Special Meeting Agenda
City Council

12:00 pm (noon) Special Meeting
Monday June 20, 2011
Large Conference Room
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**

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

3. **Education Session – Zoning Fees – Andy Colvin.**

4. **Education Session – Property Maintenance and Rental Housing Code Discussion – Farrel Christensen.**

5. **Briefing on the June 20, 2011 City Council Regular Meeting Agenda**- Briefings are intended to be informational only and no deliberation or decision will occur on this item.

6. **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 20, 2011
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**

2. **Pledge of Allegiance**

3. **Minutes**
   a. June 6, 2011 Special Session; June 6, 2011 Regular Session.

4. **Adoption of the Agenda**

5. **Visitors To Be Heard**

6. **Public Hearings**
   a. Special daily malt beverage license on or about July 4, 2011 at Barstow Park for the Fraternal Order of Eagles.
   b. Special permit to exceed allowable sound levels for the Vermillion Area Chamber & Development Company at Barstow Park on July 4, 2011 from 5:00 pm to 11:00 pm for 4th of July events.
   c. Special permit to exceed allowable sound levels for the Thursdays On the Platz at the Ratingen Platz corner of W. Main and Market Streets on July 21, August 4, August 25 & September 1 from 6:00 pm to 8:00 pm for Thursdays On the Platz events.
   d. Special permit to exceed allowable sound levels for the Ride with Larry at Ratingen Platz, corner of W. Main Street and Market Streets, on Saturday, June 25 from 10:00 am to 2:00 pm.
   e. Consider a four foot side yard variance request for 917 Cottage Avenue to construct a 24 x 40 garage.

7. **Old Business**

8. **New Business**
   a. Fireworks Display permit for July 4, 2011.
   b. Request to close Market Street from W. Main Street to Kidder Street on Saturday, June 25, 2011 from 10:00 am to 2:00 pm for the Ride with Larry.
   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 pm to 8:00 pm Wednesday, July 6, 2011 for the Tri State Cruisers/Dakota Classic Cruisers.
   d. Request to close High Street from 7:00 am Thursday, August 11, 2011 through Sunday, August 13, 2011 at 5:00 pm for the Clay County Fair.
   e. Reappointment of Sandy Brown to serve on the Vermillion Housing Authority.

9. **Bid Openings**
   a. 2011 Miscellaneous Concrete.

10. **City Manager's Report**

11. Invoices Payable

12. Consensus Agenda

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 6, 2011
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, June 6, 2011 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present: French, Grayson, Meins, President Osborne, Willson, Zimmerman

Absent: Davies, Ward, Mayor Powell

2. Informational Session - Update on Missouri River and Vermillion River flooding - Layne Stewart, Clay County Emergency Manager

Layne Stewart, Clay County Emergency Management Director, reported that approximately 40,000 sand bags have been filled and picked up. Layne wanted to thank the volunteers that have been filling sand bags noting that a number of City employees have been assisting. He reported that there is no public infrastructure in the County to protect but that citizens are protecting their private property. He stated that he felt most of the private property has been protected and now is the time to wait to see what happens. He stated that homeowners along the Missouri River were notified of the high water coming, but there were no evacuation notices given. Layne stated that he is updating his website with current information and links to state information and suggested that individuals use this site instead of relying on rumors. Layne stated that, as far as city infrastructure, the Wastewater Treatment Plant outfall into the Vermillion River would be the lowest point and it is projected to be almost 10 feet above the high water levels. Layne answered questions of the Council members.

3. Educational Session - Update on Joint Jurisdictional Zoning Area project - Andy Colvin, Assistant to the City Manager

Andy Colvin, Assistant to the City Manager, updated the City Council on the meetings of the City/County Joint Jurisdictional Planning Committee. For the past few months, the committee's discussions have revolved around building code and inspections. The County representatives stated that the County will adopt a building code similar to the City and issue building permits in the joint jurisdictional area, but would like the City to provide the

inspections. The committee reviewed the building permit appeal process for this area that would consist of equal representatives from the County and City. Andy stated that the timeline for adoption of the Joint Jurisdictional ordinance will be later this fall. The City will need to amend the current comprehensive plan to adopt a future land use map that will take public hearings by both the City Planning Commission and City Council. Once this is adopted, the County and City will begin the process to adopt the Joint Jurisdictional Ordinance. The Joint Jurisdictional Zoning Ordinance, City/County Building Code inspection arrangement and Comprehensive Plan amendments still need to be reviewed by the City Attorney and State's Attorney. Discussion followed on the process and next steps.

4. Briefing on the June 6, 2011 City Council Regular Meeting

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

5. Adjourn

144-11
Alderman Zimmerman moved to adjourn the Council special session at 12:24 p.m. Alderman French seconded the motion. Motion carried 6 to 0. President Osborne declared the motion adopted.

Dated at Vermillion, South Dakota this 6th day of June, 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY_____
Kent Osborne, President

ATTEST:
BY_____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
June 6, 2011
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on June 6, 2011 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

Absent: Osborne

2. Pledge of Allegiance

3. Minutes

A. May 16, 2011 Special Session; May 16, 2011 Regular Session

145-11
Alderman Zimmerman moved approval of the May 16, 2011 special session minutes and the May 16, 2011 regular session minutes. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

146-11
Alderman Willson moved approval of the agenda with the change of New Business 8d - change date to June 25th and the addition of Consensus Agenda 12e - Set a public hearing date of June 20, 2011 for a special permit to exceed allowable sound levels for the Ride with Larry Committee at the Ratingen Platz on the corner of Main and Markets Streets on June 25, 2011 from 10:00 a.m. to 2:00 p.m. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

Mayor Powell reported that an anonymous donor has offered $5.00 in merchandise at Dairy Queen to National Guard members in uniform on June 8th and 9th from 5:00 p.m. to 10:00 p.m.

6. Public Hearings

A. Petition to rezone approximately sixteen square blocks of the City from R-2 Medium-Density Residential District to R-1 Low-Density Residential District. This area is bordered by Clark Street on the north, Main Street on the south, Plum Street on the East, and the alley between Harvard Street and Dakota Street on the west.

Farrel Christensen, Building Official, reported that a petition to rezone the area described was received signed by about 20% of the property owners requesting to downzone this area from R-2 to R-1. Farrel reviewed the differences between R-2 and R-1 zones including uses allowed or not allowed in each zone. Farrel stated that existing uses that did not conform to the uses allowed in the R-1 zone would be allowed to continue until the use was ceased for one year or the property was damaged by more than 50% at which time they would need to come into compliance. Farrel reported the area was posted, letters were mailed to the property owners and the public hearing was advertised. The Planning Commission held a public hearing on May 23rd, at which time a number of property owners provided input on the proposed zone change with the Planning Commission recommending 5-0 to deny the zone change request.

Barb Iacino, 1909 N. University, stated that the people she talked to who had signed the petition felt it would resolve the parking issues in the area and stated that parking is not addressed by the new zoning. She stated that there would be an impact on nonconforming properties that, if damaged beyond the 50%, they could not be rebuilt to their prior use. She expressed concerns about finding bank financing for nonconforming properties that could impact the ability to sell property in this area. She requested the City Council deny the zone change.

Don Foley, owner of three properties in this area, felt the R-2 zone that allows a higher density is better suited for this property adjacent to the University and was against the change.

Mary Dennison, 202 N. Willow, stated that she is opposed to the change as it would have unintended consequences. She stated that the sororities have been good neighbors and that the parking in the area is by USD employees.

Greg Card, owner of two properties in the area, stated that he had previously lived in the area and noted that the Planning Commission had a good hearing with a lot of public input and came to the

conclusion to recommend denial of the request. He requested the City Council agree with their decision.

Discussion followed on the zone change request noting that this area also includes a Historic District.

147-11
Alderman Willson moved to deny the R-2 to R-1 zone change request contained in the proposed Ordinance No. 1255 for the area between E. Clark Street and E. Main Street, Plum Street and the alley between Harvard Street and Dakota Street. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the first reading of Ordinance No. 1255 failed.

B. Conditional Use Permit Application to operate a Veterinary Clinic at 906 E Cherry Street

Farrel Christensen, Building Official, stated that City staff noticed a new sign at 906 E. Cherry Street advertising veterinarian services. Upon review, it was determined that neither a sign permit nor a conditional use permit had been issued for the location. The tenant was contacted, along with the property owner, who made application for the conditional use permit. Farrel stated that the zoning ordinance allows Veterinarians to conduct business with no outdoor kenneling, within 1,000 feet of a residential area, as a conditional use in the General Business Zoning District. The application does not include outdoor kenneling and the proposed use is to be conducted within the existing structure with only minor modifications to the exterior planned. The City Council, as the Board of Adjustment, may authorize this use by conditional use permit and impose any conditions that may be appropriate and necessary to protect the health, safety and welfare of the citizens of the City.

Dr. Erin Schroeder and Dr. Ben Schroeder stated that they do not plan on doing any outdoor kenneling at this location as they have facilities for this in their Hartington location. They requested approval of the conditional use permit to continue to operate at this location.

148-11
Alderman Zimmerman moved approval of the conditional use permit to allow the operation of a Veterinary Clinic at 906 E. Cherry Street without the outdoor kenneling. Alderman Ward seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. Renewal of malt beverage licenses

Mike Carlson, Finance Officer, reported that the Notice of Hearing and the Police Captain'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 Oma Shree, LLC, for Speedee Mart, Sunset Oil, Inc., for Pump N Pak, Red Steakhouse, Inc., for Red Steakhouse, Maya Jane's, Inc., for Maya Jane's and Leo's Sports Bar & Grill, LLC, for Leo's Lounge, were handed out at last Council meeting. Mike stated that Captain Passick and a number of the license holders are present if the City Council has questions.

149-11
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 7 to 0. Mayor Powell declared the motion adopted.

150-11
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, LLC, for Carey's Bar, at 18 & 20 West Main Street; Spanrex, Inc., for Chae's, at 8 West Main Street; Dwight Iverson for Cherry Pit Stop Video Lottery, at 23 East Cherry 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; Prairie Inn SD, 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 of Vermillion, Inc., for Pump N Stuff VL Room #2, at 203 E Main; Bonnie K. Rowland, for Raziel's, at 13 West Main Street; Brian Steele, for Recuerdo's, at 112 East Main Street; Red Steakhouse, Inc., for Red Steakhouse, at 1 East Main Street; La Marco, 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 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. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

D. Package malt beverage and SD Farm Wine for Casey's General Store, 615 Jefferson Street

Mike Carlson, Finance Officer, reported that an application was received for a package off sale malt beverage license with SD Farm Wine from Casey's Retail Company, for Casey's General Store, at 615 Jefferson Street who previously had package malt beverage license. This license was created two years ago to allow for the sale of package SD Farm Wines along with package malt beverage. The Police Captain's report for this business was included with the previous item. The license fee for package malt beverage license with SD Farm Wine is $25 higher than the package malt beverage license of which the City receives half. Discussion followed.

151-11
Alderman Ward moved approval of the package malt beverage with SD Farm Wine for Casey's Retail Company, Inc., for Casey's General Store, at 615 Jefferson Street. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

E. Retail on-off sale malt beverage and SD Farm Wine for Jonathan Robertson for Cherry Street Grille, 1122 E Cherry Street

Mike Carlson, Finance Officer, reported an application was received for the retail on-off sale malt beverage license with SD Farm Wine from Jonathan Robertson for Cherry Street Grille at 1122 East Cherry who previously had the on-off sale malt beverage. This license was created by the legislature this year to allow for the on-off sale of SD Farm Wine along with the on-off sale malt beverage. The Police Captain's report for this business was included with the previous

item. The license fee for on-off sale malt beverage with SD Farm Wine is $25 higher than the on-off sale malt beverage license of which the city receives half. Discussion followed.

152-11
Alderman Zimmerman moved approval of the retail on-off sale malt beverage license with SD Farm Wine for Jonathan Robertson, for Cherry Street Grill, at 1122 East Cherry Street. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

F. Special permit to exceed allowable sound levels by no more than 50% for Tour De Kota Vermillion Committee on the grass area located north of Cherry Street between N. University Street and Plum Street on Thursday, June 9, 2011 from 12:00 noon to 9:00 p.m. for a live radio remote and band

Mike Carlson, Finance Officer, reported that an application was received from the Tour de Kota Vermillion Committee to exceed the allowable sound levels by no more than 50% for a new location from what was previously requested and approved. The new location is on the grass area located north of Cherry Street between N. University Street and Plum Street for the live radio remote and band on Thursday, June 9, 2011 from 12:00 noon to 9:00 pm. Maureen Cashin, representing the local committee, is present to answer any questions.

153-11
Alderman Ward moved approval of the special permit to exceed the allowable sound levels by no more than 50% for Tour de Kota Vermillion Committee on the grass area located north of Cherry Street between N. University Street and Plum Street on Thursday, June 9, 2011, from 12:00 noon to 9:00 p.m. for a live radio remote and band. Alderman Grayson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

G. Application for Community Development Block Grant Funding to construct a new water tower

Janice Buttolph, Planner with SECOG, handed out the first page of the CDBG application and requested all present to complete the sign in sheet to document those present at the public hearing. Janice reported that this project started last summer with an inquiry about Community Development Block Grant Funding (CDBG), at which time we were advised to make application to the Department of Environment and Natural Resources (DENR) for a State Revolving Fund (SRF) loan and principal forgiveness. The application was submitted this spring

to DENR for an SRF loan with principal forgiveness with the DENR board approving a 30 year, 2.25%, loan for $1,532,000 with 10% principal forgiveness. The application that was handed out is requesting a $309,000 CDBG for the project and, as this grant will reduce the amount of the loan, the 10% principal forgiveness will also be reduced as is reflected on the application. Janice noted that the City Council completed the necessary community assessment last fall as part of the Library CDBG application and that assessment can be used for this application. Janice stated that Harold Holoch, Utility Engineer, was present to explain the project.

