



## **Special Meeting Agenda City Council**

12:00 pm (noon) Special Meeting  
Monday, May 7, 2012  
Large Conference Room  
25 Center Street  
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Recognition of Water Department for Drinking Water Excellence Award.**
3. **Educational Session – Coyoteopoly / South Dakota Shakespeare Festival project.**
4. **Briefing on the May 7, 2012 City Council Regular Meeting Agenda-** Briefings are intended to be informational only and no deliberation or decision will occur on this item.
5. **Adjourn**

**Access the City Council Agenda on the web – [www.vermillion.us](http://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, May 7, 2012

City Council Chambers

25 Center Street

Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
  - a. April 16, 2012 Special Session; April 16, 2012 Regular Session; April 30, 2012 Special Session.
4. **Adoption of the Agenda**
  - a. USD 150<sup>th</sup> Proclamation.
  - b. Drinking Water week proclamation.
5. **Visitors To Be Heard**
6. **Public Hearings**
  - a. First Reading of Ordinance No. 1275 – Amending Section 155.008, Definitions, 155.032, R-2 Residential District and 155.033, R-3 Residential District to change dwelling definitions and add a definition and regulations for building lines.
  - b. First Reading of Ordinance No. 1276 – Amending Section 155.072, Off-Street Parking, modifying parking requirements for dwellings.
  - c. First Reading of Ordinance No. 1277 – Amending Title 15 Chapter 155 Sections 155.008 and 155.037, of the 2008 Revised Ordinances of the City Of Vermillion adding a definition and permitted and conditional uses to the NC Neighborhood Commercial District.
  - d. First Reading of Ordinance No. 1278 – Amending Section 154.01, Definitions, 154.11.1 Design Standards – Streets – Urban to clarify the difference between private streets and mutual access easements.
7. **Old Business**
8. **New Business**
  - a. Resolution pledging City Second Penny contribution to Vermillion Now! program for Compton Street infrastructure costs.
  - b. Swimming pool project report.
  - c. Corporate stock transfer JNJ Management, Inc. for The Roadhouse at 911 E Cherry for liquor license.
  - d. Resolution establishing maximum fees for law enforcement tows.
  - e. Handicap Parking on Market Street south of Intersection with Main Street.
  - f. Capital Improvement Plan.
  - g. Transfer of Blocks 33 and 34, Van Meters Addition from Clay County to City of Vermillion (W. Broadway Street property immediately north of Dawson Bridge crossing the Vermillion River).
  - h. Grant Agreement with Vermillion Basin Water Development District for storm water study.
9. **Bid Openings**

- a. Service Center Concrete project.
- b. Barstow Skate park project.
- c. Chip Seal project.
- d. Miscellaneous Concrete project.
- e. Fuel quotes

## 10. City Manager's Report

## 11. Invoices Payable

## 12. Consensus Agenda

- a. Set a public hearing date of May 21, 2012 for a special daily malt beverage and wine license for the Fraternal Order of Eagles on or about June 8, 9 & 10, 2012 in Barstow Park for Shakespeare Festival.
- b. Set a public hearing date of May 21, 2012 for the transfer of retail on-sale liquor license to Red Steakhouse, Inc for Red Steakhouse at 1 East Main transfer from Valiant Vineyards, Inc at 1500 West Main.

## 13. Adjourn

Access the City Council Agenda on the web – [www.vermillion.us](http://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  
April 16, 2012  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, April 16, 2012 at 12:00 noon in the City Hall large conference room.

1. Roll Call

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

Absent: French, Ward

2. Educational Session - Coyoteopoly/South Dakota Shakespeare Festival project

John Prescott, City Manager, reported that Greg Huckabee contacted him this morning stating that the student who was going to make the presentation was sick and Greg requested to postpone the presentation until such time that a representative was available. John stated that City staff has had two meetings with representatives of Coyoteopoly this past week. John reported that the public hearing for the special permit to exceed permissible sound levels is on the agenda for tonight, along with the request to close a portion of East Main Street during the performance and to remove the parking on the south side of Prentis Park. There also have been discussions for a special daily malt beverage license. Jere Chapman is working with Coyoteopoly and the Eagles on the license and it is anticipated that the request will be on the consensus agenda at the next meeting. John noted that the Electric Department has been installing upgrades to areas of the park for the event. He stated the Coyoteopoly report will be on a future agenda.

John stated that he has received an anonymous email, which was handed out to City Council members, from a citizen regarding the lack of sidewalks in the areas of Constance, Vonnice, Baylor and James. John noted that the City policy is to require sidewalks within one block around schools, one block around parks, in areas connecting pedestrian routes to the business district and in developments that are 75% developed. John reviewed areas of the community where sidewalks would be needed to meet the policy.

Discussion followed noting that this issue was reviewed last year and it was felt that during the sidewalk tripper inspection it could be expanded to include areas that need to have sidewalk installed. It was also noted that the lack of sidewalk in these areas is a pedestrian safety issue that most likely should not be postponed for up to four years for the sidewalk tripper inspection. John reviewed, with the City Council, areas that do not have sidewalks with the consensus that letters be sent to the property owners stating the need to have sidewalks installed this year or early next year and that the City Council would be considering a Resolution of Necessity for the sidewalks at a upcoming meeting. Discussion followed on the need for continuous sidewalks to improve pedestrian safety. John reported that this item would be on a future agenda for Council consideration.

3. Briefing on the April 16, 2012 City Council Regular Meeting Agenda

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

4. Adjourn

120-12

Alderman Meins moved to adjourn the Council special session at 1:00 p.m. Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of April, 2012.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

BY \_\_\_\_\_  
John E (Jack) Powell,

Mayor

ATTEST:

BY \_\_\_\_\_  
Michael D. Carlson, Finance Officer

Unapproved Minutes  
City Council Regular Session  
April 16, 2012  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on April 16, 2012 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

Absent: Davies

2. Pledge of Allegiance

3. Minutes

A. April 2, 2012 Special Session; April 2, 2012 Regular Session

121-12

Alderman Grayson moved approval of the April 2, 2012 special session minutes and the April 2, 2012 regular session minutes. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

122-12

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

5. Visitors to be Heard

Mayor Powell introduced Student Representative Jason Thiel.

A. Arbor Day Proclamation

Alderman Meins read the proclamation designating April 27, 2012 as Arbor Day in Vermillion to encourage citizens to plant and protect trees. Mayor Powell presented the proclamation to Aaron Baedke, representing the Parks & Recreation Department. Aaron explained the activities planned for Arbor Day, including a tree planting in Prentis Park at noon.

Alderman Osborne wanted to remind the citizens of the USD Veterans Club flag display north of Old Main representing the fallen soldiers of the Iran and Afghanistan conflicts.

Alderman French reported that there will be a BBQ judging class on Saturday, April 28<sup>th</sup> from 10:00 a.m. to 2:00 p.m. at the National Guard Armory. Jenny stated that if anyone had questions to contact her.

## 6. Public Hearings

A. Special permit to exceed permissible sound levels by no more than 50% for Coyoteopoly/South Dakota Shakespeare Festival on June 5-10, 2012 from 6:00 p.m. to 10:00 p.m. in Prentis Park for the Shakespeare Festival

Mike Carlson, Finance Officer, reported that an application was received for a special permit to exceed permissible sound levels by no more than 50% from Coyoteopoly/South Dakota Shakespeare Festival by the band shell in Prentis Park on June 5-10 from 6:00 p.m. to 10:00 p.m. The actual event is June 8-10 but there will be rehearsal with equipment set up and testing on June 5-7. The application including a diagram of the area is included in the packet.

123-12

Alderman Grayson moved approval of the special permit to exceed permissible sound levels by no more than 50% for Coyoteopoly/South Dakota Shakespeare Festival on June 5-10, 2012 from 6:00 p.m. to 10:00 p.m. in the band shell area of Prentis Park for the Shakespeare Festival. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Public progress hearing for the library expansion project partially funded by Community Development Block Grant

Mike Carlson, Finance Officer, reported that a requirement of the Community Development Block Grant is a public progress hearing on the project. Mike noted that the hearing was advertised and a sign-in sheet is being passed around.

Mike reported that the library expansion and renovation project consists of a 6,500 square foot addition to the north with a 5,200 square foot basement, an 800 square foot addition to the south, and renovation to the existing building. Bids were opened

on January 19, 2012, with eight bids received. The City Council awarded the project to the low bidder, Welfl Construction, at their February 6, 2012 meeting for the base bid, plus the three alternates, totaling \$2,375,700. As part of the funding for the project, the City Council authorized the application for a Community Development Block Grant (CDBG) that was completed with the assistance of SECOG. The Mayor was notified on December 15, 2010, by the Governor, of the approval of a \$200,000 CDBG for the project from the Governor's Office of Economic Development. The project funding consisted of the gift from Edith Siegrist, Library Board funding, Library Foundation pass through of additional Siegrist donation, Library Foundation for furniture and City sales tax funds for total funding of \$2,824,772. The project costs are the construction contract, architect fees, grant administration, professional services, contingency and furniture totaling \$2,819,294. As to the project, Welfl Construction has started with the first payment of \$70,573 approved at the April 2<sup>nd</sup> meeting.

