

Approved Minutes
Council Special Session
June 6, 2011
Monday 12:00 noon

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

1. Roll Call

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

Absent: Davies, Ward, Mayor Powell

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

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

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

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

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

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

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

5. Adjourn

144-11

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

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

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Kent Osborne, President

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

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

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

1. Roll Call

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

Absent: Osborne

2. Pledge of Allegiance

3. Minutes

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

145-11

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

4. Adoption of Agenda

146-11

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

5. Visitors to be Heard

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

6. Public Hearings

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

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

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

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

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

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

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

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

147-11

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

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

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

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

148-11

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

C. Renewal of malt beverage licenses

Mike Carlson, Finance Officer, reported that the Notice of Hearing and the Police Captain's report for the applicants are included in the packet. Mike noted that City ordinance requires a management plan upon re-application if a violation occurred since last renewal. The management plan for Oma Shree, LLC, for Speedee Mart, Sunset Oil, Inc., for Pump N Pak, Red Steakhouse, Inc., for Red Steakhouse, Maya Jane's, Inc., for Maya Jane's and Leo's Sports Bar & Grill, LLC, for Leo's Lounge, were handed out at last Council meeting. Mike stated that Captain Passick and a number of the license holders are present if the City Council has questions.

149-11

Alderman Davies moved approval of the reissuance of the retail on-off sale malt beverage license for Charcoal, Inc., for Charcoal Lounge, at 6 & 8 East Main Street. Alderman Zimmerman seconded the motion. Alderman French requested to abstain from the vote. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

150-11

Alderman Davies moved approval of the reissuance of Retail (On-Off Sale) Malt Beverage: Bunyan's, LLC, for Bunyan's, at 1201 West Main Street; Café Brule, Inc., for Café Brule, at 24 West Main Street; BeBee Street, LLC, for Carey's Bar, at 18 & 20 West Main Street; Spanrex, Inc., for Chae's, at 8 West Main Street; Dwight Iverson for Cherry Pit Stop Video Lottery, at 23 East Cherry Street; Coyote Convenience, Inc., for Coyote Convenience, at 116 East Cherry Street; Jackpot Laundry, LLC, for Jackpot Laundry, at 847 East Cherry Street; Blue, Inc., for Little Italy's, at 831 East Cherry Street; Main Street Pub, Inc., for Main Street Pub, at 11 West Main Street; Maya Janes, Inc., for Maya Janes, at 9 West Main Street; Mexico Viejo, Inc., for Mexico Viejo Mexican Restaurant, at 432 East Cherry Street; NPC International, Inc., for Pizza Hut #2788, at 928 East Cherry Street; Prairie Inn SD, LLC, for Prairie Lanes, at 912 North Dakota Street; Sunset Oil, Inc., for Pump N Pak, at 629 Stanford; Sunset Oil, Inc., for Pump N Pak Casino, at 629 ½ Stanford; Pump N Stuff of Vermillion, Inc., for Pump N Stuff, at 203 East Main Street; Pump N Stuff of Vermillion, Inc., for Pump N Stuff VL Room #2, at 203 E Main; Bonnie K. Rowland, for Raziell's, at 13 West Main Street; Brian Steele, for Recuerdo's, at 112 East Main Street; Red Steakhouse, Inc., for Red Steakhouse, at 1 East Main Street; La Marco, Inc., for R Pizza, at 2 West Main Street; Silk Road Café, Inc., for Silk Road Café,

at 12 West Main Street; OMA SHREE, LLC, for Speedee Mart, at 800 East Cherry Street; City of Vermillion, for The Bluff's Golf Course, at 2021 East Main Street; Sammelton Brothers, Inc., for The Varsity, at 113 East Main Street; David W. Raabe, for Westside Inn, at 1313 West Cherry Street and Re-issuance of Package (Off Sale) Malt Beverage: Dwight Iverson, for Cherry Pit Stop, at 23 East Cherry Street; Freedom Valu Centers, Inc., for Erickson Freedom Valu Centers, at 830 East Cherry Street; Hy-Vee Food Stores, Inc., for Hy-Vee, at 525 West Cherry Street; Jones' Food Center of Vermillion, Inc., for Jones' Food Center, at 812 Cottage; Leo's Sports Bar & Grill, LLC, for Leo's Lounge, at 11 Market Street; Pump N Stuff of Vermillion, Inc., for Pump N Stuff, at 203 East Main Street; Wal-Mart Stores, Inc., for Wal-Mart Super Center #3734, at 1207 Princeton Street. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