Harold Holoch, Utility Engineer, reported that the City Council has been updated on this project a number of times noting that the City serves approximately 2,800 water meters that provide water to its customers. Water is pumped from 5 wells to the water treatment plant, treated using conventional lime softening, then pumped from a 1.5 MG ground storage reservoir into the distribution system. Water is conveyed from the Water Treatment Plant to the 100,000 gallon Market Street and 500,000 gallon Prentis Park towers. The condition of the Market Street Tower has been under review for a number of years. Improvements to the Market Street Tower are needed because the tower is approximately 100 years old and a previous inspection report notes that the Market Street Tower needs to have considerable upgrades or should be replaced. Harold stated that the City Council authorized the loan application to see if principal forgiveness or grant funding was available to assist with the project. Harold reported that with the SRF loan, and with 10% principal forgiveness, the current water rates would need to be increased 8.74% or $2.36 per month based upon 5,000 gallons of usage. If the CDBG grant is received, the projected rate increase is reduced to 7.77% or $2.10 per month. Harold noted that the tower construction will take two years so these rates can be divided over that period, but also reminded the Council that the City has had rate increases each of the previous few years for improvements to the plant.

Mayor Powell opened the public hearing and upon hearing no public comment asked the Council members for input.

The question was asked about the cost of removing the old tower with Janice reporting that the State will not provide grant or loan funds for this, but that it is a City expense that was built into the financials used for the application. Harold reported that the cost is estimated at $84,000. Discussion followed.

154-11
Alderman Ward moved approval of the $309,000 CDBG application for the water tower project. Alderman Grayson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

7. Old Business

A. Second Reading of Ordinance No. 1254 - Amending Sections 155.095, Conditional Use Permits and 155.100, Board of Adjustment of the 2008 Revised Ordinances of the City of Vermillion, South Dakota (Planning Commission approval of conditional use permits and recommendation on variances

Andy Colvin, Assistant to the City Manager, reported that the ordinance will provide for the Planning Commission to serve as the Board of Adjustment on conditional use requests and to review and report on variances if requested. If a party would like to appeal the decision of the Board of Adjustment for conditional uses, the City Council would serve as the appeal board. Discussion followed.

155-11
Mayor Powell read the title to the above named Ordinance, and Alderman Davies moved adoption of the following:

BE IT RESOLVED, that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1254, entitled an Ordinance Amending Sections 155.095, Conditional Use Permits and 155.100, Board of Adjustment of the 2008 Revised Ordinances of the City of Vermillion, South Dakota, Planning Commission approval of conditional use permits and recommendation on variances was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 16th day of May, 2011 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 6th day of June, 2011 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

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

ORDINANCE NO. 1254

AN ORDINANCE AMENDING SECTIONS 155.095, CONDITIONAL USE PERMITS AND 155.100, BOARD OF ADJUSTMENT OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA.

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

Section 1. That Section 155.095, of the Zoning Ordinance of Vermillion, SD, is hereby amended to read as follows:

155.095 CONDITIONAL USE PERMITS.

Any conditional use approved by the Planning Commission shall conform to the standards set forth for such uses below. These standards shall be construed to be the minimum requirements for any of the specified conditional uses, and the Planning Commission may require additional reasonable stipulations at their discretion. In all cases, the impact of the proposed use on adjacent properties shall be a major consideration.

(A) Procedure. The Planning Commission may authorize by conditional use permit, those uses specifically designated as conditional uses in §§ 155.030 through 155.039. The Planning Commission shall impose such conditions as are appropriate and necessary to insure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of the conditional use permit.

(B) Application. To obtain a conditional use permit, the applicant shall file an application, therefore, in writing on a form furnished by the Zoning Administrator. Every application shall contain the following information:

(1) Legal description of the land on which the conditional use is requested, together with a local street address.

(2) Name and address of each owner of the property.

(3) Name, address, phone number and signature of the applicant.

(4) Zoning district classification under which the property is regulated at the time of such application.

(5) Be accompanied with a site plan, unless waived by the Zoning Administrator.

(6) Any other information concerning the property as may be requested by the Zoning Administrator or the Planning Commission.

(C) Fees. Upon the filing of any application for a conditional use permit with the Zoning Administrator, the applicant shall pay to the City the appropriate fee as designated by resolution of the Vermillion City Council.

(D) Information on site plan.

(1) In addition to the following information, plans shall be drawn to scale upon substantial paper, or provided electronically, and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show, in detail, that it will conform to the provisions of this section and all relevant laws, ordinances, rules and regulations. The Zoning Administrator may waive the submission of plans, if he or she finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this section.

(a) The address of the property and the legal description.

(b) The name of the project and/or business.

(c) The scale and north arrow.

(d) All existing and proposed buildings or additions.

(e) Dimensions of all buildings.

(f) Distance from all building lines to the property lines at the closest points.

(g) Building height and number of stories.

(h) Dimensions of all property lines.

(i) Parking lots or spaces; designate each space, give dimensions of the lot, stalls and aisles.

(j) Screening; show height, location, and type of material to be used.

(k) The landscaped setback and trees; indicate species of trees and material to be used for landscaping.

(l) Name and location of all adjacent streets, alleys, waterways and other public places.

(2) Approved plans shall not be changed, modified, or altered without authorization from the Planning Commission giving final approval, and all work shall be done in accordance with the approved plans.

(E) Review and public hearing procedure.

(1) Prior to the approval of a conditional use permit, the Zoning Administrator shall meet with the applicant to review the application. After review of the application, the Zoning Administrator shall make a recommendation to the Planning Commission to either approve or not approve the application. The Zoning Administrator's recommendation shall include a summary of the application, and the reasons and justification for either approval or disapproval of the application.

(2) The Zoning Administrator shall set the date, time and place for a public hearing to be held by the Planning Commission. The Zoning Administrator shall notify the landowner by mail, and shall post notices of the public hearing at City Hall and on the property affected by the proposed conditional use permit no less than seven (7) days prior to the scheduled public hearing. No less than ten (10) days before the public hearing, the Zoning Administrator shall publish notice of the public hearing in a legal newspaper of the City.

(3) The following procedure shall be followed by the Planning Commission in considering the recommendation of the Zoning Administrator:

(a) A public hearing shall be held. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Planning Commission.

(b) Before any conditional use permit shall be granted, the Planning Commission shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provisions and arrangements have been made concerning the following, where applicable:

1. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

2. Off-street parking and loading areas where required;

3. Refuse and service areas, with particular reference to 1. and 2. above;

4. Utilities, with reference to locations, availability, and compatibility;

5. Screening and buffering with reference to type, dimensions and character;

6 Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with other properties in the district;

7. Required yards and other open space;

8. General compatibility with adjoining properties and other property in the zoning district in which such use is to be located;

9. The goals and objectives of the most recently adopted comprehensive plan.

(c) The Planning Commission shall decide whether to grant the conditional use with such conditions and safeguards as are appropriate or to deny a conditional use when not in harmony with the purpose and intent of these regulations. The decision of the Planning Commission shall be

final unless an appeal is filed in accordance with Section 155.095 (F).

(F) Appeal of planning commission decision. The decision rendered by the Planning Commission on a conditional use permit may be appealed to the City Council. The applicant or any other person aggrieved by the decision of the Planning Commission shall file a written appeal with the Zoning Administrator within five working days of the Planning Commission's decision. When an appeal is filed, the Zoning Administrator shall present the Planning Commission's decision to the City Council for review. Notice of the meeting shall be given as required by Section 155.095 (E). The City Council shall vote to either uphold, overrule or amend the decision of the Planning Commission.

(G) Expiration. A conditional use permit shall expire one year from the date upon which it becomes effective if no work has commenced. Upon written request to the Zoning Administrator and prior to the conditional use permit expiration date, a one-year time extension for the conditional use permit may be granted by the Zoning Administrator, subject to the following conditions:

(1) The land uses for the surrounding properties have not significantly been altered since the original approval date for the conditional use permit;

(2) Due to other on-going permitting processes or necessary engineering/planning studies relating to the specific project for the conditional use permit that may impact the one-year schedule for project completion.

A conditional use permit approved in accordance with Section 155.095 shall expire one year after the use discontinues on the premises, or the use is changed to another permitted use in the underlying district.

Section 2. That Section 155.100, of the Zoning Ordinance of Vermillion, SD, is hereby amended to read as follows:

155.100 BOARD OF ADJUSTMENT.

(A) Establishment. A Board of Adjustment is hereby established for the City of Vermillion, which shall

consist of the members of the City Council, pursuant to SDCL § 11-4-24.

(B) Powers and duties. The Board of Adjustment shall have the following powers and duties:

(1) To hear and decide appeals where it is alleged there is error in any requirement or determination made by the Zoning Administrator in the enforcement of this chapter.

(2) To hear and decide upon petitions for variances to vary the strict application of the height, area, setback, yard, parking or density requirements as will not be contrary to the public interest. A variance shall not be allowed to vary the use regulations.

(C) Appeal procedure.

(1) Any person or persons, jointly or severally, aggrieved by any decision of the Zoning Administrator, may present to that official, a notice of appeal, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. The notice of appeal shall be filed with the Zoning Administrator of the City of Vermillion, who shall transmit to the Board of Adjustment all information and records concerning the appeal. Such notice of appeal shall be presented to the Zoning Administrator within thirty (30) days after the filing of the decision in the office of the Zoning Administrator.

(2) The Board of Adjustment shall keep a public record of all findings and decisions. All meetings shall be held at the call of the chairperson and at such other times as necessary. Each session, at which an appeal is to be heard, shall be a public meeting. The Zoning Administrator shall notify the appellant by mail, and shall post notices of the public hearing at City Hall and on the property affected by the proposed appeal (if applicable) no less than seven (7) days prior to the scheduled public hearing. No less than ten (10) days before the public hearing, the Zoning Administrator shall publish notice of the public hearing in a legal newspaper of the City.

(3) A public hearing shall be held. The appellant may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Board of Adjustment. Written findings certifying compliance with the specific rules governing the action considered at the public hearing shall be completed by the Board. The concurring vote of two-thirds (2/3) of the members of the Board of Adjustment shall be necessary to approve any appeal or arrive at any determination.

(D) Variances. The Board of Adjustment shall have the jurisdiction to hear and decide upon petitions for variances to vary the strict application of the height, area, setback, yard, parking or density requirements as will not be contrary to the public interest. For purposes of these regulations, public interest shall include the interests of the public at large within the City, not just neighboring property owners. At all times, the burden shall be on the applicant to prove the need for a variance. The following issues are to be considered, each and all of them, as determining factors in whether or not the issuance of a variance is justified:

(1) An unnecessary hardship must be established by the applicant who applies for the variance. For purposes of this subsection, an unnecessary hardship is a situation where, in the absence of a variance, an owner can make no feasible or reasonable use of the property. Convenience, loss of profit, financial limitations, or self-imposed hardship shall not be considered as grounds for approving a variance by the Board of Adjustment.

(2) Literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Chapter.

(3) The variance requested is the minimum variance that will alleviate the hardship.

(4) Granting of the variance will comply with the general purpose and intent of this Chapter, and will not be offensive to adjacent areas or to the public welfare.

(5) No nonconforming use or structure in the same district and no permitted or nonconforming use or structure in other districts shall be considered grounds for the issuance of a variance.

(6) Exceptional and extraordinary circumstances apply to the property that do not apply to other properties in the same zone or vicinity and that result from lot size or shape, topography or other circumstances which are not of the applicant's making.

(7) In order to preserve the intent of these zoning regulations and to protect the public interest, the Board of Adjustment may attach conditions to a variance. A variance shall remain valid only as long as the property owner complies with any terms and conditions of the variance, as attached by the Board of Adjustment.

(8) An application for a variance, available from the Zoning Administrator of the City of Vermillion, shall be completed by the landowner requesting the variance. Completed applications shall be returned to the Zoning Administrator for review. To be considered completed, the application shall contain the following information:

(a) Legal description of the land on which such variance is requested, together with local street address;

(b) Name and address of each owner of the property;

(c) Name, address, phone number and signature of the applicant;

(d) Zoning district classification under which the property is regulated at the time of such application;

(e) Description of the variance sought from the zoning regulations;

(f) Be accompanied with a site plan, unless waived by the Zoning Administrator.

(9) The Zoning Administrator shall review the application, and shall make a recommendation to the Board of Adjustment to either approve or not approve said application. The Zoning Administrator's recommendation shall include a summary of the application, and the reasons and justification for either approval or disapproval of the application. The Authorized Official or the Board of Adjustment may refer requests for variances to the Vermillion Planning Commission for review and recommendation.

(10) The Zoning Administrator shall set the date, time and place for a public hearing to be held by the Board of Adjustment. The Zoning Administrator shall notify the landowner by mail, and shall post notices of the public hearing at City Hall and on the property affected by the proposed variance no less than seven (7) days prior to the scheduled public hearing. No less than ten (10) days before the public hearing, the Zoning Administrator shall publish notice of the public hearing in a legal newspaper of the City.

(11) The public hearing shall be held. The applicant may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Board of Adjustment. Written findings certifying compliance with the specific rules governing the action considered at the public hearing shall be completed by the Board. The concurring vote of two-thirds (2/3) of the members of the Board of Adjustment shall be necessary to approve any variance or arrive at any determination.

