Special Meeting Agenda
City Council

12:00 pm (noon) Special Meeting
Monday March 21, 2011
Vermillion Fire Station
800 N. Dakota Street
Vermillion, South Dakota 57069

1. **Roll Call**

2. **Briefing on the March 21, 2011 City Council Regular Meeting Agenda**- Briefings are intended to be informational only and no deliberation or decision will occur on this item

3. **Tour of Fire and EMS Station**

4. **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 21, 2011
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**

2. **Pledge of Allegiance**

3. **Minutes**
   a. March 7, 2011 Special Session; March 7, 2011 Regular Session.

4. **Adoption of the Agenda**

5. **Visitors To Be Heard**

6. **Public Hearings**
   a. First Reading of Ordinance 1250 - Proposed zone change from R-2 and GB to Cottage Place Planned Development District. (Old Wheeler Inn Property, located approximately at 14 West Cherry Street).
   b. First Reading of Ordinance 1251 - Establishing Definitions and Regulations for the Subdivision of Land within the City of Vermillion and Rural Platting Jurisdiction Area.
   c. Adoption of a Future Land Use Map for the City of Vermillion.
   d. Special Assessment Roll for construction of concrete surfacing on South Mickelson Street from East Main Street to 525 feet south of East Main Street.
   e. Special Assessment Roll for construction of concrete sidewalk at 217 S. Crawford Road.

7. **Old Business**

8. **New Business**
   a. Request to prohibit parking on E. Clark Street between Dakota Street and Pine Street from 5:30 pm to 7:00 pm on Tuesday, March 29, 2011 for the Stroll for Control – RETT Syndrome awareness walk.
   b. Public Fireworks Display Permit for USD Dance Marathon on March 26, 2011 at 9:00 pm at the Vermillion Middle School.
   c. Addendum to the Joint Powers Agreement between the University of South Dakota and the City of Vermillion for the softball complex.
   d. Authorization to Notify Cooperative of Intent to Serve Annexed Area (Lot 4, Block 1 and Lots 1 thru 5, Block 2 of Arroba Addition – north side of E. Main Street).

9. **Bid Openings**

10. **City Manager's Report**

11. **Invoices Payable**

12. **Consensus Agenda**

13. Adjourn

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

Addressing the Council: Persons addressing the Council shall use the microphone at the podium. Please raise your hand to be recognized, go to the podium and state your name and address.
a. Items Not on the Agenda Members of the public may speak under Visitors to Be Heard on any topic NOT on the agenda. Remarks are limited to 5 minutes and no decision will be made at this time.
b. Agenda Items: Public testimony will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen who wishes may speak one time for 5 minutes on each agenda item. Public testimony will then be closed and the topic will be given to the governing body for possible action. At this point, only City Council members and staff may discuss the current agenda item unless a Council member moves to allow another person to speak and there is unanimous consent from the Council. Questions from Council members, however, may be directed to staff or a member of the public through the presiding officer at any time.

Meeting Assistance: The City of Vermillion fully subscribes to the provisions of the Americans with Disabilities Act of 1990. If you desire to attend this public meeting and are in need of special accommodations, please notify the City Manager's Office at 677-7050 at least 3 working days prior to the meeting so appropriate auxiliary aids and services can be made available.

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Vermillion City Council's Values and Vision

This community values its people, its services, its vitality and growth, and its quality of life and sees itself reinforcing and promoting these ideals to a consistently increasing populace.

Unapproved Minutes
Council Special Session
March 7, 2011
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, March 7, 2011 at 12:00 noon in the City Hall large conference room.

1. Roll Call

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

Absent: French, Willson

2. Educational Session - Presentation of Revised Subdivision Regulations - Jose Dominguez

José Dominguez, City Engineer, reviewed the existing city subdivision ordinance and the proposed new subdivision ordinance that the Planning Commission has been developing. José answered questions of the City Council on the proposed subdivision ordinance. Discussion followed on the ordinance change. José stated that the Planning Commission will do a final review with a recommendation to the City Council.

3. Briefing on the March 7, 2011 City Council Regular Meeting Agenda

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

4. Adjourn

051-11
Alderman Meins moved to adjourn the Council special session at 12:43 p.m. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 7th day of March, 2011.

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

ATTEST:
BY_____
Michael D. Carlson, Finance Officer

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

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

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. February 22, 2011 Special Session; February 22, 2011 Regular Session

052-11
Alderman Zimmerman moved approval of the February 22, 2011 special session minutes and the February 22, 2011 regular session minutes. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

053-11
Alderman Willson moved approval of the agenda. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. Developmental Disabilities Awareness Month Proclamation

Alderman Meins read the proclamation designating the month of March as Developmental Disabilities Month in Vermillion. Mayor Powell presented the proclamation to Heather Lafferty and Kyle Hegge representing People First - Vermillion.

6. Public Hearings - None

7. Old Business - None

8. New Business

A. Annexation of Lot 4, Block 1 and Lots 1 thru 5, Block 2, Arobba Addition to the City of Vermillion

José Dominguez, City Engineer, reported on the location of the property that is east of the city limits on the north side of Main Street. He stated that the owners have petitioned to annex the property into the municipal boundaries. The intent of the owners is to have the land available for residential construction in the future. The land will enter the city limits zoned Natural Resource Conservation which is the most restrictive classification and allows farming operations. Discussion followed.

054-11
After reading the same once, Alderman Willson moved adoption of the following:

A RESOLUTION ANNEXING CERTAIN CONTIGUOUS TERRITORY TO
THE CITY OF VERMILLION,
CLAY COUNTY, SOUTH DAKOTA

WHEREAS, there has been presented to the Governing Body of the City of Vermillion, and filed with the City Finance Officer, a petition to annex contiguous territory into the corporate limits of the City of Vermillion; and

WHEREAS, said petitioners are the owners of not less than three-fourths of the value of the territory to be annexed and represent that there are no registered voters residing within the boundaries of the territory to be annexed; and

WHEREAS, such annexation is provided for in SDCL 9-4-1 upon resolution of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Vermillion that the following territory described as:

LOT 4, BLOCK 1 AND LOTS 1 THRU 5, BLOCK 2, AROBBA ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA.

(formerly known as the South 225-feet of the East 600.17-feet and the North 200-feet of the South 425-feet of the East 490.17-feet and the North 143-feet of the South 568-feet of the East 214.17-feet and the Southeast half of the North 144.32-feet of the South 712.32-feet of the East 214.17-feet of the West 52.666-rods of the South half of the Southeast quarter of Section 17-92-51, Clay County, South Dakota)

is hereby included within the corporate limits of the City of Vermillion and the boundary of the City of Vermillion is hereby extended to include such territory.

Adopted by the Vermillion City Council this 7th day of March, 2011.

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

_____
John E. (Jack) Powell, Mayor

ATTEST:

_____
Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Zimmerman. 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.

B. Authorization for transfer from Debt Service Fund to Capital Projects Fund

Mike Carlson, Finance Officer, reported that the budget adopted included the special assessment bond proceeds as a revenue in the Capital Projects Fund. As these bonds were purchased by the electric utility, they need to be classified as an inter-fund loan and, as such, are not reported as bond revenue but need to be reported as a transfer. City Council authorization is required for transfers between funds. The request is to transfer $49,172.85 to the Capital Project Fund from the Debt Service Fund.

055-11
Alderman Osborne moved approval of the transfer of $49,172.85 to the Capital Project Fund from the Debt Service Fund. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. 2010 Annual Financial Report

Mike Carlson, Finance Officer, reviewed the 2010 unaudited Financial Report for the City and answered questions of the City Council on the report.

056-11
Alderman Davies moved to acknowledge receipt of the 2010 Annual Financial Report. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Consolidated Board of Equalization appointments

Mike Carlson, Finance Officer, reported that, as part of the Consolidated Board of Equalization agreement with the County, City and School, the City needs to appoint three members to serve on the Consolidated Board of Equalization that will meet April 12th and, if needed, another day later in April or early May. The appointment should include that the remaining Council members will serve as alternates if one of the members is unable to serve. Discussion followed.

057-11
Alderman French moved approval of the appointment of Alderman Meins, Osborne and Zimmerman to serve as the City representatives on the Consolidated Board of Equalization with the remaining members to serve as alternates. Alderman Grayson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Resolution Authorizing the Purchase of Electric Pad-mount Switches

Harold Holoch, Utility Engineer, reported that the Electric Department would like to purchase four pad-mount switches for the distribution system from Stuart C. Irby Co. who was the low bidder on the City of Beresford bid for switches. The City would save the advertising costs and time involved in putting together the bid documents. The purchase price will be $57,460.00 which is included in the electric fund budget. Discussion followed.

058-11
Alderman Zimmerman moved approval of the resolution authorizing the purchase of four S & C PME-9 pad-mount switches from Stuart C. Irby Co. based on the City of Beresford's bid of $14,365 each for a total of $57,460.00. Alderman Davies seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

F. Declaration of Surplus Golf Course Equipment

Harold Holoch, Utility Engineer, reported that the 2003 Toro utility vehicle and the 2003 Toro fairway mower were budgeted to be replaced in 2011. The new replacement equipment items have been bid and will be delivered soon. These two items will need to be declared surplus and appraised by the Surplus Property Appraisal Committee for sale by sealed bids. Discussion followed.

059-10
Alderman Grayson moved approval of declaring the 2003 Toro utility vehicle and the 2003 Toro fairway mower surplus and authorizing the appraisal by the Surplus Property Appraisal Committee to be sold by sealed bids. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

G. Declaration of Surplus Ambulance Equipment

Merritt Groh, Interim Ambulance Director, reported that a grant has been received from the SD Workers Compensation Fund for a power cot. With the new cot in service, the existing cot is no longer needed and can be sold. Inquiries to sell the cot were made to other ambulance departments without any interest until this morning. The University of North Dakota has offered to purchase the cot for $500 and will pay the shipping. The cot will need to be declared surplus and appraised by the Surplus Property Committee to be sold. As the property is valued at $500 or less, we will not need to incur the costs of advertising the sale. Discussion followed.

060-11
Alderman French moved to declare the Stryker MX-PROR3 cot surplus to be appraised by the Surplus Property Committee before sale. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Fuel Quotes

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

4,350 gal unleaded: Stern Oil $3.4494, Brunick's Service $3.60; 4,350 gal unleaded (10% ethanol): Stern Oil $3.3927, Brunick's Service $3.49; 1,500 gal average cost of No. 1 and No. 2 diesel fuel-dyed: Stern Oil $3.5359, Brunick's Service $3.64; 500 gal average cost of No. 1 and No. 2 diesel fuel-clear: Stern Oil $3.7759, Brunick's Service $3.85

061-11
Alderman Davies moved approval of the low quotes of Stern Oil on all three items. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Combination Catch Basin/Sewer & High Pressure Cleaning Truck

Harold Holoch, Utility Engineer, reported that bids were opened on February 28th for the replacement of the 2001 combination catch basin, sewer and high pressure cleaner. Six bids with the proper bid security were received. The bid specifications included a basic proposal for the new machine purchase and an alternate proposal for a new machine less trade-in purchase. The specifications requested additional costs for five options. All bids meet specifications except for the Elliot Equipment Co. alternate bid on a demonstrator and the Northern Truck Equipment bid. With the excellent trade-in value provided by the Super Products bidders, City staff recommends awarding to the low bidder on the alternate proposal, Holcomb Freightliner, for $219,883.00 plus options 2, 3, and 5 for $6,973.50 for a total contract amount of $226,856.50. Discussion followed with Harold answering questions on the bid proposals.

Elliot Equipment Company, Inc: Basic Proposal $335,958; Alternate Proposal net after trade in: $225,958, Option #1: standard, Option #2 $1,500, Option #3 $3,246, Option #4 $2,947, Option #5 $2,227.50
Elliot Equipment Co, Inc alternate bid demonstrator: Basic Proposal $331,000; Alternate Proposal net after trade in: $221,000, Option #1: standard, Option #2 $1,500, Option #3 standard, Option #4 standard, Option #5 $491 (did not meet specifications)

Northern Truck Equipment Basic Proposal $272,884; Alternate Proposal net after trade in: $252,884, Option #1 $2,165, Option #2 $4,331, Option #3 $7,879, Option #4 $1,940, Option #5 $12,448 (did not meet specifications)

Sanitation Products, Inc Basic Proposal $338,895; Alternate Proposal net after trade in: $281,200, Option #1 not available, Option #2

$2,075, Option #3 $4,215, Option #4 included in option 2, Option #5 $5,475

Holcomb Freightliner, Inc Basic Proposal $329,883; Alternate Proposal net after trade in: $219,883, Option #1 standard, Option #2 $1,500, Option #3 $3,246, Option #4 $2,947, Option #5 $2,227.50

Great Plains International Basic Proposal $342,547; Alternate Proposal net after trade in: $232,547, Option #1 standard, Option #2 $1,500, Option #3 $3,246, Option #4 $2,947, Option #5 $2,227.50

062-11
Alderman Davies moved approval of awarding the new combination catch basin/sewer and high pressure cleaner bid to Holcomb Freightliner, the low bidder on the alternate proposal that includes the trade in of the 2001 vehicle, for $219,883.00 plus options 2, 3, and 5 for $6,973.50 for a total contract amount of $226,856.50. 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 the City is beginning to form a committee to review the future of the swimming pool in Vermillion. The Committee would be asked to gather information and provide feedback to the City Council on questions such as when do we need to build a new pool, where at, what kind of facility do we want, and other items such as funding, parking, etc. If interested, please contact myself or the Parks & Recreation Director.

B. John reported that there is an opening on the Planning Commission due to a resignation of a member that is moving from the community. The term would run through June 2015. If you are interested, please contact City Hall.

C. John reported that Vermillion Light & Power and the Bright Energy Solutions program are working with the USD SIFE (Students in Free Enterprise) program on a compact fluorescent light bulb program. On March 19th, the SIFE members will be going door to door selling up to 5,000 compact fluorescent light bulbs for $1.00 each.

D. John reminded Council members interested in attending the SDML District 3 meeting in Brandon on March 31st to contact him or Mike Carlson, Finance Officer, to get registered.

PAYROLL ADDITIONS AND CHANGES

Police: Bryan Beringer $18.76/hr, David Kyte $19.23/hr; Ambulance: Cody Jansen $6.00/call-$6.00/1st shift-$6.00.2nd shift, Jerrett Kucera $6.00/call-$6.00/1st shift-$6.00/2nd shift, Collin Michels $35.00-$6.00/1st shift-$22.00-$6.00/2nd shift, Tyler Schimmel $6.00/call-$6.00/1st shift-$6.00/2nd shift, Travis Snyders $6.00/call-$6.00/1st shift-$6.00/2nd shift, Lisa Wood $6.00-$30.00/1st shift-$6.00-$17.00/2nd shift; Recreation: Skye Lindquist $7.75/hr; Volunteer Firefighters: Cody Merrigan, Cody Jansen, Karl Brewer, John Person, Terry Rye, Ford Sommervold, James Moore

11. Invoices Payable

063-11
Alderman French moved approval of the following bill:

UNIVERSITY CLEANERS	PROFESSIONAL SERVICES	72.00

Alderman Grayson seconded the motion. Alderman Meins requested to abstain. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

064-11
Alderman French moved approval of the following bill:

WILLSON FLORIST	ARRANGEMENT/BOUTONNIERES	38.90

Alderman Zimmerman seconded the motion. Alderman Willson requested to abstain. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

065-11
Alderman Davies moved approval of the following bills:

A & B BUSINESS, INC	MAINTENANCE CONTRACT	311.11
AIR LIQUIDE INDUSTRIAL U.S	SUPPLIES	692.50
AMERICAN FENCE CO. INC	CHAIN LINK FENCE	3,286.00
AQUA-PURE INC	CHEMICALS	3,300.00
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	122.85
ARGUS LEADER	ADVERTISING	7.50
AUDIO GO	BOOKS	167.94
AUTOMATIC BUILDING CONTROL	REPAIRS	431.46
BAKER & TAYLOR BOOKS	BOOKS	613.23
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	8,832.72

BEST WESTERN RAMKOTA	TRAVEL	316.00
BIERSCHBACH EQPT & SUPPLY	PARTS	240.10
BLACK HILLS PARKS & FOREST	BOOKS	186.50
BOB IVERSON	SAFETY BOOTS REIMBURSEMENT	100.00
BOMGAARS	TOOLS	13.90
BOOK WHOLESALERS, INC	BOOKS	858.56
BROAD REACH	BOOKS	194.55
BROADCASTER PRESS	ADVERTISING	180.00
BRUNICKS SERVICE INC	SUPPLIES	12.76
BUTLER MACHINERY CO.	PARTS/REPAIRS	4,245.53
C&H DISTRIBUTORS, INC	SUPPLIES	149.83
CADD/ENGIN SUPPLY, INC	SUPPLIES	33.98
CAMPBELL SUPPLY	SUPPLIES	524.58
CANNON TECHNOLOGIES, INC	SOFTWARE SUPPORT	900.00
CANON FINANCIAL SERVICES	COPIER LEASE	56.16
CASK & CORK	MERCHANDISE	1,632.00
CENTER POINT LARGE PRINT	BOOKS	105.95
CENTURY BUSINESS PRODUCTS	COPIER CONTRACT	36.00
CHAD CHRISTOPHERSON	SAFETY BOOTS REIMBURSEMENT	100.00
CHEMCO, INC	SUPPLIES	173.04
CITY OF VERMILLION	COPIES/POSTAGE	1,299.61
CITY OF VERMILLION	UTILITY BILLS	36,443.31
CLAY RURAL WATER SYSTEM	WATER USAGE/SODA ASH	931.10
CLEVELAND GOLF	MERCHANDISE	212.36
CLIMATE SYSTEMS, INC	REPAIRS	4,692.20
COLONIAL LIFE ACC INS.	INSURANCE	3,250.10
COMMERCIAL PARTS & SERVICE	PARTS	128.64
CONSTRUCTION PRODUCTS & CO	PARTS	147.87
CONTINENTAL RESEARCH CORP	SUPPLIES	181.73
COYOTE CHEMICAL COMPANY	SUPPLIES	174.20
CRYSTAL BRADY	GYM MEMBERSHIP REIMBURSEMENT	125.00
CURT HAAKINSON	SAFETY GLASSES/MEALS REIMB	202.00
D-P TOOLS	SUPPLIES	17.40
DAKOTA BEVERAGE	MERCHANDISE	7,573.82
DAKOTA PC WAREHOUSE	COMPUTERS/REPAIRS	2,785.86
DAKOTA PUMP & CONTROL CO.	PARTS	765.00
DALE HUSBY	SAFETY BOOTS REIMBURSEMENT	100.00
DAVIS PHARMACY	SUPPLIES	29.95
DEANIE CHRISTOPHERSON	WATER HEATER REBATE	206.00
DELTA DENTAL PLAN	INSURANCE	5,537.52
DEMCO	SUPPLIES	145.54
DENNIS MARTENS	MAINTENANCE	833.34
DEPT OF REVENUE	TESTING	172.00

