; Recreation: Ian Kopriva \$7.75/hr, Katlynn Beck \$7.75/hr, Jason Gault \$8.25/hr; Golf Clubhouse: Kathryn Snow \$7.25/hr; Water: Brook Hansen \$17.11/hr; Wastewater: Mike Heine \$17.88, Rob Pickens \$15.81/hr

11. Invoices Payable

201-12

Alderman Davies moved approval of the following bills:

3D SPECIALTIES INC	SUPPLIES	3,899.03
A-OX WELDING SUPPLY CO	CHEMICALS	742.00

ACCENT WIRE PRODUCTS	PARTS	98.73
APPEARA	SUPPLIES	136.92
ARAMARK	UNIFORM SHIRTS	106.47
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	203.08
ARGUS LEADER MEDIA #1085	SUBSCRIPTION	48.00
AVERA QUEEN OF PEACE HEALTH	TESTING	254.70
AWWA	DUES	170.00
BAKER & TAYLOR BOOKS	BOOKS	1,016.85
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	11,275.75
BARNES DISTRIBUTION	SUPPLIES	462.54
BATTERIES PLUS	BATTERIES	52.00
BELAIR EXCAVATING	LEACHATE SYSTEM LANDFILL	3,850.00
BIERSCHBACH EQPT & SUPPLY	PARTS/SAFETY VESTS	1,014.50
BOOK WHOLESALERS, INC	BOOKS	188.83
BORDER STATES ELEC SUPPLY	SUPPLIES	2,218.61
BOUND TREE MEDICAL, LLC	SUPPLIES	679.47
BOYER TRUCKS	PARTS	168.67
BRENDA FERGEN	REFUND REC. FEES	20.00
BROADCASTER PRESS	ADVERTISING	42.00
BROWN TRAFFIC PRODUCTS	SUPPLIES	150.00
BRUNICKS SERVICE INC	PROPANE	171.00
BUSHNELL OUTDOOR PRODUCTS	MERCHANDISE	135.00
BUTLER MACHINERY CO.	PARTS	812.67
CAMPBELL SUPPLY	SUPPLIES	2,068.95
CANNON TECHNOLOGIES, INC	SOFTWARE SUPPORT	900.00
CANON FINANCIAL SERVICES	COPIER/SCANNER LEASE	317.43
CASK & CORK	MERCHANDISE	1,146.53
CENTRAL STATES WIRE PRODUCTS	SUPPLIES	964.25
CENTURY BUSINESS PRODUCTS	COPIER CONTRACT	175.70
CENTURYLINK	TELEPHONE	734.40
CHEMSEARCH	SUPPLIES	367.00
CHESTERMAN CO	MERCHANDISE	1,311.40
CHRIS NISSEN	SAFETY GLASSES REIMBURSEMENT	150.00
CITY DIRECTORIES	DIRECTORIES	400.00
CITY OF VERMILLION	COPIES/POSTAGE	1,718.94
CITY OF VERMILLION	UTILITY BILLS	34,099.40
CLAY COUNTY AUDITOR	EMERG MGMT/ELECTION AGRMNT	3,700.00
CLAY RURAL WATER SYSTEM	WATER USAGE	42.20
CLEMET BOSTUCK	MOWING	710.00
CLEVELAND GOLF	MERCHANDISE	277.95
COBRA PUMA GOLF, INC	MERCHANDISE	205.47
COFFEE KING, INC	SUPPLIES	57.75
COLONIAL LIFE ACC INS.	INSURANCE	2,969.31

COX AUTO SUPPLY	PARTS	162.09
COYOTE CONVENIENCE	FUEL	72.28
COYOTE RENTALS	WATER HEATER REBATES	370.00
CROP PRODUCTION SERVICES	SUPPLIES	117.50
CROUCH RECREATION	PARTS	95.00
CRYSTAL BRADY	MEALS/MILEAGE REIMBURSEMENT	170.60
DAKOTA BEVERAGE	MERCHANDISE	11,965.70
DAKOTA PC WAREHOUSE	PARTS/MAINTENANCE	454.94
DANKO MES, INC.	SUPPLIES	147.01
DAVIS PHARMACY	CAMERA	107.75
DELTA DENTAL PLAN	INSURANCE	5,643.30
DEMCO	SUPPLIES	454.99
DENNIS MARTENS	MAINTENANCE	833.34
DEREK RONNING	REIMBURSE FITNESS MEMBERSHIP	125.00
DEWILD GRANT RECKERT & ASSOC	PROFESSIONAL SERVICES	2,525.07
DIVERSIFIED INSPECTIONS	SAFETY INSPECTION	1,060.80
DON'S DUST CONTROL	DUST CONTROL	4,594.10
DUST TEX	SUPPLIES	58.25
E.A SWEEN COMPANY	SUPPLIES	335.98
EARTHGRAINS BAKING CO'S INC	SUPPLIES	200.91
ECHO ELECTRIC SUPPLY	PARTS	379.35
ELECTRONIC ENGINEERING	REPAIRS	95.00
FAR FROM NORMAL	SUPPLIES	102.00
FARMER BROTHERS CO.	SUPPLIES	40.88
FILTERTEC	FILTERS	256.47
FLAGS UNLIMITED	FLAG	45.60
GALE	BOOKS	429.01
GAYLORD BROS INC	SUPPLIES	47.83
GEAR FOR SPORTS	MERCHANDISE	4,356.45
GEMPLERS INC	SUPPLIES	54.35
GENERAL TRAFFIC CONTROLS	SUPPLIES	56.24
GREGG PETERS	FREIGHT	1,400.75
GREGG PETERS	RENT	937.50
GUARANTEE OIL CO INC	SUPPLIES	113.94
HACH CO	SUPPLIES	360.00
HALI-BRITE INC.	PARTS	2,388.32
HAPP CONTROLS, INC	PARTS	82.18
HARTINGTON TREE LLC	TREES/TRIMMING/MOVING	6,110.00
HAUGER YARD/SNOW SERVICE	MOWING/CLEANUP LIBRARY	83.00
HD SUPPLY WATERWORKS	SUPPLIES	5,807.33
HDR ENGINEERING, INC	PROFESSIONAL SERVICES	35,376.75
HENDERSONS ULTIMATE CAR WASH	CAR WASH CARD	50.00
HERREN-SCHEMPP BUILDING	SUPPLIES	1,644.52

HIGH PERFORMANCE COATINGS	PICKUP BED LINERS	1,125.00
HILLYARD FLOOR CARE SUPPLY	SUPPLIES	229.80
HY VEE FOOD STORE	SUPPLIES	238.00
IN CONTROL, INC	PROFESSIONAL SERVICES	1,560.00
INDEPENDENCE WASTE	PORT TOILET RENT/WASTE HAUL	1,162.45
INGRAM	BOOKS	2,911.87
INTERNATIONAL CRIME FREE ASSOC	MEMBERSHIP	50.00
INTERNATIONAL PUBLIC MGMT	TESTING MATERIALS	137.50
JACKS UNIFORM & EQPT	UNIFORM	1,782.43
JANNA MOLLET	MEALS/MILEAGE REIMBURSEMENT	55.76
JASON ANDERSON	MEALS/PARKING REIMBURSEMENT	205.00
JAY'S PLUMBING	REPAIRS	154.02
JIM BALLEWEG	MEALS REIMBURSEMENT	23.00
JOHN A CONKLING DIST.	MERCHANDISE	7,300.50
JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	28,688.84
JOHNSON FEED, INC	TIRES	362.64
JONATHAN WARNER	WORK BOOTS REIMBURSEMENT	44.87
JONES ACE HARDWARE	SUPPLIES	1,178.98
JONES FOOD CENTER	SUPPLIES	2,108.62
JWR, INC	SUPPLIES	1,262.64
KALINS INDOOR COMFORT	REPAIRS	319.00
KARIAN PETERSON CONTRACTING	SUPPLIES	653.30
KARSTEN MFG CORP	MERCHANDISE	1,082.17
KULLY SUPPLY INC	SUPPLIES	964.50
LAWSON PRODUCTS INC	SUPPLIES	72.83
LEARNING OPPORTUNITIES, INC	BOOKS	64.20
LEGGETTE, BRASHEARS & GRAHAM	PROFESSIONAL SERVICES	8,236.51
LESSMAN ELEC. SUPPLY CO	SUPPLIES	96.00
LINCOLN MUTUAL LIFE	INSURANCE	506.79
LOCATORS AND SUPPLIES, INC	SUPPLIES	829.89
MART AUTO BODY	TOWING	870.00
MATTHEW BETZEN	MEALS/MILEAGE REIMBURSEMENT	215.80
MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	808.45
MEAD LUMBER	SUPPLIES	130.66
MEDICAL WASTE TRANSPORT, INC	MEDICAL WASTE DISPOSAL	168.03
MEMPHIS NET & TWINE	BACKSTOP NETS	1,467.00
MICRO MARKETING ASSOC	BOOKS	51.58
MIDWEST ALARM CO	MONITORING	60.00
MIDWEST BUILDING MAINTENANCE	MAT SVC	365.70
MIDWEST TURF & IRRIGATION	PARTS	693.56
MIKKELSEN LIBRARY	BOOKS	36.50
MINNESOTA VALLEY TREE SERVICE	POWER LINE TREE TRIMMING	2,496.00
MISSOURI RIVER ENERGY SERVICE	REGISTRATION FEE	300.00