Mayor Powell opened the public hearing.

Alderman Osborne, who is the City Council representative to the Library Board, noted that he has received many comments from citizens excited about the expansion and renovation of the library building as well as the library employees reporting positive user comments.

Hearing no further comments, Mayor Powell closed the public hearing.

7. Old Business - None

8. New Business

A. Request from Shakespeare Festival to close E. Main Street from Plum Street to Sycamore Street on June 8, 9, and 10, 2012 during the performance and to limit E. Main Street parking.

Andy Colvin, Assistant City Manager, reported that there are two requests from the Shakespeare Festival. The first request is to close E. Main Street from Plum Street to Sycamore Street from 7:00 p.m. to 9:30 p.m. on June 8, 9, and 10, 2012 for the performance. The second request is to remove the on-street parking on E. Main Street along Prentis Park on June 8, 9, and 10, 2012 from 5:00 p.m. to 9:30 p.m. to prohibit vehicles from parking next to the production area. Andy noted that the

organization will man the street closing barricades to allow emergency vehicles access. Discussion followed.

124-12

Alderman Grayson moved approval of the request of Coyoteopoly/South Dakota Shakespeare Festival to close E. Main Street from Plum Street to Sycamore Street on June 8, 9 and 10, 2012 from 7:00 p.m. to 9:30 p.m. and to remove parking on E. Main Street along Prentis Park on June 8, 9 and 10, 2012 from 5:00 p.m. to 9:30 p.m. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

#### B. Phase I Solid Waste Strategic Planning Study

Bob Iverson, Solid Waste Director, reported that an updated master plan is prepared for the department to support grant/loan applications and plan for future needs. A committee of members of the Joint Powers reviewed four proposals and recommended hiring the firm of HDR to complete the Solid Waste Master Plan. The City Council approved hiring HDR for Phase I of the Solid Waste strategic planning study. Bob stated that the public outreach meetings were held in Yankton and Vermillion in June 2011 to gather input as the study was getting underway. The draft report was presented to the Joint Powers in November 2011 and the draft report was presented to the City Council during the December 19<sup>th</sup> noon session. The final report was reviewed by the Joint Powers board in January 2012. Public meetings to present the strategic plan were held in Yankton and Vermillion in March. Matt Evans with HDR is present to review the final report with the City Council and will be making this presentation to the Yankton City Commission at their meeting next Monday night.

Matt Evans, Project Manager with HDR, reviewed the Phase I report noting the need to maximize the landfill capacity and efficiency, the need to complete a detailed rate study, the need to modify the recycling center, to consider expanding recycling, to consider privatization of recycling collection and processing and to consider City managed solid waste collection in Vermillion. Matt reviewed each item included in the recommendations and answered questions of the City Council.

Alderman Ward requested to leave at 7:25 pm.

Jake Anderson of Mellennium Recycling from Sioux Falls reviewed their company's recycling operations. He noted that single stream recycling accepts more materials, thus reducing the amount that is placed in the landfill increasing the landfill life. He

suggested reviewing the option of using their business for recycling business instead of investing in expanding the current recycling operations. Jake thanked the City Council and invited them to tour his facility.

Discussion followed on the strategic plan.

125-12

Alderman Grayson moved to accept the Phase I Solid Waste Strategic Planning Study as presented. Alderman French seconded the motion. Discussion followed. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

#### C. Declaration of surplus items for City Auction

Mike Carlson, Finance Officer, reported that a list is included in the packet of surplus City vehicles, abandoned vehicles, unclaimed property from the Police Department and surplus City property. Before the City can dispose of property, the City Council will need to declare it surplus and authorize the sale at public auction. Hazen Bye has been contacted and can do the auction on May 11<sup>th</sup> at 5:30 pm at the Municipal Service Center.

126-12

Alderman Grayson moved to declare the following property surplus to be sold at public auction: Surplus City Vehicles: (year, make, model, miles) 1997, Ford, Ranger, 71,612 miles; 1993, Ford, F150, 54,126 miles; 1998, Chevrolet, 1500, 69,174 miles; 1998, Chevrolet, 2500, 90,042 miles; 1994, Chevrolet, 2500, 111,988 miles; Abandon Vehicles: (Year, make, model, plate, vin#) 1999, Pontiac, Grand Am, 19HL51, 1G2NE52EXXM725108; 1995, Chevrolet, Lumina, 19HM46, 2G1WN52M7S9256517; 1989, Toyota, Camry, 19KC52, 4T1SV22E9KU092991; 1991, Chrysler, New Yorker, 2U0J132, 1C3XY66R9MD124853; 1987, Lincoln, Towncar, 7CV202, 1LNBM82F2HY613839; 1976, Dodge, Jamboree MH, None, F44CF6V069781; 1991, Buick, Century, PVS602, 1G4AH54N8M6407577; 1993, Chevrolet, Van C20, 4R69430, 1GCEG25HXPF360671; 1995, Ford, Probe, 7DE565, 1ZVLT20A9S5148269; 1989, Dodge, Omni, 19HH09, 1B3BL18D4KC515521; 1999, Mazda, Protégé, 4DZY042, JM1BJ2221X0105821; 1994, Pontiac, Trans Sport, 19JG41, 1GMDU06L0RT225873; 2000, Dodge, Neon, 19GW35, 1B3ES46C6YD746189; 1995, Ford, Windstar, 19JJ09, 2FMDA514XSBC87406; 1996, Chevrolet, Impala, 19Z746, 163376J297830; Approximately 34 Abandon Bicycles; Abandon Unclaimed Property from Police Department: Ohaus Balance Scale in Case (no weights), youth bicycle helmet, Altec Lansing Amplified Cone Speaker, HIP Box speaker, Air Jordan Drawstring Bag, 2000 Oldsmobile Intrigue Owner's Manual, (3) partially-full bottles of

perfume (Viva La Juicy, Dolce & Gabbana - light blue, Paris Hilton) & pen, 4 bags of plumbing-type fittings (1 ¼" MPT x 1' hose shank - 90 Deg, 1" MPT x ¾" FPT reducer bushing, couplers/adapters) - Banjo Corporation, "Stink Free" flashlight, MaxPedition "Neat Freak" organizer, 2560 Garmin Oregon 400i & CD Manual, Under Armour Intensity Polarized Sunglasses & Solar Bat Case, ProYo Ace Yo-Yo, Optix Classic Reader eyeglasses w/ case, Oakley Tactical Field Gear Lens cleaning kit, Shilling multi-purpose pocket knife w/ key ring case plus compass, Canon battery charger CB-4AH-NiMH, NiteIze BackBone mobile accessory, case Flip Ultra camcorder; City Surplus Property: Computers, monitors, laptops, printers, TV's, VCR's, scanner, bracket, speakers, VCR/DVD combo, misc computer parts, assorted used electronic equipment, IBM typewriter, plastic cases, 2 boxes misc library and office supplies, printer/copier/scanner, plastic water tank 500gallon, small trailer, 60 gallon day fuel tank. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

D. Tractor lease for Street and Solid Waste Departments with Fred Haar Company

Jason Anderson, Assistant City Engineer, reported that the City was approached by Fred Haar Company about leasing two tractors for six to eight months. The City is responsible for insurance and normal maintenance and repair during this lease. The lease is the same as last year and is included in the packet. The insurance cost is estimated at \$200 per tractor and maintenance would be required on City vehicles if used. The use of the leased equipment reduces the hours placed on the other vehicles in the city fleet. Discussion followed with Jim McCulloch, City Attorney, suggesting a change in the insurance language to name Fred Haar Company as loss payee on such claims relating to damage to the tractors.

126-12

Alderman Zimmerman moved approval of the lease agreement with Fred Haar Company for two tractors for up to eight months subject to the change in language suggested by the City Attorney. Alderman Willson seconded the motion. Discussion followed. Motion carried 7 to 0.

E. Resolution Correcting the Resolution Establishing Tapping Fees in Lieu of Assessment for Cherry Street Sanitary Sewer Service Laterals

Jason Anderson, Assistant City Engineer, reported that the resolution adopted April 2, 2012 assessing a tapping fee for sanitary sewer service laterals contained an error in the bedding material calculation for Commerce Properties, LLC property. The amount listed was \$138.99 too high, thus the resolution is to correct the fee from \$3,367.51 to \$3,228.52 for this property.