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

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

151-11

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

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

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

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

152-11

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

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

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

153-11

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

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

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

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

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

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

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

154-11

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

7. Old Business

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

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

155-11

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

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

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

ORDINANCE NO. 1254

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

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

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

155.095 CONDITIONAL USE PERMITS.

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

- (A) Procedure. The Planning Commission may authorize by conditional use permit, those uses specifically designated as conditional uses in §§ [155.030](#) through [155.039](#). The Planning Commission shall impose such conditions as are appropriate and necessary to insure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of the conditional use permit.
- (B) Application. To obtain a conditional use permit, the applicant shall file an application, therefore, in writing on a form furnished by the Zoning Administrator. Every application shall contain the following information:
 - (1) Legal description of the land on which the conditional use is requested, together with a local street address.
 - (2) Name and address of each owner of the property.
 - (3) Name, address, phone number and signature of the applicant.
 - (4) Zoning district classification under which the property is regulated at the time of such application.
 - (5) Be accompanied with a site plan, unless waived by the Zoning Administrator.

- (6) Any other information concerning the property as may be requested by the Zoning Administrator or the Planning Commission.
- (C) Fees. Upon the filing of any application for a conditional use permit with the Zoning Administrator, the applicant shall pay to the City the appropriate fee as designated by resolution of the Vermillion City Council.
- (D) Information on site plan.
- (1) In addition to the following information, plans shall be drawn to scale upon substantial paper, or provided electronically, and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show, in detail, that it will conform to the provisions of this section and all relevant laws, ordinances, rules and regulations. The Zoning Administrator may waive the submission of plans, if he or she finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this section.
 - (a) The address of the property and the legal description.
 - (b) The name of the project and/or business.
 - (c) The scale and north arrow.
 - (d) All existing and proposed buildings or additions.
 - (e) Dimensions of all buildings.
 - (f) Distance from all building lines to the property lines at the closest points.
 - (g) Building height and number of stories.
 - (h) Dimensions of all property lines.
 - (i) Parking lots or spaces; designate each space, give dimensions of the lot, stalls and aisles.
 - (j) Screening; show height, location, and type of material to be used.

- (k) The landscaped setback and trees; indicate species of trees and material to be used for landscaping.
 - (l) Name and location of all adjacent streets, alleys, waterways and other public places.
 - (2) Approved plans shall not be changed, modified, or altered without authorization from the Planning Commission giving final approval, and all work shall be done in accordance with the approved plans.
- (E) Review and public hearing procedure.
- (1) Prior to the approval of a conditional use permit, the Zoning Administrator shall meet with the applicant to review the application. After review of the application, the Zoning Administrator shall make a recommendation to the Planning Commission to either approve or not approve the application. The Zoning Administrator's recommendation shall include a summary of the application, and the reasons and justification for either approval or disapproval of the application.
 - (2) The Zoning Administrator shall set the date, time and place for a public hearing to be held by the Planning Commission. The Zoning Administrator shall notify the landowner by mail, and shall post notices of the public hearing at City Hall and on the property affected by the proposed conditional use permit no less than seven (7) days prior to the scheduled public hearing. No less than ten (10) days before the public hearing, the Zoning Administrator shall publish notice of the public hearing in a legal newspaper of the City.
 - (3) The following procedure shall be followed by the Planning Commission in considering the recommendation of the Zoning Administrator:
 - (a) A public hearing shall be held. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Planning Commission.

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

1. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
2. Off-street parking and loading areas where required;
3. Refuse and service areas, with particular reference to 1. and 2. above;
4. Utilities, with reference to locations, availability, and compatibility;
5. Screening and buffering with reference to type, dimensions and character;
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with other properties in the district;
7. Required yards and other open space;
8. General compatibility with adjoining properties and other property in the zoning district in which such use is to be located;
9. The goals and objectives of the most recently adopted comprehensive plan.

