



Special Meeting Agenda City Council

12:00 pm (noon) Special Meeting
Monday, June 4, 2012
Large Conference Room
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Recognition of Water Department for Drinking Water Excellence Award.**
3. **Educational Session – Mobile home park electrical infrastructure – Mark Koller.**
4. **Educational Session – Light & Power Digger Derrick truck – Mark Koller.**
5. **Informational session – Sidewalk Survey update – John Prescott.**
6. **Briefing on the June 4, 2012 City Council Regular Meeting Agenda-** Briefings are intended to be informational only and no deliberation or decision will occur on this item.
7. **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 4, 2012
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. May 21, 2012 Special Session; May 21, 2012 Regular Session.
4. **Adoption of the Agenda**
5. **Visitors To Be Heard**
6. **Public Hearings**
 - a. Appeal to a Demolition Order for a dangerous building located at 23 N Harvard.
 - b. Annual malt beverage license renewals.
 - c. First Reading of Ordinance 1279 Zoning Amendment - Amending Title 15 Chapter 155 Sections 155.031, R-1 Residential District, (A) Permitted Uses and (C) Lot and Yard Regulations to add Single Family Attached (townhouse) Dwellings as a Permitted Use and add regulations for Building Lines and Frontage.
 - d. First Reading of Ordinance 1280 Zoning Amendment - Amending Title 15 Chapter 155 Sections 155.036, GB General Business District, (B) Conditional Uses, to modify the distance requirements for Veterinary Clinics and Kennels.
 - e. First Reading of Ordinance 1281 Zoning Amendment – Amending Title 15 Chapter 155 Sections 155.034 (C), R-4 Manufactured Housing District Lot and Yard Regulations, 155.035 (C), CB Central Business District Lot and Yard Regulations, 155.036 (C), GB General Business District Lot and Yard Regulations 155.038 (C), GI General Industrial District Lot and Yard Regulations and 155.039 (C), Hi Heavy Industrial District Lot and Yard Regulations, to add regulations for Building Lines and Frontage.
 - f. Special permit to exceed the permissible sound levels by no more than 50% for Thursdays on the Platz (Ratingen Platz corner of W. Main Street and Market Street) on July 12, July 26, August 9 and August 23, 2012 from 6:00 pm to 8:00 pm.
 - g. Special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company on or about July 12, July 26, August 9 and August 23, 2012 from 6:00 pm to 8:00 pm. on the Platz (Ratingen Platz corner of W. Main Street and Market Street) and the abutting portion of Market Street.
7. **Old Business**
8. **New Business**
 - a. Library construction/renovation project Change Order #1.
 - b. Thursdays on the Platz request for funding from Bed, Board and Booze fund.

- c. Request to close Market Street on July 12, July 26, August 9 and 23, 2012 from W. Main Street to one-half block south for Thursdays on the Platz.
- d. Vermillion Area Community Foundation Round-up Program proposal.
- e. Landfill Motor grader purchase.
- f. Resolution Establishing Fees-in-Lieu-of-Assessment for Baylor Street from Stanford Street to 633-foot West.
- g. Resolution Establishing Fees-in-Lieu-of-Assessment along University Road from SD Highway 50 to Coyote Street.
- h. Final Plat of Lot 3, Block 4 of Brooks Industrial Park Addition.
- i. Resolution Establishing Fees for Land being leased for Hangar Space.

9. Bid Openings

- a. 2012 Tree Stump Removal Contract.
- b. Fuel Quotes.

10. City Manager’s Report

11. Invoices Payable

12. Consensus Agenda

13. 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 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
May 21, 2012
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, May 21, 2012 at 12:00 noon in the City Hall large conference room.

1. Roll Call

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

Absent: French, Osborne, Ward

2. Recognition of Water Department for Drinking Water Excellence Award

Mayor Powell presented Randy Isaacson, Water Department Superintendent, the Department of Environment and Natural Resources Secretary's Award for Drinking Water Excellence for 2011. Mayor Powell stated that the award is in recognition of meeting all of the State requirements for safe drinking water noting that this is the eleventh consecutive year of receiving this award. Mayor Powell also presented the individual awards to Randy and Tom Kruse along with certificates for the other plant operators.

3. Educational Session - Discussion of acquiring a loader for the landfill

Bob Iverson, Solid Waste Director, stated that, in planning for the construction of cell 5 and closing of cells 2 & 3, he was inquiring of vendors the rental costs of a motor grader for including in the budget. Bob stated that the rental rate is \$9,500 per month but the Caterpillar vendor noted that there is a motor grader bid that would allow the City to purchase the motor grader for \$266,000 that could be financed at \$13,000 the first year and \$27,900 for the next six years with a balloon payment of \$125,000 in the seventh year. The financing is at 3.25% and the City can prepay at any time. Bob noted that when cell 5 is completed and cell 2 & 3 were closed the motor grader could be sold and the loan repaid. Bob stated that the landfill has borrowed the Street Department motor grader during the summer but, due to the construction, the motor grader will be needed earlier in the spring and later into the fall. The motor grader will assist the department in digging of cell 5 and grading the final cover for cell 2 & 3 instead of paying a contractor to do this work.

Bob answered questions of the City Council on the equipment and construction planned at the landfill.

John Prescott, City Manager, stated that, as this is somewhat unusual to bring this item to the City Council outside the budget, but the vendor has the machine available and as the bid price was based upon multiple machines he felt it was worth having Bob explain this option to the City Council. John stated that if the Council was interested in pursuing this it could be put on the June 4th agenda for Council consideration. Discussion followed with the consensus to include the motor grader purchase on the June 4th agenda.

4. Informational session - City Manager and Finance Officer evaluation forms

Alderman Davies reported that the Policy and Procedures Committee met to review the evaluation forms being used and also reviewed forms used by other cities with the decision to use the existing form but make some updates. The minutes from the meeting were included in the packet along with the proposed evaluation forms that show the changes proposed by the committee. Discussion followed on the evaluation form and changes proposed. Alderman Davies stated that, if the City Council was agreeable, the revised form could be sent out to the full Council to be completed by May 31st and discussed at the special meeting in June. The consensus was to use the evaluation form as revised by the committee to be completed and returned to the Mayor by May 31st. A member of the Policy and Procedures committee will tabulate the results.

5. Briefing on the May 21, 2012 City Council Regular Meeting Agenda

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

6. Adjourn

159-12

Alderman Willson moved to adjourn the Council special session at 12:52 p.m. Alderman Meins seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 21st day of May, 2012.

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

ATTEST:

BY

Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
May 21, 2012
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on May 21, 2012 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

Absent: Osborne

2. Pledge of Allegiance

3. Minutes

A. May 7, 2012 Special Session; May 7, 2012 Regular Session

160-12

Alderman Meins moved approval of the May 7, 2012 regular session minutes and the May 7, 2012 special session minutes with the correction to the vote on Motion 153-12 from 8 to 9 to 8 to 0. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

161-12

Alderman Willson moved approval of the agenda with the addition of New Business Item 8E - Set date and time for a special meeting to canvass the June 5th city election results and City Manager and Finance Officer evaluations. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard - None

6. Public Hearings

A. Special daily malt beverage license for the Fraternal Order of Eagles on or about June 8, 9, & 10, 2012 in Prentis Park for Shakespeare Festival

Mike Carlson, Finance Officer, reported that an application was received from the Fraternal Order of Eagles for a special daily malt beverage and wine license for a beer garden at the Coyoteopoly Shakespeare Festival in Prentis Park on June 8, 9 & 10. Jere Chapman will be representing the Eagles Club with this event. A memo and diagram are included in the packet from Jere along with a memo from the Police Chief.

Mike noted that the memo states that the times are approximately 4:00 p.m. to 11:00 p.m. each day. It should be noted that the swimming pool will be open until 4:50 each day but will be closed after that for the event. Another concern was the area of the beer garden as the memo states if there is enough fence, the whole vendor area will be fenced for the beer garden. The Police Chief's memo has suggested monitoring proposals for the different options. At the meeting with the Coyoteopoly group on Friday, the members present were agreeable to sales starting at 5:00 p.m. each day and fencing the beer garden area. As to clean up, the Coyoteopoly group will be gathering trash to a dumpster they have contracted for and they will have portable restrooms on the north end of the basketball court. The Recycling Center will provide containers to collect recyclable cans and plastic bottles for the event. Discussion followed noting the hours should not conflict with the swimming pool, that wrist bands be used to identify those of age and that the beer garden be fenced separate from the vendors.

162-12

Alderman Grayson moved approval of the special daily malt beverage and wine license for the Fraternal Order of Eagles on or about June 8, 9 & 10 at Prentis Park for the Coyoteopoly Shakespeare Festival with the stipulation that the beer garden area be fenced separate from the vendor area, wrist bands be used to identify those of age

and the hours each day are from 5:00 p.m. to 11:00 p.m. Alderman Davies seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Transfer of retail on-sale liquor license to Red Steakhouse, Inc for Red Steakhouse at 1 East Main transfer from Valiant Vineyards, Inc at 1500 West Main

Mike Carlson, Finance Officer, reported that an application was received for the transfer of the retail on sale liquor license from Valiant Vineyard, Inc to Red Steakhouse, Inc. for Red Steakhouse at 1 East Main. A report from the Police Chief is included in the packet. Red Steakhouse, Inc currently has a retail on-off sale malt beverage and a retail on-off sale wine license issued by the City. The transfer fee of \$150 has been paid. Discussion followed on the license.

163-12

Alderman Davies moved approval of the transfer of the retail on sale liquor license from Vineyard, Inc to Red Steakhouse, Inc. for Red Steakhouse at 1 East Main. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. Retail on-off sale malt beverage license for Valiant Vineyards, Inc for Valiant Vineyards at 1500 W. Main Street

Mike Carlson, Finance Officer, reported that an application for a retail on-off sale malt beverage license was received from Valiant Vineyards, Inc. for Valiant Vineyards at 1500 West Main. A report from the Police Chief is included in the packet. Valiant Vineyards, Inc currently has an off sale package wine dealer's license from the City and a retail on sale liquor license that was transferred in the previous City Council action. The State of SD has also issued Valiant Vineyards, Inc a SD farm winery license. The retail on-off sale malt beverage fee of \$300 has been paid of which \$150 is retained by the City with the other half to the State. Discussion followed.

164-12

Alderman Zimmerman moved approval of the issuance of the retail on off sale malt beverage license to Valiant Vineyards, Inc. for Valiant Vineyards at 1500 West Main. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

7. Old Business

A. Second Reading of Ordinance No. 1275 Amending Section 155.008, Definitions, 155.032, R-2 Residential District and 155.033, R-3 Residential District to change dwelling definitions and add a definition and regulations for building lines

Jose Dominguez, City Engineer, reported that the ordinance change is to amend definitions for duplexes, townhouses and apartment complexes. In addition to the definitions, the amendment will require that new construction be placed at the building line rather than setback line. He explained the definitions and difference in building and setback lines. Jose reported the Planning Commission approved the amendment. Jose noted that there has been no comment since first reading of the ordinance.

165-12

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1275 Amending Section 155.008, Definitions, 155.032, R-2 Residential District and 155.033, R-3 Residential District to change dwelling definitions and add a definition and regulations for building lines 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 7th day of May, 2012 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 21st day of May, 2012 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

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

ORDINANCE NO. 1275

AN ORDINANCE OF THE CITY OF VERMILLION, SD, AMENDING THE ZONING ORDINANCE OF THE CITY BY AMENDING SECTION 155.008, DEFINITIONS; 155.032, R-2 RESIDENTIAL DISTRICT; 155.033, R-3 RESIDENTIAL DISTRICT.

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

That Section 155.008 of the Zoning Ordinance is hereby amended to add the following definition:

§ 155.008 DEFINITIONS

BUILDING LINE. A parallel to the curb line touching that part of a building or parking lot closest to the street. The line may be at the setback line or further.

DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSE). A single family dwelling owned separately and attached to 2 or more single family dwellings by common vertical walls. Each dwelling shall be in its own lot.

DWELLING, MULTIPLE-FAMILY (APARTMENTS AND CONDOMINIUMS). A building, or portion thereof, containing 3 or more dwelling units that may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums or offered for rent.

DWELLING, TWO-FAMILY ATTACHED (DUPLEX). A building designed or arranged to be occupied by two families living independently, with the structure having only two dwelling units. Each structure shall be in its own lot.

§ 155.032 R-2 RESIDENTIAL DISTRICT.

A) Permitted uses. The purpose of this district is to provide for certain low to medium density residential areas in the city now developed primarily with single-family, 2-family, and multiple-family dwellings.

Permitted Use Applicable Standards

Single-family detached dwellings	§§ 155.070, 155.072, 155.076, 155.077
Single-family attached (townhouses) dwellings	§§ 155.070, 155.072, 155.076, 155.077
Multiple-family (apartments and condominiums) dwellings (up to 4 dwellings)	§§ 155.070, 155.072, 155.076, 155.077
Two-family attached (duplex) dwellings	§§ 155.070, 155.072, 155.076, 155.077
Boarding and lodging house	§§ 155.070, 155.072, 155.077
Fraternities and sororities	§§ 155.070, 155.072, 155.077
Churches	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Libraries	All parking lots being 8 feet from all residential

	properties. §§ 155.070, 155.072, 155.077
Schools	All parking lots being 8 feet from all residential properties. One of the principle frontages shall abut upon an arterial or collector street as defined by the city's major street plan map. §§ 155.070, 155.072, 155.077
Public park areas	§ 155.070
Golf course	§§ 155.070, 155.072
Hospital clinic	§§ 155.070, 155.072, 155.073, 155.077
Private club/lodge	§§ 155.070, 155.072, 155.073, 155.077
Electrical substation	An opaque screen, 6 feet in height, located at all setback lines. §§ 155.070, 155.077
Group day care	A safe pickup and drop off area must be provided for the children. All applicable dwelling standards apply.
Neighborhood utilities	§ 155.070
Group home	Structure must be a single housekeeping unit. Applicant must provide copy of state agency license. All applicable dwelling standards apply.
Railroad right-of-way	Including a strip of land with tracks and auxiliary facilities for track operation, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, power houses, interlocking towers, and fueling, sanding and watering stations.
Accessory structure (such as, garage, shed)	§§ 155.071, 155.082(A) (see definition)

B) Lot and yard regulations. All measurements shall be taken

from the lot line to the building line (see definitions). Where a side yard or rear yard is required, half of the required yard must be maintained as a landscaped area.

	Lot Area	<u>Frontage</u>	Building Line	Front Yard	Side Yard	Rear Yard	Maximum Height
Single-family detached dwellings (see #2)	6,500 square feet	<u>50 feet</u>	65 feet (see #2)	25 feet (see #3)	8 feet	25 feet	35 feet
Single-family attached (townhouse) dwellings (up to 4 attached dwellings) (see #5)	2,500 square feet	<u>25 feet</u>	25 feet	25 feet (see #3)	0 feet or 8 feet on nonparty wall side	25 feet	35 feet
Two-family attached (duplex) dwelling	7,500 square feet	<u>50 feet</u>	65 feet	25 feet (see #3)	8 feet	25 feet	35 feet
Multiple-family (apartments and condominiums) dwellings (4 units) (1 lot)	7,500 square feet	<u>50 feet</u>	75 feet	25 feet (see #3)	8 feet side	25 feet	35 feet
All other uses	6,000 square feet	<u>50 feet</u>	60 feet	25 feet (see #3)	15 feet	25 feet	35 feet

Exceptions:

1. There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.
2. A residence may be constructed on a lot-of-record, which has a lot width of less than 65 feet.

3. One required front yard may be reduced to 20 feet on corner lots.
4. See also adjustments to yard regulations (§ 155.082) for other specific exceptions.
5. Every two units will be staggered.

§ 155.033 R-3 RESIDENTIAL DISTRICT.

The purpose of this district is to provide for certain high density residential areas the city now developed primarily with single-family, 2-family, and multiple family dwellings.

(A) Permitted uses.

Permitted Use Applicable Standards

Single-family detached dwellings	§§ 155.070, 155.072, 155.076, 155.077
Single-family attached (townhouses) dwellings	§§ 155.070, 155.072, 155.076, 155.077
Multiple-family (apartments and condominiums) dwellings	§§ 155.070, 155.072, 155.076, 155.077
Two-family attached (duplex) dwellings	§§ 155.070, 155.072, 155.076, 155.077
Boarding and lodging house	§§ 155.070, 155.072, 155.076, 155.077
Fraternities and sororities	§§ 155.070, 155.072, 155.076, 155.077
Churches	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Libraries	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Schools	All parking lots being 8 feet from all residential properties. One of the principle frontages shall abut upon an arterial or collector street as defined by the city's major street plan map. §§ 155.070, 155.072, 155.077
Public park areas	§ 155.070
Golf course	§§ 155.070, 155.072

Hospital/clinic	§§ 155.070, 155.072, 155.073, 155.077
Private club/lodge.	§§ 155.070, 155.072, 155.073, 155.077
Electrical substation	An opaque screen, 6 feet in height, located at all setback lines. §§ 155.070, 155.077
Group day care	A safe pickup and drop off area must be provided for the children §§ 155.070, 155.072, 155.076, 155.077
Neighborhood utilities	§ 155.070
Group home	Structure must be a single housekeeping unit. Applicant must provide a copy of state agency license. §§ 155.070, 155.072, 155.076, 155.077
Railroad right-of-way	Including a strip of land with tracks and auxiliary facilities for track operation, but not including passenger stations, freight terminals, switching and classifications yards, repair shops, roundhouses, power houses, interlocking towers, and fueling, sanding and watering stations.
Fences	§ 155.074
Convent/monastery	§§ 155.070, 155.072, 155.077
Accessory structure (such as, garage, shed)	§§ 155.071, 155.082(A) (see definition)

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

	Lot Area	<u>Frontage</u>	Building Line	Front Yard	Side Yard	Rear Yard	Maximum Height
3 to 8 multiple-family	7,500 square	<u>50 feet</u>	60 feet	30 feet (see #1)	10 feet (see #1)	10 feet	45 feet

(apartments and condominiums) dwelling units	feet			#4) (see #7)			
9 to 12 multiple-family (apartments and condominiums) dwelling units	20,000 square feet	<u>50 feet</u>	70 feet	30 feet (see #4) (see #7)	10 feet	10 feet	45 feet
over 12 multiple-family (apartments and condominiums) dwelling units	30,000 square feet	<u>50 feet</u>	85 feet	30 feet (see #4) (see #7)	10 feet	10 feet	45 feet
Single-family detached	7,500 square feet	<u>50 feet</u>	60 feet	30 feet (see #4)	8 feet	25 feet	45 feet
Single-family attached (townhouses) dwellings (up to 8 attached units) (see#8)	2,500 square feet	<u>25 feet</u>	25 feet	30 feet (see #4)	0 feet or 10 feet on nonparty wall side	25 feet	45 feet
Two-family (duplex) dwelling	7,500 square feet	<u>50 feet</u>	60 feet	30 feet (see #4) (see #7)	10 feet (see #1)	25 feet	45 feet
All other uses	7,500 square feet	<u>50 feet</u>	75 feet	30 feet (see #4)	10 feet	25 feet	45 feet

Exceptions:

1. The side yard will be required to be increased to 15 feet when the building is 3 stories in height or more.
2. A residence may be constructed on a lot-of-record which has a lot width of less than 60 feet.
3. There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.
4. One required front yard may be reduced to 20 feet on corner lots.
5. A conditional use permit will be required for any structure having a maximum height exceeding 45 feet (see §§ 155.095(A)).
6. See also adjustments to yard regulations (§ 155.039) for other specific exceptions.
7. More than one main building per lot may be constructed.
8. Every two units will be staggered.

Dated at Vermillion, South Dakota this 21st day of May, 2012.

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

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Ward. 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-Yes, French-Yes, Grayson-Yes, Meins-Yes, Ward-Yes, Willson-Yes, Zimmerman-Yes, Mayor Powell-Yes.

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

B. Second Reading of Ordinance No. 1276 - Amending Section 155.072, Off-Street Parking, modifying parking requirements for dwellings

Jose Dominguez, City Engineer, reported that the proposed amendment will offer the developer the option to count the garage space toward meeting the parking requirement for the units being constructed. This will only be allowed when the development meets the following criteria:

- Each unit must have access to their garage through a door leading to the garage without going through the outside.
- The garage stall must be at least 10-feet wide by 20-feet long.
- The property owner will ensure that the garage space is open for tenant parking and that the space cannot be used for any other purposes. This will be a condition of the rental registry.

Jose reported that the Planning Commission reviewed the proposed amendment during their April 23rd meeting. During the meeting, it was explained to the Planning Commission that the proposed criteria are in place to prevent the use of garages as storage sheds while still counting them towards the off-street parking requirements. At the meeting, the Planning Commission moved to recommend removing all of the proposed criteria. Staff's interpretation of the motion and discussion was that the Planning Commission desired to have all garages count in calculating parking requirements.

However, staff has since visited with the Planning Commission as a group on May 14th and some members individually. A concern was expressed that the wishes of the Planning Commission were incorrectly interpreted by staff and subsequently shared with the City Council. From the recent discussions of the Planning Commission, the intent of the motion was to allow attached garages to count toward meeting the parking requirements, but without the restrictions for parking stall size, direct access, and requiring property owners to ensure the spaces will be used for parking. Part of the misinterpretation can be attributed to staff as the Planning Commission felt the minimum stall size and definition of attached garage were included in the building code. The Building code does not determine minimum stall size or define an attached garage, but merely establishes construction standards for accessory buildings for fire protection.

Jose noted that, after more information and discussion from the Planning Commission to clarify their intentions, staff made a few minor changes to the ordinance. Since the building code does not address attached and detached garages specifically, staff attempted to allow attached garages to count as long the units have access to the garage without going outside. In some cases you may have a common area to go through before accessing a garage; therefore, the "direct" terms were removed while keeping the remaining criteria. The ordinance before the City Council at the second reading does not reflect all of the wishes of the

Planning Commission, but does try to be more flexible in allowing attached garages. Discussion followed.

166-12

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1276 - Amending Section 155.072, Off-Street Parking, modifying parking requirements for dwellings 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 7th day of May, 2012 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 21st day of May, 2012 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

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

ORDINANCE NO. 1276

AN ORDINANCE OF THE CITY OF VERMILLION, SD, AMENDING CHAPTER 155, ZONING ORDINANCE, SECTION 155.072, OFF-STREET PARKING, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION.