MISSOURI VALLEY MAINTENANCE	REPAIRS	1,599.44
MOORE WELDING & MFG	REPAIRS	75.90
MOTION PICTURE LICENSING CORP	LICENSE/SUBSCRIPTION	161.62
MOVIE LICENSING USA	COPYRIGHT COMPLIANCE LICENSE	325.00
N B GOLF LLC	GOLF CARS LEASE	3,824.46
NATIONAL MUSIC MUSEUM	CONTRIBUTION	15,000.00
NCL OF WISCONSIN, INC	SUPPLIES	164.45
NETSYS+	PROF SERVICES/COMPUTER	1,918.99
NEW YORK LIFE	INSURANCE	95.00
NEWMAN TRAFFIC SIGNS	SUPPLIES	3,107.80
NIKE INC	MERCHANDISE	6,145.62
NORTH STAR SAFETY INC	UNIFORM SHIRTS	831.93
NORTHERN TRUCK EQPT CORP	PICKUP LADDER RACK	742.00
NORTHLAND CHEMICAL CORP	SUPPLIES	327.08
OFFICE SYSTEMS CO	COPIER CONTRACT/REPAIRS	561.15
ORIENTAL TRADING CO	SUPPLIES	127.71
PAULS PLUMBING	PARTS	3.27
PENWORTHY/AMERICAN MEDIA	BOOKS	689.76
PETE LIEN & SONS, INC	CHEMICALS	4,388.05
PGA OF AMERICA	MEMBERSHIP DUES	1,032.00
PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
POS PAPER.COM	SUPPLIES	51.53
PRESSING MATTERS	SUPPLIES	283.00
PRESTO-X-COMPANY	INSPECTION/TREATMENT	87.95
PRINT SOURCE	REGISTRATION FORMS	131.00
PUMP N PAK	FUEL	2,391.73
QUALITY BOOKS INC.	BOOKS	15.95
QUALITY TELELCOMMUNICATION	TELEPHONE	269.00
QUEEN CITY WHOLESALE	MERCHANDISE	881.79
QUILL	SUPPLIES	1,244.84
RACOM CORPORATION	MAINTENANCE CONTRACT	368.50
RANDOM HOUSE, INC	BOOKS	186.49
RASMUSSEN MOTORS, INC	PARTS	38.50
RECORDED BOOKS, INC	BOOKS	128.00
RECREONICS	LIFEGUARD SUITS	557.20
REINHART FOODSERVICE, LLC	SUPPLIES	1,343.89
REPUBLIC NATIONAL DIST	SUPPLIES	17,745.95
REST ROOM WORLD	SUPPLIES	307.60
RIVERSIDE HYDRAULICS & LAB	PARTS	394.53
ROBIN HOWER	MEALS REIMBURSEMENT	63.00
ROSEWOOD GREENHOUSE	PLANTS	311.62
RYAN HOUGH	MEALS REIMBURSEMENT	45.00
SCHADE'S VINEYARD	MERCHANDISE	216.00

SCHAEFFER MFG. CO	SUPPLIES	595.20
SCHUYLER RUBBER CO, INC	PARTS	1,437.57
SD PUBLIC ASSURANCE ALLIANCE	INSURANCE	400.00
SD RETIREMENT SYSTEM	CONTRIBUTION	46,104.72
SECURITY SHREDDING SERVICE	PROFESSIONAL SERVICES	35.00
SEH, INC	PROFESSIONAL SERVICES	3,953.11
SERVALL TOWEL & LINEN	SHOP TOWELS	29.40
SKARSHAUG TESTING LAB.	TESTING	998.90
SPORT SUPPLY GROUP	SUPPLIES	423.50
STERN OIL CO.	AVIATION FUEL	19,216.00
STURDEVANTS AUTO PARTS	PARTS	513.24
SUPERIOR TECH PRODUCTS	SUPPLIES	209.00
TAYLOR MADE	MERCHANDISE	618.34
THATCHER COMPANY	SODA ASH	7,123.60
THE EQUALIZER	ADVERTISING	222.00
THE OBSERVER	SUBSCRIPTION	30.00
THE WALKING BILLBOARD	WORK SHIRTS	607.14
TITLEIST DRAWER CS	MERCHANDISE	4,202.57
TRI STATE PUMP & CONTROL INC	PUMP WASTEWATER	14,434.17
TRUE VALUE	SUPPLIES	507.25
UNITED WAY	CONTRIBUTIONS	331.80
UPSTART	SUPPLIES	184.75
US POSTAL SERVICE	WINDOW ENVELOPES	272.00
USD POLICE DEPARTMENT	REIMBURSE BIKE INSTRUCTOR	954.18
VALIANT VINEYARDS	MERCHANDISE	420.00
VAN DIEST SUPPLY CO	SUPPLIES	3,261.25
VERIZON WIRELESS	POLICE COMMUNICATION	212.13
VERMEER HIGH PLAINS	REPAIRS	329.55
VERMILLION CHAMBER OF COMMERCE	4TH OF JULY CELEBRATION	3,500.00
VERMILLION FORD	PARTS	1,416.16
VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	5,171.22
WAL-MART COMMUNITY	SUPPLIES	649.33
WALKER CONSTRUCTION	CONCR WORK/JUNK-DEBRIS REMOV	1,136.40
WALT'S HOMESTYLE FOODS, INC	SUPPLIES	132.70
WELFL CONSTRUCTION CO	LIBRARY EXPANSION/REMODEL	187,537.00
WESCO DISTRIBUTION, INC	SUPPLIES	12,765.56
WILLIAMS & CO.	2011 AUDIT	15,000.00
YANKTON FIRE & SAFETY	NEW EXTINGUISHERS/BRACKETS	552.50
YANKTON JANITORIAL SUPPLY	SUPPLIES	368.13
YANKTON WINNELSON CO	PARTS	125.00
ZEP SALES & SERVICE	SUPPLIES	539.24
ZIMCO SUPPLY CO	SUPPLIES	92.86

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

12. Consensus Agenda

A. Set a public hearing date of June 18, 2012 for a special permit to exceed allowable sound levels for the Vermillion Area Chamber of Commerce & Development Company in Barstow Park on Wednesday, July 4, 2012 from 6:00 p.m. to 11:00 p.m. for family 4th of July events.

202-12

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

14. Adjourn

203-12

Alderman Meins moved to adjourn the Council Meeting at 8:57 p.m. Alderman French seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 4th 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 _____.

Unapproved Minutes
Council Special Session
June 11, 2012
Monday 5:15 p.m.

The special session of the City Council, City of Vermillion, South Dakota was called to order on Monday, June 11, 2012 at 5:15 p.m. by Mayor Powell.

1. Roll Call

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

Absent: Ward

2. Pledge of Allegiance

3. Adoption of Agenda

204-12

Alderman Grayson moved approval of the agenda with the adjustment to move Item 5 New Business - Canvass of June 5, 2012 municipal election results to before Old Business. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

5. New Business

A. Canvass of June 5, 2012 municipal election results.

Mayor Powell stated that the City Council will need to canvass the June 5th municipal election results. The unofficial election results from the tabulation from election night are included in the packet. The tabulation reported 177 ballots were counted and the poll book for the Central Ward was opened that listed the total voters at 177. The City Council members reviewed the poll book total with the abstract of the results prepared.

Mike Carlson, Finance Officer, stated that the duties of the Canvassing Board are to open the returns from each precinct, which are found in the poll book, determine that the returns are genuine and not forged, tabulate the returns from the precincts, declare the results and make an abstract of the results that is to be signed. Mike reported that the County Commission has canvassed the results for the primary election so the poll book envelopes have been opened but were again sealed. The tabulation board results for each precinct were handed out to compare

with the totals from the poll book. Mike noted that there were no provisional ballots for the Central Ward. Discussion followed.

205-12

Alderman Osborne moved approval of the official election results from the June 5th election as follows:

CITY OF VERMILLION
MUNICIPAL ELECTION
June 5, 2012

STATE OF SOUTH DAKOTA)
COUNTY OF CLAY)

<u>Ward</u>	<u>CENTRAL</u>
<u>Alderman Central Ward</u>	
Kelsey Collier-Wise	90
Jenny French	79
Total Registered in each ward	1153
Total voted in each ward	177
% in each ward voted	15%

We, the undersigned, appointed as the Board of Canvassers because of our position on the governing body in the jurisdiction of the City of Vermillion for the municipal election held on the 5th day of June, 2012, hereby certify that the foregoing is a true abstract of the votes cast in the City of Vermillion at the election as shown by the returns certified to the person in charge of the election.

The Council members signed the election results and Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Old Business

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

Farrel Christensen, Building Official, reported that the City Attorney has been in contact with the attorney for the contract holder and the attorney for the Church noting that an addendum to the contract for deed has been worked out. Farrel stated that if the City Council would want to authorize any agreement, he requested that it be in the form proposed by the City. As to the bond, Farrel noted that the \$10,000 is the estimate of the cost to remove the structure not the amount needed

to complete the work. Farrel noted that the absolute solution would be to uphold the demolition order.

Greg Robinson, representing the Apostolic Church, handed out information to the City Council members reporting that the outstanding bill with the City has been paid, a cashers check has been purchased to pay the taxes, a license permit bond from DNC Movers, LLC in the amount of \$10,000 stating that they would be the general contractor working with Adams Construction to oversee the project and the amended contract for deed agreement providing for two more years. Greg noted that Mr. Klein has not signed the agreement but his attorney will be getting the signed copy back to the Church.

Jim McCulloch, City Attorney, reported that the attorney for the Church has completed the agreement and that the attorney for Mr. Klein has stated that he was agreeable to the amendment.