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

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

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

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

- (1) The land uses for the surrounding properties have not significantly been altered since the original approval date for the conditional use permit;
- (2) Due to other on-going permitting processes or necessary engineering/planning studies relating to the specific project for the conditional use permit that may impact the one-year schedule for project completion.

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

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

155.100 BOARD OF ADJUSTMENT.

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

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

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

- (1) To hear and decide appeals where it is alleged there is error in any requirement or determination made by the Zoning Administrator in the enforcement of this chapter.
- (2) To hear and decide upon petitions for variances to vary the strict application of the height, area, setback, yard, parking or density requirements as will not be contrary to the public interest. A variance shall not be allowed to vary the use regulations.

(C) Appeal procedure.

- (1) Any person or persons, jointly or severally, aggrieved by any decision of the Zoning Administrator, may present to that official, a notice of appeal, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. The notice of appeal shall be filed with the Zoning Administrator of the City of Vermillion, who shall transmit to the Board of Adjustment all information and records concerning the appeal. Such notice of appeal shall be presented to the Zoning Administrator within thirty (30) days after the filing of the decision in the office of the Zoning Administrator.
- (2) The Board of Adjustment shall keep a public record of all findings and decisions. All meetings shall be held at the call of the chairperson and at such other times as necessary. Each session, at which an appeal is to be heard, shall be a public meeting. The Zoning Administrator shall notify the appellant by mail, and shall post notices of the public hearing at City Hall and on the property affected by the proposed appeal (if applicable) no less than seven (7) days prior to the scheduled public hearing. No less than ten (10) days before the public hearing, the Zoning Administrator shall publish notice of the public hearing in a legal newspaper of the City.

- (3) A public hearing shall be held. The appellant may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Board of Adjustment. Written findings certifying compliance with the specific rules governing the action considered at the public hearing shall be completed by the Board. The concurring vote of two-thirds (2/3) of the members of the Board of Adjustment shall be necessary to approve any appeal or arrive at any determination.
- (D) Variances. The Board of Adjustment shall have the jurisdiction to hear and decide upon petitions for variances to vary the strict application of the height, area, setback, yard, parking or density requirements as will not be contrary to the public interest. For purposes of these regulations, public interest shall include the interests of the public at large within the City, not just neighboring property owners. At all times, the burden shall be on the applicant to prove the need for a variance. The following issues are to be considered, each and all of them, as determining factors in whether or not the issuance of a variance is justified:
- (1) An unnecessary hardship must be established by the applicant who applies for the variance. For purposes of this subsection, an unnecessary hardship is a situation where, in the absence of a variance, an owner can make no feasible or reasonable use of the property. Convenience, loss of profit, financial limitations, or self-imposed hardship shall not be considered as grounds for approving a variance by the Board of Adjustment.
 - (2) Literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Chapter.
 - (3) The variance requested is the minimum variance that will alleviate the hardship.
 - (4) Granting of the variance will comply with the general purpose and intent of this Chapter, and will not be offensive to adjacent areas or to the public welfare.

- (5) No nonconforming use or structure in the same district and no permitted or nonconforming use or structure in other districts shall be considered grounds for the issuance of a variance.
- (6) Exceptional and extraordinary circumstances apply to the property that do not apply to other properties in the same zone or vicinity and that result from lot size or shape, topography or other circumstances which are not of the applicant's making.
- (7) In order to preserve the intent of these zoning regulations and to protect the public interest, the Board of Adjustment may attach conditions to a variance. A variance shall remain valid only as long as the property owner complies with any terms and conditions of the variance, as attached by the Board of Adjustment.
- (8) An application for a variance, available from the Zoning Administrator of the City of Vermillion, shall be completed by the landowner requesting the variance. Completed applications shall be returned to the Zoning Administrator for review. To be considered completed, the application shall contain the following information:
 - (a) Legal description of the land on which such variance is requested, together with local street address;
 - (b) Name and address of each owner of the property;
 - (c) Name, address, phone number and signature of the applicant;
 - (d) Zoning district classification under which the property is regulated at the time of such application;
 - (e) Description of the variance sought from the zoning regulations;
 - (f) Be accompanied with a site plan, unless waived by the Zoning Administrator.