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

That Section 155.072 of the Zoning Ordinance is hereby amended as follow:

§ 155.072 OFF-STREET PARKING.

(A) General conditions.

- (1) No parking spaces are permitted in the required front or side yard in any residential district except for multiple-family dwellings and portions of the front yard necessary for hard surfaced driveways or as otherwise provided in this chapter.
- (2) Parking spaces may be permitted in any required rear yard.
- (3) All parking spaces shall be connected to a public street or alley.
- (4) Except in conjunction with a legal nonconforming business, it is unlawful for any person to park, store,

- leave, or permit the parking, storing or leaving of any commercial vehicle with a gross vehicle weight rating (GVWR) of over 13,000 pounds in a NRC, R-1, R-2, R-3 or R-4 Zoning District, unless the vehicle is parked in connection with the performance of a service. The transferring of refuse from a smaller satellite vehicle to a large packer garbage truck is prohibited.
- (5) All parking, loading, and maneuvering and drive areas thereto shall be hard surfaced with asphalt, concrete or other acceptable paving systems (as determined by City Engineer).
- (6) The parking requirements in this section shall not be applicable to property in the CB Central Business District.

(B) Required parking spaces.

- (1) In computing the number of required off-street parking spaces, the floor area shall mean the gross floor area of the specific use, excluding any floor or portion used for parking. Where fractional spaces result, the parking spaces required shall be the nearest whole number. For the number of off-street parking and loading spaces required in all other districts, see Table 1 below:

Table 1: Minimum Off-Street Parking and Loading Requirements

Uses and Structures	Minimum Parking Requirements
Rooming and boarding houses, sororities and fraternities	1 parking space for each 200 square feet of floor area
Bowling alleys	4 spaces per lane
Church or temple	1 space for each 4 seats in main seating area
Private club or lodge	1 parking space for each 300 square feet of floor area
High school	4 spaces for each classroom or office room, plus 1 for each 150 square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium
Elementary school	2 spaces for each classroom or office room, plus 1 for each 150 square feet of seating area in any auditorium or gymnasium or cafeteria intended to be

	used as an auditorium
Eating and drinking places	1 space for each 300 square feet of gross floor area
Hospitals	1 space for each bed
Nursing, convalescent and rest homes	1 space for each 3 beds
Auditoriums, theaters and places of public assembly	1 space for each 4 seats of design capacity
Hotels and motels	1 space for each 2 rental rooms
Funeral homes	1 space for each 4 seats in the chapel
Retail sales establishments	1 space for each 300 square feet of floor area
Medical and dental clinics	1 space for each 2 staff members and full-time employees, plus 1 space for each 600 square feet of gross floor area
Manufactured home parks	2 spaces for each
Industrial uses	1 space for each 2 employees on the maximum working shift
Service establishments	1 space for each 300 square feet of floor area
Wholesale and distribution establishments	1 space for each 2 employees on the maximum working shift

- (2) For parking requirements for residential uses (excluding manufactured homes) see Table 2 below:
- (a) In order for the Alternate Parking Requirements to be used the following criteria must be met:
- (i) Each unit must have access to their garage through a walk-thru door leading to the garage without going through the outside.
 - (ii) Each garage stall shall be a minimum of 10-feet wide by 20-feet long.
 - (iii) The property owner will ensure that the garage space is open for tenant parking as a condition of their rental registry. The garage space cannot be used for any other purpose.

Table 2: Minimum Off-Street Parking and Loading Requirements for Residential Uses

Uses and Structures	Minimum Parking Requirements	Alternate Parking Requirements**
Single-family	2 spaces for each	2 spaces for each

detached	dwelling unit	dwelling unit
Single-family attached (townhouses)	2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater	2 parking spaces per each dwelling unit or 1 per bedroom whichever is greater
Two-family attached (duplex)	2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater	2 parking spaces per each dwelling unit or 1 per bedroom whichever is greater
Multiple-family (apartments and condominiums)	2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater	Use either 2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater. This value shall be multiplied by the following factors. The number of garage stalls shall be subtracted from the product. If garage is 1 stall then the factor will be 1.2 If garage is 2 stalls, or larger, then factor will be 1.4

** The parking stall (10-feet wide by 20-feet long) within the garage and the area directly in front of the garage (9-feet wide by 18-feet long) will count towards the off-street parking requirements.

(3) All other uses not specified in the above tables shall have minimum off-street parking and off-street loading spaces as determined by the City Council.

Dated at Vermillion, South Dakota this 21st day of May, 2012

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

John E, (Jack) Powell, Mayor

ATTEST

BY:

Michael D Carlson, Finance Officer

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

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

C. Second Reading of Ordinance No. 1277 - Amending Title 15 Chapter 155 Sections 155.008 and 155.037, of the 2008 Revised Ordinances of the City of Vermillion adding a definition and permitted and conditional uses to the NC Neighborhood Commercial District

Andy Colvin, Assistant to the City Manager, reported that this is second reading of the ordinance to allow residential and restaurants uses in the Neighborhood Commercial District as conditional uses that would be approved by the Planning Commission. Andy noted that this was proposed by the Planning Commission after comment from a residential property owner that was unable to refinance his property as the residential use was not allowed in the Neighborhood Commercial District. Andy noted that there have been no comments since first reading.

167-12

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1277 - Amending Title 15 Chapter 155 Sections 155.008 and 155.037, of the 2008 Revised Ordinances of the City of Vermillion adding a definition and permitted and conditional uses to the NC Neighborhood Commercial District 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 7th day of May, 2012 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body

on this 21st day of May, 2012 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

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

ORDINANCE NO. 1977

AN ORDINANCE AMENDING TITLE 15, CHAPTER 155, SECTIONS 155.008, DEFINITIONS AND 155.037 NC NEIGHBORHOOD COMMERCIAL DISTRICT, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA ADDING A DEFINITION AND PERMITTED AND CONDITIONAL USES TO THE NC NEIGHBORHOOD COMMERCIAL DISTRICT.

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

That Section 155.008 of the Zoning Ordinance is hereby amended to add the following definition:

§ 155.008 DEFINITIONS

ENGINEERING, MANAGEMENT, PUBLIC ADMINISTRATION AND RELATED OFFICES. Offices for any of the following uses: accountant, architect, attorney, chiropractor, optometrists, podiatrist, management, sales and service engineer, planner, surveyor, dentist, physician, psychiatrist, surgeon, and similar uses.

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

That Section 155.037 of the Zoning Ordinance is hereby amended to add the following permitted and conditional uses and related regulations:

§ 155.037 NC NEIGHBORHOOD COMMERCIAL DISTRICT.

This district is intended to provide for developing and redeveloping areas located at the edge of residential developments, adjacent to the major streets that serve the area. It is the intent of this district to provide for a well-integrated service area, providing convenience goods and personal services to primarily serve residents within 1 mile of the development. Due to the nature of commercial uses, site and architectural design shall be compatible with and sensitive to adjacent residential development, striving to preserve and protect residential property values.

(A) Permitted uses.

Permitted Use	Applicable Standards
Engineering, management, public administration and related offices	§§ 155.070, 155.072, 155.073, 155.077
Drug store	§§ 155.070, 155.072, 155.073, 155.077
Personal services: beauty salons; barber shops; laundry services; photo studios	§§ 155.070, 155.072, 155.073, 155.077
Medical and dental clinics	§§ 155.070, 155.072, 155.073, 155.077
Mixed-use development (residential uses over ground floor non-residential uses)	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Churches	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Libraries	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Day care center	Adequate and safe playground area with fence 4 feet high. A safe pickup and drop off area must be provided for the children. §§ 155.070, 155.072, 155.073, 155.077
Commercial parking lots/parking ramps	§§ 155.070, 155.072, 155.077
Accessory use (such as, garage, shed)	§§ 155.071, 155.082(A) (see definition)

(B) Conditional Uses.

Conditional Use	Applicable Standards
Single Family Detached Dwellings	§§ 155.070, 155.072, 155.073, 155.077, 1255.095
Single Family Attached (townhouse) Dwellings	§§ 155.070, 155.072, 155.073, 155.077, 155.095
Multiple Family (apartments and condominiums) Dwellings (up to 4 dwelling units)	§§ 155.070, 155.072, 155.073, 155.077, 155.095
Restaurants	§§ 155.070, 155.072, 155.073, 155.077,

	155.095
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(C) Lot and yard regulations. All measurements shall be taken from the lot line to the building line (see definitions).

	Lot Area	Frontage	Building Line	Front Yard	Side Yard	Rear Yard	Maximum Height
Single-family detached dwelling	6,000 square feet	50 feet	60 feet see #1	30 feet	8 feet	25 feet	35 feet see #5
Single-family attached (townhouse) dwellings (up to 4 attached dwellings) (see note #7)	2,500 square feet	25 feet	25 feet	30 feet	0 feet or 8 feet on nonparty wall side	25 feet	35 feet see #5
Two-family attached (duplex) dwellings	6,000 square feet	30 feet	60 feet	30 feet	8 feet	25 feet	35 feet
Multiple-family (apartments & condominiums) dwellings (4 units) (1 lot)	6,000 square feet/unit	50 feet	60 feet	30 feet	8 feet	25 feet	40 feet
All other uses	6,000 square feet see #4	50 feet	60 feet see #2, #32	30 feet see #2, #3	8 feet	25 feet	35 feet

Exceptions:

#1 A single-family detached dwelling may be constructed on a lot-of-record which has a lot width of less than 60 feet.

#2 No side yard or rear yard is required where a lot is adjacent to or abuts upon a commercial or industrial district.

#3 Where a side yard or rear yard is required half of the required yard must be maintained as a landscaped area.

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

#5 A conditional use permit will be required for any structure having a maximum height exceeding 35 feet (§ 155.095(A)).

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

#7 Every two units will be staggered.

Dated at Vermillion, South Dakota this 21st day of May, 2012

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____

John E, (Jack) Powell, Mayor

ATTEST

BY: _____

Michael D Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Willson. 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-Yes, French-Yes, Grayson-Yes, Meins-Yes, Ward-Yes, Willson-Yes, Zimmerman-Yes, Mayor Powell-Yes.

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

D. Second Reading of Ordinance No. 1278 - Amending Section 154.01, Definitions, 154.11.1 Design Standards - Streets - Urban to clarify the difference between private streets and mutual access easements

Jose Dominguez, City Engineer, reported that private roads and mutual access easements are addressed in the Subdivision Ordinance adopted last year. The original intent of the ordinance regarding these items was to allow a developer to construct either a private road or dedicate easement allowing access to certain parts of the property. Recently, it has come to our attention that the ordinance does not offer much flexibility between a private road and a public road and a mutual access easement. Jose explained the difference between private roads, public roads and mutual access easements. He noted that prior to the City accepting any responsibility, a roadway would need to be brought up to current City standards at the owners expense. Jose noted that he has had no comments on this ordinance since first reading. Discussion followed on who is responsible to upgrade a private road to City standards when it is dedicated to the City. Jose stated that it would be the adjoining property owners or the developer. Discussion followed.

168-12

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1278 - Amending Section 154.01, Definitions, 154.11.1 Design Standards - Streets - Urban to clarify the difference between private streets and mutual access easements 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 7th day of May, 2012 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 21st day of May, 2012 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

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

ORDINANCE NO. 1278

AN ORDINANCE OF THE CITY OF VERMILLION, SD, AMENDING CHAPTER 154; SECTION 154.01, DEFINITIONS, 154.11.1 DESIGN STANDARDS - STREETS - URBAN TO CLARIFY THE DIFFERENCE BETWEEN PRIVATE STREETS AND MUTUAL ACCESS EASEMENTS.

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

That Section 154.01 of the Subdivision Regulations is hereby amended to add the following definition:

§ 154.01 GENERAL

(E) Definitions. The following words and phrases shall be as defined below:

- (29) MONUMENT. A boundary marker of concrete, permanently planted and firmly fixed in the ground and placed so that the top of the monument is flush with natural ground. The monument shall be 6 inches in diameter or 6 inches square and 24 inches in depth. A steel rod, 5/8" x 12", shall be placed at the center point on the monument.
- (30) PAVEMENT, PAVED. The surface of a street that forms a hard, firm, level surface for travel. It can be comprised of Portland cement, asphalt or a material approved by the City Engineer.
- (31) PLAT. A map or representation of land subdivided into lots, parcels, tracts or blocks, including streets/roads, commons and public grounds, if any, all drawn to scale and complete with all irrevocable offers of dedication.
- (32) PRELIMINARY PLAT. Drawing or drawings indicating the proposed layout of the lots, blocks and public rights-of-way within a subdivision.
- (33) PRIVATE STREET/ROAD. A street or road that has not been dedicated, but rather reserved as public access to property. A private street/road is owned and maintained by the property owners which it serves.
- (34) PRIVATE ROAD EASEMENT. An easement granting the right to the public, and the city, to use a designated portion of property for common ingress and/or egress purposes.
- (35) REVERSE FRONTAGE LOT. A lot, among a group of double frontage lots, which contains a dwelling unit that is oriented in the opposite direction from the adjacent dwellings so that its front yard abuts the adjacent rear yards and its rear yard abuts the adjacent front yards.
- (36) RIGHT-OF-WAY. A strip of land occupied by a street, alley, road, railroad, pedestrian walkway or other

special travel use. The use of the term right-of-way for platting purposes shall mean that every right-of-way hereafter established and shown on a plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or area of such lots or parcels.

- (37) RURAL. Territory outside of the city limits.
- (38) STRUCTURES. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences and signs.
- (39) SUBDIVISION. The division of any tract or parcel of land into 2 or more lots platted for the purpose of transfer of ownership, or building development, whether future or immediate; or any division of land involving a new street or road regardless of parcel size or the number of parcels.
- (40) URBAN. Territory inside the city limits.
- (41) UTILITY EASEMENT. An easement granting the right to the city to use a designated portion of property for the installation, maintenance and access related to city utilities.

§ 154.11 DESIGN STANDARDS - STREETS.

§ 154.11.1 URBAN.

(D) Design standards.

- (1) The developer shall be responsible for dedication of all right-of-way widths according to the major street plan.
- (2) A tangent at least 100 feet long shall be placed between reverse curves on arterial and collector streets; on all other streets the tangent shall be at least 50 feet long.
- (3) Alleys are permitted in commercial and industrial districts when no other reasonable provision is made for service access, such as off-street loading, unloading, and parking consistent with the requirements set forth in the zoning ordinance.
- (4) Alleys are permitted in residential districts when

conditions warrant an alternative means of access. However, an alley shall never be proposed as a primary form of access.

- (5) Dead-end alleys shall be avoided, but if unavoidable, they shall be provided with a turnaround as determined by the City Engineer.
- (6) Whenever an existing half-street is adjacent to a tract being subdivided, the other half of the street shall be platted within said subdivision.
- (7) A subdivision may show $\frac{1}{2}$ of a street along adjoining property which has not been subdivided, but no building permit may be issued for any lot abutting on the undedicated half-street.
- (8) Cul-de-sacs and eyebrows will be allowed where they are necessary for the reasonable development of a subdivision. The maximum length of a cul-de-sac should not exceed 500 feet measured along the centerline, between the radius point of the turnaround and the right-of-way line of the abutting street. The maximum length of a cul-de-sac may be extended where no other practical alternative is available for the reasonable development of a subdivision. Temporary turnarounds may also be required by the City Engineer on dead-end streets that will eventually be continued. No more than 50 dwellings will be allowed on a cul-de-sac of 500 feet in length.
- (9) Where street jogs are unavoidable, the right-of-way offset shall not be less than 100-feet.
- (10) Streets shall be laid out in such a manner that they intersect, as nearly as possible, at right angles and no street shall intersect any other street at less than 80 degrees.
- (11) Private streets or roads, if allowed, shall meet the following requirements:
 - a. Private streets shall be paved by the developer to a width of not less than 23 feet measured from back-of-curb to back-of-curb, and maintained in a passable condition. Greater width may be required when necessary. All private streets/roads must provide a minimum height clearance of 14' 6".
 - b. The property owner(s) or agent shall place street signs on all private streets or compensate the City to place street signs for private streets at the locations the City Engineer deems necessary for the safety and convenience of the public. Street signs shall meet all current MUTCD standards and are subject to the approval of the City Engineer.

- c. Buildings located adjacent to a private street or road shall be addressed in accordance with City of Vermillion Code of Ordinances.
 - d. Building setback requirements shall meet the current zoning ordinance.
 - e. Private streets or roads shall be indicated on the plat as a mutual access easement and shall not be included as part of any required lot area or setback.
 - f. Any private street or road approved by the City shall provide permanent unobstructed access to the area it serves. The erecting of any structure within or adjacent to the private street or road which would in any way interfere with the use of such private street or road by the public or any governmental agency will not be permitted.
 - g. Any plat presented for City approval which shows a private street or road as a means of access shall include language in the owner's certificate providing for a mutual access easement.
 - h. The City will not subsequently accept a private street or road for dedication unless and until it is compliant with the City standards, providing adequate rights-of-way without requiring variances for setbacks.
- (12) When the traffic impact of 1 or more proposed property developments indicates that the public safety can be better served by the use of mutual access easements, the following requirements shall be observed:
- a. Any mutual access easement accepted by the City must provide for perpetual unobstructed access to the area it serves, and shall prohibit the erection of any structure within or adjacent to the access area which would interfere with the use of the mutual access easement by the public or any governmental agency.
 - b. Mutual access easements shall be indicated on the plat.
 - c. Any plat presented for city approval which shows a mutual access easement as a means of access shall provide language in the owner's certificate reserving the mutual access easement as a perpetual unobstructed access easement.
 - d. Mutual access easement areas shall be paved by the developer and maintained in passable condition. Designs for mutual access easements must be

approved by the City Engineer. An easement area maintenance agreement among property owners who will use the mutual access easement for access shall be filed with the plat. The agreement shall describe the legal responsibilities for the repair and maintenance of the easement area and the required signs.

- (13) The developer/owner may be required to place traffic control signs, or striping, on mutual access easements or to compensate the City for traffic control signs, placement, for mutual access easements, and striping at the locations the City Engineer deems necessary for the safety and convenience of the public. Traffic control signs and striping shall be approved by the City Engineer and in accordance with the current MUTCD standards.
- (14) Sidewalks shall be constructed in accordance with Chapter 96 of the City of Vermillion's Code of Ordinances.
- (15) The developer shall submit a geotechnical report to the City. The study shall include soil boring information; laboratory results for moisture content; dry density and Atterberg limits; opinions and recommendations regarding utility excavation procedures, site preparation and excavation/filling procedures; comments regarding constructability and final performance of the project, and recommendation for Portland cement pavement sections. Recommendations for private streets may include an asphalt pavement section equivalent to the recommended Portland cement pavement section.
- (16) The roadway shall consist of Portland cement pavement. At no point will the pavement section be less than 6 inches on local streets and 8 inches on collector or arterial streets. The base course shall be, at a minimum, 6 inches thick for either a local, collector or arterial street.

DESIGN ELEMENTS	ARTERIALS	COLLECTORS	LOCAL	FRONTAGE ROAD	MUTUAL ACCESS EASEMENT	CUL-DE-SAC	ALLEY
RIGHT-OF-WAY (FT)	80 - 100	80	66 - 80	50	50 - 100	66 - 80 (SEE NOTE 2)	20
DESIGN	50	50	25	25	25	25	25

SPEED (MPH)							
PARKING ALLOWED	NONE	SEE NOTE 1	SEE NOTE 1	SEE NOTE 1	SEE NOTE 1	SEE NOTE 1	NONE

Note:

1. On-street parking will be determined based on zoning and neighborhood characteristics.
2. Minimum radius right-of-way of 55 feet.
 - (E) Access to streets and roads.
 - (1) Street access for streets within City jurisdiction.
 - (a) Permit. Before any new driveway is connected to a street or an existing driveway approach is modified, a permit shall be obtained from the City. The permit shall be signed by the property owner or owner representative. All access permits must be obtained prior to building permits being issued.
 - (b) Specifications. All driveways shall be constructed according to the current details and specifications, on file with the City Engineer. The City Engineer, if necessary, may vary them, as long as safety and traffic capacity are not compromised.
 - (c) Access point location:
 1. Each single-family residential lot is allowed up to 1 access point per street frontage.
 2. Access to multi-family residential, commercial, industrial and institutional construction will be determined on a case-by-case basis. It is desired that these mentioned types of property fronting an arterial or collector street have shared access points.
 3. If the property is a corner lot where 1 street is a higher classification than the other street, the property owner will be required to place the access point on the street with the lower classification.
 4. Driveways on corner lots shall be a minimum of 40 feet from the right-of-way of the cross street for all properties, except single-family residential. On arterial streets, the distance shall be increased to 60 feet. Single-family residential driveways must be a minimum of 30 feet from the cross street

right-of-way.

- (5) Access to arterial and collector streets shall be limited and strictly enforced. Properties fronting these roads shall be required to either have right-of-way dedicated for the construction of a frontage road or have a shared access point with the adjacent lots. In addition, the City Engineer could require a limited movement driveway in special situations.
 - (d) Access size. The maximum driveway width for residential lots shall be 36 feet. Businesses shall be allowed a 40 foot maximum driveway width. This does not include the tapers at the access cut.
- (2) Street access for streets within state jurisdiction.
- (a) Permit. Before any new driveway is connected to a street or an existing driveway approach is modified, an access permit shall be obtained from the State of South Dakota. The City permit shall be obtained after the State permit is awarded. The permit shall be signed by the property owner or owner representative. All State permits must be obtained prior to final plat approval, while all City access permits must be obtained prior to issuance of the building permit.
 - (b) Specifications. All driveways shall be constructed according to the current details and specifications on file with the City Engineer. The City Engineer, if necessary, may vary them, as long as safety and traffic capacity are not compromised.
 - (c) Access point on South Dakota Highway 50 Loop (Cherry Street between North Crawford Road and James Street):
 - 1. Each single-family residential lot is allowed up to 1 access point per street frontage.
 - 2. Access to multi-family residential, commercial, industrial and institutional construction will be determined on a case-by-case basis. It is desired that these mentioned types of property fronting an arterial or collector street have shared access points. At no point, will a new access point be allowed when there are more

than 2 accesses per block face. Limited movement driveways will be required on special situations. Connections to the frontage road shall be made at the minimum rate of 1 access point per each 2 lots and at a maximum rate of 1 access point per each 4 lots.

