

Approved Minutes
Council Special Session
June 20, 2011
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, June 20, 2011 at 12:00 noon in the City hall large conference room.

1. Roll Call

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

Absent: Davies

John Prescott, City Manager, introduced Jason Anderson as the Engineer in training who started last week.

2. Information Session - Thursdays on the Platz in Downtown Vermillion - Michelle Maloney

Michelle Maloney and Laura Hollingsworth, representing Thursdays on the Platz group, reported on the events planned for this summer on July 21, August 4, August 25 and September 1, noting that the events will run from 6:00 p.m. to 8:00 p.m. each evening. Michelle noted that they are looking for sponsors for some of the evenings and requested \$500 from the City for marketing of the events. Michelle and Laura answered questions of the City Council on the events.

3. Educational Session - Zoning Fees - Andy Colvin

Andy Colvin, Assistant to the City Manager, provided a handout of the comparisons of city zone change fees, conditional use permit fees, and variance fees of other first class cities and Clay County. Andy noted that the City was lowest on two and second from the lowest on the third. Andy noted that the City fees have not been adjusted for several years and, in some cases, do not cover the publishing costs of the hearing and postage required for notices, let alone the staff time. Discussion followed on the fees with the consensus to have City staff bring forward a resolution to adjust the fees to be the same as Clay County and to provide a reduced rate for annexation and zone change if they are both done at the same time.

4. Educational Session - Property Maintenance and Rental Housing Code Discussion - Farrel Christensen

Farrel Christensen, Building Official, reported that the City adopted a rental housing code in 1975 that has had minor modifications since it was adopted. He stated that the City adopted the International Property Maintenance Code for all property in the City excluding the rental property covered by the existing rental housing code. Farrel reported that he felt the International Property Maintenance Code was more inclusive than the City rental housing code and proposed that the City ordinance be changed to use the International Property Maintenance Code in place of the existing rental housing code. He reviewed some of the areas that would be an improvement to the existing rental housing code noting that he would also like to see a penalty for failure to register a rental property. Discussion followed with Farrel answering questions of the City Council. The Council's consensus was to bring forward an ordinance to adopt the International Property Maintenance Code for rental housing inspections and to provide a penalty fee comparison from other cities in the region.

5. Briefing on the June 20, 2011 City Council Regular Meeting Agenda

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

6. Adjourn

170-11

Alderman Grayson moved to adjourn the Council special session at 1:02 p.m. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 20th day of June, 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Approved Minutes
City Council Regular Session
June 20, 2011
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on June 20, 2011 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. June 6, 2011 Special Session; June 6, 2011 Regular Session

171-11

Alderman Osborne moved approval of the June 6, 2011 special session minutes and the June 6, 2011 regular session minutes. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

172-11

Alderman French moved approval of the agenda with the addition of New Business Item 8F - Funding Request for Thursdays on the Platz and Consensus Agenda Item 12A - Set a Public Hearing date of July 5, 2011 for special daily malt beverage and wine license for Vermillion Chamber and Development Company for Thursdays on the Platz on or about July 21, August 4, August 25, and September 1, 2011 at the Ratingen Platz on the corner of Market and Main Streets and on the Market Street right-of-way from Main Street south one half block. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

Alderman Grayson reported that the Joint Powers of Vermillion and Yankton are working on a strategic plan study. The first meeting was held last week for citizen input. John requested that citizens contact him if they have input for the Joint Powers Solid Waste Operations.

6. Public Hearings

A. Special daily malt beverage license on or about July 4, 2011 at Barstow Park for the Fraternal Order of Eagles

Mike Carlson, Finance Officer, reported that an application for a special daily malt beverage and wine license was received from the Fraternal Order of Eagles for the 4th of July events in Barstow Park. The Notice of Hearing and Police Captain's report are included in the packet.

