



Special Meeting Agenda City Council

12:00 pm (noon) Special Meeting
Monday June 6, 2011
Large Conference Room
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Informational Session – Update on Missouri River and Vermillion River flooding – Layne Stewart Clay County Emergency Manager.**
3. **Educational Session – Update on Joint Jurisdictional Zoning Area project – Andy Colvin, Assistant to the City Manager.**
4. **Briefing on the June 6, 2011 City Council Regular Meeting Agenda-** Briefings are intended to be informational only and no deliberation or decision will occur on this item.
5. **Adjourn**

Access the City Council Agenda on the web – www.vermillion.us

Addressing the Council: Persons addressing the Council shall use the microphone at the podium. Please state your name and address. Presentations are limited to 5 minutes. For those who do not appear on the agenda, no decision is to be expected at this time.

Meeting Assistance: If you require assistance, alternative formats and/or accessible locations consistent with the Americans with Disabilities Act, please contact the City Manager's Office at 677-7050 at least 3 working days prior to the meeting.

Council Meetings: City Council regular meetings are held the first and third Monday of each month at 7:00 p.m. If a meeting falls on a City holiday, the meeting will be scheduled for the following Tuesday.

Live Broadcasts of Council Meetings On Cable Channel: Regular City Council meetings are broadcast live on Cable Channel 3.

As a courtesy to others, we ask that cellular phones and pagers be turned off during the meeting.



City of Vermillion Council Agenda

7:00 p.m. Regular Meeting
Monday, June 6, 2011
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. Roll Call

2. Pledge of Allegiance

3. Minutes

- a. May 16, 2011 Special Session; May 16, 2011 Regular Session.

4. Adoption of the Agenda

5. Visitors To Be Heard

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 (See Attached Map).
- b. Conditional Use Permit Application to operate a Veterinary Clinic at 906 E Cherry Street.
- c. Renewal of malt beverage licenses.
- d. Package malt beverage and SD Farm Wine for Casey's General Store, 615 Jefferson Street.
- e. Retail on-off sale malt beverage and SD Farm Wine for Jonathan Robertson for Cherry Street Grill, 1122 E. Cherry Street.
- f. Special permit to exceed allowable sound levels by no more that 50% for Tour De Kota Vermillion Committee on the grass area located north of Cherry Street between N. University and Plum Street on Thursday, June 9, 2011, from 12:00 noon to 9:00 p.m. for a live radio remote and band.
- g. Application for Community Development Block Grant Funding to construct a new water tower.

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).

8. New Business

- a. Tour de Kota request for funding assistance.
- b. Resolution authorizing CDBG application and related documents for grant funding for water tower.
- c. Request to close Bower Street July 4 – Vermillion Area Chamber of Commerce.
- d. Request to close Crestview June 18 - Block Party
- e. Request to temporarily close parking stalls at 17 Market Street.
- f. East Clark Street Concrete Pavement Construction.

9. **Bid Openings**

- a. Chip Seals.
- b. Sale of Surplus Police car.
- c. Fuel quotes.

10. **City Manager's Report**

11. **Invoices Payable**

12. **Consensus Agenda**

- a. Set a public hearing date of June 20, 2011 for special daily malt beverage license on or about July 4 at Barstow Park for the Fraternal Order of 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 pm to 11:00 pm 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 21, August 4, August 25 & September 1 from 6:00 pm to 8:00 pm for Thursdays On the Platz events.

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 16, 2011
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, May 16, 2011 at 12:00 noon in the City Hall large conference room.

1. Roll Call

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

Absent: Osborne, Ward

2. Educational Session - 2012 Stanford Street Reconstruction Project - José Dominguez, City Engineer

José Dominquez, City Engineer, reviewed what the typical street assessments would be on a City project noting that the assessments are for a 28 foot wide street with 9" of concrete. As this street is a Federal Aid Urban street project, there will be State participation in the construction costs and will include sidewalks and a bike path. José proposed a modified assessment for this project whereby the assessment to the property owners will be calculated between the maximum of 85% of the 9" concrete pavement cost and the minimum of 8% of the total project costs depending upon the actual bid amount. Using the modified assessment as proposed, only the property adjoining the street would be assessed. José noted that he wanted to inform the City Council on the proposed assessment process before he met with the property owners. Discussion followed on the proposed modified assessment for this project noting that it is a Federal Aid Urban project with the consensus for José to make the proposal to the property owners.

3. Educational Session - Sidewalk Survey - Jordan McQuillen, Intern

John Prescott, City Manager, introduced Jordan McQuillen, Intern to the City Manager. John noted that the City has been working on listing lots that do not have sidewalk for some time now and has developed criteria that has been used in the past to support the City Council asking property owners to install sidewalks. Jordan has reviewed the list and developed some policy questions for the City Council to consider in providing direction.

Jordan McQuillen, Intern, reviewed the current criteria used in preparing a list of lots that are missing sidewalks. Jordan reviewed pictures of examples of lots and the criteria that placed these lots on the list. Discussion followed on the list. Jordan stated that the policy questions were for which sidewalks the Council felt needed to be installed and how many they wanted to see installed. John Prescott stated that he would work with the City Engineer to determine which streets and areas of town had higher vehicle and pedestrian traffic that would warrant sidewalks for pedestrian safety for future Council review.

4. Briefing on the May 16, 2011 City Council Regular Meeting Agenda

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

Alderman French requested to leave at 12:42 p.m.

5. Adjourn

127-11

Alderman Willson moved to adjourn the Council special session at 12:59 p.m. Alderman Meins seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 16th day of May, 2011.

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 16, 2011
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on May 16, 2011 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. May 2, 2011 Special Session; May 2, 2011 Regular Session

128-11

Alderman Willson moved approval of the May 2, 2011 special session minutes and the May 2, 2011 regular session minutes. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

129-11

Alderman French moved approval of the agenda with the addition of Item 13 - Executive Session for Personnel items. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

Alderman Grayson invited the community to the Clay County Historic Preservation Commission presentation on Wednesday, May 18th at 7:30 p.m. at the Public Library. Topic of the presentation is the Thompson Lumber Building. The Clay County Historic Preservation Commission will be celebrating Historic Preservation Month with morning and afternoon activities this Saturday, May 21st at the Austin Whittemore House.

6. Public Hearings

A. First 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 current zoning ordinance was adopted in 2008. The proposed ordinance change came from a joint meeting of the City Council and the Planning Commission on the joint jurisdictional zoning area whereby the Planning Commission will serve as approving authority for conditional areas. At that meeting, both bodies discussed the possibility of having the Planning Commission approving conditional uses within the City limits. The City Council sent this issue to the Policy and Procedures Committee who met on March 18th and recommended the ordinance change. The ordinance amends the zoning regulation to designate the Planning Commission as the approving authority for conditional uses. The decision is final unless appealed to the City Council within five working days. The committee also expressed a desire to have the Planning Commission review and make recommendations on variance requests. The proposed ordinance provides that the authorizing official may forward variances to the Planning Commission on a policy basis instead of making it mandatory. Discussion followed.

130-11

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to 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)of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 16th day of May, 2011 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Grayson. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted

in opposition to the motion. Mayor Powell declared the motion adopted.

7. Old Business

A. Second Reading of Ordinance No. 1252 - Amending Section 93.23, Dog Tag License Fee, Adjusting the Licensing Date

Andy Colvin, Assistant to the City Manager, reported that this is the second reading of an ordinance to change the license renewal for dog licenses from July 1st as contained in the current ordinance, to January 1st which has been the practice of staff and veterinarians issuing licenses. Discussion followed.

131-11

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. 1252 entitled An Ordinance Amending Section 93.23, Dog Tag License Fee, Adjusting the Licensing Date 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 2nd 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 16th day of May, 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. 1252

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE IX, CHAPTER 93, TO AMEND SECTION 93.23 TO AMEND DATE FOR LICENSING.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, and it is hereby ordained by authority of the same, that Section 93.23 be amended as set forth herein below:

§ 93.23 DOG TAG LICENSE FEE.

(A) Every owner of a dog past 6 months of age and within the corporate limits of the city shall pay to the City Finance Officer an amount to be set by resolution for every dog in his or her possession or of which he or she is the owner; and upon proof of

required vaccination, he or she shall receive a license for the dog. This license fee shall be paid on or before the first day of January of each year; and the City Finance Officer shall, upon the payment of the license fee, give the owner a tag marked dog tag, and the year in which the license tax is payable. The owner shall attach the tag to the collar to be placed around the neck of the dog.

(B) Licensed veterinarians practicing within the corporate limits of the city may, upon approval by the City Finance Officer, sell dog tags in accordance with the provisions of this subchapter at the regular rate established by resolution of the Council. Veterinarians must keep a record of each tag sold and remand to the City Finance Officer the sum owed to the city as established by the resolution.

Dated at Vermillion, South Dakota this 16th day of May, 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael 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-Y, French-Y, Grayson-Y, Meins-Y, Osborne-Y, Powell-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y.

Motion carried 9 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. 1253 - Amending Chapter 96, Streets and Sidewalks, Regulating the Temporary Placement of Dumpsters and Portable Storage Units

Farrel Christensen, Building Official, reported that since the first reading he has received no comments and he has been working with the City Engineer on diagrams and drawings for reflectivity for dumpsters and portable storage units. John Prescott, City Manager, reviewed the minor changes since first reading that have been reviewed by the City Attorney. Discussion followed.

132-11

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. 1253 entitled An Ordinance Amending Chapter 96, Streets and Sidewalks, Regulating the Temporary Placement of Dumpsters and Portable Storage Units 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 2nd 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 16th day of May, 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. 1253

AN ORDINANCE, AMENDING CHAPTER 96, STREETS AND SIDEWALKS, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, REGULATING THE PLACEMENT OF TEMPORARY DUMPSTERS AND PORTABLE STORAGE UNITS WITHIN THE CITY OF VERMILLION

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA that Chapter 96 be amended to add the following:

§ 96.18 Temporary placement of dumpsters and portable storage units within City of Vermillion

(A) Purpose

It shall be illegal for any person to place one or more dumpsters or portable storage units in or upon any street or public grounds or upon private property without first having obtained a Permit. Unless specifically listed herein the provisions of Chapter 52: Garbage and Trash shall apply.

(B) Definitions

- (1) Dumpster- a container designed to receive, transport and dump waste.
- (2) Portable storage unit- A container designed or used for the storage of personal property which is typically

rented to owners or occupants of property for their temporary use and which is delivered and/or removed by truck.

(C) Permit.

- (1) Every person seeking to place one or more dumpsters or portable storage units in or upon a street or public grounds or upon private property shall first apply to the Building Official or designated representative for a Permit. No Permit shall be issued for placement of one or more dumpsters or portable storage units on a street or public grounds unless placement on private property is not reasonably feasible.
- (2) The application fee for a Permit allowing the temporary placement of dumpsters or portable storage units in or upon any street or public grounds or upon private property shall be set by resolution of the City Council. The fee for failing to obtain a permit prior to the placement of a dumpster or portable storage unit shall be set by resolution of the City Council. The application fee is waived for any Permit allowing the temporary placement of dumpsters or portable storage units upon private property.
- (3) Every provider applying for a Permit to place one or more dumpsters or every applicant apply for a Permit to place one or more portable storage units in or upon any street or public grounds or upon private property shall provide a bond in the amount of one thousand dollars (\$1,000.00) to cover the cost to repair any damage caused by the applicant's use of the street or public grounds for such purpose. No Permit shall be issued until such bond has been provided to the city. If the cost to repair any damage caused by the provider or applicant's use of the street or public grounds exceeds the value of such bond, such amount shall become a debt of the applicant, immediately due and owing to the city.
- (4) Application for a Permit must be submitted to the Building Official or designated representative at least three (3) workings days prior to the proposed placement of one or more dumpsters or portable storage units in or upon any street or public grounds or upon private property.

(5) Each provider or applicant holder shall allow access to private property by the Building Official or designated representative, during reasonable hours of the day to verify compliance with the applicable provisions of this Section 96.18.

(6) By applying for a Permit, each provider or applicant agrees to any and all provisions of this Section 96.18.

(D) Duration of Permits

(1) Permits issued for placement on streets and/or public grounds shall be limited in duration as follows:

Dumpsters - thirty (30) days,
Portable storage units - fourteen (14) days.

(2) Permits issued for placement on private property shall be limited in duration to forty five (45) days.

(3) The duration of Permits may be extended for good cause shown at the discretion of the Building Official or designated representative.

(E) General restrictions and requirements

(1) No dumpsters or portable storage units in or upon any street or public grounds or upon private property shall be filled beyond the top of such dumpster or portable storage facility.

(2) Dumpsters or portable storage units in or upon any street or public grounds or upon private property units shall be emptied as soon as practical, or when full, and no mechanical, hydraulic or electrical loader, compactor, packer or conveyor in the residential districts may begin before 6:00 a.m. and in business districts shall not begin before 5:00 a.m. and in either district after 9:00 p.m. in conjunction therewith.

(3) No dumpsters or portable storage units in or upon any street or public grounds or upon private property shall be filled by means of a chute, conveyor, belt, or other device, located in, above, on or across a street, or by dropping or throwing items in, above, on or across a street, unless the Permit authorizing placement of such dumpsters or portable storage units in or upon any street

or public grounds or upon private property specifically authorizes such method.

(4) During such times that dumpsters or portable storage units in or upon any street or public grounds or upon private property are not actively being filled or emptied with materials, all dumpsters and portable storage units shall be covered by tarpaulin or other secured material, as approved by Building Official or designated representative, to prevent debris from blowing out of the container.

(F) General placement; visibility

(1) Dumpsters or portable storage units in or upon any street or public grounds shall not be placed closer than forty (40) feet from any intersection. The Building Official or designated representative must approve the proposed location of any dumpsters or portable storage units in or upon any street or public grounds.

(2) A placard or decal shall be affixed to each dumpsters or portable storage units in or upon any street or public grounds or upon private property until such time as the dumpster or portable storage facility is removed. Such placard or decal shall have one or more warning signs of a contrasting color to identify that the container is dangerous, that children should be kept away, that playing in, on or about the dumpster or portable storage facility is prohibited.

(3) Dumpsters or portable storage units in or upon any street or public grounds shall be visible at night from all angles of traffic flow. Means to provide nighttime visibility include, but are not limited to, the use of reflecting tape at least two inches in width, reflectors, cones or other methods as approved by the Building Official or designated representative.

