



**Special Meeting Agenda
City Council**

12:00 p.m. (noon) Special Meeting
Monday, March 17, 2014
Large Conference Room-City Hall
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Proposed updates to 90.70 -90.99 (Tree Ordinance) – Jim Goblirsch.**
3. **Proposed Cottage Avenue water main replacement project – Jason Anderson.**
4. **Briefing on the March 17, 2014 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, March 17, 2014

City Council Chambers

25 Center Street

Vermillion, South Dakota 57069



1. Roll Call

2. Pledge of Allegiance

3. Minutes

- a. March 3, 2014 Special Session; March 3, 2014 Regular Session.

4. Adoption of the Agenda

5. Visitors To Be Heard

- a. Purple Up! For Military Kids Day Proclamation.

6. Public Hearings

- a. Special permit to exceed allowable sound levels for Pi Kappa Alpha in the northwest corner of Prentiss Park on or about March 22, 2014 from 5:00 p.m. to 7:00 p.m. (requesting change to March 27).
- b. Special daily malt beverage and wine license for the Vermillion Area Arts Council on or about March 21, 2014 at 202 Washington Street.
- c. Special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company on or about April 24, 2014 from 5:00 to 7:00 pm and July 10, July 24, August 7, August 21 and September 4, 2014 from 6:00 to 8:00 pm at Ratingen Platz.
- d. Special permit to exceed allowable sound levels for the Thursdays on the Platz organization on or about April 24, 2014 from 5:00 to 7:00 pm and July 10, July 24, August 7, August 21 and September 4, 2014 from 6:00 to 8:00 pm at Ratingen Platz.

7. Old Business

- a. Second Reading of Ordinance 1309 to amend Chapter 150 Building Regulations, Section 150.02 International Building Code Adopted and Enacting the 2012 International Building Code as modified by the City of Vermillion; to amend Section 150.03 International Residential Code Adopted and Enacting the 2012 International Residential Code as modified by the City of Vermillion; and to amend Chapter 92 Fire Prevention and Protection Section 92.04 Fire Code Adopted and Enacting the 2012 International Fire Code as modified by the City of Vermillion.
- b. Second Reading of Ordinance 1310 to amend Chapter 150 Building Regulations, Section 150.50 International Property Maintenance Code, Adopting and Enacting the 2012 International Property Maintenance Code as modified by the City; to amend Chapter 94 Rental Housing Code deleting Sections 94.07(3)(d),(e)(5)(a)(b),(6),(7) Enforcement Notice and Hearing and Section 94.09 (A) and (B) Board of Housing Appeals to Eliminate Conflicting Appeal Sections between the Rental Housing Code and the International Property Maintenance Code and Add Standards and Deadlines for Compliance for Emergency Escape and Rescue Openings in Existing Buildings and Return Air and Controllable Heat Sources in Existing Buildings.

- c. Second Reading of Ordinance 1311 to amend Chapter 91 Airport, Section 91.08 Permit Requirement; Fees.

8. New Business

- a. Request to close Market Street on April 24, July 10, July 24, August 7, August 21 and September 4, 2014 from W. Main Street south for one-half block for Earth Day and Thursdays on the Platz events.
- b. Resolution Establishing Fees for International Codes and Rental Housing Code.
- c. Resolution Establishing Fees for Commercial Uses at the Airport.
- d. First Reading of Ordinance 1312 creating a Business Improvement District, assessing a General Occupation Tax on Hotel, Motel and Lodging establishments let for overnight occupancy, and adding Title XI Business Regulations, Chapter 120.
- e. Resolution Establishing Fees for Water and Sewer Taps and Street Cuts.
- f. Appointment to the Consolidated Board of Equalization.
- g. Fireworks Permit for USD Dance Marathon April 6th at the Vermillion high school.
- h. Resolution Authorizing the Purchase of a Police SUV.
- i. Resolution Authorizing the Purchase of a Light & Power Department Vacuum Excavator.

9. Bid Openings

10. City Manager's Report

11. Invoices Payable

12. Consensus Agenda

- a. Set a public hearing date of April 7, 2014 for a special permit to exceed permissible sound levels for Coyoteoply and South Dakota Shakespeare Festival in the band shell area of Prentis Park from Wednesday, June 11 through June 15, 2014 from 6:00 p.m. to 10:00 p.m. for Shakespeare festival performances.
- b. Set a bid opening date of April 15, 2014 for the Vermillion WWTP Process Boiler Improvements project.

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
March 3, 2014
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, March 3, 2014 at 12:00 noon at the City Hall large conference room.

1. Roll Call

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

Absent: Collier-Wise, Davies

2. Informational Session - Introduction of VCDC Executive Director Nathan Welch

John Prescott, City Manager, introduced Nathan Welch as the Executive Director of the VCDC noting he was just starting his second week. Nathan stated that he was excited about working in Vermillion and thanked everyone for the warm welcome.

3. Informational Session - 2013 Fire & EMS Annual Report - Shannon Draper

Shannon Draper, Fire Chief, presented the 2013 annual report for the Fire & EMS Departments. Shannon reviewed the annual report and answered questions of the City Council. Shannon stated that the annual report is on the Fire Department page of the City web site.

4. Informational Session - 2013 Police Department Annual Report - Matt Betzen

Matt Betzen, Police Chief, presented the 2013 annual report for the Police Department. Matt reviewed the annual report and answered questions of the City Council on the Police Department. Matt stated that the annual report is on the Police Department page of the City web site.

Alderman Ward requested to be excused at 1:06 p.m.

5. Briefing on the March 3, 2014 City Council Regular Meeting

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

Dan Siefken, representing the SD Multifamily Association, handed out a letter from the President of the Association, as she was unable to attend the meeting, to the Mayor and City Council as it relates to the ordinance to be considered tonight.

6. Adjourn

58-14

Alderman Osborne moved to adjourn the Council special session at 1:13 p.m. Alderman Meins seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 3rd day of March, 2014.

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
March 3, 2014
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday March, 3, 2014 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise (arrived at 7:02 p.m.), Davies, Grayson, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell, Student Representative Peterson

2. Pledge of Allegiance

3. Minutes

A. Minutes of February 18, 2014 Special Session; February 18, 2014 Regular Session, February 18, 2014 Policies and Procedures Committee Special Meeting, and February 24, 2014 Special Meeting.

59-14

Alderman Zimmerman moved approval of the Minutes of February 18, 2014 Special Session; February 18, 2014 Regular Session, February 18, 2014 Policies and Procedures Committee Special Meeting, and February 24, 2014 Special Meeting minutes. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

Alderman Collier-Wise arrived at 7:02 p.m.

60-14

Alderman Willson moved approval of the agenda with the addition to 12. Consensus Agenda of the following items:

B. Set a public hearing date of March 17, 2014 for a special daily malt beverage and wine license for the Vermillion Area Arts Council on or about March 21, 2014 at 202 Washington Street

C. Set a public hearing date of March 17, 2014 for a special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company on or about April 24 5:00 p.m.-7:00 p.m., July 10, July 24, August 7, August 21 and September 4 from 6:00 p.m. - 8:00 p.m. on the Platz

D. Set a public hearing date of March 17, 2014 for a special permit to exceed allowable sound levels for the Thursdays on the Platz organization on or about April 24 5:00 p.m. - 7:00 p.m., July 10, July 24, August 7, August 21 and September 4 from 6:00 p.m. - 8:00 p.m. on the Platz

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

5. Visitors to be Heard

A. Developmental Disabilities Awareness Proclamation

Alderman Meins read the proclamation for Developmental Disabilities Awareness Month that proclaimed March as "Developmental Disabilities Awareness Month" in Vermillion. Mayor Powell presented the proclamation to Tiffany Glenn, President of People First Vermillion. Tiffany thanked the Mayor and City Council for the proclamation and presented Mayor Powell with the 2014 Developmental Disabilities t-shirt.

Alderman Grayson reported the Annual Reports for the Fire/EMS and Police Departments were presented to the City Council at the noon meeting today noting these reports are available on the city web site. John wanted to on behalf of the City Council recognize Chief Draper and Chief Betzen for the reports.

Alderman Osborne presented the Council members with March Library book marks that list the programs for the month and stated the book marks are available at the library monthly.

Jessica Peterson, USD Student Representative, stated the USD Student Government election is this week and introduced Lyndsey Clausen.

6. Public Hearings - None

7. Old Business - None

8. New Business

A. Resolution to rename Streets in Bliss Pointe

John Prescott, City Manager, reported that one idea in the Talent Attraction Survey and Workforce Housing Study was to develop the community as a regional center for the arts, literature and music. John stated that it was suggested that renaming the streets in Bliss Pointe might be a way to recognize the contributions and importance of the arts in Vermillion. John noted that Bliss Pointe is uniquely situated to have a specific set of names. It is a large area that will not have streets which continue west beyond the development. John noted that the development of an identity for the housing project is also something the VCDC has been seeking to do. A unique set of street names for Bliss Pointe helps to foster that identity. As the VCDC is the sole owner of the property at this time and there are no current residents, it is easier to change the street names at this point in time. John reviewed the criteria used in selecting the street names. John reported that the proposed street names of Rockwell Trail, O'Keefe Circle, Joplin Street and Wilder Road cover painting, literature and music. John noted that one other street has yet to be final platted and Frost Trail was discussed as a name for this street. John reviewed a map of the proposed streets.

Alderman Willson was concerned about how Rockwell Trail turns into Cornell Street at the intersection with Kennedy Street. He stated that it would be better for Rockwell Trail to go all the way around and back to Stanford. Discussion followed. John Prescott stated that this option was looked at but the house numbering for a street that goes north and

south and east and west would be confusing as well as having two intersections of Rockwell Trail and Stanford Street. Discussion followed.

61-14

After reading the same once, Alderman Collier-Wise moved adoption of the following:

Resolution To Change the name of Bliss Pointe Streets

WHEREAS, W. Clark Street is platted west of Stanford Street in Bliss Pointe Addition; and

WHEREAS, Frontier Street is platted in Bliss Pointe Addition; and

WHEREAS, Pioneer Street is platted in Bliss Pointe Addition; and

WHEREAS, Spirit Mound Circle is platted in Bliss Pointe Addition; and

WHEREAS, Vermillion has always had strong ties to the arts, theater, music and literature, and is home of the University of South Dakota which is the liberal arts University of the state; and

WHEREAS, the promotion of the arts through the naming of the streets demonstrates the commitment of Vermillion to the arts; and

WHEREAS, Bliss Pointe presents a unique opportunity to recognize and demonstrate the importance of the arts in Vermillion and in society; and

WHEREAS, a change in Bliss Pointe street names will not impact any current residents or owners as the VCDC is the current and sole owner; and

WHEREAS, State Statute 9-45-2 (1) grants municipalities the power to change the name of streets.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Vermillion does hereby change the name of W Clark Street in Bliss Pointe Addition from the intersection of Stanford Street to Kennedy Street to Rockwell Trail.

BE IT FURTHER RESOLVED, that the Governing Body of the City of Vermillion does hereby change the name of Frontier Street in Bliss Pointe Addition to Joplin Street.

BE IT FURTHER RESOLVED, that the Governing Body of the City of Vermillion does hereby change the name of Pioneer Street in Bliss Pointe Addition to Wilder Road.

BE IT FURTHER RESOLVED, that the Governing Body of the City of Vermillion does hereby change the name of Spirit Mound Circle in Bliss Pointe Addition to O'Keefe Circle.

BE IT FURTHER RESOLVED, that all street name changes in Bliss Pointe Addition in this Resolution are effective April 3, 2014.

Dated at Vermillion, South Dakota this 3rd day of March, 2014.

FOR 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 Grayson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Davies-Y, Grayson-Y, Meins-Y, Osborne-Y, Ward-N, Willson-N, Zimmerman-N, Mayor Powell-Y. Mayor Powell declared that the Resolution was adopted 6 to 3.

B. Minimum Standards for Operators of Commercial Activities at Harold Davidson Field Airport

Jose Dominguez, City Engineer, reported that the City has owned and operated the airport since 1957. For a majority of that time, there has been some type of commercial activity at the airport. These activities have ranged from aircraft maintenance to aerial applicators. Jose reported that in 2013 the City received a request from a user wanting to become the Fixed Based Operator (FBO). Jose stated that the FBO at an airport provides several services ranging from fueling, aircraft rentals, aircraft maintenance, flight instruction, etc. Jose stated that if an airport does not have a set of minimum standards then the FAA standards apply.

Jose reported that minimum criteria were presented to the City Council for discussion at the November 4 and December 16, 2013 noon meetings. The City Council, at their January 6th meeting, referred the minimum

standards to the Policies and Procedures Committee for further review. The Policies and Procedures Committee met on January 28, February 4 and on February 18th. The Policies and Procedures Committee report was accepted by the Council at the February 18th meeting. When the item was referred to Committee on January 6, the date of March 3rd was selected as the date for Council to act on the policy.

Jose stated that the proposed minimum standards would specify the types of services that would be allowed at the airport. The criteria would then go through all of the other requirements for each use (leased space requirements, hours of operations, personnel required, insurance, fueling, etc.). The proposed criteria would split all of the commercial uses into a two tier system. The tiers would be 1st Entry Level and 2nd Entry Level. All of the allowed commercial uses would be in the 1st Entry Level tier (aircraft sales, aircraft maintenance, aircraft rental, pilot training, aircraft charter, specialized flight services, avionics, instruments and/or propeller services, and aerial applicators), with the exception of the Limited Service Fixed Based Operator (LSFBO). The LSFBO would be within the 2nd Entry Level tier. The LSFBO would need to be able to do at least two of the commercial activities within the 1st Entry Level tier to become an LSFBO. Jose noted that, if approved, a change to the airport ordinance is later on the agenda and a resolution will be included with second reading setting the fees for the commercial activities listed. Discussion followed on the airport minimum standards.

62-14

Alderman Davies moved approval of the airport minimum standards for operations of commercial activities at the Harold Davidson Field airport. Alderman Zimmerman seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. First Reading of Ordinance 1309 to amend Chapter 150 Building Regulations, Section 150.02 International Building Code Adopted and Enacting the 2012 International Building Code as modified by the City of Vermillion; to amend Section 150.03 International Residential Code Adopted and Enacting the 2012 International Residential Code as modified by the City of Vermillion; and to amend Chapter 92 Fire Prevention and Protection Section 92.04 Fire Code Adopted and Enacting the 2012 International Fire Code as modified by the City of Vermillion

Farrel Christensen, Building Official, stated that the International Code Council publishes new codes every three years. This method insures that the International Codes are kept up to date through the review of proposed changes submitted by code enforcing officials, industry representatives, design professionals and other interested parties. Farrel stated that local jurisdictions are required to insert the

appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction and several other areas that are specific to the adopting body. Farrel noted that many of the changes proposed are part of that process and some are specific to Vermillion and the needs of our City. Farrel stated that staff has reviewed the proposed new codes carefully and the first reading of the adoption contains commentary from staff to better describe why a change has been recommended. Farrel reported that staff considered modifications included by other cities in South Dakota and has met with local contractors and affected parties to discuss proposed changes.

John Walker, with Walker Construction 603 S Norbeck, stated that the contractors wanted to thank Farrel and the building official office for the open line of communications through the code change process.

Alderman Willson asked about the egress window code and if there were any changes to that. Farrel stated that the rental housing code that was first adopted in 1975 had a minimum standard window size. Farrel stated that in 1988 the rental housing code was amended setting the minimum size at 5.7 square feet which was the building code minimum window size and that is still the size today. Farrel stated that the building code applies to new construction while the rental housing code and property maintenance code contain health, safety and welfare items that need to be maintained to the current minimum standard. Discussion followed on the building code.

63-14

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1309 entitled An Ordinance Amending Chapter 150 Building Regulations, Section 150.02 International Building Code Adopted and Enacting the 2012 International Building Code as modified by the City of Vermillion; to amend Section 150.03 International Residential Code Adopted and Enacting the 2012 International Residential Code as modified by the City of Vermillion; and to amend Chapter 92 Fire Prevention and Protection Section 92.04 Fire Code Adopted and Enacting the 2012 International Fire Code as modified by the City of Vermillion 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 3rd day of March, 2014 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Willson. 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.

D. First Reading of Ordinance 1310 to amend Chapter 150 Building Regulations, Section 150.50 International Property Maintenance Code, Adopting and Enacting the 2012 International Property Maintenance Code as modified by the City; to amend Chapter 94 Rental Housing Code deleting Sections 94.07(3)(d)(e), (5)(a)(b), (6), (7) Enforcement Notice and Hearing and Section 94.09 (A) and (B) Board of Housing Appeals to Eliminate Conflicting Appeal Sections between the Rental Housing Code and the International Property Maintenance Code and Add Standards and Deadlines for Compliance for Emergency Escape and Rescue Openings in Existing Buildings and Return Air and Controllable Heat Sources in Existing Buildings

Farrel Christensen, Building Official, reported that the International Code Council publishes new codes every three years. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate. Farrel stated that local jurisdictions are required to insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction and several other areas that are specific to the adopting body. Many of the changes proposed are part of that process some are specific to Vermillion and the needs of our City.

Farrel reported that staff has reviewed the proposed new codes carefully and the first reading contains commentary on the IPMC and strikethrough and underlining on the Rental Housing Code. Farrel noted that staff has considered modifications included by other cities in South Dakota and has met with local property owners, managers and the new Vermillion chapter of the South Dakota Multifamily Housing Association to discuss proposed changes. Farrel stated that the proposed adoptions are a result of many hours of staff time and over two years of rental inspections together with many meetings with the Multifamily Housing Association. Farrel noted the standards proposed are a compromise that will require property owners to continue to upgrade existing rental units. Farrel stated that time frames for compliance reflect the substantial investment of these requirements. Farrel stated that in working with the City Council over the last two years on health, safety and welfare issues; codes have required that all rental units have hard wired smoke detectors, decks need to be inspected and contain adequate guard rails, the need to separate air service and control over heat and ventilation to each unit and that bedrooms contain egress windows meet the minimum standard. Farrel stated that it has been determined that when windows were replaced it

was with a window that did not meet the minimum standard. The City Council addressed this by requiring building permits for all replacement windows. Farrel stated that the ordinance was prepared based upon the minimum safe window size based upon when the structure was built. Thus structures before 1974 the minimum window size is 4.5 square feet, after 1974 and before 1988 the minimum window size is 5 square feet and in or after 1988 the minimum window size is 5.7 square feet. Farrel stated that they have worked with the local Multifamily Association with establishing minimum window widths, minimum sill height and allowing steps.

Dan Siefken, representing the SD Multifamily Association, wanted to thank the City Council and City staff for being allowed to participate in the process. Dan stated that egress windows are still an issue with the association. His concern is that something built to code today may not be in compliance tomorrow. Dan felt that we could learn from other communities on how to improve our rental housing stock.

Discussion followed on the window size.

64-14

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1310 entitled An Ordinance Amending Chapter 150 Building Regulations, Section 150.50 International Property Maintenance Code, Adopting and Enacting the 2012 International Property Maintenance Code as modified by the City; to amend Chapter 94 Rental Housing Code deleting Sections 94.07(3)(d)(e), (5)(a)(b), (6), (7) Enforcement Notice and Hearing and Section 94.09 (A) and (B) Board of Housing Appeals to Eliminate Conflicting Appeal Sections between the Rental Housing Code and the International Property Maintenance Code and Add Standards and Deadlines for Compliance for Emergency Escape and Rescue Openings in Existing Buildings and Return Air and Controllable Heat Sources in Existing Buildings 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 3rd day of March, 2014 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Collier-Wise. 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.

E. First Reading of Ordinance 1311 to amend Chapter 91 Airport, Section 91.08 Permit Requirement; Fees

Jose Dominguez, City Engineer stated that the City Council just adopted the Airport Minimum Standards earlier in the agenda, commercial operators at the airport will be required to meet minimum standards for operating their business. Jose stated that one of the requirements set forth in the proposed Minimum Standards is that a commercial operator shall obtain a permit from the City and pay any associated fees.

Jose reported that City Ordinance Chapter 91 addresses airport specific items with section 91.08 addressing specific commercial uses that require a permit from the City. Jose reported that the proposed changes to this section will make the existing ordinance and the newly adopted minimum standards policy similar with respect to the commercial uses allowed at the airport. The changes will remove the commercial uses currently provided for in the City Code and replace them with the ones in the Airport Minimum Standards policy. Jose stated that a new description for each use will also be included with the change. If adopted, a resolution setting the fees will be prepared for adoption at the second reading of the ordinance. Discussion followed on the ordinance and minimum fees.

65-14

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1311 entitled An Ordinance Amending Chapter 91 Airport, Section 91.08 Permit Requirement; Fees 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 3rd day of March, 2014 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Zimmerman. 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.

F. Presentation of the 2013 Annual Fiscal Report

Mike Carlson, Finance Officer, reviewed the 2013 unaudited Financial Report for the City and answered questions of the City Council on the report. Mike noted that the City Council will need to acknowledge receipt of the report and a copy will be sent to the Department of

Legislative Audit. The report will be audited by Williams & Company later this year.