DEWILD GRANT RECKERT ASSOC	PROFESSIONAL SERVICES	1,892.00
DIESEL SPECIALTIES, INC	PARTS	403.94
DIVISION OF MOTOR VEHICLE	LICENSE PLATE DECALS	4.00
DRIVERS LICENSE GUIDE CO	ID CHECKING GUIDE	61.85
DUST TEX	SUPPLIES	56.50
ECHO ELECTRIC SUPPLY	SUPPLIES	1,072.38
ED ROEHR SAFETY PRODUCTS	PARTS	239.02
EMERGENCY MEDICAL PRODUCTS	SUPPLIES	232.91
ENTERSECT	ONLINE AGREEMENT	79.00
ENVIRONMENTAL SYSTEMS RES.	SOFTWARE LICENSES-GIS	2,719.95
ERIN J. SEEP	MAINTENANCE	72.50
FARMER BROTHERS CO.	SUPPLIES	57.90
FAST AUTO GLASS	CHIP REPAIRS	80.00
FEDEX.	SHIPPING	10.57
FLAGS UNLIMITED	FLAGS	66.88
FRED HAAR CO, INC	PARTS	140.00
FULLERTON LUMBER CO	SUPPLIES	109.32
GALE	BOOKS	199.39
GE CAPITAL	COPIER LEASE	114.48
GL SPORTS	SUPPLIES	1,449.64
GRAHAM TIRE CO.	TIRES	161.06
GRAINGER	SUPPLIES	793.23
GREGG PETERS	FREIGHT	2,158.00
GREGG PETERS	RENT	937.50
GUARANTEE OIL CO INC	HYDRANT OIL/SUPPLIES	1,239.78
HALI-BRITE INC.	PARTS	194.00
HD SUPPLY WATERWORKS	SUPPLIES	590.73
HDR ENGINEERING, INC	PROFESSIONAL SERVICES	1,274.16
HERREN-SCHEMPP BUILDING	SUPPLIES	23.86
HILLYARD FLOOR CARE SUPPLY	SUPPLIES	407.40
HOUGH DISTRIBUTING	GLOVES	119.70
HY VEE FOOD STORE	SUPPLIES	46.72
ID CARDS UNLIMITED	PATRON ID CARDS	488.15
IN CONTROL, INC	PROFESSIONAL SERVICES	1,152.00
INDEPENDENCE WASTE	WASTE HAULING	747.00
INGRAM	BOOKS	2,517.63
INTERNATIONAL CODE COUNCIL	MEMBER DUES	100.00
JACKS UNIFORM & EQPT	UNIFORMS/EQUIPMENT	1,362.00
JIM BALLEWEG	SAFETY BOOTS REIMBURSEMENT	87.96
JOHN A CONKLING DIST.	MERCHANDISE	5,203.45
JOHNSON BROS FAMOUS BRANDS	MERCHANDISE	33,866.45
JOHNSON CONTROLS	REPAIRS	2,325.14
JOHNSTONE SUPPLY	FURNACE FILTERS	60.57

JONES ACE HARDWARE	SUPPLIES	486.19
JONES FOOD CENTER	SUPPLIES	697.04
KARIAN PETERSON CONTR	SUBSTATION EXPANSION	4,469.38
KARSTEN MFG CORP	MERCHANDISE	246.97
LAKE REGION CONTR, INC	HAUL SNOW	1,113.36
LAKESIDE EQUIPMENT	PARTS	961.00
LAYNES WORLD	TROPHY PLATES	9.00
LEARNING OPPORTUN, INC	BOOKS	128.75
LEGGETTE BRASHEARS GRAHAM	PROFESSIONAL SERVICES	2,409.91
LESSMAN ELEC. SUPPLY CO	SUPPLIES	9,143.45
LINCOLN MUTUAL LIFE & CASU	INSURANCE	527.31
LOCATORS AND SUPPLIES, INC	SUPPLIES	805.89
LONG RIDER BOOKS	BOOKS	313.48
LONGS PROPANE INC	PROPANE	6,347.56
LOUIES CARPET CLEAN, INC	CARPET CLEANING	928.85
M.W BEVINS CO	REPAIRS	235.80
MALLOY ELECTRIC	PARTS	465.92
MARKS MACHINERY	PARTS	513.65
MART AUTO BODY	TOWING	1,515.00
MATHESON TRI-GAS, INC	SUPPLIES	46.38
MATTHEW D. FAIRHOLM, PH.D	EVALUATION DATA ANALYSIS	187.50
MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,008.00
MEDICAL WASTE TRANS, INC	HAUL MEDICAL WASTE	52.50
MID-AMER RESEARCH CHEM.	SUPPLIES	503.14
MIDWEST ALARM CO	ALARM MONITORING	60.00
MIDWEST BLDG MAINTENANCE	MAT SVC	429.30
MIDWEST TURF & IRRIGATION	PARTS	1,443.14
MINN MUNICIPAL UTIL ASSOC	SAFETY MGMT PROGRAM	5,372.51
MISSOURI RIVER ENGY SERV	PROFESSIONAL SERVICES	2,480.00
MISSOURI VALLEY MAINT	REPAIRS	710.26
MUHLBAUER ENTERPRISES	HAUL SNOW	412.50
MURPHS APPLIANCE & TV INC	REFRIGERATOR	314.50
NCL OF WISCONSIN, INC	SUPPLIES	223.55
NEBRASKA JOURNAL-LEADER	ADVERTISING	69.84
NETSYS+	PROFESSIONAL SERVICES	710.00
NEW 2 YOU CONSIGNMENTS	AIR HOCKEY TABLE	74.99
NEW YORK LIFE	INSURANCE	95.00
NORTHERN SAFETY CO. INC	FIRST AID KITS	245.29
NORTHLAND	OIL	508.75
NORTHWESTERN POWER EQUIP	PARTS	756.95
ORIENTAL TRADING CO	SUPPLIES	46.36
OTIS ELEVATOR COMPANY	ELEVATOR SERVICE CONTRACT	985.32
OVERHEAD DOOR-SIOUX CITY	REPAIRS	387.00

PARACLETE PRESS, INC	SUPPLIES	50.99
PAUL CARNES	CLEAN EXHAUST HOOD	425.00
PEDERSEN MACHINE INC	PARTS	817.93
PETE LIEN & SONS, INC	CHEMICALS	4,071.14
PHYSIO-CONTROL CORP	SUPPLIES	220.00
PKG CONTRACTING, INC	WWTF-PHASE II IMPROVEMENTS	77,590.80
PLAIN TALK PUBLISHERS	SUBSCRIPTIONS	52.00
PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
PRAIRIE BERRY WINERY	MERCHANDISE	1,647.00
PRESSING MATTERS	SUPPLIES	138.00
PRESTO-X-COMPANY	INSPECTION/TREATMENT	47.00
PRINT SOURCE	SUPPLIES	173.00
PUMP N PAK	FUEL	2,795.32
QUILL	SUPPLIES	2,021.07
QWEST	TELEPHONE	733.93
RACOM CORPORATION	MAINTENANCE CONTRACT	736.90
RANDOM HOUSE, INC	BOOKS	210.00
RANDY ISAACSON	MEALS REIMBURSEMENT	52.00
RASMUSSEN MOTORS, INC	PARTS	134.56
RECORDED BOOKS, INC	BOOKS	378.35
REPUBLIC NATIONAL DIST.	MERCHANDISE	23,672.79
ROB PICKENS	REIMBURSEMENT CDL FEE	84.80
ROBINSON PRO CLEANING	PROFESSIONAL SERVICES	125.00
ROCKMOUNT RESEARCH & ALLOY	SUPPLIES	132.84
RUSTY JENSEN	TRAVEL REIMBURSEMENT	28.00
SAYRE ASSOCIATES, INC	PROFESSIONAL SERVICES	81.39
SD AIRPORTS CONFERENCE	REGISTRATION	55.00
SD ASSOC. OF RURAL WTR SYS	REGISTRATION	260.00
SD ENGINEERING SOCIETY	MEMBERSHIP DUES	115.00
SD FIREFIGHTERS ASSN	MEMBERSHIP DUES	615.00
SD RETIREMENT SYSTEM	CONTRIBUTIONS	44,136.36
SD SHERIFFS' ASSOCIATION	REGISTRATION	60.00
SDN TECHNOLOGIES	REPAIRS	174.66
SEBCO BOOKS	BOOKS	552.85
SERVALL TOWEL & LINEN	SHOP TOWELS	37.44
SIOUXLAND HUMANE SOCIETY	FEES	37.00
SMILEMAKERS	SUPPLIES	84.35
SPECIAL T'S AND MORE	UNIFORMS	367.50
STERN OIL CO.	SUPPLIES	671.69
STEWART OIL-TIRE CO	REPAIRS	20.00
STRACHAN SALES, INC	REPAIRS	2,249.75
STUART C. IRBY CO.	SUPPLIES	11,401.00
STURDEVANTS AUTO PARTS	PARTS	1,318.87

TESSCO INC.	SUPPLIES	982.42
THATCHER COMPANY	SODA ASH	6,947.60
THE BETTY MILLS CO, INC	SUPPLIES	386.40
THE EQUALIZER	ADVERTISING	1,198.10
TITAN ACCESS ACCOUNT	PARTS	1,785.76
TITLEIST DRAWER CS	MERCHANDISE	295.00
TOM KILIAN	BOOKS	17.50
TREASURER-CLAY COUNTY	STORMWATER TAX REFUND	4.53
TRI-B-TRIM SHOP	REPAIRS	300.00
TRUE VALUE	SUPPLIES	58.91
UNITED WAY	CONTRIBUTIONS	301.00
US GOLF ASSOCIATION	MEMBERSHIP DUES	110.00
USA BLUEBOOK	SUPPLIES	213.43
VALIANT VINEYARDS	MERCHANDISE	405.60
VERMILLION FORD	PARTS	83.27
VERMILLION HOUSING AUTH	CONTRIBUTION	9,333.00
VERMILLION VET CLINIC	PROFESSIONAL SERVICES	79.00
VISA/FIRST BANK & TRUST	TRAVEL/LODGING/SUPPLIES	6,704.51
WAL-MART COMMUNITY	SUPPLIES	680.86
WALKER CONSTRUCTION	SNOW REMOVAL	585.00
WESCO DISTRIBUTION, INC	SUPPLIES	1,713.50
WESTERN OFFICE PLUS	REPAIRS	117.98
YANKTON JANITORIAL SUPPLY	SUPPLIES	485.74
YANKTON MOTORSPORTS LLC	PARTS	35.85
ZEE MEDICAL SERVICE	SUPPLIES	207.30
ZEP SALES & SERVICE	SUPPLIES	308.01
ZOLL MEDICAL CORP.	SUPPLIES	143.20

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

12. Consensus Agenda

A. Set a bid opening date of March 30, 2011 for the 2011 PCC Parking Lots

B. Set a bid opening date of March 29, 2011 for Sale of Surplus Utility Vehicle and Fairway Mower

C. Set a bid opening date of March 28, 2011 for chassis cab truck

066-11

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

13. Adjourn

067-11
Alderman Ward moved to adjourn the Council Meeting at 7:47 p.m. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 7th day of March, 2011.

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

ATTEST:
BY_____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.

Council Agenda Memo

From: José Domínguez, City Engineer

Meeting: March 21, 2011

Subject: Rezone from R-2 and GB to Cottage Place Planned Development District. (Old Wheeler Inn Property, located approximately at 14 West Cherry St.)

Presenter: José Domínguez

Background: Banner Associates has submitted the above rezoning request on behalf of the owners, Mr. Troy Gregoire, Mr. Mike Manning and Mr. Larry Anthofer. The development area will include the location of the old Wheeler Inn property and the properties fronting both sides of Cottage Place. Over the last couple months, City staff has provided input to the consulting engineer. The current plan calls for the construction of a 60-foot by 100-foot storage building fronting Cottage Place. There are future plans that could include constructing commercial and residential units within the development.

During the initial planning stages, it became apparent that the proposed uses would not fit within either a GB or R-2 district. The creation of a Planned Development District seemed to be the best choice to continue with the proposed construction. The Planned Development (PD) process also provides for more public input and oversight by the Planning Commission.

Discussion: Providing for a PD allows the Planning Commission and City Council to attach conditions to the project. The PD process also fosters public input and a more customized development. Of the many requirements in the GB and R-2 districts, there are several that cannot be met by the Cottage Place District:

1. Area A (Tract 1) of the Cottage Place District would allow, as a permitted use, mixed commercial/residential within what is now a GB district. Residential uses would be located above the first floor only.
2. Area B (Tract 2) of the Cottage Place District would allow, as a permitted use, multiple dwellings within what is now a GB district.
3. Area C (Tracts 3–7) of the Cottage Place District would allow for multiple dwelling units ranging from a duplex to a 12-plex. In addition, the planned district would also allow, as permitted uses, a myriad of commercial uses ranging from

contractor's shop to motor vehicle sales and display. With the exception of the duplex dwelling units, all of the other uses are not allowed within the R-2 district.

4. Area D (Tract 8) of the Cottage Place District would allow for multiple dwelling units ranging from a duplex to a building larger than a 12-plex. A 4-plex is the largest multiple dwelling structure allowed within the R-2 district.

In addition to the changes in zone, it has been agreed that, in order for some of the proposed buildings to be constructed along Cottage Place, additional right-of-ways will have to be dedicated to the public. Cottage Place is currently classified as an alley. City ordinance does not allow for the construction of buildings with the only frontage being an alley. In order to remove this obstacle, the applicants have agreed to dedicate the additional right-of-way and, thus, making Cottage Place into half a street.

The Planning Commission reviewed the Planned Development District (PDD) at their March 14th meeting. The Commission recommended the PDD ordinance with several conditions. The conditions made by the Planning Commission have been incorporated into the document presented to the Council.

Conclusion/Recommendations: The City Council is asked to approve the first reading of the proposed zone change from GB and R-2 to the Cottage Place Planned Development District.

ORDINANCE NO. 1250

AN ORDINANCE AMENDING ORDINANCE NO. 1189 – ZONING ORDINANCE FOR THE CITY OF VERMILLION, SOUTH DAKOTA, REZONING CERTAIN PROPERTY (OLD WHEELER INN PROPERTY, LOCATED APPROXIMATELY AT 14 WEST CHERRY STREET) FROM THE R-2 RESIDENTIAL DISTRICT AND GB GENERAL BUSINESS DISTRICT TO THE COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT AND PROVISING REGULATIONS THEREFORE.

BE IT ORDAINED BY THE GOVERNING BODY OF VERMILLION, SOUTHDAKOTA:

SECTION 1. That Ordinance No. 1189, Zoning Ordinance for the City of Vermillion, is hereby amended as follows:

THAT THE WEST 225 FEET OF LOT 4 AND THE WEST 225 FEET OF THE NORTH 5 FEET OF LOT 5, BLOCK 85, ADDITION TO SNYDERS; AND THE WEST 293 FEET OF LOT 1 AND 2, EXCEPT H-1, BLOCK 85, ADDITION TO SNYDERS; AND THE WEST 293 FEET OF LOT 3, BLOCK 85, ADDITION TO SNYDERS; AND THE WEST 150 FEET OF THE SOUTH 94 FEET OF THE EAST 293 FEET OF LOT 5 AND THE WEST 150 FEET OF THE NORTHEAST 49 FEET OF THE EAST 293 FEET OF LOT 6, SUBJECT TO AN EASEMENT IN BLOCK 85, ADDITION TO SNYDERS; AND THE WEST 50 FEET OF THE SOUTH 94 FEET OF LOT 5, AND THE WEST 50 FEET OF THE NORTH 49 FEET OF LOT 6, SUBJECT TO A 20 FOOT ROAD EASEMENT ALONG THE SOUTH SIDE THEREOF, BLOCK 85, ADDITION TO SNYDERS; AND THE EAST 50 FEET OF THE WEST 100 FEET OF THE SOUTH 94 FEET OF LOT 5 AND THE EAST 50 FEET OF THE WEST 100 FEET OF THE NORTH 49 FEET OF LOT 6, SUBJECT TO A 20 FOOT ROAD EASEMENT ALONG THE SOUTH SIDE THEREOF, ALL IN BLOCK 85, ADDITION TO SNYDERS; AND THE SOUTH 50 FEET OF LOT 6, THE NORTH 58 FEET OF LOT 7, AND THE SOUTH 74 FEET, EXCEPT THE SOUTH 10 FEET OF THE EAST 165 FEET OF LOT 7, BLOCK 85, ADDITION TO SNYDERS; AND THE EAST 50 FEET OF THE WEST 150 FEET OF THE SOUTH 94 FEET OF LOT 5 AND THE EAST 50 FEET OF THE WEST 150 FEET OF THE NORTH 49 FEET OF LOT 6, BLOCK 85, ADDITION TO SNYDERS ADDITION, EXCEPT THE SOUTH 20 FEET TEHREOF DESIGNATED AS A ROADWAY, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA, IS HEREBY INCLUDED IN THE COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT AND THE OFFICIAL ZONING MAP IS AMENDED TO INCLUDE SUCH LAND IN THE COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT.

SECTION 2. That the Cottage Place Planned Development District include the following regulations:

Section 155.057 Cottage Place Planned Development District. The regulations set forth in this section or set forth elsewhere in the Vermillion Zoning Ordinance when referred to in this section are the district regulations in the Cottage Place Planned Development District.

155.057 COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT.

(A) *Purpose.* The regulations set forth in this section or set forth elsewhere in the Vermillion Zoning Ordinance when referred to in this section are the district regulations in the Cottage Place Planned Development District. The purpose of this district is to provide for mixed use commercial and residential areas within the Planned Development District. All city ordinances apply to the Planned Development District.

(B) *Area A.* (mixed use commercial and residential areas) All city ordinances apply to the planned development district identified as Area A except for those modified below.

(1) *Permitted uses (Area A).*

Permitted Uses	Applicable Standards
Retail trade or service	§§ 155.070, 155.072, 155.073, 155.077
Office	§§ 155.070, 155.072, 155.073, 155.077
Personal service	§§ 155.070, 155.072, 155.073, 155.077
Mixed commercial/residential	Residential being above the ground floor
Accessory structures	§§ 155.070, 155.095(A)
Churches	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Drug store	§§ 155.070, 155.072, 155.073, 155.077
Medical and dental clinics	§§ 155.070, 155.072, 155.073, 155.077
Day care center	Adequate and safe playground area with fence 4 feet high. A safe pickup and drop off area must be provided for the children. §§ 155.070, 155.072, 155.073, 155.077
Fences	§ 155.074

Neighborhood utilities	§ 155.070
Small animal veterinarian	§§ 155.070, 155.072, 155.073, 155.077, 155.095(A)
On/Off premise parking	§ 155.095(A)

(2) *Conditional uses (Area A).*

Conditional Use	Applicable Standards
Convenience store	§§ 155.070, 155.072, 155.077
Hotel/motel	§§ 155.070, 155.072, 155.073, 155.077
Hospital/clinic	§§ 155.070, 155.072, 155.073, 155.077
Public utility facility	§§ 155.070, 155.072, 155.073, 155.077
Funeral home/mortuary	§§ 155.070, 155.072, 155.073, 155.077
Private club	§§ 155.070, 155.072, 155.073, 155.077
Restaurants	§§ 155.070, 155.072, 155.073, 155.077
Arcade	§§ 155.070, 155.072, 155.073, 155.077
On/Off-sale alcoholic beverage establishment	Located at least 500 feet from a school.* §§ 155.070, 155.072, 155.073, 155.077
Motor vehicle repair shop	Subject to an adequate number of parking spots to allow temporary storage of the cars only while being repaired. §§ 155.070, 155.072, 155.073, 155.077
Greenhouse/nursery	§§ 155.070, 155.072, 155.073, 155.077
Car wash	Five storage spaces for each bay beyond off-street parking requirements and the water from the car wash contained on the site. §§ 155.070, 155.072, 155.073, 155.077
Motor vehicle sales, display, and service	§§ 155.070, 155.072, 155.073, 155.077 Subject to screening of all outdoor storage of parts from view.