(E) Court review. Any person aggrieved by any decision of the Board of Adjustment may petition a court of record within thirty (30) days after the filing of the Board's decision as provided by SDCL § 11-4-25.

Dated at Vermillion, South Dakota this 6th 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

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

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

8. New Business

A. Tour de Kota request for funding assistance

Mike Carlson, Finance Officer, reported that the Tour de Kota Committee has requested $1,000 to help fund the activities planned for the riders while in the community. A budget of expenses and revenue is enclosed in this packet. Should the City Council consider this to be advertising and promotion of the community, the funds could come from the BBB Fund. Maureen Cashin, representing the Committee, answered questions of the City Council on the event.

156-11
Alderman Grayson moved approval of the financial support for the Tour de Kota Vermillion Committee of up to $1,000 for advertising and promotion with the funds to come from the BBB Sales Tax fund. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Resolution authorizing CDBG application and related documents for grant funding for water tower

Mike Carlson, Finance Officer, reported that the resolution is a follow-up of the public hearing for the Community Development Block Grant (CDBG) application for the water tower project, to authorize the Mayor to sign the grant application and designate the City Manager as the Environmental Certifying Officer.

157-11
Alderman Zimmerman moved approval of the resolution authorizing the application for Community Development Block Grant Funding of $309,000 for the water tower project and designating the City Manager as the Environmental Certifying Officer. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. Request to close Bower Street July 4th - Vermillion Area chamber of Commerce

Jordan McQuillen, City Manager Intern, reported that the Vermillion Chamber and Development Company requested the closing of Bower Street from Princeton Street to Carr Street from 12:00 noon to 11:30 p.m. on July 4th to provide an appropriate safety zone for the fireworks display. The discharge location has changed slightly due to the required safety distance from the new transmission line. Jordan stated that City staff will post information on the parking restrictions starting on June 30th to prevent trucks from parking on the street over the long weekend.

158-11
Alderman French moved approval of the closing of Bower Street from Carr Street to Princeton Street on July 4th from 12:00 noon to 11:30 p.m. for the fireworks display. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

D. Request to close Crestview June 25th - Block Party

Jordan McQuillen, City Manager Intern, reported that Mary Hulac has requested the closing of Crestview Drive from Norbeck Street to Catalina Avenue on June 25th from 4:00 p.m. to 8:00 p.m. for a block party. Jordan stated that Mary confirmed that she notified residents in the area and will clean up after the event. Jordan stated that the letter of request is included in the packet.

159-11
Alderman Grayson moved approval of the closing of Crestview Drive from Norbeck Street to Catalina Avenue on June 25th from 4:00 p.m. to 8:00 p.m. for a neighborhood block party. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

E. Request to temporarily close parking stalls at 17 Market Street

Jordan McQuillen, City Manager Intern, reported that Wess Pravecek, President of the Civic Council, requested the closing of two parking spaces immediately in front of the Civic Council at 17 Market Street to accommodate merchandise displays to participate in the city-wide rummage sale. The request is for Saturday, June 25, 2011 from 8:00 a.m. to 1:00 p.m. Jordan stated that the letter of request is included in the packet.

160-11
Alderman Zimmerman moved approval of the closing of two parking spaces in front on the Civic Council on June 25, 2011 from 8:00 a.m. to 1:00 p.m. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

F. East Clark Street Concrete Pavement Construction

José Dominguez, City Engineer, reported that last year Duane Mehlhaf entered into an agreement with the City requiring the paving of East Clark Street if any development would occur east of his apartments. Earlier this year, Duane Mehlhaf obtained a building permit for apartments east of his apartments constructed during 2010. The 2011 building permit triggered the requirement of paving E. Clark Street up to the intersection with Norbeck Street. Duane Mehlhaf also requested that the construction of the street not be assessed. This was allowed with the condition that the construction plans were completed by a registered engineer and that the construction was done per City specifications. In addition, all of the property owners were required to sign a developer's agreement and the Contractor will be required to submit a performance bond for the amount of the construction.

José reported that State statute allows for a government entity to enter into contract with a private entity for the construction of public infrastructure. The only requirement that the statute has is that the plans and the estimate of costs be completed by a registered engineer. Although not common in Vermillion, this is typically the way construction of public improvements is done on land development projects. The developer designs and builds per the City specifications and the City pays for any oversized items, with the developer paying for the remainder of the construction cost.

The contractor hired by Duane Mehlhaf and the other property owners to construct this portion of East Clark Street was Slattery Construction. The City will need to pay for the oversized items needed to build the street. The cost for these items will be $27,902.76. José recommended signing the contract with Slattery Construction for the oversized items needed to build the street in the amount of $27,902.76. Discussion followed on the oversized costs.

161-11
Alderman Willson moved approval for the City to enter into a contract with Slattery Construction for the oversized items needed for the construction of East Clark at a cost of $27,902.76. Alderman

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

9. Bid Openings

A. Chip Seals

José Dominguez, City Engineer, reported that two quotes were received on June 1, 2011. The low quote was from Topkote, Inc. in the amount of $39,421.94 for the chip seal coating of asphalt streets. Discussion followed.

Quotes received: Topkote, Inc. - $39,421.94
The Road Guys - $41,538.36

162-11
Alderman Zimmerman moved approval of the low quote of Topkote, Inc. in the amount of $39,421.94 for chip sealing. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Sale of Surplus Police Car

Harold Holoch, Utility Engineer, reported that bids were opened for the surplus police car on June 1st. This old police car was previously declared surplus and appraised at $5,000.00. The high bid for the 2008 Ford Crown Victoria was from Bismarck-Mandan Auto in the amount of $5,811.00.

Bids Received: Asia Motors, Inc.-$4,139.00; Bismarck-Mandan Auto-$5,811.00; Chicago Motors, Inc.-$3,807.00; Grace Quality Used Cars-$5,025.00

163-11
Alderman Grayson moved approval of the high bid of Bismarck-Mandan Auto in the amount of $5,811.00 for the sale of the surplus 2008 Ford Crown Victoria. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. Fuel Quotes

Mike Carlson read the monthly fuel quotes and recommended the low quote of Midway-Vollan Oil on all four items.

4,350 Gal. unleaded (10% ethanol): Stern Oil-$3.4189, Midway-Vollan Oil-$3.3860, Brunick's Service-$3.65; 1,000 Gal. unleaded: Stern Oil-$3.4529, Midway-Vollan Oil-$3.4225, Brunick's Service-$3.55;

3,000 Gal. No. 2 diesel fuel-dyed: Stern Oil-$3.3716, Midway-Vollan Oil-$3.3320, Brunick's Service-$3.57; 1,000 Gal. No. 2 diesel fuel-clear: Stern Oil-$3.6181, Midway-Vollan Oil-$3.5600, Brunick's Service-$3.71.

164-11
Alderman Zimmerman moved approval of the low quote of Midway-Vollan Oil on Item #1 in the amount of $3.3860, Item #2 in the amount of $3.4225, Item #3 in the amount of $3.3320, and Item #4 in the amount of $3.5600. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

As John Prescott, City Manager, was attending a meeting on behalf of the City, Andy Colvin, Assistant to the City Manager, provided the report.

A. Andy reported that the Solid Waste Master Plan meeting is Tuesday, June 14th at 5:30 pm in the City Hall Council Chambers.

B. Andy reminded citizens that garage sale signs are not to be attached to any City street sign post or traffic signal poles and asked that all signs placed in the right-of-way be removed after the event.

C. Andy reported that a notice of raffle was received from the Vermillion Public Library selling tickets for an IPod. Cost is $5 per ticket or 6 for $25 with proceeds to fund the Summer Reading Program.

D. Andy reported that the Clay County Office of Emergency Management is updating their website with Missouri River information that can be accessed at www.claycountyeom.org or may be contacted by phone at 677-7185.

PAYROLL ADDITIONS AND CHANGES

Police: Randy Crum $21.81/hr; Communications: Alicia Kloster $13.89/hr; Pool: Dawn Bergeson $11.00/hr, Kevin Callahan $8.00/hr, Jasmine Martin $7.75/hr, Ashley Ouellette $8.50/hr; Parks: Jason Gault $8.00/hr; Golf Maintenance: Brian Nelson $13.92/hr, Stacia Robertson $7.25/hr, Kyle Wheeler $7.25/hr; Curbside Recycling: Frederick Gullett $8.00/hr

11. Invoices Payable

165-11
Alderman Davies moved approval of the following bills:

UNIVERSITY CLEANERS	REPAIRS	12.00

Alderman Ward seconded the motion. Alderman Meins requested to abstain. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

166-11
Alderman Davies moved approval of the following bills:

WILLSON FLORIST	FLORAL ARRANGEMENT	40.00

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

167-11
Alderman Davies moved approval of the following bills:

A & A REFRIGERATION	REPAIRS	114.00
A & B BUSINESS, INC	MAINTENANCE CONTRACT	341.99
ADAMS GOLF, LTD	MERCHANDISE	175.40
ADVANCED WEIGHING SYSTEMS	ANNUAL SUPPORT	1,550.00
AIR LIQUIDE INDUSTRIAL U.S	CHEMICALS	820.00
ANTHEM BLUE CROSS	REFUND OVERPAYMENT	668.74
APEX EQUIPMENT, LLC	PARTS	70.17
APPEARA	SUPPLIES	128.27
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	234.90
ARAMARK-WEARGUARD	UNIFORMS	109.43
AUDIO GO	SUPPLIES	183.91
BAKER & TAYLOR BOOKS	BOOKS	897.40
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	5,039.85
BARCO MUNICIPAL PRODUCTS	SUPPLIES	1,380.50
BARKLEY ASPHALT	ASPHALT	1,057.13
BATTERIES PLUS	BATTERIES	122.00
BIERSCHBACH EQPT & SUPPLY	CONCRETE SAW/SUPPLIES	16,718.00
BIOVERSE, INC	CHEMICALS	330.00
BOBS SINCLAIR SERVICE	TOWING	50.00
BOMGAARS	PARTS	132.98
BOOK WHOLESALERS, INC	BOOKS	368.30
BORDER STATES ELEC SUPPLY	SUPPLIES	399.96

BROADCASTER PRESS	ADVERTISING	36.00
BRUNICKS SERVICE INC	PROPANE	237.00
BUREAU OF PERSONNEL	TRAINING	342.00
BUTLER MACHINERY CO.	PARTS/REPAIRS	9,292.98
CALLAWAY GOLF	MERCHANDISE	152.00
CAMPBELL SUPPLY	SUPPLIES	1,235.85
CANNON TECHNOLOGIES, INC	SOFTWARE SUPPORT	900.00
CANON FINANCIAL SERVICES	COPIER LEASE	56.16
CASK & CORK	MERCHANDISE	1,083.00
CCP INDUSTRIES INC.	SUPPLIES	135.43
CEDAR SHORE RESORT	TRAVEL	81.95
CENTER POINT LARGE PRINT	BOOKS	403.01
CENTURY BUSINESS PRODUCTS	COPIER CONTRACT	36.00
CHEMCO, INC	SUPPLIES	221.35
CHESTERMAN CO	MERCHANDISE	1,755.69
CITY OF VERMILLION	LANDFILL VOUCH/POST/COPIES	1,758.81
CITY OF VERMILLION	UTILITY BILLS	32,198.34
CLAY CO. CONSERV DISTRICT	TREES/SHRUBS	235.00
CLAY RURAL WATER SYSTEM	SODA ASH/WATER USAGE	534.18
CLAY-UNION ELECTRIC CORP	TRANSFER SERVICE AGREEMENT	2,736.36
CLEVELAND GOLF	MERCHANDISE	1,863.00
CLIMATE SYSTEMS, INC	MAINTENANCE	1,381.00
COFFEE KING, INC	SUPPLIES	115.50
COLONIAL LIFE ACC INS.	INSURANCE	3,228.94
COMMERCIAL MAINT CHEMICAL	SUPPLIES	131.16
CONCRETE MATERIALS	GOLF SAND	1,165.12
CONTINENTAL RESEARCH CORP	SUPPLIES	254.20
COYOTE CONVENIENCE	FUEL	15.59
DAKOTA BEVERAGE	MERCHANDISE	12,184.60
DAKOTA PC WAREHOUSE	COMPUTER/REPAIRS	647.95
DAKOTA PUMP & CONTROL CO.	PARTS	51.00
DAKOTA RIGGERS & TOOL SUPPLY	SUPPLIES	83.32
DAKOTA SUPPLY GROUP	INSPECTION	130.00
DAVID STAMMER	MEALS REIMBURSEMENT	18.00
DELTA DENTAL PLAN	INSURANCE	5,504.02
DENNIS MARTENS	MAINTENANCE	833.34
DEPT OF REVENUE	TESTING	185.00
DEWILD GRANT RECKERT & ASSOC	PROFESSIONAL SERVICES	5,405.00
DIANE'S GREENHOUSE	TREES/FLOWERS	104.98
DISPATCH TRAINING & CONSULTING	REGISTRATION	900.00
DOWNTOWN DECORATIONS	BANNERS	3,170.00
DUST TEX	SUPPLIES	45.80
E.A SWEEN COMPANY	SUPPLIES	476.09