3. If the property is a corner lot where 1 street is a higher classification, or within City or State jurisdiction the property owner will be required to place the access point on the street within the City's jurisdiction or on the street with lower classification
- (d) Access point on South Dakota Highway 50 (By-Pass), South Dakota Highway 50 (east of North Crawford Road and west of James Street), South Dakota Highway 19 (north of South Dakota Highway 50 and south of West Cherry Street):
1. Each single-family residential lot is allowed up to 1 access point per street frontage.
 2. Access to multi-family residential, commercial, industrial and institutional construction will be determined on a case-by-case basis. It is desired that these mentioned types of property fronting an arterial or collector street have shared access points. At no point, will a new access point be allowed when there are more than 2 accesses per block face. Limited movement driveways will be required in special situations. Connections to the frontage road shall be made at the minimum rate of 1 access point per each 2 lots and at a maximum rate of 1 access point per each 4 lots.
 3. If the property is a corner lot where 1 street is a higher classification, or within City or State jurisdiction the property owner will be required to place the access point on the street within the City's jurisdiction or on the street with lower classification.
- (e) Access size. The maximum driveway width for residential lots shall be 36 feet. Businesses shall be allowed a 40 foot maximum driveway

width. This does not include the tapers at the access cut.

(Ord. 1251, passed 4-18-2011)

Dated at Vermillion, South Dakota this 21st day of May, 2012

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____

John E, (Jack) Powell, Mayor

ATTEST

BY: _____

Michael D Carlson, Finance Officer

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

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. Final Plat of Cottage Place Addition

Jose Dominguez, City Engineer, reported on the location of the property being platted which is the Cottage Place Planned Development District consisting of 8 lots. Jose noted that the final plat was the same as the preliminary plat approved by the Planning Commission on April 23, 2012. Jose reported that the Planning Commission reviewed and recommended approval of the plat. Jose noted that staff has reviewed the plat and recommends the approval.

169-12

After reading the same once, Alderman Ward moved approval of the following plat:

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Lots 1,2,3,4,5,6,7 and 8 in Block 1 of Cottage Place Addition to the City of Vermillion, Clay County, South Dakota for approval.

BE IT RESOLVED that the attached and foregoing plat has been submitted to and a report and recommendations thereon made by the

Vermillion Planning Commission to the City Council of Vermillion which has approved the same.

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

The motion was seconded by Alderman French. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

B. Post-Issuance Tax Compliance Procedures for Tax-Exempt Bonds

Mike Carlson, Finance Officer, reported that, during the closing on the State Revolving Fund loan for the water tower project, Lynn Endorf of Dorsey & Whitney, LLP, bond counsel, had inquired if the City had adopted written procedures for dealing with tax and arbitrage matters related to tax exempt bonds. Lynn has provided the Post-Issuance Tax Compliance Procedures for Tax Exempt Bonds that are included in your packet for adoption so the City can answer the question on IRS Form 8038-G that is required with each bond issue. Discussion followed.

170-12

Alderman Grayson moved adoption of the Post-Issuance Tax Compliance Procedures for Tax-Exempt bonds as presented. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. WAPA Reserve contract for electrical

John Prescott, City Manager, reported that the existing long term contract between the City and Western Area Power Administration (WAPA) will expire on December 31, 2020. WAPA serves over two hundred communities, and it is possible that WAPA will not have new contracts for the thirty year period beginning January 1, 2021 in place with all of the member communities before the existing contract expires. WAPA has presented a Reserve Contract to the City for consideration. The purpose of the Reserve Contract is to establish and extend the current Contract Rate of Delivery until

there is a new long-term contract in place or December 31, 2050. The City Attorney has reviewed the Reserve Contract. Administration recommends approval of the Reserve Contract. Discussion followed with John answering questions on the contract.

171-12

Alderman Grayson moved approval of the 2021 Reserve Contract with Western Area Power Administration as presented. Alderman Willson seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

D. Library Board appointment

Mayor Powell reported that the Library Board has one member whose three year term is expiring in May. The Library Board is comprised of five members along with one City Council member. Fern Kaufman's current term is expiring and she has expressed interest in serving another term. Mayor Powell recommended the reappointment of Fern Kaufman to the Library Board.

172-12

Alderman Willson moved approval of the Mayor's recommendation of the appointment of Fern Kaufman to the Library Board for a three year term expiring May 2015. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

E. Set date and time for Special Meeting to canvass the June 5th city election results and City Manager and Finance Officer evaluations

Mike Carlson, Finance Officer, reported that State law requires the City Council to canvass the June 5th city election results within seven days of the election. As the next regular Council meeting after the election is June 18th, a special meeting will be needed. The Policy and Procedures Committee would like to include the review of the City Manager and Finance Officer evaluations on this special agenda. The committee has suggested Monday, June 11th at 5:00 p.m. for the special meeting. Mike noted that the County Commission will be canvassing the primary results on Thursday, June 7th and the School Board will be canvassing on Monday, June 11 at 7:00 pm. Discussion followed on the meeting time noting that 5:15 p.m. would allow members time to leave work.

173-12

Alderman Ward moved to call a special meeting on June 11th at 5:15 p.m. to canvass the June 5th city election and review the City Manager and Finance Officer evaluations. Alderman Willson seconded

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

9. Bid Openings - None

10. City Manager's Report

A. John reported that, as the National Guard will be using the Armory on Tuesday, June 5th, the Primary/City/School election will be at the 4-H Center, 515 High Street.

B. John reported that there would be a Candidates Forum in the City Council Chambers this Thursday, May 24th at 7:00 p.m. sponsored and organized by the Legislative Affairs Committee of the VCDC. Candidates for School Board and City Council have been invited to attend.

C. John reported that the swimming pool is scheduled to open on Friday, May 25th at noon, weather permitting.

D. John reported that City offices will be closed on Monday, May 28th for the Memorial Day holiday.

E. John wanted to thank the 8th grade science classes for distribution of the CFL light bulbs at Jones Food Center last week. John noted that the city received funding from AARP and the Cities of Service program to fund the light bulb distribution

F. John reported that on Saturday, June 2nd there will be a car show in the Dakota Dome parking lot. Approximately 300 cars will be in the parking lot from Noon to 2:00 p.m. At approximately 2:00 p.m. the vehicles will head south down Dakota Street to Highway 19 and on to their next stop in Nebraska. The Police, Sheriff's Office and USD will station officers at some of the corners to keep the traffic moving. John wanted citizens to be aware of the traffic in this area at 2:00 p.m. to 2:30 p.m.

PAYROLL ADDITIONS AND CHANGES

Mechanics: Don Nelson \$8.00/hr; Engineering: Mathew Martin \$8.25/hr; Communications: Derek Ronning \$13.73/hr; Street: Adam Praska \$8.50/hr; Ambulance: Nicholas Ashley \$6.00-\$30.00/1st \$6.00-\$17.00/2nd, Nicole Gulley \$6.00-\$30.00/1st \$6.00-\$17.00/2nd, Neil Melby \$9.00/FTO; Recreation: Leah Branaugh \$7.75/hr, Jacob Butrous \$7.75/hr, Katie Jurgens \$7.75/hr, Megan Meyers \$7.75/hr, Kristie Mullen \$7.75/hr, Tyler Trageser \$7.50/hr; Pool: Philip Munkvold \$7.75/hr, Kayla Munger \$8.00/hr; Library: Kevin McKinstry \$7.25/hr; Golf Maintenance: Justin

Allen \$7.50/hr, Justin McGregor \$7.75/hr; Water: Joey Mueller \$8.50/hr; Recycling: Dallin Hardy \$9.00/hr

11. Invoices Payable

174-12

Alderman Davies moved approval of the following invoices:

AMERICAN ENGINEERING TESTING	TESTING	600.00
ARCHITECTURE INC.	PROFESSIONAL SERVICES	2,715.00
BROADCASTER PRESS	ADVERTISING	1,138.21
BUREAU OF ADMINISTRATION	TELEPHONE	302.39
BUTLER MACHINERY CO.	PARTS	21.56
CAMPBELL SUPPLY	SUPPLIES	480.60
CARLSON'S BODY SHOP, LLC	TOWING	263.00
CENTURYLINK	TELEPHONE	1,460.99
CITY OF VERMILLION	LANDFILL VOUCHERS	554.50
CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,338.27
DEPT OF ENVIR & NATL RESOURCES	LOAN PAYMENT	66,031.51
DEPT OF REVENUE	ALCOHOLIC BEVERAGE LICENSE	150.00
DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,022.84
DIVISION OF MOTOR VEHICLE	TITLE & PLATES	10.00
GOVERN FINANCE OFFICER ASSOC.	ANNUAL REPORT	435.00
GREGG PETERS	MANAGERS FEE	5,375.00
HARTELCO	REFUND HYDRANT DEPOSIT	169.27
HERREN-SCHEMPP BUILDING	SUPPLIES	226.22
JOHNSON FEED, INC	TIRES	5,196.00
JONES ACE HARDWARE	SUPPLIES	98.14
KNOLOGY	DIAL UP/911 CIRCUIT	1,415.45
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
MART AUTO BODY	TOWING	880.00
MATHESON TRI-GAS, INC	SUPPLIES	217.00
MEAD LUMBER	SUPPLIES	171.56
MIDAMERICAN	GAS USAGE	1,263.78
MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	105.95
MIDWEST TURF & IRRIGATION	PARTS	73.17
RESERVE ACCOUNT	POSTAGE FOR METER	950.00
SD ELECTRICAL COMMISSION	LICENSE RENEWALS	260.00
SPRINT	CELL PHONE	1,160.50
STERN OIL CO.	FUEL	19,412.54
THATCHER COMPANY	SODA ASH	5,828.60
TRUE VALUE	SUPPLIES	100.99
UNITED PARCEL SERVICE	SHIPPING	134.66

US POSTMASTER	UTILITY BILL POSTAGE	1,050.00
VISA/FIRST BANK & TRUST	FUEL/SUPPLIES	211.16
WATER'S EDGE AQUATIC DESIGN	PROFESSIONAL SERVICES	3,500.00
JP INVESTMENTS	BRIGHT ENERGY REBATE	589.25

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 4, 2012 for annual malt beverage license renewals.

B. Set a public hearing date of June 4, 2012 for a special permit to exceed the permissible sound levels by no more than 50% for Thursdays on the Platz on July 12, July 26, August 9 and August 23 from 6:00 p.m to 8:00 p.m.

C. Set a public hearing date of June 4, 2012 for a special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company on or about July 12, July 26, August 9 and August 23 from 6:00 p.m. to 8:00 p.m. on the Platz and portion of Market Street.

D. Set a quote opening date of May 29th, 2012 for the 2012 Tree Stump Removal contract.

175-12

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

13. Adjourn

176-12

Alderman French moved to adjourn the Council Meeting at 7:52 p.m. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 21st day of May, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY John E. (Jack) Powell, Mayor

ATTEST:

BY Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.



Council Agenda Memo

From: Farrel Christensen, Building Official

Meeting: June 4, 2012

Subject: Appeal of Demolition Order

Presenter: Farrel Christensen

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

On November 9, 2011, the City issued a letter declaring the structure as unsafe and required work to be done to render the structure temporarily safe. No work was done by the owner and the City had to perform the required work to make the structure and site safe. Total cost, including city fees, was \$1,218.35. Of these fees, there is \$1,129.83 currently outstanding.

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

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

Discussion: There is no question that the building, as it is now, is a dangerous structure as defined by ordinance. The question is, if a new permit is issued, will the building be finished. The owners past inactivity would suggest that it might not. If the Council is inclined to give the owners another chance, the best safeguard to the neighborhood and City may be to bind them to the agreement first signed and then revoked by the owners. Nevertheless, the demolition of the structure is the surest way to put an end to a building that still needs a great deal of time and money to be finished.

Financial Consideration: The cost to the City could be significant to demolish the structure. Based on past demolitions, a reasonable estimate of the cost would be in the neighborhood of \$8,000 to \$12,000.

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



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

Apostolic Faith Church
Po Box 88
Vermillion, SD 57069

Date: 04/09/2012

Location: 23 N Harvard

REF: Revoked Building Permit

Permit #6565 to move an existing house and repair and renovate to meet current Code requirements issued on 10/05/2010

It has come to the attention of this office that you are in violation of Vermillion City Ordinance sec. § 150.36 EXPIRATION.

Any building permit or moving permit under which no construction work has been commenced within 6 months after the date of issue of the permit, or under which the proposed construction has not been completed within 2 years after the date of issue, shall expire by limitation and no work or operations shall take place under any such permit after the expirations unless the permit has been renewed.

NOTICE

Your building permit is revoked and you are hereby ordered to stop all work and if the building is occupied it be vacated immediately, if it is unoccupied it remain unoccupied. It shall be unlawful for any person to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, or razing of this building or structure or any portion thereof.

If you have any questions regarding this ordinance please call the Code Enforcement Office at City Hall 677-7050

Farrel Christensen

Building Official
City of Vermillion
677-7088

City of Vermillion

25 Center Street. Vermillion, SD 57069. (605) 677-7089. Fax (605) 677-5461

April 9, 2012

Apostolic Faith Church
Po Box 88
Vermillion, SD 57069

NOTICE AND ORDER

NOTICE IS HEREBY GIVEN The Building Inspector of the City of Vermillion has found the building located at: **23 N Harvard**. To be a dangerous building as defined by City Ordinance section § 150.50

Description of conditions found.

Due to inadequate support, incomplete construction and neglect the structure has been found to be an attractive nuisance, fire hazard and unfit for human habitation.

Notice and Order

It is now ordered that if the building is occupied it be vacated immediately, if it is unoccupied it remain unoccupied. It is further ordered that the building be demolished and that all required permits be properly and procedurally secured therefore and work physically completed no later than **June, 10, 2012**.

If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Application for appeal

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Farrel Christensen

City Building Official
City of Vermillion
605-677-7088



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

Apostolic Faith Church
Po Box 88
Vermillion, SD 57069

Ref: Dangerous Building at 23 N Harvard Street Vermillion, SD

I am in receipt of your letter requesting a 30 day extension to comply with the City's notice and order to demolish or repair, dated April 18, 2011.

The City agrees to a 30 day extension to pour footings, lay 8" block 8' high and set the building on the foundation. This extension will expire on July 18, 2011.

Provided:

The applicant agrees to keep the sidewalk clear and passable until such time as it is replaced. All Safety fence and barriers shall be maintained in good repair.

The issuance or granting of an extension shall not be construed to be a permit for, or an approval of, any act or omission that will create or perpetuate a situation imminently dangerous to life or property. Upon completion of these repairs, the conditions of the original building permit, based on construction documents and other data shall apply and shall not prevent the building official from requiring the correction of errors. The building official is also authorized to prevent occupancy or use of a structure in violation of this code or of any other ordinances of this jurisdiction.

Farrel Christensen
Building Official
City of Vermillion
677-7088

Apostolic Faith church

415 Cottage Ave • Vermillion • SD 57069 • 605-624-9182 • 888-201-7792: fax

4-27-2012

Re: Notice of Order -23 N Harvard

To: City of Vermillion Board of Appeals

We would like to appeal the order to demolish the property at 23 N Harvard and to revoke the building permit due to the following reasons:

The property has not been neglected. Dirt has been moved, the grass has been mowed and walks have been shoveled since the house has been moved onto the property. All the prior orders from the City of Vermillion regarding the maintenance of the property has been adhered to except one.

There has been six months of construction inactivity during the winter months when the contractors have been unable to complete work outside.

The permit was issued on 10/5/2010 according to City of Vermillion ordinance 150.36 the violation of permit should be enforced with no work has been completed within 6 months of issuance. Since the permit has been issued, foundation has been laid, dirt has been moved, house has been sealed and other miscellaneous things have been. There has been a lot of ongoing progress since the house has been moved onto the land.

The Vermillion Ordinance also states that the work must be completed within two years of the issuance of permit which would be 10/5/2012.

We have hired Adams Construction, a local company to complete the exterior of the property and they are ready to begin immediately.

We would ask that the city revisit this order and reinstate the building permit so that construction can continue, and the house at 23 N Harvard can be a viable structure in our community.

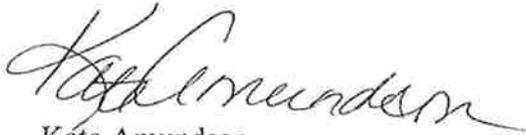
Apostolic Faith Church

X _____



I have personally received, from Milinda Robinson, an appeal for a Notice of Order which was served upon by the City of Vermillion Code Enforcement Office this 27th day of April, 2012.

Dated this 27th day of April, 2012.

A handwritten signature in cursive script, appearing to read "Kate Amundson".

Kate Amundson

NOTICE OF HEARINGS

NOTICE IS HEREBY GIVEN that the Governing Body of the City of Vermillion, South Dakota, acting as the Board of Appeals will meet at 7:00 p.m. on Monday, the 4th day of June, 2012 in the City Council Chambers at 25 Center Street in the City of Vermillion, at which time the said Board of Appeals will hear, consider and act upon the following:

An appeal to a demolition order for a dangerous building located at 23 N Harvard

Notice is further given that at the times and places aforesaid any person whose interests are affected shall be given an opportunity to be heard upon all matters pertaining to the said appeal and that at said time and place the Board or Appeals Will consider and decide whether to modify or reverse the decision of the code official.

Farrel Christensen, City Building Inspector

Publish: May 18, 2012

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

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

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

The City agrees:

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

The Church agrees:

1. To apply for a building permit within one week of signing this agreement and start work within two weeks after its issuance and continue with no inactivity of more than two weeks until all exterior repairs and alterations including any siding, roofing, windows, doors, final grading, off street parking and landscaping are completed to meet current code requirements
2. To continue work with no inactivity of more than two weeks until the project is completed, to include all interior structural, electrical and plumbing improvements are completed and the house is ready for occupancy.
3. To provide weekly written progress reports to the Building Official by 5:00 pm each Thursday.
4. To pay any and all outstanding fees related to the house located at 23 N Harvard prior to the issuance of the building permit.
5. To provide the city with a performance bond or similar document that guarantees satisfactory completion or provides for demolition of the structure if the Church fails to meet the requirements of the building code or this agreement. The bond shall be in the amount of \$10,000 and become active upon the issuance of the building permit and run for a minimum of 18 month thereafter.
6. The Apostolic Faith Church agrees to waive any rights to any future appeal.
7. To indemnify and hold the City, its officers, agents and employees harmless, from and against any and all actions, suits, damages, liability or other proceedings of any kind or nature brought because of any injuries or damage received or sustained by any person or property on account of the issuance or conditions addressed in this agreement.

IT IS FURTHER AGREED that this agreement shall be deemed to run with the building permit and any performance guaranties within and should the Church fail to comply with any part of this agreement, it shall be void.

Dated this _____ day of _____.

FOR THE APOSTOLIC FAITH CHURCH

FOR THE CITY OF VERMILLION

John E. (Jack) Powell, Mayor

STATE OF)

:SS

COUNTY OF)

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

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

Notary Public

My Commission Expires: _____

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF CLAY)

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

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

Notary Public

My Commission Expires: _____



Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: June 4, 2012
Subject: Annual Renewal of Malt Beverage Licenses
Presenter: Mike Carlson

Background: Applications for renewal of malt beverage licenses have been received from the establishments listed on the notice of hearing. The Police Chief has prepared a report indicating the performance of each of the establishments since June 1, 2011 and when compliance checks were completed. In the letter sent to all license holders, with the renewal application, the applicants were encouraged to attend the public hearing or have someone represent the business. The City Council adopted Ordinance No. 1193, in September 2008, to require a written management plan upon reapplication for a licensee convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control. That ordinance is as follows:

Management plan required for reapplication after conviction or upon request of the City Council

Any licensee under this chapter, its agents or employees or the manager or contractual operators, or their agents or employees, of retail establishments licensed under this chapter, who in the course of the operation of the license, are convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control, or upon the request of the City Council, shall upon reapplication for a license submit with the reapplication a written management plan which sets forth the licensee's policy for correcting any and all defects in its operation that contributed to a violation or issue related to license renewal. The governing body will review the adequacy of the plan as part of the renewal process. Failure to submit a plan or submission of an inadequate plan shall be considered by the governing body in exercising its discretion to approve or disapprove the application pursuant to SDCL 35-2-1.1.

Management plans were received from the four businesses that failed a compliance check(s) during the last year, which are Spanrex, Inc., for Chae's, (November 3, 2011), Oma Shree, LLC, for Speedee Mart, (December 13, 2011), Sunset Oil, Inc., for Pump N Pak, (March 31, 2012) and Coyote Convenience, Inc., for Coyote Convenience, (March 31, 2012).

Discussion: The City Council has the ability to renew a license on basically two criteria: suitable person and suitable location. With respect to the location criteria, licenses have been previously approved for all of the locations. A recent western South Dakota legal ruling defined that other items can impact the location criteria. The character of neighborhoods and businesses tend to change over time and a local governing body has a legitimate interest in managing the alcoholic beverage licensing in its jurisdiction to assess whether an alcohol sales location continues to be suitable. With respect to the suitable person criteria, the City Council can also determine that an applicant is not of suitable moral character and not renew a license. If an application is denied, the motion must state the reasoning for denial. The applicant cannot reapply for this type of license for one year.

Financial Consideration: The City receives \$162.50 for on-off sale malt beverage with SD Farm Wine, \$150 for each on-off sale malt beverage license, \$112.50 for package off-sale malt beverage with SD Farm wine and \$100 for each off-sale malt beverage license. For those businesses with video lottery machines, the fee is \$50 per machine, unless this fee was paid with their liquor license renewal in December.