173-11

Alderman Zimmerman moved approval of the special daily malt beverage and wine license for the Fraternal Order of Eagles on or about July 4, 2011 in Barstow Park. Alderman Grayson seconded the motion. Alderman Osborne requested to abstain. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Special permit to exceed allowable sound levels for the Vermillion Area Chamber and Development Company at Barstow Park on July 4, 2011 from 5:00 p.m. to 11:00 p.m. for 4th of July events

Mike Carlson, Finance Officer, reported that an application was received from the Vermillion Area Chamber and Development Company for a special permit to exceed allowable sound levels by no more than 50% for the 4th of July events planned in Barstow Park from 5:00 pm to 11:00 pm. The application and diagram are included in the packet.

174-11

Alderman Grayson moved approval of the special permit to exceed allowable sound levels for the Vermillion Area Chamber and Development Company for July 4th from 5:00 p.m. to 11:00 p.m. at Barstow Park. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Special permit to exceed allowable sound levels for Thursdays on the Platz at the Ratingen Platz, corner of West Main and Market Streets, on July 21, August 4, August 25 and September 1 from 6:00 p.m. to 8:00 p.m. for Thursdays on the Platz events

Jordan McQuillen, Intern to the City Manager, reported that an application was received from the Thursdays on the Platz group for a special permit to exceed allowable sound levels by no more than 50% for the events planned for July 21, August 4, August 25 and September 1 at the Ratingen Platz from 6:00 p.m. to 8:00 p.m. each day.

175-11

Alderman Davies moved approval of the special permit to exceed allowable sound levels by no more than 50% for Thursdays on the Platz on July 21, August 4, August 25 and September 1 from 6:00 p.m. to 8:00 p.m. at Ratingen Platz. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Special permit to exceed allowable sound levels for the Ride with Larry at Ratingen Platz, corner of West Main and Market Streets, on Saturday, June 25 from 10:00 a.m. to 2:00 p.m.

Jordan McQuillen, Intern to the City Manager, reported that an application was received from the Ride with Larry committee for a special permit to exceed allowable sound levels by no more than 50% for the event planned for June 25, 2011 from 10:00 a.m. to 2:00 p.m. at the Ratingen Platz. The Ride with Larry is an event to bring awareness of the benefit of exercise to individuals with Parkinson's Disease.

176-11

Alderman Willson moved approval of the special permit to exceed allowable sound levels by no more than 50% for the Ride with Larry event June 25th from 10:00 a.m. to 2:00 p.m. at the Ratingen Platz. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Consider a four foot side yard variance request for 917 Cottage Avenue to construction a 24' x 40' garage

Farrel Christensen, Building Official, reported that he has been working with Jim Sinke on an expansion to his garage. The existing garage is fourteen feet wide and Jim wants to expand it to twenty-four feet wide but, in measuring the distance to the lot line, a four foot variance is required. Farrel reviewed the ordinance that gives the City Council, acting as the Board of Adjustment, the power to hear and decide variance requests. The request for variance received from Mr. Sinke, along with the ordinance sections on variances, is included in the packet. Farrel noted that the neighboring house is six feet from the side yard and, if the variance is approved, the setback of the garage would be four feet for a total of ten feet between the two structures which is the minimum allowed by the fire code.

Jim Sinke, owner of 916 Cottage, stated that the footings on the existing garage have failed and are in need of replacement. Since they need to be replaced, he wanted to expand the size of the garage

to 24' X 40' and the added width would require a variance of four feet into the side yard setback. Jim stated that he has talked to his neighbors who all have signed a petition to allow the variance.

Discussion followed on the variance request noting that the City ordinance requires an eight foot side yard setback on each property, thus a total of sixteen feet between structures, while the fire code is less restrictive and requires ten feet.

177-11

Alderman Davies moved approval of the four foot side yard variance at 917 Cottage to provide for a 24 X 40 foot garage. Alderman Osborne seconded the motion. Discussion followed on the ordinance. A roll call vote of the Governing Body was as follows: Davies-Yes, Grayson-No, French-Yes, Meins-Yes, Osborne-Yes, Ward-No, Willson-Yes, Zimmerman-Yes, Mayor Powell-Yes. Motion carried 7 to 2. Mayor Powell declared the motion adopted.