- (9) The Zoning Administrator shall review the application, and shall make a recommendation to the Board of Adjustment to either approve or not approve said application. The Zoning Administrator's recommendation shall include a summary of the application, and the reasons and justification for either approval or disapproval of the application. The Authorized Official or the Board of Adjustment may refer requests for variances to the Vermillion Planning Commission for review and recommendation.
- (10) The Zoning Administrator shall set the date, time and place for a public hearing to be held by the Board of Adjustment. The Zoning Administrator shall notify the landowner by mail, and shall post notices of the public hearing at City Hall and on the property affected by the proposed variance no less than seven (7) days prior to the scheduled public hearing. No less than ten (10) days before the public hearing, the Zoning Administrator shall publish notice of the public hearing in a legal newspaper of the City.
- (11) The public hearing shall be held. The applicant may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Board of Adjustment. Written findings certifying compliance with the specific rules governing the action considered at the public hearing shall be completed by the Board. The concurring vote of two-thirds (2/3) of the members of the Board of Adjustment shall be necessary to approve any variance or arrive at any determination.

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

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

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

ATTEST

BY: _____
Michael D Carlson, Finance Officer

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

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

8. New Business

A. Tour de Kota request for funding assistance

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

156-11

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

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

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

157-11

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

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

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

158-11

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

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

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

159-11

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

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

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

160-11

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

F. East Clark Street Concrete Pavement Construction

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

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

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

161-11

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

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

9. Bid Openings

A. Chip Seals

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

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

162-11

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

B. Sale of Surplus Police Car

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

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

163-11

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

C. Fuel Quotes

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

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

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

164-11

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

10. City Manager's Report

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

- A. Andy reported that the Solid Waste Master Plan meeting is Tuesday, June 14th at 5:30 pm in the City Hall Council Chambers.
- B. Andy reminded citizens that garage sale signs are not to be attached to any City street sign post or traffic signal poles and asked that all signs placed in the right-of-way be removed after the event.
- C. Andy reported that a notice of raffle was received from the Vermillion Public Library selling tickets for an iPod. Cost is \$5 per ticket or 6 for \$25 with proceeds to fund the Summer Reading Program.
- D. Andy reported that the Clay County Office of Emergency Management is updating their website with Missouri River information that can be accessed at www.claycountyeom.org or may be contacted by phone at 677-7185.

PAYROLL ADDITIONS AND CHANGES

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

11. Invoices Payable

165-11

Alderman Davies moved approval of the following bills:

UNIVERSITY CLEANERS	REPAIRS	12.00
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Alderman Ward seconded the motion. Alderman Meins requested to abstain. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

166-11

Alderman Davies moved approval of the following bills:

WILLSON FLORIST	FLORAL ARRANGEMENT	40.00
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Alderman French seconded the motion. Alderman Willson requested to abstain. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

167-11

Alderman Davies moved approval of the following bills:

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

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

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

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

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

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

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

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

12. Consensus Agenda

- A. Set a public hearing date of June 20, 2011 for a special daily malt beverage license on or about July 4th at Barstow Park for the Fraternal Order Eagles
- B. Set a public hearing date of June 20, 2011 for a special permit to exceed allowable sound levels for the Vermillion Area Chamber & Development Company at Barstow Park on July 4, 2011 from 5:00 p.m. to 11:00 p.m. for 4th of July events.
- C. Set a bid opening date of June 28, 2011 for dump body and front mount snow plow for truck chassis.
- D. Set a public hearing date of June 20, 2011 for a special permit to exceed allowable sound levels for the Thursdays on the Platz at the Ratingen Platz corner of Main and Market Streets on July 21st, August 4th, August 25th, and September 1st from 6:00 p.m. to 8:00 p.m. for Thursdays on the Platz events.
- E. Set a public hearing date of June 20, 2011 for a special permit to exceed allowable sound levels for the Ride with Larry Committee at the Ratingen Platz, corner of Main and Market Streets, on June 25, 2011 from 10:00 a.m. to 2:00 p.m.

168-11

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

14. Adjourn

169-11

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

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

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.