Dave and Joyce Zimmer, residents of 102 N. Harvard, stated that they have watched this project for over two years with very little progress noting that there has been no activity since last fall. They noted that the area has been a hazard to the neighborhood and an eyesore. If the contract is to extend this for another two years, the City should proceed with the demolition. If the City is going to let the project be completed, there needs to be strict deadlines and they should be able to show that they have the financing.

Dena Edwards, 107 S University, Church member, stated they have been working on this project during the time period. The old house was torn down, the other house was moved in, foundation constructed and house placed on the foundation. Other Church members apologized to the Zimmers for the delay in completing the project and thanked the City Council for continuing the hearing. The members stated that the Church has paid the amounts due the City, the back taxes and are committed to completing the exterior of the home in the 60 days.

Greg Robinson requested that the City Council suspend the demolition order and allow the Church 60 days and the exterior will be completed. Greg stated that they have the financing for the exterior and pledges for the interior. The members are ready to volunteer to complete the project which was evident from all that attended the last meeting. Greg stated that he would provide the weekly reports to Farrel noting that if they don't meet the timeline the property can be torn down.

Dave Zimmer questioned how the project could be completed in 60 days when they have already had over two years. He noted that it is a very small lot with an oversized house that needs a lot of work.

Alderman Davies questioned the surety bond presented noting that it was a license and permit bond for house moving. Jim McCulloch, City Attorney, stated that the surety bond is a license bond dealing with a house moving that will need to be a performance payment bond that the Church will need to get corrected.

Discussion followed noting that the City agreement was to complete the exterior and interior in a year. The Church is proposing to complete the exterior in 60 days. What about the interior?

Alderman Grayson questioned the plan noting that it does not address who is going to do the work and if there is financing for the proposed work.

206-12

Alderman Grayson moved to uphold the order to demolish the dangerous structure at 23 N. Harvard and deny the appeal of the Apostolic Faith Church. Alderman Zimmerman seconded the motion. Discussion followed on the ability to finance the project and complete the whole project. Alderman Osborne asked Mr. Robinson if the exterior can be completed in the 60 days and the balance of the project within a year. Mr. Robinson stated that they have committed to complete the exterior and landscaping in 60 days and will agree to complete the interior within a year.

207-12

Alderman Osborne moved a substitute motion to continue the public hearing on the appeal of the demolition order for 23 N Harvard until the June 18th meeting to allow City staff and the Church staff time to work out an agreement to combine the construction schedule as presented by the Church, to complete the exterior and landscaping in 60 days, with the City proposed agreement to have the whole project completed in one year, have the addendum to the contract for deed signed by both parties and convert the license and permit bond to a performance bond. Alderman Meins seconded the motion. Discussion followed with John Prescott, City Manager, stating that the schedule as proposed by the Church can be worked into the agreement. John noted that at last meeting the statement was made by Mr. Robinson that churches cannot be issued performance bonds and that since that meeting he has checked with an insurance agent who stated that churches can be issued a performance bond. Mr. Robinson stated that he had contacted the insurance company for the Church who stated that they could not be issued a bond as they did not have the deed to the property. Discussion followed on the need to define inactivity so that both parties understand going into the agreement what would void the agreement causing the building to be removed at the Church's expense. It was also noted that the project completion would be based upon the ability of

the Building Official to issue an occupancy permit for the residence and it was noted there would be no further appeals to the demolition order if the agreement was not followed.

Mayor Powell stated that the motion to be considered is the substitute motion 207-12 to replace the original motion 206-12. The motion to substitute passed 6 to 2. Mayor Powell declared the original motion substituted. Mayor Powell called for a vote on the substituted motion 207-12. Motion carried 6 to 2. Mayor Powell declared the motion adopted to continue the appeal hearing until the June 18th meeting.

6. Executive Session

208-12

Alderman Meins moved to go into executive session at 6:30 p.m. for personnel matters (SDCL 1-25-2(1) and to relocate the meeting to the large conference room on the second floor. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Mayor Powell declared the Council out of executive session at 7:40 p.m.

7. Adjourn

209-12

Alderman Osborne moved to adjourn the Council Meeting at 7:41 p.m. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 11th 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 _____.



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: June 18, 2012

Subject: Special Permit to Exceed Permissible Sound Levels By No More Than 50% for Vermillion Area Chamber & Development Company In Barstow Park On July 4, 2012 From 6:00 p.m. to 11:00 p.m. For Family 4th of July Events

Presenter: Mike Carlson

Background: Ann Breitag, on behalf of the Vermillion Area Chamber & Development Company, has applied for a special permit to exceed allowable noise levels for a band as part of the 4th of July events from 6:00 p.m. until 11:00 p.m. in Barstow Park. Included is a copy of the application and published notice of the hearing.

The relevant sections of the City noise ordinance are as follows:

Sec. 90.01. Noises prohibited.

- (a) General prohibitions: In addition to the specific prohibitions outlined below, it shall be unlawful for any person to make, continue, or cause to be made or continued any loud or unusual noise so as to disturb the peace of the public, any neighborhood, any business operation, family, lawful assembly of persons, or any person by committing any act or acts of disturbance within the limits of the City of Vermillion.
- (b) The following acts are declared to be in violation of this chapter.
 - 1) Sound equipment prohibited: Except for emergency vehicles, it shall be unlawful for any person to operate or cause to be operated upon the streets or public places in the city a sound truck or car with sound amplification equipment in operation. "Sound truck" as used herein means any vehicle having thereon or attached thereto any sound amplification equipment. "Sound amplification equipment" as used herein means any machine or device for the amplification of the human voice, music or other sound, but shall not include radio or warning devices on vehicles used for traffic warning or control purposes.
 - 2) Stereos, radios, television sets, musical instruments and similar devices:
 - a. Using, operating or permitting the use or operation of any stereo, radio, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in paragraph (1) above, in such a manner as to violate this section or cause a noise disturbance.
 - b. The operating of any such device between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty (50) feet from such device when operated within a vehicle parked on a public right-of-way or when operated from within a private residence.
 - 3) Maximum permissible sound levels: It shall be unlawful for any person to operate or permit the operation of any stationary source of sound in such a manner as to create a sound pressure

6. Public Hearings; item a

level during any ten-minute measurement period which exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise. Sound level measurements shall be made at a distance of fifty (50) feet from source with a sound level meter of type 2 or better, using the "A" weighting scale, in accordance with standards promulgated by the American National Standards Institute.

Use District	11:00 p.m.-6:00 a.m.	6:00 a.m.-11:00 p.m.
Residential	50 dB(A)	55dB(A)
Commercial	55 dB(A)	60dB(A)
Industrial & Agricultural	75 dB(A)	80dB(A)

- (c) It shall be a violation of this section if the sound which is measured creates a sound pressure level greater than the levels set forth for the receiving land use district for ninety (90) per cent of the time in any measurement period, such as the level exceeded for nine (9) minutes of a ten-minute period.
- (d) Special Permit The City Council may, following a Public Hearing, issue a Special Permit to exceed allowable sound levels by not more than 50% of the allowable limit within the Use District, in a suitable location with appropriate facilities, during the allowable time. It shall be required of any applicant for a Special Permit to demonstrate that the event for which the permit is requested be of public benefit. An applicant shall submit a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source. Application for a Special Permit shall be made with the City Finance Officer, and shall be accompanied with an application fee of \$25.00. Application for a Special Permit shall be completed no later than 30 days prior to the proposed event, and it shall contain all applicable information relative to the nature and purpose of the event. (Ord. No. 1100, 10-1-01)