7. Old Business - None

8. New Business

A. Fireworks Display permit for July 4, 2011

Jordan McQuillen, Intern to the City Manager, reported that a Fireworks Public Display Permit was received from James Taylor on behalf of the Vermillion Area Chamber and Development Company for the July 4th fireworks display that will be discharged from the field south of Polaris, west of Carr Street.

178-11

Alderman French moved approval of the Fireworks Public Display Permit for the Vermillion Area Chamber and Development Company for the 4th of July fireworks display south of Polaris, west of Carr Street. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Request to close Market Street from West Main Street to Kidder Street on Saturday, June 25, 2011 from 10:00 a.m. to 2:00 p.m. for the Ride with Larry

Jordan, McQuillen, Intern to the City Manager, reported that a request to close Market Street was received from the Ride with Larry committee for 9:30 a.m. to 3:00 p.m. on Saturday, June 25th for events planned for the end of the ride which are scheduled for 10:00 a.m. to 2:00 p.m.

179-11

Alderman Zimmerman moved approval of the closing of Market Street on Saturday, June 25th from Main Street to Kidder Street from 9:30 a.m. to 3:00 p.m. for the Ride with Larry event. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Request to close Main Street from Market Street to Elm Street, one half block south on Court Street and one block north on Center Street from 5:00 p.m. to 8:00 p.m. Wednesday, July 6, 2011 for the Tri-State Cruisers/Dakota Classic Cruisers

Mike Carlson, Finance Officer, reported that a street closing request was received from Dakota Classic Cruisers to close Main Street from Bank of the West drive-up to Market Street, Court Street to one half block south and Center Street from Main Street to National Street on July 6, 2011 from 5:00 p.m. to 8:00 p.m. for Tri-State Cruisers Car Show. The request and a map are included in the packet and Bob Gilkyson, representing Dakota Classic Cruisers, is present to answer questions. Discussion followed with the suggestion to start a half hour earlier to allow the cars parked on the street to move out of the area.

180-11

Alderman Willson moved approval of the closing of Main Street from Bank of the West drive-up to Market Street, Court Street one half block south from Main Street and Center Street from Main Street to National Street on Wednesday, July 6th from 4:30 p.m. to 8:00 p.m. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Request to close High Street from 7:00 a.m. Thursday, August 11, 2011 through Sunday, August 13, 2011 at 5:00 p.m. for the Clay County Fair

Jordan McQuillen, Intern to the City Manager, reported that a request was received from the Clay County Fair Association to close High Street through the Fairgrounds from 7:00 a.m. August 11th through 5:00 p.m. August 14th for the Clay County Fair, similar to previous years. The Fair Association also requested the use of the road ditch for parking. Discussion followed on if the weather conditions could cause damage to the ditch.

181-11

Alderman French moved approval of the closing of High Street through the Fairgrounds from 7:00 a.m. August 11th through 5:00 p.m. August

14th for the Clay County Fair and, weather permitting, the use of the road ditch for parking. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Reappointment of Sandy Brown to serve on the Vermillion Housing Authority

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

182-11

Alderman Zimmerman moved approval of the reappointment of Sandy Brown to the Vermillion Housing Authority Board with a term expiring the end of June 2016. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

F. Funding Request for Thursdays on the Platz

John Prescott, City Manager, reported that the Thursdays on the Platz Committee has requested \$500.00 of funding to promote the four events that are scheduled for this year. John noted that the BBB sales tax fund is for the promotion of the City. If the City Council wanted to fund the request, he would recommend the use of BBB Funds.