127-12

After reading the same once, Alderman French moved adoption of the following:

RESOLUTION CORRECTING RESOLUTION ESTABLISHING TAPPING FEE  
IN LIEU OF ASSESSMENT FOR SANITARY SEWER SERVICE LATERAL FOR  
CHERRY STREET

WHEREAS, the City Council, of the City of Vermillion, adopted a Resolution Establishing Tapping Fees in Lieu of Assessment for Sanitary Sewer Service Lateral for Cherry Street on April 2, 2012; and

WHEREAS, it has been determined that one lot has been incorrectly assessed for its share of the improvement costs; and

WHEREAS, the lots owned by Commerce Properties, LLC, in the E. ½ of Lots 1, 2, 3, 4, 5, & 6 & the S. ½ of Vacated Spruce, less Lot H-2 & W. ½ of Vacated unnamed street, between Blocks 2 & 3, Parks Addition, were listed as a lots that have benefited by the construction of the Cherry Street sanitary sewer improvements in the amount of \$3,367.51; and

WHEREAS, the lots owned by Commerce Properties, LLC, in the E. ½ of Lots 1, 2, 3, 4, 5, & 6 & the S. ½ of Vacated Spruce, less Lot H-2 & W. ½ Vacated unnamed street, between Blocks 2 & 3, Parks Addition, should be listed as a lots that have benefited by the construction of the Cherry Street sanitary sewer improvements in the amount of \$3,228.52; and

NOW, THEREFORE, BE IT RESOLVED, that the Resolution Establishing Tapping Fees in Lieu of Assessment for Sanitary Sewer Service Lateral for Cherry Street, adopted April 2, 2012, be corrected to change the amount owed by Commerce Properties, LLC from \$3,367.51 to \$3,228.52.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of April, 2012.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

BY \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

BY \_\_\_\_\_  
Michael D Carlson, Finance Officer

The motion was seconded by Alderman Willson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

9. Bid Openings

A. Baler and conveyor for the Recycling Center

Jason Anderson, Assistant City Engineer, read the bids received on the Recycling Center baler and conveyor and recommended the low bid of Apex Equipment with trade-in of the old baler, net cost \$57,135. Jason stated that a three year warranty alternate was requested, but it was not recommended to accept the alternate.

Apex Equipment: \$82,635.00 less trade in \$25,500.00 net \$57,135.00, KVA Engineering: \$107,762.00 less trade in \$18,000 net \$89,062.00, Recovery Systems Co: \$96,269.45 less trade in \$15,000.00 net \$81,269.45, Sanitation Products: \$111,798.80 less trade in \$15,000.00 net \$96,798.80

128-12

Alderman Grayson moved approval of the low bid of Apex Equipment for the Recycling Center baler with conveyor of \$57,135 after the trade-in of the old baler and conveyor. Alderman Willson seconded the motion. Discussion followed. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report by Andy Colvin, Assistant to the City Manager in John's absence.

A. Andy reported that, as part of the information gathering stage to develop a conceptual drawing of the new aquatic facility, our pool consultant has prepared a survey about possible features that could be included in a new swimming pool. The survey is

administered by Survey Monkey and is available on the City's Facebook site or through a link on the Parks and Recreation website. Community members are asked to complete the survey this week. More information from the survey should be available at the May 7<sup>th</sup> meeting with a public meeting to be held later in May.

B. Andy reported that the summer program sign-up will be Wednesday, May 2<sup>nd</sup> from 3:30 p.m. to 6:30 p.m. at the Armory. Please mark your calendars to sign-up for summer programs and purchase pool passes at that time. The swimming pool is scheduled to open Friday, May 25<sup>th</sup> at noon, weather permitting.

C. Andy reported that, as the National Guard will be using the Armory the week of June 4-8, the combined Primary/City/School election polling place will be at the 4-H building at 515 High Street for all City registered voters.

PAYROLL ADDITIONS AND CHANGES

General: Andrew Colvin \$24.01/hr; Engineering: Todd Nordyke \$17.00/hr; Police: Jonathan Cole \$18.81/hr, Ryan Hough \$27.10/hr, Chad Passick \$30.72/hr; Ambulance: Robin Hower \$31.84/1<sup>st</sup>- \$18.04/2<sup>nd</sup>; Pool: Levi James \$7.75/hr, Erin Rasmussen \$8.75/hr; Parks: Travis Harford \$7.50/hr; Golf Maintenance: Tyler Husby \$7.75/hr, Anthony Leber \$7.25/hr; Wastewater: Thomas Walker \$8.50/hr; Landfill: Jonathan Tayborn \$8.50/hr

11. Invoices Payable

129-12

Alderman French moved approval of the following bill:

KENT OSBORNE	DOMAIN NAME RENEWAL	39.95
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Alderman Willson seconded the motion. Alderman Osborne requested to abstain. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

130-12

Alderman French moved approval of the following bills:

ARCHITECTURE INC.	PROFESSIONAL SERVICES	2,724.50
BROADCASTER PRESS	ADVERTISING	2,057.44
BUREAU OF ADMINISTRATION	TELEPHONE	292.41
CENTURYLINK	TELEPHONE	1,086.55
CITY OF VERMILLION	LANDFILL VOUCHERS	24.00

CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,317.12
D & D PEST CONTROL	INSPECTION/TREATMENT	17.50
DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	2,701.97
FIRST NATIONAL BANK	CITY HALL DEBT SERVICE	79,926.88
FOREMAN MEDIA	COUNCIL MTG	100.00
GEOTEK ENGINEERING	PROFESSIONAL SERVICES	1,437.00
GREGG PETERS	MONTHLY FEE/QUARTER PROFITS	26,768.16
INTERNAT PUBLIC MGMT ASSOC	MEMBERSHIP DUES	149.00
KNOLOGY	DIAL-UP SERVICE	49.95
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
MATHESON TRI-GAS, INC	SUPPLIES	137.08
MEAD LUMBER	SUPPLIES	31.02
MIDAMERICAN	GAS USAGE	2,832.12
MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	105.95
RESERVE ACCOUNT	POSTAGE FOR METER	950.00
SD PUBLIC ASSUR ALLIANCE	PROPERTY COVERAGE	46,599.20
SDWWA	REGISTRATION	390.00
STERN OIL CO.	FUEL	15,557.57
SPRINT	CELL PHONE	1,168.48
THE EQUALIZER	ADVERTISING	598.40
US POSTMASTER	POSTAGE FOR UTILITY BILLS	1,025.00
VERMILLION DEVELOPMENT CO	BBB FUND	46,350.00
VISA/FIRST BANK & TRUST	FUEL/SUPPLIES	952.96
WATER'S EDGE AQUATIC DESIGN	PROFESSIONAL SERVICES	2,500.00
GRETCHEN RICHARDSON	BRIGHT ENERGY REBATE	50.00
BRIAN MOLYNEAUZ	BRIGHT ENERGY REBATE	25.00

Alderman Zimmerman seconded the motion. Motion carried 7 to 0.  
Mayor Powell declared the motion adopted.

12. Consensus Agenda - None

13. Adjourn

131-12

Alderman Osborne moved to adjourn the Council Meeting at 8:00 p.m. Alderman French seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of April, 2012.

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

John E. (Jack) Powell,

Mayor

ATTEST:

BY

Michael D. Carlson, Finance Officer

Published once at the approximate cost of \_\_\_\_\_.

Unapproved Minutes  
Council Special Session  
April 30, 2012  
Monday 5:15 p.m.

The special session of the City Council, City of Vermillion, South Dakota was called to order on April 30, 2012 at 5:15 p.m. by Mayor Powell in the second floor conference room.

1. Roll Call

Present: Davies, Grayson, French (arrived at 5:25), Meins, Ward, Willson, Zimmerman, Mayor Powell

Absent: Osborne

2. Pledge of Allegiance

3. Adoption of Agenda

132-12

Alderman Willson moved approval of the agenda. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

4. Introductions

Steve Howe, Executive Director of the VCDC, introduced Mark Lautman an economic development director from the southwest that is helping the VCDC with forward planning.

5. New Business

A. City Council concurrence with DOT bid award for Stanford Street reconstruction project work related to water, sanitary sewer and City portion of street improvements.

Mike Carlson, Finance Officer, reported that the City has been planning for the reconstruction of Stanford Street for several years. To move up the project timeline, the City appropriated second penny sales tax funds to supplement the STIP funds. This is a State project and, as such, the DOT bid the street portion of the project and included the water and sanitary sewer improvements in the bid. The DOT opened bids for this project on April 18<sup>th</sup>. The bid tabulation and letter requesting the City Council concurrence with the low total bid of D & G Concrete Construction for both the street and utility portion were included in the packet. The state will be awarding the bid based upon

the low bid on the street and the city will be responsible for the utility bid to the low street bidder. In the utility bid, the low bidder was \$162.47 less than D & G Concrete Construction. The City is responsible for the 8" non-reinforced PCC pavement line item in the street bid amount of \$269,878.40 and all of the water and sanitary sewer bid of \$258,346.51. As to the City budget, there was \$400,000 included in the second penny sales tax for the street portion. Of the \$269,978.40 street portion \$96,674 will be special assessed. As to the water and sanitary sewer, they each budgeted \$108,000 for this project and the breakdown is \$165,035 water and \$93,308 for sanitary sewer. It was noted by the engineer that there were bid items for dewatering and pipe bedding material that may not all be needed. Mike recommended that we look to water reserves to cover the additional costs and at budget time review the water fund reserve balance. A decision to assist the water fund can be made at that time if needed. A motion will be needed for the City to concur with the State DOT in awarding the Stanford Street reconstruction project bid to D & G Concrete Construction with the City being responsible for its portion of the street and all the water and sanitary sewer bid costs contingent upon DOT final approval. Discussion followed on the project costs and any contingency along with the need to review the water fund reserves during the budget process.