66-14

Alderman Zimmerman moved to acknowledge receipt of the 2013 Annual Financial Report. Alderman Grayson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

G. Final Plat of Schmitz Lot 1 and Heine Lot 1, SE ¼ NE ¼, 20-92-51

Jose Dominguez, City Engineer, reported on the location of the property to be platted. Jose noted that the property is located in the Joint Jurisdiction Zoning Area that requires the review by the County Planning Commission with recommendation to the City Council. Jose reported the County Planning Commission recommended approval of the plat at their February 24th meeting. Jose stated that the plat meets all of the ordinance requirements and recommended approval.

67-14

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

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Schmitz Lot 1 and Heine Lot 1, SE ¼ NE ¼, 20-92-51, Clay County, South Dakota for approval.

BE IT RESOLVED that the attached and foregoing plat has been submitted to and a report and recommendations thereon made by the Clay County Planning Commission to the City Council of Vermillion which has approved the same.

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

The motion was seconded by Alderman Collier-Wise. 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.

H. Final Plat of Heine Lot 1, SW ¼, 21-92-51

Jose Dominguez, City Engineer, reported on the location of the property to be platted. Jose noted that the property is located in the Joint Jurisdiction Zoning Area that requires the review by the County Planning Commission with recommendation to the City Council. Jose reported that the County Planning Commission recommended approval of the plat at their February 24th meeting. Jose stated that the plat meets all of the ordinance requirements and recommended approval.

68-14

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

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Heine Lot 1, SW $\frac{1}{4}$, 21-92-51, Clay County, South Dakota for approval.

BE IT RESOLVED that the attached and foregoing plat has been submitted to and a report and recommendations thereon made by the Clay County Planning Commission to the City Council of Vermillion which has approved the same.

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

The motion was seconded by Alderman Willson. 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.

I. Concur with Clay County Commission on chiller bid award

John Prescott, City Manager, reported that, in early summer 2013, the chiller at the Clay County Courthouse failed. John stated that the County rented a chiller for the balance of the cooling season and hired John Dewit as the Mechanical Engineer to develop plans and specifications for bidding the replacement. John noted that the Public Safety Center system remained operational but the air conditioning system in the Public Safety Center has experienced problems in recent years. John stated that the 2013 budget included funding to upgrade and

replace parts in the Public Safety Center HVAC system. John stated that the repairs were put on hold when the Courthouse chiller problem developed. As the Courthouse and Public Safety Center are connected, the option of replacing both systems was explored in 2013. John reported that the Council reviewed information on the estimates at the August 5, 2013 noon meeting. John stated that the decision was made to bid the chiller and have the replacement of the air conditioning in the dispatch and IT room in the basement as bid alternates. John stated that the County Commission opened the only bid received from Precision Mechanical of Sioux Falls during their February 25, 2014 meeting. John stated that a breakdown of the bid was included in the packet that has condensing Unit #2 which serves the north half of the Public Safety Center and Condensing Unit #1 which serves the south half of the Public Safety Center as part of the base bid. The base bid was \$175,608. Of this amount, \$38,107 would be the City's responsibility for the work related to replacing Condensing Unit #1. John stated that the bid for Alternate #1 to replace the system in Dispatch is \$14,963. This cost would be split between the City and the County. The bid alternate for the IT room in the basement is \$7,977. John noted that the Police Chief and Sheriff are not recommending accepting the IT room alternative. John recommended funding \$38,107 of the base bid for the City portion of condensing unit #1 and alternate #1 for the Dispatch at \$14,963 of which the cost would be split between the City and County. John noted that there are not funds included in the 2014 budget for this project thus the budget will need to be revised with his recommendation to fund this from second penny sales tax. Discussion followed.

69-14

Alderman Willson moved approval of Clay County bid from Precision Mechanical for the City portion of the Public Safety Center chiller bid with the City share of the base bid of \$38,107 and bid alternate #1 for Dispatch at \$14,963 which is split between the City and County. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Light & Power Department pickup truck

Jason Anderson, Assistant City Engineer, stated that the equipment replacement fund budgeted for the replacement of the 2000 Light & Power pickup in 2014. Bids were opened on February 25th with two bids received. The low bid was from Vermillion Ford for \$21,737. Jason recommended accepting the low bid from Vermillion Ford for a 2014 pickup for \$21,737.

Bids: Rasmussen Motors, Inc \$23,113, Vermillion Ford \$21,737

70-14

Alderman Davies moved approval of the low bid of Vermillion Ford for one new 2014 pickup for \$21,737. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Sale of surplus Parks and Golf Course equipment

Jason Anderson, Assistant City Engineer, reported that the budget included the replacement of the 2003 Toro Greensmaster 3150 greens mower, 2005 Toro Workman Utility and 2000 Goosen Versa Vac turf sweeper in the 2014 equipment replacement fund. These items were declared surplus, appraised and advertized for sale by sealed bid. There had been some inquiries but no bids were received at the February 25th bid opening. Jason stated that, since the bid opening, contact was made with Midwest Turf & Irrigation who offered to purchase the greens mower for 90% of the appraised value of \$6,750.

Jason reported that staff would also recommend that we continue to market the surplus utility vehicle and turf sweeper, and delay purchasing new replacement equipment until the sale of the surplus equipment. Jason stated that we will also explore options for potential trade-in opportunities if a buyer cannot be located. Discussion followed.

71-14

Alderman Willson moved approval of the sale of the 2003 Toro Greensmaster 3150 greens mower to Midwest Turf & Irrigation for \$6,750 and authorize the sale of the 2005 utility vehicle and 2000 turf sweeper for not less than 90% of appraised value with the purchaser and the amount of the sale would be included in a future Council packet. Alderman Grayson seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Fuel quotes

Mike Carlson, Finance Officer, read the monthly fuel quotes and recommended the low quote of Stern Oil on all three items.

Item 1 - 4,350 gal unleaded 10% ethanol: Stern Oil \$3.2650, Brunick's Service \$3.30; Item 2 - 3,000 gal No. 1 & No. 2 Diesel fuel dyed: Stern Oil \$3.5382, Brunick's Service \$3.58; Item 3 - 1,000 gal No. 1 & No. 2 diesel fuel-clear: Stern Oil \$3.7782, Brunick's Service \$3.87

72-14

Alderman Ward moved approval of the low quote of Stern Oil on all three items. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported that Parks and Recreation Spring Signup is Tuesday, March 4th and Thursday, March 6th from 3:30 p.m. to 6:00 p.m. at the Armory. This Signup is for Spring Tumbling/Gymnastics, youth baseball, youth softball and soccer. The Summer Signup is Wednesday, May 7th.

B. John reported that the City will be sending out a survey to randomly selected residents this week as part of the Planning Commission public information gathering process for the Comprehensive Plan update.

C. John reported that petitions for Mayor and City Council seats can be picked up from the City Finance Officer and are due no later than Tuesday, March 25th at 5:00 p.m.

D. John reminded citizens that sidewalks are to be cleared 24 hours after the end of a snow event. John noted that snow should be stored on your property - not across the street on neighbor's yard without permission. John stated that if moved across the street, windrows or piles of snow should not be left on the street.

E. John reported that the traffic signal at the corner of Main and University Street was removed by an accident over the weekend. John stated that a four way stop sign has been placed at the intersection until repair parts can be received. John noted that if the underground wiring was damaged this could take longer.

PAYROLL ADDITIONS AND CHANGES

Street: Tyler Williamson \$15.41/hr; Golf Clubhouse: Tim Christopherson \$8.50/hr, Hannah Downing \$7.50/hr, Connor Larson \$7.25/hr

11. Invoices Payable

73-14

Alderman Davies moved approval of the following invoice:

UNIVERSITY CLEANERS	PROFESSIONAL SERVICES	25.00
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Alderman Collier-Wise seconded the motion. Alderman Meins requested to abstain. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

74-14

Alderman Davies moved approval of the following invoices:

ALLEGIANT EMERGENCY SERVICE	FIREFIGHTER EQUIPMENT	21,286.55
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	153.30
ARGUS LEADER MEDIA #1085	SUBSCRIPTION	48.00
ASSURED LOCK TOOL & SUPPLY	PARTS	445.16
AUDIO EDITIONS	BOOK	8.00
AUTOMATIC BUILDING CONTROL	ANNUAL INSPECTION	1,593.00
BAKER & TAYLOR BOOKS	BOOKS	413.45
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	10,818.04
BARCO MUNICIPAL PRODUCTS	SUPPLIES	137.67
BARNES DISTRIBUTION	SUPPLIES	564.32
BARRY BRATTEN	SAFETY BOOTS REIMBURSEMENT	59.99
BENJAMIN NELSEN	MEALS REIMBURSEMENT	24.00
BEST WESTERN RAMKOTA HOTEL	LODGING	939.90
BLACKSTONE AUDIO INC	BOOKS	150.00
BORDER STATES ELEC SUPPLY	SUPPLIES	153.24
BOUND TREE MEDICAL, LLC	SUPPLIES	2,109.50
BOYER TRUCKS	PARTS	54.21
BROADCASTER PRESS	ADVERTISING	519.27
BTI ACCESS CONTROLS, INC	PARTS	235.69
BUTCH'S PROPANE INC	PROPANE	1,790.32
BUTLER MACHINERY CO.	PARTS/WARRANTY	13,632.76
CAMPBELL SUPPLY	SUPPLIES	452.91
CANNON TECHNOLOGIES, INC	PARTS	5,163.46
CASK & CORK	MERCHANDISE	1,623.85
CENTURY BUSINESS LEASING	COPIER CONTRACT	138.25
CENTURYLINK	TELEPHONE	745.82
CHEMCO, INC	SUPPLIES	360.01
CITY OF VERMILLION	POSTAGE/COPIES	1,182.95
CITY OF VERMILLION	UTILITY BILLS	41,972.42
CLAY RURAL WATER SYSTEM	WATER USAGE	62.60
CLEVELAND GOLF	MERCHANDISE	162.26
CLIMATE SYSTEMS, INC	PROFESSIONAL SERVICES	220.00
CLUBHOUSE HOTEL & SUITES	LODGING	1,713.00
COLONIAL LIFE ACC INS.	INSURANCE	2,918.96
COX AUTO SUPPLY	PARTS	573.56
CRYSTAL BRADY	GYM MEMBERSHIP REIMBURSEMENT	175.00
CUMMINS CENTRAL POWER, LLC	REPAIRS	4,897.92
D-P TOOLS	SUPPLIES	15.47
DAKOTA BEVERAGE	MERCHANDISE	9,760.16
DAKOTA COUNTY LIBRARY	BOOKS	13.99

DAKOTA PC WAREHOUSE	COMPUTER/REPAIRS	1,356.83
DAKOTA PUMP INCORP	PARTS	136.78
DAKOTA RIGGERS & TOOL SUPPLY	SUPPLIES	32.84
DANIELS RESIDENTIAL INC	BALER BUILDING	67,050.00
DANKO EMERGENCY EQUIPMENT	SUPPLIES	156.97
DELTA DENTAL PLAN	INSURANCE	6,440.92
DEMCO	SUPPLIES	171.78
DENNIS MARTENS	MAINTENANCE	833.34
DEPT OF REVENUE	TESTING	195.00
DGR ENGINEERING	PROFESSIONAL SERVICES	13,523.69
DRIVERS LICENSE GUIDE CO	ID CHECKING GUIDE	62.85
DUANE FULK	SAFETY BOOTS REIMBURSEMENT	100.00
DUST TEX	SUPPLIES	92.40
ECHO ELECTRIC SUPPLY	PARTS	721.52
EDWARD F. HEIBERGER	BOOKS	23.98
ELECTRONIC ENGINEERING	BATTERIES	160.00
ELLIOTT EQUIPMENT CO	SEWER CAMERA SYSTEM	27,390.09
EMERSON MANUFACTURING	PARTS	27.06
ENERGY LABORATORIES	TESTING	660.00
FARMER BROTHERS CO.	SUPPLIES	154.84
FEDEX.	SHIPPING	11.47
FERGUSON ENTERPRISES, INC	PARTS	112.68
FILTERTEC	FILTERS	707.47
FULL BLAST ENGINEERING	POLICE EQUIPMENT	6,000.00
GALE	BOOKS	124.07
GENTLE TOUCH CARPET CARE	CLEANING	60.00
GEOTEK ENGINEERING	PROFESSIONAL SERVICES	1,599.50
GRAINGER	PARTS	313.80
GRAYBAR ELECTRIC	LIGHT POLE	2,478.00
GRAYMONT CAPITAL INC	CHEMICALS	7,494.25
GREG SIGNS	PAINTING	90.00
GREGG PETERS	FREIGHT	1,826.50
GREGG PETERS	RENT	937.50
GUARANTEE OIL CO INC	SUPPLIES	39.96
HAUFF MID-AMERICA SPORTS	SUPPLIES	55.00
HD SUPPLY WATERWORKS	SUPPLIES	9,805.63
HDR ENGINEERING, INC	PROFESSIONAL SERVICES	6,246.42
HELGET SAFETY SUPPLY, INC	SUPPLIES	133.71
HENDERSONS ULTIMATE CAR WASH	CAR WASH CARD	50.00
HERCULES INDUSTRIES, INC	SUPPLIES	316.83
HERREN-SCHEMPP BUILDING	SUPPLIES	134.21
HY VEE FOOD STORE	SUPPLIES	185.77
IN CONTROL, INC	PROFESSIONAL SERVICES	260.00

INDEPENDENCE WASTE	WASTE HAULING	747.00
INGRAM	BOOKS	169.70
INTERNATIONAL CODE COUNCIL	SUPPLIES	29.50
INTOXIMETERS	SUPPLIES	168.00
ISAAC VOSS	MEALS REIMBURSEMENT	140.00
JIM BALLEWEG	SAFETY GLASSES REIMBURSEMENT	150.00
JOHN A CONKLING DIST.	MERCHANDISE	5,465.59
JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	28,852.37
JOHNSON CONTROLS	REPAIRS	3,188.43
JOHNSON FEED, INC	REPAIRS	695.66
JONES FOOD CENTER	SUPPLIES	472.66
JOSE DOMINGUEZ	MEALS REIMBURSEMENT	23.00
JOYCE MOORE	MILEAGE REIMBURSEMENT	196.10
KALINS INDOOR COMFORT	REPAIRS	148.75
KARSTEN MFG CORP	MERCHANDISE	1,196.96
LEGGETTE, BRASHEARS & GRAHAM	PROFESSIONAL SERVICES	2,936.22
LESSMAN ELEC. SUPPLY CO	SUPPLIES	456.00
LINCOLN MUTUAL LIFE	INSURANCE	462.40
LOCATORS AND SUPPLIES, INC	REPAIRS	1,283.75
LONG RIDER BOOKS	BOOKS	611.29
LSC ENVIRONMENTAL PRODUCTS	RENTAL FEE	2,200.00
MAGUIRE IRON, INC	WATER STORAGE TANK	20,681.20
MALLOY ELECTRIC	PARTS	2,227.71
MART AUTO BODY	TOWING	385.00
MATHESON TRI-GAS, INC	SUPPLIES	263.30
MC2, INC	PARTS	13,537.68
MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,864.00
MEAD LUMBER	SUPPLIES	498.25
MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	193.05
MERRICK INDUSTRIES	REPAIRS	1,064.05
MICRO MARKETING ASSOC	BOOKS	133.49
MIDWEST ALARM CO	ALARM MONITORING	63.00
MIDWEST BUILDING MAINTENANCE	MAT SVC	539.50
MIDWEST TURF & IRRIGATION	PARTS	1,352.31
MISSOURI VALLEY MAINTENANCE	REPAIRS	1,446.02
MUNICIPAL ELEC. ASSOC.	REGISTRATION	130.00
MURPHS APPLIANCE & TV	REFRIGERATOR	499.00
N B GOLF LLC	PARTS	167.42
NAMI-SD	REGISTRATION	220.00
NCL OF WISCONSIN, INC	SUPPLIES	624.50
NETSYS+	PROFESSIONAL SERVICES	257.50
NEW YORK LIFE	INSURANCE	94.02
NORTHERN TRUCK EQPT CORP	PARTS	117.44

OTIS ELEVATOR COMPANY	SERVICE CONTRACT	1,097.76
OVERDRIVE INC	MAINTENANCE FEE	3,000.00
PCC, INC	COMMISSION	2,567.89
PLAIN TALK PUBLISHERS	SUBSCRIPTION	26.00
PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
PRAIRIE BERRY WINERY	MERCHANDISE	586.50
PRESSING MATTERS	ENVELOPES	63.00
PRESTO-X-COMPANY	INSPECTION/TREATMENT	97.23
PRINT SOURCE	ADVERTISING	348.75
PUMP N PAK	FUEL	1,374.45
QUALITY TELECOMMUNICATION	TELEPHONE	504.00
QUEEN CITY WHOLESALE	MERCHANDISE	522.70
QUILL	SUPPLIES	2,248.56
RACOM CORPORATION	MAINTENANCE CONTRACT	775.50
RANDOM HOUSE, INC	BOOKS	142.50
RASMUSSEN MECHANICAL SERVICE	PARTS	1,593.13
RECORDED BOOKS, INC	BOOKS	583.60
REPUBLIC NATIONAL DIST	MERCHANDISE	24,958.58
RIVERSIDE HYDRAULICS & LAB	PARTS	94.67
RS HALSTEAD CORP	LANDFILL LEACHATE POND	42,680.54
SANFORD HEALTH PLAN	FSA PARTICIPATION FEES	69.00
SANFORD VERMILLION HOSPITAL	TB/FLU SHOTS	290.00
SANP-ON TOOLS	PARTS	146.80
SCHAEFFER MFG. CO	SUPPLIES	595.20
SD ARBORISTS ASSOCIATION	MEMBERSHIP DUES	70.00
SD ASSOC. OF RURAL WTR SYSTEMS	REGISTRATION	700.00
SD FIREFIGHTERS ASSOCIATION	MEMBERSHIP	690.00
SD MUNICIPAL STREET MAINTENANCE	REGISTRATION	50.00
SD PLANNERS ASSOCIATION	MEMBERSHIP/SUBSCRIPTION	55.00
SD RETIREMENT SYSTEM	CONTRIBUTIONS	49,645.62
SD STATE UNIVERSITY	PROFESSIONAL SERVICES	52.50
SERVALL TOWEL & LINEN	SUPPLIES	29.40
SERVICES UNLIMITED INC	REPAIRS	761.65
SIOUXLAND HUMANE SOCIETY	PROFESSIONAL SERVICES	74.00
SOOLAND BOBCAT	PARTS	222.94
STATE RADIO COMMUNICATION	TELETYPE SERVICE	3,500.00
STERN OIL CO.	SUPPLIES	1,142.39
STEWART OIL-TIRE CO	REPAIRS	35.00
STUART C. IRBY CO.	SUPPLIES	3,259.17
STURDEVANTS AUTO PARTS	PARTS	820.95
THE EQUALIZER	ADVERTISING	496.00
THE WALKING BILLBOARD	T-SHIRTS	256.25
TITLEIST DRAWER CS	MERCHANDISE	1,236.67

TODDS ELECTRIC SERVICE	LOAD MGMT CONTROLLER	25.00
TRUE VALUE	SUPPLIES	206.82
TUMBLEWEED PRESS INC	SUBSCRIPTION	499.00
TURNER PLUMBING	REPAIRS	969.39
TYLER TECHNOLOGIES	MAINTENANCE	19,817.61
ULTRAMAX	SUPPLIES	1,802.00
UNITED WAY	CONTRIBUTIONS	458.46
USA BLUEBOOK	SUPPLIES	1,105.28
VERIZON WIRELESS	CELL PHONES	1,559.65
VERMILLION ACE HARDWARE	SUPPLIES	384.66
VHS WORLD LANGUAGE CLUB	BBB CONTRIBUTION	750.00
VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	9,092.11
WAL-MART COMMUNITY	SUPPLIES	475.20
WALKER CONSTRUCTION	WATER HEATER REBATE/SNOW REMOVAL	250.00
WATERTOWN REGIONAL LIBRARY	BOOKS	15.50
WESCO DISTRIBUTION, INC	SUPPLIES	9,598.00
WH OVER MUSEUM	CONTRIBUTION	15,000.00
WOW! BUSINESS	911 CIRCUIT	1,365.50
YANKTON JANITORIAL SUPPLY	SUPPLIES	1,087.07
ZEE MEDICAL SERVICE	SUPPLIES	299.65
ZEP SALES & SERVICE	SUPPLIES	601.75

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 March 17, 2014 for a special permit to exceed allowable sound levels for Pi Kappa Alpha in the northwest corner of Prentis Park on March 22, 2014 from 5:00 p.m. - 7:00 p.m.

B. Set a public hearing date of March 17, 2014 for a special daily malt beverage and wine license for the Vermillion Area Arts Council on or about March 21, 2014 at 202 Washington Street

C. Set a public hearing date of March 17, 2014 for a special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company on or about April 24 5:00 p.m. - 7:00 p.m., July 10, July 24, August 7, August 21 and September 4 from 6:00 p.m. - 8:00 p.m. on the Platz.