(4) When required by the City Engineer, additional traffic control devices meeting the latest MUTCD standards shall be placed on the street to warn traffic of obstacles on the street.

All required visibility devices and/or signage shall be provided by the applicant, owner, agent, contractor, employer, or permit holder.

(G) Emergency removal

In the event of an emergency, any dumpsters or portable storage units in or upon any street or public grounds or upon private property may be removed by the Building Official or designated representative, and/or police, fire, or public utility personnel. The city shall not be liable for any loss or damage caused by such emergency removal.

(H) Use restrictions

- (1) No hazardous material or organic waste shall be placed in a dumpster or portable storage facility.
- (2) It shall be the responsibility of the permit holder to maintain the dumpster or storage unit rodent, vermin and insect free.
- (3) Any person who violates the restrictions set forth herein may be held liable for such conduct, which liability is in addition to any other penalties or sanctions that may be imposed.

(I) Duty to Remove

It shall be the responsibility of the applicant, owner, agent, contractor, employer, or permit holder to remove the dumpster or portable storage unit prior to the expiration of the Permit, or when ordered to by authorized city personnel. The city or a designee shall have the right to enter upon any street, public grounds or upon private property or any lot or parcel of land for the purpose of removing any dumpster or portable storage unit remaining after the Permit has expired. All costs of removal, including an administrative fee to defray costs of enforcing this section, will be assessed to the applicant, owner, agent, contractor, employer, or permit holder, except those incurred for emergency removal.

(J) Penalty

Any person who violates the restrictions set forth in this section 96.18 may be subject to an administrative fee established by resolution of the City Council and removal costs incurred by the city, and shall be in addition to the required permit fees. Ordinance proceedings may also be

commenced with associated section 10.99 penalties, as well as other available legal or equitable remedies.

(K) Conflicts

Whenever there is a conflict between provisions of City of Vermillion's Code of Ordinances and this section 96.18, the most restrictive provision shall govern.

Dated at Vermillion, South Dakota this 16th day of May, 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 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-Y, French-Y, Grayson-Y, Meins-Y, Osborne-Y, Powell-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y.

Motion carried 9 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. Request for Dakota Days Parade Route street closure

Leah Miller, representing USD Dakota Days Committee, requested the street closure for the Dakota Days Parade for the same route as last year. Leah noted that the parade will start one half hour later to keep the day flowing as the football game will start one hour later.

133-11

Alderman Grayson moved approval of the street closing request for the Dakota Days Parade on Saturday, October 8, 2011 for the route to remain the same as previous years consisting of closing Main Street from Walnut Street to High Street and Main Street from High Street to Plum Street from 8:00 am to 12:30, Plum Street from Main Street to Clark Street from 10:15 am to 12:30 pm and Franklin Street from Main Street to Clark Street from 9:30 to 12:30. Alderman French

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

B. Resolution setting a fee for a permit related to the placement of dumpsters and portable storage units on public property

John Prescott, City Manager, reported that Ordinance No. 1253, just adopted, requires the fee for permits to be set by resolution. The fee is \$25.00 for a permit on public property, no fee for placement on private property and the fee for failure to obtain a permit is \$50.00 plus the permit fee. The penalty is set at \$94.00 plus costs to correspond to other similar violations. Discussion followed.

134-11

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

RESOLUTION TO ESTABLISH FEES FOR
THE PLACEMENT OF TEMPORARY DUMPSTERS AND PORTABLE STORAGE UNITS

WHEREAS, Chapter 96, Section § 96.18(C)(2), of the 2008 Revised Ordinances of the City of Vermillion, allows the City Council to establish fees for the placement of temporary dumpsters and portable storage units; and

WHEREAS, Section § 96.18(J), provides for violation penalties for any person who places one or more dumpsters or portable storage units in or upon any street or public grounds or upon private property without first having obtained a permit

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof of said City Council at 7:00 p.m. on the 16th day of May, 2011 that the fees and or penalties are established as follows:

1. Permit Fee - Section 96.18(C)(2)

The application fee for a Permit allowing the temporary placement of dumpsters or portable storage units on a street or public grounds shall be \$25.00.

The fee for failing to obtain a permit prior to the placement of a dumpster or portable storage unit shall be \$50.00, plus the cost of the permit.

2. Penalty Fee - Section 96.18 (J)

The penalty for failing to comply with the restrictions, requirements and responsibilities of

Section § 96.18(J) of the 2008 Revised Ordinances of the City of Vermillion shall be \$94.00 plus costs.

The City Manager may abate all or a portion of any fee or penalty for just cause. The issuance of a fee or penalty shall not be construed to be approval of any violation of any of the provisions of the code. Other fee orders, and/or penalties issued by Federal, State or local jurisdictions may be applied in addition to the fees and penalties listed above.

This resolution shall become effective upon the adoption of Ordinance No. 1253.

Dated at Vermillion, South Dakota this 16th day of May, 2011

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D Carlson, Finance Officer

The motion was seconded by Alderman Meins. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

C. Joint Law Enforcement Agreement between the City of Vermillion and the University of South Dakota

John Prescott, City Manager, reported that the City and USD have had an agreement since the mid 1990's whereby the USD Security Officers are provided police powers as deputies of the Vermillion Police Department. The last agreement adopted in 2004 was for five years and has been extended to allow time for some changes to the agreement to reflect the current operations. Chad Passick, Police Captain, reported that the agreement has been working to the benefit of both organizations. Discussion followed on the agreement.

135-11

Alderman Ward moved approval of the Joint Law Enforcement Agreement with the University of South Dakota as presented and authorized the Mayor to sign the agreement on behalf of the City. Alderman French

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

D. Resolution of Support for Missouri National Recreational River Visitors Center

John Prescott, City Manager, reported that Steve Howe, Executive Director of the VCDC, presented information at the May 2nd noon meeting on a Missouri River Visitors Center at Clay County Park. It was noted that the Clay County Park Board was in support of this project and that the Clay County Commission had adopted a resolution of support. At that meeting, the Council requested City staff to develop a resolution of support for this project that is before the Council tonight. John reported that Steve Howe is present to answer questions. Discussion followed with Steve answering questions of the City Council on the project and resolution.

136-11

Alderman Osborne moved approval of the Resolution of Support of the Missouri River Visitors Center at Clay County Park as presented. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Library Board appointments

Mayor Powell reported that two terms on the Library Board will be expiring at the end of May. The vacancies were advertised with expression of interest forms completed by Cyndy Chaney and Janet Hoff, the current board members, and he recommended the reappointment of the individuals for three year terms.

137-11

Alderman Zimmerman moved approval of the appointment of Cyndy Chaney and Janet Hoff to three year terms on the Vermillion Library Board. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Solid Waste bale bags

Harold Holoch, Utility Engineer, read the bids received and recommended the low bid of Accent Envirobale of \$3.80/bag for a truck load of 19,000 bags for a total of \$72,200.00. Discussion followed.

Inter-BULK \$4.17/bag, total \$79,230.00; Accent Envirobale \$3.80/bag, total \$72,200.00

138-11

Alderman Grayson moved approval of the low bid of Accent Envirobale of \$3.80/bag for 19,000 bags totaling \$72,200.00. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Vermillion Water Main Improvements

Harold Holoch, Utility Engineer, reported that bids were opened May 11th for water main improvements consisting of boring and installing 10" water main for Highway 50 crossing and boring and installing encasement pipe and 8" water main for the railroad crossing on Twelfth Street. The bid alternate to connect the new water main into the existing water main at both locations was included. The recommendation of Administration and Banner Associates is to award the low bid with the bid alternate to Prunty Construction in the amount of \$76,130.65. Harold noted that this would be funded from the 2011 water distribution budget. Discussion followed.

Prunty Construction \$76,130.65, First Rate Excavate \$79,557.00, Feimer Construction \$87,690.00, H & W Contracting, LLC \$101,177.50

139-11

Alderman Zimmerman moved approval of the low bid for the water main improvements of Prunty Construction on the base bid plus alternate for a total of \$76,130.65. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported that City utility customers now have the option to have their utility bill sent via email. Please contact the Finance Office to get set up.

B. John reported that the swimming pool will open for the season on May 28th. Season passes will be on sale that day starting at noon.

C. John reported that the library summer reading program starts on June 2nd.

D. John reported that City offices will be closed on Monday May 30th for Memorial Day.

E. John reported that with the dog license ordinance there has been an inquiry about micro chip tagging of pets within the city. At present it is just a recommendation. It is also a good time to remind pet owners of the ordinance that requires them to clean up after their pets.

F. John reported on the rezoning matter noting that notices have been posted and published in the paper. The proposal was initiated by residents and covers an area roughly bordered by Main Street, Plum Street, Clark Street and the alley between Harvard Street and Dakota Street. The proposal is to rezone from the current R-2 (low to medium density) zoning to R-1 (low density) zoning. The Planning Commission hearing is scheduled for May 23rd at 5:30 pm and the City Council public hearing is scheduled for June 6th at 7:00 pm. John reported that single family attached dwellings (twin homes and duplexes), multiple dwellings up to 4 units, and fraternities and sororities are allowed in the R-2 district but not the R-1 district. The zoning ordinance provides that existing uses are grandfathered in but could not be rebuilt if significantly damaged.

PAYROLL ADDITIONS AND CHANGES

General Government: Jordan McQuillen \$7.50/hr; Engineering: William Schaffer \$8.00/hr; Street: Kent Holland \$8.50/hr, Michael Kadinger \$8.50/hr, Stephen Nelson \$8.50/hr, Rich Walker \$9.00/hr; Ambulance: Cody Jansen \$6.00-\$30.00/1st shift \$6.00-\$17.00/2nd shift, Michael Wager \$6.00-\$30.00/1st shift \$6.00-\$17.00/2nd shift; Recreation: Adam Ericsson \$8.50/hr, Kenna Wolter \$7.50/hr; Pool: Brooke Kemnitz \$8.25/hr, Alissa Olson \$7.75/hr; Parks: Justin Hargrave \$7.25/hr, Tim Ross \$7.25/hr, Grant Sjaarda \$7.25/hr; Mosquito Control: Tyler Williamson \$8.50/hr; Library: Rebecca Packard \$7.54/hr; Water: \$8.50/hr; Wastewater: Ryan Angelo \$8.75/hr, Nicholas Anglin \$8.25/hr; Landfill: Lacy End of Horn \$8.50/hr; Recycling: Patrick McKay \$8.00/hr

11. Invoices Payable

140-11

Alderman Davies moved approval of the following bills:

ALLTEL	POLICE COMMUNICATIONS	211.15
BROADCASTER PRESS	ADVERTISING	1,137.44
BUREAU OF ADMINISTRATION	TELEPHONE	397.75
CAREFREE SECURITY PRODUCTS	KEYPAD FOR AIRPORT	147.00
CLAY UNION ELECTRIC	ELECTRICITY	1,141.18
DEPT OF ENVIRONMENT & NAT. RESOURCES	LOAN PAYMENTS	71,701.84
DEPT OF REVENUE	LICENSE RENEWAL	150.00

DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	2,878.33
FOLD-A-GOAL	SOCCER NETS	399.00
GOVERNMENT FINANCE OFFICERS ASSOC	REGISTRATION	289.00
GREGG PETERS	MANAGERS FEE	5,375.00
KNOLOGY	E911 CIRCUIT/DIALUP SERVICE	1,415.45
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	210.00
MATHESON TRI-GAS, INC	MEDICAL OXYGEN/CYL RENTAL	78.97
MIDAMERICAN	GAS USAGE	2,978.78
MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	91.75
QWEST	TELEPHONE	1,548.49
RESERVE ACCOUNT	POSTAGE FOR METER	950.00
SPRINT	CELL PHONES	971.10
STERN OIL CO.	FUEL	16,120.25
THE EQUALIZER	ADVERTISING	377.10
UNITED PARCEL SERVICE	SHIPPING	245.31
US POSTMASTER	POSTAGE FOR UTILITY BILLS	1,025.00
VISA/FIRST BANK & TRUST	TRAVEL/SUPPLIES	159.27
WALKER CONSTRUCTION	CONCRETE PAD	4,579.80
SENIOR CITIEZEN SERVICES	BRIGHT ENERGY REBATE	100.00

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

12. Consensus Agenda

A. Set a public hearing date of June 6, 2011 for malt beverage license renewals, a package SD Farm Wine for Casey's General Store and a retail on-off sale SD Farm Wine for Jonathan Robertson for Cherry Street Grill.

B. Set a public hearing date of June 6, 2011 for special permit to exceed allowable sound levels by no more that 50% for Tour De Kota Vermillion Committee on the grass area north of Cherry Street between N. University and Plum Street located on Thursday, June 9, 2011, from 12:00 noon to 9:00 p.m. for a live radio remote and band.

141-11

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

13. Executive Session

142-11

Alderman Willson moved to go into executive session at 7:50 p.m. for personnel issues. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Mayor Powell declared the Council out of executive session at 7:58 p.m.

14. Adjourn

143-11

Alderman Zimmerman moved to adjourn the Council Meeting at 7:59 p.m. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 16th day of May, 2011.

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

John E. (Jack) Powell, Mayor

ATTEST:

BY _____

Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.



Council Agenda Memo

From: Farrel Christensen, Building Official

Meeting: June 6, 2011

Subject: First Reading of Ordinance 1255 – Zone Change for the Area between E. Clark and E. Main, Plum and the alley between Harvard and Dakota

Presenter: Farrel Christensen

Background: City staff received petitions signed by several property owners to rezone approximately sixteen square blocks of the City, 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. The petitioners requested that the residential zoning be changed from R-2 Medium Density to R-1 Low Density. A map of the area is included in your packets.

State law grants cities the authority to establish zoning regulations to protect the life, health, safety and well-being of the community. City policy has been to entertain zone change requests from property owners, even though the owners may have no financial or personal interest in the property to be rezoned. In this case, the petitioners have submitted a request to change a relatively large amount of land, compared to other petitioned changes, within the City to a more restrictive zoning classification.

Not all property owners that will be impacted have signed a petition. There are 152 total addresses within the area to be rezoned; of these, 30 properties have signed petitions from owners. The 152 may not include sub-addresses for individual rental units (for example, if a particular property had two or more units, it is classified as one address).

Discussion: Staff accepted the petitions and scheduled the public hearings with the Planning Commission and City Council. Under the proposed zone change, a down-zone to the R-1 District would not allow multi-family uses such as two and four-unit residences. Additionally, Fraternity and Sorority Houses would also not be allowed in the future in the area to be rezoned to R-1.