133-12

Alderman Zimmerman moved to concur with the State DOT in awarding the Stanford Street reconstruction bid to D & G Concrete Construction with the City being responsible for its portion of the street and all the water and sanitary bid costs contingent upon the DOT approval. Alderman Ward seconded the motion. Discussion followed. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Alderman French arrived at 5:15 p.m.

B. Information Session - Discussion of amending City Code to provide for consume but not sell alcohol permits

John Prescott, City Manager, reported that Alderman Osborne was asked by the baseball team about the ability to provide for consumption, but not sale, alcohol permit for after baseball games. John stated that in doing research there is a State statute that allows the City to issue a special permit to consume but not sell alcohol on public property. If the City Council wanted to issue this type of special permit, we would need to amend our City ordinance that only allows for consumption on public property if there is a special daily on-sale permit. Discussion followed on the special permit questioning the ability to include special conditions. Jim McCulloch, City Attorney, stated that the City could include special conditions such as hold harmless agreement, require insurance, specify the hours, require the applicant to be

liable for any violations, etc. Discussion followed on what conditions, locations, impact upon adjoining property owners, concerns of the Chief of Police, what other cities are doing, etc. The consensus was to request City staff to gather information as to what other cities do in issuing these permits, obtain a report from the Chief of Police and inquire of the Department of Revenue as to any issued with state, for a report at the next noon session.

#### C. Information Session - Discussion of library naming policy

John Prescott, City Manager, stated there has been some discussion about naming the library to recognize Edith Siegrist who donated a million dollars to make the expansion and renovation possible. John noted that it is the largest single private gift to the library project and that Ms. Siegrist did not require or seek any sort of naming rights as part of her contribution. He stated that the idea has been presented to him about naming the library "The Edith B. Siegrist Vermillion Public Library". John noted that the City does not have a naming policy and, in doing some research, other cities and especially educational institutions have policies that apply to naming of buildings. Discussion followed on the naming of the library and the need for a policy. The consensus was to request City staff to develop a resolution for naming the library "The Edith B. Siegrist Vermillion Public Library" and also to develop a naming policy with the assistance of the Policy and Procedures Committee.

#### D. Informational Session - Discussion on the role of the City in promoting housing development

John Prescott, City Manager, reported that availability of housing stock and the availability of housing lots for construction are important to the growth of any community. He stated that for many years the City had the Bluffs housing development lots available but the last housing site was sold several years ago. The Countryside Development is currently the only area in the community with housing sites available and there are not a lot of options left. The need for housing sites seemed to diminish for several years during the recent economic downturn but it appears the demand is increasing. The recent job creation, through the expansion of Masaba and the opening of Builders Choice and Navigant, as examples, is creating renewed interest in housing. It was reported by Steve Howe of the VCDC that 1,700 individuals employed within the county live outside the county and 900 individuals living in the county leave for employment outside the county. John noted that the City has set aside \$150,000 from the sale of Lotuswood land for housing development incentives. While it was never suggested to be a lot, the only response has been that it is not enough of an incentive. The question is what is the City Council's role

in housing site development within the community. Discussion followed on options including TIF financing, how incentives could be made to developers, what other communities are doing and if housing sites are the only issues to be addressed.

Alderman Willson requested to leave the meeting at 6:10 pm

Steve Howe, Executive Director of the VCDC, felt that housing is only a portion of a community plan that would look at other issues in the community that are interrelated. Discussion followed with Steve requesting if the City would partner with the VCDC on such a plan. The consensus was for Steve to bring back the cost of such a plan for Council consideration by the first meeting in June.

John Prescott, City Manager, stated that there is a portion of an outlot which was sold to Wade Larson that is not developed and the deed covenants provide that the City could purchase. The outlot would require street and utility improvements to make 5 to 6 housing sites available. Discussion followed with the consensus for John to contact Mr. Larson about his plans for the property and report back in the future.

6. Adjourn

134-12

Alderman Zimmerman moved to adjourn the Council Meeting at 6:45 p.m. Alderman Ward seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 30<sup>th</sup> day of April, 2012.

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

ATTEST:

BY \_\_\_\_\_  
Michael D. Carlson, Finance Officer

Published once at the approximate cost of \_\_\_\_\_.

**Proclamation  
USD Sesquicentennial**

WHEREAS, Territorial Governor William Jayne signed approved legislation authorizing what would become The University of South Dakota in Vermillion, on April 21, 1862; and

WHEREAS, Darwin Inman, Justice Jefferson Kidder, Dr. F. N. Burdick and Civil War Veteran Colonel John Jolley, territorial settlers, raised private funds to build the first facilities on the USD campus, beginning a partnership that continues today; and

WHEREAS, on October 16, 1882, Principal Epstein, with three dozen students, first stepped onto the University campus, which would grow to include nearly 10,000 enrolled students and more than 62,000 alumni; and

WHEREAS, Due to the knowledgeable and respected faculty and administrators, the University has grown to include the establishment of a comprehensive College of Arts and Sciences, a College of Fine Arts, School of Education, Health Sciences, and Business, and the state's only Schools of Law and Medicine; and

WHEREAS, The University of South Dakota has been recognized as the states' comprehensive liberal arts university, offering undergraduate, graduate and professional programs within the South Dakota System of Higher Education and continues as the state's flagship university; and

WHEREAS, April 20, 2012, was the day that the Governor of South Dakota declared to be USD DAY and the day the University of South Dakota began an official observance of their sesquicentennial year.

NOW THEREFORE, we, the governing body of the City of Vermillion, South Dakota do hereby proclaim our appreciation of the University of South Dakota, honor their commitment to provide a higher education and recognize their sesquicentennial year celebration.

Dated at Vermillion, South Dakota this 7<sup>th</sup> day of May, 2012.

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

\_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

\_\_\_\_\_  
Michael D. Carlson, Finance Officer

**PROCLAMATION  
DRINKING WATER WEEK 2012**

**WHEREAS**, water is our most valuable natural resource; and

**WHEREAS**, only tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

**WHEREAS**, any measure of a successful society – low mortality rates, economic growth and diversity, productivity, and public safety – are in some way related to access to safe water; and

**WHEREAS**, we are all stewards of the water infrastructure upon which future generations depend; and

**WHEREAS**, each citizen of our community is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues.

**NOW, THEREFORE**, we, the Governing Body of the City of Vermillion, do hereby proclaim that May 6 through May 12, 2012 be observed as Drinking Water Week in Vermillion and encourage all citizens to participate in this observance.

Dated this 7<sup>th</sup> day of May, 2012

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John E. (Jack) Powell, Mayor

ATTEST:

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Michael D. Carlson, Finance Officer



## *Council Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** May 7, 2012

**Subject** Ordinance No. 1275 - Amendment to the Definitions, R-2 District and R-3 District within the Zoning Ordinance

**Presenter:** Jose Dominguez

**Background:** A relatively large amount of the residential construction occurring within the City in recent years has been in the form of duplexes, townhouses or apartment units. These units can only be constructed in the R-2 and R-3 zoning districts. Prior to construction starting, certain requirements have to be met. These requirements are setbacks, lot widths, lot area and off-street parking requirements.

**Discussion:** The proposed amendments will help clarify what qualifies as a duplex, townhouse and apartment complex. The current ordinance is vague in the definition of these building types. This issue has caused problems when trying to identify new construction as a duplex, townhouse or an apartment building and the requirements to be met.

Additionally, the amendment will require that the new construction be placed at the building line rather than at the setback line. The building line may be further removed from the property line than the setback line, but never any closer to the property line than the setback line. The width of the lot at the property line will be controlled by the required frontage.

The amendment was presented to the Planning Commission at the April 23, 2012 meeting. The Planning Commission unanimously approved the amendment with a small change. The change has been incorporated in to Ordinance No. 1275.

**Financial Consideration:** There will be no financial impact to the City.

**Conclusion/Recommendations:** Administration recommends approval of the first reading of Ordinance No. 1275.

ORDINANCE NO. 1275

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

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

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

§ 155.008 DEFINITIONS

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

**DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSE).** A 1-single family dwelling owned separately and attached to 2 or more 1-single family dwellings by common vertical walls. Each dwelling shall be in its own lot.