D. Set a public hearing date of March 17, 2014 for a special permit to exceed allowable sound levels for the Thursdays on the Platz organization on or about April 24 5:00 p.m. - 7:00 p.m., July 10, July

24, August 7, August 21 and September 4 from 6:00 p.m. - 8:00 p.m. on the Platz

75-14

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

13. Adjourn

76-14

Alderman Osborne moved to adjourn the Council Meeting at 8:38 p.m. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 3rd day of March, 2014.

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 _____.

PROCLAMATION
Purple Up! For Military Kids Day

WHEREAS, thousands of brave American service members from South Dakota have demonstrated their courage and commitment to freedom by serving in the Armed Forces of the United States of America around the globe; and

WHEREAS, a great number of these soldiers, sailors, airmen, and marines have left families with children behind while serving; and

WHEREAS, these children are a source of pride and honor to us all in Vermillion and South Dakota, and it is only fitting that we take time to celebrate their spirit and recognize their contributions, letting our men and women in uniform know that while they are taking care of us, we are taking care of their children; and

WHEREAS, April is designated as Month of the Military Child across our Nation; and

WHEREAS, a special day in the month of April will be in order to salute our military children, to provide local support to military children and families, families that are in our very own backyards; and

WHEREAS, “Purple Up! For Military Kids Day” will allow us to pay tribute to military children for their commitment, struggles, and unconditional support of our troops, because when parents serve in the military, their children will serve too; and

WHEREAS, April 15, 2014 will be “Purple Up! For Military Kids Day” - a special day to show local support of our military children and families by wearing the color purple that symbolizes all branches of military, as it is the combination of Army green, Coast Guard blue, Air Force blue, Marine red and Navy blue.

NOW, THEREFORE, we, the Governing Body of the City of Vermillion, South Dakota do hereby proclaim the 15th of April, 2014 as “Purple Up! For Military Kids Day” in Vermillion, South Dakota, and urge all citizens, businesses, and government leaders to observe this day by wearing purple in order to salute, honor, support, and thank our military children in the community.

Dated at Vermillion, South Dakota this 17th day of March, 2014.

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

ATTEST:

By _____
John E. (Jack) Powell, Mayor

By _____
Michael D. Carlson, Finance Officer

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: March 17, 2014

Subject: Special Permit to exceed permissible sound levels by no more than 50% for Pi Kappa Alpha for a fundraising event in Prentis Park on or about March 22, 2014 from 5:00 p.m. until 7:00 p.m. (requesting change to March 27)

Presenter: Mike Carlson

Background: Pi Kappa Alpha fraternity has applied for a special permit to exceed allowable noise levels for a Pikes in the Park fundraising event in the northwest corner and basketball court area of Prentis Park on Saturday, March 22, 2014 from 5:00 p.m. to 7:00 p.m. Since the application was submitted an e-mail was received to change the date to March 27 at the same time. A copy of the application, map of the new location and copy of the e-mail requesting to change the date are attached.

The city noise ordinance is as follows:
Sec. 90.01. Noises prohibited.

(A)General prohibitions: In addition to the specific prohibitions outlined below, it shall be unlawful for any person to make, continue, or cause to be made or continued any loud or unusual noise so as to disturb the peace of the public, any neighborhood, any business operation, family, lawful assembly of persons, or any person by committing any act or acts of disturbance within the limits of the City of Vermillion.

(B)The following acts are declared to be in violation of this chapter.

- 1) Sound equipment prohibited: Except for emergency vehicles, it shall be unlawful for any person to operate or cause to be operated upon the streets or public places in the city a sound truck or car with sound amplification equipment in operation. "Sound truck" as used herein means any vehicle having thereon or attached thereto any sound amplification equipment. "Sound amplification equipment" as used herein means any machine or device for the amplification of the human voice, music or other sound, but shall not include radio or warning devices on vehicles used for traffic warning or control purposes.
- 2) Stereos, radios, television sets, musical instruments and similar devices:
 - a. Using, operating or permitting the use or operation of any stereo, radio, musical instrument, television, phonograph, drum or other machine or device for the production or

reproduction of sound, except as provided for in paragraph (1) above, in such a manner as to violate this section or cause a noise disturbance.

b. The operating of any such device between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty (50) feet from such device when operated within a vehicle parked on a public right-of-way or when operated from within a private residence.

3) Maximum permissible sound levels: It shall be unlawful for any person to operate or permit the operation of any stationary source of sound in such a manner as to create a sound pressure level during any ten-minute measurement period which exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise. Sound level measurements shall be made at a distance of fifty (50) feet from source with a sound level meter of type 2 or better, using the "A" weighting scale, in accordance with standards promulgated by the American National Standards Institute.

Use District	11:00 p.m.-6-00 a.m.	6-00 a.m.-11:00 p.m.
Residential	50 dB(A)	55dB(A)
Commercial	55 dB(A)	60dB(A)
Industrial & Agricultural	75 dB(A)	80dB(A)

(C) It shall be a violation of this section if the sound which is measured creates a sound pressure level greater than the levels set forth for the receiving land use district for ninety (90) per cent of the time in any measurement period, such as the level exceeded for nine (9) minutes of a ten-minute period.

(D) Special Permit - The City Council may, following a Public Hearing, issue a Special Permit to exceed allowable sound levels by not more than 50% of the allowable limit within the Use District, in a suitable location with appropriate facilities, during the allowable time. It shall be required of any applicant for a Special Permit to demonstrate that the event for which the permit is requested be of public benefit. An applicant shall submit a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source. Application for a Special Permit shall be made with the City Finance Officer, and shall be accompanied with an application fee of \$25.00. Application for a Special Permit shall be completed no later than 30 days prior to the proposed event, and it shall contain all applicable information relative to the nature and purpose of the event. (Ord. No. 1100, 10-1-01)

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

Violation: Any person violating any provision of this section may be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Discussion: The application and map indicate that the stage and sound system will be in two locations: one on the basketball court and the other by the north picnic shelter. The sound levels at 200 feet for both areas are 40 dB which is below the max limit. Dallas Humphries, representing Pi Kappa Alpha, has indicated that they want to change the date from Saturday, March 22 to Thursday, March 27. The notice of hearing cited on or about March 22 so this would be an option.

The City Council will need to determine, at the public hearing, if it is in a suitable location, with appropriate facilities, during the allowable time, and if the applicant can demonstrate the public benefit of the event. The Pikes in the Park event has been held for a number of years without any issues. Relevant questions, for a public gathering, when a noise permit is sought, include the availability of restroom facilities and clean-up.

Financial Consideration: The \$25 fee for the noise permit has been received.

Conclusion/Recommendations: Administration recommends approval of the special permit with a change in the date from Saturday, March 22 to Thursday, March 27, 2014, from 5:00 p.m. to 7:00 p.m. unless information is presented at the public hearing that indicates that there were problems related to the noise.

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

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 17th day of March, 2014 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 or about Saturday, March 22, 2014 between the hours of 5:00 p.m. and 7:00 p.m. which has been filed in the Finance Officer's Office:

Pi Kappa Alpha request for a special permit to exceed allowable sound levels in the northwest corner and basketball area of Prentis Park on or about Saturday, March 22, 2014 from 5:00 p.m. and 7:00 p.m. for a fundraising concert event.

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

Dated at Vermillion, South Dakota this 3rd day of March, 2014.

Michael D. Carlson, Finance Officer

Publish: March 7, 2014

Published once at the approximate cost of _____.

**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 Pi Kappa Alpha

Contact Person Dallas Humphries Phone 720-291-4595

Contact Person Address 800 N. Plum St. #437

Location of Event Prentiss Park Date of Event 3-22

Duration of event from time 5 pm to Time 7 pm

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

Yes, it was a sheltered location from food, and
plenty of space for yard games.

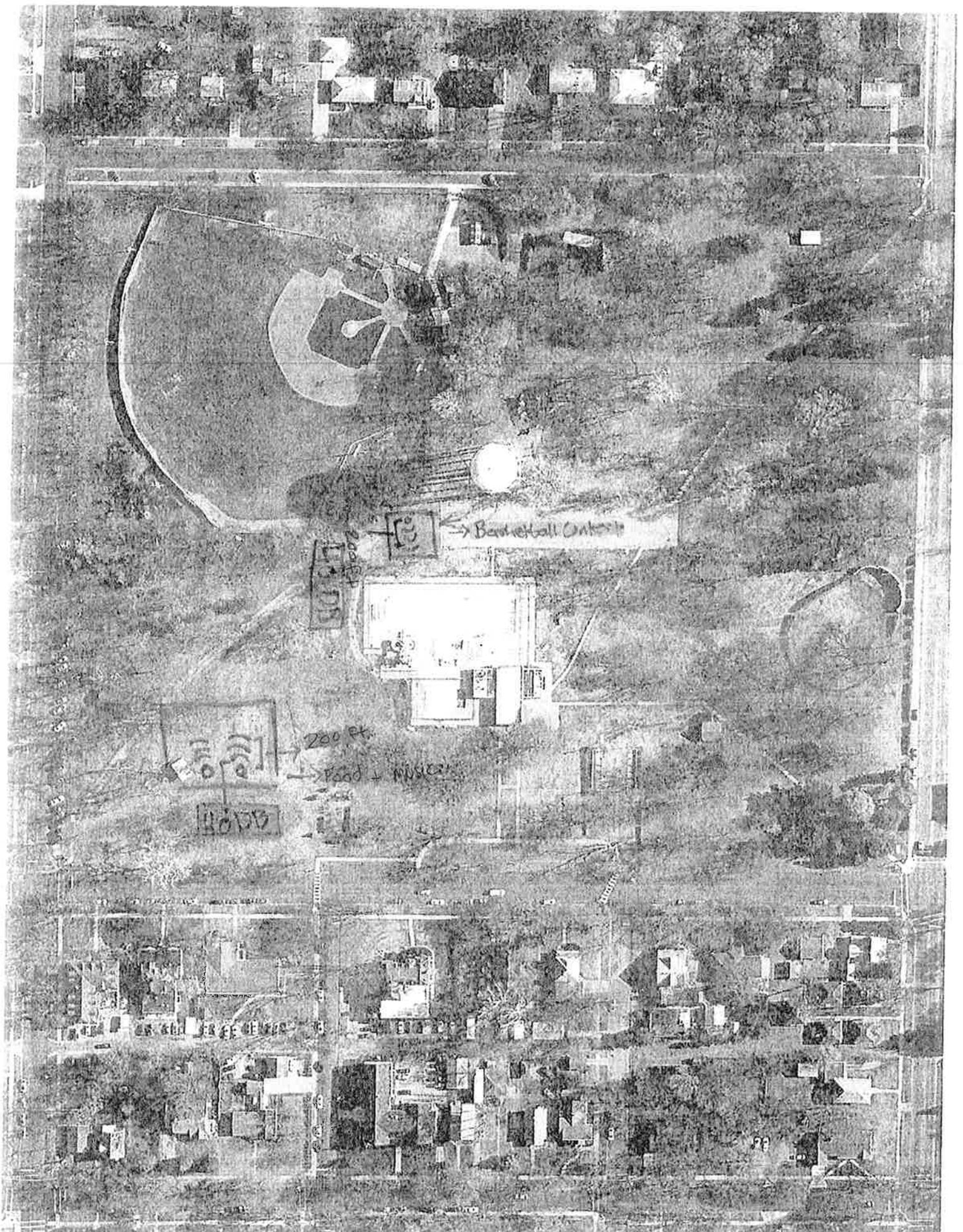
The ordinance asks the applicant to demonstrate that the event for which the permit is requested be of public benefit. Describe the public benefit:

All proceeds of the event goes to children's
Miracle Network, providing the community
the opportunity to come together and
participate in a wonderful event.

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 Dallas Humphries date 02-11-14



Mike Carlson

From: Humphries, Dallas William [Dallas.Humphries@coyotes.usd.edu]
Sent: Monday, March 10, 2014 11:16 PM
To: Mike Carlson
Subject: Pikes in the Park date change

Good Afternoon,

The gentlemen of Pi Kappa Alpha originally reserved the park for March 22nd. However, after much deliberation we request that the city allow us to change the date to the 27th of March. The reason for this change is because many college students leave on the weekends, and the 27th is a Thursday so we would still have most, if not all students on campus to ensure maximum attendance.

Thank you,

Dallas Humphries
Pi Kappa Alpha
University of South Dakota

Sent via the Samsung GALAXY S®4, an AT&T 4G LTE smartphone

Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: March 17, 2014
Subject: Special Daily Malt Beverage License for the Vermillion Area Arts Council on or about March 21, 2014 at 202 Washington Street
Presenter: Mike Carlson

Background: The Vermillion Area Arts Council has submitted an application for a special daily malt beverage and wine license for their St. Patrick's Day Celebration on March 21, 2014 at 202 Washington Street.

Our city ordinance on special daily licenses reads as follows:

112.18 SPECIAL LICENSES FOR SALES OF MALT BEVERAGES AND/OR WINE.

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

State Statute for the special daily licenses is as follows:

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

- (1) A special malt beverage retailers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (16) in addition to any other licenses held by the special events license applicant;
- (2) A special on-sale wine retailers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (12) or chapter 35-12 in addition to any other licenses held by the special events license applicant;
- (3) A special on-sale license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (16) in addition to any other licenses held by the special events license applicant; or
- (4) A special off-sale package wine dealers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(3), (5), (12), (17A), or (19) or chapter 35-12 in addition to any other licenses held by the special events license applicant. A special off-sale package wine dealer's licensee may only sell wine manufactured by a farm winery that is licensed pursuant to chapter 35-12.

6. Public Hearing; item b

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

Discussion: The notice of public hearing is attached, along with the Police Chief's memo. The routine Police Department records check of the parties involved with the special daily license revealed no alcohol related violations or felony convictions in reference to this application. City staff is not aware of any problems with previous special daily licenses granted to the Vermillion Area Arts Council. Susan Heggstad, President of VAAC, has indicated that she will be attending the meeting.

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

Conclusion/Recommendations: Administration recommends approving the issuance of the special daily malt beverage license unless further information is provided at the public hearing.

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 17th day of March, 2014 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following application for an alcoholic beverage license to operate within the municipality for the licensing period stated below, which has been presented to the City Council and filed in the Finance Officer's Office:

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

Vermillion Area Arts Council on or about March 21, 2014 at 202 Washington Street.

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

Dated at Vermillion, South Dakota this 3rd day of March, 2014.

Michael D. Carlson, Finance Officer

Publish: March 7, 2014

Published once at the approximate cost of _____.

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



To: Vermillion City Council

Date: 03/04/2014

From: Matthew Betzen
Chief of Police

A blue ink handwritten signature, appearing to be "MB", enclosed in a blue oval.

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

The Vermillion Area Arts Council is the applicant for this special license. The event is scheduled to happen on March 21, 2014 and is a St. Patrick's Day Celebration. Similar events have not resulted in any police action. I have no reason to believe this scheduled event will differ from past events.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: March 17, 2014

Subject: Special Daily Malt Beverage and Wine License for Vermillion Chamber of Commerce and Development Company on or about April 24, July 10, July 24, August 7, August 21 and September 4, 2014 at Ratingen Platz and the portion of Market Street abutting Ratingen Platz

Presenter: Mike Carlson

Background: The Vermillion Chamber of Commerce and Development Company has submitted an application for a special daily malt beverage and wine license for the Earth Day event on Thursday, April 24 and the Thursdays On the Platz events on July 10, July 24, August 7, August 21 and September 4, 2014, to be held at Ratingen Platz on the corner of Market and W. Main Streets and a portion of Market Street abutting the Platz.

City ordinance on special daily licenses reads as follows:

112.18 SPECIAL ALCOHOLIC BEVERAGE LICENSES ISSUED IN CONJUNCTION WITH SPECIAL EVENTS.

(A) The City Council may grant, after public hearing, a special on-sale malt beverage and/or a special on-sale wine license to a civic, charitable, educational, veterans, or fraternal organization in conjunction with a special event.

(B) The City Council may grant, after public hearing, a special off-sale package wine dealers license to a civic, charitable, educational, veterans, or fraternal organization in conjunction with a special event. A special off-sale package wine dealer's licensee may only sell wine manufactured by a farm winery that is licensed pursuant to SDCL Ch. 35-12.

(C) Any license issued pursuant to this section shall be issued to the person and the location specified on the application. Any license issued pursuant to this section may be issued for a period of time established by the municipality. However, no period of time may exceed 15 consecutive days. The granting of the special license shall be subject to such conditions and restrictions as the City Council may deem appropriate and consistent with state law.

(D) The fee for such special licenses shall be set by resolution of the City Council.

State Statute for the special daily licenses is as follows:

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

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

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

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

(4) A special off-sale package wine dealers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-

6. Public Hearings; item c

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

Any license issued pursuant to this section may be issued for a period of time established by the municipality or county. However, no period of time may exceed fifteen consecutive days. No public hearing is required for the issuance of a license pursuant to this section if the person applying for the license holds an on-sale alcoholic beverage license or a retail malt beverage license in the municipality or county or holds an operating agreement for a municipal on-sale alcoholic beverage license, and the license is to be used in a publicly-owned facility. The local governing body shall establish rules to regulate and restrict the operation of the special license, including rules limiting the number of licenses that may be issued to any person within any calendar year.

Discussion: The notice of public hearing is attached. The Police Chief reported there were no incidents with the events held last year. As the event will be held on a City street and City property, ordinance allows the City to include “*such conditions and restrictions, as the governing body may deem appropriate and consistent with state law.*” The request to exceed allowable noise levels and a street closure request is later on this agenda. The VCDC is requesting the permit to sell beer and wine on the City property. The individuals selling the beer and wine may or may not be VCDC staff or Board members. The VCDC has provided a certificate of Insurance naming the City of Vermillion as an additional insured and provided a Release and Indemnification releasing the City from liability for the event.

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

- Require the applicant identify and utilize a fenced area where alcoholic beverages may be sold and consumed, as well as a plan to monitor the entrances and exits from this area.
- Require a plan for the cleanup and disposal of the cups and other materials after the event each day.
- Restroom facilities. Some groups have used port-a-potties for a similar event. The duration of the event may minimize the need for specific restroom facilities.
- Require a list of those individuals selling alcohol and checking IDs be provided to the City Manager 24 hours before the event. All individuals on the list were required to be at least 21 years of age.
- Hours of sale may be limited. The noise permit states the hours will be from 5:00 pm to 7:00 pm or 6:00 pm to 8:00 pm and as such the hours could be restricted to that time period.

Financial Consideration: The City has received the \$15 per day license fee and \$15 advertising fee from the applicant for a total of \$105.

Conclusion/Recommendations: Administration recommends approval of the April 24, July 10, July 24, August 7, August 21 and September 4, 2014 special daily malt beverage

6. Public Hearings; item c

and wine license, contingent upon the establishment of the hours that sales will be allowed for each day, the City Council is comfortable that the applicant holding the license can properly distribute malt beverages and regulate the events, and there is complete understanding and agreement by the applicant with regard to any conditions and restrictions the City Council may require after further information is provided at the public hearing. The motion should also address the request to use the Ratingen Platz.

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 17th day of March, 2014 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following application for an alcoholic beverage license to operate within the municipality for the licensing period stated below, which has been presented to the City Council and filed in the Finance Officer's Office:

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

Vermillion Area Chamber & Development Company, Inc on or about April 24, July 10, July 24, August 7, August 21 and September 4, 2014 at the Ratingen Platz on the corner of Market and Main Street and the Market Street right of way from Main Street south a half a block.

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

Dated at Vermillion, South Dakota this 4th day of March, 2014.

Michael D. Carlson, Finance Officer

Publish: March 7, 2014

Published once at the approximate cost of _____.

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



To: Vermillion City Council

Date: 03/04/2014

From: Matthew Betzen
Chief of Police

A handwritten signature in blue ink, consisting of stylized initials "MB" enclosed in a circular scribble.

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

A check of the Vermillion Police Department records does not reveal any issues that occurred the last three years during these events. This is a positive community event and the risks associated with serving alcohol appear to be minimal.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: March 17, 2014

Subject: Special Permit to exceed permissible sound levels by no more than 50% for the Thursdays on the Platz for a live concert and public gathering at Ratingen Platz on April 24 from 5:00 p.m. to 7:00 p.m. and July 10, July 24, August 7, August 21 and September 4, 2014 from 6:00 p.m. to 8:00 p.m.

Presenter: Mike Carlson

Background: Thursdays on the Platz has applied for a special permit to exceed allowable noise levels for a concert and public gathering April 24, July 10, July 24, August 7, August 21 and September 4, 2014, held at Ratingen Platz (corner of W. Main Street and Market Street). A copy of the application and a map of the area are attached. The special daily malt beverage and wine license for the event was applied for by the Vermillion Area Chamber of Commerce & Development Company and there is a request to close a portion of Market Street later on the agenda. The events are free and open to the public.

The city noise ordinance is as follows:

Sec. 90.01. Noises prohibited.

(A)General prohibitions: In addition to the specific prohibitions outlined below, it shall be unlawful for any person to make, continue, or cause to be made or continued any loud or unusual noise so as to disturb the peace of the public, any neighborhood, any business operation, family, lawful assembly of persons, or any person by committing any act or acts of disturbance within the limits of the City of Vermillion.

(B)The following acts are declared to be in violation of this chapter.