A map is included in your packets that details the properties affected by the proposed change. The map is divided into two categories: conforming uses and non-conforming uses. Conforming uses, outlined in blue, are those which would still comply with the requirements of the R-1 Residential District should the change be approved. Non-conforming uses, outlined in yellow, are those that would be “grandfathered” in as non-conforming uses and would be allowed to exist until the use changes or the property is significantly damaged or destroyed. Non-conforming uses include two and four-unit properties, Sorority/Fraternity Houses. Of the would-be non-conforming properties on the map, four are Sororities and two are Fraternities.

In making a recommendation to approve or not approve the proposed change, staff looked at the situation from a couple of angles. First, community and neighborhood support is questionable in this particular case. Approximately twenty percent (20%) of the property owners within the affected area have signed the required petition to support the change in zoning. Staff is not aware if the other eighty percent (80%) were not contacted, opposed the change, or unavailable to sign a petition. Therefore, community and neighborhood support, to a large degree, was not demonstrated through the petition or is unknown.

Second, staff looked at the Comprehensive Plan. Chapter IX (A) reads that conservation of single-family homes is encouraged, which would be met by the proposed change. Chapter XI (A) Objective 4 Policy 2 reads that down-zoning of historic neighborhoods should be encouraged at the request of property owners. Since a vast majority of property owners have not signed a petition and, therefore, have not consented to the change, this requirement does not appear to have been met.

A broad goal of the comprehensive plan is to conserve single-family homes. However, other sections specify that the support of property owners should be a significant factor considered in any proposed change. In visioning sessions with the Planning Commission, neighborhood redevelopment and conservation was established as an important goal for the revised plan. However, without the support of the neighborhood, it begs the question of whether this is the right time for such a change.

At the request of a council member, staff researched the area in terms of historic preservation and how a zone change could impact preservation efforts now and in the future. A memo is attached that addresses this question and provides an explanation in more detail.

The Planning Commission held a Public Hearing on May 23rd to make a recommendation on the change. Several property owners and interested parties spoke against the change, with only a few in favor of the change. From the hearing, it appears that there is either very little support for the change or those who are in favor chose not to speak. The Planning Commission voted 5-0 to recommend denial of the zone change request.

Financial Consideration: The City has incurred publication costs for the public hearings as well as postage for the letters sent to all property owners within the district. Should the ordinance be adopted, additional publication costs will be incurred.

Conclusion/Recommendations: Since it is not known how much community and neighborhood support exists for the proposed change, it appears that this may not be the appropriate time to change the zoning classification. The policy question for the City Council is whether this change will benefit the neighborhood and foster the long-term development of the City. Letters from supporters and opponents of the proposed change have been included in your packets.

ORDINANCE NO. 1255

AN ORDINANCE AMENDING TITLE 15 CHAPTER 155 SECTION 155.026, OFFICIAL ZONING MAP FOR THE CITY OF VERMILLION, SOUTH DAKOTA, BY REZONING CERTAIN REAL PROPERTY FROM THE R-2 RESIDENTIAL DISTRICT TO THE R-1 RESIDENTIAL DISTRICT.

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

That Section 155.026 is hereby amended as follows:

That the following parcels in the City of Vermillion, Clay County, South Dakota, are hereby rezoned from the R-2 Residential District to the R-1 Residential District and the official zoning map referred to in Section 155.026 of the 2008 Revised Ordinances of the City of Vermillion, South Dakota, is amended to include such land in the R-1 Residential District:

Blocks 1, 2, 3, 4, 5, 6, 7, & 9 of Bigelow's University Addition
Blocks 62, 63, 64, & 65 of Bigelow's Addition
Lots 1 through 12 of Block 8 of Bigelow's University Addition
Lots 1 through 4 and Lots 11 through 13 of Block 61 of Bigelow's Addition
Lots 9 through 14 and the East 118 feet of Lot 8 of Block 66 of Bigelow's Addition
Lots 1 through 5, 8 through 14, and the South half of Lot 6 of Bigelow's Addition
Lots 1 through 5, 8 through 14, and Lots A and C of Block 69 of Bigelow's Addition

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

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

First Reading: June 6, 2011
Second Reading: June 20, 2011
Publication: July 1, 2011
Effective Date: July 21, 2011

Unapproved Minutes
Vermillion Planning Commission
Monday May 23, 2011 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order in the conference room at City Hall on May 23, 2011 at 5:30 p.m.

1. Roll Call

Present: Howe, Gruhn, Manning, Reasoner, and Iverson.

Absent: Fairholm, Forseth, Muenster, and Tuve.

Also present were José Dominguez, City Engineer, Farrel Christensen, Building Official, Darby Ganschow, USD Representative, and Andy Colvin, Assistant to the City Manager.

2. Minutes

a. May 9, 2011 Regular Meeting.

Moved by Howe to approve the May 9, 2011 Regular Meeting minutes, seconded by Reasoner. Motion carried 5-0.

3. Adoption of the Agenda

Moved by Manning to adopt the agenda as printed, seconded by Reasoner. Motion carried 5-0.

4. Visitors to be Heard

5. Public Hearing

a. An Amendment to the Zoning Ordinance of the City of Vermillion to exclude from the R-2 Medium-Density Residential District and include in the R-1 Low-Density Residential District the area south of E. Clark Street, north of E. Main Street between N. Dakota Street and N. Plum Street.

Farrel reported that petitions were received from several property owners to rezone several blocks of residential property located south of USD Campus from R-1 residential to R-2 residential. Farrel noted that the biggest difference between the old and new zoning district will be that multi-family dwellings and Fraternity/Sorority Houses will not be allowed. Current uses will become non-conforming and allowed to exist until the use changes or they are damaged or destroyed. Farrel reported that the Comprehensive Plan addresses down-zoning, historic neighborhoods, but at the request of the property owners. Farrel noted that approximately 20% of the homeowners have signed petitions in favor of the zone change.

Chairman Iverson stated that this is a Public Hearing and asked if there is anyone in the audience who would like to speak on the proposed change.

Barb Iacino, 1105 East Cherry, spoke against the proposed change and asked those present for the purpose of the change. Ms. Iacino asked if there are problems with parties, rentals, parking, or other issues.

Kolly Fostvedt, 1510 Crestview, spoke against the proposed change. Mr. Fostvedt stated that he owns a historic home in the proposed district that was originally built to be a multiple family dwelling and that the proposed change would prevent him from rebuilding the structure should it be damaged or destroyed.

Lee McCahren, 114 N. University, asked about the procedure for taking proponent and opponent testimony.

Brian Hochhalter, Vermillion, spoke against the proposed change and asked whether he will be able to sell his rental property. Mr. Hochhalter stated that the area will look worse since, in many cases, the rental properties look better than the single family homes.

Dan Neufeld, 125 N. University, spoke in favor of the proposed change. Mr. Neufeld stated that the area is being taken care of and that the neighborhood should be kept as a prime residential area.

Glynis Erickson, Dakota Realty and Property Management at 125 E. Cherry, spoke against the proposed change and stated that her office has received lots of calls from property owners concerned about their property. Ms. Erickson stated that the proposed change will create too many non-conforming uses and may affect banking and loans for rental properties. Ms. Erickson also stated that the rental code takes care of many of the issues surrounding rentals, such as parking and the dividing of homes into multiple dwellings.

Lee McCahren, 114 N. University, asked City staff what affect the proposed change will have on Dr. Ateshzar's House. Farrel stated that the home is a single dwelling rental unit and would conform to the R-1 district.

Joan Holter, 219 N. Yale, spoke in favor of the proposed change and stated that Fraternities and Sororities affected by the change would likely build elsewhere should the current structure be significantly damaged or destroyed due to the limited area for parking. Ms. Holter also pointed to the Sioux Falls Cathedral District as a model of how a change of zoning to a more restrictive classification can increase property values.

Lindsey Hovden, speaking on behalf of Alpha Phi Sorority, objected to the change and stated that there is no other use for the Greek houses.

Don Foley, owner of three properties in the area, spoke against the proposed change stating that he has invested \$200,000 into his rental property because the area allowed multiple family dwellings. Mr. Foley stated that there is a deal between the City and property owners and that the deal should not be broken without good reason, which he has not heard.

Michelle Laughlin, 122 N. Yale, spoke in favor of the proposed change and stated that her house was a 7-unit rental before she restored it back to its original condition. Ms. Laughlin stated that her property value is now higher because of the restoration and that it would be a shame for it to go back to a rental.

Mary Dennison, Vermillion, spoke against the change and stated that the parking issues are caused by USD and 1-person rentals who allow several friends to move in, even though it violates City code. Ms. Dennison stated that the proposed change will not solve the parking problems.

Tom Craig, 512 Crawford Court, stated that the area was originally zoned for sororities, fraternities and multi-family dwellings. Mr. Craig stated that the area has not changed and that it should remain R-2.

Marty Gilbertson, 2021 Old Bridge Road, spoke against the proposed change. Mr. Gilbertson stated that he has purchased property and invested significantly in the neighborhood, and that the proposed change would mean money has been wasted.

Greg Card, 208 S. Crawford Road, spoke against the proposed change stating that he owns property in the area. Mr. Card stated that the comparison to the Cathedral District in Sioux falls is like comparing apples to oranges because the area is prime for housing students due to the proximity to campus. Mr. Card also stated that people have made significant investments in the area and the change would be detrimental to those investments.

Lori Whitman, 221 N. Harvard, spoke against the proposed change and stated that she would like to see the petitions that have been submitted.

Dan Neufeld, 125 N. University, asked if the City wanted this zone change. Chairman Iverson stated that the change was requested by several property owners in the district.

Chad Grunewaldt, 100 N. Yale, spoke against the proposed change. Mr. Grunewaldt stated that he bought his current home because it had value as a duplex and if it is taken to the R-1 district, there is little incentive to invest in the property.

Barb Iacino, 1105 East Cherry, stated that the Ateshzar was an eyesore and historic preservation happened because of the landlord.

Chairman Iverson closed the public comment segment of the hearing and asked for questions and comments from the Planning Commission.

Commissioner Reasoner asked Darby Ganschow about the USD parking issue and if there are any plans to manage the problem. Darby stated that USD is aware of the parking issue around campus.

Commissioner Howe stated that the proposed change is far too reaching and will impact too many properties negatively.

Commissioner Manning stated that he used to live in the area and had two rental units across the street and that the proposed change will not solve any perceived problems.

Moved by Howe to recommend denial of the zone change request, seconded by Reasoner. Motion carried 5-0.

6. Old Business

7. New Business

8. Adjourn

Moved by Manning to adjourn, seconded by Howe. Motion carried 5-0.

Chairman Iverson declared the meeting adjourned 6:25 p.m.

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12.0 ■ conforming use
 32 ■ non-conforming use

KAREN MUENSTER

509 Linden
Vermillion, SD 57069
May 20, 2011

Vermillion Planning & Zoning Commission
City Hall
Vermillion, SD

Re: May 23 Rezoning Hearing

Members of the Commission:

An out of state trip will prevent me from personally attending the re-zoning hearing scheduled for May 23, and therefore I am submitting this written statement.

As an owner of three properties in the proposed rezoning area, I am in support of the rezoning proposal, which will benefit the area, the University campus and the attractiveness of Vermillion as a place to live and visit.

The "down zoning," when coordinated with an enhanced University Historic District, will set the stage for encouraging single family, owner occupied residences in the area.

Sincerely,



Karen Muenster

Andy Colvin

From: DON PETERSON [flyerdep@yahoo.com]
Sent: Saturday, May 21, 2011 10:21 AM
To: Andy Colvin
Subject: Zoning admendment

Attention: Planning Commission

We own two multi-family properties located at 215 and 103 Harvard Street which were zoned R-2 when we purchased them as investment properties. We understand that if they are rezoned to R-1 and were destroyed by fire or wind we would have to rebuild them as single family homes if this amendment is passed. This would cause a decrease in our rental income and also would decrease the present value of the properties because of this risk for us and to a future investor.

Also the properties must be insured at a higher multi-family rebuild value, but if a fire occurred we would only receive the value of a single family home even though we paid higher rates.

Since we purchased them in good faith as multi-family units it would be extremely unfair for the city to change the rezoning after the fact.

Can you please advise us who and for what reasons owners are proposing this change in the ordinance.

Thank you for your serious consideration of this matter.

Donald and Christine Peterson
The Peterson Family Trust

MEMORANDUM

To: John Prescott
From: Jordan McQuillen, Intern to the City Manager
Date: May 31, 2011
Subject: Vermillion Historic District and the National Register of Historic Places

Introduction:

The purpose of this memo is to provide information about the Vermillion Historic District (VHD) roughly bounded by Willow and Yale Streets between Clark and Main Streets. This memo contains information obtained from a discussion with Jim Wilson of the Clay County Historic Preservation Commission (CCHPC) and from a 2007 publication of the Clay County Historic Preservation Commission entitled *Guide to National Register of Historic Places in Clay County, SD*.

Background:

The VHD was incorporated on February 24, 1976 for its examples of 1875-1899 and 1900-1924 Queen Anne and Classical Revival architecture. The VHD is located entirely within the boundaries of a proposed zone change. This proposed zone change would change the VHD from R-2 to R-1 zoning.

Discussion:

According to Mr. Wilson, and after a review of a CCHPC publication, there are no structures within the VHD that are individually listed on the National Register of Historic Places, but rather, the VHD is itself listed as a historic district and all structures constructed within 50 years of the most recent date (1924-1974) are listed as "contributing structures". Being listed as a historic district allows more properties to be included on the National Register and requires less work because it is not necessary to research the history of each individual property. Being listed within a historic district allows property owners to be eligible for certain federal tax breaks if renovations fit certain criteria.

Certain historic commissions have more influence than others, most notably the Deadwood Historical Society in its ability to review building permits before approval, but most commissions have little influence. The VHD does not meet regularly and is not organized to actively promote historic preservation within the district or within the community. According to Mr. Wilson, Farrel Christenson informs the CCHPC if there are proposed changes that would cause significant harm to a historic district.

Conclusion:

The VHD is listed on the National Register of Historic Places. Each building is significant to the district and serves as a contributing structure. According to Mr. Wilson, a member of the CCHPC, the zoning designation does not matter to the VHD and a down-zone would not have any significant impact on historic preservation efforts.