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

~~**DWELLING, TOWNHOUSE.** One of a group or row of 2 or more single family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. The townhouse need not face upon a street if otherwise specifically provided in this chapter. For the purpose of side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot.~~

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

§ 155.032 R-2 RESIDENTIAL DISTRICT.

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

Permitted Use Applicable Standards

Single-family detached dwellings	§§ 155.070, 155.072, 155.076, 155.077
Single-family attached <u>(townhouses)</u> dwellings	§§ 155.070, 155.072, 155.076, 155.077 <u>(this includes twin homes and duplexes)</u>
Multiple <u>family (apartments and condominiums)</u> dwellings (up to 4 dwellings)	§§ 155.070, 155.072, 155.076, 155.077
<u>Two-family attached (duplex) dwellings</u>	<u>§§ 155.070, 155.072, 155.076, 155.077</u>
Boarding and lodging house	§§ 155.070, 155.072, 155.077
Fraternities and sororities	§§ 155.070, 155.072, 155.077

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

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

	Lot Area	Frontage	Lot Width Building Line	Front Yard	Side Yard	Rear Yard	Maximum Height
Single-family detached dwellings (see #2)	6,500 square feet	50 feet	65 feet (see #2)	25 feet (see #3)	8 feet	25 feet	35 feet
Single-family	6,000-2,500	25 feet	25 feet	25	0 feet or	25	35 feet

attached (townhouse) dwellings (2 units) (1-2 lots)(up to 4 attached dwellings) (see #5)	square feet			feet (see #3)	8 feet on nonparty wall side	feet	
Single-family attached dwellings (4 units) (3-4 lots)Two-family attached (duplex) dwelling	7,2007,500 square feet	50 feet	1665 feet	25 feet (see #3)	0 feet or 8 feet on nonparty wall side	25 feet	35 feet
Multiple-family (apartments and condominiums) dwellings (4 units) (1 lot)	7,500 square feet	50 feet	75 feet	25 feet (see #3)	8 feet side	25 feet	35 feet
All other uses	6,000 square feet	50 feet	60 feet	25 feet (see #3)	15 feet	25 feet	35 feet

Exceptions:

1. There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.
2. A residence may be constructed on a lot-of-record, which has a lot width of less than 65 feet.
3. One required front yard may be reduced to 20 feet on corner lots.
4. See also adjustments to yard regulations (§ 155.082) for other specific exceptions.
- 4.5. Every two units will be staggered.

§ 155.033 R-3 RESIDENTIAL DISTRICT.

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

(A) Permitted uses.

Permitted Use Applicable Standards

Single-family detached dwellings	§§ 155.070, 155.072, 155.076, 155.077
Single-family attached (townhouses) dwellings (up to 2)	§§ 155.070, 155.072, 155.076, 155.077

Multiple-family (apartments and condominiums) dwellings	§§ 155.070, 155.072, 155.076, 155.077
Two-family attached (duplex) dwellings	§§ 155.070, 155.072, 155.076, 155.077
Boarding and lodging house	§§ 155.070, 155.072, 155.076, 155.077
Fraternities and sororities	§§ 155.070, 155.072, 155.076, 155.077
Churches	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Libraries	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Schools	All parking lots being 8 feet from all residential properties. One of the principle frontages shall abut upon an arterial or collector street as defined by the city's major street plan map. §§ 155.070, 155.072, 155.077
Public park areas	§ 155.070
Golf course	§§ 155.070, 155.072
Hospital/clinic	§§ 155.070, 155.072, 155.073, 155.077
Private club/lodge.	§§ 155.070, 155.072, 155.073, 155.077
Electrical substation	An opaque screen, 6 feet in height, located at all setback lines. §§ 155.070, 155.077
Group day care	A safe pickup and drop off area must be provided for the children §§ 155.070, 155.072, 155.076, 155.077
Neighborhood utilities	§ 155.070
Group home	Structure must be a single housekeeping unit. Applicant must provide a copy of state agency license. §§ 155.070, 155.072, 155.076, 155.077
Railroad right-of-way	Including a strip of land with tracks and auxiliary facilities for track operation, but not including passenger stations, freight terminals, switching and classifications yards, repair shops, roundhouses, power houses, interlocking towers, and fueling, sanding and watering stations.
Fences	§ 155.074
Convent/monastery	§§ 155.070, 155.072, 155.077
Accessory structure (such as, garage, shed)	§§ 155.071, 155.082(A) (see definition)

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

	Lot	Frontage	Lot	Front	Side Yard	Rear	Maximum
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	Area	<u>50 feet</u>	<u>WidthBuilding Line</u>	Yard		Yard	Height
3 to 8 multiple-family (apartments and condominiums) dwelling units	7,500 square feet	<u>50 feet</u>	60 feet	30 feet (see #4) (see #7)	10 feet (see #1)	10 feet	45 feet
9 to 12 multiple-family (apartments and condominiums) dwelling units	20,000 square feet	<u>50 feet</u>	70 feet	30 feet (see #4) (see #7)	10 feet	10 feet	45 feet
over 12 multiple-family (apartments and condominiums) dwelling units	30,000 square feet	<u>50 feet</u>	85 feet	30 feet (see #4) (see #7)	10 feet	10 feet	45 feet
Single-family detached	7,500 square feet	<u>50 feet</u>	60 feet	30 feet (see #4)	8 feet	25 feet	45 feet
Single-family attached (townhouses) dwellings (up to 8 attached units) (see#8)	<del>5,000</del> <u>2,500</u> square feet	<u>25 feet</u>	<del>20-25</del> feet	30 feet (see #4)	0 feet or 10 feet on nonparty wall side	25 feet	45 feet
Two-family (duplex) dwelling	<u>7,500</u> square feet	<u>50 feet</u>	<u>60 feet</u>	<u>30 feet</u> (see #4) (see #7)	<u>10 feet</u> (see #1)	<u>25 feet</u>	<u>45 feet</u>
All other uses	7,500 square feet	<u>50 feet</u>	75 feet	30 feet (see #4)	10 feet	25 feet	45 feet

Exceptions:

1. The side yard will be required to be increased to 15 feet when the building is 3 stories in height or more.
2. A residence may be constructed on a lot-of-record which has a lot width of less than 80 feet.

3. There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.
4. One required front yard may be reduced to 20 feet on corner lots.
5. A conditional use permit will be required for any structure having a maximum height exceeding 45 feet (see §§ 155.095(A)).
6. See also adjustments to yard regulations (§ 155.039) for other specific exceptions.
- ~~6.7.~~ More than one main building per lot may be constructed.
- ~~7.8.~~ Every two units will be staggered.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

\_\_\_\_\_  
Michael D. Carlson, Finance Officer

Seal

First Reading: May 7, 2012

Second Reading & Adoption: May 21, 2012

Publication: June 1, 2012

Effective Date: June 21, 2012

Published once at the approximate cost of \_\_\_\_\_.



## *Council Agenda Memo*

**From:** Jose Dominguez, City Engineer and John Prescott, City Manager  
**Meeting:** May 7, 2012  
**Subject** Ordinance 1276 - Amendment to the Off-Street Parking Requirements  
**Presenter:** Jose Dominguez

**Background:** As noted with the last agenda item, the City experiences a lot of construction involving duplexes, townhouses or apartment buildings. These units can only be constructed in the R-2 and R-3 zoning districts. Prior to construction starting, certain requirements, such as setbacks, lot widths, lot area and off-street parking requirements have to be met. Meeting parking requirement is often a challenge as many sites are fully developed. Community members and Council members have asked to have staff review the requirement which does not allow garage spaces to count as parking spaces.

**Discussion:** The proposed amendment will offer the developer the option to count the garage space, and the area directly behind the garage, toward meeting the parking requirement for the units being constructed. This will only be allowed when the development meets the following criteria:

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

For example, a four unit apartment complex, with three bedrooms per unit, and four 1 car garages, meeting all of our proposed requirements would require 12-parking stalls under our existing ordinance. Under the proposed ordinance, the same development would only require 10-parking stalls, this includes the four 1 car garages. If the proposed conditions related to the garages are met, a formula is utilized to reduce the number of parking spaces that are also required. Staff believe that the conditions help ensure the likelihood that garage spaces are used for parking and not storage spaces which leads to more vehicles utilizing the streets for parking spaces.

The Planning Commission reviewed the proposed amendment during their April 23<sup>rd</sup> meeting. During the meeting, it was explained to the Planning Commission that the proposed criteria are in place to prevent the use of garages as storage sheds while still counting them towards the off-street parking requirements. At the meeting, the Planning Commission recommended removing all of the proposed criteria and allowing all of the garages to count towards the off-street parking requirements. This would be a return to standards that existed prior to 2008 when the Planning Commission and City Council took steps to address parking issues. If the City Council concurs with the Planning Commission recommendation, an ordinance will need to be drafted to make this change.