- 1) Sound equipment prohibited: Except for emergency vehicles, it shall be unlawful for any person to operate or cause to be operated upon the streets or public places in the city a sound truck or car with sound amplification equipment in operation. "Sound truck" as used herein means any vehicle having thereon or attached thereto any sound amplification equipment. "Sound amplification equipment" as used herein means any machine or device for the amplification of the human voice, music or other sound, but shall not include radio or warning devices on vehicles used for traffic warning or control purposes.
- 2) Stereos, radios, television sets, musical instruments and similar devices:
 - a. Using, operating or permitting the use or operation of any stereo, radio, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in paragraph (1) above, in such a manner as to violate this section or cause a noise disturbance.

6. Public Hearing; item d

- b. The operating of any such device between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty (50) feet from such device when operated within a vehicle parked on a public right-of-way or when operated from within a private residence.
- 3) Maximum permissible sound levels: It shall be unlawful for any person to operate or permit the operation of any stationary source of sound in such a manner as to create a sound pressure level during any ten-minute measurement period which exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise. Sound level measurements shall be made at a distance of fifty (50) feet from source with a sound level meter of type 2 or better, using the "A" weighting scale, in accordance with standards promulgated by the American National Standards Institute.

Use District	11:00 p.m.-6-00 a.m.	6-00 a.m.-11:00 p.m.
Residential	50 dB(A)	55dB(A)
Commercial	55 dB(A)	60dB(A)
Industrial & Agricultural	75 dB(A)	80dB(A)

- (C) It shall be a violation of this section if the sound which is measured creates a sound pressure level greater than the levels set forth for the receiving land use district for ninety (90) per cent of the time in any measurement period, such as the level exceeded for nine (9) minutes of a ten-minute period.
- (D) Special Permit - The City Council may, following a Public Hearing, issue a Special Permit to exceed allowable sound levels by not more than 50% of the allowable limit within the Use District, in a suitable location with appropriate facilities, during the allowable time. It shall be required of any applicant for a Special Permit to demonstrate that the event for which the permit is requested be of public benefit. An applicant shall submit a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source. Application for a Special Permit shall be made with the City Finance Officer, and shall be accompanied with an application fee of \$25.00. Application for a Special Permit shall be completed no later than 30 days prior to the proposed event, and it shall contain all applicable information relative to the nature and purpose of the event. (Ord. No. 1100, 10-1-01)
- (E) Semi-tractors; prohibited noises: It shall be unlawful for any person within the city limits of Vermillion, to make, or cause to be made, loud or disturbing or offensive noises with any mechanical devices operated by compressed air and used for purposes of assisting braking on any semi-tractor, except for the aversion of imminent danger. (Ord. No. 1102, 10-15-01)

Discussion: The events are being sponsored by Thursdays on the Platz and the Chamber to encourage the community to gather downtown on Thursday nights and will showcase Ratingen Platz. This year Thursdays on the Platz will include the Earth Day event on April 24 with times of 5:00 to 7:00.

The City Council will need to determine, at the public hearing, if it is in a suitable location with appropriate facilities, during the allowable time and if the applicant can demonstrate the public benefit of the event. Relevant questions for a public gathering, when a noise permit is sought, include the availability of restroom facilities; clean up of the area, and disposal of waste. City staff is not aware of any noise related problems with Thursdays on the Platz events of the last couple of years.

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

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

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

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

Organization Requesting Thursdays On The Platz

Contact Person Michelle Maloney Phone 605 677-9006

Contact Person Address 2822 Cherokee Court

Location of Event Ratingen Platz Date of Event 4/24/14

Duration of event from time 5 PM to Time 7 PM

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

yes

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

This is a community-wide event in commemoration of Earth Day. There will be local farmers and other vendors that advocate sustainability.

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

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

Signature of applicant

Michelle Maloney

date

3/3/14

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

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

Organization Requesting Thursdays On The Platz

Contact Person Michelle Maloney Phone 605 677-9006

Contact Person Address 2822 Cherokee Court

Location of Event Ratingen Platz Date of Event 7:10, 7:24, 8:17, 8:21, 9:4

Duration of event from time 6 PM to Time 8 PM

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

yes

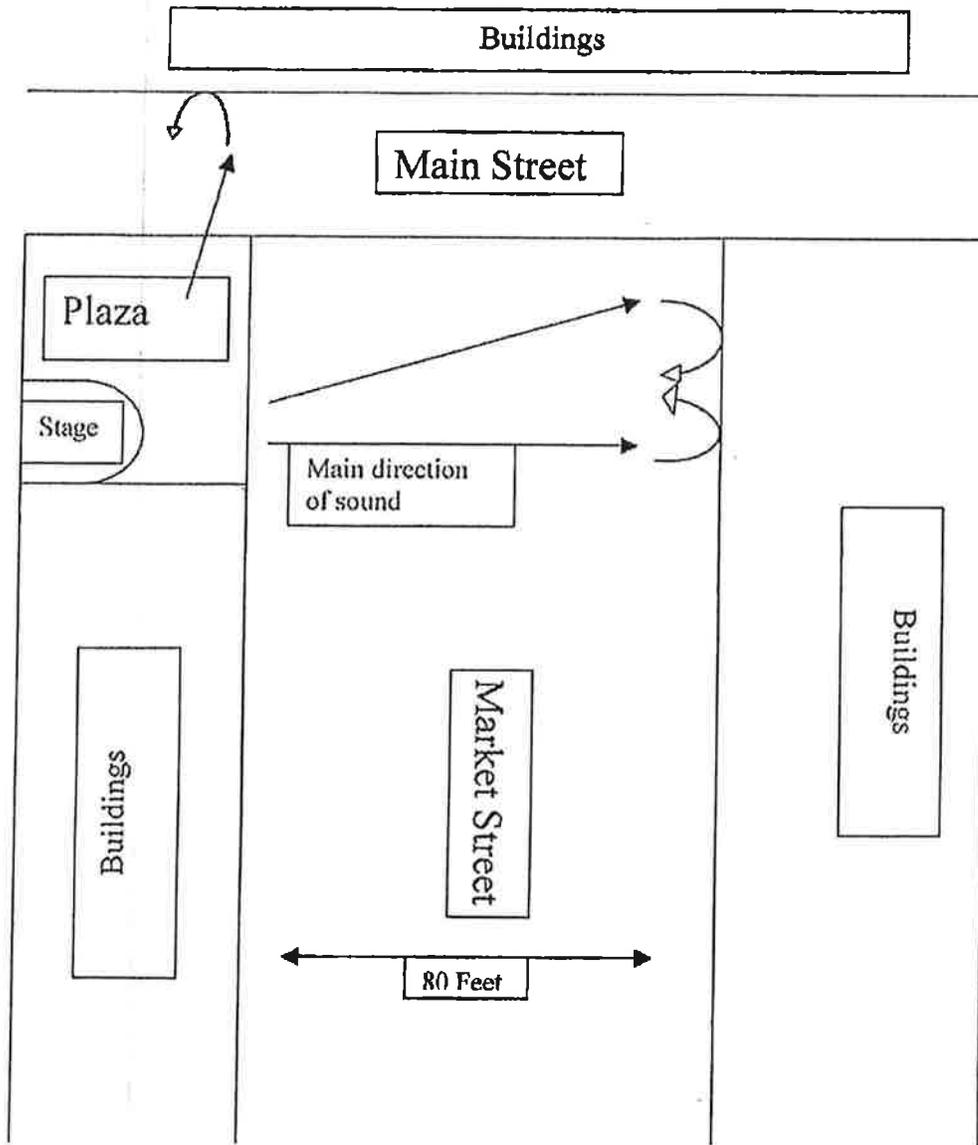
The ordinance asks the applicant to demonstrate that the event for which the permit is requested be of public benefit. Describe the public benefit:

This is a family friendly event featuring live music and food in an effort to provide activities for all ages during the summer months.

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

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

Signature of applicant  date 3/3/2014



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

Council Agenda Memo

From: Farrel Christensen, City Building Official

Meeting: March 17, 2014

Subject: Second Reading of Ordinance 1309 Adoption of the 2012 International Building Code, International Residential Code and the International Fire Code.

Presenter: Farrel Christensen

Background: The International Code Council publishes new codes every three years. This method insures that the International Codes are kept up to date through the review of proposed changes submitted by code enforcing officials, industry representatives, design professionals and other interested parties. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate. Local jurisdictions are required to insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction and several other areas that are specific to the adopting body. Many of the changes proposed are part of that process and some are specific to Vermillion and the needs of our City.

Discussion: Staff has reviewed the proposed new codes carefully and the first reading of the adoption contains commentary from staff to better describe why a change has been recommended. Staff has considered modifications included by other cities in South Dakota and has meet with local contractors and affected parties to discuss proposed changes. The proposed adoptions are a result of those meetings and staff recommendations.

Staff has received no comments since the first reading of the ordinance.

Financial Considerations: The cost to the city will be for publication of the ordinance.

Conclusion/Recommendations: Administration recommends the adoption of the first reading of Ordinance 1309 adopting the International Building Code, International Residential Code and the International Fire Code. As this is second reading of the ordinance, a roll call vote is required.

ORDINANCE NO. 1309

AN ORDINANCE AMENDING CHAPTER 150 BUILDING REGULATIONS SECTION 150.02 INTERNATIONAL BUILDING CODE ADOPTED AND ENACTING THE 2012 INTERNATIONAL BUILDING CODE AS MODIFIED BY THE CITY OF VERMILLION, SOUTH DAKOTA; AMENDING SECTION 150.03 INTERNATIONAL RESIDENTIAL CODE ADOPTED AND ENACTING THE 2012 INTERNATIONAL RESIDENTIAL CODE AS MODIFIED BY THE CITY OF VERMILLION AND AMENDING CHAPTER 92 FIRE PREVENTION AND PROTECTION SECTION 92.04 FIRE CODE ADOPTED AND ENACTING THE 2012 INTERNATIONAL FIRE CODE AS MODIFIED BY THE CITY OF VERMILLION, SOUTH DAKOTA.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 150 Section 150.02 International Building Code is repealed and the 2012 International Building Code is enacted, and the following portions of the 2012 International Building Code adopted in this article shall be added, deleted, modified or amended, or not adopted as follows. All other sections or subsections of the 2012 International Building Code as published shall remain the same.

AN ORDINANCE of the City of Vermillion adopting the 2012 edition of the International Building Code as amended, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Vermillion; providing for the issuance of permits and collection of fees therefore; repealing ordinance 1242 of the City of Vermillion and all other ordinances or parts of laws in conflict herewith including existing ordinance section 15.02 and replacing with the following

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 150, Section 150.03 International Residential Code is repealed and the 2012 International Residential Code is enacted, and the following portions of the 2012 International Residential Code shall be amended, added, or deleted by the City as follows. All other portions of the 2012 International Residential Code as published shall remain the same.

AN ORDINANCE of the City of Vermillion adopting the 2012 edition of the International Residential as amended, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Vermillion; providing for the issuance of permits and collection of fees therefore; repealing ordinance 1243 of the City of Vermillion and all other ordinances or parts of laws in conflict therewith including existing ordinance section 150.03 and replacing with the following.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 92: Section § 92.04 Fire Code is repealed and the 2012 International Fire Code is enacted, and the following portions of the 2012 International Fire Code adopted in this article shall be added, deleted, modified or amended, or not adopted as follows. All other sections or subsections of the 2012 International Fire Code as published shall remain the same.

AN ORDINANCE of the City of Vermillion adopting the 2012 edition of the International Fire Code as amended, regulating and governing the safeguarding of life and property from fire and explosion hazards

arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises.

§ 150.02 INTERNATIONAL BUILDING CODE ADOPTED.

A certain document, one copy of which is on file in the office of the City Building Official, a copy of which is on file at the Vermillion Public Library, designated as the International Building Code, 2012 Edition, including Appendix J, as published by the International Code Council, Inc., is hereby adopted as the erection, construction, enlargement, alteration, moving, removal, demolition, conversion, occupancy, height, area, and maintenance of all property, buildings, and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use, and for the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of the structures as herein provided, and providing for the issuance of permits and collection of fees therefore. Each and all of the regulations, provisions, penalties, conditions, and terms of the International Building Code, 2012 Edition, on file in the locations mentioned above are hereby referred to, adopted, and made a part hereof, as if fully set out in the ordinance, with the additions, insertions, deletions, and changes if any, prescribed below. The minimum building standards of International Building Code, 2012 Edition, and amendment thereto shall be applied to any building permit issued after the effective adoption date.

The following additions, deletions, modifications and or amendments to the International Building Code 2012 are hereby incorporated into and made a part of this code.

International Building Code modifications

101.1 Title. These regulations shall be known as the Building Code of the City of Vermillion, hereinafter referred to as “this code.”

103.1 Enforcement Agency. Building Services is hereby created and the official in charge thereof shall be known as the Building Official.

101.4.3 Plumbing. All references to the International Plumbing Code shall refer to the provisions of the Uniform Plumbing Code. The provisions of The Uniform Plumbing Code as modified by the state of South Dakota shall apply to the installation of plumbing systems, including design, construction, installation, improvement, extension and alteration of materials, piping, venting, fixtures, appliances and appurtenances in relation to plumbing and plumbing systems. Permits and inspection for plumbing work shall be obtained through the State Plumbing Commission.

101.4.7 Electrical. The provisions of the National Electric Code as adopted by the State of South Dakota shall apply to the installation of electrical systems, including equipment, appliances, fixtures, fittings and/or appurtenances thereto. All references to the International Electrical Code shall refer to the National Electrical Code. Permits and inspections for electrical work shall be obtained through The State Electrical Commission.

103.2 Appointment. Not adopted by the City

104.8 Liability. The Building Official, member of the Board of Appeals or employee charged with the enforcement of this code while acting for the jurisdiction in good faith and without malice shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that

officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city's insurance pool and any immunities and defenses provided by other applicable state and federal law and shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the city, its officers and employees, be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

105.1 Permit Required. Fees for replacement window permits shall be set by Resolution. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. The building official may exempt permits for minor work.

(a) Replacement windows in existing openings

All window replacement shall require a building permit. Replacement windows shall conform to the code for new construction whenever possible, including but not limited to light, ventilation, safety glazing and egress. Windows that cannot meet the code for new construction within the existing opening shall utilize the opening to its maximum potential to comply. Double hung windows or sliding windows that limit light, ventilation or egress are required to be changed to a casement style or similar to maximize the opening. Windows located in rental housing shall meet the requirement to provide for the health, safety and welfare of the occupants. Fee shall be set by Resolution of the City of Vermillion Governing Body.

Exceptions

The replacement of glazing only, in non hazardous location shall not require a permit.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures with side walls no greater than 8 feet in height, used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet.
2. Retaining walls that are not over 4 feet in height measured from the bottoms of the grade elevation to the top of the wall, unless supporting a surcharge.
3. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
4. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
5. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 52 inches deep, are not greater than 9,000 gallons and are installed entirely above ground

6. Swings and other playground equipment accessory to detached one- and two-family dwellings
7. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
8. Decks not exceeding 200 square feet in area and not more than 30 inches above grade at any point within 3 feet of the deck.
9. Exterior Siding, Design and installation shall conform to Chapter 7 wall covering.
10. Roofing, Design and installation shall conform to Chapter 9 roof assemblies.
11. Sidewalks and driveways. A driveway permit is required from the City Engineer.
12. Temporary motion picture, television, and theater stage sets and scenery.
13. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

107.3.1 Approval of Construction Documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as “Approved.” One set of construction documents so reviewed shall be retained by the building official. The site submittal set shall be returned to the applicant, shall be kept at the site of work, and shall be open to inspection by the building official or duly authorized representative.

109.2 Schedule of Permit Fees. Fees shall be set by Resolution of the City of Vermillion Governing Body.

109.4 Work Commencing Before Permit Issuance. Any person who commences work requiring a permit on a building or structure before obtaining the necessary permits shall be subject to a fee established by Resolution of the City of Vermillion’s Governing Body and shall be in addition to the required permit fees. Legal and/or civil proceedings may also be commenced.

109.7 Delinquent Accounts. The building official may refuse to issue permits, register rental units or conduct inspections for any person or business that has a delinquent account with any City department.

110.3 Required Inspection. The building official shall indicate on the building permit the inspections required for each job and upon notification shall make the inspections.

110.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official. Fees for violations of this requirement shall be set by Resolution.

113.1 Application for appeal. Any person having any record title or legal interest in the dwelling, dwelling unit, rooming unit, or premises directly affected by a decision of the Code Official or a notice or order issued under this code shall have the right to appeal to the Board of

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

113.2 Forms. Appeals shall be submitted on the forms provided by the Code Official. Applications must be accompanied with the application fee, applications without fees shall not be considered filed until the fee is received.

113.3 Membership of board. The Board of Appeals shall consist of the City of Vermillion Governing Body.

113.4 Chairman. The Governing Body's presiding member shall serve as the chairman of the Board of Appeals.

113.5 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

113.6 Secretary. The Governing Body shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

113.7 Notice of Meeting. The Board of Appeals shall meet upon notice from the chairman within 30 days of the filing of an appeal, or at stated periodic meetings.

113.8 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership.

113.9 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

113.10 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

113.11 Board decision. The board shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of the total number of appointed board members.

113.12 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the Code Official.

113.13 Administration. The Code Official shall take immediate action in accordance with the decision of the board.

113.14 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

113.15 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

113.16 Fees. The fee for appeal application will be set by Resolution. Fees are required for appeal requests regardless of the outcome of the request and are nonrefundable.

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be subject a fine set by Resolution in addition to any and all other penalties as prescribed by law.

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided through out all buildings with a Group R fire area.

Exceptions:

1. Group R-2 occupancies with four or fewer units.
2. Group R-3 occupancies

1009.7.5.3 Solid risers. Not adopted by the city

150.03 INTERNATIONAL RESIDENTIAL CODE ADOPTED.

A certain document, one copy of which is on file in the office of the Building Official and one copy of which is on file in the Vermillion Public Library, designated as the International Residential Code, 2012 Edition, as published by the International Code Council, Inc., be and is hereby adopted as the residential building code of the City of Vermillion in the State of South Dakota for regulating and governing design, construction, quality of materials, erection, installation, alteration, movement, repair, equipment, use and occupancy, location, removal and demolition of one- and two-family dwellings and townhouses not more than three stories in height with a separate means of egress and their accessory structures, and providing for the issuance of permits and collection of fees therefore. Each and all of the regulations, provisions, penalties, conditions, and terms of the International Residential Code, 2012 Edition, on file in the locations mentioned above are hereby referred to, adopted, and made a part hereof, as if fully set out, with the additions, insertions, deletions, and changes, if any below. The minimum building standards in the International Residential Code, 2009 Edition, shall be applied to any building permit after effective adoption date.

The following additions, deletions, modifications, or amendments to the International Residential Code, 2012 Edition, are hereby incorporated into and made a part of the code.

International Residential Code

R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-family Dwellings of the City of Vermillion, and shall be cited as such and will be referred to herein as "this code".

R103.1 Enforcement agency. Code Compliance is hereby created and the official in charge thereof shall be known as the Building Official.

R103.2 Appointment. Not adopted by the City

R104.8 Liability. The Building Official, members of the Board of Appeals, or employees charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city's insurance pool and any immunity and defenses provided by other applicable state and federal law. The building official or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. The building official may exempt permits for minor work.

(a) Replacement windows in existing openings

All window replacement shall require a building permit. Replacement windows shall conform to the code for new construction whenever possible, including but not limited to light, ventilation, safety glazing and egress. Windows that cannot meet the code for new construction within the existing opening shall utilize the opening to its maximum potential to comply. Double hung windows or sliding windows that limit light, ventilation or egress are required to be changed to a casement style or similar to maximize the opening. Windows located in rental housing shall meet the requirement to provide for the health, safety and welfare of the occupants. Fees for replacement window permits shall be set by Resolution.

Exception The replacement of glazing only, in non hazardous location shall not require a permit.

R105.2 Work Exempt from Permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory structures with side walls no greater than 8 feet in height, used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet.
2. Retaining walls that are not over 4 feet in height measured from the bottoms of the grade elevation to the top of the wall, unless supporting a surcharge.
3. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
4. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
5. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 52 inches deep, are not greater than 9,000 gallons and are installed entirely above ground
6. Swings and other playground equipment accessory to detached one- and two-family dwellings.
7. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
8. Decks not exceeding 200 square feet in area and not more than 30 inches above grade at any point within 3 feet of the deck.
9. Exterior Siding, Design and installation shall conform to Chapter 7 wall covering.
10. Roofing, Design and installation shall conform to Chapter 9 roof assemblies.
11. Sidewalks and driveways. A driveway permit is required from the City Engineer.
12. Temporary motion picture, television, and theater stage sets and scenery.
13. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

R106.3.1 Approval of construction documents. When the Building Official issues a permit, the construction documents shall be approved, in writing or by stamp, as “Approved.” One set of construction documents so reviewed shall be retained by the building official.

R108.2 Schedule of permit Fees. Fees shall be set by Resolution of the City of Vermillion’s Governing Body.

R108.6 Work Commencing Before Permit Issuance. Any person who commences work requiring a permit on a building or structure before obtaining the necessary permits shall be subject to a fee established by Resolution of the City of Vermillion’s Governing Body and shall be in addition to the required permit fees. Legal and/or civil proceedings may also be commenced.