Council Agenda Memo

From: Farrel Christensen, Building Official

Meeting: June 6, 2011

Subject: Conditional Use Permit

Presenter: Farrel Christensen

Background: On or about May 24, 2011, Code Enforcement staff noticed a new sign at 906 E. Cherry Street advertising a veterinarian service. Upon review, it was determined that neither a sign permit nor a conditional use permit had been issued for this location. The tenant was contacted and informed that a conditional use permit is required to operate a veterinary clinic in the GB (General Business) district. The business owner explained that she didn't think the City had that requirement but would comply as soon as possible. Later that day, building owner Larry Brady contacted the City and explained that he was confused and thought he had talked with staff about the proposed use but would like to apply for a conditional use as soon as possible. The applicants were supplied with the needed paperwork and, after talking with the City Manager, the use was allowed to continue until the public hearing.

Discussion: The zoning ordinance allows Veterinarians to conduct business with no outdoor kenneling, within 1,000 feet of a residential area, as conditional use in the GB District. The proposed application does not include outdoor kenneling but, if outdoor kenneling is requested, would be within 1,000 of a residential area and not permitted. The proposed use is to be conducted within the existing structure and only minor modifications to the exterior are planned. The City Council acts as the Board of Adjustment and may authorize, by a conditional use permit, this use and impose any conditions that may be appropriated and necessary to protect the health, safety, and welfare of the citizens of the City.

Financial Consideration: None

Conclusion/Recommendations: Administration believes the use would not be contrary to the comprehensive plan or a risk to the health, safety or welfare of the citizens of Vermillion and recommend approval of the conditional use permit.



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

APPLICATION FOR CONDITIONAL USE PERMIT
§ 155.095 CONDITIONAL USE PERMITS.

Property Description: Lot 3 Blk 1 Brady Addition
Address: 906 E Cherry
Property Owner: East River Properties LLC
Zoning District: GB General Business District
Conditional Use: Veterinarian in GB district without outdoor Kenneling

Applicant:

Name: Lawrence D. Brady - aka East River Properties LLC

Address: POB 333

City/State/Zip: Vermillion SD Phone: (605) 677-8492

[Signature] Date of application: 6-1-11
Applicant Signature

This application must be presented with a site plan.

- (D) Information on site plan.
- (1) In addition to the following information, plans shall be drawn to scale upon substantial paper or cloth 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
- (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.

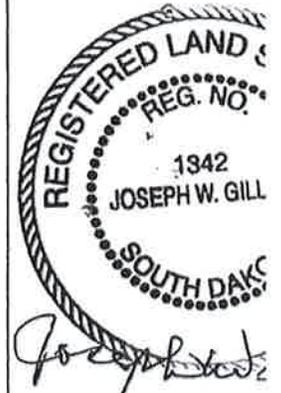
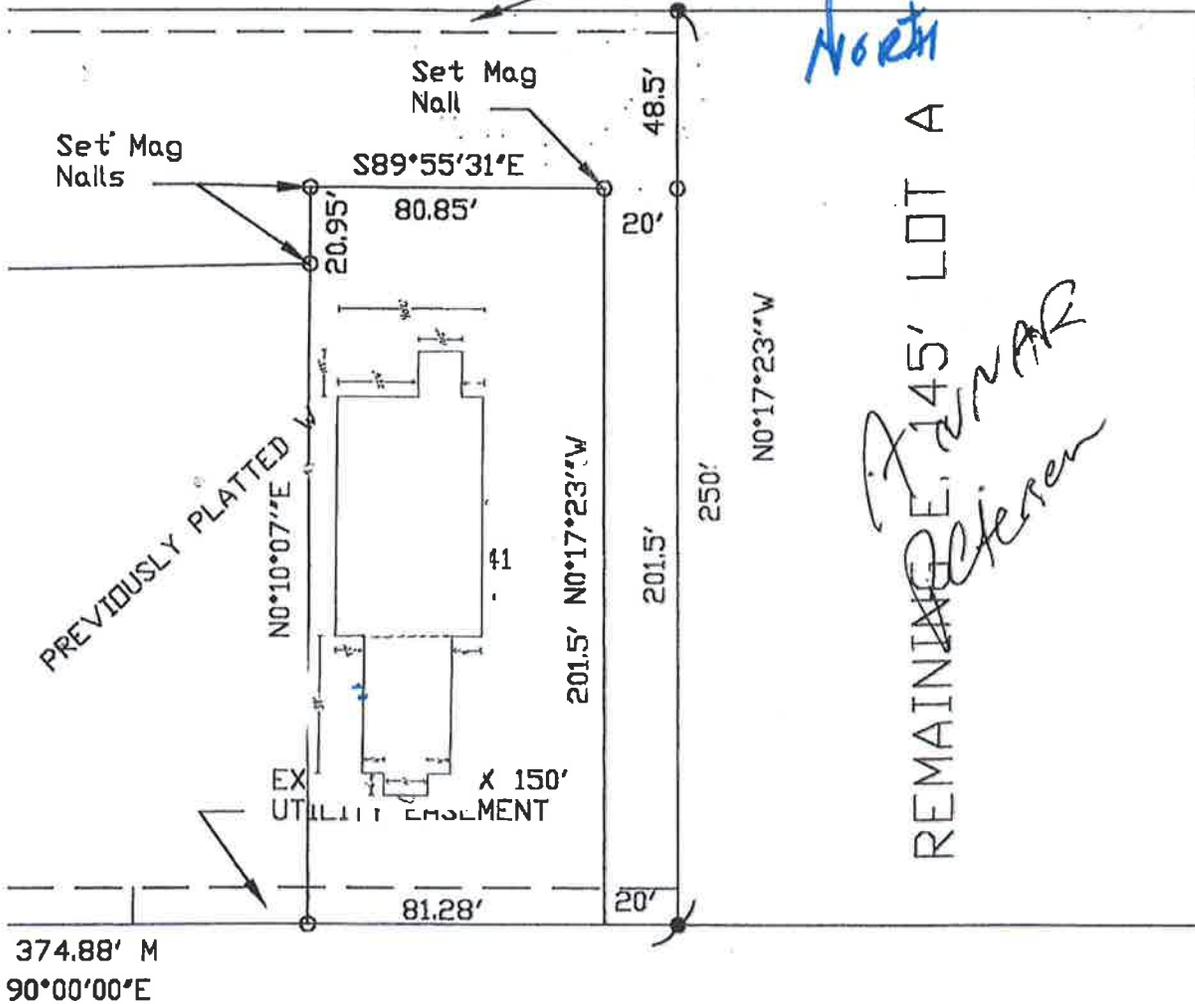
LOTS 1, 2 & 3, BLOCK 1, BRADY ADDITIC TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

EXISTING 8' UTILITY EASEMENT

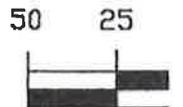
LOT 2, BLOCK 1
SUMMERSET ADDN.

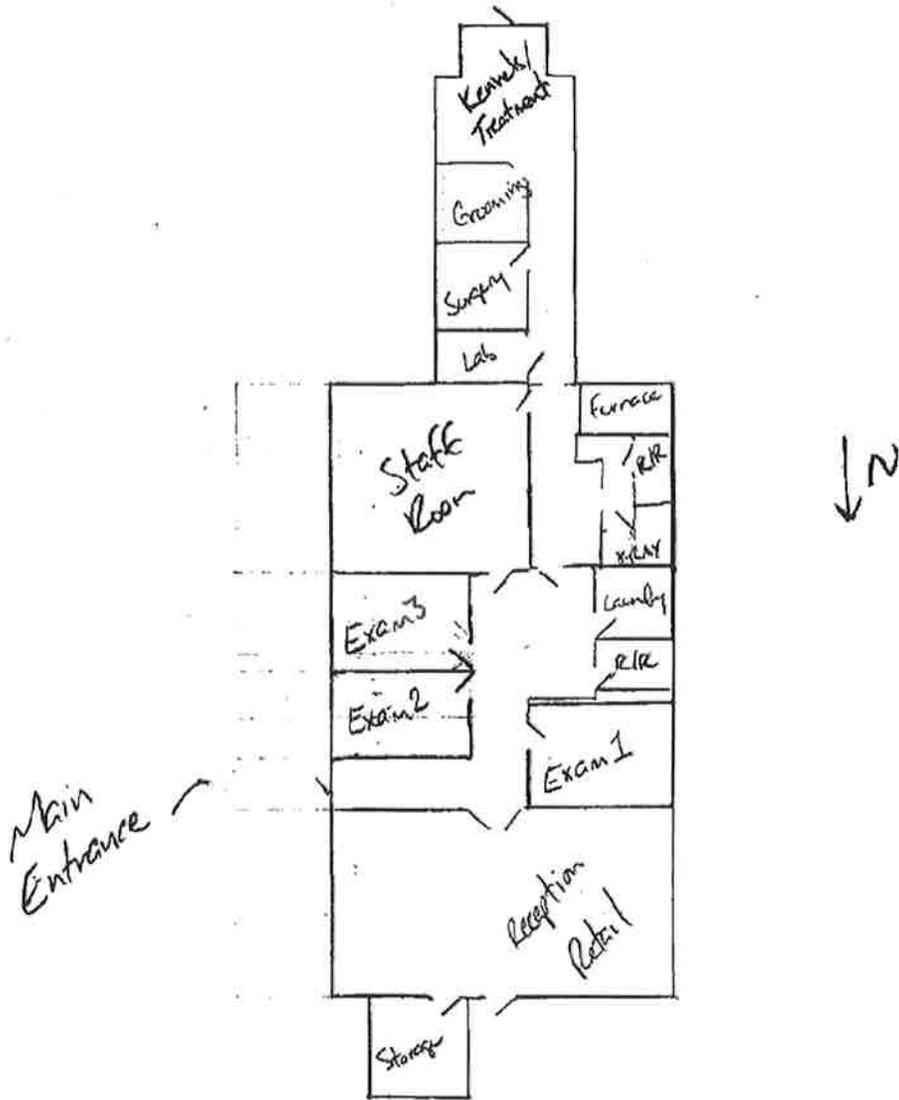
191.88'
N90°00'00"E

EXISTING 6' UTILITY EASEMENT



● DEN
○ DEN
L.S.







Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: June 6, 2011
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 interim Police Chief has prepared a report indicating the performance of each of the establishments since June 1, 2010 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 amended 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 five businesses that failed a compliance check(s) during the last year, which are Oma Shree, LLC for Speedee Mart (failed on September 3, 2010 and September 15, 2010), 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.

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 \$150 for each on-off sale malt beverage license 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 input from the public hearing, the City Council is asked to make a decision on the approval or denial of the renewal of the malt beverage licenses. The City Council might want to consider the Charcoal, Inc. license separately to allow Alderman French to participate in the discussion on the remainder of the licenses. If a motion is made to deny any of the licenses, the reason needs to be included in the motion.



City of Vermillion
Police Department

15 Washington Street • Vermillion, SD 57069

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

MEMORANDUM

To: Vermillion City Council

Date: June 1, 2011

From: Chad Passick
Captain

Subject: Alcohol License (Malt Beverage) Renewals

Reference: June 2010 – May 2011

During this review period the Vermillion Police Department conducted nine (9) Alcohol Compliance Checks:

- | | | |
|----------------------|--------------|---------------------|
| • September 3, 2010 | 7 businesses | 71.43% passing rate |
| • September 8, 2010 | 7 businesses | 85.71% passing rate |
| • September 15, 2010 | 3 businesses | 66.67% passing rate |
| • September 24, 2010 | 9 businesses | 100% passing rate |
| • November 12, 2010 | 1 business | 100% passing rate |
| • November 19, 2010 | 1 business | 100% passing rate |
| • December 1, 2010 | 3 businesses | 33.33% passing rate |
| • January 29, 2011 | 2 businesses | 0% passing rate |
| • February 4, 2011 | 2 businesses | 50% passing rate |

If there were repeated or significant alcohol related calls for service at a business it will be noted. No specific references indicate there were no repeated or significant alcohol related calls for service.

During this review period the following applicants failed one or more Compliance Checks:

- Carey's
- Leo's Lounge
- Maya Jane's
- Pump 'N Pak
- Red Steakhouse
- Speedee Mart

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

Bunyan's - Bunyan's LLC, 1201 W. Main Street

- September 24, 2010 – Passed

Café Brule, Inc.

- New Business – Not checked during this period

The Bluffs Golf Course - City of Vermillion, 2021 E. Main Street

- Not checked during this period

Carey's - BeBee Street, LLC, 18 & 20 W. Main Street

- September 3, 2010 – Failed
- September 15, 2010 – Passed

Chae's - Spanrex, Inc., 8 W. Main Street

- November 12, 2010 – Passed

Charcoal Lounge – Charcoal Lounge, Inc, 6 & 8 W. Main Street

- September 24, 2010 – Passed
- February 4, 2011 – Passed

Cherry Pit Stop - Dwight Iverson, 23 East Cherry Street

- September 8, 2010 – Passed

Coyote Convenience - Coyote Convenience, Inc., 116 E. Cherry Street

- September 8, 2010 – Passed

Jackpot Laundry – Jackpot Laundry, LLC., 847 E. Cherry Street

- New Business – Not checked during this period

Little Italy's - Blue, Inc., 831 E. Cherry Street

- Not checked during this period

Main Street Pub - Main Street Pub Inc., 11 W. Main Street

- September 3, 2010 – Passed
- September 24, 2010 – Passed

Maya Janes - Maya Jane's, Inc., 9 W. Main Street

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

Mexico Viejo Mexican Restaurant - Mexico Viejo Inc., 432 E. Cherry Street

- November 19, 2010 – Passed

Pizza Hut - NPC International, Inc, 928 E. Cherry Street

- Not checked during this period

Prairie Lanes – Prairie Inn SD, LLC, 912 N. Dakota Street

- September 24, 2010 – Passed

Pump N Pak - Sunset Oil, Inc., 629 & 629 ½ Stanford Street

- September 8, 2010 – Failed
- September 15, 2010 – Passed

Pump N Stuff - Pump N Stuff of Vermillion, Inc., 203 & 203 Room #2 E. Main Street

- September 8, 2010 – Passed

R Pizza - La Marco, Inc., 2 W. Main Street

- Not checked during this period

Raziel's - Bonnie K. Rowland, 13 West Main Street

- Not checked during this period

Recuerdo's - Brian Steele, 112 E. Main Street

- September 8, 2010 – Passed

Red Steakhouse - Red Steakhouse, Inc., 1 E. Main Street

- December 1, 2010 – Failed

Silk Road Café – Silk Road Café Inc., 12 W. Main Street

- December 1, 2010 – Passed

Speedee Mart – OMA SHREE, LLC, 800 E. Cherry Street

- September 3, 2010 – Failed
- September 15, 2010 – Failed
- September 24, 2010 – Passed

The Varsity - Sammelson Brothers Inc., 113 E. Main Street

- September 24, 2010 - Passed

Westside Inn - David W. Raabe, 1313 W. Cherry Street

- Not checked during this period

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

Cherry Street Grille – Jonathan T. Robertson, 1122 E. Cherry Street

- Not checked during this period

Re-Issuance of Package (Off Sale) Malt Beverage

Cherry Pit Stop - Dwight Iverson, 23 E. Cherry Street

- September 8, 2010 – Passed

Erickson Freedom Valu Center - Freedom Valu Centers, Inc, 830 E. Cherry Street

- September 3, 2010 – Passed

Hy-Vee – Hy-Vee Food Stores Inc., 525 W. Cherry Street

- September 8, 2010 – Passed

Jones' Food Center - Jones' Food Center of Vermillion Inc., 812 Cottage Street

- September 3, 2010 – Passed

Leo's Lounge - Leo's Sport's Bar & Grille LLC., 11 Market Street

- September 24, 2010 – Passed
- February 4, 2011 – Failed

Pump N Stuff - Pump N Stuff of Vermillion, Inc., 203 E. Main Street

- September 8, 2010 – Passed

Wal-Mart Super Center - Wal-Mart Stores Inc., 1207 Princeton Street.