Staff understands the view of the Planning Commission. From a planning perspective, a garage is logically built to park a vehicle. From a rental standpoint which is how most duplexes, townhouse and apartment units are utilized; garages are used in a variety of ways. The City has worked with tenants who have rented the living unit but not had access to the garage yet the garage is counted as part of the available parking for the unit. As rental units are often times a transition situation for many individuals, garages are often the most convenient storage space for the tenants. From a rental registry standpoint, a number of garages never meet the intended purpose of providing off-street parking.

**Financial Consideration:** The City will not see any financial impacts.

**Conclusion/Recommendations:** Staff believes the proposed ordinance helps to address the concerns expressed about counting garage spaces for parking while balancing the concerns about garages used for storage. While the Planning Commission did not recommend adoption of Ordinance 1276 as presented, Administration recommends approval of the first reading of Ordinance No. 1276.

ORDINANCE NO. 1276

AN ORDINANCE OF THE CITY OF VERMILLION, SD, AMENDING THE ZONING ORDINANCE OF THE CITY BY AMENDING SECTION 155.072, OFF-STREET PARKING.

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

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

§ 155.072 OFF-STREET PARKING.

(A) General conditions.

- (1) No parking spaces are permitted in the required front or side yard in any residential district except for multiple-family dwellings and portions of the front yard necessary for hard surfaced driveways or as otherwise provided in this chapter.
- (2) ~~Driveways shall not exceed 36 feet in width. An exception for 40 feet driveways shall be allowed for businesses.~~
- (3) ~~(32)~~ Parking spaces may be permitted in any required rear yard.
- (4) ~~(43)~~ All parking spaces shall be connected to a public street or alley.
- (5) ~~(54)~~ Except in conjunction with a legal nonconforming business, it is unlawful for any person to park, store, leave, or permit the parking, storing or leaving of any commercial vehicle with a gross vehicle weight rating (GVWR) of over 13,000 pounds in a NRC, R-1, R-2, R-3 or R-4 Zoning District, unless the vehicle is parked in connection with the performance of a service. The transferring of refuse from a smaller satellite vehicle to a large packer garbage truck is prohibited.
- (6) ~~(65)~~ All parking, loading, and maneuvering and drive areas thereto shall be hard surfaced with asphalt, concrete or other acceptable paving systems (as determined by City Engineer).
- (7) ~~(76)~~ The parking requirements in this section shall not be applicable to property in the CB Central Business District.

(B) Required parking spaces.

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

Table 1: Minimum Off-Street Parking and Loading Requirements

Uses and Structures	Minimum Parking Requirements
<del>Single family and 2 family dwellings</del>	<del>2 spaces for each dwelling unit—</del>
<del>Multiple family dwellings</del>	<del>2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater—</del>
Rooming and boarding houses, sororities and fraternities	1 parking space for each 200 square feet of floor area
Bowling alleys	4 spaces per lane
Church or temple	1 space for each 4 seats in main seating area

Private club or lodge	1 parking space for each 300 square feet of floor area
High school	4 spaces for each classroom or office room, plus 1 for each 150 square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium
Elementary school	2 spaces for each classroom or office room, plus 1 for each 150 square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium
Eating and drinking places	1 space for each 300 square feet of gross floor area
Hospitals	1 space for each bed
Nursing, convalescent and rest homes	1 space for each 3 beds
Auditoriums, theaters and places of public assembly	1 space for each 4 seats of design capacity
Hotels and motels	1 space for each 2 rental rooms
Funeral homes	1 space for each 4 seats in the chapel
Retail sales establishments	1 space for each 300 square feet of floor area
Medical and dental clinics	1 space for each 2 staff members and full-time employees, plus 1 space for each 600 square feet of gross floor area
Manufactured home parks	2 spaces for each
Industrial uses	1 space for each 2 employees on the maximum working shift
Service establishments	1 space for each 300 square feet of floor area
Wholesale and distribution establishments	1 space for each 2 employees on the maximum working shift

(2) [For parking requirements for residential uses \(excluding manufactured homes\) see Table 2 below:](#)

(a) [In order for the Alternate Parking Requirements to be used the following criteria must be met:](#)

- (i) [Each unit must have direct access to their garage through a walk-thru door directly leading to the garage without going through the outside.](#)
- (ii) [Each garage stall shall be 10-feet wide by 20-feet long.](#)
- (iii) [The property owner will ensure that the garage space is open for tenant parking as a condition of their rental registry. The garage space cannot be used for any other purpose.](#)

[Table 2: Minimum Off-Street Parking and Loading Requirements for Residential Uses](#)

<a href="#">Uses and Structures</a>	<a href="#">Minimum Parking Requirements</a>	<a href="#">Alternate Parking Requirements**</a>
<a href="#">Single-family detached</a>	<a href="#">2 spaces for each dwelling unit</a>	<a href="#">2 spaces for each dwelling unit</a>
<a href="#">Single-family attached (townhouses)</a>	<a href="#">2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater</a>	<a href="#">2 parking spaces per each dwelling unit or 1 per bedroom whichever is greater</a>

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

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

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

\_\_\_\_\_  
Michael D. Carlson, Finance Officer

Seal

First Reading: May 7, 2012

Second Reading & Adoption: May 21, 2012

Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Published once at the approximate cost of \_\_\_\_\_.



## *Council Agenda Memo*

**From:** Andrew Colvin, Assistant City Manager

**Meeting:** May 7, 2012

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

**Presenter:** Andrew Colvin

**Background:** In 2008, the Planning Commission and City Council completed a comprehensive rezoning of the city and a revision of the zoning ordinance. During this process, nearly all of the districts were renamed and a few new districts were added. One of new districts was the NC-Neighborhood Commercial District, which did not exist prior to the 2008 revision. The intent of the district was to create a transitional area separating Cherry Street from Main Street, which permitted very light commercial uses, such as Laundromats and personal service businesses (i.e. hair salons, etc.) so as not to negatively impact residential areas. There are three areas designated as NC. One district is on Dakota Street from Cherry Street to Main Street, a second is on Plum Street from E. Main Street to Maple Street while the third district is on East Main Street. All types of residential uses are prohibited, as are eating establishments.

On November 14, 2011, Gary Marshall, owner of residential property on Dakota Street, approached the Planning Commission to express concerns that he is unable to re-finance the mortgage on his property because the zoning does not permit residential uses and, if burned down, could not be rebuilt. Staff brought forth some ideas on December 12, 2011 to gather additional input from the Planning Commission on what is desired for the district. From that discussion, it was apparent that the Planning Commission desires to permit both residential and commercial uses.

**Discussion:** One of the challenges of mixed use districts is ensuring that the uses do not create future conflicts and unorganized development. Without strict

standards for architectural compatibility, a district that allows different uses may also negatively impact the aesthetic value of a neighborhood. Therefore, some uses should be conditional to give the Planning Commission more oversight on how uses are located and/or rebuilt. The proposed ordinance adds residential dwellings (from single-family and townhouses up to 4 unit multi-family structures) to the NC district as conditional uses.

The amendment also modifies the commercial uses, adding a place for office-type facilities and eating establishments. The amendment presented to the Planning Commission provided restaurants, without alcohol licenses, as permitted uses. If a restaurant desired to have an alcohol license, malt beverage or liquor, a conditional use permit would have to be obtained. After some discussion, the Planning Commission felt that due to parking, noise, hours and traffic, it would be appropriate to have all restaurants obtain a conditional use permit to gather neighborhood input and place restrictions if necessary.

**Financial consideration:** The City has incurred costs for the required publications.

**Conclusion/Recommendations:** The City Council is asked to take public comment and approve or not approve the first reading. Staff spoke with Gary Marshall on what the proposed amendment will accomplish. Although he did not read the amendment, Mr. Marshall was not opposed to having residential uses obtain a conditional use permit. Administration is supportive of the Planning Commission recommendation to have all restaurants obtain a conditional use permit and recommends approval of the first reading of the ordinance.

ORDINANCE NO. 1277

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

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

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

**§ 155.008 DEFINITIONS**

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

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

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

**§ 155.037 NC NEIGHBORHOOD COMMERCIAL DISTRICT.**

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

(A) *Permitted uses.*

<i><b>Conditional Use</b></i>	<i><b>Permitted Use</b></i>	<i><b>Applicable Standards</b></i>
<u>Engineering, management, public administration and related offices</u>	Office	§§ 155.070, 155.072, 155.073, 155.077
Drug store		§§ 155.070, 155.072, 155.073, 155.077
<u>Personal services: beauty salons; barber shops; laundry services; photo studios</u>	Personal service	§§ 155.070, 155.072, 155.073, 155.077
Medical and dental clinics		§§ 155.070, 155.072, 155.073, 155.077
<u>Mixed-use development (residential uses over ground floor non-residential uses)</u>		§§ 155.070, 155.072, 155.073, 155.077
Churches		All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077

Libraries	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Day care center	Adequate and safe playground area with fence 4 feet high. A safe pickup and drop off area must be provided for the children. §§ 155.070, 155.072, 155.073, 155.077
Commercial parking lots/parking ramps	§§ 155.070, 155.072, 155.077
Accessory use (such as, garage, shed)	§§ 155.071, 155.082(A) (see definition)

(B) Conditional Uses.