EARTHGRAINS BAKING CO'S INC	SUPPLIES	269.23
ECHO ELECTRIC SUPPLY	PARTS	1,534.53
ECOLAB	SUPPLIES	57.82
ELITE TARGET SYSTEMS	TRAINING MATERIALS	3,059.00
EMERGENCY MEDICAL PRODUCTS	SUPPLIES	1,074.86
ENERGY LABORATORIES	TESTING	1,040.00
ENTERSECT	ONLINE AGREEMENT	79.00
EPG COMPANIES, INC	PUMP & CONTROL PANEL	18,526.55
ERIN J. SEEP	MAINTENANCE	65.25
FARMER BROTHERS CO.	SUPPLIES	32.88
FARREL CHRISTENSEN	SAFTEY BOOTS REIMBURSEMENT	100.00
FAST AUTO GLASS	CHIP REPAIR	40.00
FEDEX.	SHIPPING	10.57
FERGUSON WATERWORKS	SUPPLIES	22.23
FILTERTEC	FILTERS	522.27
FOREMAN MEDIA	COUNCIL MTG	100.00
FRED BALLEWEG	MEALS REIMBURSEMENT	19.00
FRED HAAR CO, INC	PARTS	66.56
FRONTIER PRECISION, INC	GPS EQUIPMENT	430.00
FULLERTON LUMBER CO	SUPPLIES	810.89
GALE	BOOKS	466.60
GE CAPITAL	COPIER LEASE	114.48
GEAR FOR SPORTS	MERCHANDISE	50.41
GL SPORTS	SUPPLIES	1,174.67
GFOA	ANNUAL REPORT	435.00
GRAHAM TIRE CO.	TIRES	107.90
GRAINGER	PARTS	58.73
GRAYBAR ELECTRIC	SUPPLIES	134.18
GREGG PETERS	FREIGHT	1,384.50
GREGG PETERS	RENT	937.50
GUARANTEE OIL CO INC	SUPPLIES	155.69
GUARANTEE ROOFING & SHEET	ROOF REPAIRS	182.50
GUILDCRAFT, INC	SUPPLIES	36.40
HACH CO	CHEMICALS	1,025.99
HAMMOND-WETMORE DRILLING	REPAIRS-WELL #2	9,967.00
HARLAN'S BIKE AND TOUR	BIKE RODEO SUPPLIES	237.68
HAWKINS WATER TREATMENT	CHEMICALS	576.10
HDR ENGINEERING, INC	PROFESSIONAL SERVICES	18,233.69
HERREN-SCHEMPP BUILDING	SUPPLIES	61.79
HORNUNGS PRO GOLF	MERCHANDISE	1,099.36
HOUGH DISTRIBUTING	SUPPLIES	333.20
HY VEE FOOD STORE	SUPPLIES	530.44
INDEPENDENCE WASTE	PORTABLE TOILET /WASTE HAULING	1,392.89

INGRAM	BOOKS	2,618.69
INTERNATIONAL CRIME FREE ASSOC	MEMBERSHIP	50.00
J & L HARLEY-DAVIDSON	REPAIRS	1,261.93
J.W JUNG SEED & NURSERY CO	PLANTS/FLOWERS	314.67
JACKS UNIFORM & EQPT	UNIFORMS	27.50
JOHN A CONKLING DIST.	MERCHANDISE	7,417.15
JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	17,538.52
JOHNSON CONTROLS	REPAIRS	1,168.58
JOHNSTONE SUPPLY	PARTS	198.82
JONES ACE HARDWARE	SUPPLIES	1,030.58
JONES FOOD CENTER	SUPPLIES	543.08
K. VAN BOURGONDIEN & SONS	PLANTS/FLOWERS	153.00
KARIAN PETERSON CONTRACTING	SUBSTATION EXPANSION	61,226.25
KARSTEN MFG CORP	MERCHANDISE	658.76
KOLETZKY IMPLEMENT	REPAIRS	697.77
LAYNES WORLD	SUPPLIES	39.75
LEARNING OPPORTUNITIES, INC	BOOKS	590.51
LEGGETTE, BRASHEARS & GRAHAM	PROFESSIONAL SERVICES	3,435.62
LESSMAN ELEC. SUPPLY CO	SUPPLIES	472.20
LINCOLN MUTUAL LIFE	INSURANCE	521.71
LIV WEST	MEALS REIMBURSEMENT	18.00
LOCATORS AND SUPPLIES, INC	SUPPLIES	1,293.13
LONGS PROPANE INC	PROPANE	620.00
LUDEY'S READY MIX	CONCRETE	129.00
MARINE RESCUE PRODUCTS INC	SUPPLIES	114.75
MARKS LAWN CARE	PROFESSIONAL SERVICES	219.02
MARKS MACHINERY	PARTS	617.88
MARSHA MCKINNEY	MEALS REIMBURSEMENT	18.00
MART AUTO BODY	TOWING	1,235.00
MATHESON TRI-GAS, INC	OXYGEN	81.44
MATT PARROTT & SONS CO.	NOTICES/UTILITY BILLS	3,664.70
MC2, INC	PARTS	196.12
MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	984.00
MEDICAL WASTE TRANSPORT	HAUL MEDICAL WASTE	55.00
MICHAEL CARLSON	MEALS REIMBURSEMENT	56.44
MID-AMERICAN RESEARCH CHEMICAL	SUPPLIES	169.73
MIDWEST ALARM CO	BATTERIES	108.24
MIDWEST BUILDING MAINTENANCE	MAT SVC	539.20
MIDWEST RADIATOR & EXHAUST	REPAIRS	738.19
MIDWEST READY MIX	FLOWABLE FILL	829.00
MIDWEST TURF & IRRIGATION	PARTS	332.10
MIKE TAGGART	SAFETY GLASSES REIMBURSEMENT	150.00
MISSOURI RIVER ENERGY SERVICE	REGISTRATION FEE	200.00

MISSOURI RIVER ENERGY SERVICE	INSPECTIONS	1,506.95
MISSOURI VALLEY MAINTENANCE	REPAIRS	1,608.98
MOORE WELDING & MFG	REPAIRS	1,303.52
MOTION PICTURE LICENSING C	LICENSE/SUBSCRIPTION	156.00
N B GOLF LLC	GOLF CAR LEASE	3,741.60
NCL OF WISCONSIN, INC	CHEMICALS	29.89
NETSYS+	PROFESSIONAL SERVICES	270.00
NEW YORK LIFE	INSURANCE	95.00
NIKE INC	MERCHANDISE	202.50
NORTH STAR SAFETY INC	SAFETY T-SHIRTS/VESTS	744.49
NORTHERN SAFETY CO. INC	SUPPLIES	263.61
OFFICE SYSTEMS CO	REPAIRS	458.50
OLLIS BOOK CORP	BOOKS	313.95
ORIENTAL TRADING CO	SUPPLIES	93.96
OVERHEAD DOOR OF SIOUX CITY	REPAIRS	30.75
PAUL MONTEEN	MEAL/MILEAGE REIMBURSEMENT	252.50
PAULS PLUMBING	PARTS	66.04
PENWORTHY/AMERICAN MEDIA	BOOKS	575.89
PETE LIEN & SONS, INC	CHEMICALS	3,620.91
PGA OF AMERICA	DUES	1,022.00
PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
POMPS TIRE SERVICE, INC.	TIRES	994.00
PRAIRIE BERRY WINERY	MERCHANDISE	1,086.00
PRESSING MATTERS	SUPPLIES	725.00
PRESTO-X-COMPANY	TREATMENT	40.95
PRINT SOURCE	SUPPLIES	469.40
PUMP N PAK	FUEL	2,218.06
QUEEN CITY WHOLESALE	MERCHANDISE	1,142.40
QUILL	SUPPLIES	1,203.64
QWEST	TELEPHONE	733.41
RACOM CORPORATION	MAINTENANCE CONTRACT	335.00
RANDOM HOUSE, INC	BOOKS	230.95
RASMUSSEN MOTORS, INC	PARTS	18.37
RECORDED BOOKS, INC	BOOKS	675.50
REINHART FOODSERVICE, LLC	SUPPLIES	1,386.95
REPUBLIC NATIONAL DISTRIB	MERCHANDISE	11,880.80
RESCO	SUPPLIES	4,863.15
RIVERSIDE HYDRAULICS & LAB	REPAIRS	121.51
ROB PICKENS	MEALS/REG. REIMBURSEMENT	29.00
ROSEWOOD GREENHOUSE	PLANTS/FLOWERS	401.68
ROYAL CAR WASH	CAR WASH TOKENS	50.00
SCHAEFFER MFG. CO	SUPPLIES	567.60
SD POLICE CHIEFS ASSOCIATION	TEST MATERIALS	592.50

SD PUBLIC ASSURANCE ALLIANCE	INSURANCE	389.00
SD RETIREMENT SYSTEM	CONTRIBUTIONS	43,756.00
SD SECRETARY OF STATE	NOTARY PUBLIC APPLICATION	30.00
SD STATE HISTORICAL SOCIETY	MEMBERSHIP	35.00
SDN TECHNOLOGIES	MAINTENANCE AGREEMENT	6,946.00
SERVALL TOWEL & LINEN	SUPPLIES	37.44
SIOUX EQUIPMENT	FUELING SYSTEM INSPECTION	950.00
SIOUX LINKS	ADVERTISING	750.00
SIOUX SALES CO.	EQUIPMENT	395.00
SIOUXLAND HUMANE SOCIETY	FEES	74.00
SIOUXLAND SCALE SERVICE	REPAIRS	754.26
SKARSHAUG TESTING LAB.	TESTING	1,797.14
STERN OIL CO.	SUPPLIES	1,554.77
STEWART OIL-TIRE CO	TIRES/REPAIRS	676.60
STUART C. IRBY CO.	SWITCHGEARS	28,730.00
STURDEVANTS AUTO PARTS	PARTS	1,641.29
SUN MOUNTAIN	MERCHANDISE	545.80
T&R SERVICE	TESTING	310.00
THATCHER COMPANY	SODA ASH	20,658.00
THE EQUALIZER	ADVERTISING	573.00
THE GLASS CUTTER	REPAIRS	478.06
THE OBSERVER	SUBSCRIPTION	30.00
TIGERT ART GALLERY	FRAMING	65.00
TITLEIST DRAWER CS	MERCHANDISE	4,141.53
TRUCK-TRAILER SALES	REPAIRS	281.00
TRUE VALUE	SUPPLIES	122.38
TYLER TECHNOLOGIES	MAINTENANCE	3,529.85
ULTRAMAX	SUPPLIES	591.00
UNITED WAY	CONTRIBUTIONS	284.00
UPSTART	T-SHIRT	6.00
VAN DIEST SUPPLY CO	SUPPLIES	1,463.90
VERMEER HIGH PLAINS	PARTS	283.25
VERMILLION AREA ARTS COUNCIL	CONTRIBUTIONS	1,030.68
VERMILLION CHAMBER OF COMMERCE	4TH OF JULY CELEBRATION	3,500.00
VERMILLION FORD	PARTS	28.92
VERMILLION VETERINARY CLINIC	PROFESSIONAL SERVICES	120.25
VISA/FIRST BANK & TRUST	TRAVEL/FUEL/SUPPLIES	5,820.18
WAL-MART COMMUNITY	SUPPLIES	636.84
WALT'S HOMESTYLE FOODS, IN	SUPPLIES	109.00
WELFL CONSTRUCTION CO	TANK	42,930.00
WENDY CARROLL	MEALS REIMBURSEMENT	18.00
WESCO DISTRIBUTION, INC	SUPPLIES	6,770.78
WIGMAN CO	SUPPLIES	78.28

YANKTON JANITORIAL SUPPLY	SUPPLIES	943.15
YANKTON WINNELSON CO	URINAL	323.52
ZEP SALES & SERVICE	SUPPLIES	91.07
ZIMCO SUPPLY CO	SUPPLIES	7,630.50
KOLLY FOSTVEDT	BRIGHT ENERGY REBATE	100.00
LARRY HUDSON	BRIGHT ENERGY REBATE	100.00
JONES FOOD CENTER	BRIGHT ENERGY REBATE	1,000.00

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

12. Consensus Agenda

A. Set a public hearing date of June 20, 2011 for a special daily malt beverage license on or about July 4th at Barstow Park for the Fraternal Order Eagles

B. Set a public hearing date of June 20, 2011 for a special permit to exceed allowable sound levels for the Vermillion Area Chamber & Development Company at Barstow Park on July 4, 2011 from 5:00 p.m. to 11:00 p.m. for 4th of July events.

C. Set a bid opening date of June 28, 2011 for dump body and front mount snow plow for truck chassis.

D. Set a public hearing date of June 20, 2011 for a special permit to exceed allowable sound levels for the Thursdays on the Platz at the Ratingen Platz corner of Main and Market Streets on July 21st, August 4th, August 25th, and September 1st from 6:00 p.m. to 8:00 p.m. for Thursdays on the Platz events.

E. Set a public hearing date of June 20, 2011 for a special permit to exceed allowable sound levels for the Ride with Larry Committee at the Ratingen Platz, corner of Main and Market Streets, on June 25, 2011 from 10:00 a.m. to 2:00 p.m.

168-11
Alderman Willson moved approval of the consensus agenda. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

14. Adjourn

169-11
Alderman Ward moved to adjourn the Council Meeting at 8:10 p.m. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 6th 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 _____.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: June 20, 2011

Subject: Special daily malt beverage and wine license for the Fraternal Order of Eagles on or about July 4, 2011 at Barstow Park

Presenter: Mike Carlson

Background: The Fraternal Order of Eagles has submitted an application for a special daily malt beverage and wine license for July 4th in conjunction with the Chamber of Commerce activities in Barstow Park.