R108.7 Delinquent Accounts. The building official may refuse to issue permits, register rental units or conduct inspections for any person or business that has a delinquent account with any City of Vermillion department or entity.

R109.4 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official upon notification shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official. Fees for violations of this requirement shall be set by Resolution.

R112.1 Application for appeal. Any person having any record title or legal interest in the dwelling, dwelling unit, rooming unit, or premises directly affected by a decision of the Code Official or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

R112.1.2 Forms. Appeals shall be submitted on the forms provided by the Code Official. Applications must be accompanied with the application fee, applications without fees shall not be considered filed until the fee is received.

R112.1.3 Membership of board. The Board of Appeals shall consist of the City of Vermillion Governing Body.

R112.1.4 Chairman. The Governing Body's presiding member shall serve as the chairman of the Board of Appeals.

R112.1.5 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

R112.1.6 Secretary. The Governing Body shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

R112.1.7 Notice of Meeting. The Board of Appeals shall meet upon notice from the chairman within 30 days of the filing of an appeal, or at stated periodic meetings.

R112.1.8 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership.

R112.1.9 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

R112.1.10 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

R112.1.11 Board decision. The board shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of the total number of appointed board members.

R112.1.12 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the Code Official.

R112.1.13 Administration. The Code Official shall take immediate action in accordance with the decision of the board.

R112.1.14 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

R112.1.15 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

R112.1.165 Fees. The fee for appeal application will be set by Resolution. Fees are required for appeal requests regardless of the outcome of the request and are nonrefundable.

R202. Definitions. Add the following definition.

Bedroom. A finished space that affords privacy to the occupant, at least seventy square feet in space with no dimensions less than seven feet. Bedrooms may not be located in a kitchen, dining room, living room, hallway or bathroom.

Exception: Efficiency units or one bedroom units that are designed to be used as shared or group occupancy.

Outdoor smoking shelters. An "outdoor smoking shelter" is an attached addition to, or detached structure located on the same lot as the primary structure.

Outdoor smoking shelters shall:

- Comply with all provisions of the building code, and any other ordinances of the jurisdiction as adopted, regardless of size;
- Shelters 120 square feet, or less, in size: may be constructed of any materials permitted by the building code.
- Shelters greater than 120 square feet, or more, in size: Shall be constructed of noncombustible materials only.
- Have not more three sides or more than seventy-five percent (75%) of the aggregate wall area enclosed.

- Shall not be located in within 10 feet of the primary entrance or interfere in any way with the operation of any required entrances or exits.
- Be lighted with appropriate weatherproof fixtures;
- Be no taller than the primary structure; and
- Be both aesthetically and structurally similar to the primary structure.

Table R301.2 (1) Climatic and Geographic Design Criteria.

Ground Snow Load (Footnote l) 40 psf contour

Wind Speed (Footnote d) 90 mph

Topographic Effects (Footnote k) no

Seismic Design Category (Footnote f) A

Weathering (Footnote a) Severe

Termite Damage (Footnote c) Slight to Moderate

Winter Design Temperature -11 Degrees Fahrenheit

Ice Barrier Underlayment Requirement (Footnote i) yes

Flood Hazards. (Footnote g) Vermillion entered the regular phase of the National Flood Insurance in 1975 Map numbers are 46027C0265C and 46027C0270C.

Air Freezing Index (Footnote i) 3,000

Mean Annual Temperature 46 Degrees Fahrenheit

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

R302.5.1 Opening Protection

Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 13/8 inches in thickness, solid or honeycomb-core steel doors not less than 13/8 inches thick, or 20-minute fire-rated doors

R303.4 Mechanical ventilation. (testing). Not adopted by the city

R309.5 Fire sprinklers. Not adopted by the city.

R310.1 Emergency escape and rescue required.

Basements, habitable attics and every sleeping room shall have at least one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

R312.2.1 Window sills. Not adopted by the City

R319.1 Address Numbers. Not adopted by the City

R501.3 Fire protection of floors. Not adopted by the city.

N1101 Energy Efficiency. Not adopted by the City

Chapters 25 through 33. Not adopted by the City

Chapters 34 through 43. Not adopted by the City

M1502.4.2 Duct installation.

Exhaust ducts shall be supported at intervals not to exceed 12 feet and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Exhaust duct joints shall be sealed in accordance with Section M1601.4.

§ 92.04 INTERNATIONAL FIRE CODE ADOPTED 2012 EDITION

The Governing Body of the City of Vermillion does ordain as follows:

That a certain document, one copy of which is on file in the office of the Fire Chief and one copy of which is on file in the Vermillion Public Library, being marked and designated as the International Fire Code, 2012 edition, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Vermillion, in the State of South Dakota regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Vermillion are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance. The following additions, deletion, modification or amendment to the International Fire Code 2012 edition, listed by Fire Code section 92.04 are hereby incorporated into and made part of the code.

Section 2. That the following sections are hereby revised:

101.1 Title. These regulations shall be known as the *Fire Code* of the City of Vermillion, hereinafter referred to as “the code.”

103.1 General. The department of fire prevention is established within the jurisdiction and the official in charge thereof shall be known as the Fire Chief. The function of the department shall be the implementation, administration and enforcement of the provisions of the code.

103.2 Appointment. Not adopted by the City.

103.4 Liability. The Fire Official, member of the Board of Appeals or employee charged with the enforcement of this code while acting for the jurisdiction in good faith and without malice shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city’s insurance pool and any immunities and defenses provided by other applicable state and federal law and shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the city, its officers and employees, be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

106.2.2 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Fire Code Official. The Fire Code Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected, and such portion shall not be covered or concealed until authorized by the fire Code Official. Fees for violations of this requirement shall be set by Resolution.

[A] 108.1 Application for appeal. Any person having any record title or legal interest in the dwelling, dwelling unit, rooming unit, or premises. Any person directly affected by a decision of the Code Official or a notice or order issued under the code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of the Code do not fully apply, or the requirements of the code are adequately satisfied by other means.

[A] 108.2 Forms. Appeals shall be submitted on the forms provided by the Code Official. Applications must be accompanied with the application fee. Applications without fees shall not be considered filed until the fee is received.

[A] 108.3 Membership of board. The Board of Appeals shall consist of the City of Vermillion Governing Body.

[A] **108.4 Chairman.** The Governing Body's presiding member shall serve as the chairman of the Board of Appeals.

[A] **108.5 Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.

[A] **108.6 Secretary.** The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

[A] **108.7 Notice of Meeting.** The Board of Appeals shall meet upon notice from the chairman within 30 days of the filing of an appeal, or at stated periodic meetings.

[A] **108.8 Open hearing.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership.

[A] **108.9 Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

[A] **108.10 Postponed hearing.** When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

[A] **108.11 Board decision.** The board shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of the total number of appointed board members.

[A] **108.12 Records and copies.** The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the Code Official.

[A] **108.13 Administration.** The Code Official shall take immediate action in accordance with the decision of the board.

[A] **108.14 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

[A] **108.15 Stays of enforcement.** Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

[A] **108.16 Fees.** The fee for appeal application will be set by Resolution. Fees are required for appeal requests regardless of the outcome of the request and are nonrefundable.

109.2 Schedule of Permits. Fees shall be set by Resolution of the City of Vermillion Governing Body.

109.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Fire Official, or of a permit or certificate issued under the provisions of this code, shall be subject a fine set by Resolution in addition to any and all other penalties as prescribed by law.

113.3 Work commencing before permit issuance. Any person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to an established by Resolution of the City of Vermillion’s Governing Body and shall be in addition to the required permit fees. Legal and/or civil proceedings may also be commenced.

109.4.1 Delinquent Accounts. The Fire Official may refuse to issue permits, or conduct inspections for any person or business that has a delinquent account with any City department.

912.2.2 Existing buildings. On existing buildings, the Fire Department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such signs shall have the letters “FDC” at least 6 inches high and words in letters at least 2 inches high or an arrow to indicate the location. All such signs shall be subject to the approval of the Fire Code Official.

5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited is the corporate limits of the City of Vermillion).

5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited corporate limits of the City of Vermillion).

5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited corporate limits of the City of Vermillion).

6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas corporate limits of the City of Vermillion).

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided through out all buildings with a Group R fire area.

Exceptions:

1. Group R-2 occupancies with four or fewer units.
2. Group R-3 occupancies

Dated at Vermillion, South Dakota this 17th day of March, 2014.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

By: _____
Michael D. Carlson, Finance Officer

First Reading: March 3, 2014

Second Reading: March 17, 2014
Publish: March 28, 2014
Effective: April 17, 2014

Council Agenda Memo

From: Farrel Christensen, City Building Official

Meeting: March 17, 2014

Subject: Second Reading of Ordinance 1310 Adoption of the 2012 International Property Maintenance Code and Amendments to the Rental Housing Code

Presenter: Farrel Christensen

Background: The International Code Council publishes new codes every three years. This method ensures that the International Building Code is kept up to date through the review of proposed changes submitted by code enforcing officials, industry representatives, design professionals and other interested parties. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate. Local jurisdictions are required to insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction and several other areas that are specific to the adopting body. Many of the changes proposed are part of that process some are specific to Vermillion and the needs of our City.

Discussion: Staff has reviewed the proposed new codes carefully and the first reading contains commentary on the IPMC and strikethrough and underlining on the Rental Housing Code. Staff has considered modifications included by other cities in South Dakota and has meet with local property owners, managers and the new Vermillion chapter of the South Dakota Multihousing Association to discuss proposed changes. The proposed adoptions are a result of many hours of staff time and over two years of rental inspections together with many meetings with the Multihousing Association. The standards proposed are a compromise that will require property owners to continue to upgrade existing rental units. Time frames for compliance reflect the substantial investment of these requirements.

Staff has continued to meet with the Multihousing Association to try and resolve differences regarding emergency escape and rescue section of the Rental Housing Code. A detailed historic summary of the rental housing and building codes was compiled showing the various requirements that have been applied to egress windows over the years.

UBC/IRC Dates of Adoption	Net Opening Building Code	Net Opening Rental Code	Net Opening Proposed Code	Difference between Building Code And Proposed Code
1949 with 52 & 54 amendments	Unknown	None	4.5 Square Ft.	The proposed code establishes a minimum safe opening for older units.
1974 March	5.0 Square	None	5.0 Square	The proposed code establishes

	Ft.		Ft.	the same requirements that were in the Building Code at the time
1976 May	5.7 Square Ft	Adequate in Size (5.0)	5.0 Square Ft.	The proposed code reduces the requirement established by the building code.
1980 Jan	5.7 Square Ft	Adequate in Size (5.0)	5.0 Square Ft.	The proposed code reduces the requirement established by the building code.
1986 March	5.7 Square Ft.	Adequate in Size (5.0)	5.0 Square Ft.	The proposed code reduces the requirement established by the building code.
1995 Aug	5.7 Square Ft.	5.7 Square Ft.	5.7 Square Ft.	The proposed code establishes the same requirements that were in the Building Code at the time
July 2004	5.7 Square Ft.	5.7 Square Ft.	5.7 Square Ft.	The proposed code establishes the same requirements that were in the Building Code at the time
Jan. 2011	5.7 Square Ft.	5.7 Square Ft.	5.7 Square Ft.	The proposed code establishes the same requirements that were in the Building Code at the time

This summary shows that the proposed window requirements are in keeping with the building codes at the time of construction. This time frame of construction includes buildings built before 1974. Many homes constructed during this time have windows that meet the proposed 4.5 sq ft. however some home conversions or remodels that incorporated previously uninhabitable space, like attics and basements do not have safe windows. In order to provide safe egress in all bedrooms it is essential that a minimum standard be established for older homes. The proposed minimum sizes together with the exceptions and extended time for compliance will insure that safe egress is available for occupants to safely exit structures regardless of the date of construction.

This information was presented to the Multihousing Association leadership during our last meeting on Thursday, March 13. Together with this information and the Fire Chief recommendation that windows less than 4.5 would not be an acceptable size. Councilmen Howard Wilson and Dennis Zimmerman, along with city staff, were able to reach an agreement with the Multihousing Association leadership. This agreement included some minor changes to the compliance size and date table and an exception was added to the ordinance. This exception states that egress windows that are less than 18" in width, 24" in height or less than 3 square foot in area need to be replaced by September 1, 2014. All other egress windows in structures built prior 1974 will have until July 1, 2019 to become compliant with this code. Egress windows that were changed and reduced the opening size are not included in this exception and will be required be replaced with the correct size window no later than September 1, 2014. A posted notice will be required on the inside of each unit that are required to comply by July 1, 2019 that states the egress openings in this unit do not comply with the minimum egress requirements. Any rental unit not currently registered will be required to comply with the minimum standards established in this code and none of the exceptions will apply. This exception maintains the 4.5 square foot requirement that the Fire Chief and I agree is the minimum safe size but allows owners with windows that don't pose an

imminent danger to the occupants as deemed hazardous by the Fire Chief to have until July 1, 2019 to bring existing windows up to code. The change referenced above has been included in the ordinance and is in section 94.02 J 3 Exception.

One other item was discussed was the allegation that this code requirement should apply to owner occupied structures. The contention is that the use is the same under the code. This is not correct. The building code applies construction standards based on occupancy classification; apartment houses, boarding housing, and similar use are classified as Residential Group R division 2. Single family homes are classified as Residential Group R division 3. A completely different group of standards apply for each. Single Family Dwelling whether owner occupied or rental do share the same classification R-3 however the use is very different. Rental units are owned by investors whose primary concern is a return on an investment. Owner occupied homes are not commercial investments and the owners primary concern is himself or his family, a very different situation. One person is making decisions based on how much an investment will return the other is basing his decisions on his family. It is important to remember that the new window replacement ordinance does apply to owner occupied structures.

Financial Considerations: The cost to the city will be for publication of the ordinance.

Conclusion/Recommendations: Administration recommends adoption of a code that established minimum windows sizes as included in the second reading of Ordinance 1310, adopting the International Property Maintenance Code and amending the Rental Housing Code. As this is second reading of the ordinance, a roll call vote is required.

ORDINANCE NO. 1310

AN ORDINANCE AMENDING CHAPTER 150 BUILDING REGULATION SECTION 150.50 INTERNATIONAL PROPERTY MAINTENANCE CODE, ADOPTING AND ENACTING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE AS MODIFIED BY THE CITY OF VERMILLION; AND AMENDING CHAPTER 94: RENTAL HOUSING CODE DELETING SECTIONS 94.07(3)(d),(e)(5)(a)(b),(6),(7) ENFORCEMENT NOTICE AND HEARING AND SECTION 94.09 (A) and (B) BOARD OF HOUSING APPEALS TO ELIMINATE CONFLICTING APPEAL SECTIONS BETWEEN THE RENTAL HOUSING CODE AND THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND ADDING STANDARDS AND DEADLINES FOR COMPLIANCE FOR, EMERGENCY ESCAPE AND RESCUE OPENINGS IN EXISTING BUILDINGS AND RETURN AIR AND CONTROLABLE HEAT SOURCES IN EXISTING BUILDINGS.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 150, Section 150.50 International Property Maintenance Code is repealed and the 2012 International Property Maintenance Code is enacted, and the 2012 International Property Maintenance Code shall be amended, added, or deleted by the City as follows. All other portions of the 2012 International Property Maintenance Code as published shall remain the same.

AN ORDINANCE of the City of Vermillion adopting the 2012 edition of the International Property Maintenance Code as amended, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Vermillion; providing for the issuance of permits and collection of fees therefore; repealing and replacing current section 150.50 of the City of Vermillion and all other ordinances or parts of laws in conflict therewith

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that Chapter 94 Rental Housings Code Sections 94.07(3)(d),(e)(5)(a)(b),(6),(7) and section 94.09 Board of Housing Appeals of the Revised Ordinances of the City of Vermillion be deleted and that Section 94.02 (G),(H),(I) & (J) Responsibilities of Owners and Occupants of Rental units is modified and amended and it is hereby ordained by authority of the same as follows:

§ 150.50 INTERNATIONAL PROPERTY MAINTENANCE CODE 2012 ADDITION ADOPTED.

A certain document, one copy of which is on file in the office of the Building Official and one copy of which is on file in the Vermillion Public Library, designated as the International Property Maintenance Code, 2012 Edition, be and is hereby adopted as the property maintenance code of the City of Vermillion in the State of South Dakota.

The following additions, deletions, modifications and or amendments to the International Property Maintenance Code, 2012 Edition, are hereby incorporated into and made a part of the code.

102.3 Application of Other Codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of Chapter 150, sections 150.02 and 150.03 and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City's zoning regulations.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall set by Resolution of the City of Vermillion's Governing Body.

106.4 Violation penalties Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be subject a fine set by Resolution in addition to any and all other penalties as prescribed by law.

[A] **111.1 Application for appeal.** Any person having any record title or legal interest in the dwelling, dwelling unit, rooming unit, or premises. Any person directly affected by a decision of the Code Official or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

[A] **111.2 Forms.** Appeals shall be submitted on the forms provided by the Code Official. Applications must be accompanied with the application fee, applications without fees shall not be considered filed until the fee is received.

[A] **111.2.1 Membership of board.** The Board of Appeals shall consist of the City of Vermillion Governing Body.

[A] **111.2.2 Chairman.** The Governing Body's presiding member shall serve as the chairman of the Board of Appeals.

[A] **111.2.3 Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.

[A] **111.2.4 Secretary.** The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

[A] **111.2.5 Notice of Meeting.** The Board of Appeals shall meet upon notice from the chairman within 30 days of the filing of an appeal, or at stated periodic meetings.

[A] **111.3 Open hearing.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership.

[A] **111.4 Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

[A] **111.4.1 Postponed hearing.** When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

[A] **111.5 Board decision.** The board shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of the total number of appointed board members.

[A] **111.6 Records and copies.** The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the Code Official.

[A] **111.6.1 Administration.** The Code Official shall take immediate action in accordance with the decision of the board.

[A] **111.6.2 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

[A] **111.7 Stays of enforcement.** Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

[A] **111.8 Fees.** The fee for appeal application will be set by Resolution. Fees are required for appeal requests regardless of the outcome of the request and are nonrefundable.

202 General Definitions. Add the following definition.

Bedroom. A finished space that affords privacy to the occupant, at least seventy square feet in space with no dimensions less than seven feet. Bedrooms may not be located in a kitchen, dining room, living room, hallway or bathroom.

Exception: Efficiency units or units that are designed to be used as shared or group occupancy.

302.4 Weeds. Not adopted by the City

302.8 Motor Vehicles. Not adopted by the City

304.14 Insect Screens. During the period from May 1 to October 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception:

1. Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.3 Premises Identification. Not adopted by the City

308 Rubbish and Garbage. Not adopted by the City

404.4.1 Room area. Every living room shall contain at least 120 square feet and every bedroom shall contain a minimum of 70 square feet. Bedrooms 100 square feet or less are allowed two occupants and every bedroom occupied by more than two persons shall contain a minimum of 50 additional square feet of floor area for each occupant thereof.

602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 1 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F a minimum temperature of 65°F shall be maintained.

602.4 Occupiable Work Spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following:

All window replacement shall require a building permit. Replacement windows shall conform to the code for new construction whenever possible, including but not limited to light, ventilation, safety glazing and egress. Windows that cannot meet the code for new construction within the existing opening shall utilize the opening to its maximum potential to comply. Double hung windows or sliding windows that limit light, ventilation or egress are required to be changed to a casement style or similar to maximize the opening. Windows located in rental housing may require additional modification to comply with the minimum standards of section 94.02(J).

Exceptions The replacement of glazing only, in non hazardous location shall not require a permit.

CHAPTER 94: RENTAL HOUSING CODE

Deleting 94.07 (3)(d)(e),(5),(6),(7) and 94.09.