- September 8, 2010 – Passed

Package (Off Sale) Malt Beverage with SD Farm Wine

Casey's General Store – Casey's Retail Company, Inc., 1325 E. Cherry Street

- September 3, 2010 – Passed

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 6th 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, 2011 until June 30, 2012, 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, LLC 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;
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 E. Cherry Street;
NPC International, Inc. for Pizza Hut #2788 at 928 East Cherry Street;
Prairie Inn SD, 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 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;
Sammelson Brothers, Inc. for The Varsity at 113 East Main Street;
David W. Raabe for Westside Inn at 1313 West Cherry Street;

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;

Package (Off Sale) Malt Beverage with SD Farm Wine:

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

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 16th day of May, 2011.

Michael D. Carlson, Finance Officer

Publish: May 27, 2011

Published once at the approximate cost of _____.



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: June 6, 2011

Subject: Package malt beverage and SD Farm Wine for Casey's General Store

Presenter: Mike Carlson

Background: Application for the renewal of a package malt beverage license with the a package South Dakota Farm Wine was received from Casey's Retail Company, Inc. for the Casey's General Store located at 615 Jefferson Street. The interim Police Chief prepared a report indicating the performance of each of the establishments which was included with the memo for all the license renewals.

The state statute was changed two years ago to provide for a new type of license that will allow a package malt beverage licensee to also sell South Dakota farm wines. The license fee is increased by \$25 for the SD farm wine addition to the package malt beverage license.

Discussion: The City Council has the ability to renew and issue a license on basically two criteria: suitable person and suitable location. With respect to the location criteria, a license has been previously approved for this location. A recent western South Dakota legal ruling defined that other items can impact the location criteria. The character of neighborhood 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 sale 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 will receive \$112.50 for the package malt beverage and SD farm wine license.

Conclusion/Recommendations: Following input from the public hearing the City Council is asked to make a decision on the approval or denial of the package malt beverage license with SD farm wine license. If a motion is made to deny the reason needs to be included in the motion.



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: June 6, 2011

Subject: Retail on-off sale malt beverage and SD Farm Wine for Jonathan Robertson for Cherry Street Grille at 1122 East Cherry

Presenter: Mike Carlson

Background: Application for renewal of a retail on-off sale malt beverage license with a SD Farm Wine license was received from Jonathan Robertson for the Cherry Street Grille located at 1122 East Cherry Street. The interim Police Chief has prepared a report indicating the performance of each of the establishments which was included in the packet with the malt beverage license renewals.

The state statute was changed, to be effective July 1, to provide for a new type of license that will allow an on-off sale malt beverage licensee to also sell SD farm wines. The fee for the on-off sale malt beverage license is increased by \$25 for the addition of a SD farm wine license.

Discussion: The City Council has the ability to renew and issue a license on basically two criteria: suitable person and suitable location. With respect to the location criteria, a license has previously been approved for this location. A recent western South Dakota legal ruling defined that other items can impact the location criteria. The character of neighborhood 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 will receive \$162.50 for the Cherry Street Grille on-off sale malt beverage and the South Dakota farm wine license.

Conclusion/Recommendations: Following input from the public hearing, the City Council is asked to make a decision on the approval or denial of the on-off sale malt beverage license with SD farm wine license. If a motion is made to deny the reason needs to be included in the motion.



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: June 6, 2011

Subject: Special permit to exceed permissible sound levels by no more than 50% for Tour De Kota in the grass area 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.

Presenter: Mike Carlson

Background: Maureen Cashin, on behalf of the Tour De Kota Planning Committee, submitted a revised application for a special permit to exceed allowable noise levels for a live radio remote and band on June 9, 2011 from 12:00 noon to 9:00 p.m. The new location for the permit is the grass area north of Cherry Street between N. University Street and Plum Street. Included is a copy of the application, diagram of the event and published notice of the hearing.

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

6. Public Hearings; item f

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: As the diagram indicates, the live remote and band will be located in the concrete parking lot just north of Cherry Street behind the Burr House with the sound projecting east towards the residence halls. Staff is not aware of any problems related to the issuance of the noise permit. The application states that they will be providing portable restrooms for the event.

The City Council will need to determine, at the public hearing, if the event is in a suitable location with appropriate facilities during the allowable time. It appears the entire event is on University property.

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

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

TO: John Prescott, Vermillion City Manager; Mike Carlson, Vermillion City Finance Officer;
City Council Members

FROM: Maureen Cashin, VCDC Visitor & Tourism Coordinator and member of Tour de Kota
Planning Committee

DATE: May 9, 2011

RE: Tour de Kota in Vermillion June 9-10, 2011
REVISED REQUEST DUE TO CAMPSITE LOCATION CHANGE

Vermillion will be an overnight host for Tour de Kota Thursday and Friday, June 9-10, 2011. Riders will be arriving in Vermillion Thursday morning for the day, camping or staying in USD residence halls overnight, and departing for the last day of the ride Friday morning. The Tour de Kota campsite will be located on the grounds of USD, just north of Cherry Street between N. University and Plum Streets. Food vendors will be set up at the campsite and live music will be performed Thursday evening from approximately 6:00 – 9:00 p.m.

This location was changed from the original location at the USD tailgate area because that ground contains poor grassy areas due to the weather and is not suitable for camping

On behalf of the Tour de Kota planning committee, we respectfully request the following in preparation for this event:

1. Approval to park vehicles on Dakota Street and N. University Street* after the current 2:00 a.m. limit
***Revised request to include N. University Street due to campsite location change**
2. Noise permit*
***Revised request and map due to campsite location change**
3. Funding assistance in the amount of \$1,000. Our intent is to shuttle visitors from the Tour de Kota grounds to sites and attractions within the city, thus creating positive economic impact. These funds will help offset expenses associated with the event and assist us in promoting our community to our visitors.

Please advise regarding required documents needed for completion. I welcome any questions or comments you may have. Thank you for your consideration.

**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 Tour de Kota

Contact Person Maureen Cashin, Tour de Kota Committee Member Phone 605-624-5571

Contact Person Address 116 Market Street, #103, Vermillion, SD 57069 (VCDC Office)

Location of Event USD Grounds just north of Cherry Street between N. University & Plum Streets Date of Event 6/9/11

Duration of event from time 12:00 Noon to Time 9:00 p.m.

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

Tour de Kota campgrounds will be on the grassy areas north of Cherry Street between N. University & Plum Streets. Vendors and entertainment will be located in the parking lot (#24) just north of Cherry Street behind Burr House and east of University Street. This location was chosen for its availability of camping space on grassy areas and proximity to residence halls where riders who choose not to camp will stay. The site will also have portable restrooms brought in by Tour de Kota.

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

Vermillion was chosen as a host city for this year's Tour de Kota, "The College Campus Cruise". This will bring many visitors to our city, which will provide a positive economic impact. The activities scheduled will be available not only for the enjoyment of the visiting bike riders and their followers, but also for the general public.

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.

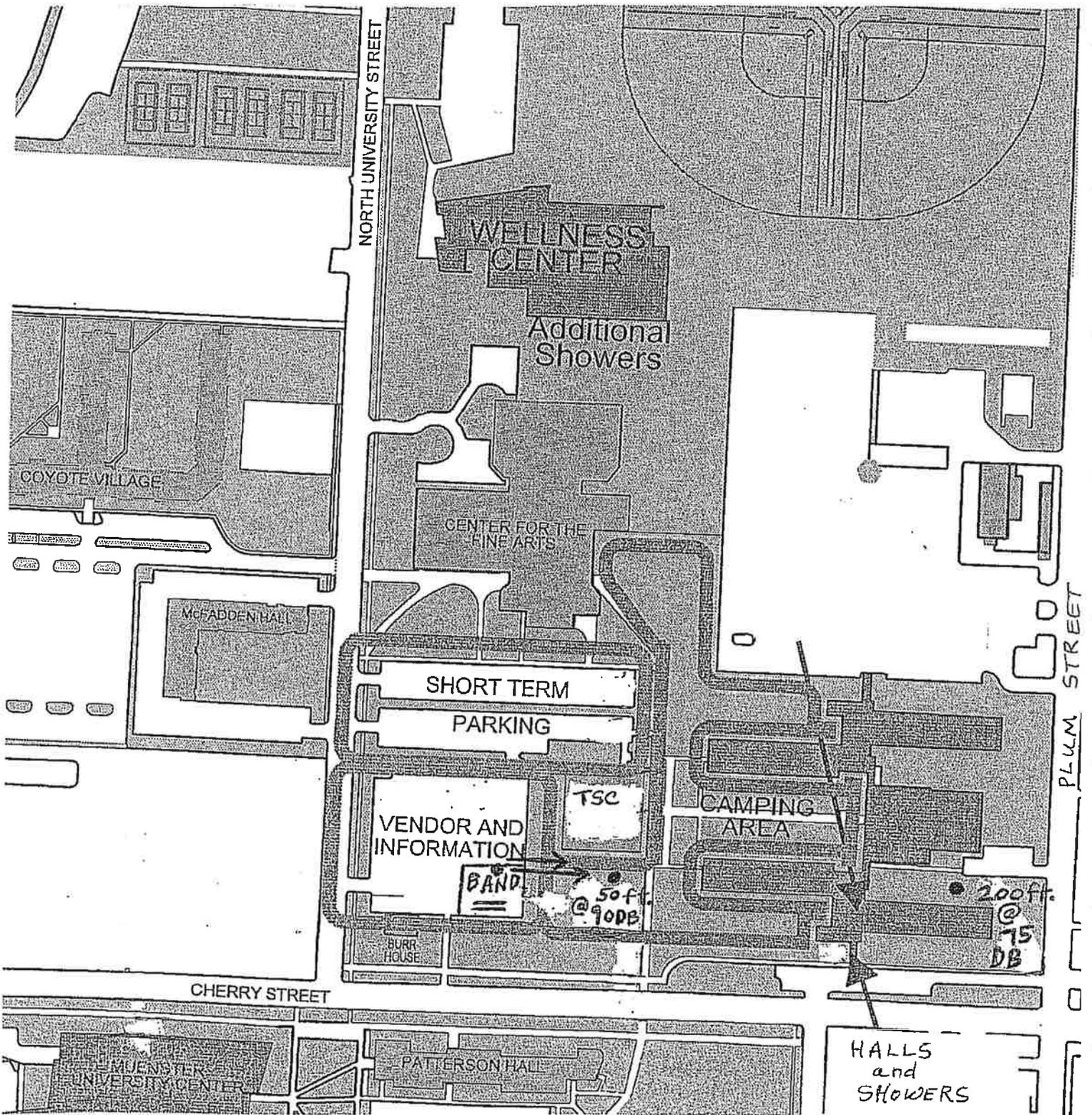
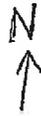
Signature of applicant Maureen Cashin date 5/9/11

Permit to exceed allowable noise levels

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

(d) Special Permit The City Council may, following a Public Hearing, issue a Special Permit to exceed allowable sound levels by not more than 50% of the allowable limit within the Use District, in a suitable location with appropriate facilities, during the allowable time. It shall be required of any applicant for a Special Permit to demonstrate that the event for which the permit is requested be of public benefit. An applicant shall submit a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source. Application for a Special Permit shall be made with the City Finance Officer, and shall be accompanied with an application fee of \$25.00. Application for a Special Permit shall be completed no later than 30 days prior to the proposed event, and it shall contain all applicable information relative to the nature and purpose of the event.

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



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

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

Tour De Kota, Vermillion Committee, request for a special permit to exceed allowable sound levels in the grass area north of Cherry Street between N. University and Plum Street on Thursday, June 9, 2011, from 12:00 noon to 9:00 p.m. for a live radio remote and band.

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

Dated at Vermillion, South Dakota this 16th day of May, 2011.

Michael D. Carlson, Finance Officer

Publish: May 20, 2011

Published once at the approximate cost of _____.



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: June 6, 2011

Subject: Public Hearing Community Development Block Grant for Water Tower Project

Presenter: Janice Buttolph, South Eastern Council of Governments, Harold Holoch and Mike Carlson

Background: The condition of the downtown water tower has been under review for a number of years. The report of the cleaning and inspection conducted by Owens Inspection Services, LLC was shared with the City Council at the August 3, 2009 noon session. The report concluded that, due to the amount of repair work needed, it was recommended that the City conduct a study to determine if it would be cost effective to repair the tower or construct a new tower.