Conclusion/Recommendations: Following the input from the public hearing, the City Council is asked to make a decision on the approval or denial of the malt beverage licenses. The City Council might want to break it down into these separate actions:

1. The first action would be to consider the reissuance of the on-off sale malt beverage license for Charcoal, Inc., separately, to allow Alderman French to participate in the discussion on the remainder of the licenses.
2. The second action would be to consider the renewal of the on-off sale malt beverage license for the Old Lumber Company, Inc., as the license is not currently in active use. When the license was issued in April, it included the contingency that the license is restricted to the interior of the building at said location, as inactive, pending final inspection of the building, as being suitable to be occupied for this type of business. It is recommended that the same restrictions apply to the reissuance.
3. The third action would be to consider the renewal of the balance of the on-off sale malt beverage licenses, on-off sale malt beverage with SD Farm wine license and package off sale malt beverage.
4. The fourth action would be to consider the renewal of the retail on-off sale malt beverage license with SD Farm Wine, for Dwight Iverson, for Cherry Pit Stop Video Lottery at 23 East Cherry. The on-off sale malt beverage

license has previously been issued to this location and the action would be to renew with the SD Farm Wine option.

If a motion is made to deny any of the licenses, the reason needs to be included in the motion.

To: Mayor and City Council

Date: May 21, 2012

Subject: Management Plans for Malt Beverage License Renewals

From: Mike Carlson

City ordinance requires a written management plan with the reapplication if convicted of a violation of any law, rule, regulation or ordinance relevant to alcoholic beverage control. The following business submitted a management plan for compliance check violations since the last license renewal with the date of the compliance check.

Spanrex, Inc. for Chae's at 8 West Main – November 3, 2011

Oma Shree, Inc for Speede Mart – December 13, 2011

Sunset Oil, Inc. for Pump N Pak - March 31, 2012

Coyote Convenience, Inc for Coyote Convenience – March 31, 2012

The public hearing will be June 4th for consideration of the license renewals.

Spanrex, Inc for Chae's at 8 West Main – November 3, 2011

Management Plan Form

City of Vermillion
25 Center Street Vermillion SD 57069



City ordinance section 112.04 requires a written management plan with reapplication if convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control. That ordinance is as follows:

A) Violation of liquor laws unlawful. It is unlawful for any licensee under the provisions of the SDCL Title 35, and this chapter, or other person to violate any of the provisions of such laws or of this chapter or to fail to comply therewith within the city limits.

(B) Reapplication after conviction. Any licensee under this chapter, its agents or employees or the manager or contractual operators, or their agents or employees, of retail establishments licensed under this chapter who in the course of the operation of the license, are convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control, or upon the request of the City Council, shall upon reapplication for a license submit with the reapplication a written management plan which sets forth the licensee's policy for correcting any and all defects in its operation that contributed to a violation or issue related to license renewal. The governing body will review the adequacy of the plan as part of the renewal process. Failure to submit a plan or submission of an inadequate plan shall be considered by the governing body in exercising its discretion to approve or disapprove the application pursuant to SDCL 35-2-1.1.

To assist in the preparation of the management plan please provide answers to each of the following questions. The City Council will take into consideration the management plan during the license renewal public hearing. If more space is needed please attached extra sheets. You can also provide any extra material that is needed to explain your management plan. Please type or print legibly.

License Holder Name: Spanney, Inc.
Local Business Name: Chae's
Local Business Address: 8 W. Main
Contact Name: Fred Wilkerson Phone: 605 624 2294
Title: owner

Please describe the violation(s) since the last renewal:

We had a new waitress on the floor (second week, I believe) and, despite all of her training, she served the underage drunk alcohol. She was fired on the spot.

What changes to management plan policies have been **implemented** since the violation(s) listed above?

Because our recent violation was only our second in six years, we haven't changed much. We stress the importance of caring every customer more now, but I feel we have always been pretty strict when it comes to that in the first place. Sometimes mistakes happen by people you should have never hired in the first place. Handsight is twenty-twenty, however, our only other infraction - in 2008, I believe - was committed by a TAM ~~cert~~ certified waitress. Sometimes you just chalk it up to human error. Costly, yes. But what can you do?

Have any changes in management plan policies been **discontinued** from current use? (Please include a copy of changes to policies)

No, we're trying to continue what has worked well for us with everyone else besides Megan.

How have the changes addressed the defect(s) that resulted in the violation?

Please list what the management plan policy has for consequences for an employee making illegal alcohol sales?

A waitress making such a mistake is fired on the spot.

How are management plan policies communicated to employees to allow them to understand the policies and procedures for selling alcohol?

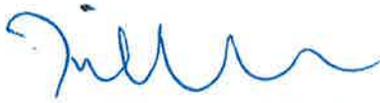
All waitresses know the importance of caring on their first day. We explain, explain, and explain again. The majority of the girls understand, once in awhile you get a bad apple.

If the employee(s) who committed the violation(s) are still with the license holder, please provide information on the specific training provided to the individual(s) after the violation occurred to ensure they are familiar with proper alcohol sale techniques.

Other Comments:

We pay a lot of money for our beer and wine licenses. The same amount that the bars pay, in fact. Even though we make less than one percent of our sales through beer and wine. It is not really worth it to us, but we must offer these alcoholic options none the less. We will continue to try our best to not serve minors. Either my wife or I are at the restaurant every minute we are open. Supervision is constant. But twice we have failed. Hopefully, it won't happen again.

Signature: _____



Date: 05/14/12

When all information has been prepared, please submit the information with your license renewal to:

Finance Office
City of Vermillion
25 Center Street
Vermillion, SD 57069

Oma Shree, Inc for Speede Mart – December 13, 2011

**Management
Plan Form**

City of Vermillion
25 Center Street Vermillion SD 57069



City ordinance section 112.04 requires a written management plan with reapplication if convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control. That ordinance is as follows:

A) Violation of liquor laws unlawful. It is unlawful for any licensee under the provisions of the SDCL Title 35, and this chapter, or other person to violate any of the provisions of such laws or of this chapter or to fail to comply therewith within the city limits.

(B) Reapplication after conviction. Any licensee under this chapter, its agents or employees or the manager or contractual operators, or their agents or employees, of retail establishments licensed under this chapter who in the course of the operation of the license, are convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control, or upon the request of the City Council, shall upon reapplication for a license submit with the reapplication a written management plan which sets forth the licensee's policy for correcting any and all defects in its operation that contributed to a violation or issue related to license renewal. The governing body will review the adequacy of the plan as part of the renewal process. Failure to submit a plan or submission of an inadequate plan shall be considered by the governing body in exercising its discretion to approve or disapprove the application pursuant to SDCL 35-2-1.1.

To assist in the preparation of the management plan please provide answers to each of the following questions. The City Council will take into consideration the management plan during the license renewal public hearing. If more space is needed please attached extra sheets. You can also provide any extra material that is needed to explain your management plan. Please type or print legibly.

License Holder Name: Oma Shree LLC
Speedy Mart

Local Business Name: 802 E. Cherry Street
Vermillion, SD 57069

Local Business Address: _____

Contact Name: _____ Phone: 605-624-9806

Title: _____

Please describe the violation(s) since the last renewal:

December 10th Sold cc alcohol to a person under
21 years of age

What changes to management plan policies have been **implemented** since the violation(s) listed above?

Each employee has to manually enter the date of Birth from the identification and into the register IF the customer is a minor the register will identify this and not allow the sale

Have any changes in management plan policies been **discontinued** from current use? (Please include a copy of changes to policies)

No.

How have the changes addressed the defect(s) that resulted in the violation?

An employee can no longer visually look at ID to determine if a customer is old enough to purchase alcohol they manually need to enter the date of Birth into the register to proceed to sale.

Please list what the management plan policy has for consequences for an employee making illegal alcohol sales?

① The employee is written up and given an Action Plan

How are management plan policies communicated to employees to allow them to understand the policies and procedures for selling alcohol?

We provide a policy manual to each employee.

If the employee(s) who committed the violation(s) are still with the license holder, please provide information on the specific training provided to the individual(s) after the violation occurred to ensure they are familiar with proper alcohol sale techniques.

still working in speeder court.

Other Comments:

We provision Tom Travelling to each employee

Signature: Bhunia

Date: 14 MAY 2012

When all information has been prepared, please submit the information with your license renewal to:

Finance Office
City of Vermillion
25 Center Street
Vermillion, SD 57069

Sunset Oil, Inc. for Pump N Pak - March 31, 2012

Management Plan Form

City of Vermillion
25 Center Street Vermillion SD 57069



City ordinance section 112.04 requires a written management plan with reapplication if convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control. That ordinance is as follows:

- A) Violation of liquor laws unlawful. It is unlawful for any licensee under the provisions of the SDCL Title 35, and this chapter, or other person to violate any of the provisions of such laws or of this chapter or to fail to comply therewith within the city limits.
- (B) Reapplication after conviction. Any licensee under this chapter, its agents or employees or the manager or contractual operators, or their agents or employees, of retail establishments licensed under this chapter who in the course of the operation of the license, are convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control, or upon the request of the City Council, shall upon reapplication for a license submit with the reapplication a written management plan which sets forth the licensee's policy for correcting any and all defects in its operation that contributed to a violation or issue related to license renewal. The governing body will review the adequacy of the plan as part of the renewal process. Failure to submit a plan or submission of an inadequate plan shall be considered by the governing body in exercising its discretion to approve or disapprove the application pursuant to SDCL 35-2-1.1.

To assist in the preparation of the management plan please provide answers to each of the following questions. The City Council will take into consideration the management plan during the license renewal public hearing. If more space is needed please attached extra sheets. You can also provide any extra material that is needed to explain your management plan. Please type or print legibly.

License Holder Name: Sunset Oil Inc.
Local Business Name: Pump n PAK
Local Business Address: 629 STANFORD ST
Contact Name: KEVIN Phone: 605 624-8050
Title: V.P.

Please describe the violation(s) since the last renewal:

Employee sold to underage, looked at license and still sold. HE DID NOT USE THE AGE VERIFICATION MACHINE and read the age wrong

What changes to management plan policies have been *implemented* since the violation(s) listed above?

NO MAJOR CHANGES OTHER THAN CONTINUED EMPHASIS ON USING THE AGE VERIFICATION MACHINE, A LOT MORE VERBAL REMINDERS

Have any changes in management plan policies been *discontinued* from current use? (Please include a copy of changes to policies)

NO

How have the changes addressed the defect(s) that resulted in the violation?

With constant reminding the employees use the machine more often.

Please list what the management plan policy has for consequences for an employee making illegal alcohol sales?

Two strikes your out, THIS WAS THIS YOUNG MANS SECOND violation and he was terminated

How are management plan polices communicated to employees to allow them to understand the policies and procedures for selling alcohol?

VERBALLY

If the employee(s) who committed the violation(s) are still with the license holder, please provide information on the specific training provided to the individual(s) after the violation occurred to ensure they are familiar with proper alcohol sale techniques.

Other Comments:

Signature: 

Date: 5/4/12

When all information has been prepared, please submit the information with your license renewal to:

Finance Office
City of Vermillion
25 Center Street
Vermillion, SD 57069

Coyote Convenience, Inc for Coyote Convenience – March 31, 2012

Management Plan Form

City of Vermillion

25 Center Street Vermillion SD 57069



City ordinance section 112.04 requires a written management plan with reapplication if convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control. That ordinance is as follows:

A) Violation of liquor laws unlawful. It is unlawful for any licensee under the provisions of the SDCL Title 35, and this chapter, or other person to violate any of the provisions of such laws or of this chapter or to fail to comply therewith within the city limits.

(B) Reapplication after conviction. Any licensee under this chapter, its agents or employees or the manager or contractual operators, or their agents or employees, of retail establishments licensed under this chapter who in the course of the operation of the license, are convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control, or upon the request of the City Council, shall upon reapplication for a license submit with the reapplication a written management plan which sets forth the licensee's policy for correcting any and all defects in its operation that contributed to a violation or issue related to license renewal. The governing body will review the adequacy of the plan as part of the renewal process. Failure to submit a plan or submission of an inadequate plan shall be considered by the governing body in exercising its discretion to approve or disapprove the application pursuant to SDCL 35-2-1.1.

To assist in the preparation of the management plan please provide answers to each of the following questions. The City Council will take into consideration the management plan during the license renewal public hearing. If more space is needed please attached extra sheets. You can also provide any extra material that is needed to explain your management plan. Please type or print legibly.

License Holder Name: Coyote Convenience INC

Local Business Name: Coyote Convenience

Local Business Address: 116 E Cherry

Contact Name: Bill Wood Phone: 605-624-8746

Title: OWNER

Please describe the violation(s) since the last renewal:

The employees failed to ID the customer.

What changes to management plan policies have been **implemented** since the violation(s) listed above?

The plan we have will be in place but has to be stressed that this is not the position we as a business wants to be in.

Have any changes in management plan policies been **discontinued** from current use? (Please include a copy of changes to policies)

No.

How have the changes addressed the defect(s) that resulted in the violation?

NA

Please list what the management plan policy has for consequences for an employee making illegal alcohol sales?

1st offense - Verbal Warning
2nd offense - Suspension / ~~Loss~~ Loss of Job.

How are management plan policies communicated to employees to allow them to understand the policies and procedures for selling alcohol?

I communicate on a regular basis about minimal trying to purchase alcohol.

If the employee(s) who committed the violation(s) are still with the license holder, please provide information on the specific training provided to the individual(s) after the violation occurred to ensure they are familiar with proper alcohol sale techniques.

*Charts From the State, proper til operation that
OK's a sale of Beer.*

Other Comments:

Signature: 

Date: 5-15-12

When all information has been prepared, please submit the information with your license renewal to:

Finance Office
City of Vermillion
25 Center Street
Vermillion, SD 57069

Management Plan for Alcoholic Beverage Control

Submitted by Coyote Convenience, Inc.

May 10, 2009

Table of Contents

Letter to Employees at Coyote Convenience

Management Plan for Alcoholic Beverage Control

WARNING Documents Provided for Each Employee

Letter From City of Vermillion

**Coyote Convenience Employees
Vermillion, SD 57069**

Dear Employees,

It is imperative that each one of you review the enclosed Management Plan for Alcoholic Beverage Control. Coyote Convenience must NOT sell alcohol to any person under the age of 21 years of age. This is a state of South Dakota law and we must abide by this law.

In order to reinforce the Management Plan each new employee must take and pass the TAM Class the first time it is offered during your employment. You must provide me with evidence that you have complied with this mandate.

I plan to conduct frequent reinforcement of the Management Plan by meeting with you and asking pertinent questions about the Management Plan.

I would also like you to keep a record of how many times you have turned down any alcohol sales due to being underage. This information should be given to me the next day after you work shift.

Thank you for being loyal employees of Coyote Convenience. It is important to all of us to follow the letter of the law.

Sincerely,

William R. Wood

**Coyote Convenience, Inc.
116 East Cherry Street
Vermillion, SD 57069**

Management Plan for Alcoholic Beverage Control

Process One. Each employee of Coyote Convenience is required to take and pass the TAM Class. Evidence must be provided to William R. Wood for compliance.

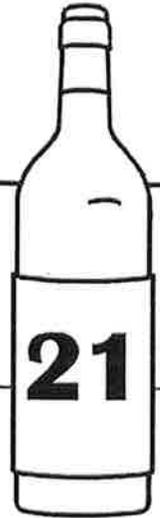
Process Two. Each employee will be provided with the Management Plan for Alcoholic Beverage Control. An oral quiz will be given on documents included in the Management Plan after one week of receiving the plan.

Process Three. Each employee will be constantly reminded of South Dakota law in regard to selling alcohol to persons under the age of 21. Reminders will include verbal statements, written documents, and constant reference to the Management Plan for Alcoholic Beverage Control.

Process Four. Disciplinary actions will be taken against any employee of Coyote Convenience who violates South Dakota law in regard to selling alcohol to persons under 21 years of age.

WARNING DOCUMENTS PROVIDED TO COYOTE CONVENIENCE EMPLOYEES

WARNING



A PERSON
UNDER THE
AGE OF 21
who purchases,
possesses or uses
alcohol faces the
loss of their driver's
license for up to a
year, a fine of up to
\$200 and/or 30
days in jail.



A CLERK
who sells
alcohol to a
person under
the age of 21
faces the loss
of their drivers
license, a fine
of up to
\$1,000 and/or
a year in jail.

South Dakota Codified Law 35-9-2

State laws are printed on reverse side

South Dakota Retailers Association
(605) 224-5050 / 1-800-658-5545

South Dakota laws pertaining to alcohol sales to underage individuals

January, 2003

35-9-1. Furnishing of beverage to child as misdemeanor — Exceptions.

It is a Class 1 misdemeanor to sell or give for use as a beverage any alcoholic beverage to any person under the age of eighteen years unless:

- (1) It is done in the immediate presence of a parent or guardian or spouse, who is at least twenty-one years of age, while not on the premises of an establishment licensed for the retail sale of alcoholic beverages pursuant to § 35-4-2 or at a special event for which an alcoholic beverage license has been issued pursuant to § 35-4-11.4; or
- (2) It is done by prescription or direction of a duly licensed practitioner or nurse of the healing arts for medicinal purposes.

35-9-1.1. Restrictions on alcohol to persons eighteen years or older but under twenty-one.

It is a Class 2 misdemeanor to sell or give for use as a beverage any alcoholic beverage to any person who is eighteen years of age or older but less than twenty-one years of age unless it is done in the immediate presence of a parent or guardian or spouse over twenty-one years of age or by prescription or direction of a duly licensed practitioner or nurse of the healing arts for medicinal purposes.

35-9-1.2 Reasonable attempt to investigate age.

Any person charged with a violation of § 35-9-1, 35-4-78, or 35-9-1.1, may offer evidence, as a defense, that the person made a reasonable attempt to investigate the age of the person by examining an age-bearing identification document that would have appeared valid to a reasonable and prudent person.

35-9-2. Purchase, possession or consumption of beverage by minor as misdemeanor — Misrepresentation of age.

It is a Class 2 misdemeanor for any person under the age

of twenty-one years to purchase, attempt to purchase or possess or consume alcoholic beverages except when consumed in a religious ceremony and given to said person by an authorized person, or to misrepresent his age with the use of any document for the purpose of purchasing or attempting to purchase alcoholic beverages from any licensee licensed under this title.

35-9-2.1 Merchant may detain person under 21 who purchases, attempts to purchase or possesses alcoholic beverage — Conditions.

Any merchant who is a licensee under this title, or the merchant's employee, who has reasonable grounds to believe a person under the age of twenty-one has illegally purchased, attempted to purchase, or possess alcoholic beverages or has misrepresented the person's age with the use of any document for purposes of purchasing or attempting to purchase alcoholic beverages from the merchant or the merchant's employee, may detain the person, on the premises of the merchant's establishment, in a reasonable manner and for a reasonable length of time:

- (1) To request identification;
- (2) To verify the identification;
- (3) To make reasonable inquiry as to whether the person has violated § 35-9-2;
- (4) To inform a law enforcement officer of the detention of the person and surrender that person to the custody of a law enforcement officer; or
- (5) In the case of a minor, to inform a law enforcement officer or the parents, guardian, or other private person interested in the welfare of that minor of this detention and to surrender custody of the minor to that person.

35-9-2.2 Merchant to post notice if persons illegally attempting to purchase alcoholic beverages will be detained.

If a merchant chooses to implement the provisions of § 35-9-2.1, the merchant shall conspicuously post a notice,

on the merchant's premises, stating that any person who the merchant reasonably believes was under the age of twenty-one and has attempted to purchase alcoholic beverages, will be detained and surrendered to a law enforcement officer.

35-9-2.3 Purchase of beverage by adult for person under twenty-one as misdemeanor.

Except as provided in § 35-9-1 and 35-9-1.1, it is a Class 1 misdemeanor for any person twenty-one years of age or older to purchase or otherwise acquire alcoholic beverages from a retail establishment and to give or resell the alcoholic beverages to any person under the age of twenty-one years.

35-9-7. Driver's license suspension for certain violations. (note: this affects both the clerk selling the alcohol, and the underage individual purchasing or using the alcohol). If the conviction or adjudication for a violation of § 35-9-1.1 or 35-9-2 is for a first offense, the court shall, in addition to any other penalty allowed by law, order the suspension of the defendant's driving privileges for a period not less than thirty days and not to exceed one year. However, the court may issue an order permitting the person to operate a motor vehicle for purposes of the person's employment or attendance at school or to court-ordered counseling programs during the hours of the day and the days of the week set forth in the order. The court may also restrict the privilege in such manner as it sees fit for a period not to exceed one year.

If the conviction or adjudication for a violation of

§ 35-9-1.1 or 35-9-2 is for a second or subsequent offense, the court shall, in addition to any other penalty allowed by law, order the suspension of the defendant's driving privileges for a period not less than sixty days and not to exceed one year.

WARNING

Any person who this merchant reasonably believes to be under the age of 21, and who has attempted to purchase alcoholic beverages, will be DETAINED and

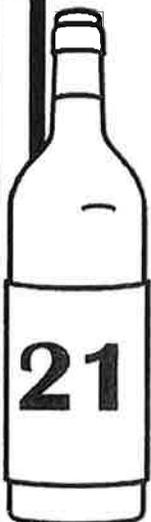
surrendered to a law enforcement officer.

Allowed under South Dakota law §35-9-2.1

PENALTIES:

- Loss of drivers license for at least 30 days
- Fine
- Jail time

For people under the age of 21 who purchase or attempt to purchase alcohol, and for clerks who sell alcohol to underage individuals.



- It is illegal to sell alcoholic beverages to any person under the age of 21.
- It is illegal for a person under the age of 21 to purchase, attempt to purchase, possess or consume alcoholic beverages or to misrepresent their age with the use of any altered, forged, expired or stolen ID.

South Dakota Retailers Association
(605) 224-5050 / 1-800-658-5545

*State laws are printed on
the reverse side*

35-9-1. Furnishing of beverage to child as misdemeanor — Exceptions.

It is a Class 1 misdemeanor to sell or give for use as a beverage any alcoholic beverage to any person under the age of eighteen years unless:

- (1) It is done in the immediate presence of a parent or guardian or spouse, who is at least twenty-one years of age, while not on the premises of an establishment licensed for the retail sale of alcoholic beverages pursuant to § 35-4-2 or at a special event for which an alcoholic beverage license has been issued pursuant to § 35-4-11.4; or
- (2) It is done by prescription or direction of a duly licensed practitioner or nurse of the healing arts for medicinal purposes.

35-9-1.1. Restrictions on alcohol to persons eighteen years or older but under twenty-one.

It is a Class 2 misdemeanor to sell or give for use as a beverage any alcoholic beverage to any person who is eighteen years of age or older but less than twenty-one years of age unless it is done in the immediate presence of a parent or guardian or spouse over twenty-one years of age or by prescription or direction of a duly licensed practitioner or nurse of the healing arts for medicinal purposes.