183-11

Alderman Davies moved approval of funding the Thursdays on the Platz in the amount of \$500.00 for advertising and promotion of the event from the BBB Sales Tax Fund. Alderman Osborne seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. 2011 Miscellaneous Concrete

William Schaffer, Engineering Intern, reported that quotes were requested for the 2011 miscellaneous concrete repair project. Plans were sent to eleven potential bidders. Only one quote in the amount of \$27,010.54 was received from Walker Construction for the project estimated at \$35,000.00.

184-11

Alderman Willson moved approval of the quote of Walker Construction on the miscellaneous concrete repair project of \$27,010.54. Alderman

Zimmerman seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported that the next City Council meeting will be on Tuesday, July 5th due to the holiday on Monday, July 4th.

B. John reported that the City has received a Decade of Drinking Water Excellence Award from the SD Department of Environment and Natural Resources. The award is in recognition of ten consecutive years of meeting the requirements of the Safe Drinking Water Act and South Dakota regulations.

C. John reported that the City parks and Bluffs Golf Course were fogged for mosquitos last week. The Parks staff will begin fogging the different quadrants of the community this week, weather permitting. As in past years, if you do not want the fogging machine activated as it passes your property, please contact City Hall at 677-7050 to be included on the list.

PAYROLL ADDITIONS AND CHANGES

Engineering: Jason Anderson \$20.67/hr; Police: Robin Hower \$23.68/hr, Nathan Goette \$17.26/hr, Luke Trowbridge \$21.23/hr; Recreation: Ariel Hofman \$7.50/hr, Bennet Johnson \$7.50/hr, Chris Mart \$7.50/hr

11. Invoices Payable

185-11

Alderman Davies moved approval of the following bill:

WILLSON FLORIST	FLORAL ARRANGEMENT	75.00
-----------------	--------------------	-------

Alderman French seconded the motion. Alderman Willson requested to abstain. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

186-11

Alderman Davies moved approval of the following bills:

ALLIED INSURANCE	NOTARY BOND	100.00
ARAMARK	UNIFORMS	279.37
BROADCASTER PRESS	ADVERTISING	1,168.28
BRUNICKS SERVICE INC	FUEL	7,291.18
BUREAU OF ADMINISTRATION	TELEPHONE	343.26

CITY OF VERMILLION	LANDFILL VOUCHERS	684.50
CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,101.84
DCI MARKETING	SMOKE STANDS/ASHTRAYS	1,135.08
DEPT. ENVIR NATL RES	LANDFILL OPERATIONS FEE	3,071.48
GREGG PETERS	MANAGERS FEE	5,375.00
KNOLOGY	911 CIRCUIT	1,415.45
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	70.00
MATHESON TRI-GAS, INC	OXYGEN	294.21
MIDAMERICAN	GAS USAGE	1,154.30
MIDCONTINENT COMMUN	INTERNET SERVICE	91.75
QWEST	TELEPHONE	1,548.49
RESERVE ACCOUNT	POSTAGE FOR METER	950.00
SPRINT	CELL PHONES	971.10
STERN OIL CO.	FUEL USAGE	14,941.70
THE EQUALIZER	ADVERTISING	1,027.40
UNITED PARCEL SERVICE	SHIPPING	71.57
US POSTMASTER	POSTAGE FOR UTILITY BILLS	975.00
VERMILLION AREA FARMERS	REIMBURSE OVERPAYMENT	30.00
NANCY ZUERCHER	BRIGHT ENERGY SOL REBATE	10.00
DALE PIETRZAK	BRIGHT ENERGY SOL REBATE	275.00
JENNIFER JONES	BRIGHT ENERGY SOL REBATE	100.00

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

12. Consensus Agenda

A. Set a Public Hearing Date of July 5, 2011 for special daily malt beverage and wine license for the Vermillion Area Chamber and Development Company for Thursdays on the Platz on or about July 21, August 4, August 25 and September 1, 2011 at the Ratingen Platz on the corner of Market and Main Streets and the Market Street right-of way from Main Street south one half block.

187-11

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

13. Adjourn

188-11

Alderman Meins moved to adjourn the Council Meeting at 7:43 p.m. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 20th day of June, 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.