Banner Associates, Inc. did a preliminary engineering report on the downtown water tower. The Conclusions and Recommendations of the report are as follows:

Capital costs were estimated for each of the improvements. The cost estimates for repair of the elevated tank (Alternative 1) is \$383,100 and the cost estimate for replacement cost with a new 500,000 gallon water tower (Alternative 2) is \$1,600,000. Although the cost for Alternative 1 – Repair Existing Market Street Tower is approximately 25 percent (25%) of the cost of Alternative 2 – Replace Market Street Tower with New Tower, the new tower would provide five times more storage in the area of expected development. In addition, the Market Street Tank is almost 100 years old and is beyond its useful life. Therefore, Banner Associates, Inc. recommends Alternative 2 - Replace Market Street Tower with New Tower to correct the existing Market Street Tower deficiencies and to provide additional storage for average day system demands.

With the Banner Associates preliminary engineering report and Owens Inspection Services, LLC report, a request was made for Community Development Block Grant (CDBG) funding for the project through SECOG in the spring of 2010. SECOG was notified that there would not be any CDBG funding available for this project but were encouraged to include the project on the State Water Plan and make application for Consolidated Grants and State Revolving Fund (SRF) loans

with principal forgiveness. The principal forgiveness portion of the SRF loan is made possible by Federal Stimulus Funding and, in all respects, grant funds.

In July 2010 the City Council approved submitting an application to have the project placed on the State Water Plan which was approved by the Board of Water and Natural Resources.

A public hearing was held in October 2010 for the Consolidated Grant/SRF loan funding application for the tower replacement. To clarify the information contained in the application, the consideration of the funding application before the Board of Water and Natural Resources was continued until the March 2011 Board, meeting. At the March 2011 Board of Water and Natural Resources meeting approval was given for a \$1,532,000 SRF loan with 10% principal forgiveness. Due to the projected rate increase needed to fund this project with all loan funds, the City was hopeful for additional principal forgiveness for the project. With principal forgiveness at 10%, the projected water rate increase to fund the loan would be 8.74%. In consulting with SECOG, it was suggested that the City again make application for CDBG funding assistance for the project.

The application process has changed since last year. Now applications are considered on a quarterly basis with the next application deadline being June 15. From these discussions, SECOG has indicated that the City should make application for \$309,000 of CDBG funding. As such, SECOG and City staff have been proceeding with the grant application. The resolution authorizing the Mayor to sign the CDBG application and designating the City Manager as project certifying officer and environmental certifying officer is later on this agenda.

Discussion: CDBG funding applications require a public hearing where the project is explained and a Community Development & Housing Needs Assessment is conducted. As a Community Development & Housing Needs Assessment was conducted within the last year as part of the library CDBG funding hearing in December it is not a requirement of this public hearing.

The project would consist of the construction of a 500,000 gallon water tower north of the City Service Center (east of Wal-Mart by the big dirt pile) with a cost estimate as follows:

Construction	\$1,200,000
Engineering bidding & design	79,600
Engineering project inspection	124,400
Bond Counsel	5,000

SECOG	12,000
Contingency	<u>120,000</u>
Total Construction	\$1,541,000

The project cost estimate was increased \$9,000 for SECOG grant administration as part of the CDBG application.

It should be noted that the removal of the old water tower is not a qualifying expenditure for SRF or CDBG funding and as such \$84,000 will need to be funded from water fund reserves.

Financial Consideration: The cost of this action is in staff time working with SECOG on the application and the cost of publishing the notice of hearing. The water rate projections based upon the SRF loan with 10% principal forgiveness would be an increase in 2013 of 8.74% or \$2.36 per month (based on 670 cubic feet or 5,000 gallons). If the CDBG grant is received the annual debt service would be reduced \$13,779 and projected rate increase would be 7.77% or \$2.10 per month. The rate projections are based on 2011 budget expenses increased by 3% per year with the current customers and water sales.

Conclusion/Recommendations: Harold Holoch will explain the water tower project and Janice Buttolph will explain the financing proposed for the project. All public input will be noted in the minutes. A sign in sheet will be passed around for all to sign. No formal action is required of the City Council.



Council Agenda Memo

From: Andy Colvin, Assistant to the City Manager

Meeting: June 6, 2011

Subject: Second Reading of Ordinance No. 1254 – Amending Section 155.095, Conditional Use Permits and Section 155.100, Board of Adjustment to designate the Planning Commission as the approving authority for Conditional Use Permits

Presenter: Andy Colvin

Background: The City of Vermillion’s current zoning ordinance was adopted in 2008. The ordinance details regulations for various uses and divides the City into residential, commercial, industrial, natural resource conservation, and planned development districts. Each district contains a series of permitted uses and conditional uses. Permitted uses are allowed as long as the project can meet ordinance requirements for setbacks, parking, etc. Conditional uses, on the other hand, are allowed only after a public hearing. South Dakota law authorizes conditional uses as follows:

11-4-4.1. Ordinance authorizing conditional use of real property--Content--Approval or disapproval of request. A municipal zoning ordinance adopted pursuant to this chapter that authorizes a conditional use of real property shall specify the approving authority, each category of conditional use requiring such approval, the zoning districts in which a conditional use is available, and the criteria for evaluating each conditional use. The approving authority shall consider the stated criteria, the objectives of the comprehensive plan, and the purpose of the zoning ordinance and its relevant zoning districts when making a decision to approve or disapprove a conditional use request.

Greater oversight and public input is required prior to granting a conditional use. Some uses may be harmful to neighborhoods or not in keeping with a community’s comprehensive plan. Restrictions, limitations or prohibitions may be imposed for certain uses. For example, a bed and breakfast may be appropriate for a residential district, but may cause parking or traffic issues. For this reason the approving authority may allow the use, but will impose special parking requirements, specific hours of operation or other restrictions to lessen the impact on the neighborhood. The City of Vermillion currently designates the Board of Adjustment as the approving authority for conditional uses.

Discussion: On February 8, 2011, the Planning Commission and City Council held a joint meeting to discuss the proposed joint jurisdictional zoning ordinance. Staff went through the process for amending the ordinance, applying for variances, hearings, and other items. The proposed joint jurisdictional ordinance provides for the Planning Commission to be the approving authority for conditional uses. At the meeting, both bodies discussed the possibility of having the City ordinance reflect the same process for approving conditional uses in the City limits. The City Council sent the issue to the Policies and Procedures Committee, who met on March 18th to go over the different processes found in other South Dakota cities. After reviewing the information, the committee's recommendation was to draft an ordinance amending the City's zoning regulations to designate the Planning Commission as the approving authority for conditional uses. The Planning Commission's decision is final unless appealed to the City Council within five working days of the Planning Commission's decision.

The committee also expressed the desire to have the Planning Commission review and make a recommendation on variances, which has been incorporated into the ordinance. The current language provides that the authorized official may forward variances to the Planning Commission on a policy basis instead of making it mandatory. There may be instances where time is an issue or where the variance request is minor or clearly necessary that the Planning Commission wouldn't need to be involved. Any recommendation will be forwarded to the Board of Adjustment for consideration.

The Planning Commission considered the amendment at their May 9th meeting and forwarded a recommendation of approval. The City Council adopted the first reading on May 16th.

Financial Consideration: None.

Conclusion/Recommendations: State law authorizes municipalities to designate an approving authority for conditional uses. The City Council is empowered to make such a designation via the zoning ordinance. Administration recommends approval of the second reading of ordinance 1254. As this is the second reading, a recorded vote is required.

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 ~~Board of Adjustment Planning Commission~~ shall conform to the standards set forth ~~for the uses in this section for such uses below.~~ These standards shall be construed to be the minimum requirements for any of the specified conditional uses, and the ~~Board of Adjustment 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 ~~Board of Adjustment Planning Commission~~ may authorize by conditional use permit, those uses specifically designated as conditional uses in §§ [155.030](#) through [155.039](#). The ~~Board of Adjustment Planning Commission~~ shall impose ~~the-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 ~~the-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 ~~Board of Adjustment 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 eCity 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 ~~either~~ 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 Board of Adjustment-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 ~~Board of Adjustment~~ 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 ~~Board of Adjustment~~ Planning Commission. The Zoning Administrator shall notify the landowner by mail, and shall post notices of the public hearing at ~~the eCity office 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 eCity.
- (3) The following procedure shall be followed by the ~~Board of Adjustment~~ 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 ~~Board of Adjustment~~ Planning Commission.
 - (b) Before any conditional use permit shall be granted, the ~~Board of Adjustment~~ 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.

~~(4) A conditional use permit shall automatically expire if the primary use for which it was granted has ceased for a period of 2 years or more; or, the primary use proposed under the conditional use permit has not been undertaken and completed according to the terms and conditions of the conditional use permit within 2 years of the approval of the conditional use permit.~~

(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.

~~(5) The Board of Adjustment shall make a finding that it is either empowered or not empowered by these zoning regulations to grant the requested conditional use permit, and that the conditional use permit is either consistent or inconsistent with the intent of these zoning regulations and the city's most recently adopted Comprehensive Plan.~~

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 eCity 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 applications 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.

~~(3) To hear and decide only conditional use permits as the Board of Adjustment is specifically authorized to pass on by the terms of this chapter; to decide questions as are involved in determining whether conditional use permits should be granted; and to grant conditional use permits with conditions and safeguards as are appropriate under this chapter, or to deny conditional use permits when not in harmony with the purpose and intent of this chapter and the Comprehensive Plan.~~

(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 ~~the-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. ~~The-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 ~~the eCity office 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 ~~eCity~~.
- (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 ~~eCity~~, 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 ~~subchapter 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 ~~eChapter~~ would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ~~eChapter~~.

- (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 the 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 ~~the eCity office~~ 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 eCity.
- (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.

Adopted this 6th day of June, 2011.

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

Seal

First Reading: May 16, 2011
Second Reading: June 6, 2011
Publication: June 17, 2011
Effective Date: July 7, 2011



Council Agenda Memo

From: John Prescott, City Manager

Meeting: June 6, 2011

Subject: Tour De Kota request for funding

Presenter: Mike Carlson and Maureen Cashin

Background: Tour De Kota will be stopping in Vermillion as part of this year's route. The final overnight stop is in Vermillion on Thursday, June 9. As noted earlier on the agenda, a live radio remote and band will be playing to entertain the riders and community.

Discussion: Each community is responsible for funding the level of entertainment and amenities that they determine are appropriate for the Tour de Kota visit to the community. In addition to the band, the Vermillion group is also planning to have shirts for the riders, shuttles to different parts of the community, and vendors set up for the riders and community to visit. A copy of the budget submitted by the local Tour de Kota committee is included. The VCDC and USD are each contributing \$1,500. Any remaining funds are donated to worthy causes around South Dakota.

The Tour de Kota committee has requested \$1,000 in financial assistance from the City of Vermillion. Staff would suggest that if a City contribution is made, the funding come from the Bed, Board and Booze (BBB) fund. The BBB can be used for economic development and promotion of the community. T-shirts provided to visitors, which promotes Vermillion, and shuttles, which take Tour de Kota participants to the downtown and Cherry Street business districts, would appear to be the best uses of BBB dollars that promote the community. If funding is provided, receipts for these two uses should be provided to receive reimbursement.

Financial Consideration: The BBB has a reserve of approximately \$130,000. 2011 BBB receipts have been flat in comparison to 2010 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 \$1,000 of BBB funding based on receipts to support the Tour de Kota event in Vermillion.



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: June 6, 2011

Subject: Resolution authorizing application for Community Development Block Grant Funding and designating environmental certifying officer.

Presenter: Mike Carlson

Background: The public hearing for the water tower CDBG application explained the proposed project. A CDBG award represents federal dollars distributed to the State for the benefit of low and moderate income individuals. The need and benefit of the proposed project are part of the application.

Discussion: The resolution is to authorize the application for \$309,000 of CDBG funding from the Governor's Office of Economic Development. The resolution authorizes the Mayor to sign the grant application and designates the City Manager as the certifying officer for pay requests, other required documents and as the environmental certifying officer.

Financial Consideration: None

Conclusion/Recommendations: Administration recommends the adoption of the resolution to submit the \$309,000 CDBG application for the water tower construction and designation of the City Manager as the certifying officer and environmental certifying officer for the project.

**CITY OF VERMILLION
COMMUNITY DEVELOPMENT BLOCK GRANT
AUTHORIZING GOVERNMENTAL
RESOLUTION**

SUBMITTAL OF APPLICATION FOR WATER TOWER FINANCING

WHEREAS, the City of Vermillion has determined a need for water tower replacement; and

WHEREAS, financial assistance will be necessary to enable the City to construct this project; and

WHEREAS, the South Dakota Governor's Office of Economic Development provides grants to eligible applicants for financing such projects; and

WHEREAS, the City of Vermillion is required to designate an Environmental Certifying Officer for the purpose of signing required environmental documents pertaining to this application.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City of Vermillion hereby authorizes the filing of a Community Development Block Grant Application with the South Dakota Governor's Office of Economic Development, including all understandings and assurances contained therein, to fund its water tower construction project.
2. Be it further resolved, that the Mayor of the City of Vermillion be hereby designated as the City's official for the purpose of signing Grant Agreements and Contracts and that the City Manager of the City of Vermillion be hereby designated as the City's certifying officer for the purpose of signing correspondence, pay requests and other required documents.
3. Be it further resolved, that the City Manager of the City of Vermillion is hereby designated as the City's Environmental Certifying Officer for the purpose of signing correspondence and other required documents and forms.

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

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By: John (Jack) E. Powell, Mayor

Attest:

Michael D. Carlson, Finance Officer



Council Agenda Memo

From: Jordan McQuillen, Intern

Meeting: June 6, 2011

Subject: Bower Street closing for July 4, 2011 fireworks show

Presenter: Jordan McQuillen

Background: The annual 4th of July fireworks display will be discharged in the field south of Polaris this year. The discharge location has changed slightly due to the required safety distance from the new electric transmission lines.

Discussion: The fireworks public display permit is anticipated for the June 20, 2011, City Council Meeting and the Chamber is waiting for permission from Polaris to use their property farmed by a local resident for the discharge area.

If the display permit is approved, closing Bower Street from Carr Street to Princeton Street on July 4 from 12:00 pm until 11:30 pm is necessary to prevent traffic problems in the area and to establish an appropriate safety zone. Closing the street for the evening provides a safe working area for the individuals setting up the display and subsequently setting off the display. On June 30, staff will post information on parking restrictions for July 4th to prevent trucks from parking on the street over the long weekend. A flyer will also be placed on the trucks that will identify an alternate location where truck parking will be permitted. A copy of the flyer is attached.

The police, fire, and EMS departments have been notified of the street closing and have found no safety concerns.