Lumberyard	Subject to screening of all outdoor storage from view when abutting a residential district. §§ 155.070, 155.072, 155.073, 155.077 §§ 155.070, 155.072, 155.073, 155.077
Public service facility	§ 155.070
Theatre	§§ 155.070, 155.072, 155.077
Wholesale trade	§§ 155.070, 155.072, 155.073, 155.077
* Measured from the closest point of the outside walls of both structures	

(C) ***Area B*** (commercial, multi dwelling, mixed use) Area B is identified to allow multi-dwelling equivalent to R-3 off of Cherry Street frontage. Area B will utilize the same permitted uses as Area A with the addition of the following. Area B will utilize the same conditional uses as Area A without any additions.

(1) *Permitted uses (Area B).*

Permitted Uses	Applicable Standards
Area A permitted uses	See Area A permitted uses
Multiple- dwellings	§§ 155.070, 155.072, 155.076, 155.077
Accessory use (such as, garage, shed)	§§ 155.071, 155.082(A) (see definition)

(2) *Conditional uses (Area B).*

Conditional Use	Applicable Standards
Area A conditional uses	See Area A conditional uses

(D) ***Area C.*** (storage). All city ordinances apply to the planned development district identified as Area C except for those modified below.

(1) *Permitted uses (Area C).*

Permitted Uses	Applicable Standards
Storage facility	§§ 155.070, 155.072, 155.077, 155.095(A)
Accessory structures	§§ 155.070, 155.095(A) (see definition)
Accessory use (such as, garage, shed)	§§ 155.071, 155.082(A) (see definition)

Fences	§ 155.074
Contractor's shop/storage yard	Subject to screening of all outdoor storage from view. No repairs or sales §§ 155.070, 155.072, 155.073, 155.077
Warehouse, mini-warehouse	The materials stored on the premises shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials. §§ 155.070, 155.072, 155.073, 155.077
Neighborhood utilities	§ 155.070
Motor vehicle storage	
On/Off premise parking for adjacent tracts only and parking shall abut the adjacent tract	§ 155.095(A)

(2) *Conditional uses (Area C).*

Conditional Use	Applicable Standards
Motor vehicle sales, display and service	§§ 155.070, 155.072, 155.073, 155.077 Subject to screening of all outdoor storage of parts from view.
* Measured from the closest point of the outside walls of both structures	

(E) ***Area D.*** (high density residential) This area shall provide for certain high density residential areas now developed primarily with single-family. All city ordinances apply to the planned development district identified as Area D except for those modified below.

(1) *Permitted uses (Area D).*

Permitted Use	Applicable Standards
Single-family detached dwellings	§§ 155.070, 155.072, 155.076, 155.077
Single-family attached dwellings (up to 2)	§§ 155.070, 155.072, 155.076, 155.077
Multiple dwellings	§§ 155.070, 155.072, 155.076, 155.077
Neighborhood utilities	§ 155.070
Fences	§ 155.074

Accessory structure (such as, garage, shed)	§§ 155.071, 155.082(A) (see definition)

(2) *Conditional uses (Area D).*

Conditional Use	Applicable Standards
Public service facility	§ 155.070

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

	Tract Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Business and all other uses	7,000 square feet	50 feet	15 feet	5 feet	10 feet	45 feet
Single-family detached	7,000 square feet	60 feet	30 feet	8 feet	25 feet	45 feet
Single-family attached dwellings (2 units-1 lot)	5,000 square feet	20 feet	30 feet	0 or 10 feet on nonparty wall side	25 feet	45 feet
3 to 8 multiple dwelling units (1 lot)	7,500 square feet	60 feet	30 feet	10 feet	10 feet	45 feet
9 to 12 multiple dwelling units (1 lot)	20,000 square feet	70 feet	30 feet	10 feet	10 feet	45 feet
Over 12 multiple dwelling units (1 lot)	30,000 square feet	85 feet	30 feet	10 feet	10 feet	45 feet
Accessory building	NA	NA	Not permitted	5 feet	5 feet	12 feet
Parking Lots	§ 155.072	NA	10 feet	10 feet	10 feet	NA
Exceptions:						
#1	Where a side yard or rear yard is required half of the required yard must be maintained as a landscaped area.					
#2	There shall be a required front yard on each thru street side of lots.					
#3	See adjustments to yard regulations (§ 155.082) for other specific exceptions.					

#4	A conditional use permit will be required for any structure exceeding heights identified above (§ 155.095(A))
#5	The side yard will be required to be increased by 10 feet when the building is 3 stories in height or more.
#6	There shall not be a required front yard on Cottage Place for a double frontage lot. There shall be a required front yard on Cottage Street of a corner lot.
#7	A side or rear yard of 15 feet shall be required when a use other than residential is adjacent to or abuts a residential district.

(G) *Property re-division* All future property re-division shall require a re-platting of the affected parcels. Planned Development District may be required to be amended depending on property redivision.

(1) *Ingress/Egress Easements* – Future transfer of ownership which creates a landlocked parcel shall require a dedicated ingress/egress easement for the issuance of a building permit.

(H) *Parking regulations.* Parking shall comply with § 155.072. Required parking shall be dedicated to the occupants and located as close to the building served as possible.

(I) *Visibility at Intersections and Driveways.* Safety zones shall comply with § 155.070.

(J) *Accessory Use and Structures* shall conform to the following standards:

(1) Roofing and siding materials shall be of a type customarily used on site-constructed residence.

(2) Any accessory building that covers more than 120 square feet shall be secured to the ground to prevent the structure from being moved or damaged by high winds.

(3) Accessory buildings may not be used for dwelling purposes.

(4) Accessory buildings in excess of 750 square feet in area should be approved only if there is a legitimate purpose for accessory buildings.

(K) *Off Street Loading Requirements* shall comply with § 155.073.
(L) *Site-built dwelling standards* shall comply with § 155.076.
(M) *Landscaping standards*

(1) Within any zoning district, at least 75% of the required front yard setback shall be landscaped and maintained with living ground cover except for the portion of the front yard necessary for hard surfaced driveways and parking (§ 155.072).
(2) 1 tree per 50 feet of tract width is required. No more than 25% of the required trees may be deciduous ornamental, evergreen, or coniferous trees.
(3) Each existing tree of at least 1 3/4-inch caliper in size shall count toward the tree requirement.

(4) Where feasible, landscape areas must be capable of providing a substantially full expanse of foliage within 3 years after planting. All deciduous trees shall be 1 3/4 inch caliper and all deciduous ornamental shall be 1 1/4-inch caliper. Berms or other landscaping techniques may be used for all or part of the 6-foot screening if they have a maximum grade of 3 feet horizontal to 1-foot vertical and sodded or planted with other acceptable living ground cover.

(5) A fence, wall, or shrubbery 6 feet in height and of a character necessary for adequate screening shall be installed or planted when a commercial use is located adjacent to residentially used property or across the right-of-way from residentially used property (unless the right-or-way is an arterial street). Berms or other landscaping techniques may be used for all or part of the 6-foot screening if they have a maximum grade of 3 feet horizontal to 1-foot vertical and sodded or planted with other acceptable living ground cover.

(6) If proper screening is provided, parking lot setbacks may be reduced at City Engineer's discretion.

(N) *Adjustments to Yard Regulations* shall comply with § 155.082.

(O) *Non-conforming Uses and Structures* shall comply with § 155.083.

(P) *Lighting*

(1) When property is adjacent to or within 150 feet of residentially used or zoned property, the following lighting standards apply:

(a) The maximum light level shall be no greater than 3 foot candles field measured at the property line (ground level).

(b) The maximum height of light luminaries shall be 25 feet above the ground.

(c) Canopy luminaries and other on-site lighting with luminaries greater than 2000 lumens shall include a 90-degree cut-off type, deflector, refractor, or forward throw light fixture.

(d) The maximum number of canopy luminaries shall be determined by the following industry standard: Canopy length (in feet) x canopy width (in feet) x 3= Maximum No. of Luminaries lamp wattage

(2) All other light luminaries shall have a maximum height of 38 feet above the ground. Submittal of photometric plans shall be required with all site plan checks for building projects on property with lighted parking lots or lighted canopies.

(3) The following structures or uses are exempt from these lighting standards:, parks, pedestrian walkways, and illuminated flags or statues.

(4) Lighting for parking lots shall be constructed so as to prevent light pollution to surrounding properties.

(Q) *Sign regulations.* Signs shall be regulated by Chapter 152. Regulations shall be those used in the R-3 District.

(R) *Fence regulations.* Fences shall comply with § 155.074(A), (B) and (C), except for fences used to enclose recreational areas that may comply with § 155.074(G).

Dated at Vermillion, South Dakota this 4th day of April, 2011.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

_____

John E. (Jack) Powell

ATTEST:

_____

Michael D. Carlson, Finance Officer

First Reading:	March 21, 2011
Second Reading:	April 4, 2011
Publication:	April 15, 2011
Effective Date:	May 5, 2011

Council Agenda Memo

From: José Domínguez, City Engineer

Meeting: March 21, 2011

Subject: First Reading of Ordinance 1251 - Amendment to Repeal Existing Subdivision Regulations and Adopt New Regulations for the Subdivision of Land within the City of Vermillion and Rural Platting Jurisdiction Area

Presenter: José Domínguez

Background: The current subdivision ordinance was adopted in 1967. Over the years, the ordinance has seen minor updates. Since the ordinance was adopted, new federal regulations and State statutes have been enacted which affect the ordinance. These changes in federal and state regulations have not been included into the City's ordinances. The past 44 years have also seen changes to the way communities are planned and services provided to growing areas.

Discussion: As previously mentioned, the current ordinance has not been updated to reflect current federal and state regulations. For example, the platting process called out in our ordinance is outdated. The County is not required to actively participate in the platting process but practice has been to include them. The platting jurisdiction has also changed numerous times since the original ordinance was enacted. Additionally, the requirement for development plans is weak and does not provide for different levels and classifications of plans (i.e. preliminary, conceptual, etc.). Also, the ordinance does not give any authority to enforce storm drainage standards.

In comparison, the proposed ordinance will have requirements for platting and development plans clearly defined. Platting within the City will be divided into minor and major plats, with minor plats being utilized to speed up the process for smaller, simpler, projects within the City. Major plats will require the applicant to present to the Planning Commission and to the City Council. In addition, the projects going through the major plat process will also have to complete a set of development plans prior to a building permit being issued. The major plat process is meant to afford the public, Planning Commission, and City Council

opportunities to comment on developments. However, the development plans will only be reviewed by the staff.

As with plats within the City, platting outside of the City limits will also be divided into minor and major plats. However, the minor plats will be utilized to monitor development occurring further than 1 mile of the City, while the major plat will look at plats within 1 mile of the City. Both minor and major plats will be reviewed by the County Commissioners prior to plats being filed.

On March 7th, Jose presented the regulations to the City Council at an education session. The Planning Commission has also reviewed the regulations and unanimously recommends approval. The ordinance was reviewed by the City attorney and was found to comply with State statutes. Only minor language changes were made and have been incorporated into the revised draft.

Conclusion/Recommendations: Administration recommends approval of the first reading of the proposed ordinance.

PROPOSED ORDINANCE NO. 1251

AN ORDINANCE ADOPTING SUBDIVISION REGULATIONS FOR THE CITY OF VERMILLION AND RURAL PLATTING JURISDICTION AREA AND DELETING ORDINANCE NO. 490 AS AMENDED AND ANY OTHER ORDINANCE OR PARTS THEREOF IN CONFLICT WITH THIS ORDINANCE FOR THE CITY OF VERMILLION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA that Chapter 154 is repealed and amended to read as follows:

154.01 GENERAL

1) Title:
   a) These regulations may be referred to as the "2011 Subdivision Ordinance for the City of Vermillion".
2) Purpose:
   a) It is the purpose of this chapter to regulate the subdivision of land in order to coordinate streets with subdivisions and with other subdivisions and uses, to provide adequate open space, to efficiently distribute population and traffic, to provide water and sanitation facilities, to manage storm drainage and flood control, to prevent haphazard and premature land subdivision, to promote the harmonious development of the municipality and the area surrounding the municipality and its environment and to conform with the Comprehensive Plan.
   b) Premature subdivision of land is to be discouraged, due to unavailability of urban services, higher energy consumption, premature and excessive loss of agricultural land, and inefficient delivery of basic government services.
   c) Where rural subdivisions are allowed in the extraterritorial jurisdiction, their design standard and minimum improvements are the same as those required in the "2011 Urban Subdivision Ordinance for the City of Vermillion", except for the exceptions contained in the following sections of this chapter.
3) Authority:
   a) In accordance with SDCL Chapters 11-3, 11-6 and any other authority provided by law, or as such statutes may be amended, the City does hereby exercise the power and authority to approve or disapprove plats for the subdivision of land within the platting jurisdiction.
4) Jurisdiction:
   a) These regulations shall apply to all subdivisions of land, as defined herein, located within the platting jurisdiction.
   b) It shall be unlawful for any person having control of any land within the platting jurisdiction to subdivide or lay out such land in lots, unless by plat, in accordance with the laws of the State of South Dakota and the regulations contained herein.
5) Definitions: The following words and phrases shall be as defined below:

   Access Easement (Ingress-Egress Easement, Mutual Access Easement): An easement granting the right to abutting property owners to use a designated portion of property for common ingress and/or egress purposes.

   Alley: A public way designed to be used as a secondary means of access to the side or rear of abutting property whose principal frontage is on some other public way.

Ancillary structure: Auxiliary or subordinate elements that comprise a storm drainage system and may include ditches, curb inlets, yard inlets, channels, and pipes.

Arterial Street: A street that has the capacity to carry large volumes of traffic quickly and is designated as such on the major street plan.

Building: Any structure having a roof, supported by columns or walls, for shelter or enclosure of persons or property.

Building Line: A line between which line and a street no building or structure may be erected. This line is derived based on the current zoning regulations for each district.

City: The City of Vermillion, South Dakota.

Collector Street: A street that is a primary connector between arterial streets and is designated as such on the major street plan.

Comprehensive Plan: Any legally adopted part or element of the Comprehensive Plan of the City of Vermillion.

Contractor: The person, or entity, who contracts with an individual or developer to construct a building, structure, or ancillary structure on a parcel of land.

Cul-De-Sac: A local street with only one outlet having an appropriate terminal for safe and convenient reversal of traffic movement.

Dedication, Dedicated or Dedicate: A grant of land to the public for their perpetual use.

Detention Basin: A facility within an urban development designed to hold stormwater runoff for various periods of time.

Developer: An owner or agent of an owner of property who desires to establish, alter, change or improve the use of property.

Double Frontage: A lot which abuts a street on two opposite sides (not a corner lot).

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the property.

Easement Area Maintenance Agreement: Agreement describing the legal responsibilities for the repair and maintenance of the easement area and the required traffic signs or striping.

Engineering Design Standards: Criteria and public right-of-way improvements of the City of Vermillion.

Frontage Road: A street, usually parallel and adjacent to an arterial street, which is used for access to abutting property.

Lateral Drainageway: Open channels or storm sewers which carry storm runoff from streets, street crossings, culverts and/or storm sewers to major drainageways.

Local Street: A street intended to provide access to other streets from individual properties and not intended to be used for through traffic.

Lot: A piece, plot or parcel of land, or group of abutting and contiguous parcels of land, established by survey, plat or deed, occupied or to be occupied by a building, or a unit group of buildings and accessory buildings thereto, and having its frontage on a dedicated public street.

Manual on Uniform Traffic Control Devices (MUTCD): Manual recognized as the national standard for all traffic control devices, and striping, installed on any street, highway, bikeway, or private road open to public travel.

Major Drainageway: The main corridor for stormwater flow through developments. Major drainageways are identified as intermittent streams on USGS quadrangle maps, or as otherwise approved by the City Engineer.

Major Storm Event: A term that describes a 100-year storm.

Major Street Plan: The major street plan adopted through the transportation planning process approved by the City Council and incorporated into the Comprehensive Plan.

Minor Storm Event: A term that describes a 5-year storm.

Monument: A boundary marker of concrete, permanently planted and firmly fixed in the ground and placed so that the top of the monument is flush with natural ground. The monument shall be 6 inches in diameter or 6 inches square and 24 inches in depth. A steel rod, 5/8" x 12", shall be placed at the center point on the monument.

Plat: A map or representation of land subdivided into lots, parcels, tracts or blocks, including streets/roads, commons and public grounds, if any, all drawn to scale and complete with all irrevocable offers of dedication.

Preliminary Plat: Drawing or drawings indicating the proposed layout of the lots, blocks and public rights-of-way within a subdivision.

Private Street/Road: A street or road that has not been dedicated, but rather reserved as public access to property. A private street/road is owned and maintained by the property owners which it serves.

Private Road Easement: An easement granting the right to the public, and the City, to use a designated portion of property for common ingress and/or egress purposes.

Reverse Frontage Lot: A lot, among a group of double frontage lots, which contains a dwelling unit that is oriented in the opposite direction from the adjacent dwellings so that its front yard abuts the adjacent rear yards and its rear yard abuts the adjacent front yards.

Right-of-Way: A strip of land occupied by a street, alley, road, railroad, pedestrian walkway or other special travel use. The use of the term right-of-way for platting purposes shall mean that every right-of-way hereafter established and shown on a plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or area of such lots or parcels.

Rural: Territory outside of the City limits.

Structures: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences and signs.

Subdivision: The division of any tract or parcel of land into two or more lots platted for the purpose of transfer of ownership, or building development, whether future or immediate; or any division of land involving a new street or road regardless of parcel size or the number of parcels.

Urban: Territory inside the City limits.

Utility Easement: An easement granting the right to the City to use a designated portion of property for the installation, maintenance and access related to City utilities.

154.02 GENERAL INFORMATION REGARDING PLATS AND DEVELOPMENT PLANS

154.02.1 URBAN

1) Requirement:
   a) Plats will be required whenever any subdivision of land is proposed, before any contract is made for the transfer of any part thereof, and before any permit for the

erection of any structure in such proposed subdivision shall be granted, the developer, owner or an authorized agent shall apply for and secure approval of such proposed subdivision plat in accordance with the procedures set forth.