Our city ordinance on special daily licenses reads as follows:

> Sec. 112-18. Special Licenses for Sales of Malt Beverages and/or Wine.
> The City Council may recommend to the State Department of Revenue that a special malt beverage and/or wine license may be granted to a civic, charitable, educational or fraternal organization in conjunction with a special event. The granting of the special license shall be subject to such conditions and restrictions, as the City Council may deem appropriate and consistent with state law. The fee for such license shall be set by resolution of the City Council.

State Statute for the special daily licenses is as follows:

> 35-4-11.4. Special malt beverage retailers' license--Special retail on-sale wine-dealers' license--Maximum period of validity--Necessary security for street dance. Any municipality or county may issue a special malt beverage retailers' license and a special retail on-sale wine dealers' license to any civic, charitable, educational, or fraternal organization in conjunction with a special event within the municipality or within the county. Educational does not include any elementary, secondary, or higher educational institution in the public school system of this state. Any license issued pursuant to this section may be issued for a period of time established by the municipal governing body or board of county commissioners. However, such period may not exceed fifteen consecutive days. If an organization receiving a license pursuant to this section conducts a street dance in conjunction with the special event, the organization shall provide qualified security personnel as deemed necessary by the governing body, which issued the license to maintain order during the street dance.

Discussion: The notice of public hearing is attached and the Fraternal Order of Eagles has been issued a liquor license for their location on W. Main Street. The report from the Police Captain is also attached.

Financial Consideration: The City has received the $15 per day license fee and $15 advertising fee from the applicant.

Conclusion/Recommendations: Administration recommends approving the issuance of the special daily malt beverage and wine license for July 4th at Barstow Park, unless further information is provided at the public hearing.

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 20th day of June, 2011 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following application for an alcoholic beverage license to operate within the municipality for the licensing period stated below, which has been presented to the City Council and filed in the Finance Officer's Office:

Special Daily License (On-Sale) Malt Beverage and Wine License:

Fraternal Order of Eagles on or about July 4, 2011 at Barstow Park.

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.

Dated at Vermillion, South Dakota this 7th day of June, 2010.

_____
Michael D. Carlson, Finance Officer

Publish: June 10, 2011

Published once at the approximate cost of _____.

City of Vermillion
Police Department

15 Washington Street • Vermillion, SD 57069

Phone: (605) 677-7070
Fax: (605) 677-7166
www.vermillionpd.org

MEMORANDUM

To: Vermillion City Council **Date:** June 15, 2011

From: Chad Passick
Captain

Subject: Application for Alcohol Beverage License

Reference: Fraternal Order of Eagles

I have reviewed the application submitted by the Fraternal Order of Eagles regarding a special daily license (on-sale) for malt beverage and wine for the following:

- Barstow Park on or about July 4, 2011.

An examination of the Vermillion Police Department's Records Management System revealed no felony convictions in reference to this application. The Eagles Club compliance check record for the past year follows:

- September 24, 2010 – Passed
- January 29, 2011 – Failed

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: June 20, 2011

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, 2011 from 5:00 p.m. to 11:00 p.m. for family 4th of July events

Presenter: Mike Carlson

Background: Ann Breitag, on behalf of 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 5:00 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 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 committee 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.

REQUEST FOR SPECIAL PERMIT
TO EXCEED PERMISSIBLE SOUND LEVELS
BY NO MORE THAN 50%
OF CITY NOISE ORDINANCE

This application shall be completed no later than thirty (30) days prior to the proposed event and shall contain all applicable information relative to the nature and purpose of the event.

Organization Requesting Vermillion Area Chamber & Development Co.

Contact Person Ann Breitag Phone 624-5571

Contact Person Address 116 Market St., Ste 103, Vermillion

Location of Event Barstow Park Date of Event July 4, 2011

Duration of event from time 5:00 pm to Time 11:00 pm

The ordinance asks if this is a suitable location with appropriate facilities:
Yes

The ordinance asks the applicant to demonstrate that the event for which the permit is requested be of public benefit. Describe the public benefit:
Vermillion community family event with inflatables for children, food vendors, music, arts and crafts,beer garden, fireworks display, etc

Please attach 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.

File this application along with the diagram with the finance officer accompanied with an application fee of $25.00.

Signature of applicant Ann Breitag date 6-1-11

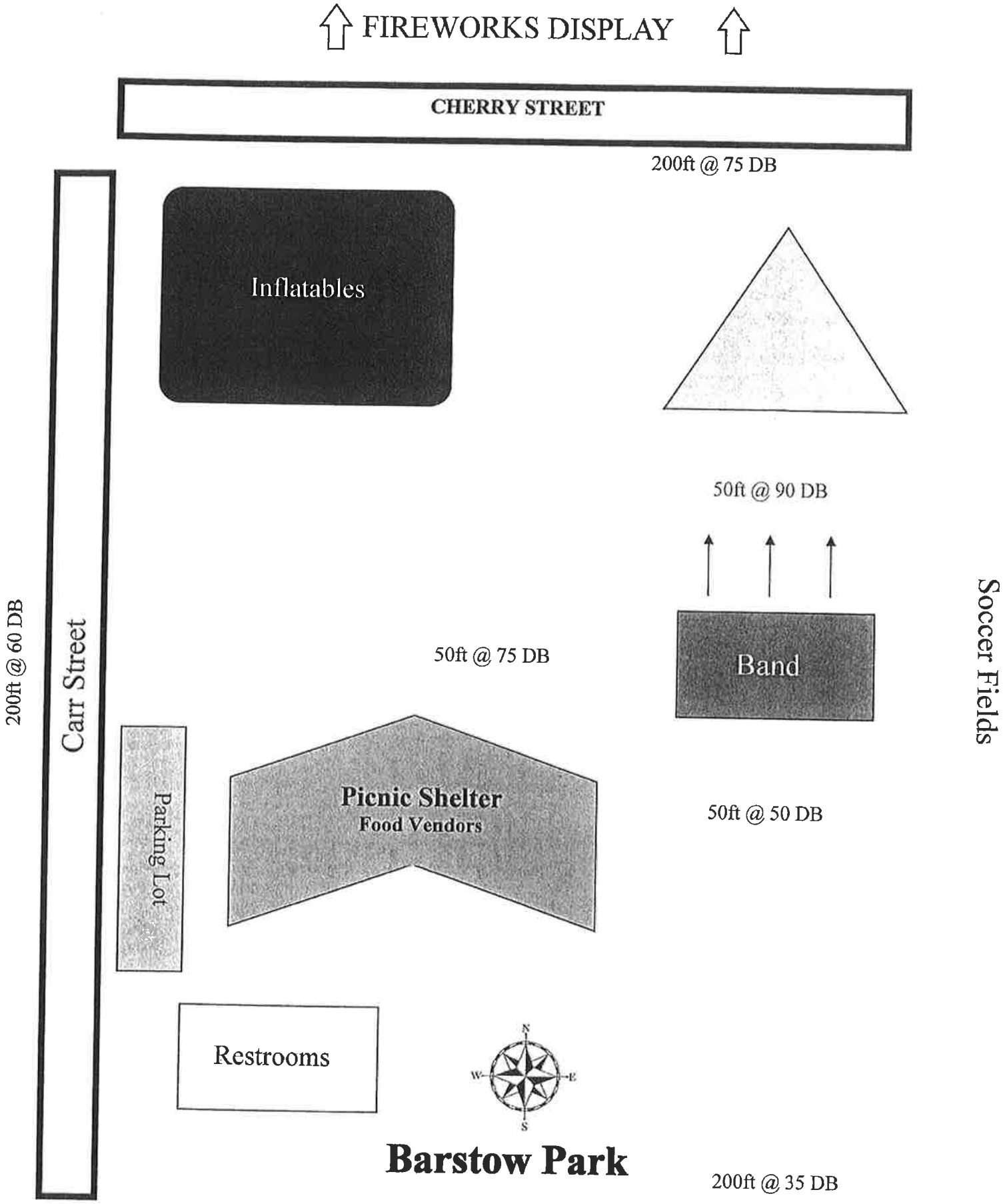
ZH
250

Permit to exceed allowable noise levels

The City Ordinance on Noises Prohibited can be found in Section 90.01 of the City Ordinance. The ordinance provides for a special permit to exceed the allowable sound levels is as follows:

> (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.

To make application for a Special Permit to exceed the allowable sound levels please complete the following application and submit 30 days prior to the event with the diagram and the $25 fee.


FIREWORKS DISPLAY
CHERRY STREET
200ft @ 75 DB
Inflatables
50ft @ 90 DB
Band
Soccer Fields
200ft @ 60 DB
Carr Street
50ft @ 75 DB
Parking Lot
Picnic Shelter
Food Vendors
50ft @ 50 DB
Restrooms
N
W
E
S
Barstow Park
200ft @ 35 DB

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

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 20th day of June, 2011 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 5:00 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 Monday, July 4, 2011, from 5:00 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, 2011.

_____
Michael D. Carlson, Finance Officer

Publish: June 10, 2011

Published once at the approximate cost of _____.

Council Agenda Memo

From: Jordan McQuillen, Intern

Meeting: June 20, 2011

Subject: 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 21, August 4, August 25, and September 1, 2011 from 6:00 p.m. to 8:00 p.m.

Presenter: Jordan McQuillen

Background: Thursdays on the Platz has applied for a special permit to exceed allowable noise levels for a concert and public gathering on July 21, August 4, August 25, and September 1, 2011 held at Ratingen Platz (corner of W. Main Street and Market Street). A copy of the application and a map of the area are attached. The special daily malt beverage and wine license for the event was applied for by the Vermillion Area Chamber of Commerce & Development Company and there is a request to close a portion of Market Street later on the agenda. The event is free and open to the public.

The city noise ordinance is 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 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)

(E) Semi-tractors; prohibited noises: It shall be unlawful for any person within the city limits of Vermillion, to make, or cause to be made, loud or disturbing or offensive noises with any mechanical devices operated by compressed air and used for purposes of assisting braking on any semi-tractor, except for the aversion of imminent danger. (Ord. No. 1102, 10-15-01)

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 committee or permitted to continue shall constitute a separate offense and shall be punishable as such.

Discussion: This event is being sponsored by Thursdays on the Platz and the Chamber to encourage the community to gather downtown on Thursday nights and will showcase Ratingen Platz.

The City Council will need to determine, at the public hearing, if it is in a suitable location with appropriate facilities, during the allowable time and if the applicant can demonstrate the public benefit of the event. Relevant questions for a public gathering, when a noise permit is sought, include the availability of restroom facilities, clean up of the area, and disposal of waste.

Financial Consideration: The Thursdays of the Plaza committee has paid the $25 fee for the special noise permit.

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

June 2, 2011

Dear John,
Attached is a copy of a request for Special Permit to Exceed Permissible Sound Levels for all four Platz events and also a letter requesting funds for marketing the 2011 Platz events. I will be unable to attend the June 20th noon meeting but Michelle Maloney plans on being there.

Please call me if I need to include anything else or if you have suggestions that we have overlooked. If you would prefer the funds request to be sent to you through e-mail let me know!

Thanks for your help with this!

Paula

Paula

REQUEST FOR SPECIAL PERMIT
TO EXCEED PERMISSIBLE SOUND LEVELS
BY NO MORE THAN 50%
OF CITY NOISE ORDINANCE

This application shall be completed no later than thirty (30) days prior to the proposed event and shall contain all applicable information relative to the nature and purpose of the event.

Organization Requesting Thursdays On the Platz

Contact Person Paula Keller/Michelle Maloney Phone Paula-670-6689 Michelle-677-9006

Contact Person Address Paula-215 Court Street

Location of Event Public Plaza Date of Event July 21, August 4, August 25, Septe 7/21, 8/4, 8/25 and 9/1

Duration of event from time 6pm to Time 8 pm

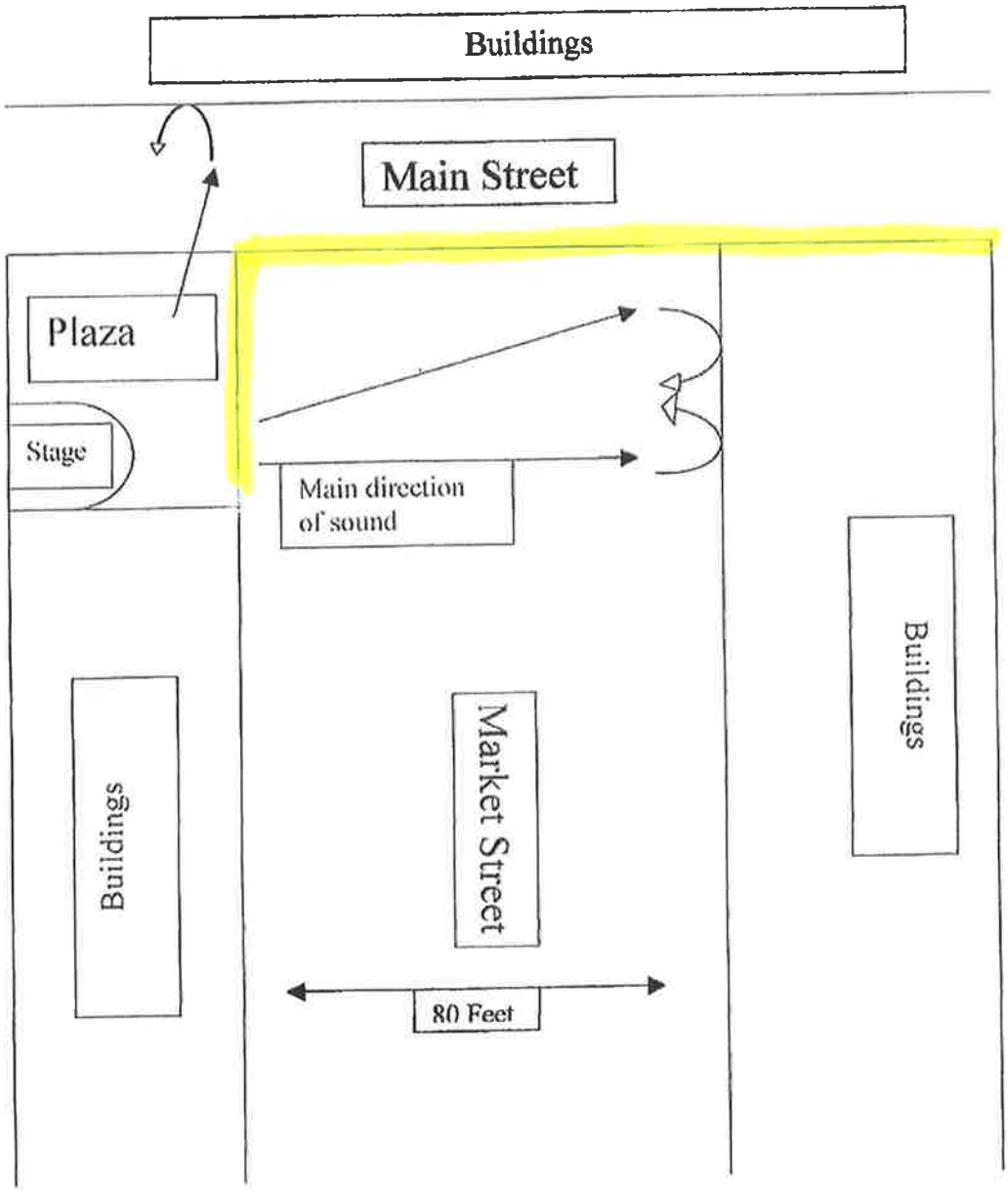
The ordinance asks if this is a suitable location with appropriate facilities:
Yes, it provides adequate facilities for a small live concert and a public gathering.