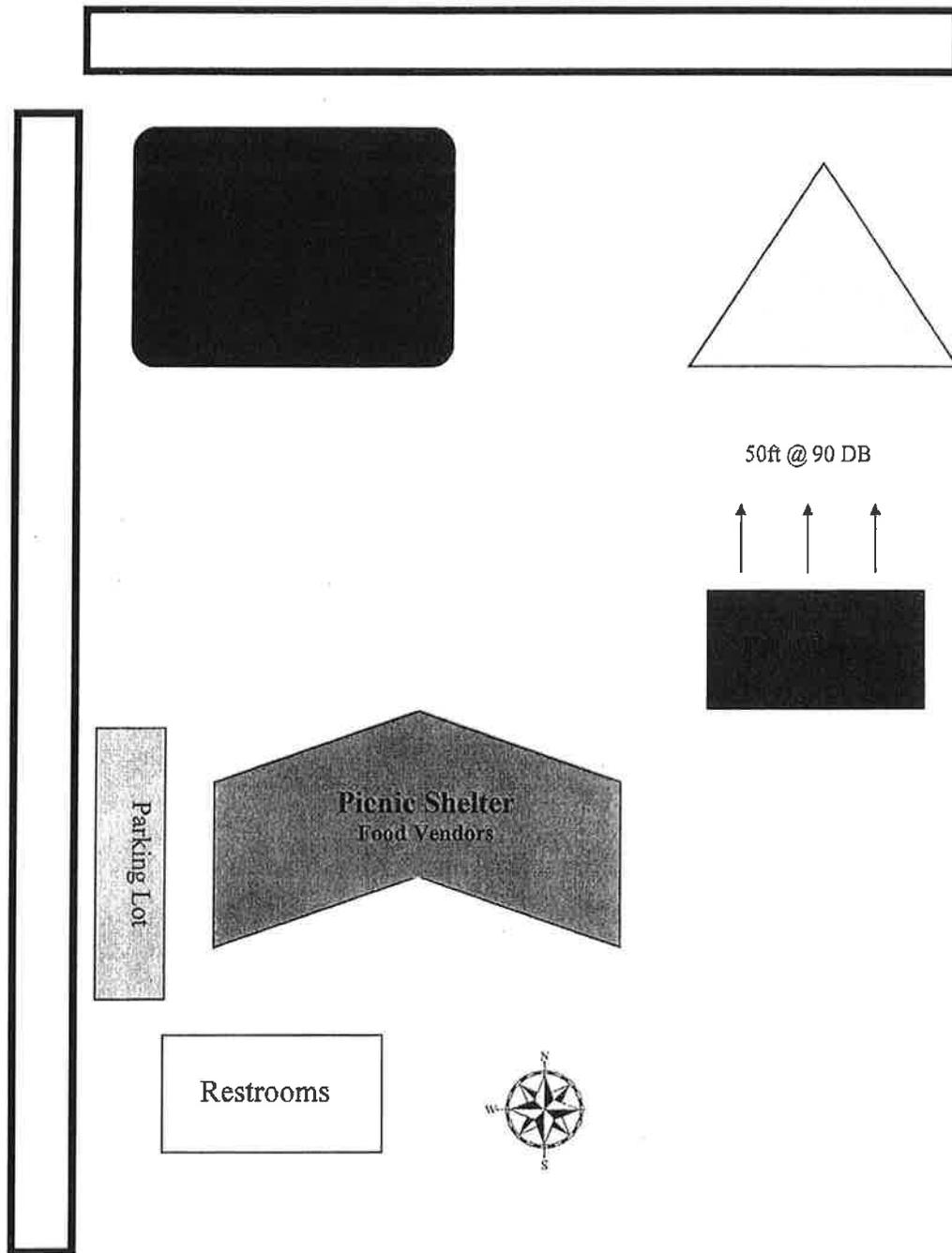
Violation: Any person violating any provision of this section may be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Discussion: The stage will be located in the northwest part of the park facing north toward Cherry Street. A diagram is included in the packet noting that, with the stage facing north, the noise levels will be higher in that direction away from the residential areas. Staff is not aware of any problems related to the issuance of the noise permit.

The City Council will need to determine, at the public hearing, if the event is in a suitable location with appropriate facilities, during the allowable time, and if the applicant can demonstrate the public benefit of the event.

Financial Consideration: The applicant has paid the \$25 fee for the special permit.

Conclusion/Recommendations: Administration recommends issuance of the special permit unless information is presented at the public hearing that indicates that there will be problems related to the noise.



NOTICE OF PUBLIC HEARING FOR SPECIAL PERMIT
TO EXCEED ALLOWABLE SOUND LEVELS

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 18th day of June, 2012 at the hour of 7:00 P.M. at the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following application for a special permit to exceed allowable sound levels on Sunday, July 4, 2011 between the hours of 6:00 p.m. and 11:00 p.m. which has been filed in the Finance Officer's Office:

Vermillion Area Chamber & Development Company request for a special permit to exceed allowable sound levels in the Barstow Park on Wednesday, July 4, 2012, from 6:00 p.m. to 11:00 p.m. for family 4th of July events.

NOTICE IS FURTHER GIVEN THAT any person, persons, or their attorney may appear and be heard at said scheduled public hearing who are interested in the approval or rejection of any such application for special permit.

Dated at Vermillion, South Dakota this 1st day of June, 2012.

Michael D. Carlson, Finance Officer

Publish: June 8, 2012

Published once at the approximate cost of _____.



Council Agenda Memo

From: Farrel Christensen, Building Official

Meeting: June 18, 2012

Subject: Appeal of Demolition Order

Presenter: Farrel Christensen

Background: On October 5, 2010, a building permit was issued to the Apostolic Faith Church to move an existing house located at 214 E. Main Street to 23 N. Harvard Street. The building was moved to the site but no foundation was installed. On March 8, 2011, Code Enforcement sent a letter warning the owners that unless a foundation was installed, and the house placed on the foundation, it would be declared a dangerous building. Code officials worked with the owners until, finally, on July 1, 2011, the foundation was poured. Foundation walls were constructed later that year but no windows were installed and the foundation was not back filled. Construction debris and dirt piles were left on the site that obstructed the sidewalk and visibility at the intersection of Harvard Street and National Street. The exterior of the structure was unfinished and left open. Code Enforcement attempted to work with the owners to move the project along, improve site conditions and clear the sidewalk. The owners removed some construction debris and installed a very poorly constructed fence, but failed to clear the sidewalk. On November 2, 2011, Code Enforcement hired Walker Construction to remove the remaining debris and clear the sidewalk. The bill was \$164.30.

On November 9, 2011, the City issued a letter declaring the structure as unsafe and required work to be done to render the structure temporarily safe. No work was done by the owners and the City had to perform the required work to make the structure and site safe. Total cost, including city fees, was \$1,218.35. Of these fees, there was an outstanding balance of \$1,129.83 as of Monday, June 4, 2012. On Monday, June 11, 2012 the final payment was made and the both bills are paid.

A copy of a cashier's check for property taxes in the amount of \$1,672.96 was presented at the June 11, 2012 meeting. City staff believed that this check would be presented to the County to bring the property taxes current. The property taxes on the property were not paid as of Friday morning.

Since the November 2011 unsafe building declaration, Code Enforcement has continued to work with the owners to finish work on the project to no avail. On April 9, 2012, the Code Enforcement Office revoked the building permit due to inactivity, declared the structure a dangerous building and required it to be demolished. On April 27, 2012, the owners filed an appeal to the demolition order.

After the appeal was filed, Code Enforcement tried to work out an agreement that would allow the owners a final opportunity to complete the project. An agreement was prepared and given to the owners that included very strict time lines and provided for bonding to pay for demolition if the owners failed to meet the requirements of the agreement. The agreement was signed by the owners and returned to the City but, later, the owners decided not to agree to the conditions of the agreement sighting problems with obtaining a bond and the inability to pay for fees incurred by the City prior to obtaining a new building permit.

At the June 4, 2012 City Council meeting, a public hearing on the demolition appeal was held. As there was uncertainty about a Contract for Deed between the Church and Dennis Klein, the previous owner, and how demolition might impact that arrangement, the item was continued to the previously scheduled Special Meeting on June 11, 2012. An amended Contract for Deed, between the Church and Dennis Klein, was presented at the June 11th meeting.

Discussion: At the June 11, 2012 meeting, the City Council heard comments from members of the church and neighbors. As a couple of the outstanding financial items had been resolved, the focus of the discussion revolved around getting the project completed. While there were concerns about the finances to complete all of the work, a timetable to complete the project is the main focus.

As noted at the June 4 and 11, 2012 City Council meetings, the Church does not have a disagreement with most of the terms in the agreement proposed by the City. The City Council requested the agreement include the 60-day time schedule for exterior work proposed by the Church. There was also discussion at the June 11, 2012 meeting about what would define inactivity. The desire expressed at both meetings was to see the project move forward and be completed. Unfortunately, the project has not seen a great deal of progress since the house was first placed on the lot. The City Attorney developed language in Section 2 of Church's responsibilities to address inactivity.

One outstanding item is the bond. The bond documents presented at the June 11, 2012 meeting were for a license and permit bond. There was discussion about the

house mover becoming the general contractor on the project and obtaining a bond. The City's goal is to have a performance bond to cover the work that needs to take place. This is called for in Section 4 of the Church's responsibilities in the agreement. A \$10,000 bond should provide funding for the City to demolish the project, should the work fail to be completed. A copy of a bond had not been provided as of Friday morning, June 15, 2012.

There is no question that the building, as it is now, is a dangerous structure as defined by ordinance. The question is, if a new permit is issued, will the building be finished. The owners past inactivity and financial uncertainty would suggest that it might not. The proposed agreement, which Mr. Robinson has signed on behalf of the Church, provides a final opportunity to complete the work in a defined timeframe. Staff understands the goals of working with an applicant to complete the project and supports the agreement.

Financial Consideration: The agreement would provide for a bond the City could go after for demolition costs, if the project is not completed. Estimated demolition costs are \$8,000 to \$12,000.

Conclusion/Recommendations: The surest remedy to the dangerous building is to require demolition. However, if the agreement is approved and bonded, with a short time construction time frame of 60 days and a forfeited appeal, the cost of demolition could be avoided and the structure would be completed.

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

AGREEMENT FOR BUILDING PERMIT AND SUSPENSION OF DANGEROUS BUILDING NOTICE AND ORDER

IT IS HEREBY AGREED between the City of Vermillion, hereinafter referred to as the CITY, and the Apostolic Faith Church, hereinafter referred to as the Church, as follows:

The City agrees:

1. To suspend the dangerous building order for one year.
2. To issue a one year building permit to finish the construction, repair and alteration of the house located at 23 N. Harvard Street.

The Church agrees:

1. To apply and secure a building permit no later than June 22, 2012 and have the following work completed within the time allowed or sooner.
 - (a) Week 1: 6/25/2012 - 7/1/2012
Backfill foundation.
 - (b) Week 2: 7/2/2012 - 7/8/2012
Frame northwest Corner and install window in northwest corner.
 - (c) Week 3: 7/9/2012 - 7/15/2012
Frame east side wall,
Frame east side roof,
Frame front entry way,
Frame/Install front stoop.
 - (d) Week 4: 7/16/2012 - 7/22/2012
Repair missing and damaged siding.
 - (e) Week 5: 7/23/2012 - 7/29/2012
Replace shingling on main structure.
 - (f) Week 6: 7/30/2012 - 8/5/2012
Prime and paint,
Hook up water,
Hook up sewer,
Hook up electrical,
Hook up gas.
 - (g) Week 7: 8/6/2012 - 8/12/2012
Replace front sidewalk,
Install concrete parking pad and connecting sidewalk.