Financial Consideration: None

Conclusion/Recommendations: Administration recommends City Council approval of the closing of Bower Street between Carr Street and Princeton Street for the public fireworks display on July 4, 2011.



- Announcement -

The City of Vermillion will close West Bower Street from public use on the day of July 4th, 2011 from 12:00 pm until 11:30 pm, no private vehicles will be allowed to either drive or park on Bower Street between Princeton Street and Carr Street. This procedure is being implemented in order to accommodate the municipal fireworks display.

The City suggests that persons intending to park on the aforementioned section of Bower Street on the day of July 4th plan instead to park on Stanford Street, between Cherry Street and Highway 50. This arrangement will provide adequate operating space for fireworks personnel, while offering minimal inconvenience to drivers

If you have any questions, contact City Hall at (605) 677-7050.

John Prescott
City of Vermillion
25 Center St
Vermillion, SD 57069

May 27, 2011

Dear John;

On behalf of the Vermillion Area Chamber & Development Company, I would like to request the closure of Bower Street, west of Princeton Street, on July 4th 2011 from approximately 9:30 pm to 11:00 pm for the Vermillion area community fireworks display.

Thank you for your consideration.

Respectfully,

Ann Breitag
Vermillion Area Chamber & Development Co.
116 Market St., Ste 103
Vermillion, SD 57069

605-624-5571



Council Agenda Memo

From: Jordan McQuillen, Intern

Meeting: June 6, 2011

Subject: Street Closure Request – 1000 -1200 Block of Crestview Drive

Presenter: Jordan McQuillen

Background: Mary Hulac contacted the City requesting the closure of the 1000-1200 block of Crestview Drive from 4:00 p.m. to 8:00 p.m. for a neighborhood block party on Saturday, June 18, 2011.

Discussion: The area to be closed is the section of Crestview Road between Catalina Drive and Norbeck Street. The barricades would be placed at the corner of Crestview and Catalina and Crestview and Norbeck. Crestview Drive is a through street, and emergency vehicles will still be able to enter should a need arise. Ms. Hulac confirmed that she has notified other residents and businesses that will be affected. Ms. Hulac will be responsible for clean-up after the event. A map of the proposed street closure is attached.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends City Council approval of the closing of Crestview Road between Catalina Drive and Norbeck Street for a Block Party on June 18, 2011.

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 Block of Crestview Drive

Contact Person Mary Hulac Phone 624-9636

Contact Person Address 1212 Crestview Drive

Event Block Party Date(s) of Event 6/18/2011

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

Street Crestview from Norbeck to Catalina

Street Closing Times 4:00pm to 8:00pm

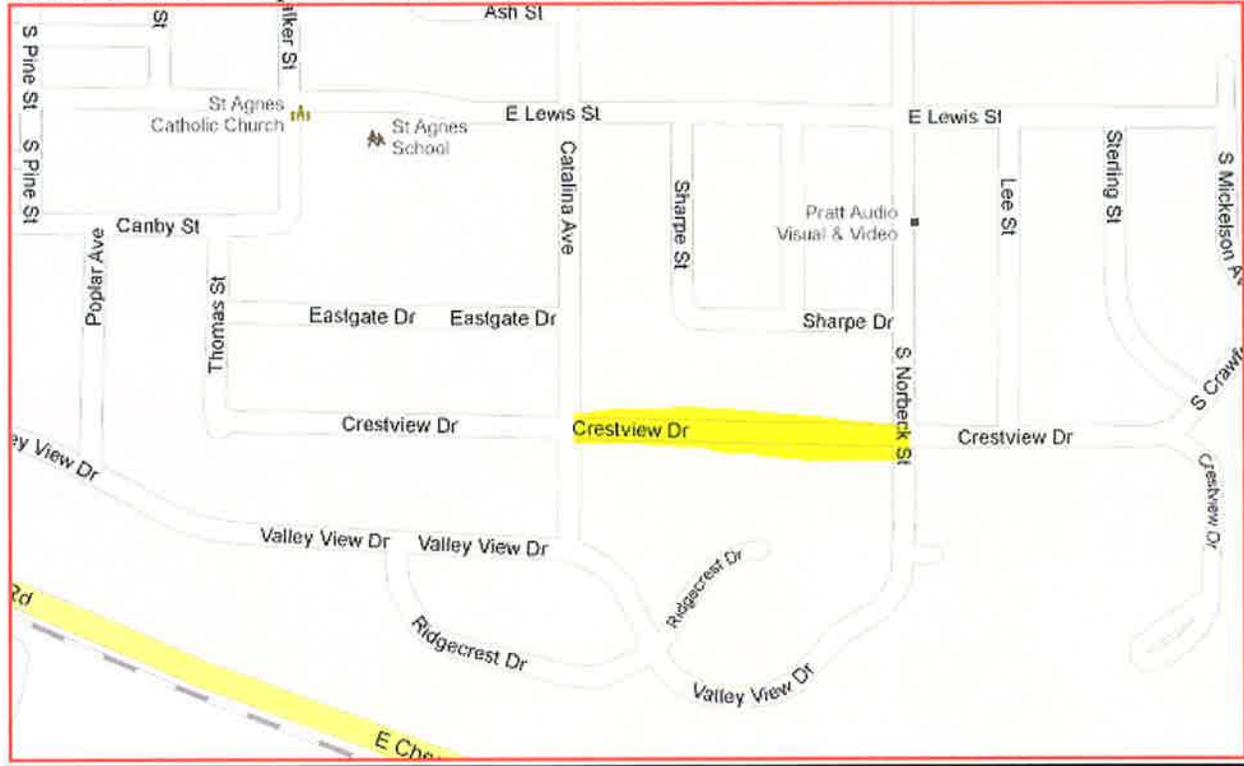
If the street closing requested would affect other residents or businesses have they been notified of the request. Yes No

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

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 Mary Hulac date 5.26.2011

Street Closure Request – 1000 -1200 Block of Crestview Drive





Council Agenda Memo

From: Jordan McQuillen, City Manager Intern
Meeting: June 6, 2011
Subject: Closing of Partial Street Parking – Civic Council Rummage Sale
Presenter: Jordan McQuillen

Background: Wess Pravecek, President of the Civic Council Board, requested permission to close two parking spaces immediately in front of the Civic Council at 17 Market Street to accommodate for a merchandise display during the citywide rummage sale. The closure of the parking spaces is necessary to allow pedestrian traffic along the sidewalk. This event is scheduled for Saturday, June 25, 2011.

Discussion: These parking spaces would remain closed from 8:00 a.m. until 1:00 p.m. on Saturday, June 25. This portion of street is downtown so neighboring business owners would be most affected by the proposed parking closure.

Financial Consideration: None

Conclusion/Recommendations: Administration recommends approval of the Civic Council's request to allow for the closure of two parking spaces on Market Street on June 25, 2011 from 8:00 a.m. until 1:00 p.m.

June 1, 2011

John Prescott, City Manager
City of Vermillion
25 Center Street
Vermillion, SD 57069

Dear Mr. Prescott,

The Civic Council would like to participate in the upcoming Citywide Rummage Sale by ~~putting~~ placing some of our merchandise on the sidewalk in front of our store on Market Street.

We are only interested in participating in the event on Saturday, June 25 from 8:00 a.m. to 1:00 p.m. Our Board of Directors would staff the out-front sale.

In order to keep space for foot traffic on the sidewalk, we could rope off two parking places right in front of the store so that shoppers could get up and down the street without disturbing the traffic.

As per our May 23 conversation, I am asking you to present this letter at the City Council's June 6 meeting.

Thank you.

Respectfully,



Wess Pravecek, President
Civic Council Board
PO Box 227
Vermillion, SD 57069



Council Agenda Memo

From: José Dominguez, City Engineer

Meeting: June 6, 2011

Subject: East Clark Street Concrete Pavement Construction Contract

Presenter: José Dominguez

Background: Last year, Dr. 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 to be constructed in 2010. Earlier this year, Dr. 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.

Dr. 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.

The contractor hired by Dr. 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.

Discussion: 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 are 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.

Financial Consideration: With City Council approval, the nearly \$28,000 City cost will be included in the revised budget for 2011.

Conclusion/Recommendations: Administration recommends signing the contract with Slattery Construction for the total of \$27,902.76.



Council Agenda Memo

From: José Dominguez, City Engineer

Meeting: June 6, 2011

Subject: 2011 Chip Seals

Presenter: José Dominguez

Background: Chip-sealing is a cost-effective way to extend the life of asphalt streets between more expensive overlays. The process consists of the application of rapid curing polymerized asphalt oil which is covered by quartzite chips. The chip seal oil protects the existing asphalt overlay surface by sealing small cracks and voids. The quartzite chip layer also reduces the sun's UV affects on the surface.

Quotes were opened June 1, 2011 for the 2011 Chip Seal Project. Two quotes were received. The low quote was from Topkote, Inc. at \$39,421.94 while the high bid came in at \$41,538.36.

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

Financial Consideration: The street department budgets for the annual chip seals under the street repair and maintenance line item.

Conclusion/Recommendations: Administration recommends awarding the project to Topkote, Inc. for the amount of \$39,421.94.



Council Agenda Memo

From: Harold Holoch, Utilities Engineer

Meeting: June 6, 2011

Subject: Sale of Surplus Police Car

Presenter: Harold Holoch

Background: A 2008 Ford Crown Victoria police car was budgeted in the Equipment Replacement Fund to be replaced in 2011. The new patrol car has been received and is being utilized. The used patrol car has been declared surplus, appraised, and a bid date of June 1, 2011 was set for the opening of sealed bids.

Discussion: The police car has been appraised at \$5,000. The City cannot accept a bid for less than 90% of appraised value, which would be \$4,500. Bid specifications were sent to nine potential bidders for the police car with four bids received. The bid tabulation is attached for review.

Financial Consideration: The revenue from the sale of the surplus police car will go to the appropriate fund.

Conclusion/Recommendations: Administration recommends awarding the sale of the surplus police car to the high bidder, Bismarck-Mandan Auto, for \$5,811.

Bid Tabulation

Project: Sale of Surplus Police Car

Date: June 1, 2011

Bidder	Asia Motors, Inc	Bismarck-Mandan Auto	Chicago Motors, Inc.	Grace Quality Used Cars
Address	1659 W Grand Ave Chicago, IL 60622	PO Box 6122 Bismarck, ND 58506	2553 W Chicago Ave Chicago, IL 60622	945 Lincoln Hwy Morrisville, PA 19067
Bid Security	\$420.00 C. Ck.	\$581.60 C. Ck.	\$381.00 C. Ck.	\$510.00 C. Ck.
<u>Item #1</u> 2008 Ford Crown Victoria appraised at \$5,000	\$4,139.00	\$5,811.00	\$3,807.00	\$5,025.00

CITY OF VERMILLION
 INVOICES PAYABLE-JUNE 6, 2011

1 UNIVERSITY CLEANERS	REPAIRS	12.00
2 WILLSON FLORIST	FLORAL ARRANGEMENT	40.00
3 A & A REFRIGERATION	REPAIRS	114.00
4 A & B BUSINESS, INC	MAINTENANCE CONTRACT	341.99
5 ADAMS GOLF, LTD	MERCHANDISE	175.40
6 ADVANCED WEIGHING SYSTEMS	ANNUAL SUPPORT	1,550.00
7 AIR LIQUIDE INDUSTRIAL U.S	CHEMICALS	820.00
8 ANTHEM BLUE CROSS	REFUND OVERPAYMENT	668.74
9 APEX EQUIPMENT, LLC	PARTS	70.17
10 APPEARA	SUPPLIES	128.27
11 ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	234.90
12 ARAMARK-WEARGUARD	UNIFORMS	109.43
13 AUDIO GO	SUPPLIES	183.91
14 BAKER & TAYLOR BOOKS	BOOKS	897.40
15 BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	5,039.85
16 BARCO MUNICIPAL PRODUCTS	SUPPLIES	1,380.50
17 BARKLEY ASPHALT	ASPHALT	1,057.13
18 BATTERIES PLUS	BATTERIES	122.00
19 BIRSCHBACH EQPT & SUPPLY	CONCRETE SAW/SUPPLIES	16,718.00
20 BIOVERSE, INC	CHEMICALS	330.00
21 BOBS SINCLAIR SERVICE	TOWING	50.00
22 BOMGAARS	PARTS	132.98
23 BOOK WHOLESALERS, INC	BOOKS	368.30
24 BORDER STATES ELEC SUPPLY	SUPPLIES	399.96
25 BROADCASTER PRESS	ADVERTISING	36.00
26 BRUNICKS SERVICE INC	PROPANE	237.00
27 BUREAU OF PERSONNEL	TRAINING	342.00
28 BUTLER MACHINERY CO.	PARTS/REPAIRS	9,292.98
29 CALLAWAY GOLF	MERCHANDISE	152.00
30 CAMPBELL SUPPLY	SUPPLIES	1,235.85
31 CANNON TECHNOLOGIES, INC	SOFTWARE SUPPORT	900.00
32 CANON FINANCIAL SERVICES	COPIER LEASE	56.16
33 CASK & CORK	MERCHANDISE	1,083.00
34 CCP INDUSTRIES INC.	SUPPLIES	135.43
35 CEDAR SHORE RESORT	TRAVEL	81.95
36 CENTER POINT LARGE PRINT	BOOKS	403.01
37 CENTURY BUSINESS PRODUCTS	COPIER CONTRACT	36.00
38 CHEMCO, INC	SUPPLIES	221.35
39 CHESTERMAN CO	MERCHANDISE	1,755.69
40 CITY OF VERMILLION	LANDFILL VOUCHERS/POSTAGE/COPIES	1,758.81
41 CITY OF VERMILLION	UTILITY BILLS	32,198.34
42 CLAY CO. CONSERVATION DISTRICT	TREES/SHRUBS	235.00