Modifying 94.02 (G)(H)

~~§ 94.07 ENFORCEMENT; NOTICE AND HEARING~~

- ~~(3)(d) Any person having any record title or legal interest in the dwelling, dwelling unit, rooming unit, or premises may appeal from the notice and order or any action of the Housing Inspector to the Board of Housing Appeals, provided the appeal is made in writing as provided in this code, and filed with the Housing Inspector within 10 days from the date of service of the notice and order.~~
- ~~(e) Failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter by the Board of Housing Appeals.~~
- ~~(5) The Board of Housing Appeals may authorize, upon appeal in specific cases, variance from the terms of the housing code or the rules and regulations pursuant thereto, subject to terms and conditions fixed by the Board, as will not adversely affect the public health where, owing to exceptional and extraordinary circumstances, literal~~

~~enforcement of applicable provisions will result in unnecessary hardship to the owner or occupant. The burden of proof is upon the applicant to show:~~

~~(a) The variance will not allow the existence of a condition significantly different from that permitted by this chapter for other property, and~~

~~(b) The variance shall be in harmony with the spirit and purposes of the housing code.~~

~~(6) Upon receipt of any appeal filed pursuant to this section, the Housing Inspector shall notify each member of the Board of Housing Appeals of the appeal, and the Board shall set a time and place for the hearing and shall give the petitioner written notice thereof at least 7 days prior to the hearing. The hearing shall be commenced not later than 30 days after the date on which the petition was filed. After filing a notice of appeal, enforcement of any notice of order appealed from shall be held in abeyance until the decision of the Board shall become final as hereafter provided. The decision of the Board shall be written, and shall state the findings, conclusions, and decisions of the Board.~~

~~(7) If no appeal is taken in accordance with the provisions of this chapter, the notice shall become a final order when the time for appeal to the Board has elapsed.~~

~~94.09 BOARD OF HOUSING APPEALS~~

~~(A) The Planning Commission of the City of Vermillion shall act as the Board of Housing Appeals and shall hear any appeals at regularly scheduled or special meetings of the governing body.~~

~~(B) Upon receipt of a petition for hearings on the form furnished by the Housing Inspector, the Planning Commission acting as the Board of Appeals shall set a time and place for the hearings and shall give a petitioner written notice thereof at least 7 days prior to the hearing. The hearing shall be commenced not later than 30 days after the date on which the petition was filed.~~

~~94.02 RESPONSIBILITIES OF OWNERS AND OCCUPANTS OF RENTAL UNITS~~

~~(G) In order to comply with the intent of this ordinance and protect the health, safety and welfare of occupants in rental units, effective January 1, 2014. All registered rental units shall be provided with smoke alarms that receive their primary power from the building wiring and when primary power is interrupted shall receive power from a battery.~~

Exceptions:

1. Smoke alarms shall be permitted to be battery operated when installed in buildings without commercial power.
2. Interconnection of hard-wired smoke alarms in existing areas shall not be required where the alterations or repairs result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide

access for interconnection of hard-wired smoke alarms without the removal of interior finishes.

(H) ~~In order to comply with the intent of this ordinance and protect the health, safety and welfare of occupants in rental units, effective January 1, 2014.~~ All registered rental units shall be provided with carbon monoxide alarms and shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units with fuel-fired appliances and/or attached garages.

(J) All registered rental units shall be provided with Emergency Escape and Rescue Openings in each sleeping room located below the fourth story.

1. Structures built in or after 1986 shall be provided with Emergency Escape and Rescue Openings that conform to the requirements of the International Building code(s) 2012 edition.
2. Structures built in or after 1974 and before 1986 shall be allowed to utilize windows that have a minimum net clear opening of 5.0 square feet and shall have a sill height of not more than 48 inches above the floor. The minimum net clear opening height dimension shall be 20 inches. The minimum net clear opening width dimension shall be 20 inches. The net clear opening dimensions shall be the result of normal operation of the opening.
3. Structures built before 1974 shall be allowed to utilize windows that have a minimum net clear opening of 4.5 square feet. One fixed step with a rise of no more than 7 3/4 inches and a tread of no less than 10 inches and a width no less than the window served, may be used to gain access to the window. The sill height shall be no more than 48 inches from the step to the finished sill. The minimum net clear opening height dimension shall be 20 inches. The minimum net clear opening width dimension shall be 18 inches. The net clear opening dimensions shall be the result of normal operation of the opening.

Exception: Lawfully established and maintained non-conforming emergency, escape and rescue openings in rental units registered before March 17, 2014 may continue to be used. Emergency, escape and rescue openings that do not pose an imminent danger to the occupants as deemed hazardous by the Fire Chief shall have until July 1, 2019 to comply with this code. The Fire Chief of the City of Vermillion has determined that emergency, escape and rescue openings that are less than 18" in width, 24" in height or are less than three square feet in area create an imminent danger and an unsafe condition; therefore any window that fails to meet these standards shall be replaced no later than September 1, 2014. All rental units that do not meet the minimum size established herein shall post a notice on the inside of each bedroom door(s) stating that the the emergency, escape and rescue opening(s) do not meet the minimum standard established by this code. After July 1, 2019 all rental units shall comply with the minimum sizes established herein.

4. Buildings located in Historic districts or on the state or national register of historic places may be granted the same exception as those buildings located in the C-B district, when judged by the Building Official to not constitute a distinct life safety hazard.
5. Existing windows shall be maintained in a manner that maintains the level of protection provided for the means of egress.
6. Owners may apply for a time extension to modify non-compliant windows, using the form provided by the Housing Inspector.

7. Rental units new to the registry shall be required to comply with the emergency escape and opening requirements determined by the time of construction.

EXCEPTION: Dwelling units in the C-B Central Business may utilize approved windows or openings in adjoining rooms. In no case shall an occupant have to go through more than one adjoining room to reach an approved emergency escape and rescue opening and only when judged by the building official to not constitute a distinct life safety hazard.

(K) All Dwelling Units shall be constructed in such a manner that return air from one dwelling is not discharged into another dwelling unit through the heating or cooling air systems

1. Each separate dwelling unit shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.
2. Where privacy is required, such as in bedrooms and bathrooms the heating facilities shall be capable of maintaining the required room temperature with the doors closed.
3. Effective August 1, 2014 all registered rental units shall be required to comply with these return air limitations, to provide separate and controllable heat sources to each dwelling unit in all habitable rooms, bathrooms and toilet rooms. Installation or replacement of heating units shall comply with the Uniform Mechanical Code and the manufacturer's installation instructions; unvented or portable units shall not be used.
4. Owners may apply for a time extension to comply with the deadline, using the form provided by the Housing Inspector

Dated at Vermillion, South Dakota this 17th day of March, 2014.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

By: _____
Michael D. Carlson, Finance Officer

First Reading: March 3, 2014
Second Reading: March 17, 2014
Publish: March 28, 2014
Effective: April 17, 2014

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: March 17, 2014

Subject: Second Reading of Ordinance 1311 – Amend Chapter 91 Airport, Section 91.08 Permit Requirements; Fees

Presenter: Jason Anderson, Assistant City Engineer

Background: At the March 3rd meeting the City Council adopted the Airport Minimum Standards for commercial operators. Commercial operators at the airport will be required to meet minimum standards for operating their business. One of the requirements set forth in the proposed Minimum Standards is that a commercial operator shall obtain a permit from the City and pay any associated fees.

Currently, Chapter 91 of the City Code addresses airport specific items. Section 91.08 addresses which commercial uses will require a permit from the City.

The City Council approved the first reading at the March 3rd meeting. No changes have been made to the Ordinance since the first reading.

Discussion: The proposed changes to this chapter will make the existing Ordinance and the recently adopted minimum standards policy similar with respect to the commercial uses allowed at the airport. The changes will remove the commercial uses currently provided for in the City Code and replace them with the ones in the Airport Minimum Standards policy. Additionally, a new description for each use will also be included with the change. A resolution setting the fees will be presented later in the meeting for adoption.

Financial Consideration: The only cost will be that of the required legal publications.

Conclusion/Recommendations: Administration recommends approval of the second reading of Ordinance 1311 amending the airport permit requirements. A roll call vote is required for the second reading of any ordinance.

ORDINANCE NO. 1311

AN ORDINANCE AMENDING CHAPTER 91 AIRPORT, SECTION 91.08 PERMIT REQUIREMENT; FEES.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 91 Airport, Section 91.08 Permit Requirement; Fees will be amended as follows:

§ 91.08 PERMIT REQUIREMENT; FEES.

(A) The following permits shall be required for operations based at or originating from the airport and shall be issued on an annual basis:

- (1) *Aircraft Sales*. An amount set by resolution per year for a business that is engaged in the sale of new, or used, aircraft;
- (2) *Airframe and Power Plant Repair (Aircraft Maintenance and Repair)*. An amount set by resolution per year for a business engaged in repair services to the airframe and/or power plan;
- (3) *Aircraft Rental*. An amount set by resolution per year for a business engaged in the rental of aircrafts to the public;
- (4) *Flight Training*. An amount set by resolution per year for a business engaged in commercial flight instruction;
- (5) *Air Taxi and Charter Services*. An amount set by resolution per year for a business engaged in air taxi or charter services;
- (6) *Specialized Commercial Flight Services*. An amount set by resolution per year for a business engaged in any/or all of the following: banner towing, aerial advertising, aerial photography, aerial surveys, fire fighting, fire patrol, power line patrol or pipeline patrol;
- (7) *Avionics, Instruments and/or Propeller Services*. An amount set by resolution per year for a business engaged in providing services to avionics, instruments and/or propeller;
- (8) *Permanent Aerial Applicators*. An amount set by resolution per year for a business engaged in aerial applications;
- (9) *Temporary Aerial Applicators*. An amount set by resolution per year for a business engaged in aerial applications;
- (10) *Multiple Commercial Aeronautical Services or a Limited Service Fixed Based Operator*. An amount set by resolution per year for a business engaged in any two or more of the commercial services previously mentioned.

(B) All aeronautical commercial services must comply with the current Harold Davidson Field Airport – Minimum Standards for Operators of Commercial Activities.

(C) Any permit may be cancelled by the Council for the violation of this chapter or for the violation of any pertinent provisions of this code, State Aeronautics Commission, or Federal Aviation Administration rules and regulations by the holder of the permit, his or her agents, employees, or servants upon 15 days written notice given to the permit holder.

Dated at Vermillion, South Dakota this 17th day of March, 2014.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

By: _____
Michael D. Carlson, Finance Officer

First Reading: March 3, 2014
Second Reading: March 17, 2014
Publish: March 28, 2014
Effective: April 17, 2014

Council Agenda Memo

From: John Prescott, City Manager

Meeting: March 17, 2014

Subject: Street Closure Request – Market Street on April 24, July 10, July 24, August 7, August 21, and September 4, 2014 for “Thursdays on the Platz”

Presenter: John Prescott

Background: As indicated, with earlier items on the agenda, “Thursday’s on the Platz” is again planning to hold several events in downtown Vermillion. This summer’s events are scheduled for April 24, July 10, July 24, August 7, August 21, and September 4, 2014. The events would host local and regional musical entertainment. The group will utilize Ratingen Platz at the corner of W. Main and Market Streets for the events. Due to the number of anticipated attendees, a street closure request has again been submitted for Market Street from W. Main Street to the East/West alley between W. Main Street and Kidder Street. The street closure request is the same as past years.

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

Discussion: The group requests to have Market Street from W. Main Street to the East/West alley between W. Main Street and Kidder Street closed from 5:30 p.m. to 8:00 p.m. on each of the five dates. The street closure request application indicates that neighboring businesses and residents have been notified. Volunteers for the Thursdays on the Platz Committee will clean up the area after the event.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends the City Council approve the closure of Market Street from W. Main Street to the East/West alley between W. Main Street and Kidder Street on April 24, July 10, July 24, August 7, August 21, and September 4, 2014, for the “Thursdays on the Platz” events.

Request to Close Public Street

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

**REQUEST TO CLOSE CITY STREET
CITY OF VERMILLION**

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

Organization Requesting Thursdays on the Platz
Contact Person Michelle Maloney Phone 605 677-9006
Contact Person Address 2822 Cherokee Court
Event Earth Day Date(s) of Event 4/24/14

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

Street Market from Main to just south of Platz

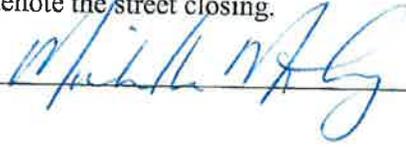
Street Closing Times 4 PM to 7 PM

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:

We have a large group of volunteers who are there to help with set up and tear down.

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

Signature of applicant  date 3/12/14

BBO
Blues

Ring
Hatz

Market
St

Cher
Brule

= barricades

Market
St

Request to Close Public Street

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

**REQUEST TO CLOSE CITY STREET
CITY OF VERMILLION**

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

Organization Requesting Thursdays On The Platz

Contact Person Michelle Maloney Phone 605 677-9006

Contact Person Address 2822 Cherokee Court

Event TOTP Date(s) of Event 7/10, 7/24, 8/7, 8/21 and 9/4

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

Street Market from Main to just south of Platz

Street Closing Times 5:30pm 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:

We have a committee that helps with set up and
tear down.

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

Signature of applicant _____ date 3/13/14

Council Agenda Memo

From: Farrel Christensen, City Building Official

Meeting: March 17, 2014

Subject: Resolution to establish Fees for the 2012 International Building Code, the International Residential Code, The International Fire Code, The International Property Maintenance Code and Amendments to the Rental Housing Code

Presenter: Farrel Christensen

Background: The International Codes and Rental Code contain many sections that require Fees to be established by resolution. The fees are based on specific code sections. The new codes have the same fee requirements as previous codes but the code section number or ordinance section or subsection number may have changed. The proposed resolution connects the correct fees with code section or ordinance section or subsection established in ordinance.

Discussion: The Housing Association has asked that fees be more accessible to the public. This resolution has grouped together all the related fees and will be posted on the City's web site to provide that accessibility. No changes are proposed to existing fees but we have added two new fees to correspond with two new code sections. Providing false information was added as well as a fee for appeal applications. The fees were proposed as \$100.00 for each.

Financial Considerations: The cost to the city will be for publication of the ordinance.

Conclusion/Recommendations: Administration recommends the adoption of resolution.

**RESOLUTION TO ESTABLISH FEES
FOR INTERNATIONAL BUILDING CODES AND RENTAL HOUSING CODE**

WHEREAS, the City Council has by ordinance adopted the 2012 International Building Code, the 2012 International Residential Code, the 2012 International Fire Code, the 2012 International Property Maintenance Code and approved modification and amendment to the Rental Housing Code; and

WHEREAS, the Ordinances provides for the City Council by resolution to establish various rates, fees and penalties.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota at a regular meeting thereof in the Council Chambers of said City at 7:00 p.m. on the 17th day of March, 2014 that the rates, fees and penalties are changed as follows:

Building Permit Fees Sections IBC 109.2, IRC 108.02 & IFC 113.2

The building permit fees shall be \$25.00 for valuations of \$1,000 or less plus \$.075 for each additional \$100 or fraction thereof up to \$2,000. The fee shall be \$32.50 for valuations of \$2,001 plus \$6.00 for each additional \$1,000 or fraction thereof up to \$25,000. The fee shall be \$170.50 for valuations of \$25,001 plus \$4.50 for each additional \$1,000 or fraction thereof up to \$50,000. The fee shall be \$283.00 for valuations \$50,001, plus \$3.00 for each additional \$1,000 or fraction thereof up to \$100,000. Thereafter the fee shall be \$433.00 for the first \$100,000 of valuation plus \$2.50 for each additional \$1,000 or fraction thereof.

TABLE

Valuation	Cost of Permit
Less Than \$1,000	\$25.00
\$1,001 to \$2,000	\$25.00 plus .75 per \$100 for values over \$1,000
\$2,001 to \$25,000	\$32.50 plus \$6.00 per \$1,000 for values over \$2,000
\$25,001 to \$50,000	\$170.00 plus \$4.50 per \$1,00 for values over \$25,000
\$50,001 to \$100,000	\$283.00 plus \$3.00 per \$1,000 for values over \$50,000
\$100,001 and over	\$433.00 plus \$2.50 per \$1,000

OTHER INSPECTIONS AND FEES

Razing Permit\$25.00
 Inspection outside normal business hours\$70.00 per hour
 Re-inspection Fees\$40.00 per re-inspection

Special Permits for Moving Structures 150.29

The minimum bond amount for an indemnity bond shall be \$10,000
 The minimum bond amount for a performance bond shall be \$10,000

150.32 The fee to cut, alter or move utility wires shall be the actual costs of employee time and equipment with the superintendent of Electric Distribution estimate used for deposit.

150.32 The special permit fee for moving structures shall be \$100.00, plus the building permit fee as established in 156.15, IBC 109.2, IRC 108.92 & IFC 113.2

Window Replacement Section 105.1 Permit Required. The permit fee for the replacement of windows shall be \$25.00 dollars for each permit regardless of the number of windows.

VIOLATION PENALTIES SECTIONS IBC 114.4, IRC 113.4 & IFC 109.4

Permits Sections IBC 109.4 IRC 108.6 and IFC 113.3

The Fee for commencing work before obtaining the necessary permits shall be equal to one and one-half of the amount of the permit, but not less than \$100.00 or more than \$500.00.

Approval Required Sections IBC 110.6, IRC 109.4 and IFC 106.2.2 The Fee for work done without a required inspection, or beyond the point indicated in each successive inspection, without first obtaining the approval of the building official, shall be \$100.00

Section Certificate of Occupancy IBC 111.1 IRC R110.1 IFC 909.19 System Acceptance. The fee for occupying a building before a certificate of occupancy is issued shall be \$100.00.

Appeals Section IBC 113.16, IRC 112.1.16, IFC 108.16 and IPMC 111.8 The fee for an appeal application is \$50.00. Fees are required for appeal requests regardless of the outcome of the request and are nonrefundable.

FEE SECTION 103.5 FEE SCHEDULE

Providing False Information. The fee for any person that provides false information, either orally or in writing, to any Code Official, on any document, form, report or application shall be \$100.00

IPMA Violation Penalties Section 106.4 The fee for violating any provision of this code, other than those specifically listed is \$100.00 penalty in addition to any and all other penalties as prescribed by law.

Failure to Comply Section 112.4 Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 or more than \$500.00 dollars.

RENTAL HOUSING CODE CHAPTER 94

Registration Required 94.05 (I) A fee of \$25.00 per structure and \$15.00 per unit.

Registration Required 94.05 (I) (1) A penalty of \$5.00 per unit, per month, shall be added to the annual registration fee if not paid by January 15th of each year.

Violations Section 94.11

(B) The fee for failing to properly register a rental unit shall be:

1. For the first violation within a calendar year, \$100.00
2. For the second violation within a calendar year, \$250.00
3. For three or more violations within a calendar year, \$500.00

(C) The fee for failure to make required repairs within the time allotted shall be \$100.00.

(D) The fee for failing to meet the inspector and provide access to all rental units and accessory and spaces at a scheduled inspection time and place or failure to reschedule an inspection at least one working day prior to the scheduled time, shall be \$25.00 per structure or \$5.00

per unit, whichever is greater.

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. Stop orders, demolition orders, other fees orders, and/or penalties issued by Federal, State or local jurisdictions may be applied in addition to the fees and penalties listed above.

Dated at Vermillion, South Dakota this 17th day of March, 2014.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

Approved: March 17, 2014

Published: March 28, 2014

Effective: April 17, 2014

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: March 17, 2014

Subject: Resolution to Set Fees for Commercial Uses at Harold Davidson Field Airport

Presenter: Jason Anderson, Assistant City Engineer

Background: At the March 3, 2014 meeting the City Council adopted minimum standards for commercial operators at the airport. This policy set minimum standards that a business must meet before starting commercial operation at Harold Davidson Field. The Minimum Standards policy also specified which commercial uses would be allowed at the airport. The policy also required that the applicant acquire a permit from the City for the commercial operation. This resolution will set the cost of the permit for each of the commercial operators.

Discussion: Currently the City requires that commercial users operating from the airport acquire a permit from the City. There are three permits that currently cost \$50, and two others that cost \$200 and \$300. The proposed fee schedule will have nine of the ten permits costing the applicant \$100; while the limited service fixed based operator (LSFBO) permit will cost \$200. This breakdown will allow the City to have a different source of funds for airport projects, while still offering some cost reduction on our most used permits (the cost of the aerial applicators and LSFBO permit will each be reduced by \$100).

Financial Consideration: There is no cost to the City associated with the adoption of this resolution. All revenue from the permits goes into the City's General Fund. Expenses for the Airport are paid from the City's General Fund.

Conclusion/Recommendations: Administration recommends approval of the resolution setting fees for commercial uses at the airport.

RESOLUTION ESTABLISHING FEES FOR COMMERCIAL USES AT THE AIRPORT

WHEREAS, the City Council has authorized Chapter 91, Section 91.08 to be amended by Ordinance 1311; and

WHEREAS, the amended ordinance established the permit requirements for commercial activities at the Harold Davidson Field Airport that correspond to Minimum Standards for Operators of Commercial Activities adopted by the City Council; and

WHEREAS, the amended ordinance provides that the commercial activity permit fees be set by Resolution of the City Council; and

WHEREAS, any permit that has been issued for a commercial service at the airport prior to the effective date of this resolution shall remain in effect until December 31, 2014.

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof in the Council Chambers of said City at 7:00 p.m. on the 17th day of March, 2014, that the rates be set as follows:

- (1) *Aircraft Sales* permit shall be \$100.00
- (2) *Airframe and Power Plant Repair (Aircraft Maintenance and Repair)* permit shall be \$100.00
- (3) *Aircraft Rental* permit shall be \$100.00
- (4) *Flight Training* permit shall be \$100.00
- (5) *Air Taxi and Charter Services* permit shall be \$100.00
- (6) *Specialized Commercial Flight Services* permit shall be \$100.00
- (7) *Avionics, Instruments and/or Propeller Services* permit shall be \$100.00
- (8) *Permanent Aerial Applicators* permit shall be \$100.00
- (9) *Temporary Aerial Applicators* permit shall be \$100.00
- (10) *Multiple Commercial Aeronautical Services or a Limited Service Fixed Based Operator* permit shall be \$200.00

BE IT FURTHER RESOLVED, by the Governing Body of the City of Vermillion, South Dakota that the minimum standards section 2.14 allows the City to establish a flowage for current leases that allow fuel sales at the airport. The flowage fee shall be \$0.05 per gallon due by the 5th of each month, effective for all sales after May 1st, 2014.