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

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

	<i>Lot Area</i>	<i>Frontage</i>	<i>Building Line</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
<u>Single-family detached dwelling</u>	<u>6,000 square feet</u>	<u>50 feet</u>	<u>60 feet see #1</u>	<u>30 feet</u>	<u>8 feet</u>	<u>25 feet</u>	<u>35 feet see #5</u>
<u>Single-family attached (townhouse) dwellings (up to 4 attached dwellings) (see note #7)</u>	<u>2,500 square feet</u>	<u>25 feet</u>	<u>25 feet</u>	<u>30 feet</u>	<u>0 feet or 8 feet on nonparty wall side</u>	<u>25 feet</u>	<u>35 feet see #5</u>
<u>Two-family attached (duplex)</u>	<u>6,000</u>	<u>30 feet</u>	<u>60 feet</u>	<u>30 feet</u>	<u>8 feet</u>	<u>25 feet</u>	<u>35 feet</u>

<u>dwelling</u> s	<u>square feet</u>						
<u>Multiple-family (apartments &amp; condominiums) dwellings (4 units) (1 lot)</u>	<u>6,000 square feet/unit</u>	<u>50 feet</u>	<u>60 feet</u>	<u>30 feet</u>	<u>8 feet</u>	<u>25 feet</u>	<u>40 feet</u>
All other uses	6,000 square feet see # <u>34</u>	50 feet	60 feet see # <u>12</u> , # <u>32</u>	30 feet see # <u>12</u> , # <u>23</u>	8 feet	25 feet	35 feet

Exceptions:

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

#1—2 No side yard or rear yard is required where a lot is adjacent to or abuts upon a commercial or industrial district.

#2—3 Where a side yard or rear yard is required half of the required yard must be maintained as a landscaped area.

#3—4 There shall be a required front yard on each street side of lots.

#4—5 A conditional use permit will be required for any structure having a maximum height exceeding 35 feet (§ 155.095(A)).

#5—6 See also adjustments to yard regulations (§ 155.082) for other specific exceptions.

#7 Every two units will be staggered.

Dated at Vermillion, South Dakota this 21<sup>st</sup> day of May, 2012.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

\_\_\_\_\_  
John E. (Jack) Powell, Mayor

Attest:

\_\_\_\_\_  
Michael D. Carlson, Finance Officer

First Reading: May 7, 2012  
Second Reading: May 21, 2012  
Publication: June 1, 2012  
Effective: June 21, 2012



## *Council Agenda Memo*

**From:** Jose Dominguez, City Engineer  
**Meeting:** May 7, 2012  
**Subject:** Amendment to the Design Standards in the Subdivision Ordinance  
**Presenter:** Jose Dominguez

**Background:** Private roads and mutual access easements are addressed in the Subdivision Ordinance adopted last year. The original intent of the ordinance regarding these items was to allow a developer to construct either a private road or dedicate easement allowing access to certain parts of the property. Recently, it has come to our attention that the ordinance does not offer much flexibility between a private road and a public road and a mutual access easement.

**Discussion:** As mentioned, the original intent of the ordinance was to provide developers options between building private roads and public roads. With the proposed changes, the developer will still need to comply with some standards ranging from type of pavement to width of roadway. The roadway would also need to be in a mutual access easement. Any maintenance associated with the private road would be the responsibility of the developer until the City accepts responsibility for the roadway. Prior to the City accepting any responsibility, the roadway would need to be brought up to current City standards.

The use of mutual access easements will be restricted to either common parking areas or to provide an area to place the private road.

**Financial Consideration:** The City will not see any financial impacts.

**Conclusion/Recommendations:** Staff recommends approval of the first reading of Ordinance No. 1278.

ORDINANCE NO. 1278

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

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

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

§ 154.01 GENERAL

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

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

separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or area of such lots or parcels.

(37)RURAL. Territory outside of the city limits.

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

(39)SUBDIVISION. The division of any tract or parcel of land into 2 or more lots platted for the purpose of transfer of ownership, or building development, whether future or immediate; or any division of land involving a new street or road regardless of parcel size or the number of parcels.

(40)URBAN. Territory inside the city limits.

(41)UTILITY EASEMENT. An easement granting the right to the city to use a designated portion of property for the installation, maintenance and access related to city utilities.

#### § 154.11 DESIGN STANDARDS - STREETS.

##### § 154.11.1 URBAN.

###### (D) Design standards.

- (1) The developer shall be responsible for dedication of all right-of-way widths according to the major street plan.
- (2) A tangent at least 100 feet long shall be placed between reverse curves on arterial and collector streets; on all other streets the tangent shall be at least 50 feet long.
- (3) Alleys are permitted in commercial and industrial districts when no other reasonable provision is made for service access, such as off-street loading, unloading, and parking consistent with the requirements set forth in the zoning ordinance.
- (4) Alleys are permitted in residential districts when conditions warrant an alternative means of access. However, an alley shall never be proposed as a primary form of access.
- (5) Dead-end alleys shall be avoided, but if unavoidable, they shall be provided with a turnaround as determined by the City Engineer.
- (6) Whenever an existing half-street is adjacent to a tract being subdivided, the other half of the street shall be platted within said subdivision.
- (7) A subdivision may show ½ of a street along adjoining property which has not been subdivided, but no building permit may be issued for any lot abutting on the undedicated half-street, such half-street shall have a building permit issued for it until such time as the other half-street is dedicated.
- (8) Cul-de-sacs and eyebrows will be allowed where they are necessary for the reasonable development of a subdivision. The maximum length of a cul-de-sac should not exceed 500 feet measured along the centerline, between the radius point of the turnaround and the right-of-way line of the abutting street. The maximum length of a cul-de-sac may be extended where no other practical alternative is available for the reasonable development of a subdivision. Temporary turnarounds may also be required by the City

Engineer on dead-end streets that will eventually be continued. No more than 50 dwellings will be allowed on a cul-de-sac of 500 feet in length.

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

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

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

a. Private streets shall be paved by the developer to a width of not less than 2623 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.~~

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

c. Buildings located adjacent to a private street or road shall be addressed in accordance with City of Vermillion Code of Ordinances ~~and zoning regulations.~~

~~e.d.~~ Building setback requirements shall meet the current zoning ordinance.

~~d.e.~~ (de) Private streets or roads shall be indicated on the plat as a private roadway mutual access easement and shall not be included as part of any required lot area or setback.

~~e.f.~~ (ef) 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.

~~f.g.~~ (fg) 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 a mutual access easement.

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

(12) When the traffic impact of 1 or more proposed property developments indicates that the public safety can be better served by the use of mutual access easements, the following requirements shall be observed:

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

b. Mutual access easements shall be indicated on the plat.

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

d. Mutual access easement areas shall be paved by the developer and maintained in passable condition. Designs for mutual access easements must be approved by the City Engineer. An easement area maintenance agreement among property owners who will use the mutual access easement for access shall be filed with the plat. The agreement shall describe the legal responsibilities for the repair and maintenance of the easement area and the required signs.

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

DESIGN ELEMENTS	ARTERIALS	COLLECTORS	LOCAL	FRONTAGE ROAD	<u>PRIVATE ROAD MUTUAL ACCESS EASEMENT</u>	CUL-DE-SAC	ALLEY
RIGHT-OF-WAY (FT)	80 – 100	80	66 – 80	50	<u>66</u> 50 – 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.
  - (E) Access to streets and roads.
    - (1) Street access for streets within city jurisdiction.
      - (a) Permit. Before any new driveway is connected to a street or an existing driveway approach is modified, a permit shall be obtained from the city. The

permit shall be signed by the property owner or owner representative. All access permits must be obtained prior to building permits being issued.