2) Recording, use and selling:
   a) No owner or agent of the owner of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a subdivision plan before a plat of said land has been approved and recorded in the manner prescribed herein.
   b) No local agency shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this title. The authority to deny such a permit shall apply whether the applicant was the owner of record at the time of such violation or whether the applicant is the current owner of record or a vendee of the former owner pursuant to a sale with or without actual or constructive knowledge of the violation at the time of acquisition of an interest in said real property.
   c) No local agency shall issue any permit or grant any approval necessary to construct any structures, or ancillary structures, within a development which does not have an approved final plan.
3) Types of plats and development plans:
   a) Minor Plat: With plats containing 5 or less lots, all lots shall be fronting an existing right-of-way and the area platted shall be 3 acres or less in size. The requirement of a preliminary plat will be waived with minor plats. The City Engineer will approve or disapprove the minor plats. The City Council will serve as the Board of Appeal in the instance that a minor plat is disapproved by the City Engineer.
   b) Major Plat: Plats containing any number of lots, but there is no existing right-of-way; typically contain 6 or more lots. Major plats require a preliminary and final plat prior to approval by the City Council. Both plats will be reviewed first by the City's Planning Commission and they will in turn make a recommendation to the City Council.
   c) Replat: May contain any number of lots. If the replat contains less than 5 lots, and all lots front an existing right-of-way and the area to be platted is 3 acres or less, then the approval process is the same for as the minor plat; otherwise, procedures for the major plat will be followed.
   d) Conceptual Plans: Conceptual plans will be required of all major plats. Depending on size and planned development, a conceptual plan may also be required by the City Engineer in concurrence with a minor plat or replat. A conceptual plan shall depict the concept of the proposed development. The plan shall show the general layout of streets/roads, street improvements, parks, trails, open spaces, sewerage, water systems, and any other utilities. A conceptual storm drainage study shall also be submitted as per the storm drainage design criteria or as required by the City Engineer. The conceptual plan shall be reviewed and approved by the City Engineer prior to the development being allowed to continue.
   e) Preliminary Plans: As with conceptual plans, preliminary plans will be required of all major plats. This requirement may be waived for minor plats or replats. The preliminary plan shall consist of a general layout plan, grading plan, drainage plan,

utility plan and a ground water control plan. These plans will be reviewed and approved by the City Engineer prior to the development being allowed to continue.

f) Final Plans: Final plans will be required when a major plat is filed with the City. This requirement may be waived for minor plats or replats. The final plans shall consist of a general layout plan, grading plan, drainage plan, street/road plan, utility plan, ground water control plan, typical cross section sheets, construction detail sheets, road cross section sheets and specifications. These plans will be reviewed and approved by the City Engineer prior to the development being allowed to continue.

g) Filling Fee: A filling fee shall be deposited at the City Engineer's department for all minor plats, major plats and replats. The filling fee shall be set by City Council resolution.

154.02.2 RURAL

1) Requirement:
   a) Requirements shall be the same as those required on 154.02.1.(1.).
2) Recording, use and selling:
   a) Requirements shall be the same as those required on 154.02.1.(2.).
3) Types of plats and development plans:
   a) Minor Plat: Plat containing 5 or less acres and are further than one (1) mile from city limits. In addition, all lots shall be fronting an existing right-of-way. The requirement of a preliminary plat will be waived with minor plats. The City Engineer will approve the minor plats. The City Council will serve as the Board of Appeal in the instance that the plat is disapproved by the City Engineer. After the City has approved a minor plat, the plat will be presented to the County's Planning Director for the County's approval. Any additional requirements of the County will also require approval by the City prior to a minor plat being filed.
   b) Major Plat: Plats containing more than five (5) acres and within one (1) mile of city limits. Major plats require a preliminary and final plat prior to approval by the City Council. Both plats will be reviewed first by the City's Planning Commission, which will make its recommendation to the City Council. After the City Council has approved the plat, the plat will be presented to the County's Planning Director for the County's approval. Any additional requirements set by the County will require City Council approval prior to a plat being recorded.
   c) Replat: May contain any number of lots. If the replat meets the requirements for a minor plat, then the approval process will be similar to that of the minor plat process, otherwise, it will follow the same approval process as that for the major plat process.
   d) Conceptual Plans: Requirements shall be the same as those in 154.02.1(3)(d) except that the City Engineer may waive this requirement depending on the proposed use. The requirement will not be waived if the area is anticipated to become a portion of a larger development.
   e) Preliminary Plans: Requirements shall be the same as those required in 154.02.1(3)(e) except that the City Engineer may waive this requirement depending on the proposed use. The requirement will not be waived if the area is anticipated to become a portion of a larger development.

f) Final Plans: Requirements shall be the same as those in 154.02.1(3)(f) except that the City Engineer may waive the requirement depending on the proposed use. The requirement will not be waived if the area is anticipated to become a portion of a larger development.
g) Filling Fee: Requirements shall be the same as those in 154.02.1(3)(g) except that the applicant in addition will also have to pay any associated County platting fees.

154.03 MINOR PLAT

154.03.1 URBAN

1) Scale, Size and Submittals:
   a) The plat shall be at a scale of 50, 60, 100 or 200 feet to one inch.
   b) The plat shall be drawn on an 11"x17" sheet.
   c) The developer shall submit four (4) sheet copies and one (1) Mylar copy to the City Engineer. All copies shall be signed by the owners and be sealed and signed by a registered land surveyor in the State of South Dakota.
2) Information Required:
   a) The proposed name of the subdivision. The name shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to said recorded subdivision.
   b) The names of all adjacent subdivisions, all lot and block lines, types of easements and rights-of-way. Adjoining unplatted property shall be labeled as such.
   c) A systematic lot and block numbering pattern, lot lines and street names, and the square footage of all lots.
   d) The location and width of all proposed and existing rights-of-way, alleys, and easements, as well as the location of any parks. A final storm drainage study as required by the storm drainage design and technical criteria manual shall be submitted for final approval.
   e) The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest established street line, section corner, other previously described subdivision or a City recognized permanent monument which shall be accurately described on the plat.
   f) The correct legal description, notation stating acreage, scale and north arrow.
   g) Location of all monuments and permanent control points, and all property pins, either set or located.
   h) The identification of any portions of the property intended to be dedicated or granted for public use such as school or parkland.
   i) All dimensions, linear and angular, necessary for locating the boundaries of the subdivision lots, streets/roads, alleys, easements and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot. All bearings and angles must be expressed in degrees, minutes and seconds.
   j) The radii, chords, length or curve, point of tangency and central angles for all curvilinear streets/roads and radii for rounded corners.
   k) The boundary lines of the floodway and 100-year flood zones, along with the base flood elevation on each lot as delineated on the flood insurance rate maps (FIRM).

l) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all pins and monuments shown.
m) Acknowledgement of the owner or owners of the plat of any restrictions, including dedication to public use of all streets/roads, alleys, parks or other open spaces shown thereon and the granting of easements required.
n) All formal irrevocable offers of dedications for all streets/roads, alleys, parks and other uses as required.
o) City Council resolution recommending approval.
p) Certificates for the director of equalization, county treasurer and register of deeds.
q) Certificate for the owner attesting that they are the absolute owners of the property being platted.

3) Approval Process:
   a) The plat shall be submitted to and approved by the City Engineer. The City Council shall serve as the Board of Appeals in the instance that the plat is denied by the City Engineer.

154.03.2 RURAL

1) Scale, Size and Submittals:
   a) Requirements are as those in 154.03(1)(1) except that:
      (i) The developer shall submit 5 sheet copies and one Mylar copy to the City Engineer.
      (ii) All copies shall be signed by the owners and be sealed and signed by a registered land surveyor in the State of South Dakota.
2) Information Required:
   a) Requirements as those in 154.03(1)(2) with the following additions:
      i) Certificate for Clay County Planning Commission approval.
      ii) Clay County Commissioners' resolution recommending approval.
      iii) Certificate of Township Street Authority.
      iv) Certificate of Approval by the Highway Authority.
3) Approval Process:
   a) The plat shall be submitted to and approved by the City Engineer. The City Council shall serve as the Board of Appeals in the instance that the plat is denied by the City Engineer. Once the City has approved the plat, the developer shall submit the plat to the County's Planning and Zoning Director. The Planning and Zoning Director shall present the plat to the County's Planning Commission and to the County Commissioners. Once the County has approved the plat, the developer may record the plat document. In the event that the County has any additional requirements, the developer will need to resubmit the plat to the City for reapproval.

154.04 MAJOR PLAT

154.04.1 URBAN

1) Scale, Size and Submittals:
   a) The plat shall be at a scale of 50, 60, 100 or 200 feet to one inch.

b) The plat shall be drawn on an 11"x17" sheets.
c) The developer shall submit four (4) copies and one (1) Mylar copy to the City Engineer. All copies shall be signed by the owners and be sealed and signed by a registered land surveyor in the State of South Dakota.

2) Information Required (this information shall be required for both preliminary and final plats):
   a) The proposed name of the subdivision. The name shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to said recorded subdivision.
   b) The names of all adjacent subdivisions, all lot and block lines, types of easements and rights-of-way. Adjoining unplatted property shall be labeled as such.
   c) A systematic lot and block numbering pattern, lot lines and street names, and the square footage of all lots.
   d) The location and width of all proposed and existing rights-of-way, alleys, and easements, as well as the location of any parks. A final storm drainage study as required by the storm drainage design and technical criteria manual shall be submitted for final approval.
   e) The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest established street line, section corner, other previously described subdivision or a City recognized permanent monument which shall be accurately described on the plat.
   f) The correct legal description, notation stating acreage, scale and north arrow.
   g) Location of all monuments and permanent control points, and all property pins, either set or located.
   h) The identification of any portions of the property intended to be dedicated or granted for public use such as school or parkland.
   i) All dimensions, linear and angular, necessary for locating the boundaries of the subdivision lots, streets/roads, alleys, easements and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot. All bearings and angles must be expressed in degrees, minutes and seconds.
   j) The radii, chords, length or curve, point of tangency and central angles for all curvilinear streets/roads and radii for rounded corners.
   k) The boundary lines of the floodway and 100-year flood zones, along with the base flood elevation on each lot as delineated on the flood insurance rate maps (FIRM).
   l) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all pins and monuments shown.
   m) Acknowledgement of the owner or owners of the plat of any restrictions, including dedication to public use of all streets/roads, alleys, parks or other open spaces shown thereon and the granting of easements required.
   n) All formal irrevocable offers of dedications for all streets/roads, alleys, parks and other uses as required.
   o) City Council resolution recommending approval.
   p) Certificates for the director of equalization, county treasurer and register of deeds.
   q) Certificate for the owner attesting that they are the absolute owners of the property being platted.

3) Approval Process:

a) All major plats will follow preliminary and final plat procedures.
b) Preliminary Plat:
   i) The preliminary plat will be subject to review and approval of the City Planning Commission. Prior to submittal to the City Planning Commission, the plat will be reviewed by the City Engineer. An approved preliminary plat shall be kept on file in the office of the City Engineer. Approval of the preliminary plat indicates approval of the development concept only, and it does not constitute an acceptance or approval of the subdivision plan or final plat. Therefore, no building permits shall be issued based upon approval of the preliminary plat.
c) Final Plat:
   i) The final plat shall be submitted to the City Planning Commission for review and recommendation to the City Council. The City Planning Commission shall act upon the final plat within 30 days after the submission of the final plat to the City Engineer. If no action is taken within 30 days of submission, said final plat shall be deemed to have been recommended for approval and forwarded to the City Council for action. Building permits may only be issued once the plat has been recorded at the Register of Deeds.

4) Effective Period of Preliminary Plat:
   a) The approval of a preliminary plat shall remain effective for a period of three (3) years, at the end of which time approval of the plat or a portion thereof must again be obtained from the City. Any preliminary plat which has not received full approval for all its content within three (3) years may be declared void and the applicant will be required to resubmit a new preliminary plat for review and approval subject to any new subdivision regulations.
5) Revisions to Preliminary Plat:
   a) Amendments to an approved preliminary plat may be submitted at any time, during its effective period, by the developer. Minor changes, such as street or subdivision names, lot lines, easements, drainage or lot and block number, may be approved by the City Engineer. Major changes, such as a change in street layout, open space or parkland dedication, number of lots or perimeter boundaries, will follow the procedure for approval of a preliminary plat as required in this section.

154.04.2 RURAL

1) Scale, Size and Submittals:
   a) Requirements shall be the same as those required in 154.04.1(1) except:
      i) The developer shall submit 5 sheet copies and one Mylar copy to the City Engineer.
      ii) All copies shall be signed by the owners and be sealed and signed by a registered land surveyor in the State of South Dakota.
2) Information Required:
   a) Requirements shall be the same as those required in 154.02.1(2) with the following additions:
      i) Certificate for Clay County Planning Commission approval.
      ii) Clay County Commissioners' resolution recommending approval.
      iii) Certificate of Township Street Authority.

iv) Certificate of Approval by the Highway Authority.

3) Approval Process:
   a) All major plats will follow preliminary and final plat procedures.
   b) Preliminary Plat:
      i) The preliminary plat will be subject to review and approval of the City Planning Commission. The approved preliminary plat shall be kept on file in the office of the City Engineer. Approval of the preliminary plat indicates approval of the development concept only, and it does not constitute an acceptance or approval of the subdivision plan or final plat. Therefore, no building permits shall be issued based on the approval of the preliminary plat.
   c) Final Plat:
      i) The final plat shall be submitted to the City Planning Commission for its review and recommendation to the City Council. The Planning Commission shall act upon the final plat within 30 days after the submission of the final plat to the City Engineer. If no action is taken within 30 days of submission, said final plat shall be deemed to have been recommended for approval and forwarded to the City Council for action. The developer will then submit the approved preliminary plat to the County's Planning and Zoning Director. The Planning and Zoning Director will then present the preliminary plat to the County's Planning Commission and County Commissioners for approval. In the event that the County has any additional requirements, the developer will resubmit a plat to the City Engineer for reapproval by the City. Building permits may only be issued once the plat has been recorded at the Register of Deeds and a Final Development Plan has been approved by the City Engineer.
4) Effective Period of Preliminary Plat:
   a) Requirements shall be the same as those required in 154.04.4.
5) Revisions to Preliminary Plat:
   a) Requirements shall be the same as those required in 154.04.5.

154.05 REPLAT

154.05.1 URBAN

1) A replat will only be required in specific situations. Circumstances, such as:
   a) An existing lot will be further divided into multiple buildable lots.
   b) Two or more existing lots, either defined by legal descriptions or plats, will be utilized for proposed construction. The building line shall not cross an existing lot.
   c) If the depth of the lot allows for a portion of the property to be built without the front of the property being utilized, or without the dedication of a mutual access easement and agreement.
   d) If a building permit is required for construction on a parcel that has been purchased by legal description, but not properly platted.
   e) An application is made for building permits, if the description given for the lots on the building permit application shows the property lines to be different from the platted lot lines.
2) Scale, Size and Submittals:

a) The plat shall be at a scale of 50, 60, 100 or 200 feet to one inch.
b) The plat shall be drawn on an 11"x17" sheets.
c) The developer shall submit all required copies to the City Engineer. All copies shall be signed by the owners and be sealed and signed by a registered land surveyor in the State of South Dakota.

3) Information Required:
   a) The proposed name of the subdivision. The name shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to said recorded subdivision.
   b) The names of all adjacent subdivisions, all lot and block lines, types of easements and rights-of-way. Adjoining unplatted property shall be labeled as such.
   c) A systematic lot and block numbering pattern, lot lines and street names, and the square footage of all lots.
   d) The location and width of all proposed and existing rights-of-way, alleys, and easements, as well as the location of any parks. A final storm drainage study as required by the storm drainage design and technical criteria manual shall be submitted for final approval.
   e) The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest established street line, section corner, other previously described subdivision or a City recognized permanent monument which shall be accurately described on the plat.
   f) Location of all monuments and permanent control points, and all property pins, either set or located.
   g) The identification of any portions of the property intended to be dedicated or granted for public use such as school or parkland.
   h) All dimensions, linear and angular, necessary for locating the boundaries of the subdivision lots, streets/roads, alleys, easements and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot. All bearings and angles must be expressed in degrees, minutes and seconds.
   i) The radii, chords, length or curve, point of tangency and central angles for all curvilinear streets/roads and radii for rounded corners.
   j) The boundary lines of the floodway and 100-year flood zones, along with the base flood elevation on each lot as delineated on the flood insurance rate maps (FIRM).
   k) Any replat containing lots which contain an existing structure into separate lots shall include existing building outlines to verify setback requirements. Any other replat of lots containing existing structures shall certify that the replat meets all requirements including adequate setbacks and lot area.
   l) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all pins and monuments shown.
   m) Acknowledgement of the owner or owners of the plat of any restrictions, including dedication to public use of all streets/roads, alleys, parks or other open spaces shown thereon and the granting of easements required.
   n) All formal irrevocable offers of dedications for all streets/roads, alleys, parks and other uses as required.
   o) City Council resolution recommending approval.
   p) Certificates for the director of equalization, county treasurer and register of deeds.

q) Certificate for the owner attesting that they are the absolute owners of the property being platted.

4) Approval Process:
   a) The plat shall be submitted to the City Engineer for review. Based upon the number of lots contained in a replat, the approval process will either follow the minor plat procedure or the major plat procedure.

154.05.2 RURAL

1) A Replat will be required as follows:
   a) Requirements as those in 154.05.1(1).
2) Scale, Size and Submittals:
   a) Requirements as those in 154.05.1(2).
3) Information Required:
   a) Requirements as those in 154.05.1(3), with the following additions:
      i) Certificate for Clay County Planning Commission approval.
      ii) Clay County Commissioners' resolution recommending approval.
      iii) Certificate of Township Street Authority.
      iv) Certificate of Approval by the Highway Authority.
4) Approval Process:
   a) The plat shall be submitted to the City Engineer for review. Depending on the number of acres, existence of fronting street and whether the property is contiguous to the City, minor plat procedures or major plat procedures will be followed.

154.06 CONCEPTUAL PLANS

154.06.1 URBAN

1) Conceptual Plans are required:
   a) In conjunction with a major plat
   b) In conjunction with minor plats or replats, depending on the size of the lots and the anticipated planned development expected to occur within the area planned to be developed, the conceptual plan is at the discretion of the City Engineer.
   c) In conjunction with a Planned Development District.
2) Scale, Size and Submittals:
   a) The conceptual plans shall be at a scale of 50, 60, 100 or 200 feet to one inch.
   b) The plans shall be drawn on an 11"x17" sheets.
   c) The developer shall submit all required copies to the City Engineer. All copies shall be signed and be sealed by a registered professional engineer in the State of South Dakota.
3) Information Required:
   a) General layout of the streets and roads.
   b) Proposed street improvements.
   c) Proposed sanitary sewer, water system, storm sewer, street lighting improvements.
   d) Proposed parks, open spaces and trails.
4) Approval Process:

a) The Conceptual Plans shall be reviewed and approved by the City Engineer before the proposed development proceeds to the Preliminary Plan stage.

154.06.2 RURAL

1) Conceptual plans are required:
   a) As in 154.06.1(1).
2) Scale, Size and Submittals:
   a) As in 154.06.1(2).
3) Information Required:
   a) As in 154.06.1(3).
4) Approval Process:
   a) As in 154.06.1(4).