The ordinance asks the applicant to demonstrate that the event for which the permit is requested be of public benefit. Describe the public benefit:
The public would benefit because Thursdays On the Platz would be a time and place when members of all ages could gather and listen to live music for free.

Please attach 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.

File this application along with the diagram with the finance officer accompanied with an application fee of $25.00.

Signature of applicant Paula Keller date 6/2/11



Note: Buildings in each direction will prevent sound from extending past 200 feet. Area is also not located near a residential district.

Thursdays On The Platz

June 2, 2011

Dear City Council Members,

Thursdays On The Platz are summer events that feature live music, food, beverages and fun! The events benefit the community by bringing Vermillion families, USD staff and students together to enjoy summer evenings at our new Ratingen Platz. It also provides local businesses and organizations the opportunity to make the community aware of who they are and what they have to offer to the community. Local musicians provide a variety of music for the events.

In 2010 there were two "Thursdays" events and because of their success, there will be four events this year. The events will be July 21st, August 4th, August 25th, and September 1st from 6 to 8 pm.

Funds are needed to make these events possible. Monies are needed to hire musicians, fund insurance, permits, electricity, and for marketing the events. Sponsors and co-sponsors provide part of the required funds but additional money is needed.

Please consider this our request for $500 to help fund marketing these Thursdays on the Platz. We appreciate the City's past support of community improvement events. We hope you will continue that tradition by supporting Thursdays On the Platz this year.

Thank you for your consideration.

Thursdays On the Platz Committee
Julia Chaney
Carly Heard
Laura Hollingsworth
Steve Howe
Dan Kenton
Paula Keller
Michelle Maloney
Jill Ward

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

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 20th day of June, 2011 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following application for a special permits to exceed allowable sound levels which has been filed in the Finance Officer's Office:

Thursdays on the Plaza request for a special permit to exceed allowable sound levels for a live concert and public gathering at the Ratingen Platz located at the corner of Market and Main Street on Thursday, July 21, August 4, August 25 and September 1, 2011 between 5:00 p.m. and 8:00 p.m.

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 3rd day of June, 2011.

_____
Michael D. Carlson, Finance Officer

Publish: June 10, 2011

Published once at the approximate cost of _____.

Council Agenda Memo

From: Jordan McQuillen, Intern

Meeting: June 20, 2011

Subject: Special permit to exceed permissible sound levels by no more than 50% for "Ride With Larry" on Ratingen Platz and Market Street from W. Main Street to Kidder Street on June 25, 2011, from 10:00 a.m. to 2:00 p.m.

Presenter: Jordan McQuillen

Background: Ride With Larry is a cycling event sponsored by the Davis Phinney Foundation and is intended to raise awareness of Parkinson's disease. Participants will cycle from Sioux Falls, South Dakota through Beresford, South Dakota, and will ultimately arrive in downtown Vermillion for a Finish Line Celebration. Ride with Larry is to take place on Saturday, June 25, 2011 starting in Sioux Falls at 8:00 AM and will conclude at Ratingen Platz at the intersection of Market Street and W. Main Street. Larry's Ride coordinators anticipate roughly 250 participants in addition to support staff in vehicles.

Ride with Larry event coordinators have applied for a special permit to exceed allowable noise levels for a concert and public gathering on Saturday, June 25, 2011 to be held at Ratingen Platz between the hours of 10:00 a.m. and 2:00 p.m. A copy of the application and a map of the area are attached.

The city noise ordinance is 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 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)

(E) Semi-tractors; prohibited noises: It shall be unlawful for any person within the city limits of Vermillion, to make, or cause to be made, loud or disturbing or offensive noises with

any mechanical devices operated by compressed air and used for purposes of assisting braking on any semi-tractor, except for the aversion of imminent danger. (Ord. No. 1102, 10-15-01)

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 committee or permitted to continue shall constitute a separate offense and shall be punishable as such.

Discussion: The City Council will need to determine, at the public hearing, if it is in a suitable location with appropriate facilities, during the allowable time and if the applicant can demonstrate the public benefit of the event. Relevant questions for a public gathering, when a noise permit is sought, include the availability of restroom facilities, clean up of the area, and disposal of waste.

Financial Consideration: The Ride with Larry committee 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 are problems related to the noise.

REQUEST FOR SPECIAL PERMIT
TO EXCEED PERMISSIBLE SOUND LEVELS
BY NO MORE THAN 50%
OF CITY NOISE ORDINANCE

This application shall be completed no later than thirty (30) days prior to the proposed event and shall contain all applicable information relative to the nature and purpose of the event.

Organization Requesting Ride With Larry

Contact Person Michelle Mahoney Phone 605 677-9004

Contact Person Address 2822 Cherokee Ct

Location of Event The Platz Date of Event 6.25.11

Duration of event from time 10am to Time 2pm

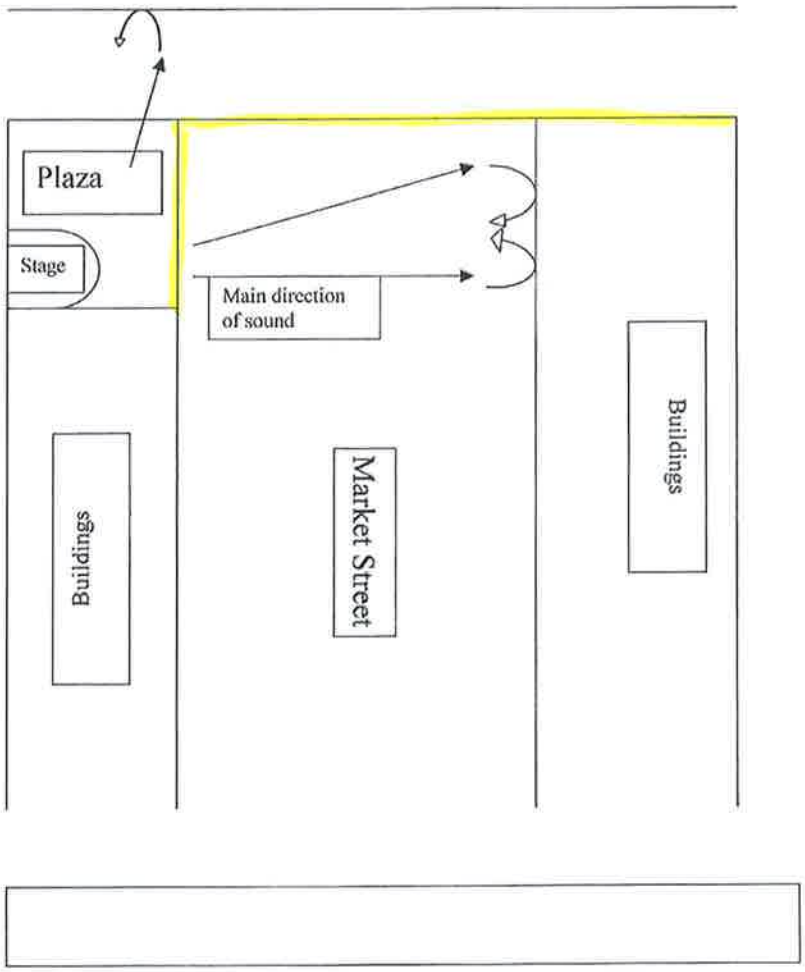
The ordinance asks if this is a suitable location with appropriate facilities:
yes. it provides enough space for a public gathering/ reception.

The ordinance asks the applicant to demonstrate that the event for which the permit is requested be of public benefit. Describe the public benefit:
bike ride to create awareness of the benefits of exercise if you have Parkinsons Disease.

Please attach 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.

File this application along with the diagram with the finance officer accompanied with an application fee of $25.00.

Signature of applicant Michelle Mahoney date 6.25.11


Buildings
Market Street
Buildings
Main direction
of sound
Stage
Plaza

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

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 20th day of June, 2011 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following application for a special permits to exceed allowable sound levels which has been filed in the Finance Officer's Office:

Ride With Larry committee request for a special permit to exceed allowable sound levels for a live remote and public gathering at the Ratingen Platz located at the corner of Market and Main Street on Saturday, June 25, 2011 between 10:00 a.m. and 2:00 p.m.

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 6th day of June, 2011.

_____
Michael D. Carlson, Finance Officer

Publish: June 10, 2011

Published once at the approximate cost of _____.

Council Agenda Memo

From: Farrel Christensen, Building Official

Meeting: June 20, 2011

Subject: 4 Foot Side Yard Variance

Presenter: Farrel Christensen

Background: Jim Sinkie, the owner of 917 Cottage, inquired with City Code staff about a 10 foot addition to his existing 14 foot single stall attached garage. During this conversation, it became apparent that the existing 14 foot side yard would not be adequate to allow for the construction of his proposed addition. Several options were discussed with staff but, in the end, Mr. Sinkie decided he would like to apply for a 4 foot side yard variance to construct a 10 foot garage addition for a proposed 24 x 40 double stall garage located 4 foot from his North lot line. Mr. Sinkie was provided with the required forms that were later returned and are now part of this packet.

Shortly after applying for the variance, Mr. Sinkie discovered that the footings under the existing garage were substandard. If the variance is approved, he will demolish the existing garage and build an entirely new 24 x 40 attached garage.

Discussion: Section 155.100 gives the City Council, acting as the Board of Adjustment, the power to hear and decide variances to vary the strict application of the height, area, setback, yard, parking or density requirements as will not be contrary to the public interest. In this case, the Board is asked to approve a 4 foot side yard variance. For purposes of these regulations, public interest shall include the interests of the public-at-large within the city, not just neighboring property owners. At all times, the burden shall be on the applicant to prove the need for a variance.

Per City ordinance, the following issues are to be considered, each and all of them, as determining factors in whether or not the issuance of a variance is justified:

(1) An unnecessary hardship must be established by the applicant who applies for the variance. For purposes of this subchapter, an unnecessary hardship is a situation where, in the absence of a variance, an owner can make no feasible or reasonable use of the property. Convenience, loss of profit,

financial limitations, or self-imposed hardship shall not be considered as grounds for approving a variance by the Board of Adjustment.

(2) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

(3) The variance requested is the minimum variance that will alleviate the hardship.

(4) Granting of the variance will comply with the general purpose and intent of this chapter, and will not be offensive to adjacent areas or to the public welfare.

(5) No nonconforming use or structure in the same district, and no permitted or nonconforming use or structure in other districts shall be considered grounds for the issuance of a variance.

(6) Exceptional and extraordinary circumstances apply to the property that do not apply to other properties in the same zone or vicinity and that result from lot size or shape, topography or other circumstances which are not of the applicant's making.

(7) In order to preserve the intent of these zoning regulations and to protect the public interest, the Board of Adjustment may attach conditions to a variance. A variance shall remain valid only as long as the property owner complies with any terms and conditions of the variance, as attached by the Board of Adjustment.

The zoning ordinance requires a minimum setback of 8 feet from the property line for residential structures, which allows a total of 16 feet between houses. At the time this neighborhood was developed the setback requirements were 6 feet from the property line for side yards. In the current situation, Mr. Sinkie's house is 20 feet from the neighbor to the north. If the variance is approved Mr. Sinkie's house will be 4 feet from the north property line and a total of 10 feet from the neighbor's house. With some past variances compliance with the fire code was questioned. The building code allows homes to exist within 10 feet of each other, so there are no fire code issues with this variance request.

The applicant has included with his petition signatures of support from surrounding neighbors. These signatures include the neighbor on the side where the proposed garage will be constructed if approved.

Financial Consideration: The applicant will be paying the $100 application fee prior to the public hearing.