43 CLAY RURAL WATER SYSTEM	SODA ASH/WATER USAGE	534.18
44 CLAY-UNION ELECTRIC CORP	TRANSFER SERVICE AGREEMENT	2,736.36
45 CLEVELAND GOLF	MERCHANDISE	1,863.00
46 CLIMATE SYSTEMS, INC	MAINTENANCE	1,381.00
47 COFFEE KING, INC	SUPPLIES	115.50
48 COLONIAL LIFE ACC INS.	INSURANCE	3,228.94
49 COMMERCIAL MAINTENANCE CHEMICAL	SUPPLIES	131.16
50 CONCRETE MATERIALS	GOLF SAND	1,165.12
51 CONTINENTAL RESEARCH CORP	SUPPLIES	254.20
52 COYOTE CONVENIENCE	FUEL	15.59
53 DAKOTA BEVERAGE	MERCHANDISE	12,184.60
54 DAKOTA PC WAREHOUSE	COMPUTER/REPAIRS	647.95
55 DAKOTA PUMP & CONTROL CO.	PARTS	51.00
56 DAKOTA RIGGERS & TOOL SUPPLY	SUPPLIES	83.32
57 DAKOTA SUPPLY GROUP	INSPECTION	130.00
58 DAVID STAMMER	MEALS REIMBURSEMENT	18.00
59 DELTA DENTAL PLAN	INSURANCE	5,504.02
60 DENNIS MARTENS	MAINTENANCE	833.34
61 DEPT OF REVENUE	TESTING	185.00
62 DEWILD GRANT RECKERT & ASSOC	PROFESSIONAL SERVICES	5,405.00
63 DIANE'S GREENHOUSE	TREES/FLOWERS	104.98
64 DISPATCH TRAINING & CONSULTING	REGISTRATION	900.00
65 DOWNTOWN DECORATIONS	BANNERS	3,170.00
66 DUST TEX	SUPPLIES	45.80
67 E.A SWEEN COMPANY	SUPPLIES	476.09
68 EARTHGRAINS BAKING CO'S INC	SUPPLIES	269.23
69 ECHO ELECTRIC SUPPLY	PARTS	1,534.53
70 ECOLAB	SUPPLIES	57.82
71 ELITE TARGET SYSTEMS	TRAINING MATERIALS	3,059.00
72 EMERGENCY MEDICAL PRODUCTS	SUPPLIES	1,074.86
73 ENERGY LABORATORIES	TESTING	1,040.00
74 ENTERSECT	ONLINE AGREEMENT	79.00
75 EPG COMPANIES, INC	PUMP & CONTROL PANEL - LANDFILL	18,526.55
76 ERIN J. SEEP	MAINTENANCE	65.25
77 FARMER BROTHERS CO.	SUPPLIES	32.88
78 FARREL CHRISTENSEN	SAFETY BOOTS REIMBURSEMENT	100.00
79 FAST AUTO GLASS	CHIP REPAIR	40.00
80 FEDEX.	SHIPPING	10.57
81 FERGUSON WATERWORKS	SUPPLIES	22.23
82 FILTERTEC	FILTERS	522.27
83 FOREMAN MEDIA	COUNCIL MTG	100.00
84 FRED BALLEWEG	MEALS REIMBURSEMENT	19.00
85 FRED HAAR CO, INC	PARTS	66.56
86 FRONTIER PRECISION, INC	GPS EQUIPMENT	430.00
87 FULLERTON LUMBER CO	SUPPLIES	810.89
88 GALE	BOOKS	466.60
89 GE CAPITAL	COPIER LEASE	114.48

90 GEAR FOR SPORTS	MERCHANDISE	50.41
91 GL SPORTS	SUPPLIES	1,174.67
92 GOVERNMENT FINANCE OFFICER ASSN	ANNUAL REPORT	435.00
93 GRAHAM TIRE CO.	TIRES	107.90
94 GRAINGER	PARTS	58.73
95 GRAYBAR ELECTRIC	SUPPLIES	134.18
96 GREGG PETERS	FREIGHT	1,384.50
97 GREGG PETERS	RENT	937.50
98 GUARANTEE OIL CO INC	SUPPLIES	155.69
99 GUARANTEE ROOFING & SHEET	ROOF REPAIRS	182.50
100 GUILDCRAFT, INC	SUPPLIES	36.40
101 HACH CO	CHEMICALS	1,025.99
102 HAMMOND-WETMORE DRILLING	REPAIRS-WELL #2	9,967.00
103 HARLAN'S BIKE AND TOUR	BIKE RODEO SUPPLIES	237.68
104 HAWKINS WATER TREATMENT	CHEMICALS	576.10
105 HDR ENGINEERING, INC	PROFESSIONAL SERVICES	18,233.69
106 HERREN-SCHEMPP BUILDING	SUPPLIES	61.79
107 HORNUNGS PRO GOLF	MERCHANDISE	1,099.36
108 HOUGH DISTRIBUTING	SUPPLIES	333.20
109 HY VEE FOOD STORE	SUPPLIES	530.44
110 INDEPENDENCE WASTE	PORTABLE TOILET RENT/WASTE HAULING	1,392.89
111 INGRAM	BOOKS	2,618.69
112 INTERNATIONAL CRIME FREE ASSOC	MEMBERSHIP	50.00
113 J & L HARLEY-DAVIDSON	REPAIRS	1,261.93
114 J.W JUNG SEED & NURSERY CO	PLANTS/FLOWERS	314.67
115 JACKS UNIFORM & EQPT	UNIFORMS	27.50
116 JOHN A CONKLING DIST.	MERCHANDISE	7,417.15
117 JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	17,538.52
118 JOHNSON CONTROLS	REPAIRS	1,168.58
119 JOHNSTONE SUPPLY	PARTS	198.82
120 JONES ACE HARDWARE	SUPPLIES	1,030.58
121 JONES FOOD CENTER	SUPPLIES	543.08
122 K. VAN BOURGONDIE & SONS	PLANTS/FLOWERS	153.00
123 KARIAN PETERSON CONTRACTING	SUBSTATION EXPANSION	61,226.25
124 KARSTEN MFG CORP	MERCHANDISE	658.76
125 KOLETZKY IMPLEMENT	REPAIRS	697.77
126 LAYNES WORLD	SUPPLIES	39.75
127 LEARNING OPPORTUNITIES, INC	BOOKS	590.51
128 LEGGETTE, BRASHEARS & GRAHAM	PROFESSIONAL SERVICES	3,435.62
129 LESSMAN ELEC. SUPPLY CO	SUPPLIES	472.20
130 LINCOLN MUTUAL LIFE	INSURANCE	521.71
131 LIV WEST	MEALS REIMBURSEMENT	18.00
132 LOCATORS AND SUPPLIES, INC	SUPPLIES	1,293.13
133 LONGS PROPANE INC	PROPANE	620.00
134 LUDEY'S READY MIX	CONCRETE	129.00
135 MARINE RESCUE PRODUCTS INC	SUPPLIES	114.75
136 MARKS LAWN CARE	PROFESSIONAL SERVICES	219.02

137 MARKS MACHINERY	PARTS	617.88
138 MARSHA MCKINNEY	MEALS REIMBURSEMENT	18.00
139 MART AUTO BODY	TOWING	1,235.00
140 MATHESON TRI-GAS, INC	OXYGEN	81.44
141 MATT PARROTT & SONS CO.	DISCONNECT NOTICES/UTILITY BILLS	3,664.70
142 MC2, INC	PARTS	196.12
143 MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	984.00
144 MEDICAL WASTE TRANSPORT	HAUL MEDICAL WASTE	55.00
145 MICHAEL CARLSON	MEALS REIMBURSEMENT	56.44
146 MID-AMERICAN RESEARCH CHEMICAL	SUPPLIES	169.73
147 MIDWEST ALARM CO	BATTERIES	108.24
148 MIDWEST BUILDING MAINTENANCE	MAT SVC	539.20
149 MIDWEST RADIATOR & EXHAUST	REPAIRS	738.19
150 MIDWEST READY MIX	FLOWABLE FILL	829.00
151 MIDWEST TURF & IRRIGATION	PARTS	332.10
152 MIKE TAGGART	SAFETY GLASSES REIMBURSEMENT	150.00
153 MISSOURI RIVER ENERGY SERVICE	REGISTRATION FEE	200.00
154 MISSOURI RIVER ENERGY SERVICE	INSPECTIONS	1,506.95
155 MISSOURI VALLEY MAINTENANCE	REPAIRS	1,608.98
156 MOORE WELDING & MFG	REPAIRS	1,303.52
157 MOTION PICTURE LICENSING C	LICENSE/SUBSCRIPTION	156.00
158 N B GOLF LLC	GOLF CAR LEASE	3,741.60
159 NCL OF WISCONSIN, INC	CHEMICALS	29.89
160 NETSYS+	PROFESSIONAL SERVICES	270.00
161 NEW YORK LIFE	INSURANCE	95.00
162 NIKE INC	MERCHANDISE	202.50
163 NORTH STAR SAFETY INC	SAFETY T-SHIRTS/VESTS	744.49
164 NORTHERN SAFETY CO. INC	SUPPLIES	263.61
165 OFFICE SYSTEMS CO	REPAIRS	458.50
166 OLLIS BOOK CORP	BOOKS	313.95
167 ORIENTAL TRADING CO	SUPPLIES	93.96
168 OVERHEAD DOOR OF SIOUX CITY	REPAIRS	30.75
169 PAUL MONTEEN	MEAL/MILEAGE REIMBURSEMENT	252.50
170 PAULS PLUMBING	PARTS	66.04
171 PENWORTHY/AMERICAN MEDIA	BOOKS	575.89
172 PETE LIEN & SONS, INC	CHEMICALS	3,620.91
173 PGA OF AMERICA	DUES	1,022.00
174 PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
175 POMPS TIRE SERVICE, INC.	TIRES	994.00
176 PRAIRIE BERRY WINERY	MERCHANDISE	1,086.00
177 PRESSING MATTERS	SUPPLIES	725.00
178 PRESTO-X-COMPANY	TREATMENT	40.95
179 PRINT SOURCE	SUPPLIES	469.40
180 PUMP N PAK	FUEL	2,218.06
181 QUEEN CITY WHOLESALE	MERCHANDISE	1,142.40
182 QUILL	SUPPLIES	1,203.64
183 QWEST	TELEPHONE	733.41

184 RACOM CORPORATION	MAINTENANCE CONTRACT	335.00
185 RANDOM HOUSE, INC	BOOKS	230.95
186 RASMUSSEN MOTORS, INC	PARTS	18.37
187 RECORDED BOOKS, INC	BOOKS	675.50
188 REINHART FOODSERVICE, LLC	SUPPLIES	1,386.95
189 REPUBLIC NATIONAL DISTRIB	MERCHANDISE	11,880.80
190 RESCO	SUPPLIES	4,863.15
191 RIVERSIDE HYDRAULICS & LAB	REPAIRS	121.51
192 ROB PICKENS	MEALS/REG. REIMBURSEMENT	29.00
193 ROSEWOOD GREENHOUSE	PLANTS/FLOWERS	401.68
194 ROYAL CAR WASH	CAR WASH TOKENS	50.00
195 SCHAEFFER MFG. CO	SUPPLIES	567.60
196 SD POLICE CHIEFS ASSOCIATION	TEST MATERIALS	592.50
197 SD PUBLIC ASSURANCE ALLIANCE	INSURANCE	389.00
198 SD RETIREMENT SYSTEM	CONTRIBUTIONS	43,756.00
199 SD SECRETARY OF STATE	NOTARY PUBLIC APPLICATION	30.00
200 SD STATE HISTORICAL SOCIETY	MEMBERSHIP	35.00
201 SDN TECHNOLOGIES	MAINTENANCE AGREEMENT	6,946.00
202 SERVALL TOWEL & LINEN	SUPPLIES	37.44
203 SIOUX EQUIPMENT	FUELING SYSTEM INSPECTION	950.00
204 SIOUX LINKS	ADVERTISING	750.00
205 SIOUX SALES CO.	EQUIPMENT	395.00
206 SIOUXLAND HUMANE SOCIETY	FEES	74.00
207 SIOUXLAND SCALE SERVICE	REPAIRS	754.26
208 SKARSHAUG TESTING LAB.	TESTING	1,797.14
209 STERN OIL CO.	SUPPLIES	1,554.77
210 STEWART OIL-TIRE CO	TIRES/REPAIRS	676.60
211 STUART C. IRBY CO.	SWITCHGEARS	28,730.00
212 STURDEVANTS AUTO PARTS	PARTS	1,641.29
213 SUN MOUNTAIN	MERCHANDISE	545.80
214 T&R SERVICE	TESTING	310.00
215 THATCHER COMPANY	SODA ASH	20,658.00
216 THE EQUALIZER	ADVERTISING	573.00
217 THE GLASS CUTTER	REPAIRS	478.06
218 THE OBSERVER	SUBSCRIPTION	30.00
219 TIGERT ART GALLERY	FRAMING	65.00
220 TITLEIST DRAWER CS	MERCHANDISE	4,141.53
221 TRUCK-TRAILER SALES	REPAIRS	281.00
222 TRUE VALUE	SUPPLIES	122.38
223 TYLER TECHNOLOGIES	MAINTENANCE	3,529.85
224 ULTRAMAX	SUPPLIES	591.00
225 UNITED WAY	CONTRIBUTIONS	284.00
226 UPSTART	T-SHIRT	6.00
227 VAN DIEST SUPPLY CO	SUPPLIES	1,463.90
228 VERMEER HIGH PLAINS	PARTS	283.25
229 VERMILLION AREA ARTS COUNCIL	CONTRIBUTIONS	1,030.68
230 VERMILLION CHAMBER OF COMMERCE	4TH OF JULY CELEBRATION	3,500.00

231 VERMILLION FORD	PARTS	28.92
232 VERMILLION VETERINARY CLINIC	PROFESSIONAL SERVICES	120.25
233 VISA/FIRST BANK & TRUST	TRAVEL/FUEL/SUPPLIES	5,820.18
234 WAL-MART COMMUNITY	SUPPLIES	636.84
235 WALT'S HOMESTYLE FOODS, IN	SUPPLIES	109.00
236 WELFL CONSTRUCTION CO	TANK	42,930.00
237 WENDY CARROLL	MEALS REIMBURSEMENT	18.00
238 WESCO DISTRIBUTION, INC	SUPPLIES	6,770.78
239 WIGMAN CO	SUPPLIES	78.28
240 YANKTON JANITORIAL SUPPLY	SUPPLIES	943.15
241 YANKTON WINNELSON CO	URINAL	323.52
242 ZEP SALES & SERVICE	SUPPLIES	91.07
243 ZIMCO SUPPLY CO	SUPPLIES	7,630.50
244 KOLLY FOSTVEDT	BRIGHT ENERGY REBATE	100.00
245 LARRY HUDSON	BRIGHT ENERGY REBATE	100.00
246 JONES FOOD CENTER	BRIGHT ENERGY REBATE	1,000.00
	GRAND TOTAL	\$541,083.64