35-9-1.2 Reasonable attempt to investigate age.

Any person charged with a violation of §35-9-1, 35-4-78, or 35-9-1.1, may offer evidence, as a defense, that the person made a reasonable attempt to investigate the age of the person by examining an age-bearing identification document that would have appeared valid to a reasonable and prudent person.

35-9-2. Purchase, possession or consumption of beverage by minor as misdemeanor — Misrepresentation of age.

It is a Class 2 misdemeanor for any person under the

age of twenty-one years to purchase, attempt to purchase or possess or consume alcoholic beverages except when consumed in a religious ceremony and given to said person by an authorized person, or to misrepresent his age with the use of any document for the purpose of purchasing or attempting to purchase alcoholic beverages from any licensee licensed under this title.

35-9-2.1 Merchant may detain person under 21 who purchases, attempts to purchase or possesses alcoholic beverage — Conditions.

Any merchant who is a licensee under this title, or the merchant's employee, who has reasonable grounds to believe a person under the age of twenty-one has illegally purchased, attempted to purchase, or possess alcoholic beverages or has misrepresented the person's age with the use of any document for purposes of purchasing or attempting to purchase alcoholic beverages from the merchant or the merchant's employee, may detain the person, on the premises of the merchant's establishment, in a reasonable manner and for a reasonable length of time:

- (1) To request identification;
- (2) To verify the identification;
- (3) To make reasonable inquiry as to whether the person has violated § 35-9-2;
- (4) To inform a law enforcement officer of the detention of the person and surrender that person to the custody of a law enforcement officer; or
- (5) In the case of a minor, to inform a law enforcement officer or the parents, guardian, or other private person interested in the welfare of that minor of this detention and to surrender custody of the minor to that person.

35-9-2.2 Merchant to post notice if persons illegally attempting to purchase alcoholic beverages will be detained.

If a merchant chooses to implement the provisions of

§35-9-2.1, the merchant shall conspicuously post a notice, on the merchant's premises, stating that any person who the merchant reasonably believes was under the age of twenty-one and has attempted to purchase alcoholic beverages, will be detained and surrendered to a law enforcement officer.

35-9-2.3 Purchase of beverage by adult for person under twenty-one as misdemeanor.

Except as provided in §35-9-1 and 35-9-1.1, it is a Class 1 misdemeanor for any person twenty-one years of age or older to purchase or otherwise acquire alcoholic beverages from a retail establishment and to give or resell the alcoholic beverages to any person under the age of twenty-one years.

35-9-7. Driver's license revocation for violations (note: this affects both the clerk selling the alcohol, and the underage individual purchasing or using the alcohol).

If the conviction for a violation of §35-9-1, 35-9-1.1, or 35-9-2 is for a first offense, the court shall, in addition to any other penalty allowed by law, order the revocation of the defendant's driving privileges for a period not less than thirty days and not to exceed one year. However, the court may issue an order permitting the person to operate a motor vehicle for purposes of the person's employment or attendance at school or to court-ordered counseling programs during the hours of the day and the days of the week set forth in the order. The court may also restrict the privilege in such manner as it sees fit for a period not to exceed one year.

If the conviction for a violation of § 35-9-1, 35-9-1.1, or 35-9-2 is for a second or subsequent offense, the court shall, in addition to any other penalty allowed by law, order the revocation of the defendant's driving privileges for a period not less than sixty days and not to exceed one year.

CITY OF VERMILLION
25 CENTER STREET
VERMILLION, SD 57069
Phone 677-7056
mikec@cityofvermillion.com

April 27, 2009

Coyote Convenience Inc
116 E Cherry Street
Vermillion, SD 57069

Dear Licensee;

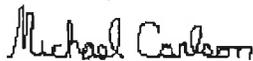
It has been reported that your business failed a compliance check and as such the City Council has required a written management plan for correcting any and all defects in operations that contributed to a violation. The City Ordinance requiring a management plan is as follows:

Management plan required for reapplication after conviction or upon request of the City Council

Any licensee under this chapter, its agents or employees or the manager or contractual operators, or their agents or employees, of retail establishments licensed under this chapter, who in the course of the operation of the license, are convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control, or upon the request of the City Council, shall upon reapplication for a license submit with the reapplication a written management plan which sets forth the licensee's policy for correcting any and all defects in its operation that contributed to a violation or issue related to license renewal. The governing body will review the adequacy of the plan as part of the renewal process. Failure to submit a plan or submission of an inadequate plan shall be considered by the governing body in exercising its discretion to approve or disapprove the application pursuant to SDCL 35-2-1.1.

Please submit the written plan with your renewal application. If you have any questions please contact me.

Sincerely;



Michael Carlson, Finance Officer

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 4th day of June, 2011 at the hour of 7:00 P.M. located at 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 July 1, 2012 until June 30, 2013, which has been presented to the City Council and filed in the Finance Officer's Office:

Re-issuance of Retail (On-Off Sale) Malt Beverage:

Bunyan's LLC for Bunyan's at 1201 West Main Street;
Café Brule, Inc. for Café Brule at 24 West Main Street;
BeBee Street II, Inc. for Carey's Bar at 18 & 20 West Main Street;
Spanrex, Inc. for Chae's at 8 West Main Street;
Charcoal Lounge, Inc. for Charcoal Lounge at 6 & 8 West Main Street;
Coyote Convenience, Inc. for Coyote Convenience at 116 East Cherry Street;
Jackpot Laundry, LLC for Jackpot Laundry at 847 East Cherry Street;
Blue, Inc. for Little Italy's at 831 East Cherry Street;
Main Street Pub, Inc. for Main Street Pub at 11 West Main Street;
Maya Janes, Inc. for Maya Janes at 9 West Main Street;
Mexico Viejo, Inc. for Mexico Viejo Mexican Restaurant at 432 E. Cherry Street;
Old Lumber Company, Inc. for Old Lumber Company at 15 Court Street;
NPC International, Inc. for Pizza Hut #2788 at 928 East Cherry Street;
Secure Success, LLC for Prairie Lanes at 912 N 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 VL room #1 at 203 E Main St;
Pump N Stuff of Vermillion, Inc. for Pump N Stuff VL room #2 at 203 E Main St;
Bonnie K. Rowland for Raziell's at 13 West Main Street;
Red Steakhouse, Inc. for Red Steakhouse at 1 East Main Street;
Prairie River, Inc. for R Pizza at 2 West Main Street;
Silk Road Café, Inc. for Silk Road Café at 12 West Main Street;
OMA SHREE, LLC for Speedee Mart at 800 East Cherry Street;
City of Vermillion for The Bluff's Golf Course at 2021 East Main Street;
Sammelton Brothers, Inc. for The Varsity at 113 East Main Street;
David W. Raabe for Westside Inn at 1313 West Cherry Street;
Valiant Vineyard, Inc for Valiant Vineyard at 1500 West Main;

Re-issuance Retail (On-Off Sale) Malt Beverage with SD Farm Wine:

Jonathan T. Robertson for Cherry Street Grille at 1122 East Cherry Street;

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 Ctr at 830 E Cherry Street;
HyVee Food Stores, Inc. for HyVee at 525 West Cherry Street;
Jones' Food Center of Vermillion, Inc. for Jones' Food Ctr at 812 Cottage;
Leo's Sports Bar & Grill, LLC for Leo's Lounge at 11 Market Street;
Pump N Stuff of Vermillion, Inc. for Pump N Stuff at 203 East Main Street;
Wal-Mart Stores, Inc. for Wal-Mart Super Center #3734 at 1207 Princeton Street;

Re-issuance of Package (Off Sale) Malt Beverage with SD Farm Wine:

Casey's Retail Company, Inc. for Casey's General Store at 615 Jefferson St;

Retail (On-Off Sale) Malt Beverage with SD Farm Wine:
Dwight Iverson for Cherry Pit Stop video lottery at 23 East Cherry Street;

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 18th day of May, 2012.

Michael D. Carlson, Finance Officer

Publish: May 25, 2012

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



To: Vermillion City Council

Date: 05/29/12

From: Matthew Betzen
Chief of Police

Subject: Alcohol License Renewals/July 2012 – June 2013

In the last half of 2011, the Vermillion Police Department conducted seven compliance checks. Of those five vendors passed the two failed. So far in 2012, the Vermillion Police Department has conducted 10 Alcohol Compliance Checks, five on 03/31/12 and five on 04/12/12. Of the ten compliance check, eight vendors passed and two failed. None of the business checked have failed more than one compliance check during the 12 months from June 30, 2011 to the present day.

During the first half of 2012, the alcohol vendors elected to participate in an effort to create an incentive system for employees who pass compliance checks. As a group they have raised funds to provide a \$50 reward (Paid in Vermillion Dollars) to employees who pass a compliance check. This program is being tested during the 2012 year to see if it can be successfully funded and to see if it has an effect on overall success rates. The hope is that the combined influences of a potential reward and potential penalties will improve compliance check success rates. As of 05/29/12, ten employees have received rewards for successfully completing compliance checks.

Below is a summary of alcohol license related contacts on each of the alcohol license holders seeking re-issuance.

Re-Issuance of Retail (On-Off Sale) Malt Beverage:

Bunyan's LLC for Bunyan's, 1201 West Main Street

- No alcohol license related offenses were investigated.
- Two disputes between persons were investigated at this location. License holder fully cooperated with police investigative efforts.

Café Brule Inc. for Café Brule, 24 West Main Street

- No alcohol license related offenses were investigated.
- No relevant police contacts occurred at this location.

BeBee Street II Inc. for Carey's Bar, 18 & 20 West Main Street

- Compliance check conducted on 04/12/12 – Passed.
- On 01/16/12, an officer contacted an employee drinking a beer after closing while doing paperwork, a warning was issued for consuming alcohol on premise between 2 and 7 am.

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- One assault was investigated, and the license holder fully cooperated with police investigative efforts.

Spanrex, Inc. for Chae's, 8 West Main Street

- Compliance check conducted on 11/03/11 – Failed.
- No relevant police contacts occurred at this location.

Charcoal Lounge, Inc. for Charcoal Lounge, 6 & 8 East Main Street

- Compliance check conducted on 04/12/12 – Passed.
- On 02/04/12, Vendor Employee contacted Police report underage person using another's license to attempt to gain entry.
- Police investigated five assaults and one theft at this location, and the license holder fully cooperated with police investigative efforts.

Coyote Convenience, Inc. for Coyote Convenience, 116 East Cherry Street

- Compliance check conducted on 03/31/12 – Failed.
- No relevant police contacts occurred at this location.

Jackpot, Laundry, LLC for Jackpot Laundry, 847 East Cherry Street

- No alcohol license related offenses were investigated.
- No relevant police contacts occurred at this location.

Blue, Inc. for Little Italy's, 831 East Cherry Street

- No alcohol license related offenses were investigated.
- No relevant police contacts occurred at this location.

Main Street Pub, Inc. for Main Street Pub, 11 West Main Street

- Compliance check conducted on 04/12/12 – Passed.
- Police investigated seven assault/fight situations at this location, and the license holder fully cooperated with the police investigative efforts.

Maya Janes, Inc. for Maya Janes, 9 West Main Street

- No compliance checks were conducted at this location. On 02/10/12, while conducting a bar check, officers found three underage persons consuming alcohol at this location.
- Police investigated three assault/fight situations at this location, and the license holder fully cooperated with the police investigative efforts.

Mexico Viejo, Inc. for Mexico Viejo Mexican Restaurant at 432 E. Cherry Street

- No compliance checks were conducted at this location.

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- No relevant police contacts occurred at this location.

Old Lumber Company, Inc. for Old Lumber Company at 15 Court Street

- This business has not been operating. No compliance checks or relevant police contacts have occurred at this location.

NPC International, Inc. for Pizza Hut #2788 at 928 East Cherry Street

- No alcohol license related offenses were investigated.
- No relevant police contacts occurred at this location.

Secure Success, LLC for Prairie Lanes at 912 N Dakota Street

- Compliance check conducted on 04/12/12 – Passed.
- Police have investigated on trespass situation and one assault at this location, and the license holder cooperated with investigative efforts.

Sunset Oil, Inc. for Pump N Pak at 629 Stanford

- Compliance check conducted on 03/31/12 – Failed.
- No relevant police contacts occurred at this location.

Pump N Stuff of Vermillion, Inc. for Pump N Stuff at 203 E Main St

- Compliance check conducted on 03/31/12 – Passed.
- No relevant police contacts occurred at this location.

Bonnie K. Rowland for Raziél's at 13 West Main Street

- No alcohol license related offenses were investigated.
- One assault/fight situation was investigated and the license holder cooperated with police investigative efforts.

Red Steakhouse, Inc. for Red Steakhouse at 1 East Main Street

- No alcohol license related offenses were investigated.
- No relevant police contacts occurred at this location.

Prairie River, Inc. for R Pizza at 2 West Main Street

- No alcohol license related offenses were investigated.
- No relevant police contacts occurred at this location.

Silk Road Café, Inc. for Silk Road Café at 12 West Main Street

- No alcohol license related offenses were investigated.
- No relevant police contacts occurred at this location.

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OMA SHREE, LLC for Speedee Mart at 800 East Cherry Street

- Compliance check on 12/13/11 – Failed.
- Compliance check on 03/30/12 – Passed.
- No relevant police contacts occurred at this location.

City of Vermillion for The Bluff's Golf Course at 2021 East Main Street

- No alcohol license related offenses were investigated.
- No relevant police contacts occurred at this location.

Sammelson Brothers, Inc. for The Varsity at 113 East Main Street

- No alcohol license related offenses were investigated.
- No relevant police contacts occurred at this location.

David W. Raabe for Westside Inn at 1313 West Cherry Street

- No alcohol license related offenses were investigated.
- No relevant police contacts occurred at this location.

Retail (On-Off Sale) Malt Beverage:

Valiant Vineyard, Inc for Valiant Vineyard at 1500 West Main

- No alcohol license related offenses were investigated.
- No relevant police contacts occurred at this location.

Re-issuance Retail (On-Off Sale) Malt Beverage with SD Farm Wine

Jonathan T. Robertson for Cherry Street Grille at 1122 East Cherry Street

- No alcohol license related offenses were investigated.
- No relevant police contacts occurred at this location.

Retail (On-Off Sale) Malt Beverage with SD Farm Wine

Dwight Iverson for Cherry Pit Stop video lottery at 23 East Cherry Street

- No alcohol license related offenses were investigated.
- No relevant police contacts occurred at this location.

Re-issuance of Package (Off Sale) Malt Beverage

Dwight Iverson for Cherry Pit Stop at 23 East Cherry Street

- No alcohol license related offenses were investigated.
- No relevant police contacts occurred at this location.

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Freedom Valu Centers, Inc for Erickson Freedom Valu Ctr at 830 E Cherry Street

- No alcohol license related offenses were investigated.
- No relevant police contacts occurred at this location.

HyVee Food Stores, Inc. for HyVee at 525 West Cherry Street

- Compliance check conducted on 10/20/11 – Passed.
- No relevant police contacts occurred at this location.

Jones' Food Center of Vermillion, Inc. for Jones' Food Ctr at 812 Cottage

- Compliance check conducted on 10/26/11 – Passed.
- No relevant police contacts occurred at this location.

Leo's Sports Bar & Grill, LLC for Leo's Lounge at 11 Market Street

- Compliance check conducted on 04/12/12 – Passed.
- Police investigated one assault at this location, and the license holder cooperated with police investigative efforts.

Pump N Stuff of Vermillion, Inc. for Pump N Stuff at 203 East Main Street

- Compliance check conducted on 03/31/12 – Passed.
- No relevant police contacts occurred at this location.

Wal-Mart Stores, Inc. for Wal-Mart Super Center #3734 at 1207 Princeton Street

- Compliance check conducted on 12/29/11 – Passed.
- No relevant police contacts occurred at this location.

Re-issuance of Package (Off Sale) Malt Beverage with SD Farm Wine

Casey's Retail Company, Inc. for Casey's General Store at 615 Jefferson St

- Compliance check conducted on 12/07/11 – Passed.
- No relevant police contacted occurred at this location.



Council Agenda Memo

From: Andrew Colvin, Assistant City Manager

Meeting: June 4, 2012

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

Presenter: Andrew Colvin

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

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

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

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

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

Conclusion/Recommendations: The City Council is asked to take public comment and decide whether the amendment should be adopted. Administration believes that allowing townhomes as a conditional use will diversify the housing options available in the R-1 district and would recommend approval of first reading of the ordinance.

ORDINANCE NO. 1279

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

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

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

§ 155.031 R-1 RESIDENTIAL DISTRICT.

(A) Permitted use.

<i>Permitted Use</i>	<i>Applicable Standards</i>
Single-family detached dwellings	§§ 155.070, 155.072, 155.076, 155.077
Single-family attached (townhouse) dwellings	§§ 155.070, 155.072, 155.076, 155.077
Home occupations	§§ 155.070, 155.072, 155.076, 155.077, 155.078
Churches	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Libraries	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Schools	All parking lots being 8 feet from all residential properties. One of the principle frontages shall abut upon an arterial or collector street as defined by the city's major street plan map. §§ 155.070, 155.072, 155.077
Public park areas	§ 155.070
Golf course	§§ 155.070, 155.072
Neighborhood utilities	§ 155.070
Electrical substation	An opaque screen, 6 feet in height located at all setback lines. §§ 155.070, 155.077
Fences	§ 155.074
Group day care	A safe pickup and drop off area must be provided for the children. All applicable dwelling standards apply
Group home (see definition)	Structure must be a single housekeeping unit. Applicant must provide copy of state agency license. All single-family detached dwelling standards apply.
Railroad right-of-way	Including a strip of land with tracks and auxiliary facilities for track operation, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, power houses, interlocking towers, and fueling, sanding and watering stations.
Accessory structure (such garage, shed)	§§ 155.071, § 155.082 (see definition)

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

	<i>Lot Area</i>	<i>Frontage</i>	<i>Lot Width Building Line</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
Single-family detached	76,500 square feet	50 feet	75-65 feet see #2, #4	30 feet See #5	8 feet see #3	25 feet	35 feet
Single-family attached (townhouse) dwellings	2,500 square feet	36 feet	36 feet	30 feet see #5	0 feet or 8 feet on non-party wall side	25 feet	35 feet
All other uses	7,500 square feet	50 feet	75 feet	30 feet	30 feet see #1, #3	25 feet	35 feet

Exceptions:

- #1 The side yard will be required to be increased by 10 feet when the building is 3 stories in height or more.
- #2 A residence may be constructed on a lot-of-record, which has a lot width of less than 75 feet.
- #3 There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.
- ~~#4 — A lot located on a cul-de-sac bulb shall have a lot width of not less than 50 feet.~~
- #5 — 4 One required front yard may be reduced to 25 feet on corner lots.
- #6 — 5 See also adjustments to yard regulations (§ 155.082) for other specific exceptions.

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

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

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



Council Agenda Memo

From: Andrew Colvin, Assistant City Manager

Meeting: June 4, 2012

Subject: First Reading of Ordinance 1280 Zoning Amendment - Amending GB General Business District to Modify the Distance Requirements for Veterinary Clinics and Kennels

Presenter: Andrew Colvin

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

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

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

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

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

Conclusion/Recommendations: The City Council is asked to take public comment and decide whether the amendment should be adopted. Administration recommends approval of first reading of the amendment.

ORDINANCE NO. 1280

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

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

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

§ 155.036 GB GENERAL BUSINESS DISTRICT.

(B) Conditional use.

Conditional Use	Applicable Standards
Motor vehicle service station/gas dispensing station	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Assisted living facility	§§ 155.070, 155.072, 155.077, 155.095(A) Applicant must provide copy of South Dakota Department of Health license. All multiple dwelling standards apply.
Nursing home	§§ 155.070, 155.072, 155.077, 155.095(A) Applicant must provide copy of South Dakota Department of Health license.
Mortuary with crematorium	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Wireless communication facility on existing support structure	§§ 155.075, 155.095(A)
Telecommunications tower	§§ 155.070, 155.072, 155.075, 155.077, 155.095(A)
Drive-in theater	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A) Located in such a manner that the screen will not deprive adjacent properties of solar access. Lighting of the theaters shall not reflect into adjacent residential areas.
Veterinarian	No outdoor kenneling of dogs within 1,000 150 feet of a residential area. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Campground	Lot must contain at least 2,000 square feet and supplied with city water and sanitary sewer services; access road on the campground site shall be 14 feet for 1-way and 20 feet for 2-way roads. No campground may be occupied by the same person or persons for more than 30 days in any 1 calendar year. §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Kennel	Located 1,000 150 feet from residential district area. * §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
Commercial parking lots/parking ramps	§§ 155.070, 155.072, 155.077, 155.095(A)
Storage facility	§§ 155.070, 155.072, 155.077, 155.095(A)
Adult oriented business	§§ 155.070, 155.072, 155.077, 155.095(A) and SDCL § 11-12

Wind energy conversion system	§§ 155.070, 155.072, 155.077, 155.081, 155.095(A)
* Measured from the closest point of the outside walls of both structures	

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

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

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



Council Agenda Memo

From: Andy Colvin, Assistant City Manager

Meeting: June 4, 2012

Subject First Reading of Ordinance 1281 Zoning Amendment - Amending R-4 Manufactured Housing, CB Central Business District, GB General Business District, GI General Industrial District, and HI Heavy Industrial District to Add Regulations for Building Lines and Frontage

Presenter: Andy Colvin

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

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

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

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

Conclusion/Recommendations: Staff is asking the City Council to take public comment on the proposed amendment. Administration recommends approval of first reading of the amendment.

ORDINANCE NO. 1281

AN ORDINANCE AMENDING TITLE 15, CHAPTER 155, SECTIONS 155.034 (C), R-4 MANUFACTURED HOUSING DISTRICT LOT AND YARD REGULATIONS, 155.035 (C), CB CENTRAL BUSINESS DISTRICT LOT AND YARD REGULATIONS, 155.036 (C), GB GENERAL BUSINESS DISTRICT LOT AND YARD REGULATIONS 155.038 (C), GI GENERAL INDUSTRIAL DISTRICT LOT AND YARD REGULATIONS AND 155.039 (C), HI HEAVY INDUSTRIAL DISTRICT LOT AND YARD REGULATIONS, TO ADD REGULATIONS FOR BUILDING LINES AND FRONTAGE.