Conclusion/Recommendations: Staff believes that variances should only be granted when the applicant can show good cause and meet the considerations provided in said ordinance. Based on Mr. Sinkie's application, it does not appear that a hardship has been demonstrated or that he is otherwise unable to make a reasonable use of the property. Other variances in the neighborhood were noted, but ordinance provides that these variances cannot be considered. The City Council, acting as the Board of Adjustment, has the ability to grant or deny a variance.

City of Vermillion

25 Center Street • Vermillion SD 57069
Phone: 605.677.7050 • Fax: 605.677.5461
Info@cityofvermillion.com
www.vermillion.us

PETITION FOR VARIANCE

TO THE HONORABLE MAYOR AND THE BOARD OF ADJUSTMENT OF THE CITYOF VERMILLION
1. As authorized by § 155.100 of the City of Vermillion Zoning Ordinance (I) (we) *(Name & Address)*:

Name: JIM AND JoANNE SINKLE

Address: 917 COTTAGE, VERMILLION, S.D

Hereby petition for a variance to vary the strict application of the
☐ Height ☐ area ☒ setback ☐ yard ☐ parking ☐ density requirements as will not be contrary to the public interest. (Please describe the request below)

I WOULD LIKE TO REPLACE MY EXISTING SINGLE CAR GARAGE WITH A LARGER GARAGE, AND A VARIANCE IS NEEDED TO MAKE THE GARAGE WIDE ENOUGH TO PARK TWO CARS SIDE BY SIDE.

The legal description LOT 8 BLOCK 1 JOHNSON'S ADDITION

Address 917 COTTAGE, VERMILLION, S.D.

The proposed variance is to facilitate the construction of:

A 24 FOOT BY 40 FOOT GARAGE

An unnecessary hardship must be established by the applicant who applies for the variance. For purposes of this subchapter, an unnecessary hardship is a situation where, in the absence of a variance, an owner can make no feasible or reasonable use of the property. Convenience, loss of profit, financial limitations, or self-imposed hardship shall not be considered as grounds for approving a variance by the Board of Adjustment. Please address the following criteria as best as you can. These are the "standards for variance" which will be addressed at the public hearing. (Use additional sheets if necessary).

In detail, explain what Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district.

IF I CAN'T BUILD THE GARAGE 24 FEET WIDE IT WOULD BE VERY DIFFICULT TO GET TWO VEHICLES SIDE BY SIDE IN THE GARAGE AND STILL BE ABLE TO GET IN AND OUT OF THE VEHICLES, AND WALK AROUND THEM. MANY OF THE PROPERTIES IN THE AREA HAVE BUILT LARGER GARAGES, AND HAVE BEEN GRANTED A VARIANCE TO DO SO.

Explain how the variance requested is the minimum variance that will alleviate the hardship.

THIS VARIANCE WOULD ALLOW THE GARAGE TO BE 24 FEET WIDE WHICH WOULD ALLOW TWO VEHICLES TO BE PARKED SIDE BY SIDE WITH ENOUGH ROOM TO WALK AROUND EACH VEHICLE

What have you done to determine Granting of the variance will comply with the general purpose and intent of this chapter, and will not be offensive to adjacent areas or to the public welfare?

I HAVE TALKED TO MY NEIGHBORS, AND THEY SAID THEY WOULD HAVE NO PROBLEMS IF I WAS TO BUILD A LARGER GARAGE. I ALSO PLAN TO BUILD THE GARAGE AS ATTRACTIVE AS POSSIBLE, AND MAKE IT LOOK LIKE IT "BELONGS" TO THE REST OF THE HOUSE.

Explain what exceptional and extraordinary circumstances apply to the property that do not apply to other properties in the same zone or vicinity and that result from lot size or shape, topography or other circumstances which are not of the applicant's making.

MY LOT IS TOO NARROW TO PUT AN ATTACHED DOUBLE CAR GARAGE ON THE HOUSE. I ACTUALLY BELIEVE THAT MOST OF THE LOTS IN MY AREA HAVE THE SAME PROBLEM.

Explain any potential for conflict with existing properties in the area.

I CAN'T THINK OF ANY

Demonstrate the need of the proposed development at this location.

I CURRENTLY HAVE A SINGLE CAR GARAGE WHICH IS IN NEED OF REPAIR ON THE FOOTINGS. THE SINGLE CAR GARAGE HAS BECOME TOO SMALL FOR MY NEEDS. I CURRENTLY HAVE TO PARK ONE VEHICLE OUTSIDE, SO INSTEAD OF REPAIRING THE EXISTING GARAGE I WOULD LIKE TO BUILD A LARGER ONE.

What is the availability of alternative building designs? Be specific.

I DON'T KNOW

In order to preserve the intent of these zoning regulations and to protect the public interest, the Board of Adjustment may attach conditions to a variance. A variance shall remain valid only as long as the property owner complies with any terms and conditions of the variance, as attached by the Board of Adjustment.

Petitioner's Signature James A. Sirlin Phone 605-624-3265 Date 5-27-11

Owner's Signature _____ Phone _____ Date _____
(If different)

Date Fee Received: _____ **Fee $100.00** PAYABLE TO **the City of Vermillion**

May 26, 2011

To Whom it may concern,

I would have no problem if Jim and JoAnne Sinkie get a variance to build a larger garage.

Thanks,

Signed:

Name: CJ + Stephanie Kocher

Address: 918 Cottage Ave
Vermillion, SD 57069

Name: Tom Taggart

Address: 912 cottage
Vermillion

Name: Randy Voss

Address: 923 Cottage
Vermillion, SD 57069

Name: John Suter

Address: 911 Cottage Ave
Vermillion SD 57069

NOTICE OF HEARINGS

NOTICE IS HEREBY GIVEN that the City Council acting as the Board of Adjustment of the City of Vermillion, South Dakota, will meet at 7:00 p.m. on Monday the 20th day of June, 2011 in the City Council Chambers at 25 Center Street in the City of Vermillion, at which time the said Board of Adjustment will hear, consider and act upon the following:

A four (4) foot side yard variance for 917 Cottage Avenue

Notice is further given that at the time and place aforesaid any person may appear and be heard upon all matters pertaining to the said variance application for the consideration of which said hearing is to be held and that at said time and place the Board of Adjustment Will consider and decide whether or not this variance should be issued.

Publish: June 3, 2011

Council Agenda Memo

From: Jordan McQuillen, Intern

Meeting: June 20, 2011

Subject: 4th of July Public Fireworks Display Permit

Presenter: Jordan McQuillen

Background: The Vermillion Chamber and Development Company is requesting City Council approval for a fireworks display to be held on the 4th of July 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 on 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) 624-5571

Address 116 Market St. 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, 2011 Time of Day 10:00 PM

Exact Location of Display Field just south of Polaris

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, James F. 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 7th day of June, 2011

Signature of Applicant

Subscribed and sworn to (or affirmed)
Before me this 7 day of June, 2011.

Notary Public

My Commission Expires _____, 20____.

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: Jordan McQuillen, Intern

Meeting: June 20, 2011

Subject: Request to close Market Street from Main Street to Kidder Street on June 25, 2011 for the Finish Line Celebration for Ride with Larry.

Presenter: Jordan McQuillen

Background: It is requested that Market Street, from Main Street to Kidder Street, be closed from 10:00 a.m. to 2:00 p.m. on Saturday June 25, 2011. The event is free to the public.

Discussion: The Ride with Larry event coordinators plan to contact downtown businesses to make them aware of the closing. The event staff will walk the street after the event to ensure that the street is clean and free from any debris.

The request has been reviewed by the Fire, EMS, and Police Departments and they have found no problems with the request. Attached is the application and a map of the closure.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends approval of the Market Street closing from Main Street to Kidder Street on Saturday June 25, 2011, from 10:00 a.m. to 2:00 p.m.

Request to Close Public Street

Requests to close a public street for an event or activity are taken to the City Council for approval. The following application is requested to be submitted to the City Managers office for a street closing one week prior to the Council Meeting.

REQUEST TO CLOSE CITY STREET
CITY OF VERMILLION

This application shall be completed in time to be submitted to the City Council for consideration. City Council meetings are the first and third Mondays of each month. Requests are to be submitted to the City Managers office one week prior to the meeting to be included on the meeting agenda. The proposal shall contain all applicable information relative to the nature and purpose of the event the street closing is requested for, if additional space is needed please attach additional sheets or application letter with the required information.

Organization Requesting Ride With Larry

Contact Person Michelle Maloney Phone 677-9006

Contact Person Address 2822 Cherokee Court

Event Ride With Larry Date(s) of Event 6/25/11

Street(s) Requesting to be closed (Include a map if needed.)

Street Market from Main to alley

Street Closing Times 9:30am to 3pm

If the street closing requested would affect other residents or businesses have they been notified of the request. Yes x No x

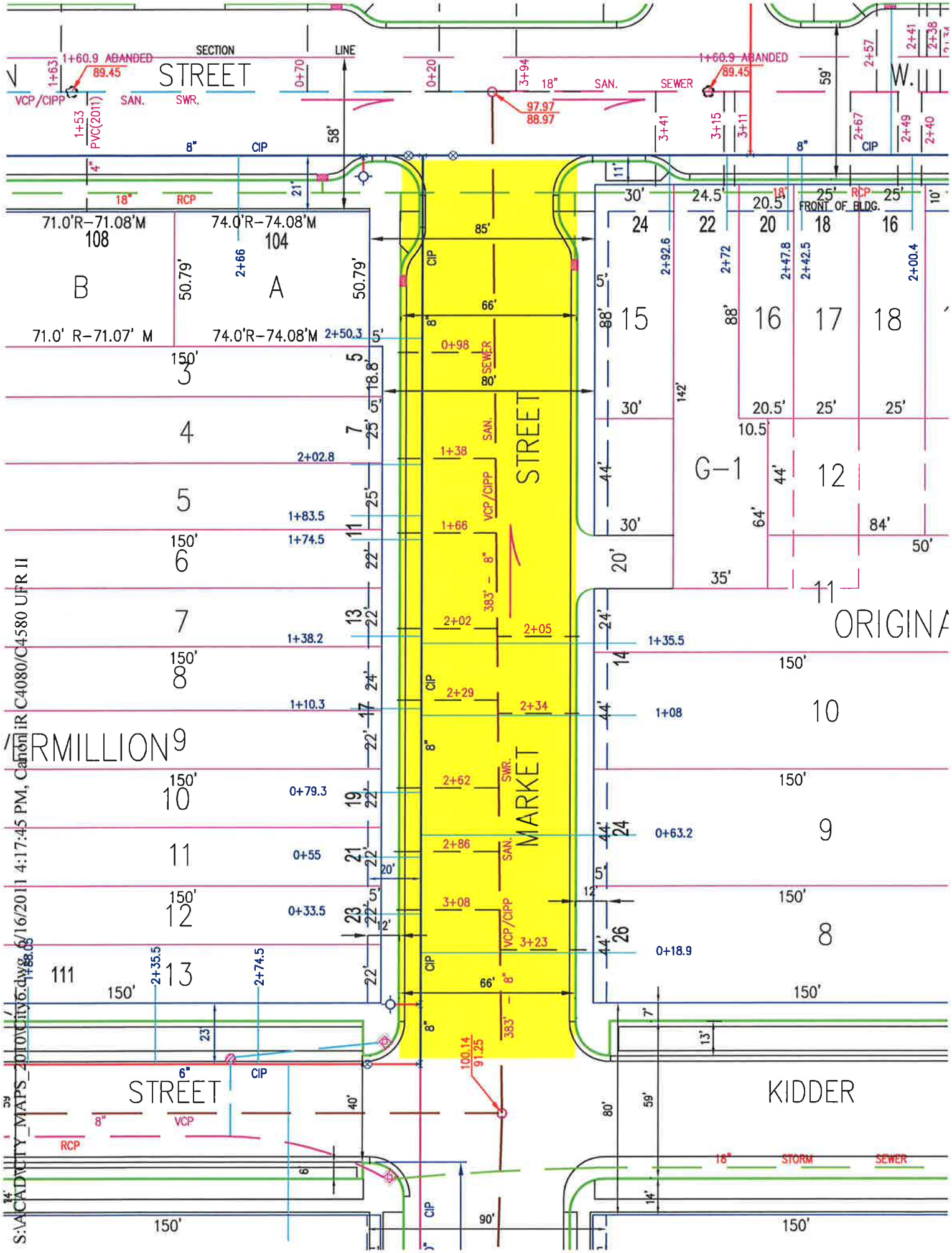
Cafe Brule & Leo's Know - others are not open except Gary's Cafe

Have arrangements been made for clean up after the event and other facilities? Please describe:

Yes. There are 25 volunteers to help with tear down and I have contacted the Parks and Rec Dept about dropping off garbage cans.

If approved the contact person will need to make arrangements with the Street Department for barricades to properly denote the street closing.

Signature of applicant Michelle Maloney date 6/16/11



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

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 20th day of June, 2011 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following application for a special permits to exceed allowable sound levels which has been filed in the Finance Officer's Office:

Ride With Larry committee request for a special permit to exceed allowable sound levels for a live remote and public gathering at the Ratingen Platz located at the corner of Market and Main Street on Saturday, June 25, 2011 between 10:00 a.m. and 2:00 p.m.

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 6th day of June, 2011.

_____
Michael D. Carlson, Finance Officer

Publish: June 10, 2011

Published once at the approximate cost of _____.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: June 20, 2011

Subject: Street Closure Request – Portions of Main, Court, and Center Streets for Tri-State Drive-In Cruisers.