(h) Week 8: 8/13/2012 – 8/19/2012
Complete landscaping.

By August 25, 2012, all exterior repairs, alterations and additions, including but not limited to, any painting, siding, roofing, windows, doors, final grading, off street parking and landscaping shall be completed. The Church will then have until June 18, 2013 to complete the interior to code, pass a final inspection and receive a Certificate of Occupancy.

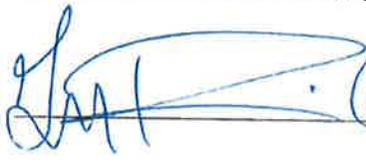
2. To diligently pursue project completion and allow no period of cessation of substantial performance of this agreement to continue for more than 14 calendar days. "Substantial performance" shall mean honest efforts in good faith by Church to produce tangible improvements and benefits toward project completion.
3. To provide weekly written progress reports to the Building Official by 10:00 am each Monday and allow City to inspect the 23 N. Harvard Street premises to verify said reports and determine progress in achieving compliance with this agreement and the building permit.
4. To provide the City with a Performance Bond, or similar document, that guarantees satisfactory completion or provides for demolition of the structure if the Church fails to meet the requirements of the building code or this agreement. The bond shall be in the amount of \$10,000 and become active upon the issuance of the building permit and run for a minimum of 18 months thereafter.
5. The Church agrees to waive any rights to any future appeal.
6. To indemnify and hold the City, its officers, agents and employees harmless from and against any and all actions, suits, damages, liability or other proceedings of any kind or nature brought because of any injuries or damage, received or sustained, by any person or property, on account of building permit issuance, terms of this agreement, conditions of the property at 23 N. Harvard Street, or acts or omissions of the Church, or its agents, officers, members, contractors, or agents in the performance of this agreement.

IT IS FURTHER AGREED, that this agreement shall be deemed to run with the building permit and any performance guaranties therein, and, should the Church fail to comply with any part of this agreement, it shall be void and the City may, without further notice or hearings, either repair or demolish the house at its discretion.

Dated this 14 day of JUNE 2012.

FOR THE APOSTOLIC FAITH CHURCH

FOR THE CITY OF VERMILLION

 (Apostolic Faith Church)

John E. (Jack) Powell, Mayor

STATE OF _____)
):SS
COUNTY OF _____)

On the 14th day of June 2012, before me, the undersigned Officer, personally appeared Greg Robinson known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Kate Albrecht
Notary Public



My Commission Expires: 2-16-2015

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF CLAY)

On the _____ day of _____, before me, the undersigned Officer, personally appeared John E. (Jack) Powell, who acknowledged himself as Mayor of the City of Vermillion, and that he, as Mayor, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as Mayor.

In witness whereof I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____

This Document prepared by:
Michael J. McGill
Attorney at Law
P O Box 32
Beresford, SD 57004
605-763-2057

ADDENDUM TO CONTRACT FOR DEED

This Addendum to Contract for Deed made and entered into this ____ day of June, 2012, by and between Dennis A. Klein, an unmarried person, hereinafter Seller, and Apostolic Faith Church, a South Dakota non-profit corporation, of P.O. Box 88, Vermillion, South Dakota 57069 post office, hereinafter Buyer, witnesseth:

The parties previously entered into an executory real estate Contract for Deed dated February 1, 2008 and filed for record on February 13, 2008 at 9:00 a.m in Book 47 of Miscellaneous on Page 476, relating to the following described real property:

The West Seventy One Feet (W71') of the North Half (N1/2) of Lot Eight (8) and the West Seventy One Feet (W71') of Lot Nine (9), Block Sixty Two (62), Bigelow's Addition to the City of Vermillion, Clay County, South Dakota (23 N. Harvard).

And as consideration therefore, Buyer agreed to pay Seller the sum of Twenty Five Thousand Dollars (\$25,000.00) with Two Thousand Five Hundred Dollars (\$2,500.00) down and the balance of Twenty Two Thousand Five Hundred Dollars (\$22,500.00) paid in 23 monthly amortized payments of \$188.20 beginning March 1, 2008 and \$188.20 on the first day of each month thereafter with interest at the rate of 8% per annum and with a balloon payment due on February 1, 2010.

The parties previously agreed, orally, to extend the balloon payment from the original date of February 1, 2010 to February 1, 2012.

The parties now desire to amend the terms of the original Contract for Deed by substituting for the original payment terms the terms set forth in this Addendum. Further, the parties agree the outstanding unpaid balance due on the Contract as of May 1, 2012 is Twenty Thousand One Hundred Fifty Three Dollars and Sixty Three Cents (\$20,153.63). The parties further agree that in exchange for the sum of One Thousand Dollars (\$1,000.00) to be added to the unpaid principal balance due on the original Contract for Deed the Seller agrees to extend the date when the balloon payment is due from the original payment date of February 21, 2010 to the

State of South Dakota)

:SS

County of _____)

On this the _____ day of _____, 2012, before me, _____, the undersigned officer, personally appeared Gregory Robinson, who acknowledged herself to be the Chairperson of Apostolic Faith Church and that he, as such Chairperson, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the church by himself as Chairperson.

In witness whereof I have hereunto set my hand and official seal.

(SEAL)

Notary Public – South Dakota
My Commission Expires: _____



Council Agenda Memo

From: Andrew Colvin, Assistant City Manager

Meeting: June 18, 2012

Subject: Second Reading of Ordinance No. 1279 Zoning Amendment – To Add Single Family Attached Dwellings (Townhomes) as Conditional Uses and Add Regulations for Building Lines and Frontage

Presenter: Andrew Colvin

Background: The R-1 Residential District currently permits only single family detached dwellings as permitted uses and is the City's most restrictive district. Multiple family dwellings are prohibited. The thought behind the R-1 district, during the 2008 revision, was to preserve neighborhoods and ensure adequate space for single-family uses only. In recent months, staff has received inquiries about townhomes in the R-1 district. The City recently revised the zoning ordinance to define townhomes as specific uses in the R-2 and R-3 Districts, each being on their own lot with shared walls, but owned individually. In contrast, duplexes and twin homes are often located on one lot and share a common wall. Townhomes are often a popular choice for developers who want to maximize density on a given parcel of ground. Townhomes also provide an affordable option and diversity in housing types. An example of townhomes can be found on East Main Street, on the north side of the Bluffs Golf Course. A potential concern could be from owners of single-family detached dwellings. Changing the zoning to permit townhomes could create a situation where there is a mix of townhomes and detached dwellings, which may look out of place, aesthetically, or could even be perceived to decrease property values.

Discussion: Staff has discussed proposing townhomes as a permitted use in the R-1 district. Recently, a landowner has approached the City with plans to sell land to a developer who desires to construct townhomes. However, the current zoning ordinance does not permit attached dwellings in the R-1 district. Since recent amendments have clarified the definition of attached dwellings, townhomes can be added to the R-1 district separate from multiple family dwellings, such as duplexes, which will not be permitted.

The proposed amendment adds townhomes to the R-1 district and creates lot and yard regulations accordingly. Prior to 2008, the City zoning ordinance included attached dwellings in the single-family district with a minimum lot width of 36 feet. This same standard has been carried over into the proposed amendment. Additionally, the minimum lot size has been reduced for detached dwellings from 7,500 square feet to 6,500 square feet. This will allow more options to build a higher concentration of detached homes on a given parcel of ground.

Planning Commission Recommendation: Staff presented the amendment to the Planning Commission to include townhomes as a permitted use. The Planning Commission discussed the amendment at length and attempted to find a balance between providing a variety of housing options in the R-1 district and preserving neighborhoods. The final recommendation of the Planning Commission was to permit townhomes as a conditional use within the R-1 district. This will allow the Planning Commission to look at density, neighborhood impact, compatibility, etc. On June 4th, 2012, the City Council voted in favor of the first reading with the Planning Commission recommendation to permit townhomes as a conditional use.

Financial Consideration: Adoption of the amendments will have no fiscal impact other than the required publication fees.

Conclusion/Recommendations: Allowing townhomes as a conditional use will diversify the housing options available in the R-1 district. Staff recommends approval of the ordinance. As this is the second reading, a recorded vote is required.

ORDINANCE NO. 1279

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.

<i>Conditional Use</i>	<i>Applicable Standards</i>
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.

	<i>Lot Area</i>	<i>Frontage</i>	<i>Building Line</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
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
<p>Exceptions:</p> <ul style="list-style-type: none"> #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

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

First Reading: June 4, 2012
Second Reading: June 18, 2012
Publication: June 29, 2012
Effective Date: July 19, 2012



Council Agenda Memo

From: Andrew Colvin, Assistant City Manager

Meeting: June 18, 2012

Subject: Second Reading of Ordinance No. 1280 Zoning Amendment - Amending GB General Business District to Modify the Distance Requirements for Veterinary Clinics and Kennels

Presenter: Andrew Colvin

Background: The City has been approached by a local real estate agency inquiring about locating a “doggy daycare” use within the General Business (GB) District. Based on the definitions within the zoning ordinance, the use would be classified as a kennel since animals would be boarded for periods of time. Kennels are permitted as a conditional use within the GB district, which means that a public hearing would be advertised and the Planning Commission would consider the use and place restrictions, if necessary. However, upon further review of the ordinance, it became apparent that kennels, and veterinary clinics with outdoor kenneling of animals, are required to be at least 1,000 feet from any residential use, which essentially prohibits kennels anywhere in the GB district. For perspective, a City block in Vermillion is typically 400 feet. The purpose of requiring a conditional use permit is to consider potential impacts on the neighborhood (i.e. noise, odor, proximity to houses, etc.).