Dated at Vermillion, South Dakota this 17th day of March, 2014.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

ATTEST:

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

By: _____
Michael D. Carlson, Finance Officer

Approved: March 17, 2014
Publish: March 28, 2014
Effective: April 17, 2014

Council Agenda Memo

From: John Prescott, City Manager

Meeting: March 17, 2014

Subject: First reading of Ordinance 1312 to establish a lodging fee

Presenter: John Prescott

Background: In September 2013 the City Council adopted a resolution designating the boundaries of Business Improvement District #1. The Council has also adopted a resolution establishing the Board of Directors. Five Board directors have been appointed and bylaws have been approved. A Resolution of Intent to adopt an Ordinance establishing a lodging fee and BID #1 was adopted on February 3, 2014. A schedule of the steps completed to date is attached.

Discussion: In evaluating whether to implement a lodging fee, the BID Board looked at how other South Dakota cities utilized a lodging fee. Thirteen cities were identified to have at least one BID. The BID receipts are used primarily to market the individual communities. In the Plan that the BID Board developed and the Council accepted, the main purpose for BID funds was described as:

The Board finds that there is a city wide need to fund a portion of the costs of creation, promotion and marketing of visitor facilities, events, attractions and activities which benefit the City and hotels. Eligible expenses may include payment for costs of acquisition, construction, maintenance, operation and funding of public improvements, facilities for the enhancement, expansion, marketing, and promotion of visitor facilities, events, attractions and activities, and the necessary staff to execute these efforts.

The BID Board invited all of the lodging owners to a meeting on February 20, 2014. The purpose of the meeting was to review a draft of the proposed ordinance, discuss how the lodging fee would work, and how the funds would be utilized. Two of the lodging establishments attended the meeting.

At the recommendation of the BID Board, the proposed Ordinance utilizes a start date of June 1, 2014. The BID Board recommended a \$1.00 per night lodging fee. There was discussion about the amount of the fee among the BID Board when a recommendation was made as well as at the City Council meeting when the Resolution of Intent was adopted. Staff has included the maximum fee of \$2.00 per night, per occupied room in the proposed Ordinance as staff interpreted that to be the desire of the Council when the

Resolution of Intent was adopted on February 3, 2014. The Council will set the fee with the adoption of the Ordinance.

Financial Consideration: A lodging fee was not included in the 2014 budget. If the Ordinance is adopted and becomes effective on June 1, 2014 as proposed, the City will need to adjust the budget to record the collection and disbursement of the fee.

Conclusion/Recommendations: Administration recommends adoption of Ordinance 1312 establishing a lodging fee, creating BID #1 and adding the Title X1 Chapter 120 to the City Code.

ORDINANCE 1312

AN ORDINANCE OF THE CITY OF VERMILLION, SD CREATING A BUSINESS IMPROVEMENT DISTRICT WITHIN THE MUNICIPAL LIMITS OF THE CITY OF VERMILLION; ASSESSING A GENERAL OCCUPATION TAX ON ALL HOTEL, MOTEL AND LODGING ESTABLISHMENT ROOMS LET FOR OVERNIGHT OCCUPANCY LOCATED HEREIN; AND ADDING TO TITLE XI BUSINESS REGULATIONS, CHAPTER 120 TO THE ORDINANCES OF THE CITY OF VERMILLION.

BE IT ORDAINED, by the Governing Body of the City of Vermillion that there be enacted a general occupation tax on all hotel, motel and lodging establishment rooms situated within Business Improvement District No. 1 with the addition of Chapter 120 as follows:

120.01 Establishment of the district. Pursuant to the provisions of SDCL Ch. 9-55, Business Improvement District No. 1 (BID #1) of the City of Vermillion, S.D. was created. A resolution of intent to create this district was approved by the City Council on February 3, 2014. The public hearing on creation of the District was held in the City Council Chambers, located at 25 Center Street, Vermillion, South Dakota at 7:00 p.m. on March 17, 2014.

120.02 Boundaries of the district. A resolution establishing the boundaries of BID #1 was approved on September 16, 2013. It shall be a noncontiguous district zoned with a commercial or business designation lying within the municipal limits of the City of Vermillion, specifically encompassing the following properties:

Best Western
701 W. Cherry Street
Vermillion SD 57069

Super 8 Motel
1208 E. Cherry Street
Vermillion, SD 57069

Holiday Inn Express
1200 N. Dakota Street
Vermillion, SD 57069

Westside Inn
1313 W. Cherry Street
Vermillion, SD 57069

Prairie Inn
916 N. Dakota Street
Vermillion, SD 57069

The following property is within the BID #1 boundaries but is not zoned as commercial or business and at such time as the zoning is changed will be included in the BID #1 boundaries unless the owner elects voluntary participation as provided in this section.

Valiant Vineyards Inc.
1500 W. Main Street
Vermillion, SD 57069

All hotels, motels or lodging establishments which at any time do not meet the criteria enumerated herein, but voluntarily petition to be a part of the BID #1 are permanently in the BID #1 and cannot voluntarily

remove themselves from the BID #1, just as any lodging establishments which are automatically in the BID #1 cannot remove themselves voluntarily.

If a property no longer meets the criteria for inclusion in the BID #1, the owner or proprietor of the hotel, motel or lodging establishments shall provide the Finance Officer with a sworn, written statement setting forth the relevant change in property or operation that disqualifies the hotel, motel or lodging establishment. The Finance Officer shall remove the hotel, motel, or lodging establishment if the statement shows the property no longer qualifies for inclusion in BID #1.

120.03 New properties within the district. Pursuant to the provisions of SDCL 9-55-4, BID #1 shall include all hotel, motel or lodging establishment facilities constructed in the future or annexed into the municipal limits.

120.04 Purpose of the district. BID #1 is created for the purpose of funding the enhancement, expansion, marketing and promotion of visitor facilities, events, attractions and activities benefiting the city and its hotels and motels located within the district.

120.05 Occupational tax imposed. Commencing June 1, 2014, an occupational tax in the amount of \$2.00 per night shall be imposed upon the above hotel, motel, or lodging establishments based upon rooms rented to transient guests. This occupational tax shall be fair, equitable and uniform as to class. Organizations exempt from sales tax shall not be exempt from the occupational tax. No occupational tax may be imposed on any transient guest who has been offered a room by a lodging establishment on a complimentary basis whereby no fee or rent is charged for such room. Additionally, no occupational tax may be imposed on any room utilized by a transient guest who stays twenty-nine (29) or more consecutive nights. This tax rate may be adjusted by the City Council in accordance with SDCL § 9-55-16.

120.06 Effective date. From and after the 1st day of June, 2014, there is hereby imposed an occupational tax on all rented hotel, motel or lodging establishment rooms offered and let for overnight occupancies of less than twenty-nine (29) consecutive days within BID #1 defined in Resolution adopted by the City Council on September 13, 2013 which is all commercial property located within the municipal limits of the City of Vermillion or that have voluntarily petitioned to be part of the BID #1.

120.07 Duty to account for complimentary and lease rooms. Each hotel, motel or lodging establishment shall account for complimentary or leased rooms which are also subject to audit by the City Finance Officer with such records to show the basis for offering such room on a complimentary or lease basis.

120.08 Computation and collection of occupational tax. The City Finance Officer is authorized and directed to determine and compute the tax in accordance with this article. The occupation tax assessed pursuant to the terms of this article shall be remitted to the City Finance Officer by the 20th day of each month for the previous calendar month's tax collections. Should the 20th day of the month fall on a Saturday, Sunday or a holiday observed by the City, the occupancy tax remittance shall be due on the first business day immediately following the 20th. Each hotel, motel or lodging establishment subject to this

article shall keep accurate records of amounts collected from transient guests for review by the City Finance Officer or his/her designee, upon request by the City Finance Officer.

120.09 Statement required along with occupational tax payment. A person authorized by a business governed by this article shall sign a sworn statement to be submitted along with the remittance of any tax imposed by this article on or before the 20th day of each month stating as follows:

“I declare, under penalty of perjury, that the above accounting of rooms rented is accurate and the tax payment made herein is accurate to the best of my knowledge according to my business records.” Such statement shall include the signature of a person authorized to make such statement on behalf of the business, that person’s printed name and title, and the date such signature is made.

120.10 Penalties for failure to pay occupational tax. All remittances of occupancy tax collected pursuant to this article shall be due and received in the office of the City Finance Officer each month no later than the 20th day following the month for which the occupancy tax remittances are due. All amounts that are not as set forth above will be charged a late fee in the amount of ten percent of the total amount due. Failure to remit such tax shall constitute a violation of this chapter which may be punishable by a fine of up to \$500.00 and/or imprisonment for up to 30 days pursuant to Section 10.99 of the Municipal Code. Any unpaid balance under this article shall constitute a lien upon the property owned by the business or user of space being taxed and shall become a lien against and shall run with the property taxes and assessments. The City Finance Officer shall certify all unpaid months or balances to the county treasurer for collection in the same manner as general property taxes are collected. Further the city shall have the ability to deny the issuance of permits or licenses or any renewals thereof to any business or premises that fails to conform to the provisions of this article, including, but not limited to, building permits, malt beverage licenses, wine licenses and liquor licenses. Nothing within this provision shall be construed as limiting any other rights which the city has or may pursue in seeking collection of monies not paid under the terms of this chapter. In the event that this tax becomes subject to supervision by the state through the state’s department of revenue, any rights which the city has herein shall be deemed cumulative to any powers which inure to the benefit of the state. In the event of any legal proceeding being initiated to seek collection of any delinquent assessments, the offending hotel, motel, or lodging establishment shall be responsible for and pay all attorney’s fees and costs incurred by the city seeking payment under the terms of this chapter.

120.11 Appropriation. Once the occupational tax is collected, the City Finance Officer shall be entitled to recover its administrative costs in the amount of two (2%) percent and deposit the remaining balance into a separate fund established for BID #1. The Board of Directors shall make annual recommendations for the use of the tax funds that are consistent with the City’s “Plan,” findings and purpose noted above, and SDCL 9-55-3, as amended.

120.12 Costs incurred by the city in administering occupational tax. All costs incurred by the city or the City Finance Officer pursuant to this article shall be paid from occupancy taxes collected under this article. Administrative costs are not to exceed two (2%) percent.

120.13 Creation of business improvement board of directors. The BID # 1 Board of Directors is hereby established. The Mayor shall appoint the members of the Board of Directors, subject to the

approval of the City Council. There shall be five (5) members of the BID #1 Board of Directors with at least one hotelier from the district. No person may serve on the BID Board of Directors until such time as their nomination has been approved by the Vermillion City Council at any of its regular meetings. The City Council and Vermillion Chamber of Commerce and Development Company Board will each appoint one person to serve as ex-officio, non-voting members of the BID #1 Board. Each member of the BID #1 Board of Directors shall serve a term of office of three (3) years. Nothing shall preclude a board member from serving consecutive terms. The terms shall be initially staggered with one member serving a three year term, two members serving two year terms, and two members serving a one year term. The City Council has adopted by-laws for the operation of BID #1 Board that may be amended from time to time.

120.14 Severability. Should any section, clause or provision of this article be declared by the courts to be invalid, the same shall not affect the validity of the article as a whole or any part thereof, other than the part declared to be invalid.

120.15 Reporting. The BID #1 Board of Directors will provide annual reports to the City Council.

Dated at Vermillion, South Dakota this 7th day of April, 2014.

THE GOVERNING BODY OF THE
CITY OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

By: _____
Michael D. Carlson, Finance Officer

First Reading: March 17, 2014

Second Reading: April 7, 2014

Publish: April 18, 2014

Effective: June 1, 2014

STEPS FOR CREATING A BUSINESS IMPROVEMENT DISTRICT

Date

<u>September 16, 2013</u>	City Council adopts Resolution Designating Boundaries of a Business Improvement District. SDCL 9-55-4 & 9-55-5.
<u>September 16, 2013</u>	City Council adopts Resolution establishing a Business Improvement District Board of Directors. SDCL 9-55-5 & 9-55-6.
<u>November 18, 2013</u>	Mayor with approval of City Council appoints Business Improvement District #1 Board of Directors. SDCL 9-55-5.
<u>February 3, 2014</u>	City Council accepts BID #1 Board of Directors "Plan" for improvements. SDCL 9-55-5.
<u>February 3, 2014</u>	City Council adopts Resolution of Intent to create Business Improvement District #1. SDCL 9-55-7.
<u>February 7, 2014</u>	Notice of Hearing is mailed 30 days prior to each owner of taxable property for the proposed district as well as to the occupant of the property along with a copy of the Resolution of Intent to create the business improvement district. SDCL 9-55-8.
<u>February 20, 2014</u>	Meeting with lodging establishments to discuss proposed Business Improvement District #1 and proposed Ordinance.
<u>March 17, 2014 & April 7, 2014</u>	Public Hearing and consideration of Ordinance establishing Business Improvement District #1 and implementation of a lodging fee. SDCL 9-55-10-9-55-12.
<u>April 18, 2014</u>	Publish Notice of Adoption of Ordinance
<u>June 1, 2014</u>	Effective Date of Ordinance

Council Agenda Memo

From: Jason Anderson, Assistant City Engineer

Meeting: March 17, 2014

Subject: Resolution Establishing Fees for Water and Sewer Taps and Street Cuts

Presenter: Jason Anderson

Background: City staff periodically conduct a study of materials, equipment, and labor costs, and evaluates the fees charged for water taps, sewer taps, and street cuts. If necessary, the changes are incorporated into a Resolution establishing these types of fees and presented to the City Council for consideration and official action. Water taps, sewer taps, and street cuts are typically required for new construction or repair of existing water and sewer services. Attached is the proposed 2014 resolution in both strikeout and normal format.

Discussion: The fees were last adjusted at the June 2, 2008 City Council meeting. All fees are increasing due to material price increases.

Financial Consideration: Revenue produced from the street fees goes into the general fund. Revenue from the water and sewer tapping fees goes into the water and sewer funds. The proposed fee increase will help cover the City's costs in providing these services.

Conclusion/Recommendations: Administration recommends approval of the proposed Resolution Establishing Fees for Water and Sewer Taps and Street Cuts.

RESOLUTION ESTABLISHING FEES FOR WATER AND SEWER TAPS AND STREET CUTS

WHEREAS, Sec. 25-51(e), Sec. 25-19(b) and Sec. 22-34 of the 1975 Revised Ordinances of the City of Vermillion allows the City Council to establish and change water tapping fees, sewer tapping fees and fees to cut and repair pavements.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regularly called meeting thereof in the Council Chambers of said City at 7:00 p.m. on the 17th day of March, 2014 that fees be established or changed as follows:

WATER (Add excise tax to all fees)

Water Tapping Fee for 1" far side service shall be:

\$1,090.00 plus \$165.00 for ¾" meter

Water Tapping Fee for 1" near side service shall be:

\$530.00 plus \$165.00 for ¾" meter

Water Tapping Fee for over 1" service shall be charged for time and materials plus 20%, plus the cost of the meter required.

SEWER (Add excise tax to all fees)

Sewer Tapping Fee for 4" or 6" service to clay or PVC sewer shall be:
\$250.00

STREET (Add excise tax to all fees)

	<u>Fixed Cost</u>	<u>Unit Cost</u>	<u>Minimum Charge</u>
Sawing Asphalt	\$65.00	\$10.00/LF	
Sawing Concrete	\$65.00	\$10.00/LF	
Cutting Asphalt with Colter	\$130.00	\$5.00/LF	
Patching Preparation	\$130.00	\$15.00/SY	\$255.00
Asphalt Placement	\$145.00	\$11.00/SY/IN	\$270.00

BE IT FURTHER RESOLVED, that the effective date of the above listed fees is April 17, 2014 and that said fees shall be collected before work is done. If pavement patching quantities cannot be accurately determined before the cut is made, this fee shall be computed and billed after quantities are determined.

Dated at Vermillion, South Dakota this 17th day of March, 2014.

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

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

RESOLUTION ESTABLISHING FEES FOR WATER AND SEWER TAPS AND STREET CUTS

WHEREAS, Sec. 25-51(e), Sec. 25-19(b) and Sec. 22-34 of the 1975 Revised Ordinances of the City of Vermillion allows the City Council to establish and change water tapping fees, sewer tapping fees and fees to cut and repair pavements.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regularly called meeting thereof in the Council Chambers of said City at 7:00 p.m. on the 17th day of March, 2014 that fees be established or changed as follows:

WATER (Add excise tax to all fees)

- Water Tapping Fee for 1” far side service shall be:
~~\$938.00~~ **\$1,090.00** plus excise tax plus ~~\$146.78~~ **\$165.00** for ¾” meter
- Water Tapping Fee for 1” near side service shall be:
~~\$416.00~~ **\$530.00** plus excise tax plus ~~\$146.78~~ **\$165.00** for ¾” meter
- Water Tapping Fee for over 1” service shall be charged for time and materials plus 20% plus the cost of the meter required.

SEWER (Add excise tax to all fees)

- Sewer Tapping Fee for 4” service to clay sewer shall be:
~~\$205.00~~
- Sewer Tapping Fee for 6” service to clay sewer shall be:
~~\$230.00~~
- Sewer Tapping Fee for 4” service to PVC sewer shall be:
~~\$215.00~~
- Sewer Tapping Fee for 6” service to PVC sewer shall be:
~~\$240.00~~
- Sewer Tapping Fee for 4” or 6” service to clay or PVC sewer shall be:**
\$250.00

STREET (Add excise tax to all fees)

	<u>Fixed Cost</u>	<u>Unit Cost</u>	<u>Minimum Charge</u>
Sawing Asphalt	\$52.50 <u>\$65.00</u>	\$4.25/LF <u>\$10.00/LF</u>	
Sawing Concrete	\$52.50 <u>\$65.00</u>	\$7.50/LF <u>\$10.00/LF</u>	
Cutting Asphalt with Colter	\$105.00 <u>\$130.00</u>	\$2.00/LF <u>\$5.00/LF</u>	
Patching Preparation	\$105.00 <u>\$130.00</u>	\$8.50/SY <u>\$15.00/SY</u>	\$210.00 <u>\$255.00</u>
Asphalt Placement	\$120.00 <u>\$145.00</u>	\$7.50/SY/IN <u>\$11.00/SY/IN</u>	\$210.00 <u>\$270.00</u>

BE IT FURTHER RESOLVED, that the effective date of the above listed fees is **April 17, 2014** and that said fees shall be collected before work is done. If pavement patching quantities cannot be accurately determined before the cut is made, this fee shall be computed and billed after quantities are determined.

Dated at Vermillion, South Dakota this 17th day of March, 2014.

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

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: March 17, 2014
Subject: Appointment to the Consolidated Board of Equalization
Presenter: Mike Carlson

Background: The County, City and School District have each adopted resolutions to consolidate the Board of Equalization within city limits. The Consolidated Board hears citizen appeals of real estate valuation within the city and is made up of the five County Commissioners, three City Council members and one School Board member. The County Auditor and Director of Equalization schedule the appointments for the consolidated board.

Prior to having a Consolidated Board, the City Council, along with one School Board member, comprised the local Board of Equalization that heard appeals. If the citizen did not agree with the finding of the local board, they would then appeal to the county board. If the Director of Equalization did not agree with the local board's decision, he could change the valuation and the citizen would need to go to the county board to make their appeal again. The Consolidated Board makes it easier for the citizen as they only need to go before one board with their appeal.

Discussion: The City Council will need to appoint three members to serve as City representatives on the consolidated board; the remaining members will be designated as alternates to fill a vacancy if a member is unable to attend. Carri Crum, County Auditor, has set the first day of hearings as April 8, 2014 starting about 1:00 p.m. with additional days as needed. The board will most likely meet for a short time on April 29, 2014 for any final items.

Financial Consideration: None

Conclusion/Recommendations: Administration recommends the City Council appoint three members to serve on the consolidated Board of Equalization with the remaining members being designated as alternates.

Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: March 17, 2014
Subject Fireworks Public Display Permit
Presenter: Mike Carlson

Background: The USD Dance Marathon Committee is requesting City Council approval for a fireworks public display permit, to be held as part of the Dance Marathon activities at the Vermillion High School. Sean McCann, representing the Dance Marathon, has notified the City that Jim Taylor will be conducting the fireworks show, which will be at 8:00 p.m. on Saturday, April 5, 2014. The permit from Mr. Taylor is attached.

Discussion: State law requires approval from the governing body of the municipality where the public display is to be fired.

SDCL: 34-37-13. Public display of fireworks. Nothing in this chapter prohibits the use of public display of fireworks. However, any person, association, organization, municipality, county, firm, partnership, or corporation, before making such public display of fireworks, shall secure a written permit from the governing board of the municipality, township, or county where the public display is to be fired, and shall have purchased fireworks for the display from a licensed wholesaler under this chapter. Any public display shall comply with the National Fire Protection Association Standard 1123, 1995 edition.

City staff verified, with Jason Huska at the High School, that the school had authorized the use of the facility, including the fireworks display. The display will be south of the high school in the same location that was used last year and for the high school homecoming fireworks display.