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

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

§ 155.034 R-4 MANUFACTURED HOUSING DISTRICT.

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

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

Exceptions:

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

§ 155.035 CB CENTRAL BUSINESS DISTRICT.

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

	<i>Lot Area</i>	<i>Lot Width Building Line</i>	<i>Frontage</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
All uses	NA	NA	NA	See #1, #2	See #1, #2	See #1, #2	NA
All uses	NA	NA	NA	See #1, #2	See #1, #2	See #1, #2	NA
All uses	NA	NA	NA	See #1, #2	See #1, #2	See #1, #2	NA

Exceptions:

- #1 a 20-foot landscaped area shall be required between an abutting residential district boundary line and any structure, access drive, parking lot or other accessory use when not separated by a street or alley.
- #2 See also adjustments to yard regulations (§155.082) for other exceptions.

§ 155.036 GB GENERAL BUSINESS DISTRICT.

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

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

Exceptions:

- #1 A side yard of 15 feet shall be required where a lot is adjacent to or abuts a residential district
- #2 A rear yard of 20 feet shall be required where a lot is adjacent to or abuts a residential district
- #3 There shall be a required front yard on each street side of lots
- #4 A conditional use permit will be required for any structure having a maximum height exceeding 45 feet (§ 155.095(A))
- #5 See also adjustments to yard regulations (§ 155.082) for other specific exceptions

§ 155.038 GI GENERAL INDUSTRIAL DISTRICT

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

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

Exceptions:

- #1 A conditional use permit will be required for any structure having a maximum height exceeding 45 feet (see § 155.095(A)).
- #2 A side yard of 15 feet shall be required where a lot is adjacent to or abuts a residential district.
- #3 A rear yard of 25 feet shall be required where a lot is adjacent to or abuts a residential district.
- #4 There shall be a required front yard on each street side of lots.
- #5 See also adjustments to yard regulations (§ 155.082) for other specific exceptions.

§ 155.039 HI HEAVY INDUSTRIAL DISTRICT

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

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

Exceptions:

- #1 A conditional use permit will be required for any structure having a maximum height exceeding 5 feet (see § 155.095(A)).
- #2 A side yard of 20 feet shall be required where a lot is adjacent to or abuts a residential district.
- #3 A rear yard of 25 feet shall be required where a lot is adjacent to or abuts a residential district.
- #4 There shall be a required front yard on each street side of lots.
- #5 Wastewater treatment facilities are exempt from minimum yard or setback requirements
- #6 See also adjustments to yard regulations (§ 155.082) for other specific exceptions.

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

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

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



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: June 4, 2012

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 12, July 26, August 9, and August 23, 2012 from 6:00 p.m. to 8:00 p.m.

Presenter: Mike Carlson

Background: Thursdays on the Platz has applied for a special permit to exceed allowable noise levels for a concert and public gathering on July 12 & 26, August 4 & 23, 2012, 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 committed 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.

**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 Michelle Maloney Phone 677-9006

Contact Person Address 2822 Cherokee Court

Location of Event Ratingen Platz Date of Event 7/12, 7/26, 8/9, 8/23

Duration of event from time 6:00pm to Time 8:00pm

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

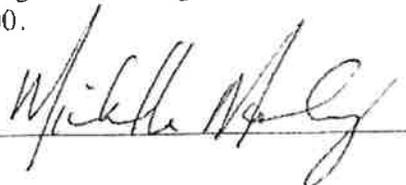
Yes - this is our third year of this event and we have received no complaints thus far.

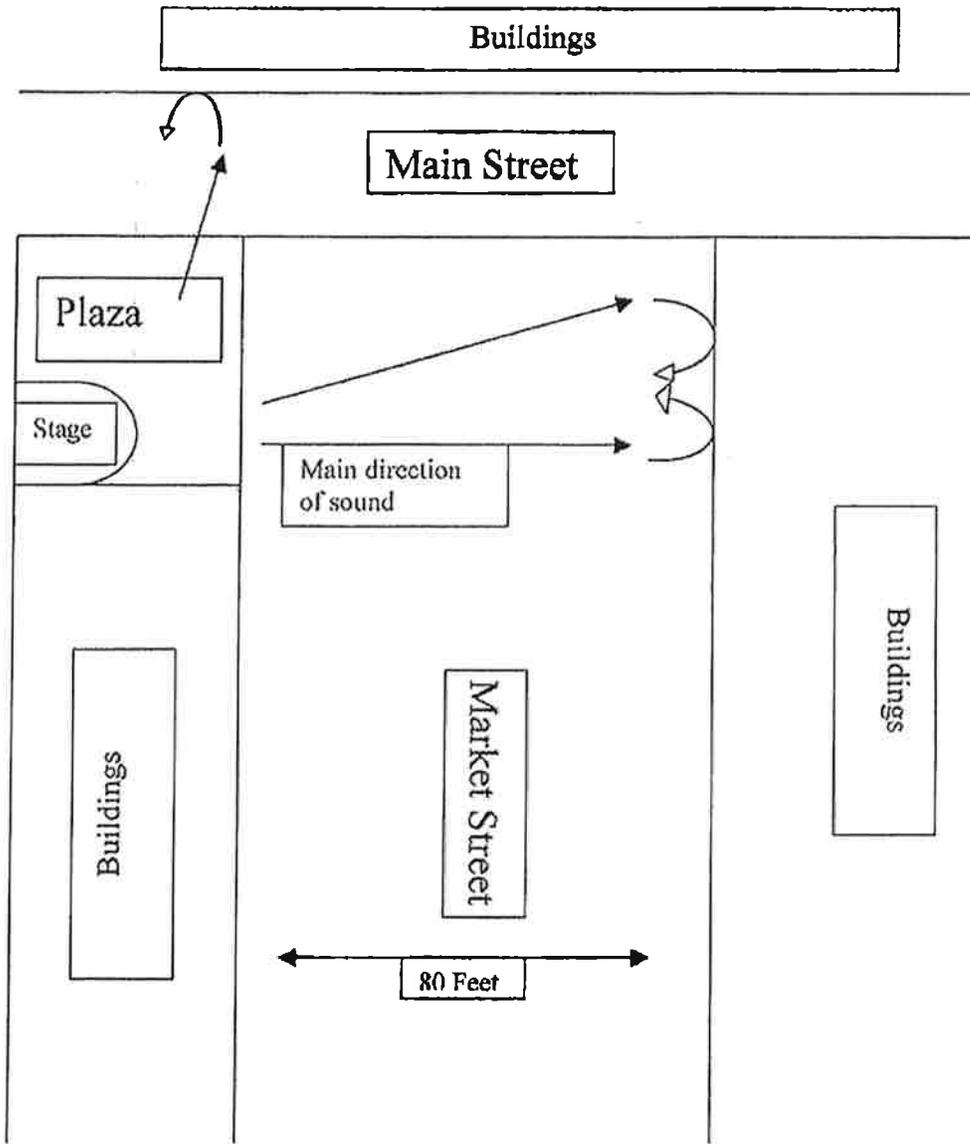
The ordinance asks the applicant to demonstrate that the event for which the permit is requested be of public benefit. Describe the public benefit:

This is an occasion for people of all ages to come together, get a bite to eat, enjoy a beverage and listen to local musicians play outdoors.

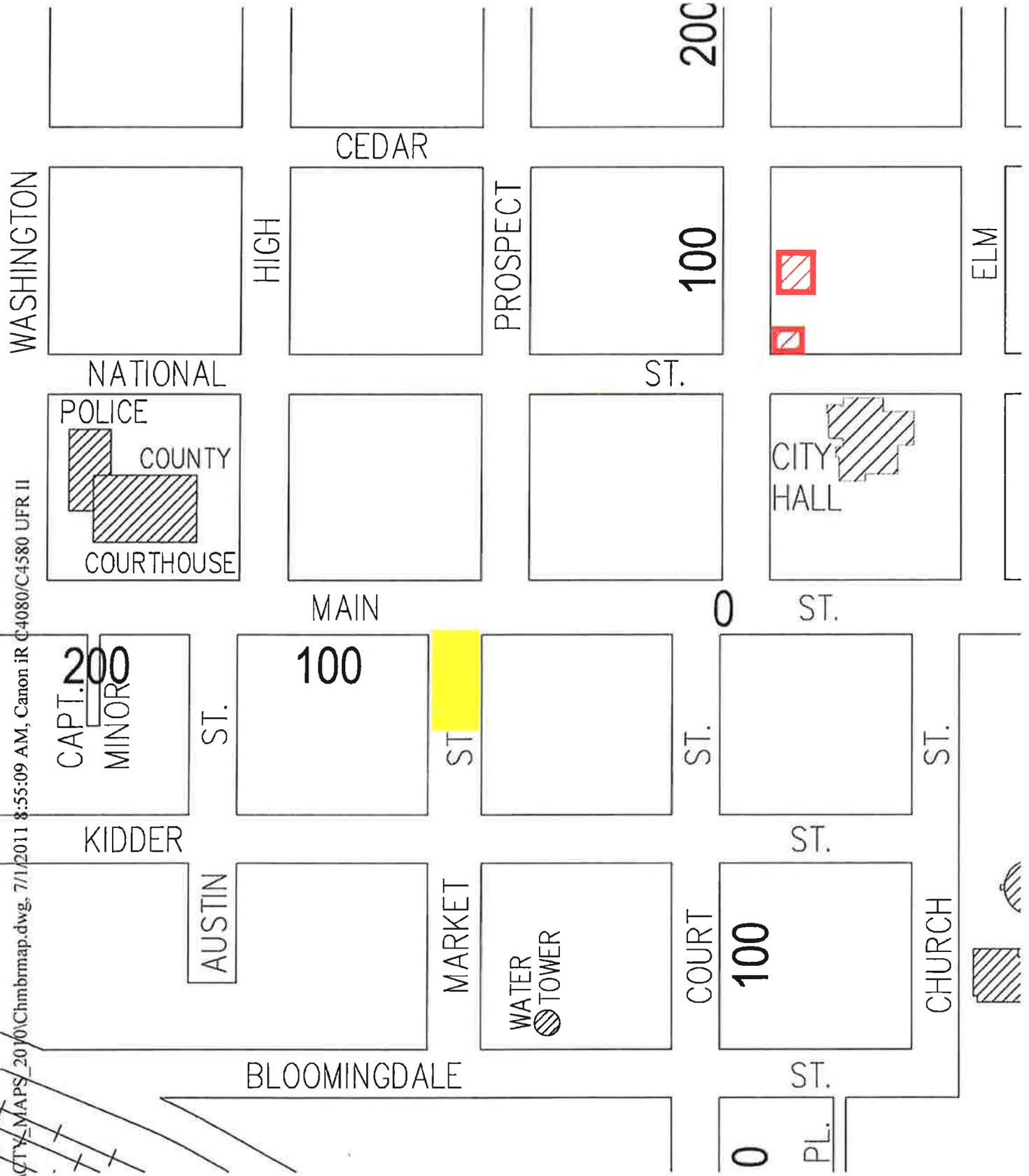
Please attach a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source.

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

Signature of applicant  date 5/15/12



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





Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: June 4, 2012

Subject: Special Daily Malt Beverage and Wine License for Vermillion Chamber of Commerce and Development Company on or about July 12, July 26, August 9 and August 23, 2012 at Ratingen Platz and the Portion of Market Street Abutting Ratingen Platz

Presenter: Mike Carlson

Background: Vermillion Chamber of Commerce and Development Company has submitted an application for a special daily malt beverage and wine license for the Thursdays On the Platz events on July 12, July 26, August 9 and August 23, 2012, to be held at Ratingen Platz on the corner of Market and W. Main Streets and a portion of Market Street abutting the Platz.

City ordinance on special daily licenses reads as follows:

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:

35-4-124. Special alcoholic beverage licenses issued in conjunction with special events. Any municipality or county may issue:

- (1) A special malt beverage retailers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (16) in addition to any other licenses held by the special events license applicant;
- (2) A special on-sale wine retailers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (12) or chapter 35-12 in addition to any other licenses held by the special events license applicant;
- (3) A special on-sale license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (16) in addition to any other licenses held by the special events license applicant; or
- (4) A special off-sale package wine dealers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any

licensee licensed pursuant to subdivision 35-4-2(3), (5), (12), (17A), or (19) or chapter 35-12 in addition to any other licenses held by the special events license applicant. A special off-sale package wine dealers licensee may only sell wine manufactured by a farm winery that is licensed pursuant to chapter 35-12.

Any license issued pursuant to this section may be issued for a period of time established by the municipality or county. However, no period of time may exceed fifteen consecutive days. The local governing body may establish rules to regulate and restrict the operation of the special license.

Discussion: The notice of public hearing is attached. The Police Chief reported there were no incidents with the events held last year. As the event will be held on a City street and City property, ordinance allows the City to include “*such conditions and restrictions, as the governing body may deem appropriate and consistent with state law.*” The request to exceed allowable noise levels, by no more than 50%, was the previous Council agenda item. The street closure request is later on this agenda. The Vermillion Chamber of Commerce and Development Company is requesting the permit to sell beer and wine on the City property. The individuals selling the beer and wine may or may not be VCDC staff or Board members.

Below are some special conditions required by the City Council for other entities that have used the city property for sale of alcoholic beverages. Adjustments may be appropriate for the last three conditions, but Staff recommends the City Council consider and attach most of the following conditions:

- A Certificate of Insurance naming the City of Vermillion as an additional insured, including liquor liability.
- A Release and Indemnification releasing the City from liability for the event.
- Require the applicant identify and utilize a fenced area where alcoholic beverages may be sold and consumed, as well as a plan to monitor the entrances and exits from this area.
- Require a plan for the clean up and disposal of the cups and other materials after the event each day.
- Restroom facilities. Some groups have used port-a-potties for a similar event. The duration of the event may minimize the need for specific restroom facilities.
- Require a list of those individuals selling alcohol and checking IDs be provided to the City Manager 24 hours before the event. All individuals on the list were required to be at least 21 years of age.
- Hours of sale may be limited. The noise permit states the hours will be from 6:00 pm to 8:00 pm and as such the hours could be restricted to that time period.

Financial Consideration: The City has received the \$15 per day license fee and \$15 advertising fee from the applicant for a total of \$75.

Conclusion/Recommendations: Administration recommends approval of the July 12, July 26, August 9 and August 26, 2012 special daily malt beverage and wine license, contingent upon a Certificate of Insurance naming the City of Vermillion as an additional insured, a Release and Indemnification releasing the City from liability for the event, establish the hours that sales will be allowed for each day, the City Council is comfortable that the applicant holding the license can properly distribute malt beverages and regulate the events, and there is complete understanding and agreement by the applicant with regard to any conditions and restrictions the City Council may require after further information is provided at the public hearing. The motion should also address the request to use the Ratingen Platz.

City of Vermillion
Police Department
15 Washington Street
Vermillion, SD 57069
Phone: (605)677-7070
FAX: (605)677-7166
www.vermillionpd.org



To: Vermillion City Council

Date: 05/29/12

From: Matthew Betzen
Chief of Police

A handwritten signature in black ink, appearing to be "MB", enclosed in a hand-drawn oval.

Subject: Special Daily License (On-Sale) Malt Beverage and Wine License – Thursday on Platz

A check of the Vermillion Police Department records does not reveal any issues that occurred last year during these events.

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 4th 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:

Vermillion Area Chamber & Development Company, Inc on or about July 12 & 26 and August 9 & 23 at the Ratingen Platz on the corner of Market and Main Street and the Market Street right of way from Main Street south a half a block.

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 18th day of May, 2012.

Michael D. Carlson, Finance Officer

Publish: May 25, 2012

Published once at the approximate cost of _____.



Council Agenda Memo

From: John Prescott, City Manager

Meeting: June 4, 2012

Subject: Library Change Order #1

Presenter: John Prescott

Background: On February 6, 2012, the City Council awarded a \$2,375,000 contract to Welfl Construction of Yankton for the addition and renovation of the Vermillion Public Library. Construction of the addition began in April. The contract has a completion date of April 1, 2013.

Discussion: Change Order number #1 is for a change in the south entrance doors. Two doors will be installed. One will be placed between the south end of the meeting room and the outside while the second door will be placed between the north and south doors to the meeting room which will create a vestibule between the two doors. During the design phase, an 8'0" sliding door was identified as the desired door for the south entrance. The architect included two 7'4" sliding doors in the bid specs. The architect has acknowledged that they understood the wishes of the owner but made an error in preparing the bid specs.

The doors have not yet been ordered from the supplier so there is no restocking fee. The cost difference between the doors, which were in the bid spec, and the desired doors, from the planning stage, is \$507. The architect has agreed not to charge their 8% fee on the additional \$507 increase in the project for the correct size doors.

Financial Consideration: The construction project is funded by \$1.4 million of 2nd Penny sales tax funds, a \$200,000 CDBG award, CDs from the Library Board and over \$1 million in contributions from Edith Siegrist. The architect's fee, site testing and other items are outside of the bid amount but a project cost that has to be funded. The project budget included a contingency of approximately \$118,000.

Conclusion/Recommendations: Administration recommends adoption of Change Order #1 for the Library project to be funded from the contingency.

**Change
Order**

Architecture Incorporated

Owner
Architect
Consultant
Field

415 South Main Avenue
P.O. Box 2140
Sioux Falls, SD 57101
(605) 339-1711

Project: Vermillion Public Library Addition and Remodel

Change Order No: 1

To: Welfl Construction Corporation
800 West 23rd Street
PO Box 60
Yankton, SD 57078

Date: June 4, 2012

Architect's Project No.: 2256

Contract Date: February 8, 2012

You are directed to make the following changes in this Contract:

RFP #1	Change the width of the automatic sliding entrances from 7'-4" wide to 8'-0" wide. This includes both the exterior and interior set of doors 125-1 and 125-2.	ADD:	\$507.00
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TOTAL ADD: \$507.00

The original Contract Sum was.....	\$2,375,700.00
Net change by previous Change Orders	\$0.00
The Contract Sum prior to this Change Order was.....	\$2,375,700.00
The Contract Sum will be added by this Change Order	<u>\$507.00</u>
The new Contract Sum including this Change Order will be.....	\$2,376,207.00
The Contract Time will be changed.....	0 days
The Date of Completion as of the date of this Change Order therefore is:	4/1/2013

Architect
Architecture Incorporated
415 South Main Ave.
PO Box 2140
Sioux Falls, SD 57101-2140

Contractor
Welfl Construction Corporation
800 West 23rd Street
PO Box 60
Yankton, SD 57078

Owner
City of Vermillion
25 Center Street
Vermillion, SD 57069

by: _____ by: _____ by: _____

date: _____ date: _____ date: _____



Council Agenda Memo

From: John Prescott, City Manager
Meeting: June 4, 2012
Subject: Thursdays on the Platz Request for Funding
Presenter: John Prescott

Background: Thursdays on Platz is planning their third year of events. Two Thursday evening gatherings were held in 2010 and four were held in 2011. This year the group is again hoping to organize four Thursdays on the Platz events.

Discussion: In 2011, Thursdays on the Platz requested, and was awarded, \$500 in BBB funding. Thursdays on the Platz never submitted the paperwork to receive the \$500 of funding awarded by the City Council in 2011.

Thursdays on the Platz submitted the attached letter requesting funding. They are working with different groups for sponsorship and co-sponsorships to help staff and fund the events. On this Council agenda, there are several items related to the planning for the four events.

The Thursdays on the Platz committee has requested \$500 in financial assistance from the City of Vermillion. Staff suggests that if a City contribution is made, the funding should come from the Bed, Board and Booze (BBB) fund. The BBB can be used for economic development and promotion of the community. Items which promote Vermillion, and the business districts in the community, would appear to be the good uses of BBB dollars. If funding is provided, an invoice for the funding should be provided to receive reimbursement.

Financial Consideration: The BBB has a reserve of approximately \$165,955. 2012 BBB receipts have been up slightly in comparison to 2011 for the same time period.

Conclusion/Recommendations: If the City Council determines the event will provide sufficient promotion of the community, Administration recommends providing up to \$500 of BBB funding based on an invoice to support the Thursdays on the Platz event.



May 15, 2012

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 2011 there were four "Thursdays" events and due to their success, there will be four events again this year. The events will be July 12th, July 26th, August 9th, and August 23rd 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 this event and hope you will continue that tradition by supporting Thursdays On the Platz this year.

Thank you for your consideration.

Thursdays On the Platz Committee

Ericka Schapekahm

Carly Heard

Laura Hollingsworth

Steve Howe

Dan Kenton

Paula Keller

Michelle Maloney

Jill Ward

Cathy Zeman



Council Agenda Memo

From: John Prescott, City Manager

Meeting: June 4, 2012

Subject: Street Closure Request – Market Street on July 12, July 26, August 9, and August 23, 2012 for “Thursdays on the Platz”

Presenter: John Prescott

Background: As indicated, with earlier items on the agenda, “Thursday’s on the Platz” is again planning to hold several events in downtown Vermillion. This summer’s events are scheduled for July 12, July 26, August 9, and August 23, 2012. The events would host local and regional musical entertainment. The group will utilize Ratingen Platz at the corner of W. Main and Market Streets for the events. Due to the number of anticipated attendees, a street closure request has again been submitted for Market Street from W. Main Street to the East/West alley between W. Main Street and Kidder Street.

This event is being sponsored by Thursdays on the Platz and the Vermillion Chamber of Commerce and Development Company to encourage the community to gather downtown on Thursday nights and will showcase Ratingen Platz.

Discussion: The group requests to have Market Street from W. Main Street to the East/West alley between W. Main Street and Kidder Street closed from 5:00 p.m. to 9:00 p.m. on each of the four dates. The street closure request application indicates that neighboring businesses and residents have been notified. Volunteers for the Thursdays on the Platz Committee will clean up the area after the event.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends the City Council approve the closure of Market Street from W. Main Street to the East/West alley between W. Main Street and Kidder Street on July 12, July 26, August 9, and August 23, 2012, for “Thursdays on the Platz”.