Discussion: Staff looked at other cities and found that, in those that do provide a minimum distance, 150 feet is standard. It is possible that the intent was to provide a minimum distance of 100 feet, but through the revisions 1,000 feet made it into the final draft.

The use will still be by conditional use permit, which means that the Planning Commission, after study, review and public comment, can require a greater distance or other requirements such as a wall to block noise, odor control measures, etc. The Planning Commission also has the ability to deny a conditional use permit for a given location if deemed inappropriate. The City Council approved first reading of the ordinance at the June 4, 2012 meeting.

Planning Commission Recommendation: After considering the amendment proposed by staff, the Planning Commission recommended approval of the ordinance as presented. The 150-foot buffer is a minimum that can be increased, as necessary, after study and review by the Planning Commission.

Financial Consideration: Approval of the amendment will have no fiscal impact other than the required publication fees.

Conclusion/Recommendations: Administration recommends adoption of the ordinance. As this is the second reading, a recorded vote by name is required.

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.*

<i>Conditional Use</i>	<i>Applicable Standards</i>
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 18th day of June, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

First Reading: June 4, 2012
Second Reading: June 18, 2012
Publication: June 29, 2012
Effective Date: July 19, 2012



Council Agenda Memo

From: Andy Colvin, Assistant City Manager

Meeting: June 18, 2012

Subject Second Reading of Ordinance No. 1281 Zoning Amendment - Amending R-4 Manufactured Housing, CB Central Business District, GB General Business District, GI General Industrial District, and HI Heavy Industrial District to Add Regulations for Building Lines and Frontage

Presenter: Andy Colvin

Background: The City Council recently adopted an ordinance to amend the R-2 and R-3 Districts that would provide for building lines and frontage requirements. This allows greater flexibility and clarity for odd-shaped lots and lots located on cul-de-sacs. The impact is not as great for normal square or rectangular lots where frontage and lot width are the same. The building line may be further than the setback line, but never any closer to the property line than the setback line. The width of the lot at the property line will be controlled by the required frontage.

Discussion: The proposed amendment will change the remaining districts and provide for frontage and building line requirements so all charts are consistent. Some districts, such as the CB Central Business District and HI Heavy Industrial District, will not be applicable, but a column was created for consistency. The amendment is essentially a housekeeping item to make all district tables arranged in the same way. The City Council approved first reading of the Ordinance to adopt the amendment at the June 4, 2012 meeting.

Planning Commission Recommendation: The Planning Commission considered the amendment and forwarded a recommendation to approve.

Financial Consideration: Approval of the amendment will have no fiscal impact other than the required publication fees.

Conclusion/Recommendations: Administration recommends adoption of the ordinance. As this is the second reading a recorded vote by name is required.

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.

	<i>Lot Area</i>	<i>Building Line</i>	<i>Frontage</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
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).

	<i>Lot Area</i>	<i>Building Line</i>	<i>Frontage</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
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).

	<i>Lot Area</i>	<i>Building Line</i>	<i>Frontage</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
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).

	<i>Lot Area</i>	<i>Building Line</i>	<i>Frontage</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
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).

	<i>Lot Area</i>	<i>Building Line</i>	<i>Frontage</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
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 18th day of June, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

First Reading: June 4, 2012
 Second Reading: June 18, 2012
 Publication: June 29, 2012
 Effective Date: July 19, 2012



Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: June 18, 2012
Subject: 4th of July Public Fireworks Display Permit
Presenter: Mike Carlson

Background: The Vermillion Chamber and Development Company (VCDC) is requesting City Council approval for a fireworks display to be held on the 4th of July, 2012, as part of the activities planned for the day. The display is planned to begin at about 10:00 p.m. and would be discharged from the field south of Polaris and west of Carr Street. Tom Taylor and Dennis Andersen will be conducting the show. Tom Taylor has indicated that he is providing the insurance, as he has done for his other displays. This permit request is similar to previous years. A copy of the permit application is attached.

Discussion: State law requires approval from the governing board of the municipality where the public display is to be fired.

SDCL: 34-37-13. Public display of fireworks. Nothing in this chapter prohibits the use of public display of fireworks. However, any person, association, organization, municipality, county, firm, partnership, or corporation, before making such public display of fireworks shall secure a written permit from the governing board of the municipality, township, or county where the public display is to be fired, and shall have purchased fireworks for the display from a licensed wholesaler under this chapter. Any public display shall comply with the National Fire Protection Association Standard 1123, 1995 edition.

Financial Consideration: The City provides \$3,500 in BBB Sales Tax funding to the VCDC to assist in funding the cost of the fireworks display.

Conclusion/Recommendations: Administration recommends that the City Council authorize the Mayor to sign the Fireworks Public Display permit for the Vermillion Chamber of Commerce and Development Company to be held on the 4th of July, 2012 in the field south of Polaris and west of Carr Street.

FIREWORKS PUBLIC DISPLAY PERMIT
A PERMIT TO OPERATE A DISPLAY OF FIREWORKS

Name of Applicant Vermillion Chamber of Commerce Phone (605) 670-0757 *
Address 703 Valley View Dr. City Vermillion State SD Zip 57069

PERSONS ACTUALLY IN CHARGE OF FIRING THE DISPLAY:

Name Tom Taylor Address 703 Valley View Dr. City Vermillion State SD Zip 57069

Name Dennis Andersen Address 703 Valley View Dr. City Vermillion State SD Zip 57069

Date of Display July 4, 2012 Time of Day 10:00 pm

Exact Location of Display

field south of Polaris, ~~road~~ southwest of Bower St.

TYPES OF FIREWORKS: U.S. Consumer Product Safety Commission CFR Title 16-1507-1998
American Pyrotechnics Association STD 87-1-1993

Display Fireworks

Consumer Fireworks

I, Thomas J. Taylor, declare and affirm under the penalty of perjury that this
Fireworks Display Permit has been examined by me and to the best of my knowledge and belief is true and correct

Date this 8th day of June, 20 12

Signature of Applicant Thomas J. Taylor

Subscribed and sworn to (or affirmed)

Before me this 8 day of June, 20 12

Muhall Khalil
Notary Public

My Commission Expires 7-5, 20 17

Permit Authorized By: _____

Title _____

Location of Issuing Authority _____

Date _____

Issued subject to all applicable laws and regulations, SDCL 34-36, SDCL 34-37 and National Fire Protection Association Pamphlet #1123 (1995 Edition). This permit may not be reassigned or transferred.

COPIES: WHITE-Permit Holder: YELLOW-Fireworks Wholesaler: PINK-Issuing Authority



Council Agenda Memo

From: Andy Colvin, Assistant City Manager
Meeting: June 18, 2012
Subject: High Street Closing – August 9 - 12, 2012
Presenter: Andy Colvin

Background: The Clay County Fair Association is hosting the annual Clay County Fair August 9–11, 2012. The group is requesting the temporary closure of a portion of High Street. The group also requests permission to park vehicles in and around the ditches to accommodate parking in addition to the removal of a section of fence between Lions Park and the Open Arena.

Discussion: The Clay County Fair Association is requesting that High Street be closed, along the fairgrounds, from 7:00 a.m. on Thursday, August 9, 2012 until 5:00 p.m. on Sunday, August 12, 2012. The August 12, 2012 street closure is for clean-up activities once the fair has concluded.

The Police, Fire, and EMS Departments have been notified of the closure request and have found no safety concerns.

Financial Consideration: None

Conclusion/Recommendations: Administration recommends authorizing the closure of High Street from 7:00 a.m. on Thursday, August 9, 2012 until 5:00 p.m. on Sunday, August 12, 2012 to accommodate the Clay County Fair.

Clay County Agricultural Fair Association

515 High Street ▪ Vermillion, SD 57069
(605) 677-7111 ▪ www.claycountyfair.net

June 8, 2012

City of Vermillion
Honorable Mayor Powell
& City Council Members
25 Center Street
Vermillion, SD 57069

Dear Mayor Powell,

The Clay County Fair is August 9-11, 2012. We are requesting that High Street (fairgrounds) be blocked to through-traffic from 7:00 AM on Thursday, August 9 through 5:00 PM Sunday, August 12, for the Clay County Fair and Achievement Days.

In addition, we would like to ask permission to park vehicles near and in the ditches, as we have in the past. We would also appreciate it if a section of the fence between Lions Park and the Open Arena grass could be removed for through traffic of trucks and trailers.

Thank you for your continued support of the Clay County Fair Association. We hope that you all can attend this year's fair. Should you have any questions, regarding this letter please do not hesitate to call our office at (605) 677-7111.

Respectfully,



Andrew P. Jensen
Clay County Agricultural Fair Manager
Clay County Fair Board



Council Agenda Memo

From: John Prescott, City Manager

Meeting: June 18, 2012

Subject: 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.

Presenter: Andy Colvin, Assistant City Manager

Background: Light and Power Superintendent, Mark Koller, presented information on city code section 51.32 at the June 4, 2012 noon meeting. This section of the code provides that the City will install pedestals for mobile home park units and wire the mobile home court. Although not specifically required in the ordinance, since the City installed the court wiring, it has also led to the City providing ongoing maintenance on a 24-hour basis for the mobile home courts.