154.07 PRELIMINARY PLANS

154.07.1 URBAN

1) Preliminary plans are required:
   a) Following the City Engineer's approval of a Conceptual Plan, in conjunction with a preliminary plat stage of the major plat procedure.
   b) In conjunction with minor plats or replats, depending on the size of the lots and anticipated planned development, preliminary plans are at the discretion of the City Engineer. The preliminary plans are to be submitted to the City Engineer after the conceptual plan has been approved.
   c) In conjunction with a planned development district.
2) Scale, Size and Submittals:
   a) The preliminary plans shall be at a scale of 50, 60, 100 or 200 feet to one inch.
   b) The plans shall be drawn on an 11"x17" sheets.
   c) The developer shall submit all required copies to the City Engineer. All copies shall be signed and be sealed by a registered professional engineer in the State of South Dakota.
3) Information Required:
   a) Preliminary Plans shall consist of the following plan sheets:
      i) *General Layout Plan.* The general layout plan shall show the proposed road alignments along with the sidewalks curb and gutter, proposed lots and any existing features that will remain in place after development is completed.
      ii) *Grading Plan.* The grading plan shall show the existing contours with intervals acceptable to the City Engineer's office. Any proposed cut and fill operations must also be shown if they will substantially alter existing land elevations.
      iii) *Utility Plan.* The utility plan shall show all sanitary sewer locations, size, flow direction, approximate manhole locations and invert elevations, lift stations and connection to the existing system. The water main layout shall show the pipe location and size, hydrant and valve location and connection to the existing system. The street lighting layout shall show the street light pole locations and street light wattage.

iv) *Drainage Plan.* A preliminary storm drainage study as required by the storm drainage design and technical criteria manual, or by the City Engineer, shall be submitted for preliminary approval. The drainage plan shall also indicate which downstream drainageways or detention basins will be affected by the full development of the subdivision.

v) *Groundwater Control Plan.* Groundwater elevations shall be required wherever it is deemed necessary by the City Engineer to establish a finished grade for the proper development of the subdivision. When elevations are required, the method of groundwater collection shall be indicated for all lots prior to development. Dewatering for the purposes of establishing a lower finished grade is prohibited. Buildings with crawl spaces or slab- on- grade construction are exempt from groundwater collection requirements.

4) Approval Process:
The preliminary plans shall be reviewed and approved by the City Engineer before the proposed development continues to the final plan stage.

154.07.2 RURAL

1) Preliminary plans are required:
   a) As in 154.07.1(1).
2) Scale, Size and Submittals:
   a) As in 154.07.1(2).
3) Information Required:
   a) As in 154.07.1(3).
4) Approval Process:
   a) As in 154.07.1(4).

154.08 FINAL PLANS

154.08.1 URBAN

1) Final plans are required:
   a) Following the City Engineer's approval of the conceptual and preliminary plans, and in conjunction with the final plat stage of the major plat process.
   b) In conjunction with minor plats or replats, depending on the size of the lots and anticipated planned development, the final plan is at the discretion of the City Engineer Final plans are to be submitted to the City Engineer after the conceptual and preliminary plans have been approved.
   c) In conjunction with a planned development district.
2) Scale, Size and Submittals:
   a) The final plans shall be at a scale of 50, 60, 100 or 200 feet to one inch. Profile views shall be a tenth of the plan view scale (i.e. 1"=50' plan view requires a 1"=5' profile view).
   b) The plans shall be drawn on an 11"x17" sheets.

c) The developer shall submit all required copies to the City Engineer. All copies shall be signed and be sealed by a registered professional engineer in the State of South Dakota.

3) Information Required:

a) Final plans are to be utilized during construction of the development, as such, they must provide the contractor sufficient information for construction of all infrastructure (locations, elevations, and any pertinent notes). Final plans shall, at a minimum, consist of the following plan sheets and supplemental plan sheets may be required depending on specific circumstances of a development::

i) *General Layout Plan.* The general layout plan shall show the proposed road alignments along with the sidewalks curb and gutter, proposed lots and any existing features that will remain in place after development is completed.

ii) *Grading plan.* The grading plan shall show the existing contours with intervals acceptable to the City Engineer's office. Any proposed cut and fill operations must also be shown if they will substantially alter existing land elevations.

iii) *Drainage plan.* A final storm drainage study as required by the storm drainage design and technical criteria manual, or the by the City Engineer, shall be submitted for final approval. The drainage plan shall also indicate which downstream drainageways or detention basins will be affected by the full development of the subdivision. A plan and profile of the proposed storm sewer system shall also be included. The storm sewer shall be in relation to the centerline of the street.

iv) *Street/Road Plan:* The street/road plan shall show the proposed street alignments along with curb and gutter and sidewalks. The centerline shall be stationed at critical locations. The curb and gutter shall be stationed and offset based on the stationing used on the centerline. Elevations shall also be included for the curb and gutter at critical locations (i.e. intersections crest and sag vertical curves). Along with the plan view of the street or road, plans shall also depict the centerline profile along with the curb and gutter flow line profile at intersections and at crest and sag vertical curves. Existing and proposed centerline elevations shall be included on the plan sheets.

v) *Utility plans.* Separate plans for all municipal utilities (water, sanitary and street lighting) will be required. The plans shall show the proposed utility in relation to the centerline of the proposed street. The plan view shall show the proposed utility line, all of the structures associated with such utility and the location of all services. The profile view shall show the elevations of the proposed utility along with the location, and elevations, of any intersecting utility. A separation distance shall be shown on the profile view for all conflicts between utilities. The street lighting plan shall be completed as per current city standards.

vi) *Typical Cross Section Sheets.* Typical cross section sheets shall show the proposed typical cross section's width along with the right-of-way and the proposed pavement section. The existing street cross section will also be shown along with the existing pavement section. Any dimensions will be in relation to

the proposed street centerline. Developer may only use an already approved typical cross section.

vii) *Construction Detail Sheets:* Construction detail sheets shall show all details needed for construction of all infrastructure improvements. The developer shall utilize the approved details, as well as additional details required by the City Engineer prior to construction.

viii) *Road Cross Section Sheets:* Road cross sections shall be shown every 50 feet based on the centerline stationing. In addition, cross sections shall be shown at the start and end of any horizontal and vertical curves along with cross sections every 25 feet. A cross section shall also be placed at intersections, driveways and culverts.

ix) *Groundwater control plan.* Groundwater elevations shall be required where it is deemed necessary by the City Engineer to establish a finished grade for the proper development of the subdivision. When elevations are required, the method of groundwater collection shall be indicated for all lots prior to development. Dewatering for the purposes of establishing a lower finished grade is prohibited. Buildings with crawl spaces or slab-on-grade construction shall be exempt from groundwater collection requirements.

x) *Construction Specifications:* Construction specifications shall be in accordance with the City, the South Dakota Department of Transportation or any other previously approved construction specification.

4) Approval Process:
   a) The Final Plans shall be reviewed and approved by the City Engineer prior to the proposed development being constructed. No building permit shall be issued until a final plan has been approved by the City Engineer.

154.08.2 RURAL

1) Final plans are required:
   a) As in 154.08.1(1).
2) Scale, Size and Submittals:
   a) As in 154.08.1(2).
3) Information Required:
   a) As in 154.08.1(3).
4) Approval Process:
   a) As in 154.08.1(4).

154.09 GENERAL INFORMATION REGARDING DESIGN STANDARDS

1) Design Standards to be Used:
   a) Unless otherwise specified within these regulations, the developer shall utilize the following recognized standards:
      i) AASHTO.
      ii) MUTCD.
      iii) SD DOT.
      iv) SD DENR.

b) The City Engineer may require additional standards to be utilized depending on the circumstances of the development.

154.10 DESIGN STANDARDS – LAND DESIGN

154.10.1 URBAN

1) Blocks:
   a) The lengths, widths and shapes of blocks shall be determined with regard to the following:
      i) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
      ii) The need for convenient access, circulation, control and safety of traffic and utilities.
      iii) Limitations and opportunities of topography.
   b) Block lengths shall not exceed 1,000-feet and shall normally be wide enough to allow two tiers of lots of an appropriate depth.
2) Lots:
   a) Lot dimensions shall be appropriate for the location of the subdivision and conform to the requirements of the city zoning regulations.
   b) Corner lots for residential use shall have extra width to permit appropriate building setbacks from both sides.
   c) All interior lot lines shall be a straight line or a series of straight lines. Curved interior lot lines are prohibited.
   d) Side lot lines shall be at right angles to the street.
   e) Each lot shall abut to a dedicated street right-of-way, or shall include an approved private street, or shall include a mutual access easement.
   f) Whenever residential lots abut an existing or proposed arterial street, they shall be double frontage lots.
   g) Lot development that creates reverse frontage lots is prohibited.
   h) Lots abutting major drainageways, detention basins or a railroad right-of-way shall be designed with an increased depth to allow for extra setback.
3) Public Parks and Open Spaces:
   a) Where a proposed park, playground, school or other public use, shown in the comprehensive development plan, is located in whole or in part in a subdivision, the City Planning Commission may require the reservation or option acquisition by the appropriate public agency of the right to purchase such an area within the subdivision. Necessary information related to the possible sale or transfer of land to a public agency shall be as follows:
      i) The size and location of the parcel and its relationship to the subdivision design and purpose.
      ii) The topography of the parcel to include elevations, drainage, wetlands, floodplains, soil suitability, tree cover and other vegetation.
4) Utility Easements.
   a) All easements for utilities shall be shown on the final plat.

b) Standard utility easements shall be 8 feet in total width. Each lot shall have an 8 foot easement around the perimeter of the property and within the lot.
c) Easements wider than 8 feet shall be noted on the final plat.
d) Easements along lot lines shall be arranged in such a manner as to eliminate unnecessary jogs or offsets and to facilitate the distribution of all utilities.
e) Easements shall conform substantially to the boundaries of watercourses, drainageways, channels and streams and shall have adequate width for proper access and maintenance.

5) Maintenance Agreements. Where a subdivision contains sewers, lift stations, water supply systems, park areas, road systems or other facilities or services which are necessary to the area, and which are of common use or benefit and which are not accepted for maintenance by an existing public agency, provisions shall be made by written agreement for the proper and continuous maintenance and supervision of such facilities. A signed copy of the agreement shall accompany every plat having a facility or service covered by such an agreement.
6) Final Drainage Plan. The final drainage plan for the subdivision shall conform to the City approved master drainage plan. If a master drainage plan is not available for a proposed subdivision location, and, if the City deems it necessary, a drainage study will be conducted by the City for the drainage basin of which the proposed subdivision is part. All drainage facilities including storm sewers, on-site detention, drainageways, detention ponds and detention channels shall be designed in compliance with approved engineering design standards and are subject to approval of the City Engineer.
7) Final Grading Plan. The final grading plan shall, as much as possible, be designed to conform to the natural contours of the land. The plan shall be submitted to and approved by the City Engineer.
8) Erosion: Wherever possible, development plans should coincide with the existing topography in order to create the least erosion potential. Stripping of vegetation, duration of exposure, regrading and cut and fill operations should be kept to a minimum. Erosion from developments or individual building sites shall be prevented from being deposited on public streets or other adjacent property. Public ditches and drainageways shall not be disturbed without prior approval of the City Engineer.
9) Preservation of Natural Landscape. Existing natural features such as trees, water courses or similar amenities, which would add value to a development or to the community as a whole, should, to the extent possible and practical, be preserved and integrated into the design of the subdivision. Sensitive environmental areas shall be reviewed with regard to promoting harmonious design.

154.10.2 RURAL

1) Blocks:
   a) As in 154.10.1(1).
2) Lots:
   a) As in 154.10.1(2) except any of the following:
      i) Whenever a plat or preliminary plan is proposed having lots which are 1-acre or larger in size, plat or plan shall show how such lots can be resubdivided into urban sized lots.

3) Public Parks and Open Space:
   a) As in 154.10.1(3).
4) Utility Easements:
   a) As in 154.10.1(4).
5) Maintenance agreements:
   a) As in 154.10.1(5).
6) Final drainage plan:
   a) As in 154.10.1(6).
7) Final grading plan:
   a) As in 154.10.1(7).
8) Erosion:
   a) As in 154.10.1(8).
9) Preservation of natural landscape:
   a) As in 154.10.1(9).

154.11 DESIGN STANDARDS – STREETS

154.11.1 URBAN

1) All public street improvements, including pavement width, street grades, alignment and visibility, intersections and access shall be designed in accordance with standard accepted engineering practices and are subject to the approval of the City Engineer.
2) Street System Coordination and Arrangement:
   a) The arrangement of streets in new subdivisions shall conform to the major street plan or the Comprehensive Plan.
   b) Provisions shall be made for the continuation of existing streets in adjoining areas or their proper extension where adjoining land is not subdivided.
   c) Whenever new streets are proposed which have not been included in the major street plan in the Comprehensive Plan, amendment of the major street plan to include these new streets is required first
   d) As a general rule, collector streets shall be located every half mile, and there should be a street connecting adjacent subdivisions at appropriate intervals where topographical and land use considerations permit.
   e) The arrangement of all streets and alleys shall be such as to minimize hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
   f) In undeveloped or vacant areas, streets shall be identified and classified through the transportation planning process. The location of major streets shall conform to the major street plan.
3) Street Names:
   a) Streets in alignment with existing streets shall bear the names of those streets.
   b) No street names shall be used which will duplicate, be the same in spelling or alike in pronunciation with any other existing streets. All street names should be kept as short as possible to permit signs to be no longer than 30 inches.
   c) Street name suffixes shall be applied as follows:

i) *Street and Road:* These suffixes shall be used for roads running either east and west or north and south.
ii) *Avenue:* A road running north to south.
iii) *Lane:* A road running northeast to southwest.
iv) *Drive:* A road running northwest to southeast.
v) *Trail:* A road that wanders in different directions.
vi) *Circle:* All cul-de-sacs.
vii) *Court:* A road with two openings that enter and exit onto the same road.
viii) *Place:* All private roads.
ix) *Parkway:* Limited access roads that are divided by a median.
x) *Boulevard:* A local street divided by a median.

d) The prefix of all cul-de-sacs shall, whenever possible, match the prefix of the intersecting road.
e) When, due to topography, offsets cause streets to become interrupted, sixteenth-line, quarter-line and section line streets shall retain the same name on either side of the irregularities.
f) Subdivision names shall not duplicate, be the same in spelling or alike in pronunciation with any existing subdivision names, and shall be subject to the approval of the City Engineer.

4) Design Standards:
a) The developer shall be responsible for dedication of all right-of-way widths according to the major street plan.
b) A tangent at least 100 feet long shall be placed between reverse curves on arterial and collector streets; on all other streets the tangent shall be at least 50 feet long.
c) Alleys are permitted in commercial and industrial districts when no other reasonable provision is made for service access, such as off-street loading, unloading, and parking consistent with the requirements set forth in the zoning ordinance.
d) Alleys are permitted in residential districts when conditions warrant an alternative means of access. However, an alley shall never be proposed as a primary form of access.
e) Dead-end alleys shall be avoided, but if unavoidable, they shall be provided with a turnaround as determined by the City Engineer.
f) Whenever an existing half-street is adjacent to a tract being subdivided, the other half of the street shall be platted within said subdivision.
g) A subdivision may show one-half of a street along adjoining property which has not been subdivided, but no lot abutting on such half-street shall have a building permit issued for it until such time as the other half street is dedicated.
h) Cul-de-sacs and eyebrows will be allowed where they are necessary for the reasonable development of a subdivision. The maximum length of a cul-de-sac should not exceed 500 feet measured along the centerline, between the radius point of the turnaround and the right-of-way line of the abutting street. The maximum length of a cul-de-sac may be extended where no other practical alternative is available for the reasonable development of a subdivision. Temporary turnarounds may also be required by the City Engineer on dead-end streets that will eventually be continued. No more than 50 dwellings will be allowed on a cul-de-sac of 500 feet in length.

i) Where street jogs are unavoidable, the right-of-way offset shall not be less than 100-feet.

j) Streets shall be laid out in such a manner that they intersect, as nearly as possible, at right angles and no street shall intersect any other street at less than 80 degrees.

k) Private streets or roads, if allowed, shall meet the following requirements:

   i) Private streets shall be paved by the developer to a width of not less than 26 feet measured from back-of-curb to back-of-curb, and maintained in a passable condition. Greater width may be required when necessary. All private streets/roads must provide a minimum height clearance of 14' 6" and are subject to the same grade and construction material requirements as public streets.

   ii) The property owner(s) or agent shall place street signs on all private streets or compensate the City to place street signs for private streets at the locations the City Engineer deems necessary for the safety and convenience of the public. Street signs shall meet all current MUTCD standards and are subject to the approval of the City Engineer.

   iii) Buildings located adjacent to a private street or road shall be addressed in accordance with City of Vermillion Code of Ordinance and zoning regulations.

   iv) Private streets or roads shall be indicated on the plat as a private roadway easement and shall not be included as part of any required lot area or setback.

   v) Any private street or road approved by the City shall provide permanent unobstructed access to the area it serves. The erecting of any structure within or adjacent to the private street or road which would in any way interfere with the use of such private street or road by the public or any governmental agency will not be permitted.

   vi) Any plat presented for City approval which shows a private street or road as a means of access shall include language in the owner's certificate providing for private maintenance and reserving the private street or road as a permanent unobstructed access.

   vii) The City will not subsequently accept a private street or road for dedication unless and until it is compliant with the City standards, providing adequate rights-of-way without requiring variances for setbacks.

l) When the traffic impact of one or more proposed property developments indicates that the public safety can be better served by the use of mutual access easements, the following requirements shall be observed:

   i) Any mutual access easement accepted by the City must provide for perpetual unobstructed access to the area it serves, and shall prohibit the erection of any structure within or adjacent to the access area which would interfere with the use of the mutual access easement by the public or any governmental agency.

   ii) Mutual access easements shall be indicated on the plat.

   iii) Any plat presented for City approval which shows a mutual access easement as a means of access shall provide language in the owner's certificate reserving the mutual access easement as a perpetual unobstructed access easement.

   iv) Mutual access easement areas shall be paved by the developer and maintained in passable condition. Designs for mutual access easements must be approved by the City Engineer. An easement area maintenance agreement among property owners who will use the mutual access easement for access shall be filed with the plat.

The agreement shall describe the legal responsibilities for the repair and maintenance of the easement area and the required signs.

m) The developer/owner may be required to place traffic control signs, or striping, on mutual access easements or to compensate the City for traffic control signs, placement, for mutual access easements, and striping at the locations the City Engineer deems necessary for the safety and convenience of the public. Traffic control signs and striping shall be approved by the City Engineer and in accordance with the current MUTCD standards.

n) Sidewalks shall be constructed in accordance with Chapter 96 of the City of Vermillion's Code of Ordinances.

o) The Developer shall submit a geotechnical report to the City. The study shall include soil boring information; laboratory results for moisture content; dry density and Atterberg limits; opinions and recommendations regarding utility excavation procedures, site preparation and excavation/filling procedures; comments regarding constructability and final performance of the project, and recommendation for Portland cement pavement sections.

p) The roadway shall consist of Portland cement pavement. At no point will the pavement section be less than 6 inches on local streets and 8 inches on collector or arterial streets. The base course shall be, at a minimum, 6 inches thick for either a local, collector or arterial street.