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 Thursdays on the Platz

Contact Person Michelle Maloney Phone 677-9006

Contact Person Address 2822 Cherokee Court

Event Thursdays on the Platz Date(s) of Event 7/12, 7/26, 8/9, 8/23

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

Street Market from Main to south edge of Platz

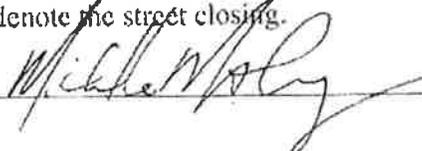
Street Closing Times 5:30 to 8:00

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:

Yes. We have 5-10 volunteers that are in charge of cleanup. The Parks and Rec Dept typically brings down garbage cans and removes them at 8pm.

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  date 5/15/12

S:\ACAD\TY_MAPS_20\0\Chmbrmap.dwg, 7/1/2011 8:55:09 AM, Canon iR C4080/C4580 UFR II





Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: June 4, 2012

Subject: Vermillion Area Community Foundation Round Up program

Presenter: Lisa Ketcham

Background: In April 2012, Lisa Ketcham, representing the Vermillion Area Community Foundation, contacted the City about the ability to implement a round-up program with our utility billing system. She noted that the South Dakota Community Foundation had informed their board that the cities of Mitchell and Madison were doing this round-up program on their utility bills. The round-up program is where the individual utility customer completes an application to participate in the round-up program. Their utility bill amount due is rounded up to the next whole dollar with the difference between the bill amount and the whole dollar being a contribution to the Community Foundation.

Discussion: The City of Mitchell was contacted and indicated that they have been using the round-up program since 2006 for the Mitchell Community Scholarship Fund. They noted that a board member of the Mitchell Community Scholarship Fund got the idea from the City of Madison. Mitchell stated that their City Attorney had the Attorney General's office review the round-up program with the determination that the city could participate in the program. As to the implementation cost, Mitchell said the software vendor did not charge for the software so the only cost was the time to set up the customers who wanted to participate. Mitchell did note that the round-up program doesn't work with the utility customers who have elected the ACH payment option. It was noted that Mitchell has about a 12% participation rate and generates about \$3,000 annually. The City of Mitchell uses the same software as we do.

The City of Madison was contacted and indicated they have been using the round-up program since 2003 raising funds for scholarships. They have about 13% participation which generates about \$2,700 annually. The City of Madison uses a different software vendor than Vermillion and Mitchell.

Our software vendor, InCode, was contacted and stated that they could install the round-up software at no cost to the city. InCode was asked about correcting the problem so that ACH payment customers could participate in the round-up program. They stated that it was not a high priority software fix.

It should be noted that the program is voluntary with utility customers needing to complete an application to participate in the round-up program. Both cities have the signup forms available for customers and Madison has information on their web site. Both cities stated that they have conducted the program for the same charity since it was started and transfer the funds to the charity quarterly.

As the program will only allow one charity the City Council will need to decide the charity.

Financial Consideration: The only cost to the City will be the staff time to set up customers requesting to participate in the program and notifying ACH customers that they cannot participate in both programs.

Conclusion/Recommendations: From the utility billing aspect, it appears that we can set up the program with no cost except some staff time. If the City Council agrees that the round-up program should be implemented with the proceeds going to the Vermillion Community Foundation, a motion will be needed to that effect.



June 4, 2012

Dear Honorable Mayor Powell & Vermillion City Council Members:

The Vermillion Area Community Foundation, established in 2000, is dedicated to the future of Vermillion and the surrounding area and is involved with raising local funds that are endowed through the SD Community Foundation. The fund has grown to over \$200,000 in the last decade, and our goal is to grow it to over \$1,000,000 in the upcoming years. At the current level, the fund generates proceeds of around \$10,000 annually to fund a variety of community projects that enhance our quality of life and impact people of all ages. Any organization with a project in mind can apply to the VACF for grant funding at any time throughout the year, and a board comprised of involved and passionate local citizens then makes funding decisions to try to best fulfill community needs and desires. Each year, the VACF does an annual fund drive which typically results in approximately \$25,000 in contributions toward our endowed fund. We are always looking for new and innovative ways to build the fund so that we can invest even more money in local projects.

The VACF would like to partner with the City of Vermillion to offer a voluntary "Round Up For Your Community" program. Here is some information about the program that we are proposing:

- Residents using city utilities would be offered the opportunity to sign an authorization form to "round up" their monthly City utility bill to the nearest dollar. Example: monthly bill amount of \$38.51 is voluntarily rounded up to \$39.00, so \$.49 would be donated to the VACF. Their monthly bills would continue to be rounded up each month unless they notified the City that they wanted to discontinue their participation.
- The VACF would market this program to City utility users with brochures / authorization forms that would get turned in to the City Finance Office. Then staff would sign them up for the program and remit funds collected back to the VACF on a quarterly (or whatever frequency works best) basis which would go into our endowed fund. City staff would be asked to share information about the program as new users sign up for utility services.
- The City uses a software vendor InCode for their utility billing program. There would be no additional cost to the City or to the VACF at this time to add this functionality. The only "cost" would be some minimal staff training and staff time to set up users initially and to maintain the program. The software is not capable of enrolling users who pay by automatic funds payments at this time, although enhancements could be made to the program in the future to accommodate this if there was enough demand for it. There could be a cost associated with that future enhancement, which would be paid for by the VACF.
- Mitchell, SD has been doing a similar program to raise scholarship money for high school students since 2006; they have a 12% participation rate and raise \$3,000 annually. Mike Carlson and Lisa Ketcham have visited with Mitchell about their program and have received confirmation that it has worked successfully with minimal effort once it was up and running. Several other communities are also working on implementing similar programs. Those communities already involved have been reassured by legal counsel and the Attorney General that they are within appropriate bounds to participate in such a program.
- There are many great people and organizations within our community who do great work to benefit our residents, so why should the City of Vermillion partner with the VACF?

The VACF by definition is a “community foundation”...set up by our community...paid for by our community...managed by volunteers of our community...for the benefit of our community. Our endowed fund is pooled through the SD Community Foundation for maximum investment returns and ALL proceeds get invested back into our community toward projects that benefit ALL residents. Partnering with the VACF on this program would be a long-term commitment and would not require change once implemented. It is a program that gives residents an opportunity to voluntarily participate, with minimal effort, that will result in a BIG impact on our community for years to come.

We are asking for your support in partnering with the Vermillion Area Community Foundation on this program. This is an opportunity for you, as current City leaders, to endorse a “legacy” program now that will impact this community forever. We appreciate your consideration of our request. We look forward to a great partnership!

Respectfully,

Vermillion Area Community Foundation Board of Directors

John Storm, Chair
Paula Keller, Vice Chair
Lisa Ketcham, Secretary
Larry Brady, Treasurer
Colette Abbott
Deb Christensen
Don Dahlin
Anthony Edelen
Alan Fritch
John Gors
Laura Hollingsworth
Michelle Maloney
Young Moore
Scott Munger
Ted Muenster
Tom Sorensen
Tom Stogsdill
Richard Sunde
Craig Thompson
Barbara Yelverton



“Round Up For Your Community”

Looking for a way to make a difference and give back to your community? It's easy! Round up your monthly city utility bill to the next dollar and make a BIG impact on your community for years to come!

Example: monthly bill amount of \$38.51 is rounded up to \$39.00 so 49 cents is donated

Contributions from this program are invested by the Vermillion Area Community Foundation and are used to fund a variety of projects that benefit residents of all ages and enhance the Vermillion community. Any qualified organization with a project in mind can apply for funding through the VACF at any time.

Name (Please Print): _____

Address: _____

City: _____ State: ____ Zip: _____

Phone: _____

I authorize the City of Vermillion to round up my utility bill to benefit the Vermillion Area Community Foundation. I understand that my bill will continue to be rounded up on a monthly basis unless I notify the City of Vermillion that I wish to discontinue the program.

Signature: _____

(Return this form to: City of Vermillion 25 Center Street Vermillion, SD 57069)

*Thanks
for your
generous
support!*

The “Round Up For Your Community” program is sponsored by the



in partnership with the





Council Agenda Memo

From: John Prescott, City Manager
Meeting: June 4, 2012
Subject: Motor Grader purchase
Presenter: Bob Iverson, Solid Waste Director

Background: The landfill will begin the process to construct cell 5 later this year. Excavation of a portion of the clay where cell 5 will be constructed is being aided by a contractor who is purchasing clay for an area road project. Landfill staff will be digging a large portion of cell 5 to reduce construction costs. The Solid Waste Director had planned to rent a motor grader to assist in the construction of cell 5. The cost to rent a motor grader for the length of time needed to construct cell 5 became prohibitive.

Discussion: Butler received a special purchase of 2012 Cat motor graders this year. Mellette County, SD, went through the bid process to purchase a 2012 Cat motor grader in February 2012 for \$266,019. Butler has indicated that they are willing to sell the City a motor grader at the same price.

Butler has a payment program which would allow the City to purchase the motor grader over the course of seven years at 3.25% interest. The 2012 payment would be just over \$13,031 while the 2013 through 2018 payments would be approximately \$28,000 annually. The final payment in 2019 is \$125,000. The City would have the option to make the final payment of this amount in 2018 or Butler would buy the motor grader back for \$125,000 or higher. The City could sell this piece of equipment at any point in time during the seven years.

Financial Consideration: The Landfill capital budget will be revised to account for the expenditure. Cost savings in other areas of the landfill budget will allow the 2012 payment to be made without an overall increase in expenditures due to the acquisition of this piece of equipment.

Conclusion/Recommendations: Administration recommends approval of the resolution authorizing the Mayor to execute the documents to purchase the CAT motor grader from Butler Machinery in the amount of \$266,019 and the lease with option to purchase with Kinetic Leasing, Inc.

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

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

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

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

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

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

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

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

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

Section 3. Issuance Limitation. In compliance with the requirements of Section 265(b)(3)(c) of the Code, the Issuer hereby represents that the Issuer (including all “subordinate entities” of the Issuer within the meaning of Section 265(b)(3)(E) of the Code) reasonable anticipates not

to issue in the calendar year during which the Lease is executed and delivered, obligations bearing interest exempt from federal income taxation under Section 103 of the Code (other than "private activity bonds" as defined in Section 141 of the Code) in an amount greater than \$10,000,000.

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

Dated at Vermillion, South Dakota this 4th day of June, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer



Council Agenda Memo

From: Jason Anderson, Asst. City Engineer

Meeting: June 4, 2012

Subject: Resolution Establishing Fees in Lieu of Assessment for Baylor Street from Stanford Street to a Point 633 Feet West

Presenter: Jason Anderson

Background: The bid for water main improvements on Baylor Street from Stanford Street to a point 633 feet west was awarded on June 5th, 2006, and the work has since been completed and final payments have been made to the contractor. Typically, the City uses a special assessment, or fee in lieu of assessment procedure, to recover the cost of construction. The City has elected not to use the special assessment procedures to recover water and sewer costs from property within the City limits where the owner is not ready to develop the property and has not platted it into individual lots.

Discussion: SDCL 9-48-15 and 9-47-16 govern water supply and sanitary sewer improvements to properties that do not meet special assessment requirements. The water and sewer costs are apportioned against the benefited properties in the same method as special assessment improvements are apportioned, but the cost is collected as a connection fee without interest before the property may be served by the facility. This particular project only involves a water line extension.

Financial Consideration: The amount apportioned to the individual properties is the bid amount plus an 8% fiscal fee to recover some of the costs for surveying, design, bidding, staking, testing, project management, inspection, publication, and postage, etc. The City only recovers what has been expended for the construction, less any City share.

Conclusion/Recommendations: Administration recommends approving the Resolution establishing fees in lieu of assessment for Baylor Street from Stanford Street to a point 633 feet west.

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

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

WHEREAS the owners, at the time of construction, acknowledged the responsibility to pay the tapping fee, in lieu of assessment, upon the Governing Body adopting a Resolution for construction of the water main, in lieu of an assessment; and

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

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

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

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

Dated at Vermillion, South Dakota, this 4th day of June, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By: _____
John E. (Jack) Powell, Mayor

ATTEST:

By: _____
Michael D. Carlson, Finance Officer



Council Agenda Memo

From: Jason Anderson, Asst. City Engineer

Meeting: June 4, 2012

Subject: Resolution Establishing Fees in Lieu of Assessment along University Road from SD Highway 50 to Coyote Street

Presenter: Jason Anderson

Background: The Clay Rural Water Interconnect project, a water line extension along University Road from South Dakota Highway 50 to a point 375 feet east of University Road on Coyote Street, was completed in 2006. The agreement for this project between the City and Clay Rural Water was signed in 2004. The project was initiated and managed by Clay Rural Water to improve their water system in the area. The project extends the city water main to the Clay Rural Water treatment and pumping facility. Clay Rural Water paid for the project including the cost of upsizing the water main from 6" to 8" from Highway 50 to Coyote Street along University Road. The agreement provided that in the event that a property owner will receive service from this line, the City will collect the tapping fee and reimburse Clay Rural Water for the cost of installing a 6" pipe.

Discussion: SDCL 9-48-15 and 9-47-16 govern water supply and sanitary sewer improvements to properties that do not meet special assessment requirements. The water and sewer costs are apportioned against the benefited properties in the same method as special assessment improvements are apportioned, but the cost is collected as a connection fee without interest before the property may be served by the facility. This particular project only involves a water line extension.

Financial Consideration: There is no monetary gain to the City from the assessments. In this instance, we only recover what Clay Rural Water has expended in the construction.

Conclusion/Recommendations: Administration recommends approving the Resolution establishing fees in lieu of assessment for water main improvements along University Road from South Dakota Highway 50 to Coyote Street.

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

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

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

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

PROPERTY OWNER	LEGAL DESCRIPTION	AMOUNT
Joshua J. & Katie L. Fisher	Lot 4, Block 1, Deyonge Addition	\$ 1,201.52
Joshua J. & Katie L. Fisher	Lot 5, Block 1, Deyonge Addition	\$ 1,903.95
Barbara J. Iacino	Lot 1, Block 1, Deyonge Addition	\$ 1,679.35
Robert J. & Heidi N. Moser	Lot 5, Lowells Subdivision	\$ 231.06
Kal D. Simons	West ½ of the SW ¼, exc. Deyonge Addition, Lot A, Lot S-2, Lot S-1 of Gov. Lot 2 & exc. Macy Tract 1 & 2, 7-92-51	\$ 17,051.22
Eric Olson	Lot S-2, Gov. Lot 2 in SW ¼, 7-92-51	\$ 1,383.60
Sol & Mary Redlin	Lot A, Gov. Lot 2 in SW ¼, 7-92-51	\$ 1,690.44
University of South Dakota	East ½ SE ¼ exc. Lot H-1 & exc. West 732-feet of North 1,475-feet, 12-92-52	\$ 23,708.55
Joyce P. Zimmerman	Lot 6, Lowells Subdivision	\$ 3,234.86

Dated at Vermillion, South Dakota, this 4th day of June, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By: _____
John E. (Jack) Powell, Mayor

ATTEST:

By: _____
Michael D. Carlson, Finance Officer



Council Agenda Memo

From: Jose Dominguez, City Engineer
Meeting: June 4, 2012
Subject: Final Plat of Lot 3, Block 4 of Brooks Industrial Park Addition
Presenter: Jose Dominguez

Background: Banner and Associates has submitted a final plat on behalf of the owner (Vermillion Chamber of Commerce and Development Company) of Brooks Industrial Park Addition. This plat will create a lot on the south side of S.D. Hwy 50 close to Compton Court. In addition, the plat will also dedicate the required street right-of-way to access the developed lot.

Discussion: The preliminary plat was approved by the Planning Commission at their May 14th meeting. The preliminary plat consisted of the lot in question and three other lots west of the proposed road extending north-south. The remaining lots will be platted as demand for industrial lots increases. The final plat was presented to the Planning Commission at the May 29th meeting. At this meeting the Planning Commission unanimously recommended approval.

In addition, access to S.D. Hwy 50 has been discussed with the DOT. The DOT has informally agreed with the access point. The application for access has formally been made to the DOT. A final decision has not been received at this time.

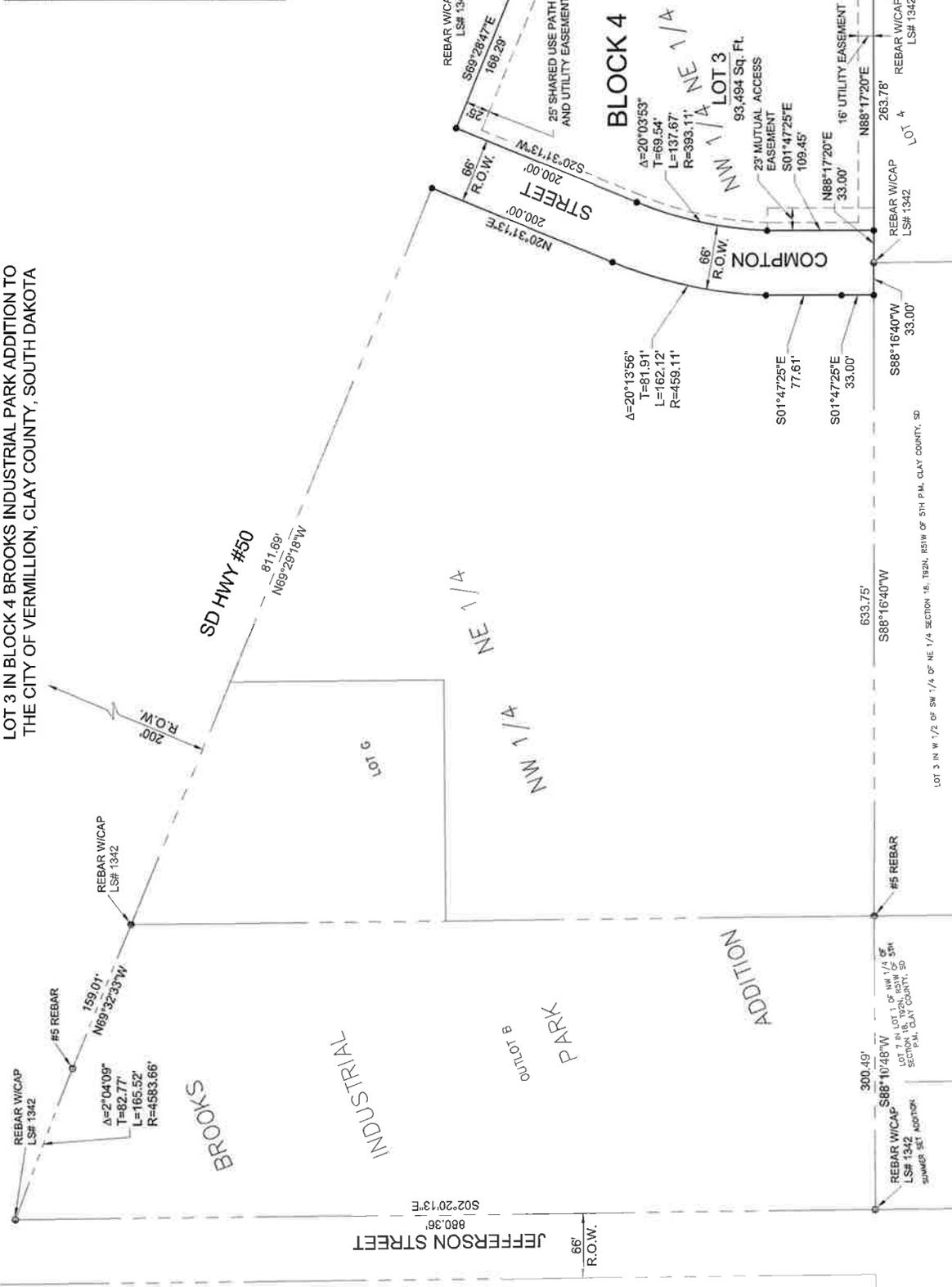
Financial Consideration: All associated platting fees have been paid.

Conclusion/Recommendations: Administration finds that the final plat meets all of the ordinance requirements and recommends that the City Council approve with the stipulation that the Highway Access Permit receive final approval.

PLAT OF LOT 3 IN BLOCK 4 BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA



VICINITY MAP



GRID BEARINGS
SCALE: 1" = 100'

MONUMENT SET THIS SURVEY
S8' REBAR WITH STAMPED
PLASTIC CAP

MONUMENT FOUND
PROPOSED 8'
PERMETER EASEMENT
EXCEPT AS NOTED

PREPARED BY:
BANNER ASSOCIATES, INC.
VERMILLION, SOUTH DAKOTA
(605) 624-6342
MAY 2012

PLAT OF LOT 3 IN BLOCK 4 OF BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, Nathan W. Nielson, Registered Land Surveyor, do hereby certify that at the direction of VERMILLION CHAMBER & DEVELOPMENT COMPANY, have surveyed and platted a tract of land in: NW 1/4 OF THE NE 1/4 OF SECTION 18 TOWNSHIP 92 NORTH RANGE 51 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

This tract of land shall hereafter be known as LOT 3 IN BLOCK 4 OF BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE NE 1/4 OF SECTION 18 TOWNSHIP 92 NORTH RANGE 51 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

I certify that the locations and dimensions as shown on the plat are true and correct to the best of my knowledge, information and belief and that monuments were set at the corners so indicated. Said survey was surveyed and platted by me or under my direct personal supervision, following generally accepted professional standards for surveying and platting in the state of South Dakota.

IN WITNESS WHEREOF, I have set my hand and seal the _____ DAY OF _____, 20 _____;

Nathan W. Nielson
Registered Land Surveyor
Registration No. 9924
Banner Associates, Inc.
14 W. Main St., Suite A
Vermillion, South Dakota 57069
Telephone (605) 624-6342

CERTIFICATE OF OWNER

I, VERMILLION CHAMBER & DEVELOPMENT COMPANY, Paul Preister, President, do hereby certify that I am the absolute and unqualified owner of the real estate hereafter described as LOT 3 IN BLOCK 4 OF BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE NE 1/4 OF SECTION 18 TOWNSHIP 92 NORTH RANGE 51 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

I certify that said plat was made at my request and direction for the purpose of locating, marking, and platting the same, and that said property is free of all encumbrances. I also certify that development of this land shall conform to all existing applicable zoning, subdivision, erosion and sediment control regulations. I hereby dedicate Compton Street as shown to the public for public use forever. I also hereby grant easements as shown, for utilities and shared use path, their construction and maintenance forever.