Discussion: As Mark explained at the noon meeting, and the attached handout indicates, the ordinance has led to the City providing a higher level of service to one customer vs. all other customers. Businesses, apartments and homes only have electrical service provided to the lot line.

State requirements have also changed over time. Now an electrical engineer or an electrical contractor needs to design the mobile home park infrastructure. A licensed electrician needs to install the wiring. This is being done via the City's licensed electrician and contractor's license. A single code section to provide a higher level of service to only one group of customers ends up dictating the qualifications that a City employee must maintain. There are qualified electrical firms in Vermillion and the area who can provide these services to mobile home courts.

Ordinance No. 1282 has a proposed effective date of October 1, 2012. This provides time for the City to contact the mobile home court owners about the change. It also provides time for the mobile home court owners to make arrangements for maintenance of their wiring infrastructure after the ordinance implementation date.

Financial Consideration: The mobile home court owner pays a portion of the trailer pedestal cost at initial construction. The City pays for 100% of the ongoing maintenance and staff time to maintain the wiring. Adoption of the ordinance will limit the City's initial investment and remove ongoing maintenance costs.

Conclusion/Recommendations: Administration recommends approval of the first reading of Ordinance No. 1282.

Vermillion Light & Power

Electrical Services

Electrical services for businesses, apartments and homes in the Vermillion Light and Power territory are taken to the customers lot line. Then it is the owners responsibility to have a licensed electrician install the material to get power from the lot line to the building. The city supplies the meters and a one or two position meter socket for these installations. The electrician needs to have a wiring certificate so that the work can be inspected by the state electrical inspector.

A trailer park needs to be designed by an electrical engineer or an electrical contractor and installed by a licensed Electrician and have a wiring certificate posted for the state electrical inspector.

City code 51.32 sets a fee by resolution to pay for the infrastructure and the trailer pedestals. After the fees are paid the city does all the wiring for the court. So unlike all the other services in town the city wires and maintains the courts and charges nothing for upgrades.

If the city wants to continue wiring trailer courts engineering fees (the city doesn't pay for designing anyone else's projects) and inspection fees will have to be included. The city will always need an Electrical contractor on staff.

I believe the city needs to look at making the services similar for all customer installations by removing 51.32 from the city code and let the court owners take over the infrastructure they have paid for.

PROPOSED ORDINANCE NO. 1282

AN ORDINANCE AMENDING TITLE V, CHAPTER 51, SECTION 51.32 SPECIAL SERVICE, REPEALING SECTION 51.32(F) RELATING TO THE REMOVAL OF A FEE CHARGED TO MOBILE HOME COURT OWNERS UPON INSTALLATION OF SERVICE.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA, THAT CHAPTER 51 BE AMENDED AS FOLLOWS:

Repeal Section 51.32(F).

~~Where the city provides electric power to individual lots within a new mobile home court, a fee set from time to time by resolution per lot shall be charged to the mobile home court owner upon installation of the service.~~

BE IT FURTHER ORDAINED, that Sections 51.32(G) through 51.32(I) are numbered 51.32(F) through 51.32(H).

Dated at Vermillion, South Dakota, this 2nd day of July, 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

Seal

First Reading: June 18, 2012
Second Reading: July 2, 2012
Publication Date: July 13, 2012
Effective Date: October 1, 2012



Council Agenda Memo

From: John Prescott, City Manager
Meeting: June 18, 2012
Subject: Vermillion Housing Authority Appointment
Presenter: Mayor Jack Powell

Background: By State Statute the City Council is charged with appointing members of the Vermillion Housing Authority.

11-7-12. Appointment and terms of commissioners--Vacancies. The commissioners constituting a commission shall be appointed by the mayor or the chairman of the board of county commissioners, with the approval of the governing body. Those initially appointed shall be appointed for terms of one, two, three, four, and five years respectively. Thereafter all commissioners shall be appointed for five-year terms. Each vacancy in an unexpired term shall be filled in the same manner in which the original appointment was made.

The commission is comprised of five citizens appointed by the City Council. The terms are for five years and expire in June.

Discussion: The current members of the Vermillion Housing Authority and term expiration year are: Steve Howe (2012), and Elizabeth Abbott (2013), Cindy Benzel (2014), and Joan Holter (2015), and Sandy Brown (2016).

Steve was appointed in April 2005 to complete a term which expired in June 2007. Steve Howe is now completing his first full term on the Board. Steve's current term expires at the end of this month. Steve wishes to be appointed for a second full term.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends re-appointing Steve Howe to a term expiring in 2017 in order to fill the Vermillion Housing Authority Board.

CITY OF VERMILLION
 INVOICES PAYABLE-JUNE 18, 2012

1 AMERICAN RAMP COMPANY	SKATE PARK KIT	30,000.00
2 ARCHITECTURE INC.	PROFESSIONAL SERVICES	2,715.00
3 AVERA HEART HOSPITAL OF SD	AED - CITY HALL	1,385.00
4 BROADCASTER PRESS	ADVERTISING	1,624.01
5 BUREAU OF ADMINISTRATION	TELEPHONE	289.70
6 CENTURYLINK	TELEPHONE	1,460.99
7 CITY OF VERMILLION	LANDFILL VOUCHERS	435.00
8 CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,363.38
9 D & G CONCRETE CONSTRUCTION	PROFESSIONAL SERVICES	21,205.94
10 DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,277.32
11 FOREMAN MEDIA	COUNCIL MTG	100.00
12 GEOTEK ENGINEERING	PROFESSIONAL SERVICES	9,552.50
13 GLENDA WALKER	USED REFRIGERATOR WASTEWATER	350.00
14 GREGG PETERS	MANAGERS FEE	5,375.00
15 KARIAN PETERSON CONTRACTING	TRANSMISSION LINE	29,854.54
16 KNOLOGY	DIAL UP SERVICE	49.95
17 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	70.00
18 MATHESON TRI-GAS, INC	SUPPLIES	236.20
19 MIDAMERICAN	GAS USAGE	591.20
20 MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	105.95
21 RESERVE ACCOUNT	POSTAGE FOR METER	900.00
22 SPRINT	CELL PHONE	1,334.01
23 STERN OIL CO.	FUEL	22,470.55
24 THE EQUALIZER	ADVERTISING	1,194.00
25 TRUE VALUE	SUPPLIES	66.97
26 UNITED PARCEL SERVICE	SHIPPING	92.28
27 US POSTMASTER	POSTAGE FOR UTILITY BILLS	1,050.00
28 VERMILLION POLICE DEPT	OPERATIONS FUND	800.00
29 VISA/FIRST BANK & TRUST	TRAVEL/SUPPLIES	180.00
30 WATER'S EDGE AQUATIC DESIGN	PROFESSIONAL SERVICES	3,000.00
	GRAND TOTAL	\$141,129.49

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

**Tuesday, June 19, 2012
6:00pm
South Dakota Room**

AGENDA

- I Roll Call

- II Approval of the minutes of the May 17, 2012 meeting Pages 2-3

- III Reports of the Director
 - A. May Commentary Pages 4-5
 - B. May Statistics Pages 6-7
 - C. Fines & Gifts Page 8
 - D. May Budget Sheet Pages 9-10

- IV Approval of the Expenditures for June Pages 11-12

- V Library Newsletter and Calendar Pages 13-16

- VI Reports
 - A. SD Library Network
 - B. Friends of the Library
 - C. VPL Foundation

- VII Unfinished Business
 - A. Building Project
 - B. 2013 Budget

- VIII New Business

VERMILLION PUBLIC LIBRARY
BOARD OF TRUSTEES
MONTHLY MEETING

MAY 17, 2012
6:00 PM
SOUTH DAKOTA ROOM

MINUTES

TRUSTEES PRESENT: Janet Hoff, Fern Kaufman, Cyndy Chaney, Kent Osborne and Jon Flanagin.

OTHERS PRESENT: Jane Larson

On a motion by Kaufman, seconded by Osborne the minutes of the April 19, 2012 meeting were read and approved. All present voted aye.

The reports of the Director were reviewed and discussed. Larson provided additional information on the ebook circulation and the dollars submitted to the City for the building project.

On a motion by Hoff, seconded by Kaufman the proposed expenditures for May were approved for payment. All present voted aye.

REPORTS:

SDLN – Larson reported that next week staff will participate in 3 webinars introducing 3 new ILS systems. Evaluations will be compiled and sent to SDLN.

FRIENDS – No report.

FOUNDATION – Larson reported that donations are still coming in for the furnishings. The employees of Sanford Vermillion have donated \$3000 for YA programming and a PC for the new YA area.

UNFINISHED BUSINESS:

The building project was discussed. Larson provided samples of carpeting, tile, paint, etc. for Board members to view. On May 23 there will be a design meeting at 1:30, followed at 2:30 by a construction meeting. Larson notified the Board that the Vermillion Area Arts Council children's summer art camp is designing and donating an artwork for the children's area. The issue with the cost of the south doors was discussed.

The SD Broadband Project was discussed. Osborne will make a phone call to check on the progress. We applied for the project in April but have not received word of a review date.

NEW BUSINESS:

The 2013 proposed budget request was reviewed. On a motion by Kaufman, seconded by Hoff the proposed preliminary budget request was approved with 4 amount changes. All present voted aye.