DESIGN ELEMENTS	ARTERIALS	COLLECTORS	LOCAL	FRONTAGE ROAD	PRIVATE ROAD EASEMENT	CUL-DE-SAC	ALLEY
RIGHT-OF-WAY (FT)	80 – 100	80	66 – 80	50	66 –100	66 – 80 (SEE NOTE 1 & 2)	20
DESIGN SPEED (MPH)	50	50	25	25	25	25	25
PARKING ALLOWED	NONE	SEE NOTE 1	SEE NOTE 1	SEE NOTE 1	SEE NOTE 1	SEE NOTE 1	NONE

Note:

1. On-street parking will be determined based on zoning and neighborhood characteristics.
2. Minimum radius right-of-way of 55 feet.

5) Access to Streets and Roads:

a) *Street Access for Streets within City Jurisdiction*

i) Permit: Before any new driveway is connected to a street or an existing driveway approach is modified, a permit shall be obtained from the City. The permit shall be signed by the property owner or owner representative. All access permits must be obtained prior to building permits being issued.

ii) Specifications: All driveways shall be constructed according to the current details and specifications on file with the City Engineer. The City Engineer, if necessary, may vary them, as long as safety and traffic capacity are not compromised.

iii) Access point location:

(1) Each single-family residential lot is allowed up to one access point per street frontage.

(2) Access to multi-family residential, commercial, industrial and institutional construction will be determined on a case-by-case basis. It is desired that these mentioned types of property fronting an arterial or collector street have shared access points.

(3) If the property is a corner lot where one street is a higher classification than the other street, the property owner will be required to place the access point on the street with the lower classification.

(4) Driveways on corner lots shall be a minimum of 40 feet from the right-of-way of the cross street for all properties, except single-family residential. On arterial streets, the distance shall be increased to 60 feet. Single-family residential driveways must be a minimum of 30 feet from the cross street right-of-way.

(5) Access to arterial and collector streets shall be limited and strictly enforced. Properties fronting these roads shall be require to either have right-of-way dedicated for the construction of a frontage road or have a shared access point with the adjacent lots. In addition, the City Engineer could require a limited movement driveway in special situations.

iv) Access size: The maximum driveway width shall be 36 feet. This does not include the tapers at the access cut.

b) *Street Access for Streets within State Jurisdiction*

i) Permit: Before any new driveway is connected to a street or an existing driveway approach is modified, an access permit shall be obtained from the State of South Dakota. The City permit shall be obtained after the State permit is awarded. The permit shall be signed by the property owner or owner representative. All state permits must be obtained prior to final plat approval, while all City access permits must be obtained prior to issuance of the building permit.

ii) Specifications: All driveways shall be constructed according to the current details and specifications on file with the City Engineer. The City Engineer, if necessary, may vary them, as long as safety and traffic capacity are not compromised.

iii) Access point on South Dakota Highway 50 Loop (Cherry Street between North Crawford Road and James Street):

(1) Each single-family residential lot is allowed up to one access point per street frontage.

(2) Access to multi-family residential, commercial, industrial and institutional construction will be determined on a case-by-case basis. It is desired that these mentioned types of property fronting an arterial or collector street have shared access points. At no point, will a new access point be allowed when there are more than two accesses per block face. Limited movement driveways will be required on special situations. Connections to the frontage

road shall be made at the minimum rate of 1 access point per each 2 lots and at a maximum rate of 1 access point per each 4 lots.

(3) If the property is a corner lot where one street is a higher classification, or within City or State jurisdiction the property owner will be required to place the access point on the street within the City's jurisdiction or on the street with lower classification.

iv) Access point on South Dakota Highway 50 (By-Pass), South Dakota Highway 50 (east of North Crawford Road and West of James Street), South Dakota Highway 19 (north of South Dakota Highway 50 and south of West Cherry Street):

(1) Each single-family residential lot is allowed up to one access point per street frontage.

(2) Access to multi-family residential, commercial, industrial and institutional construction will be determined on a case-by-case basis. It is desired that these mentioned types of property fronting an arterial or collector street have shared access points. At no point, will a new access point be allowed when there are more than two accesses per block face. Limited movement driveways will be required in special situations. Connections to the frontage road shall be made at the minimum rate of 1 access point per each 2 lots and at a maximum rate of 1 access point per each 4 lots.

(3) If the property is a corner lot where one street is a higher classification, or within City or State jurisdiction the property owner will be required to place the access point on the street within the City's jurisdiction or on the street with lower classification.

v) Access size: The maximum driveway width shall be 36 feet. This does not include the tapers at the access cut.

154.11.2 RURAL

1) All public street improvements, including pavement width, street grades, alignment and visibility, intersections and access shall be designed in accordance with standard accepted engineering practice and are subject to the approval of the City Engineer.
2) Street System Coordination and Arrangement:
   a) Requirements are as in 154.11.1(2).
3) Street Names:
   a) Requirements are as in 154.11.1(3).
4) Design Standards:
   a) Requirements are as in 154.11.1(4) except as follows:
      i) Developer shall submit a geotechnical report to the City. The study shall include soil boring information, laboratory results for: moisture content, dry density and Atterberg limits, opinions and recommendations regarding: utility excavation procedures, site preparation and excavation/filling procedures, comments regarding constructability and final performance of the project, and recommendation for Portland cement, asphalt and gravel pavement sections.
      ii) Roadway shall consist of gravel, asphalt or Portland cement. Geotechnical recommendation shall be used for pavement section. At no point will the pavement section be less than the following:

SURFACE TYPE	ROAD SURFACE	BASE COURSE	SUB-BASE	SUB-GRADE
Portland Cement	6" on Local streets, See Note #1	6" Gravel Cushion	See Note #2	See Note #2
Asphalt	3" on Local streets, See Note #3	8" Gravel Cushion	12" Sand	See Note #2
Gravel	3" on Local streets, See Note #4	9" Gravel Cushion	See Note #2	See Note #2

Notes:

1) All other streets shall have a pavement thickness of at least 8".
2) Refer to geotechnical recommendation for minimum.
3) All other streets shall have a pavement thickness of at least 5". All asphalt pavements shall be laid in at least two lifts.
4) All other streets shall have a gravel thickness of at least 4".

iii) Gravel streets will only be allowed on developments, or portions of development, that will expect to see traffic volumes less than 200 vehicle per day.

b) Private streets or roads, if allowed, shall meet the following requirements:
   i) Requirements shall be the same as those in 154.11.1.4.l.
c) When the traffic impact of one or more proposed property developments indicates that the public safety can be better served by the use of mutual access easements, the following requirements shall be observed:
   i) Requirements shall be the same as those in 154.11.1.4.m.
d) The developer/owner may be required to place traffic control signs, or striping, on mutual access easements or to pay the City to place traffic control signs and striping for mutual access easements at the locations the City Engineer deems necessary for the safety and convenience of the public. Traffic control signs and striping shall be approved by the City Engineer and in accordance with the current MUTCD standards.
e) If sidewalks are required, they shall be constructed in accordance with the City of Vermillion's Code of Ordinance.

5) Access to Streets and Roads:
   Requirements shall be the same as those in 154.11.1.5.

154.12 DESIGN STANDARDS – WATER FACILITIES

154.12.1 URBAN

1) The developer shall take the action necessary to create or extend a water supply system capable of providing domestic water use and fire protection to the entire subdivision.

2) Where a public water main is accessible, the developer shall install adequate water facilities (including fire hydrants) subject to the specifications of the City Engineering Department.
3) Water main extensions shall be approved by the City Engineering Department. If the water main is extended adjacent to property that will not participate in the initial construction cost of the water main, the developer shall submit to the department a cost recovery study. The study shall be based upon the actual construction costs showing the amount due from each property when a connection is made to the extended water main. To facilitate the study, the location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts shall be shown on the preliminary water and sewer plan.
4) Land, which is located over or adjacent to a water bearing stratum or water supply reservoir that is designated as an area providing or supplementing the municipal water supply, shall remain undeveloped and unsubdivided unless public water and sewer systems are provided.
5) All water facilities including water mains, valves, fire hydrants, storage facilities and pumping stations shall be subject to the approval of the City's Engineering Department.

154.12.2 RURAL

Requirements shall be the same as those in 154.12.1.

154.13 DESIGN STANDARDS – SANITARY SEWER FACILITIES

154.13.1 URBAN

1) Each lot within a subdivision area shall be provided with a connection to an approved public sanitary sewer.
   Exception: In areas where a public sanitary sewer is not reasonably accessible, but such area is included in the Comprehensive Plan, the developer shall install sewage systems in conformance to the wastewater regulations of the State of South Dakota and all other local applicable rules and regulations.
2) In cases where a connection to an existing public sanitary sewer may not be immediately practical, a connection may be made to a gravity sewer system by the use of a lift station constructed in accordance with the regulations and requirements set forth by the City Engineering Department.
3) All sanitary sewer facilities, including gravity sewers, manholes, lift stations and force mains, shall be designed in accordance with standard accepted engineering practices and are subject to the approval of the City Engineering Department.

154.13.2 RURAL

Design Standards – Sanitary Sewer Facilities requirements are as in Requirements shall be the same as those in 154.13.1.

154.14 DESIGN STANDARDS – SUMP PUMPS

154.14.1 URBAN

1) The following provisions pertain to structures built after June 2011 and to any construction on an existing structure that affects the drainage system of that structure.
2) New construction with basements, or a usable crawl space, shall have a drain tile placed around the inside or outside perimeter of the foundation connected to a sump pit. All baseboard seepage collection systems shall be discharged to the sump pit. The sump pit shall be located at least 10 feet away from the inside sanitary floor drain.
3) Buildings with existing sump pumps or drain lines shall construct a discharge line. The line shall be installed to the outside wall of the building with rigid plastic pipe. The discharge pipe must have a check valve within 1 foot of the floor grade and union or other approved coupling for easy disconnection for repair or replacement. The discharge line shall extend at least 3 feet outside of the foundation wall, and no closer than 5 feet from any sidewalk.
4) Alternate method of installation:
   a) The discharge pipe may be connected directly to the public storm sewer system provided the discharge is at a higher elevation than the normal flow level and that an approved backflow prevention device is installed. A permit is required for the construction of a discharge pipe which is connected directly to the storm sewer system.
5) At no point shall the discharge line discharge 10 feet from an adjacent property. No discharge shall be directed so as to impact neighboring properties.
6) Discharging into the street, alley or over the sidewalk will not be allowed during the months of November through March of the year.
7) Curb cuts for discharge lines will only be allowed in situations where there is no public storm sewer system within 100 feet of the property. The discharge line shall be placed under the sidewalk and through the back of the curb. If a storm sewer system is constructed at a later date the owner shall be required to connect to new sewer during construction or within a year. The cost for connecting to storm sewer will be borne by the property owner.

154.14.2 RURAL

Requirements shall be the same as those in 154.14.1.

154.15 GENERAL PROVISIONS AND ASSURANCES

154.15.1 URBAN

1) Conformity with other Plans and Ordinances:
   a) All subdivision plans and plats shall comply with the following additional laws, ordinances and regulations:
      i) The Comprehensive Plan of the City and the policies set forth therein.
      ii) The zoning regulations of the City.
      iii) The major street plan.

iv) SDCL 11-3-12.1. Approval of access to street or highway prerequisite to filing plat.

v) Other plans which may be or have been adopted that would affect the subdivision and use of land, such as those contained in SDCL Ch. 11-3 and 11-6.

2) Interpretation, Abrogation and Severability:

a) In interpreting and applying the provisions of this chapter, these regulations are the minimum requirements for the promotion of public safety, health and general welfare. It is not the intent of this chapter to repeal, abrogate or impair any existing easement, covenant or deed restriction. Where these provisions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3) Amendments:

a) For the purpose of providing for the health, safety and general welfare of the community, the City Council may from time to time amend the provisions imposed by these subdivision regulations in the manner prescribed by law.

4) Variances:

a) The City Council may reduce or otherwise vary the requirements of these regulations whenever it encounters a situation described below. In granting such variances, the City Council may require whatever conditions deemed necessary to secure the basic objectives of the particular regulations. The variances and waiver may be granted by the vote of three-fourths (¾) of the City Council. Any variance granted by the City Council shall be noted in its official minutes.

b) *Unwarranted Hardship.* Whenever the City Council finds that unwarranted hardships or particular difficulties may result from strict compliance with these regulations, it may, after written application by the developer, grant variances to the regulations subject to specified conditions so that substantial justice may be done and the public interest secured. Such variances shall not have the effect of nullifying the intent and purpose of these regulations or the Comprehensive Plan. The City Council shall not grant variances to these regulations unless it makes findings based upon the evidence presented in each specific case on the following criteria:

i) Because of unusual surroundings, shape or topographical conditions of the specific property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were adhered to.

ii) The conditions upon which the request for a variance is based are unique to the property and are not applicable, generally, to other property and have not been created by any person having an interest in the property.

iii) The purpose of the variance is not based exclusively upon a desire for financial gain.

iv) The granting of the variance will not be detrimental to the public's health, safety or welfare or injurious to property or improvements in the neighborhood in which the property is located.

c) *Large scale residential developments.* The standards and requirements of these regulations may be modified by the City Council Planning Commission in the case of a plan for a new residential neighborhood which, in the judgment of the City Council, complies with the objectives of the Comprehensive Plan and City zoning regulations.

d) *Design innovations.* From time to time subdivisions may be designed to provide unusual amenities and at the same time fail to conform strictly to the provisions of

these regulations. The City Council may waive certain requirements of these regulations in approving subdivisions involving detailed and workable design innovations that would yield an enhanced living environment for future occupants.

5) Development Agreements:
   a) No plat or plats of any subdivision shall be approved unless the improvements required by this chapter have been installed prior to such approval or unless the developer shall have signed a development agreement to establish the responsibility for the construction of such improvements in a satisfactory manner as specified by the City Engineering Department and the City Council. This development agreement shall be recorded with the register of deeds at the time of the filing of the plat.

154.15.2 RURAL

General Provision and Assurances

1) Conformity with other Plans and Ordinances:
   a) Requirements as in 154.15.1.1 with the addition of :
      i) Clay County and City of Vermillion Joint Jurisdictional Zoning Regulations
2) Interpretation, Abrogation and Severability:
   a) Requirements are as in 154.15.1(2).
3) Amendments:
   a) Requirements are as in 154.15.1(3).
4) Variances:
   a) Requirements are as in 154.15.1(4).
5) Development Agreements:
   a) Requirements are as in 154.15.1(5).

154.16 ENFORCEMENT

154.16.1 URBAN

1) Authority:
   a) The City Engineering Department shall have the authority to make interpretations of this chapter and to implement policies that clarify the application of its provisions.
   b) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of this chapter.
   c) Whenever any work or use is being done contrary to the provisions of this chapter, the City Engineer may order the work or use stopped by notice in writing served on any person engaged in the doing or causing the work to be done, and any persons forthwith stop the work or use until authorized by the City Engineer to proceed with the work or use.
   d) Penalty language requirements are as in 155.999.

154.16.2 RURAL

1) Authority:

a) Requirements shall be the same as those in 154.16.1.

Dated at Vermillion, South Dakota this 4th day of April, 2011.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

_____

John E. (Jack) Powell

ATTEST:

_____

Michael D. Carlson, Finance Officer

First Reading:	March 21, 2011
Second Reading:	April 4, 2011
Publication:	April 15, 2011
Effective Date:	May 5, 2011

Council Agenda Memo

From: Andy Colvin, Assistant to the City Manager

Meeting: March 21, 2011

Subject Future Land Use Map

Presenter: Andy Colvin

Background: With the upcoming proposal to adopt the Joint Jurisdictional Ordinance, SECOG has recommended that the City adopt a future land use map prior to the joint jurisdictional ordinance. The City's Comprehensive Plan currently has no provision for land use categories outside of City limits since the plan focused more on infill. The future land use map will serve as a guide for the Planning Commission and City Council to make policy decisions within the joint jurisdictional area and 3 mile platting jurisdiction (Master Street Plan Adoption). Since there are no defined use categories in the area currently, it would be difficult to consider zone change requests and provide for future extensions of utilities and infrastructure.

On June 2, 2010, the City Council and Planning Commission met jointly to review and discuss two proposed future land use maps. Both maps were developed by the Planning Commission: one was very broad and encompassed an area along the Missouri River from County line to County line; the other was scaled-back and looked at natural boundaries and limits for development. The consensus of the group was to continue working with the City/County planning committee.

Discussion: The City Council and Planning Commission met again on February 8, 2011 to view and comment on a proposed future land use map presented by staff and SECOG. Overall, it seemed that the group was comfortable with the map as presented, with the exception of a few corrections that needed to be made. There were a few comments that the map needed to encompass more area along the river.

Decisions on platting and zoning will be reflected by this map. The document can be changed as circumstances warrant. Staff looked at where current and future growth would likely occur, as well as utility capabilities. It should be made clear that the future land use map does not provide platting jurisdiction, which extend significantly farther away from City limits than this map. The Master Street Plan provides for an approximate three-mile platting boundary outside of City limits. Additionally, the future land use map does not grant zoning control outside of City limits.

Public Hearings were advertised for both the Planning Commission and City Council to adopt the map. The Planning Commission recommended adoption of the map at their February 28th hearing. Since the hearing, staff met with SECOG to go over details and adoption schedule for the joint jurisdictional ordinance. SECOG recommended delaying the hearing to amend the comprehensive plan until a final draft of the Joint Jurisdictional ordinance is prepared and the City and County have moved closer to adoption. The Joint Jurisdictional zoning map will also need to be included in the City's Comprehensive Plan.

It is the recommendation of SECOG and staff to delay amending the Comprehensive Plan until the Joint Jurisdictional Zoning map can also be included in the same amendment.

Financial Consideration: None

Conclusion/Recommendations: The proposed map is a joint effort between City staff and SECOG planners. City staff recommends adopting the future land use map recognizing that the map will be amended into the Comprehensive Plan along with the Joint Jurisdictional Zoning map at a future public hearing.

Council Agenda Memo

From: José L. Domínguez, City Engineer

Meeting: March 21, 2011

Subject: Resolution Approving the Special Assessment Rolls and Notice of Special Assessments for Concrete Surfacing on South Mickelson Avenue from East Main Street to 525-feet south of East Main Street.

Presenter: José L. Domínguez

Background: On July 19, 2010, the City Council approved a Resolution Adopting the Resolution of Necessity for the concrete paving of a portion of South Mickelson Avenue. Work has been completed and the final payment has been authorized. The special assessments were calculated and filed with the Finance Officer on January 20, 2011. At the February 7th meeting, the Council approved a resolution setting today as the hearing date. Notice of this hearing was placed in the newspaper and mailed to the affected property owners.

Discussion: State statute requires a public hearing to consider the assessment roll be held. At this meeting, the City Council may approve, equalize, amend or reject the assessment roll.