I VERMILLION CHAMBER & DEVELOPMENT COMPANY, do hereby certify that this plat will not place any existing lot or building in violation of any applicable ordinance, code, regulation, law including but not limited to zoning, building, subdivision, and flood prevention.

STATE OF _____ }
COUNTY OF _____ } SS

PAUL PREISTER, PRESIDENT, VERMILLION CHAMBER & DEVELOPMENT COMPANY

On the _____ day of _____, 20____, before the undersigned officer, personally appeared PAUL PREISTER, PRESIDENT, VERMILLION CHAMBER & DEVELOPMENT COMPANY, known to me or satisfactorily proven to be the person(s) whose name are subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal this _____ day of _____, 20 _____.

Notary Public My Commission Expires _____

VERMILLION CITY COUNCIL RESOLUTION

WHEREAS, it appears that the owner(s) thereof has/have caused a plat to be made of the following described real property: Plat of LOT 3 IN BLOCK 4 OF BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE NE 1/4 OF SECTION 18 TOWNSHIP 92 NORTH RANGE 51 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

BE IT RESOLVED, that the attached and foregoing plat has been submitted to and a report and recommendation hereon, made by the Vermillion Planning Commission to the Vermillion City Council and has recommended approval.

BE IT FURTHER RESOLVED, that the attached and foregoing plat has been submitted to the Governing Body of the City of Vermillion, which has examined the same; that it appears the system of streets and alleys set forth therein conforms to the system of streets and alleys of Vermillion; that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid; that such plat and survey thereof have been executed according to law; the same is hereby accordingly approved. Dated this _____ day of _____, 20____.

Mayor, City of Vermillion, South Dakota

I, the undersigned Finance Officer of the City of Vermillion, South Dakota, do hereby certify that the within and foregoing is a true copy of the resolution passed by the City Council of the City of Vermillion, South Dakota on this _____ day of _____, 20____.

Finance Officer, City of Vermillion, South Dakota

CERTIFICATE OF COUNTY TREASURER

The undersigned, County Treasurer of Clay County, South Dakota, hereby certifies that all taxes that are liens upon the land included in the above plat, as shown by the records of this office, have been fully paid. Dated this _____ day of _____, 20____.

Treasurer, Clay County, South Dakota

CERTIFICATE OF DIRECTOR OF EQUALIZATION

The undersigned, Director of Equalization of Clay County, South Dakota, hereby certifies that I have received a copy of the foregoing plat. Dated this _____ day of _____, 20____.

Director of Equalization, Clay County, South Dakota

STATE OF SOUTH DAKOTA }
COUNTY OF CLAY } SS

REGISTER OF DEEDS

Filed for record this _____ day of _____, 20____, _____ o'clock _____ M, and recorded in Book _____ of Plats, on page _____.

Register of Deeds, Clay County, SD

SHEET 2 OF 2

PREPARED BY:
BANNER ASSOCIATES, INC.
VERMILLION, SOUTH DAKOTA



Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: June 4, 2012

Subject: Resolution Establishing Fees for Land being leased for Hangar Space

Presenter: Jose Dominguez

Background: The City has been leasing land at the airport for several decades. The leases vary from \$5 to \$256 per year. In addition to the low cost, the leases tend to be for an extended time period (typically 20-years).

The leases are intended to be used as space to build hangars.

Discussion: The leases for the land at the airport have varied over the years. Currently, the City has leases dating back from the 1970's. The leases from the 1970's include several options for renewal that make them the lease of record today. These leases are typically for either \$5 or \$10 per year per lot. The rate was changed around 2001 to 5-cents per building square feet per year. The change was brought about to increase the revenues generated at the airport in order to cover some of the expenses, such as mowing, snow removal, maintenance, etc.

The proposed fee will require the tenants to pay the 5-cents per building square feet per year and an additional 10-cents per square foot of unused land being leased. The rate increase will still allow the City to increase the fee for the building size during later years of the lease. The increase will be used to cover airport expenses and also promote the construction of hangars within the leased land.

Financial Consideration: Revenue from the lease fees will go into the general fund.

Conclusion/Recommendations: Administration recommends approving the proposed fee resolution for land being leased for hangar space.

RESOLUTION TO ESTABLISHING THE HANGAR SPACE FEE

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

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

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

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

Dated at Vermillion, South Dakota this 4th day of June, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D Carlson, Finance Officer

Approved: June 4, 2012
Published: June 22, 2012
Effective: June 25, 2012



Council Agenda Memo

From: José Dominguez, City Engineer
Meeting: June 4, 2012
Subject: 2012 Tree Stump Removal Contract
Presenter: Mathew Martin, Engineering Intern

Background: During the winter months City crews cut diseased trees and trees that are causing property damage. After the trees are cut the City hires a private contractor to remove the stumps. Once the stumps are removed City crews go ahead and remove the wood chips and fill out the holes with soil and seeded.

Quotes were opened May 29, 2012. Four requests for quotes were sent out, and two were returned to the City. The low quote was from Hartington Tree, LLC for the amount of \$2,874.00. The high quote was for \$8,732.00.

Discussion: Quote specifications were sent to four potential bidders in the area. Bidding is required by State law when the cost of the project exceeds \$25,000. This project was estimated to cost less than the bid limit so quotes were requested.

Financial Consideration: This project was budgeted for 2012 Budget. The funds come from the street maintenance.

Conclusion/Recommendations: Administration recommends awarding the project to Hartington Tree, LLC for the amount of \$2,874.00.

CITY OF VERMILLION
 INVOICES PAYABLE-JUNE 4, 2012

1	3D SPECIALTIES INC	SUPPLIES	3,899.03
2	A-OX WELDING SUPPLY CO	CHEMICALS	742.00
3	ACCENT WIRE PRODUCTS	PARTS	98.73
4	APPEARA	SUPPLIES	136.92
5	ARAMARK	UNIFORM SHIRTS	106.47
6	ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	203.08
7	ARGUS LEADER MEDIA #1085	SUBSCRIPTION	48.00
8	AVERA QUEEN OF PEACE HEALTH	TESTING	254.70
9	AWWA	DUES	170.00
10	BAKER & TAYLOR BOOKS	BOOKS	1,016.85
11	BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	11,275.75
12	BARNES DISTRIBUTION	SUPPLIES	462.54
13	BATTERIES PLUS	BATTERIES	52.00
14	BELAIR EXCAVATING	LEACHATE SYSTEM LANDFILL	3,850.00
15	BIERSCHBACH EQPT & SUPPLY	PARTS/SAFETY VESTS	1,014.50
16	BOOK WHOLESALERS, INC	BOOKS	188.83
17	BORDER STATES ELEC SUPPLY	SUPPLIES	2,218.61
18	BOUND TREE MEDICAL, LLC	SUPPLIES	679.47
19	BOYER TRUCKS	PARTS	168.67
20	BRENDA FERGEN	REFUND REC. FEES	20.00
21	BROADCASTER PRESS	ADVERTISING	42.00
22	BROWN TRAFFIC PRODUCTS	SUPPLIES	150.00
23	BRUNICKS SERVICE INC	PROPANE	171.00
24	BUSHNELL OUTDOOR PRODUCTS	MERCHANDISE	135.00
25	BUTLER MACHINERY CO.	PARTS	812.67
26	CAMPBELL SUPPLY	SUPPLIES	2,068.95
27	CANNON TECHNOLOGIES, INC	SOFTWARE SUPPORT	900.00
28	CANON FINANCIAL SERVICES	COPIER/SCANNER LEASE	317.43
29	CASK & CORK	MERCHANDISE	1,146.53
30	CENTRAL STATES WIRE PRODUCTS	SUPPLIES	964.25
31	CENTURY BUSINESS PRODUCTS	COPIER CONTRACT	175.70
32	CENTURYLINK	TELEPHONE	734.40
33	CHEMSEARCH	SUPPLIES	367.00
34	CHESTERMAN CO	MERCHANDISE	1,311.40
35	CHRIS NISSEN	SAFETY GLASSES REIMBURSEMENT	150.00
36	CITY DIRECTORIES	DIRECTORIES	400.00
37	CITY OF VERMILLION	COPIES/POSTAGE	1,718.94
38	CITY OF VERMILLION	UTILITY BILLS	34,099.40
39	CLAY COUNTY AUDITOR	EMERGENCY MGMT/ELECTION AGREEMENT	3,700.00
40	CLAY RURAL WATER SYSTEM	WATER USAGE	42.20
41	CLEMET BOSTUCK	MOWING	710.00
42	CLEVELAND GOLF	MERCHANDISE	277.95
43	COBRA PUMA GOLF, INC	MERCHANDISE	205.47
44	COFFEE KING, INC	SUPPLIES	57.75
45	COLONIAL LIFE ACC INS.	INSURANCE	2,969.31
46	COX AUTO SUPPLY	PARTS	162.09
47	COYOTE CONVENIENCE	FUEL	72.28
48	COYOTE RENTALS	WATER HEATER REBATES	370.00

49 CROP PRODUCTION SERVICES	SUPPLIES	117.50
50 CROUCH RECREATION	PARTS	95.00
51 CRYSTAL BRADY	MEALS/MILEAGE REIMBURSEMENT	170.60
52 DAKOTA BEVERAGE	MERCHANDISE	11,965.70
53 DAKOTA PC WAREHOUSE	PARTS/MAINTENANCE	454.94
54 DANKO MES, INC.	SUPPLIES	147.01
55 DAVIS PHARMACY	CAMERA	107.75
56 DELTA DENTAL PLAN	INSURANCE	5,643.30
57 DEMCO	SUPPLIES	454.99
58 DENNIS MARTENS	MAINTENANCE	833.34
59 DEREK RONNING	REIMBURSE FITNESS MEMBERSHIP	125.00
60 DEWILD GRANT RECKERT & ASSOC	PROFESSIONAL SERVICES	2,525.07
61 DIVERSIFIED INSPECTIONS	SAFETY INSPECTION	1,060.80
62 DON'S DUST CONTROL	DUST CONTROL	4,594.10
63 DUST TEX	SUPPLIES	58.25
64 E.A SWEEN COMPANY	SUPPLIES	335.98
65 EARTHGRAINS BAKING CO'S INC	SUPPLIES	200.91
66 ECHO ELECTRIC SUPPLY	PARTS	379.35
67 ELECTRONIC ENGINEERING	REPAIRS	95.00
68 FAR FROM NORMAL	SUPPLIES	102.00
69 FARMER BROTHERS CO.	SUPPLIES	40.88
70 FILTERTEC	FILTERS	256.47
71 FLAGS UNLIMITED	FLAG	45.60
72 GALE	BOOKS	429.01
73 GAYLORD BROS INC	SUPPLIES	47.83
74 GEAR FOR SPORTS	MERCHANDISE	4,356.45
75 GEMPLERS INC	SUPPLIES	54.35
76 GENERAL TRAFFIC CONTROLS	SUPPLIES	56.24
77 GREGG PETERS	FREIGHT	1,400.75
78 GREGG PETERS	RENT	937.50
79 GUARANTEE OIL CO INC	SUPPLIES	113.94
80 HACH CO	SUPPLIES	360.00
81 HALI-BRITE INC.	PARTS	2,388.32
82 HAPP CONTROLS, INC	PARTS	82.18
83 HARTINGTON TREE LLC	TREES/TRIMMING/MOVING	6,110.00
84 HAUGER YARD/SNOW SERVICE	MOWING/CLEANUP LIBRARY	83.00
85 HD SUPPLY WATERWORKS	SUPPLIES	5,807.33
86 HDR ENGINEERING, INC	PROFESSIONAL SERVICES	35,376.75
87 HENDERSONS ULTIMATE CAR WASH	CAR WASH CARD	50.00
88 HERREN-SCHEMPP BUILDING	SUPPLIES	1,644.52
89 HIGH PERFORMANCE COATINGS	PICKUP BED LINERS	1,125.00
90 HILLYARD FLOOR CARE SUPPLY	SUPPLIES	229.80
91 HY VEE FOOD STORE	SUPPLIES	238.00
92 IN CONTROL, INC	PROFESSIONAL SERVICES	1,560.00
93 INDEPENDENCE WASTE	PORTABLE TOILET RENTAL/WASTE HAULING	1,162.45
94 INGRAM	BOOKS	2,911.87
95 INTERNATIONAL CRIME FREE ASSOC	MEMBERSHIP	50.00
96 INTERNATIONAL PUBLIC MGMT	TESTING MATERIALS	137.50
97 JACKS UNIFORM & EQPT	UNIFORM	1,782.43
98 JANNA MOLLET	MEALS/MILEAGE REIMBURSEMENT	55.76
99 JASON ANDERSON	MEALS/PARKING REIMBURSEMENT	205.00

100 JAY'S PLUMBING	REPAIRS	154.02
101 JIM BALLEWEG	MEALS REIMBURSEMENT	23.00
102 JOHN A CONKLING DIST.	MERCHANDISE	7,300.50
103 JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	28,688.84
104 JOHNSON FEED, INC	TIRES	362.64
105 JONATHAN WARNER	WORK BOOTS REIMBURSEMENT	44.87
106 JONES ACE HARDWARE	SUPPLIES	1,178.98
107 JONES FOOD CENTER	SUPPLIES	2,108.62
108 JWR, INC	SUPPLIES	1,262.64
109 KALINS INDOOR COMFORT	REPAIRS	319.00
110 KARIAN PETERSON CONTRACTING	SUPPLIES	653.30
111 KARSTEN MFG CORP	MERCHANDISE	1,082.17
112 KULLY SUPPLY INC	SUPPLIES	964.50
113 LAWSON PRODUCTS INC	SUPPLIES	72.83
114 LEARNING OPPORTUNITIES, INC	BOOKS	64.20
115 LEGGETTE, BRASHEARS & GRAHAM	PROFESSIONAL SERVICES	8,236.51
116 LESSMAN ELEC. SUPPLY CO	SUPPLIES	96.00
117 LINCOLN MUTUAL LIFE	INSURANCE	506.79
118 LOCATORS AND SUPPLIES, INC	SUPPLIES	829.89
119 MART AUTO BODY	TOWING	870.00
120 MATTHEW BETZEN	MEALS/MILEAGE REIMBURSEMENT	215.80
121 MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	808.45
122 MEAD LUMBER	SUPPLIES	130.66
123 MEDICAL WASTE TRANSPORT, INC	MEDICAL WASTE DISPOSAL	168.03
124 MEMPHIS NET & TWINE	BACKSTOP NETS	1,467.00
125 MICRO MARKETING ASSOC	BOOKS	51.58
126 MIDWEST ALARM CO	MONITORING	60.00
127 MIDWEST BUILDING MAINTENANCE	MAT SVC	365.70
128 MIDWEST TURF & IRRIGATION	PARTS	693.56
129 MIKKELSEN LIBRARY	BOOKS	36.50
130 MINNESOTA VALLEY TREE SERVICE	POWER LINE TREE TRIMMING	2,496.00
131 MISSOURI RIVER ENERGY SERVICE	REGISTRATION FEE	300.00
132 MISSOURI VALLEY MAINTENANCE	REPAIRS	1,599.44
133 MOORE WELDING & MFG	REPAIRS	75.90
134 MOTION PICTURE LICENSING CORP	LICENSE/SUBSCRIPTION	161.62
135 MOVIE LICENSING USA	COPYRIGHT COMPLIANCE LICENSE	325.00
136 N B GOLF LLC	GOLF CARS LEASE	3,824.46
137 NATIONAL MUSIC MUSEUM	CONTRIBUTION	15,000.00
138 NCL OF WISCONSIN, INC	SUPPLIES	164.45
139 NETSYS+	PROFESSIONAL SERVICES/COMPUTER	1,918.99
140 NEW YORK LIFE	INSURANCE	95.00
141 NEWMAN TRAFFIC SIGNS	SUPPLIES	3,107.80
142 NIKE INC	MERCHANDISE	6,145.62
143 NORTH STAR SAFETY INC	UNIFORM SHIRTS	831.93
144 NORTHERN TRUCK EQPT CORP	PICKUP LADDER RACK	742.00
145 NORTHLAND CHEMICAL CORP	SUPPLIES	327.08
146 OFFICE SYSTEMS CO	COPIER CONTRACT/REPAIRS	561.15
147 ORIENTAL TRADING CO	SUPPLIES	127.71
148 PAULS PLUMBING	PARTS	3.27
149 PENWORTHY/AMERICAN MEDIA	BOOKS	689.76
150 PETE LIEN & SONS, INC	CHEMICALS	4,388.05

151 PGA OF AMERICA	MEMBERSHIP DUES	1,032.00
152 PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
153 POS PAPER.COM	SUPPLIES	51.53
154 PRESSING MATTERS	SUPPLIES	283.00
155 PRESTO-X-COMPANY	INSPECTION/TREATMENT	87.95
156 PRINT SOURCE	REGISTRATION FORMS	131.00
157 PUMP N PAK	FUEL	2,391.73
158 QUALITY BOOKS INC.	BOOKS	15.95
159 QUALITY TELELCOMMUNICATION	TELEPHONE	269.00
160 QUEEN CITY WHOLESALE	MERCHANDISE	881.79
161 QUILL	SUPPLIES	1,244.84
162 RACOM CORPORATION	MAINTENANCE CONTRACT	368.50
163 RANDOM HOUSE, INC	BOOKS	186.49
164 RASMUSSEN MOTORS, INC	PARTS	38.50
165 RECORDED BOOKS, INC	BOOKS	128.00
166 RECREONICS	LIFEGUARD SUITS	557.20
167 REINHART FOODSERVICE, LLC	SUPPLIES	1,343.89
168 REPUBLIC NATIONAL DIST	SUPPLIES	17,745.95
169 REST ROOM WORLD	SUPPLIES	307.60
170 RIVERSIDE HYDRAULICS & LAB	PARTS	394.53
171 ROBIN HOWER	MEALS REIMBURSEMENT	63.00
172 ROSEWOOD GREENHOUSE	PLANTS	311.62
173 RYAN HOUGH	MEALS REIMBURSEMENT	45.00
174 SCHADE'S VINEYARD	MERCHANDISE	216.00
175 SCHAEFFER MFG. CO	SUPPLIES	595.20
176 SCHUYLER RUBBER CO, INC	PARTS	1,437.57
177 SD PUBLIC ASSURANCE ALLIANCE	INSURANCE	400.00
178 SD RETIREMENT SYSTEM	CONTRIBUTION	46,104.72
179 SECURITY SHREDDING SERVICE	PROFESSIONAL SERVICES	35.00
180 SEH, INC	PROFESSIONAL SERVICES	3,953.11
181 SERVALL TOWEL & LINEN	SHOP TOWELS	29.40
182 SKARSHAUG TESTING LAB.	TESTING	998.90
183 SPORT SUPPLY GROUP	SUPPLIES	423.50
184 STERN OIL CO.	AVIATION FUEL	19,216.00
185 STURDEVANTS AUTO PARTS	PARTS	513.24
186 SUPERIOR TECH PRODUCTS	SUPPLIES	209.00
187 TAYLOR MADE	MERCHANDISE	618.34
188 THATCHER COMPANY	SODA ASH	7,123.60
189 THE EQUALIZER	ADVERTISING	222.00
190 THE OBSERVER	SUBSCRIPTION	30.00
191 THE WALKING BILLBOARD	WORK SHIRTS	607.14
192 TITLEIST DRAWER CS	MERCHANDISE	4,202.57
193 TRI STATE PUMP & CONTROL INC	PUMP WASTEWATER	14,434.17
194 TRUE VALUE	SUPPLIES	507.25
195 UNITED WAY	CONTRIBUTIONS	331.80
196 UPSTART	SUPPLIES	184.75
197 US POSTAL SERVICE	WINDOW ENVELOPES	272.00
198 USD POLICE DEPARTMENT	REIMBURSE BIKE INSTRUCTOR	954.18
199 VALIANT VINEYARDS	MERCHANDISE	420.00
200 VAN DIEST SUPPLY CO	SUPPLIES	3,261.25
201 VERIZON WIRELESS	POLICE COMMUNICATION	212.13

202 VERMEER HIGH PLAINS	REPAIRS	329.55
203 VERMILLION CHAMBER OF COMMERCE	4TH OF JULY CELEBRATION	3,500.00
204 VERMILLION FORD	PARTS	1,416.16
205 VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	5,171.22
206 WAL-MART COMMUNITY	SUPPLIES	649.33
207 WALKER CONSTRUCTION	CONCRETE WORK/JUNK & DEBRIS REMOVAL	1,136.40
208 WALT'S HOMESTYLE FOODS, INC	SUPPLIES	132.70
209 WELFL CONSTRUCTION CO	LIBRARY EXPANSION/REMODEL	187,537.00
210 WESCO DISTRIBUTION, INC	SUPPLIES	12,765.56
211 WILLIAMS & CO.	2011 AUDIT	15,000.00
212 YANKTON FIRE & SAFETY	NEW EXTINGUISHERS/BRACKETS	552.50
213 YANKTON JANITORIAL SUPPLY	SUPPLIES	368.13
214 YANKTON WINNELSON CO	PARTS	125.00
215 ZEP SALES & SERVICE	SUPPLIES	539.24
216 ZIMCO SUPPLY CO	SUPPLIES	92.86
	GRAND TOTAL	\$646,554.01

City of Vermillion (See reverse side of form for state laws regarding raffles and lotteries)
RAFFLE AND LOTTERY NOTIFICATION FORM

Date: May 22, 2012

1. Name of organization/group Vermillion Public Library
Contact person: Name: Joyce Moore
2. Date(s) that tickets/chances will be sold: from May 30, 2012 to July 26, 2012
Cost of tickets/chances: \$5 each or 6 tickets for \$25
3. Date(s) of drawing(s): Thursday, July 26, 2012
4. Can anyone purchase tickets? Yes
5. Will the prize winner(s) be selected at random? Yes No
6. Description and approximate value of top prize: Apple iPad, \$450

In the space below, please provide a brief, general summary of the event. Be sure to include information such as the location and reason for the event.

The raffle would be used to help fund Vermillion Public Library's Summer Reading Program. The main goal of the Program is to keep children reading throughout the summer. The Program runs for eight weeks in June and July and most events are at the library. The funds are used to purchase craft supplies and incentive prizes, to pay performers, and to provide reward parties.

Joyce Moore
Applicant's Signature

Approval:

John Prescott
City Manager

5-22-12
Date