Presenter: Mike Carlson

Background: The Tri-State Drive-in Cruisers are hosting their annual car show on Wednesday, July 6, 2011. The group is requesting the temporary closure of portions of West Main Street, Court Street, and Center Street. A copy of the application from the organization is attached.

Discussion: The Tri-State Drive-in Cruisers are requesting the closure of the following streets:

- Main Street, from Market Street to the Bank of the West Drive-thru
- ½ of Court Street from Main Street to the alley
- Center Street from Main Street to National Street

The group requests the streets to be closed from 5:00 p.m. to 8:00 p.m.

The Police, Fire, and EMS Departments have been notified of the closure request and have found no safety concerns. The applicant indicated they will take care of any clean-up and have notified property owners adjacent to the proposed closure area.

Financial Consideration: None

Conclusion/Recommendations: Administration recommends allowing the closure on July 6th 2011 from 5:00 p.m. to 8:00 p.m. to facilitate the success of the Tri-State Cruisers event.

Request to Close Public Street

Requests to close a public street for an event or activity are taken to the City Council for approval. The following application is requested to be submitted to the City Managers office for a street closing one week prior to the Council Meeting.

REQUEST TO CLOSE CITY STREET
CITY OF VERMILLION

This application shall be completed in time to be submitted to the City Council for consideration. City Council meetings are the first and third Mondays of each month. Requests are to be submitted to the City Managers office one week prior to the meeting to be included on the meeting agenda. The proposal shall contain all applicable information relative to the nature and purpose of the event the street closing is requested for, if additional space is needed please attach additional sheets or application letter with the required information.

Organization Requesting Tri State Cruisers / Dakota Classic Cruisers

Contact Person Bob Gilkyson Phone 605-659-1234 cell

Contact Person Address 524 Cottage Ave. Vermillion

Event TRI STATE DRIVE IN CRUISERS Date(s) of Event July 6

Street(s) Requesting to be closed (Include a map if needed.)

Street MAIN ST from MARKET ST to ELEM ST

Street Closing Times 5:00 PM to 8:00 PM 1/2 block so Court + 1 Block north on Center

If the street closing requested would affect other residents or businesses have they been notified of the request. Yes ___ No ✓

Have arrangements been made for clean up after the event and other facilities? Please describe:

DAKOTA CLASSIC CRUISERS + Others

If approved the contact person will need to make arrangements with the Street Department for barricades to properly denote the street closing.

Signature of applicant Robert D Gilkyson date 6/16/2011

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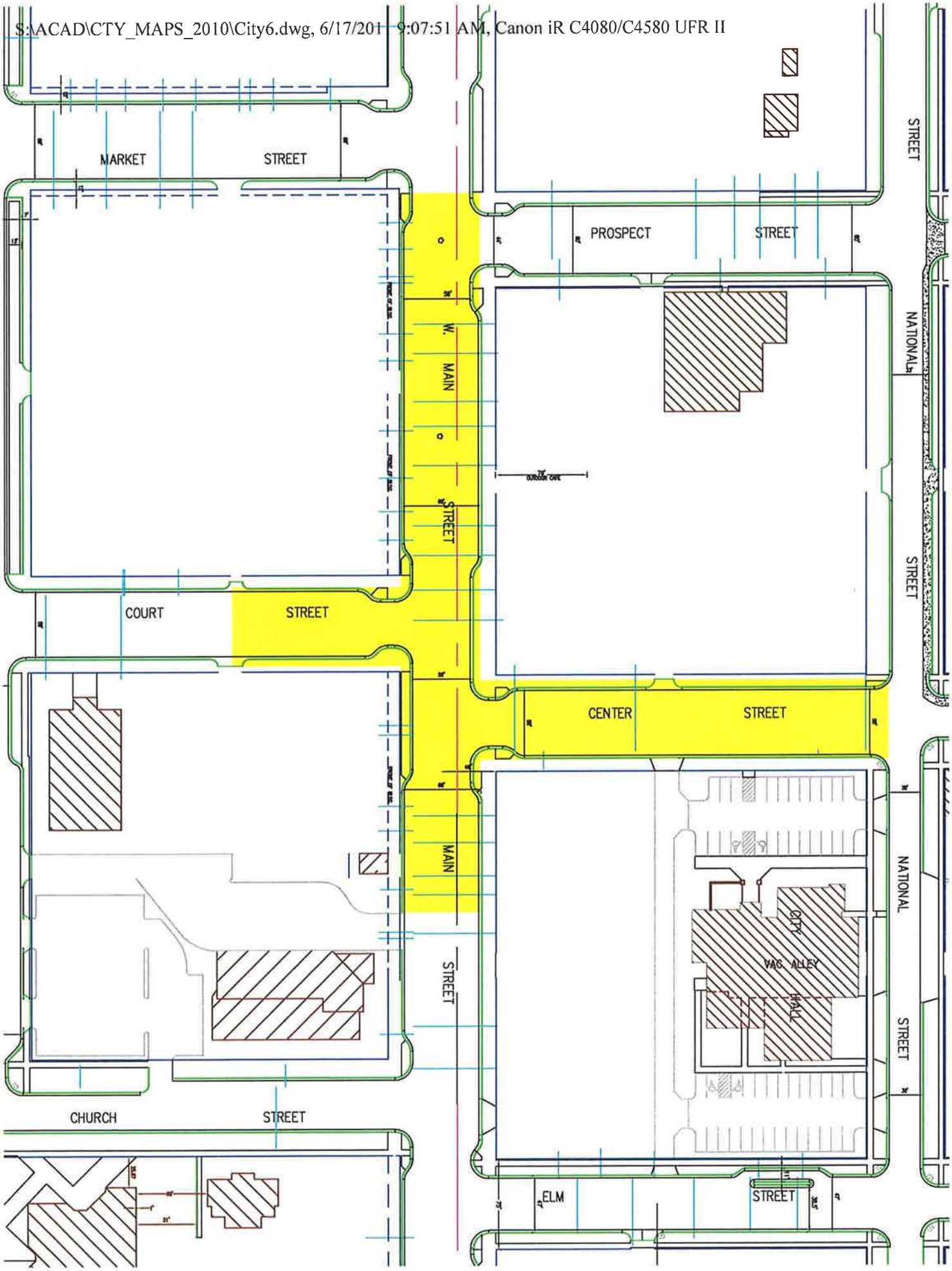

Council Agenda Memo

From: Jordan McQuillen, Intern

Meeting: June 20, 2011

Subject: High Street Closing – August 11 - 14, 2011

Presenter: Jordan McQuillen

Background: The Clay County Fair Association is hosting the annual Clay County Fair August 11–14, 2011. 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. A letter from the organization is attached. (The Clay County Fair Association was contacted regarding the discrepancy in their request and the correct date should be Thursday, August 11 with a start time of 7:00 am).

Discussion: The Clay County Fair Association is requesting that High Street be closed, along the fairgrounds, from 7:00 a.m. on Thursday, August 11 until 5:00 p.m. on Sunday, August 14. The August 14 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 Wednesday, August 10 until 5:00 p.m. on Sunday, August 14 to accommodate the Clay County Fair.

Clay County Agricultural Fair Association

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

June 3, 2011

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

Dear Mayor Powell,

The Clay County Fair is August 11-13, 2011. We are requesting that High Street (fair grounds) be blocked to through-traffic from 7:00 AM on Thursday, August 10 through 5:00 PM Sunday, August 14, for the fair.

In addition, we would like to ask permission to park vehicles near/in the ditches events as we have in the past. As in the past, we would appreciate 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. Should you have any questions, regarding this letter please do not hesitate to call our office at 677-7111.

Respectfully,

David Fickbohm
Clay County Fair Board

Council Agenda Memo

From: John Prescott, City Manager

Meeting: June 20, 2011

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: Sandy Brown (2011), Steve Howe (2012), and Elizabeth Abbott (2013), Cindy Benzel (2014), and Joan Holter (2015).

Sandy Brown was appointed in December 2008 to complete the term of Craig Thompson. Sandy Brown's term expires at the end of this month. Sandy wishes to be appointed for a full term.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends re-appointing Sandy Brown to a term expiring in 2015 in order to fill the Vermillion Housing Authority Board.

Council Agenda Memo

From: José Dominguez, City Engineer

Meeting: June 20, 2011

Subject: 2011 Miscellaneous Concrete Project

Presenter: William Schaffer

Background: The City has an ongoing program to update all of the handicap ramps within the City. The program was instituted several years back and designates approximately $20,000 for handicap ramp improvements. The City also utilizes this project to repair curb and gutter sections and storm sewer inlets that were damaged during the winter months.

Quotes were opened June 13, 2011. One quote was received. The quote was from Walker Construction in the amount of $27,010.54.

Discussion: Quote specifications were sent to 11 potential bidders in the area. Bidding is required by State law when the cost of the project exceeds $50,000. This project was estimated to cost less than the bid limit so quotes were requested.

Financial Consideration: $35,000 was budgeted for this project. The detectable warning panels required by ADA at handicap ramps are also purchased from this line item.

Conclusion/Recommendations: Administration recommends awarding the project to Walker Construction for the amount of $27,010.54.

CONTRACT
2011 MISCELLANEOUS CONCRETE

THIS AGREEMENT, entered into this 20th day of June 2011, by and between the City of Vermillion, South Dakota, acting by and through the City Council of said City, hereinafter called the City, and Walker Construction, of Vermillion, South Dakota, hereinafter called the Contractor.

WITNESSETH:

WHEREAS, the City Council of Vermillion, South Dakota has heretofore caused to be prepared certain drawings, specifications, and proposal blank for furnishing equipment and materials for said City under the terms and conditions therein fully stated and set forth; and

WHEREAS, said drawings, specifications, and proposal of the Contractor accurately and fully describe the terms and conditions upon which the Contractor has offered to furnish all equipment and material awarded the Contractor;

NOW, THEREFORE, IT IS AGREED: That the City hereby accepts the proposal of the Contractor at the prices set out hereinafter:

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE
1	Concrete Curb & Gutter, 30-Inch x 6-Inch	LF	311.5	$18.00	$5,607.00
2	Concrete Sidewalk, 4-Inch	SY	247	$34.82	$8,600.54
3	Concrete Fillet Section, 6-Inch	SY	12	$40.00	$480.00
4	Concrete Pavement, 6-Inch	SY	55	$40.00	$2,200.00
5	Saw Full Depth Pavement	LF	322.5	$4.00	$1,290.00
6	Drilled Pavement Ties	EA	121	$6.00	$726.00
7	Remove Sidewalk	SY	217	$8.00	$1,736.00
8	Gravel Cushion	TON	25	$21.00	$525.00
9	Remove Curb and Gutter	LF	311.5	$4.00	$1,246.00
10	Adjust Manhole	EA	1	$1,400.00	$1,400.00
11	Adjust Handhole	EA	1	$350.00	$350.00
12	Remove and Replace Type V Inlet Top	EA	3	$325.00	$975.00
13	Adjust Inlet Top	EA	5	$375.00	$1,875.00
		TOTAL PRICE			$27,010.54

Project completion – August 31, 2011

IN ADDITION, IT IS FURTHER AGREED: That said drawings, specifications, proposal and addenda are hereby incorporated as parts of this contract as fully as though set out herein verbatis.

This contract is executed in DUPLICATE by the parties hereto as of the date first herein written.

CITY OF VERMILLION
CLAY COUNTY, STATE OF SOUTH DAKOTA

_____
John E. (Jack) Powell, Mayor

ATTEST:

_____
Michael D. Carlson, Finance Officer

Walker Construction, Contractor:

_____

CITY OF VERMILLION
INVOICES PAYABLE-JUNE 20, 2011

1	WILLSON FLORIST	FLORAL ARRANGEMENT	75.00
2	ALLIED INSURANCE	NOTARY BOND	100.00
3	ARAMARK	UNIFORMS	279.37
4	BROADCASTER PRESS	ADVERTISING	1,168.28
5	BRUNICKS SERVICE INC	FUEL	7,291.18
6	BUREAU OF ADMINISTRATION	TELEPHONE	343.26
7	CITY OF VERMILLION	LANDFILL VOUCHERS	684.50
8	CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,101.84
9	DCI MARKETING	SMOKE STANDS/ASHTRAYS	1,135.08
10	DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,071.48
11	GREGG PETERS	MANAGERS FEE	5,375.00
12	KNOLOGY	911 CIRCUIT	1,415.45
13	LOREN FISCHER DISPOSAL	HAUL CARDBOARD	70.00
14	MATHESON TRI-GAS, INC	OXYGEN	294.21
15	MIDAMERICAN	GAS USAGE	1,154.30
16	MIDCONTINENT COMMUNICATION	INTERNET SERVICE	91.75
17	QWEST	TELEPHONE	1,548.49
18	RESERVE ACCOUNT	POSTAGE FOR METER	950.00
19	SPRINT	CELL PHONES	971.10
20	STERN OIL CO.	FUEL USAGE	14,941.70
21	THE EQUALIZER	ADVERTISING	1,027.40
22	UNITED PARCEL SERVICE	SHIPPING	71.57
23	US POSTMASTER	POSTAGE FOR UTILITY BILLS	975.00
24	VERMILLION AREA FARMERS	REIMBURSE OVERPAYMENT	30.00
25	NANCY ZUERCHER	BRIGHT ENERGY SOLUTIONS REBATE	10.00
26	DALE PIETRZAK	BRIGHT ENERGY SOLUTIONS REBATE	275.00
27	JENNIFER JONES	BRIGHT ENERGY SOLUTIONS REBATE	100.00
		GRAND TOTAL	$44,550.96