A copy of the final assessment roll is attached. It should be noted that the final construction cost of $59,847.16 is considerably lower than the original estimate of $76,600.

Financial Consideration: Only $53,124.83 of the construction cost is assessable plus the $4,250 fiscal fee.

Conclusion/Recommendations: Administration recommends approving the Resolution Approving the Special Assessment Roll on South Mickelson Avenue.

RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLLS
AND NOTICE OF SPECIAL ASSESSMENTS
FOR CONCRETE SURFACING
IN THE CITY OF VERMILLION, SOUTH DAKOTA

WHEREAS, the Governing Body of the City of Vermillion, Clay County, South Dakota has established special assessment rolls for defraying the cost of construction of concrete surfacing and related improvements against the several tracts of real property fronting and abutting upon:

PARCEL NUMBER	PROPERTY ADDRESS	LEGAL DESCRIPTION	AMOUNT
15202-00200-040-00	1603 E. Main St.	Lot 4, Block 2 Dahl Addition	$6,125.99
15202-00200-050-00	20 S. Mickelson Ave.	Lot 5, Block 2 Dahl Addition	$32,400.00
15202-00100-040-00	1501 E. Main St.	Lot 4, Block 1 Dahl Addition	$6,125.99
15294-00100-010-00	15 S. Mickelson Ave.	Lot 1, Block 1 French East Addition	$4,258.55
15294-00100-020-00	21 S. Mickelson Ave.	Lot 2, Block 1 French East Addition	$4,851.44
15294-00000-000-00		French East Addition except Lots 1 & 2, Block 1 & part of street	$3,612.86

in the City of Vermillion, Clay County, South Dakota. The assessment rolls were filed in the office of the City Finance Officer of the City of Vermillion, South Dakota on the 20th day of January 2011.

WHEREAS, said Governing Body, by resolution, fixed this time and place for hearing upon the assessment rolls and directed the City Finance Officer of the City of Vermillion, Clay County, South Dakota to publish a Resolution and Notice for such hearing in the official newspaper of Vermillion, South Dakota, one week prior to the date set for said hearing. Said Resolution and Notice described, in general terms, the improvement for which the special assessment is levied, the date of filing of the assessment rolls, and the time and place for the hearing that the assessment rolls would be open for public inspection at the office of the City Finance Officer of Vermillion, South Dakota, and referred to the assessment rolls for

further particulars. The Finance Officer was further directed to mail a copy of the Resolution and Notice, by first-class mail, postage thereon fully prepaid, addressed to the property owners of any property to be assessed for such improvement at their address, as shown by the records of the Director of Equalization, at least one week prior to the date set for the hearing.

WHEREAS, it now appears that the Finance Officer has caused notice of the hearing to be given in the manner provided by the aforementioned Resolution and Notice, and by law.

WHEREAS, all persons interested have been given an opportunity to appear and show cause why the Governing Body should not approve the assessment rolls, and the assessments against the respective premises of the owners, and the Governing Body has determined that the assessment rolls are, in all respects, true and correct and according to law.

NOW, THEREFORE, IT IS RESOLVED, by the Governing Body of the City of Vermillion, Clay County, South Dakota that the special assessment rolls are hereby approved without amendment or change.

BE IT FURTHER RESOLVED, that the approved assessment rolls be filed in the office of the City Finance Officer the day after approval of the assessment rolls. The City Finance Officer shall publish once in the official newspaper of Vermillion, South Dakota, a copy of this Resolution and Notice along with the approved assessment rolls.

BE IT FURTHER RESOLVED, that the City Finance Officer shall immediately mail to the owner or owners of each lot, parcel or piece of ground, as shown by the assessment rolls, a copy of this Resolution and Notice along with the approved assessment roll for that location.

NOTICE IS HEREBY GIVEN, that the assessments mentioned in the assessment rolls will be payable according to the provisions of Plan One as set forth in Sections 9-43-30 to 9-43-41, inclusive of the Codified Laws of 1967 of the State of South Dakota, unless superseded by a deferred assessments agreement.

NOTICE IS FURTHER GIVEN, that any assessment under Plan One, or any installment thereof, may be paid without interest to the City Finance Officer whose office is located in the Municipal Building at 25 Center Street in the City of Vermillion, South Dakota, at any time within thirty days after the filing of the approved assessment rolls in the office of said City Finance Officer. Thereafter, and

prior to the due date of the first installment, the entire assessment remaining, or any number of installments thereof, plus interest thereon, from the filing date to the date of payment may be paid to the said City Finance Officer. After the due date of the first installment, provided that the installments, which are due together with interest included thereon, have been paid, any or all of the remaining installments not yet due may be paid without additional interest to the said City Finance Officer. All installments paid prior to their respective due dates shall be paid in inverse order of their due dates. No installment under Plan One shall be paid to the said City Finance Officer on or after its due date, and on and after said date such installment shall be paid only to the County Treasurer with interest.

NOTICE IS FURTHER GIVEN, that the approved assessment rolls will be filed with the City Finance Officer on January 20, 2011. The assessment is payable in ten (10) installments at ten percent (10%) per annum interest on unpaid installments as stipulated in the assessment roll for each location. The first installment due date is January 1, 2012. Subsequent installments are due January 1 of each succeeding year until the entire assessment is paid.

The assessment rolls herein referred to are attached.

Dated at Vermillion, South Dakota, this 21st day of March, 2011.

THE GOVERNING BODY OF THE CITY OF
VERMILLION, CLAY COUNTY, SOUTH DAKOTA

_____
John E. (Jack) Powell, Mayor

ATTEST:

_____
Michael D. Carlson, Finance Officer

Council Agenda Memo

From: José L. Domínguez, City Engineer

Meeting: March 21, 2011

Subject: Resolution Approving the Special Assessment Rolls and Notice of Special Assessments for Concrete Sidewalk at 217 S. Crawford Road.

Presenter: José L. Domínguez

Background: On July 6, 2010, the City Council approved a Resolution Adopting the Resolution of Necessity for the Construction of a Concrete Sidewalk at 217 South Crawford Road. Work has been completed and the final payment has been authorized. The special assessments were calculated and filed with the Finance Officer on October 26, 2010. At the February 7th meeting, the Council approved a resolution setting today as the hearing date. Notice of this hearing was placed in the newspaper and mailed to the affected property owners.

Discussion: State statute requires a public hearing to consider the assessment roll be held. At this meeting, the City Council may approve, equalize, amend or reject the assessment roll. A copy of the final assessment roll is attached. It should be noted that the property owner has already paid the assessment along with the 8% administrative fee; however, the City still needs to complete the hearing and legal requirements to levy the special assessment.

Financial Consideration: The full construction cost of $2,383.95 plus the $190.71 fiscal fee will be assessed to the owner.

Conclusion/Recommendations: Administration recommends approving the Resolution Approving the Special Assessment Roll on 217 South Crawford Road.

RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLLS
AND NOTICE OF SPECIAL ASSESSMENTS
FOR CONCRETE SIDEWALK SURFACING
IN THE CITY OF VERMILLION, SOUTH DAKOTA

WHEREAS, the Governing Body of the City of Vermillion, Clay County, South Dakota has established special assessment rolls for defraying the cost of construction of concrete surfacing and related improvements against several tracts of real property fronting and abutting upon:

PARCEL NUMBER	PROPERTY ADDRESS	LEGAL DESCRIPTION	AMOUNT
15880-09251-191-18	217 S. Crawford Rd.	South 74′ of the North 77′ and the North 73′ of the South 88′ of Lot G of Block 1 of the East Half of the East Half of the Northeast Quarter of the Northeast Quarter of Section 19, T92N, R51W of the 5th P.M.	$2,574.66

in the City of Vermillion, Clay County, South Dakota. The assessment rolls were filed in the office of the City Finance Officer of the City of Vermillion, South Dakota on the 26th day of October 2010.

WHEREAS, said Governing Body, by resolution, fixed this time and place for hearing upon the assessment rolls and directed the City Finance Officer of the City of Vermillion, Clay County, South Dakota to publish a Resolution and Notice for such hearing in the official newspaper of Vermillion, South Dakota, one week prior to the date set for said hearing. Said Resolution and Notice described, in general terms, the improvement for which the special assessment is levied, the date of filing of the assessment rolls, and the time and place for the hearing that the assessment rolls would be open for public inspection at the office of the City Finance Officer of Vermillion, South Dakota, and referred to the assessment rolls for further particulars. The Finance Officer was further directed to mail a copy of the Resolution and Notice, by first-class mail, postage thereon fully prepaid, addressed to the property owners of any property to be assessed for such improvement at their address, as shown by the records of the Director of Equalization, at least one week prior to the date set for the hearing.

WHEREAS, it now appears that the Finance Officer has caused notice of the hearing to be given in the manner provided by the aforementioned Resolution and Notice, and by law.

WHEREAS, all persons interested have been given an opportunity to appear and show cause why the Governing Body should not approve the assessment rolls, and the assessments against the respective premises of the owners, and the Governing Body has determined that the assessment rolls are, in all respects, true and correct and according to law.

NOW, THEREFORE, IT IS RESOLVED, by the Governing Body of the City of Vermillion, Clay County, South Dakota that the special assessment rolls are hereby approved without amendment or change.

BE IT FURTHER RESOLVED, that the approved assessment rolls be filed in the office of the City Finance Officer the day after approval of the assessment rolls. The City Finance Officer shall publish once in the official newspaper of Vermillion, South Dakota, a copy of this Resolution and Notice along with the approved assessment rolls.

BE IT FURTHER RESOLVED, that the City Finance Officer shall immediately mail to the owner or owners of each lot, parcel or piece of ground, as shown by the assessment rolls, a copy of this Resolution and Notice along with the approved assessment roll for that location.

NOTICE IS HEREBY GIVEN, that the assessments mentioned in the assessment rolls will be payable according to the provisions of Plan One as set forth in Sections 9-43-30 to 9-43-41, inclusive of the Codified Laws of 1967 of the State of South Dakota, unless superseded by a deferred assessments agreement.

NOTICE IS FURTHER GIVEN, that any assessment under Plan One, or any installment thereof, may be paid without interest to the City Finance Officer whose office is located in the Municipal Building at 25 Center Street in the City of Vermillion, South Dakota, at any time within thirty days after the filing of the approved assessment rolls in the office of said City Finance Officer. Thereafter, and prior to the due date of the first installment, the entire assessment remaining, or any number of installments thereof, plus interest thereon, from the filing date to the date of payment may be paid to the said City Finance Officer. After the due date of the first installment, provided that the installments, which are due together with interest included thereon, have been paid, any or all of the remaining installments not yet due may be paid without

additional interest to the said City Finance Officer. All installments paid prior to their respective due dates shall be paid in inverse order of their due dates. No installment under Plan One shall be paid to the said City Finance Officer on or after its due date, and on and after said date such installment shall be paid only to the County Treasurer with interest.

NOTICE IS FURTHER GIVEN, that the approved assessment rolls will be filed with the City Finance Officer on October 26, 2010. The assessment is payable in two (2) installments at ten percent (10%) per annum interest on unpaid installments as stipulated in the assessment roll for each location. The first installment due date is January 1, 2012. Subsequent installments are due January 1 of each succeeding year until the entire assessment is paid.

The assessment rolls herein referred to are attached.

Dated at Vermillion, South Dakota, this 21st day of March, 2011.

THE GOVERNING BODY OF THE CITY OF
VERMILLION, CLAY COUNTY, SOUTH DAKOTA

_____
John E. (Jack) Powell, Mayor

ATTEST:

_____
Michael D. Carlson, Finance Officer

Council Agenda Memo

From: Jen Wippert, City Manager Intern

Meeting: March 21, 2011

Subject: Closing of Street Parking – Stroll for Control

Presenter: John Prescott and Dan Davies

Background: Dan Davies, Stroll for Control event organizer, requested permission to close the parking lane on E. Clark Street from Dakota Street to Pine Street to accommodate the Stroll for Control event. The closure of the stalls is necessary to allow walkers for this event. This year's walk is scheduled for Tuesday, March 29, 2011.

Discussion: The parking lane would remain closed from 5:30 p.m. until 7:00 p.m. on Tuesday, March 29. This stretch of road is located around university property so University faculty and students would be most affected by the proposed parking closure.

The Stroll for Control is a walk around campus organized by the Greek community to raise awareness of RETT Syndrome. The group is proposing to make a loop around campus with approximately 200-300 people and requests this lane to be closed to provide an overflow opportunity as groups of people walk along the route.

Financial Consideration: None

Conclusion/Recommendations: Administration recommends approval of Stroll for Control's request to allow the closure of the parking lane on Clark Street from Dakota Street to Pine Street on March 29, 2011 from 5:30 p.m. – 7:00 p.m.

John Prescott

From: Daniel Roger Davies [Daniel.Davies@usd.edu]
Sent: Monday, March 14, 2011 3:05 PM
To: John Prescott
Subject: March 21st Council Agenda Item

Mr. Prescott,

For our RETT awareness walk event, Stroll for Control, being held on Tues. March 29th from 6-7:15PM, we are requesting the parking lane on the block of Clark St. between Dakota St. and Pine St. be blocked off from 5:30-7PM to accommodate our walk. We are expecting an outcome between 200-300 people for the event, but because this is our first event, this is a conservatively loose estimate. We would like to make our proposal during the March 21st meeting of Vermillion City Council.

Thank you,
Dan Davies

--
Daniel R. Davies
IFC Scholarship Chair
Pi Kappa Alpha Continuing Education Chair
Dakota Days Executive Board Finance Manager
Sanford School of Medicine Research Assistant
daniel.davies@usd.edu
(605) 670-0431

STROLL FOR CONTROL

All-Greek Philanthropy Event for RETT Syndrome

What is RETT?

Rett syndrome is a disorder of the nervous system that leads to developmental reversals, especially in the areas of expressive language and hand use. This gene is on the X chromosome. Females have two X chromosomes, so even when one has this significant defect, the other X chromosome is normal enough for the child to survive. Males born with this defective gene do not have a second X chromosome to make up for the problem. Therefore, the defect usually results in very early death. The condition affects about 1 out of 10,000 children.

Why does it matter to us?

The times when our Greek community comes together at its best, is when something hits close to home. Phil Covington, our former Greek adviser and current Associate Dean of Students, has a beautiful 8-year-old daughter named Martilee. Martilee was born as a completely healthy girl, but as she neared her first birthday, the Covington's began to see some changes that were very worrying. By the age of two she had complete loss of controlled motor function of her arms and legs as well as the ability to speak. Beyond all odds, Martilee appears to have the cognitive ability of a typical 8-year-old, when she was expected to develop no further than a 9-month-old.

What is Stroll for Control?

The idea for Stroll for Control came from an event put on by international RETT organizations called Strollathons. During Greek Week, all chapters will come together, proudly wearing their respective letters, to do a walk around the block of campus (approximately one mile). We will kick off the event with a quick presentation about what RETT is before heading out the door and will return to a candle light vigil with our special guests. To be clear, Stroll for Control is meant as an awareness event leading up to a much larger event of a different nature during D-Days week next year. This event is for everyone! Faculty, staff, students, and community members will all come together to support this worthy cause. Free-will donations will be accepted, but awareness is the main goal.

Tuesday, March 29 @ 6PM
University of South Dakota - MUC

For more info contact: Dan Davies @ daniel.davies@usd.edu or (605) 670-0431

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: March 21, 2011

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 Middle School. Andrew Weckman, Dance Marathon Entertainment Chair, has notified the City that Tom Taylor will be conducting the fireworks show, which will begin around 9:00 p.m. on Saturday, March 26, 2011.

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 Pat Anderson at the Middle School, that the school had authorized the use of the facility, including the fireworks display. The display will be southwest of the tennis courts.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends the City Council authorize the Mayor to sign the Fireworks Public Display permit for March 26, 2011 as submitted by the USD Dance Marathon Committee for the display at the Vermillion Middle School.

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

Name of Applicant USD Dance Marathon Phone (605) 670-0757

Address 703 Valley View Dr City Vermillion State S.D. Zip 57069

PERSONS ACTUALLY IN CHARGE OF FIRING THE DISPLAY:

Name Tom Taylor Address 703 Valley View Dr., Vermillion State S.D. Zip 57069

Name Dennis Andersen Address _____ City _____ State _____ Zip _____

Date of Display March 28, 2011 Time of Day 9:00 P.M.

Exact Location of Display

422 Princeton St., Vermillion, S.D.

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

X Display Fireworks

X Consumer Fireworks

I, Thomas J. 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 17th day of March, 20 11 Signature of Applicant [signature]

Subscribed and sworn to (or affirmed)
Before me this 17 day of March, 20 11.

[signature]
Notary Public

My Commission Expires 7-5, 20 11

Permit Authorized By: _____

Title _____

Location of Issuing Authority _____

Date _____

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

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

Council Agenda Memo

From: David Nelson, Parks and Recreation Director

Meeting: March 21, 2011

Subject: Addendum to the Joint Powers Agreement between the University of South Dakota and the City of Vermillion for the softball complex

Presenter: John Prescott & David Nelson

Background: USD and the City signed a Joint Powers Agreement March 27, 1998 for the development of the softball and soccer complex on campus. This agreement is effective for forty (40) years (1998 – 2038).

Discussion: The softball complex consists of four (4) fields with two (2) of the fields currently having lights. USD women's softball uses the northwest lighted field. USD uses a temporary fence at 200 feet vs. the permanent fence at 280 feet for men. USD wants to move the permanent fence on the northwest field from 280 feet to 200 feet, which means that the City Slo-Pitch League will just have one (1) lighted field left to use. City staff understands the need for USD to move the fence.

Financial Consideration: USD will be responsible for all costs associated with the movement of the fence. USD and the City will work together to complete lighting the remaining two (2) fields at the complex.

Conclusion/Recommendations: Administration recommends adoption of this Addendum to the agreement between USD and the City.

ADDENDUM TO
JOINT POWERS AGREEMENT
UNIVERSITY OF SOUTH DAKOTA
AND
CITY OF VERMILLION

THIS AGREEMENT HEREBY MODIFIES a Joint Powers Agreement entered into between the University of South Dakota, hereinafter called UNIVERSITY, and the City of Vermillion, hereinafter called CITY, said agreement being dated the 27th day of March, 1998.

The UNIVERSITY desires to place a permanent home run fence on their lighted designated softball field at the USD/CITY Softball Complex.

BE IT KNOWN, that for good consideration, the parties hereby make the following additions a part of said March 27, 1998 Joint Powers Agreement:

1. The following provision is hereby included as an addition to Item 1(E)2 of the Joint Powers Agreement:

   "The CITY hereby agrees to allow the UNIVERSITY to build a permanent home run fence located on the northwest lighted softball field. The UNIVERSITY will be responsible for all costs associated with said project."

   With the addition of the permanent fence on the northwest lighted softball field, as referenced in paragraph 1 above, the CITY will have just one lighted field to use for the City Slo-Pitch League. Future planning by both entities should include working together to light the remaining two fields at the softball complex. To this end, the following provision is hereby included as an addition to 2(E)3 of the Joint Powers Agreement:

   "The UNIVERSITY and CITY hereby agree to work together to complete the lighting of the remaining two (2) softball fields at the USD/CITY Softball Complex."