Chief Draper will be meeting with Mr. Taylor on March 18, to review the permit application so any approval will need to be contingent upon the Chief Drapers approval of the site.

John will send emails to the local Veterans groups to inform them of the permit date and time.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends the City Council authorize the Mayor to sign the Fireworks Public Display permit for April 5, 2014 as submitted by

8. New Business; item g

the USD Dance Marathon Committee for the display at the Vermillion High School if the time of the event is acceptable, contingent upon Chief Draper's approval of the site.

FIREWORKS PUBLIC DISPLAY PERMIT
A PERMIT TO OPERATE A DISPLAY OF FIREWORKS

Name of Applicant CMN Dance Marathon Phone 605-670-1253

Address 414 E. Clark St. City Vermillion State SD Zip 57069

PERSONS ACTUALLY IN CHARGE OF FIRING THE DISPLAY:

Name James Taylor Address 25 Prentis Ave City Vermillion State SD Zip 57069

Name Thomas Taylor Address 703 Valley View Dr. City Vermillion State SD Zip 57069

Date of Display April 5, 2014 Time of Day 8:00 PM

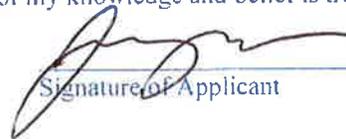
Exact Location of Display Field to the south of Vermillion High school, north of Lewis St., and west of the High School Track

TYPES OF FIREWORKS: U.S. Consumer Product Safety Commission CFR Title 16-1507-1998
American Pyrotechnics Association STD 87-1-1993

- Display Fireworks
- Consumer Fireworks

I, James Taylor, declare and affirm under the penalty of perjury that this Fireworks Display Permit has been examined by me and to the best of my knowledge and belief is true and correct.

Date this 13 day of March, 2014


Signature of Applicant

Subscribed and sworn to (or affirmed)

Before me this 13 day of March, 2014


Notary Public

My Commission Expires _____, 20____

Permit Authorized By: _____

Title _____

Location of Issuing Authority _____

Date _____

Issued subject to all applicable laws and regulations, SDCL 34-36, SDCL 34-37 and National Fire Protection Association Pamphlet #1123 (1995 Edition). This permit may not be reassigned or transferred.

COPIES: WHITE-Permit Holder: YELLOW-Fireworks Wholesaler: PINK-Issuing Authority



Fireworks Display Site Plan

Vermillion Fire Department
25 Center ST Vermillion, SD 57069
(605) 677-9637

Site Plan

Please provide information about your event on page 1, sketch the site on page 2 and fax back to us. Page 4 includes an example of a completed site sketch and firing distance specifications from the NFPA. Page 3 is a checklist you may refer to when planning your event.

ABOUT YOU

Name (first, last) James Taylor
Street address 25 Prentis Ave City Vermillion State SD Zip 57069
Primary phone (605) 670-1253 Mobile (605) 670-1253 Email address jtaylorspyro@vyn.midco.net

EVENT INFO

Display date 4/5/14 Rain date 4/6/14 Display time (am / pm) 8:00 PM Length of display 10-15 mins
Exact location of display (for example, park, ball field, office complex, etc) Field south of High School and North of Lewis St.

Fire official Shannon Draper, Fire Chief Phone: (605) 675-9637

Place to meet on date of display _____ Meeting time _____

INSURANCE

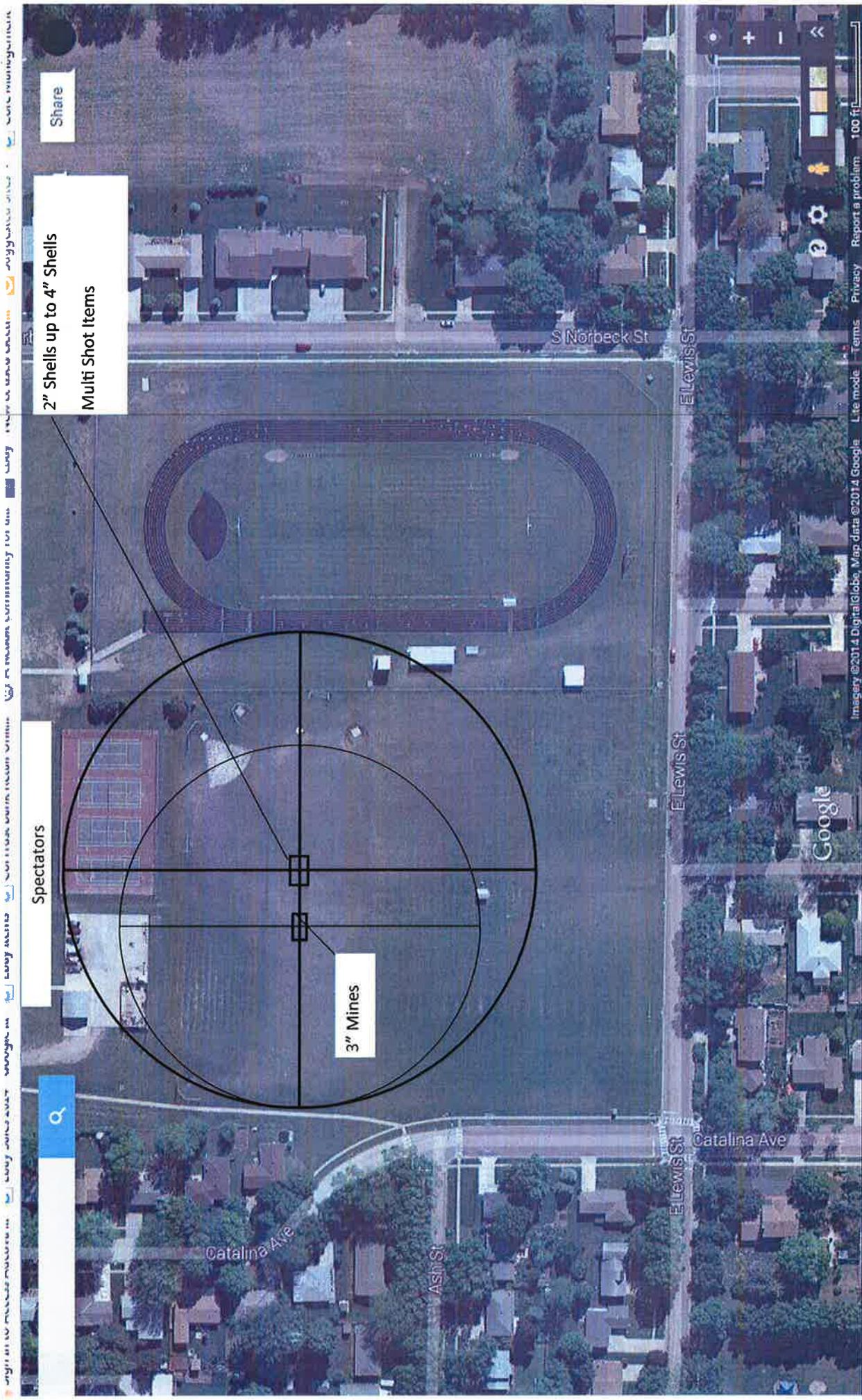
Name of insurance certificate holder 1 Vermillion School District
Additional insured (list all additional) 2 University of South Dakota
3 _____
4 _____

CONTACT INFO FOR DAY OF SHOW

Primary contact James Taylor Home phone 605-670-1253 Work phone _____
Mobile 605-670-1253 Email jtaylorspyro@vyn.midco.net
Pager _____

Secondary contact Thomas Taylor Home phone 605-670-0757 Work phone _____
Mobile 605-670-0757 Email _____
Pager _____

Signature of Approving Fire Official: _____ (Application)
_____ (Site Visit)



Share

2" Shells up to 4" Shells
Multi Shot Items

Spectators

3" Mines

Q

Catalina Ave

Ash St

S Norbeck St

E Lewis St

E Lewis St

E Lewis St

Catalina Ave

Google

Imagery ©2014 DigitalGlobe, Map data ©2014 Google
Lite mode Terms Privacy Report a problem 100 ft

Council Agenda Memo

From: Jason Anderson, Assistant City Engineer
Meeting: March 17, 2014
Subject: Resolution Authorizing the Purchase of a Police SUV
Presenter: Jason Anderson

Background: The replacement of the 2003 Ford Expedition Police SUV is budgeted in the 2014 Equipment Replacement Fund.

Discussion: The State of South Dakota awarded its annual contracts for vehicle acquisition on October 15, 2013 for the 2014 model year vehicles. At that time a Chevrolet Tahoe Police Special Service Vehicle (SSV) was not included as a part of the State contract. On February 27, 2014, the State issued Addendum 2 which added the Chevy Tahoe Police SSV to the contract list. The contract was awarded to Beck Motors of Pierre, SD for the base amount of \$30,015. To satisfy our needs, it is recommended that the locking differential (\$395) and post-mount spotlight (\$650) be included for an additional \$1,045.

The 2003 SUV that is currently in our Police fleet will be declared surplus after delivery of the new vehicle and sold by sealed bids.

Financial Consideration: The 2014 Equipment Replacement Fund includes \$32,000 for the purchase of a replacement police SUV. The revenue from the sale of the surplus police SUV will be returned to the equipment replacement fund.

Conclusion/Recommendations: Administration recommends approving the Resolution authorizing the purchase of one Police Special Service SUV from Beck Motors of Pierre for the State Contract base price of \$30,015 with an additional \$1,045 included for necessary options.

**RESOLUTION
AUTHORIZING THE PURCHASE OF
A POLICE VEHICLE**

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

WHEREAS, the City of Vermillion has reviewed and determined that the 2014 bid awarded by the State of South Dakota for a Chevrolet Tahoe police vehicle from Beck Motors of Pierre, South Dakota for the base bid of \$30,015 plus additional options in the amount of \$1,045, for a total cost of \$31,060, offers an advantageous price to the City for said item; and

WHEREAS, the City has contacted Beck Motors and they have agreed to allow the City to purchase the police vehicle for the awarded price and terms as they have contracted with the State of South Dakota as of February 2014.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to purchase a 2014 Chevrolet Tahoe police package vehicle from Beck Motors of Pierre, South Dakota at the above stated price and under the same terms as the annual State of South Dakota vehicles bid.

Dated at Vermillion, South Dakota this 17th day of March, 2014.

THE GOVERNING BODY OF THE
CITY OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

(SEAL)

Council Agenda Memo

From: Jason Anderson, Assistant City Engineer

Meeting: March 17, 2014

Subject: Resolution Authorizing the Purchase of a Vacuum Excavator

Presenter: Jason Anderson

Background: The Light & Power Department's 2003 Ringomatic vacuum excavator was scheduled for replacement in the 2014 equipment replacement fund. To replace the item, City Staff would like to purchase from a National Joint Purchasing Alliance (NJPA) Contract.

Discussion: Administration would like to take advantage of an attractive NJPA Contract with Vermeer Corporation. In July 2010, state law changed allowing purchases to be made off of other governmental entity bids or cooperative agreements outside of the state.

The total bid for a 2014 Vermeer vacuum excavator, with accessories to meet our specifications, is \$52,306.00. The Vermeer Corporation participating distributor is Vermeer High Plains of Tea, SD.

Financial Consideration: The 2014 Equipment Replacement Fund includes a budget of \$47,400 for this purchase and a salvage value of \$10,000 for the 2003 excavator. This brings the net cost of a new excavator to \$37,400. Vermeer High Plains estimates the value of the 2003 machine at \$15,000, which would leave a net purchase cost of \$37,306 to the equipment replacement fund.

Conclusion/Recommendations: Administration recommends approving the Resolution to purchase a 2014 Vermeer V500LE-HD vacuum excavator from the Vermeer Corporation's participating distributor, Vermeer High Plains, for the NJPA contract price of \$52,306.00.

**RESOLUTION
AUTHORIZING THE PURCHASE OF A
LIGHT & POWER DEPARTMENT VACUUM EXCAVATOR**

WHEREAS, SDCL 5-18A-37 authorizes a governmental entity to enter into agreements with purchasing agents in any other state for purchases under a joint agreement or contract at the accepted bid price and the concurrence of said bidder; and

WHEREAS, the City of Vermillion has reviewed and determined that the bid awarded by the National Joint Powers Alliance for a vacuum excavator from the Vermeer Corporation's participating distributor, Vermeer High Plains, for the total amount of \$52,306.00 offers an advantageous price to the City for said item; and

WHEREAS, the City has contacted Vermeer High Plains and they have agreed to allow the City to purchase a vacuum excavator for the contract price and terms as awarded by the NJPA Contract #070313.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to purchase **a new 2014 Vermeer V500LE-HD from Vermeer High Plains of Tea, South Dakota** at the above stated price and under the same terms as NJPA Contract #070313.

Dated at Vermillion, South Dakota this 17th day of March, 2014.

THE GOVERNING BODY OF THE
CITY OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

CITY OF VERMILLION
INVOICES PAYABLE-MARCH 17, 2014

1 BIERSCHBACH EQPT & SUPPLY	PARTS	10.76
2 BILLION CHEVROLET	POLICE CAR	26,719.00
3 BOUND TREE MEDICAL, LLC	SUPPLIES	771.27
4 BROADCASTER PRESS	ADVERTISING	979.77
5 BUREAU OF ADMINISTRATION	TELEPHONE	257.44
6 CANON FINANCIAL SERVICES	COPIER LEASE	196.27
7 CENTURYLINK	TELEPHONE	1,486.89
8 CLAY-UNION ELECTRIC CORP	ELECTRICITY	942.33
9 DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	2,079.44
10 DIVISION OF MOTOR VEHICLE	TITLE/LICENSE PLATES	17.00
11 FOREMAN MEDIA	COUNCIL MTG	100.00
12 GREGG PETERS	MANAGERS FEE	5,375.00
13 LOCATORS AND SUPPLIES, INC	SUPPLIES	149.44
14 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
15 MATHESON TRI-GAS, INC	OXYGEN	204.06
16 MIDAMERICAN	GAS USAGE	12,083.52
17 MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	118.68
18 RESERVE ACCOUNT	POSTAGE FOR METER	750.00
19 SD SOLID WASTE MANAGEMENT	REGISTRATION	375.00
20 STERN OIL CO.	FUEL	15,549.48
21 UNITED PARCEL SERVICE	SHIPPING	20.76
22 US POSTMASTER	POSTAGE FOR UTILITY BILLS/POSTAGE DUE	1,100.00
23 WOW! BUSINESS	DIAL-UP SERVICES	49.95
24 GENE LUNN	BRIGHT ENERGY REBATE	275.00
	GRAND TOTAL	\$69,751.06

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

Date: 3/10/2014

1. Name of organization/group American Indians in Science & Engineering (AISES)
Contact person: Name: Kathy Van Kley
2. Date(s) that tickets/chances will be sold: from 3/29/14 to 3/30/14
Cost of tickets/chances: \$1 or \$5 for 10
3. Date(s) of drawing(s): 3/29/14 = 3/30/14
4. Can anyone purchase tickets? Yes
5. Will the prize winner(s) be selected at random? Yes X No _____
6. Description and approximate value of top prize: 50% of total collected

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

The 50/50 will be held at the USD Wacipi on March 29th & 30th. It will be a fundraiser for the new student organization, USD AISES. The event will be held at the Dakota Dome.

Kathy Van Kley
Applicant's Signature

Approval: [Signature]
City Manager [Signature] Date 3-11-14

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

Date: March 9, 2014

1. Name of organization/group St. Agnes – Knights of Columbus
Contact person: Name: Gerry Tracy

2. Date(s) that tickets/chances will be sold: from Mar 9, 2014 to Mar 28, 2014
Cost of tickets/chances: \$20 per book/ticket – a book allows you a chance to win for each date below

3. Date(s) of drawing(s): March 29, 30, and April 5, 7

4. Can anyone purchase tickets? Yes

5. Will the prize winner(s) be selected at random? Yes X No _____

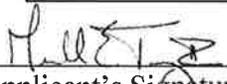
6. Description and approximate value of top prize: Prizes will be given on the dates outlined above. There will be 2 - \$50 winners per game for NCAA Regional games, 2 - \$75 winners per game for Semi-final games and 2 - \$150 winners for the Final game.

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

The St. Agnes Knights of Columbus are selling 2014 NCAA Men's Basketball booklets as a fundraiser. The buyer will be eligible to win a cash prize on the dates indicated above. The Knights of Columbus is a non-profit organization and the proceeds from this raffle will go toward purchasing a new sign for the St. Agnes Catholic Church in Vermillion, SD.

The booklets are sold by book number (example: book 88). Within your book you will have two numbers associated with your number (88). If your numbers match the last digit of the final score for each team you win the associated cash prize. Example: final score 91-78. If your book number lines up with 1 and 8 you win. Here book 88 and book 11 would win.

I have included a sample card as it will aid in the description.


Applicant's Signature

Approval:

City Manager

Date

2012 NCAA Men's Basketball Championship

Sample

Last digit of final scores

		0	1	2	3	4	5	6	7	8	9
Last digit of final scores	9	00	11	22	33	44	55	66	77	88	99
	8	10	21	32	43	54	65	76	87	98	09
	7	20	31	42	53	64	75	86	97	08	19
	6	30	41	52	63	74	85	96	07	18	29
	5	40	51	62	73	84	95	06	17	28	39
	4	50	61	72	83	94	05	16	27	38	49
	3	60	71	82	93	04	15	26	37	48	59
	2	70	81	92	03	14	25	36	47	58	69
	1	80	91	02	13	24	35	46	57	68	79
	0	90	01	12	23	34	45	56	67	78	89

If the final score of the game was 91 to 78, the numbers used to select the winners would be numbers 1 and 8. The Winners would be those persons with Book Numbers ending in 11 and 88. (Both combinations are winners)



VERMILLION

SCHOOL DISTRICT NO. 13-1

"To Empower All Students To Maximize Their Success In Our Global Community"

Vermillion High School

Curt Cameron, Principal

Jason Huska, Dean of Students

1001 East Main Street • Vermillion, SD 57069

Phone: 605-677-7035

Fax: 605-677-7042

www.vermillion.k12.sd.us

Dear *Vermillion City Council,*

You are getting this letter because you personally represent part of the German-American connection in Vermillion. Whether you are German yourself, are a member of Vermillion's businesses or City Council, are former or current parents of German students at the high school. . .thank you for your support over the years! As a part of GAPP, the German American Partnership Program, we at Vermillion High School are drumming up enthusiasm and support for our upcoming summer exchange. Sponsored by the German Department for Foreign Affairs and the US Department of State, the GAPP exchange inspires international understanding, promotes language instruction, and motivates personal friendships—a perfect fit for our cities which are already connected by a four decade-long Sister City Partnership!

We have an exciting event that we would like to invite you to take part in:

This coming Tuesday, March 18 Raziell's is German Night at Raziell's!

13 W. Main Street, Vermillion

Authentic German cuisine served 6-9 p.m.

Short program at 7:30 p.m introducing our travelers:

Kamden Dibley, German teacher & chaperone

Michael Dendinger, chaperone

Hailey Freidel, short-term exchange student

Morgan Fuller, short-term exchange student

Anna Hackemer, short-term exchange student

Isaac Rosdail, short-term exchange student

Noah Westergaard, short-term exchange student

Musical entertainment throughout the evening:

"die Kleine Blasband" (Oktoberfest-style polkas & waltzes)

"All in a Second" (high school rock band)

German Night at Raziell's is a celebration of German culture and cuisine! Authentic German meals will be served with a portion of proceeds to support Vermillion High School's German students who will be traveling to our Sister City, Ratingen, this summer as a part of the German American Partnership Program short-term exchange. Diners will also be serenaded by a local brass ensemble playing Oktoberfest-style polkas and a newly-formed high school rock band.

A short description of our GAPP summer exchange and travel plans:

This summer trip will be the initial GAPP exchange at Vermillion High School and the Dietrich-Bonhoeffer-Gymnasium in Ratingen, Germany. On May 24, Kamden Dibley, Michael Dendinger, and five high school students will travel to Ratingen as the first ambassadors of this program. During our time in Ratingen the students will each live with German families to get the full impact of cultural integration and will attend school with their home stay siblings. The families in Ratingen are already excited to host our students and are preparing many fun activities. The students will be assigned to their families within the next week, so they are extremely excited as well.

It won't just be a lot of classes--we are going to sightsee during a third week abroad. After our two weeks in Ratingen, we will travel around the eastern part of Germany, visiting places like Berlin, Schwerin, Buchenwald, Munich--such places that are important to German history and culture. During this part of trip we will link up with 23 students from O'Gorman and their teacher, Kristin Kuchenbecker, to tour with them. We will return home on June 15.

The unique aspect of the GAPP program is that it is an exchange--during the 2015-2016 school year, Vermillion High School students will host their partners from Germany who will live with them for two weeks and attend Vermillion High School as students. During that time, we hope to be able to reciprocate a welcoming experience for our German friends in Vermillion. Keep a heads-up for news--we will enlist community support again from you! ☺

Vielen Dank! Hope to see you Tuesday night at Raziell's!



Kamden Dibley, VHS German & English teacher
Michael Dendinger, VHS Adult Volunteer in the German classroom
Vermillion High School World Language Club
kamden.dibley@k12.sd.us
(605) 677-7035