DIRECTOR'S REPORT – MAY 2012

- May 1 – I proctored an exam for WIT
- May 2 – I attended a Department Head meeting at City Hall.
- May 2 – I presented a program to an OLLI group on genealogy resources in the Library.
- May 3 – I proctored an exam for WIT.
- May 4 – Carl Gutzman, Cyndy Chaney, Fern Kaufman and I attended a SD State Library trustee workshop in Sioux Falls.
- May 7 – I attended a meeting of the Community Services Forum. SD. Social Services presented the program on changes in their departments.
- May 8 – I proctored an exam for University of Iowa.
- May 9 – I met with employees from Sanford Health-Vermillion campus to discuss their ideas and concerns regarding their donations for programming, computers and construction.
- May 9 – Several of us met with Liz Squyer and Heather Mergen from Architecture, Inc. to review and select additional colors and carpeting for the building project.
- May 11 & 14 – I was on vacation.
- May 16 – I attended a Department Head meeting at City Hall.
- May 17 – Nancy Losaker and Susan Eggerstad from the Vermillion Area Arts Council and I met to discuss an art project for the new Children's Area.
- May 21 – Misi Kayl and I participated in a 5-hour webinar presenting the SIRSI/DYNIX library system.
- May 22 – Steve Waller and I attended the Dakota Hospital Foundation banquet and accepted a donation for the Vermillion Public Library Foundation.
- May 22 – Joyce Moore and Shelly Koller participated in a 5-hour webinar presenting the Evergreen library system.
- May 23 – Wendy Nilson and Patti Roberts-Pizzuto participated in a 5-hour webinar presenting the OCLC library system.
- May 23- Several of us participated in the progress meetings for design and construction.
- May 24 – At the monthly staff meeting the following topics were discussed: Department Head

Circulation Statistics for May 2012

Circulation												
By Category	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1) Adult Fiction	1621	1583	1603	1387	1742							
2) Adult Non-Fiction	578	589	555	580	540							
3) Video	704	819	1051	853	838							
4) Child Non-Fiction	419	480	458	357	376							
5) Child Fiction	1572	1579	1466	1340	1560							
7) Child A/V	26	29	47	35	57							
8) Adult A/V	444	415	434	380	466							
9) Child Periodicals	2	2	4	4	6							
10) Adult Periodicals	155	182	185	205	209							
11) Art Prints	3	5	2	1	2							
14) Toys	5	4	1	11	2							
15) CD-Rom	1	4	4	2	2							
16) New Books	909	916	889	986	1139							
17) Book Club Bags	3	3	2	3	2							
18) Parent/Teacher	11	13	12	11	10							
OneClick Digital	13	23	52	1	5							
OverDrive	42	*	88	81	76							
Total	6508	6646	6853	6237	7032	0	0	0	0	0	0	0
Year's Comparison				Outreach				Book and A/V Drop				
	<u>May 2011</u>	<u>May 2012</u>		<u>Month</u>	<u>Items</u>	<u>Patrons</u>	<u>Deliveries</u>	<u>Month</u>	<u>Total</u>	<u>#/Day</u>		
Adult	3399	3811		May 2011	500	35	84	May 2011	1736	60		
Child	1510	1999		Jun 2011	545	35	70	Jun 2011	1879	72		
New	965	1139		Jul 2011	569	37	70	Jul 2011	2044	82		
CD-Rom	2	2		Aug 2011	625	34	74	Aug 2011	2275	84		
Total	5876	6951		Sep 2011	605	34	87	Sep 2011	1588	53		
				Oct 2011	601	34	62	Oct 2011	1865	60		
Interlibrary Loan				Nov 2011	681	34	110	Nov 2011	1734	62		
Borrowed	160			Dec 2011	457	33	45	Dec 2011	1710	61		
Loaned	120			Jan 2012	645	33	72	Jan 2012	1598	57		
Total	280			Feb 2012	579	35	69	Feb 2012	1710	61		
				Mar 2012	586	36	79	Mar 2012	1785	58		
Items Returned:	5314			Apr 2012	567	35	69	Apr 2012	1764	58		
				May 2012	659	36	94	May 2012	1749	60		
Activities												
Adult Programs		Attended		Room Usage			Sessions	Users	Computer Usage:		981	
No Programs in May				Community Room			41	620				
				South Dakota Room			36	257	Website Visits:		3057	
Miscellaneous												
Patron Gate			Holds Placed				Open Days:			29		
	People	Alarms		Adult Items		44	Reference Questions:		319 11/day			
May 2011	2605	65		Children's Items		4	In-Library Browse:		1627			
May 2012	3010	52		New Items		28						

FINES AND GIFTS CHECKING ACCOUNT - MAY 2012

Month	Revenue				Expenditures		Balance
	Copier	Fines	Other	Donations	Paid Out	Checks	
							4570.67
January	161.15	353.50	73.09	100.30	20.20	100.00	8138.51
February	233.85	171.94	626.99	0.00	7.98	1168.74	7994.57
March	250.43	104.91	72.34	23.75	101.15	144.10	8200.15
April	153.30	135.51	56.00	1207.29	73.60	0.00	9678.65
May						1745.18	7933.47
June							
July							
August							
September							
October							
November							
December							
Totals	798.73	765.86	828.42	1331.34	202.93	3158.02	

CHECKS

- \$ 251.86 S & S (SRP Supplies)
- \$ 346.62 Old Courthouse Museum (SRP Program)
- \$ 225.00 The Groove Club (SRP Program)
- \$ 225.00 Pockets Full of Fun (SRP Program)
- \$ 215.00 Adam White (SRP Program)
- \$ 335.00 Jim Birkel (SRP Program)
- \$ 131.46 WalMart (SRP Program)
- \$ 15.24 Oriental Trading (SRP Program)

RECEIPTS

No receipts in May

INVESTMENTS

Institution	Type	Amount	Rate	Maturity	Total
1st Bank & Trust	Money Market	1.92 YTD 9.56	0.20%		\$ 11,715.19
1st Bank & Trust	CD	Cashed 3-13-12		\$ 52,572.53	
CorTrust	CD	Cashed 4-11-12		\$ 6,139.95	
TOTAL:					\$ 11,715.19

1st Bank & Trust Money Market Account

No transactions during the month of May

PROPOSED EXPENDITURES – JUNE 2012

2300 PUBLISHING AND ADVERTISING

Boradcaster Press (1 ad)	\$36.00
Equalizer (2 ads)	\$88.80
Nebraska Journal Leader (summer paper)	\$135.00
	<u>\$259.80</u>

2540 BUILDING REPAIR AND MAINTENANCE

Hauger Lawn Service (1 invoice, 3 mowings)	63.00
Johnson Controls (AC repair)	928.02
Lessman Electric (lamps)	125.00
Presto (insect spraying)	40.95
	<u>1156.97</u>

2590 OTHER REPAIR & MAINTENANCE

A & B Business (copier maintenance)	604.87
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2612 OPERATING SUPPLIES AND MATERIALS

Hyvee (2 invoices, program & kitchen supplies)	\$18.86
Kids Love Stickers (1 invoice, program supplies)	\$101.20
Quill (2 invoices, paper, cartridges, flash drive)	\$229.04
Upstart (1 invoice, program supplies)	\$36.25
VISA (5 invoices, program supplies)	427.84
Walmart (2 invoices, program supplies)	29.19
	<u>842.38</u>

2613 CLEANING SUPPLIES AND SERVICES

Dust-Tex (2 invoices, 2 mat cleanings)	\$23.30
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2615 COPY SUPPLIES

Quill (1 invoice, 10 cases paper)	\$477.10
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2700 TRAVEL & TRAINING

VISA (2 invoices, webinar, gasoline)	276.36
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2840 GAS

MidAmerican Energy (4-25 to 5-25)	\$21.62
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Summer Reading Program / Dream Big Preschool Age Through 5th Grade

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- SRP / Own the Night 2,3
- Summer Storytimes 2
- New Bookshelves 2,3
- Adult Reading Program 3

SUMMER HOURS:

- Monday - Thursday
10 am - 9 pm
- Friday
10 am - 6 pm
- Saturday
10 am - 5 pm
- Sunday: CLOSED

This is a free program with activities for kids of all ages! Registration is online at <http://vpl.sdl.net> or you may call or stop by the library and we will register you.

Beginning Readers (Read to me) Children age 2 through going into 1st grade and **Intermediate Readers** (children going into 2nd through 5th grades)

Beginning Readers and Intermediate Readers may read or be read to. For every 100 minutes read, children will receive a book buck which may be used in our incentive store the last week of July. They will also receive a token which may be

used for a prize from our gumball machine or placed in a donation jar to help children through the Make A Wish Foundation. Readers completing every star on the reading log will qualify for the **1000 Minute Party!** Readers wanting to read extra minutes may have one log for June and one for July. Only two logs will be accepted from each participant.

The Summer Reading Program Events in June are open to children preschool and older. Children under 5 must be accompanied by an adult.

See page 3 for Dream Big Schedule of Events.



Summer Film Festival / Dream Big

Vermillion Public Library will host a film festival Thursdays in June at 6:30 pm. Join us for the entertainment and refreshments of lemonade and popcorn. Schedule for the month:

June 7: *The Rookie* (127 minutes)
A high school baseball coach

agrees to try out for the major league if his team makes the playoffs.

June 14: *Seabiscuit* (140 minutes)
True story of the undersized racehorse and his jockey whose victories lifted the spirits of the team behind it and the nation.

June 21: *Soul Surfer* (106 minutes)
A teenage surfer girl summons the

courage to go back into the ocean after losing an arm in a shark attack.

June 28: *Door to Door* (90 minutes)
A man with cerebral palsy is determined to become a salesman.