All other terms and provisions of said March 27, 1998 JOINT POWERS AGREEMENT shall remain in full force and effect.

UNIVERSITY OF SOUTH DAKOTA

By: _____
James W. Abbott
Its: President

Date: _____

CITY OF VERMILLION

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

Date: _____

ATTEST:

_____
Michael Carlson
Finance Officer

SOUTH DAKOTA BOARD OF REGENTS

By: _____
Terry D. Baloun
Its: President

Date: _____

Council Agenda Memo

From: Harold Holoch, Utilities Engineer

Meeting: March 21, 2011

Subject: Authorization to Notify Cooperative of Intent to Serve Annexed Area

Presenter: Mike Carlson, Finance Officer

Background: The City Council approved the resolution to annex Lot 4, Block 1 and Lots 1, 2 3, 4 and 5, Block 2, Arobba Addition at the March 7, 2011 meeting. The current property owners, Jaime and Sara Arobba, had petitioned the City for annexation of the above mentioned lots into the city limits. The intent of the owners is to have land available for residential construction in the future. The property is currently in the electric service territory of Clay Union. By State law if the City does not notify Clay Union within one year of annexation of its intent to serve the annexed area, the annexed area shall continue to be served by the rural electric cooperative.

Discussion: The City has typically elected to serve all annexed areas since a 1992 State law changed the notification time to one year from annexation. The City is not aware of any Clay Union customers in the annexed area, so lost revenue payments would not start until a City electric customer is established in the area. Administration recommends the City elect to serve the annexed area to avoid a Clay Union island of electric service to be created in the service territory map.

Financial Consideration: Since there are currently no Clay Union Electric customers in the annexed area, lost revenue payments would not start until a City electric customer is established in the area during the next eleven years. The City would only be responsible for a maximum seven years of payments.

Conclusion/Recommendations: Administration recommends the City elect to serve the annexed area and approve the attached Notice of Intent to Purchase Electric Utility Properties in Annexed Areas.

PETITION TO ANNEX CONTIGUOUS TERRITORY TO THE CITY OF VERMILLION

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

We, the undersigned, acting pursuant to SDCL 9-4-1, hereby petition your honorable body, by a duly adopted resolution, to change the boundaries of the City of Vermillion, South Dakota, so as to include therein the following described real property in the County of Clay and State of South Dakota:

> South 225-feet of the East 600.17-feet and the North 200-feet of the South 425-feet of the East 490.17-feet and the North 143-feet of the South 568-feet of the East 214.17-feet and the Southeast half of the North 144.32-feet of the South 712.32-feet of the East 214.17-feet of the West 52.666-rods of the South half of the Southeast quarter of Section 17-92-51, Clay County, South Dakota.

We, the undersigned petitioners, hereby represent that all of the territory within the above described boundary is contiguous to the City of Vermillion, are the owners of not less than three-fourths of the value of the territory to be annexed to the City of Vermillion, and that no registered voter is a resident of the territory to be annexed.

By virtue of SDCL 9-4-1, the undersigned petitioners do hereby petition the Governing Body of the City of Vermillion that the City extend its boundaries by annexation to include the real estate described above.

Dated at Vermillion, South Dakota this 11th day of January, 2011.

Jaime C. Arobba

Sara L. Arobba

NOTICE OF INTENT TO PURCHASE
ELECTRIC UTILITY PROPERTIES
IN ANNEXED AREAS

TO CLAY UNION ELECTRIC CORPORATION, A RURAL ELECTRIC COOPERATIVE, VERMILLION, SOUTH DAKOTA:

Pursuant to SDCL 49-34A-49, the City of Vermillion (the City), a municipal corporation, which operates an electrical utility, hereby notifies Clay Union Electric Corporation (Clay Union), a rural electric cooperative, that the City intends to exercise its statutorily conferred rights to serve electrical energy to customers in areas, which are hereinafter more particularly described and which were annexed to the City on the date hereinafter mentioned, to-wit:

LOT 4, BLOCK 1 AND LOTS 1 THRU 5, BLOCK 2, AROBBA ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA,

(formerly known as the South 225 feet of the East 600.17 feet and the North 200 feet of the South 425 feet of the East 490.17 feet and the North 143 feet of the South 568 feet of the East 214.17 feet and the Southeast Half of the North 144.32 feet of the South 712.32 feet of the East 214.17 feet of the West 52.666 rods of the South Half of the Southeast Quarter of Section 17, 92, 51, Clay County, South Dakota).

Annexed on March 7, 2011.

The above described area is currently in the Clay Union service area. Said service areas are also described graphically on maps of the City of Vermillion, copies of which are attached hereto and served herewith.

The City further notifies Clay Union that the City is not aware of any Clay Union distribution properties being located within the hereinabove described property. The City offers to pay, as compensation for service rights, an annual amount equal to the sum of twenty-five (25%) percent of the gross revenues received from power sales to consumers of electric power within the annexed area. The obligation of the City to compensate Clay Union for service rights shall continue for eleven (11) years from the date of the offer to purchase by the City. During the eleven (11) year period, compensation for service rights to any one customer location within the annexed area shall be paid by the City for a period of seven (7) years, or until the expiration of the eleven (11) year period, whichever is less. Gross revenues received shall be determined by applying the rate in effect by the City at the time of purchase.

In the event the City and Clay Union are unable to agree as to the amount to be paid, the City will apply to the Public Utilities Commission of the State of South Dakota, requesting the Commission, after notice and hearing, to determine the amount of the payment in accordance with SDCL 49-34A-50.

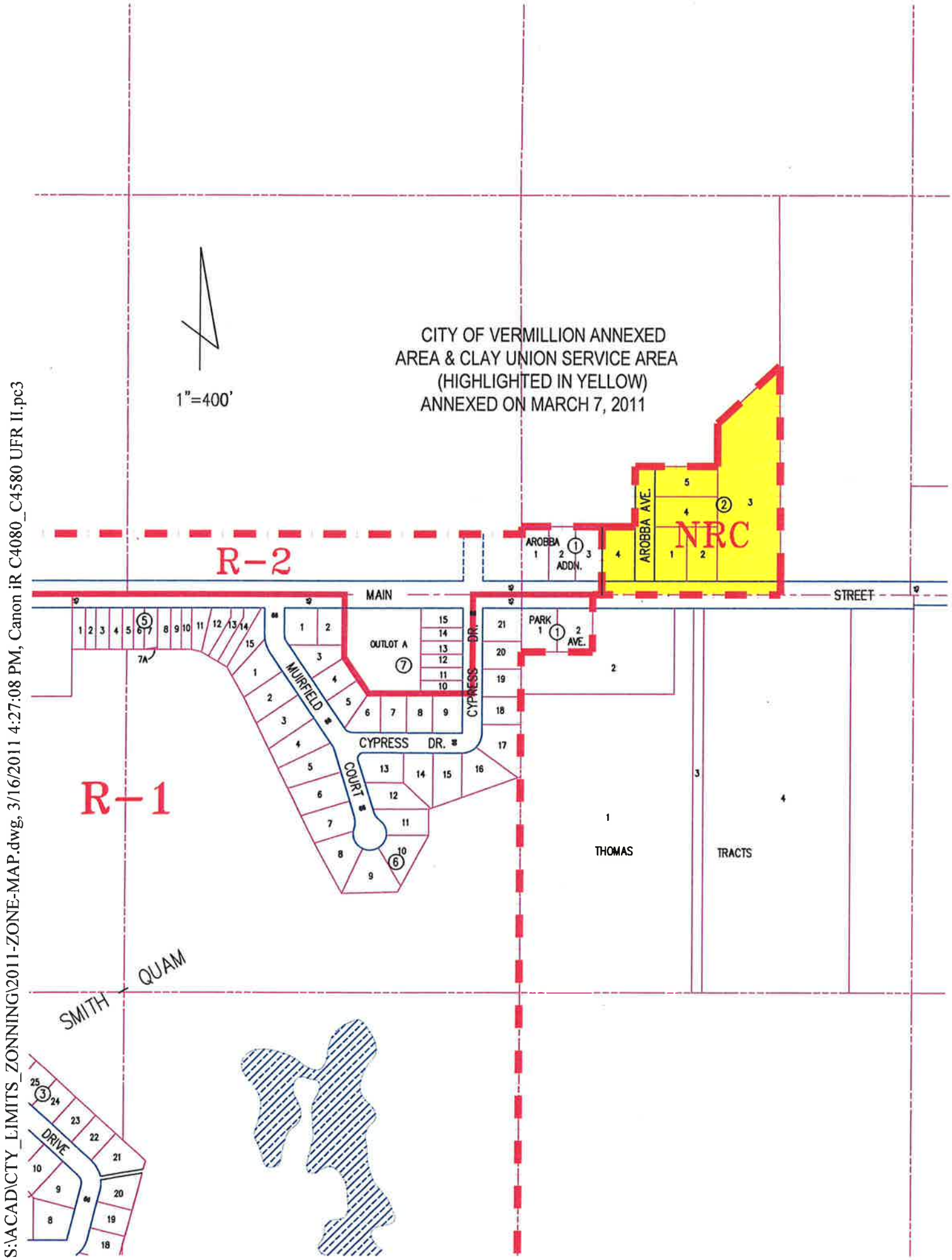
Dated at Vermillion, South Dakota this 21st day of March, 2011.

THE CITY OF VERMILLION
a municipal corporation

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By_____
Michael D. Carlson, Finance Officer



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CITY OF VERMILLION
INVOICES PAYABLE-MARCH 21, 2011

1	ALLTEL	POLICE COMMUNICATIONS	211.00
2	ARAMARK	UNIFORMS	69.94
3	BROADCASTER PRESS	ADVERTISING	753.25
4	BRUNICKS SERVICE INC	FUEL	7,582.86
5	BUREAU OF ADMINISTRATION	TELEPHONE	342.05
6	CASSIE BLUE	REFUND AMBULANCE OVERPAYMENTS	60.00
7	CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,200.31
8	DAKOTA SENIOR MEALS	CONTRIBUTION	3,500.00
9	DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	2,019.46
10	FOREMAN MEDIA	COUNCIL MTGS	100.00
11	GREGG PETERS	MANAGERS FEE	5,375.00
12	JOHN C. PRESCOTT	TRAVEL REIMBURSEMENTS	85.00
13	JOHNSON CONTROLS	REPAIRS	702.53
14	KIRK HOGEN	MEALS REIMBURSEMENT	62.00
15	KNOLOGY	DIAL-UP/E911 CIRCUIT	1,415.45
16	MARGY KERNS	REFUND AMBULANCE OVERPAYMENT	25.00
17	MATHESON TRI-GAS, INC	SUPPLIES/CYLINDER RENTAL	241.78
18	MIDAMERICAN	GAS USAGE	9,001.31
19	MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	91.75
20	NETSYSPLUS	PROFESSIONAL SERVICES	527.99
21	QWEST	TELEPHONE	1,549.36
22	QWEST BUSINESS SERVICES	911 RELAY SERVICES	5.00
23	RESERVE ACCOUNT	POSTAGE FOR METER	950.00
24	RUSTY JENSEN	TRAVEL REIMBURSEMENTS	115.60
25	SPRINT	CELL PHONES	972.13
26	STERN OIL CO.	FUEL	6,351.79
27	TIM TAGGART	SAFETY BOOT REIMBURSEMENT	100.00
28	UNITED PARCEL SERVICE	SHIPPING	161.78
29	US POSTMASTER	POSTAGE FOR UTILITY BILLS/PERMIT REN	1,185.00
30	VISA/FIRST BANK & TRUST	SUPPLIES	276.05
		GRAND TOTAL	$45,033.39

Unapproved Minutes
Vermillion Planning Commission
Monday February 28, 2011 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order in the conference room at City Hall on February 28, 2011 at 5:30 p.m.

1. Roll Call
   Present: Fairholm, Forseth, Gruhn, Muenster, Reasoner, Tuve, and Iverson. Absent: Howe.

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

2. Minutes
   a. January 24, 2011 Regular Meeting; February 8, 2011 Special Meeting.

   Moved by Forseth to approve the January 24, 2011 Regular Meeting and the February 8, 2011 Special Meeting minutes, seconded by Tuve. Motion carried 7-0.

3. Adoption of the Agenda
   Moved by Tuve to adopt the agenda as printed, seconded by Fairholm. Motion carried 7-0.

4. Visitors to be Heard

5. Public Hearing

   a. Proposed zone change from R-2 and GB to Cottage Place Planned Development District. (Old Wheeler Inn Property, located approximately at 14 West Cherry Street)

   Jose Dominguez reported that Troy Gregoire has submitted plans for a Planned Development District (PDD) for the old Wheeler Inn property. Jose stated that Mr. Gregoire has submitted plans that fulfill the first phase of the Planned Development Process that will essentially create a new zoning district for the City. The district will include a mix of residential and commercial uses. Lance Weatherly, consultant for the owner, stated that the PDD was the best way to approach the project. Lance also reported that Mr. Gregoire only intends to construct a storage building at this time with more plans to develop in the future. Questions were raised about the dead-end of Cottage Place and the reason for a half of a street. Jose reported that the street right-of-way is only 33 feet, which is half of the width of a normal street and that additional right-of-way would cut into existing structures.

   Commissioner Muenster inquired whether a public notice was posted on the property prior to the hearing. It was determined that a notice was not posted according to ordinance requirements. Chairman Iverson ended the

hearing and instructed staff to re-post for a new hearing to be held on March 14th.

b. Comprehensive Plan Amendment - Adoption of a Future Land Use Map for the City of Vermillion.

Andy reported that it has been the recommendation of SECOG that the City expedite the process of updating the City's future land use map in light of plans to adopt a Joint Jurisdictional Ordinance. Andy presented a proposed map to the Planning Commission for discussion, requesting that any changes made to the draft be in a motion.

Moved by Forseth to adopt the map as presented, seconded by Muenster. Reasoner requested discussion on the proposed map prior to voting on the motion. Discussion followed on how the proposed boundaries were determined. Staff reported that the boundaries include major transportation corridors and more developable areas. It was also stated that the prior versions of the land use map were presented to the City/County planning group. The alternate versions encompassed more area than the proposed draft and were not looked upon favorably by the County representatives. Andy clarified that the Future Land Use Map is only for planning purposes and does not, by itself, grant any authority over the area included in the map.

Reasoner offered a substitute motion to amend the map by extending the boundaries east to Saginaw and south to the Missouri River, seconded by Fairholm. Fairholm, Reasoner and Iverson voted yes; Forseth, Gruhn, Muenster and Tuve voted no. Substitute motion failed.

The original motion to adopt the map as proposed carried 7-0.

c. Amendment to repeal existing subdivision regulations and adopt new regulations for the subdivision of land within the City of Vermillion and rural platting jurisdiction area.

Jose reported that City staff has been working to revise the existing subdivision regulations for several months. Jose stated that the existing regulations were adopted in 1967 and have changed very little, leaving the City with outdated standards that are difficult to interpret. Jose reviewed the existing and proposed regulations citing major differences between the two. Jose also reviewed the proposed process to approve plats and subdivision plans. Minor plats with five or fewer lots will be approved by the City Engineer and major plats will be approved by the Planning Commission and City Council. Jose also reviewed the difference between plats and plans to the Planning Commission, stating that the Golf Course development is the only subdivision plan currently on file. Discussion and Questions followed.

It was the consensus of the Planning Commission to continue the hearing until March 14th after the City Attorney has had a chance to review the proposed regulations.

6. Old Business

7. New Business
Matt Fairholm requested the City look into annexing the Airport and Wastewater Treatment Plant. Staff indicated that annexing the airport is authorized under state law, but the area will need to be surveyed in order to describe any territory to be annexed. Staff also noted that the annexation of the airport does not extend the City's boundaries to the airport's boundaries upon annexation, so land adjacent to the airport is not considered adjacent to City limits.

8. Staff Reports

9. Adjourn
Moved by Fairholm to adjourn, seconded by Forseth. Motion carried 7-0.

Chairman Iverson declared the meeting adjourned 7:08 p.m.

Unapproved Minutes
Vermillion Planning Commission
Monday March 14, 2011 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order in the conference room at City Hall on March 14, 2011 at 5:30 p.m.

1. Roll Call
   Present: Forseth, Howe, Gruhn, Muenster, Reasoner, and Iverson. Absent: Fairholm and Tuve.

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

2. Minutes
   a. February 28, 2011 Regular Meeting.

   Moved by Muenster to approve the February 28, 2011 Regular Meeting and minutes, seconded by Howe. Motion carried 6-0.

3. Adoption of the Agenda
   Moved by Howe to adopt the agenda as printed, seconded by Gruhn. Motion carried 6-0.

4. Visitors to be Heard

5. Public Hearing

   Tuve arrived at 5:35 p.m.

   a. Proposed zone change from R-2 and GB to Cottage Place Planned Development District. (Old Wheeler Inn Property, located approximately at 14 West Cherry Street)

   Jose Dominguez reported that Troy Gregoire has submitted plans for a Planned Development District (PDD) for the old Wheeler Inn property. Jose stated that Mr. Gregoire has submitted plans that fulfill the first phase of the Planned Development process that will essentially create a new zoning district for the City. The district will include a mix of residential and commercial uses, including storage buildings, sheds, and potential auto sales, service and repair facilities.

   Lance Weatherly, consultant for Mr. Gregoire, stated that the uses proposed for the property couldn't be met by the current zoning districts allowed by City ordinance.

   Commissioner Reasoner expressed concern that the proposed uses are denying redevelopment of the area and that approval of commercial uses will be detrimental to creating a neighborhood. Reasoner also stated that space already exists for commercial storage buildings in other areas of the community and that efforts should be focused on creating a

neighborhood instead of space for commercial storage mixed with residential uses.

John Carpenter, 608 Cottage, asked about the commission's plan for the neighborhood. Mr. Carpenter expressed concern that the proposed Planned Development District will push commercial uses into a residential area.

Moved by Howe to recommend approval of the Cottage Place Planned Development District regulations as proposed, including the staff recommendations, with the addition of allowing residential uses above the first floor of commercial uses and motor vehicle sales, display and service as a conditional use in area C, seconded by Forseth. Motion carried 6-1.

b. Amendment to repeal existing subdivision regulations and adopt new regulations for the subdivision of land within the City of Vermillion and rural platting jurisdiction area.

Jose reported that City staff has been working to revise the existing subdivision regulations for several months. Jose stated that the existing regulations were adopted in 1967 and have changed very little, leaving the City with outdated standards that are difficult to interpret. Jose reviewed the existing and proposed regulations citing major differences between the two. Jose also reviewed the proposed process to approve plats and subdivision plans. Minor plats with five or fewer lots will be approved by the City Engineer and major plats will be approved by the Planning Commission and City Council. Discussion and Questions followed.

Moved by Forseth to recommend approval of the subdivision regulations to the City Council, seconded by Tuve. Motion carried 7-0.

6. Old Business

7. New Business

8. Staff Reports

9. Adjourn
Moved by Howe to adjourn, seconded by Forseth. Motion carried 7-0.

Chairman Iverson declared the meeting adjourned 6:35 p.m.