- (b) Specifications. All driveways shall be constructed according to the current details and specifications, on file with the City Engineer. The City Engineer, if necessary, may vary them, as long as safety and traffic capacity are not compromised.
  - (c) Access point location:
    - 1. Each single-family residential lot is allowed up to 1 access point per street frontage.
    - 2. Access to multi-family residential, commercial, industrial and institutional construction will be determined on a case-by-case basis. It is desired that these mentioned types of property fronting an arterial or collector street have shared access points.
    - 3. If the property is a corner lot where 1 street is a higher classification than the other street, the property owner will be required to place the access point on the street with the lower classification.
    - 4. Driveways on corner lots shall be a minimum of 40 feet from the right-of-way of the cross street for all properties, except single-family residential. On arterial streets, the distance shall be increased to 60 feet. Single-family residential driveways must be a minimum of 30 feet from the cross street right-of-way.
    - 5. Access to arterial and collector streets shall be limited and strictly enforced. Properties fronting these roads shall be required to either have right-of-way dedicated for the construction of a frontage road or have a shared access point with the adjacent lots. In addition, the City Engineer could require a limited movement driveway in special situations.
  - (d) Access size. The maximum driveway width for residential lots shall be 36 feet. Businesses shall be allowed a 40 foot maximum driveway width. This does not include the tapers at the access cut.
- (2) Street access for streets within state jurisdiction.
- (a) Permit. Before any new driveway is connected to a street or an existing driveway approach is modified, an access permit shall be obtained from the State of South Dakota. The city permit shall be obtained after the state permit is awarded. The permit shall be signed by the property owner or owner representative. All state permits must be obtained prior to final plat approval, while all city access permits must be obtained prior to issuance of the building permit.
  - (b) Specifications. All driveways shall be constructed according to the current details and specifications on file with the City Engineer. The City Engineer, if necessary, may vary them, as long as safety and traffic capacity are not compromised.
  - (c) Access point on South Dakota Highway 50 Loop (Cherry Street between North Crawford Road and James Street):
    - 1. Each single-family residential lot is allowed up to 1 access point per street frontage.
    - 2. Access to multi-family residential, commercial, industrial and institutional construction will be determined on a case-by-case basis. It

is desired that these mentioned types of property fronting an arterial or collector street have shared access points. At no point, will a new access point be allowed when there are more than 2 accesses per block face. Limited movement driveways will be required on special situations. Connections to the frontage road shall be made at the minimum rate of 1 access point per each 2 lots and at a maximum rate of 1 access point per each 4 lots.

3. If the property is a corner lot where 1 street is a higher classification, or within city or state jurisdiction the property owner will be required to place the access point on the street within the city's jurisdiction or on the street with lower classification.
- (d) Access point on South Dakota Highway 50 (By-Pass), South Dakota Highway 50 (east of North Crawford Road and west of James Street), South Dakota Highway 19 (north of South Dakota Highway 50 and south of West Cherry Street):
1. Each single-family residential lot is allowed up to 1 access point per street frontage.
  2. Access to multi-family residential, commercial, industrial and institutional construction will be determined on a case-by-case basis. It is desired that these mentioned types of property fronting an arterial or collector street have shared access points. At no point, will a new access point be allowed when there are more than 2 accesses per block face. Limited movement driveways will be required in special situations. Connections to the frontage road shall be made at the minimum rate of 1 access point per each 2 lots and at a maximum rate of 1 access point per each 4 lots.
  3. If the property is a corner lot where 1 street is a higher classification, or within city or state jurisdiction the property owner will be required to place the access point on the street within the city's jurisdiction or on the street with lower classification.
- (e) Access size. The maximum driveway width for residential lots shall be 36 feet. Businesses shall be allowed a 40 foot maximum driveway width. This does not include the tapers at the access cut.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

\_\_\_\_\_  
Michael D. Carlson, Finance Officer

Seal

First Reading: May 7, 2012

Second Reading & Adoption: May 21, 2012

Publication: June 1, 2012

Effective Date: June 21, 2012

Published once at the approximate cost of \_\_\_\_\_.



## *Council Agenda Memo*

**From:** John Prescott, City Manager  
**Meeting:** May 7, 2012  
**Subject:** Resolution pledging Vermillion Now! funds toward infrastructure  
**Presenter:** John Prescott

**Background:** The Vermillion Chamber of Commerce and Development Company has been working on a plan to install a water line, sanitary sewer service and pave approximately 450 feet of Compton Street immediately south of Highway 50. The goal is to develop a couple of lots in the northeast corner of the community with General Industrial zoning.

In March, the City and VCDC entered into a Developer's Agreement for infrastructure construction. The City will install the water line and charge the materials against the City's 2<sup>nd</sup> Penny contribution to Vermillion Now!. The VCDC will contract for the installation of the sanitary sewer line and street construction.

**Discussion:** The VCDC has requested a Resolution pledging the City's 2<sup>nd</sup> Penny contribution to Vermillion Now! toward the Compton Street infrastructure construction. Including the City's 2012 2<sup>nd</sup> Penny contribution, the City has \$180,000 to support the project. The resolution will clarify the City's contribution to the project and allow the VCDC to plan their expenditures.

**Financial Consideration:** If the entire \$180,000 is expended during 2012, the budget will need to be amended at revision time as this expenditure was not identified last August.

**Conclusion/Recommendations:** Administration recommends adoption of the Resolution clarifying the expenditure of 2<sup>nd</sup> Penny funds to build the community's infrastructure.

**RESOLUTION PLEDGING BBB SALES TAX FUNDS TO VCDC'S VERMILLION NOW!  
CAMPAIGN**

WHEREAS, the City of Vermillion has pledged \$170,000 of BBB sales tax funds to the Vermillion Area Chamber of Commerce and Development Company's Vermillion Now! Campaign of which \$80,000 has been contributed through 2011 with \$30,000 budgeted for contribution in 2012; and

WHEREAS, the City of Vermillion has pledged \$280,000 of second penny sales tax funds over the course of six years to the Vermillion Area Chamber of Commerce and Development Company's Vermillion Now! Campaign of which \$8,713 was contributed in 2011 for capital improvements; and

WHEREAS, the City of Vermillion (City) and Vermillion Area Chamber of Commerce and Development Company (VCDC) have entered into a developers agreement dated March 5, 2012 to develop several lots presently described as:

The NW ¼ of the NE ¼, South of South Dakota Highway 50, the East 363-foot (363'), and Outlot B, Block 5, Brooks Industrial Park, Section 18, Township 92 North, Range 51 West of the 5<sup>th</sup> P.M., City of Vermillion, Clay County, South Dakota; and

WHEREAS, the VCDC has respectfully requested that the City agree to reimburse the VCDC from the Vermillion Now! Campaign second penny sales tax pledge for development costs, not to exceed \$180,000 for water sanitary sewer and street paving costs; and

WHEREAS, the VCDC has obtained an Opinion of Probable Construction Costs, attached hereto, documenting the anticipated costs; and

WHEREAS, City crews will be installing the water service shown on the attached diagram and installing the street lights; and

WHEREAS, the VCDC understands and agrees that the costs of materials, but not labor, for the water line installation and street lights will be charged against the above referenced \$180,000 of Vermillion Now! funds; and

WHEREAS, it is understood that all payments from the City to the VCDC will be on a reimbursement basis based upon supporting contract documents, invoices and records of payments for costs contained in the Opinion of Probable Construction Costs.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Vermillion agrees to reimburse the VCDC, as developer, from the Vermillion Now! Campaign second penny sales tax funds the development costs as presented in the Opinion of Probable Construction costs not to exceed \$180,000, contingent upon the availability of funds at the time of the reimbursement request and the VCDC's compliance with the terms of the March 5, 2012 agreement.

BE IT FURTHER RESOLVED, that the reimbursements of the improvement costs, as outlined in the Opinion of Probable Construction Costs, will not be subject to City assessment to current or future property owners.

BE IT FURTHER RESOLVED, that any costs incurred by the City, or reimbursed by the City to the VCDC outside the Opinion of Probable Construction Costs may be subject to City assessment to current or future property owners.

Dated at Vermillion, South Dakota, this 7<sup>th</sup> day of May, 2012.

THE GOVERNING BODY OF THE CITY OF  
VERMILLION, SOUTH DAKOTA

---

John E. (Jack) Powell, Mayor

ATTEST:

---

Michael D. Carlson, Finance Officer

Street lights – hold on them; forgo costs



## *Council Agenda Memo*

**From:** John Prescott, City Manager

**Meeting** May 7, 2012

**Subject:** Swimming pool report

**Presenter:** John Prescott

**Background:** In 2011, a committee comprised of Carolyn Carr, Jenny French, Kari Jensen, Mike Moran, Ric Rasmussen and Steve Ward, along with city staff, David Nelson and John Prescott, was established to review the swimming pool. Sue Schnack was recently added to the Committee. The swimming pool committee charge was to review the current swimming pool and provide the City Council with information as to what type of swimming pool would best fit the community's needs going forward. The current pool was built in 1965 and is nearing the end of its useful life. Replacement of the pool by 2015 was suggested as a target date to have improvements made.

In November 2011, the committee interviewed four consultants to complete the swimming pool. The committee recommended, and the City Council approved, hiring Water's Edge Aquatic Design of Lenexa, Kansas to complete the swimming pool plan.

**Discussion:** The consultant is completing a couple of conceptual drawings which will be presented at a public meeting to be held in late May. An online survey, using Survey Monkey, was recently completed by over 400 participants. The goal of the survey was to gauge public interest in different features that a new swimming pool might contain.

The survey generated a lot of public discussion about the swimming pool. The purpose of the report is to provide information on general items related to the swimming pool project. Items such as why the project is being considered at this time, location, and partnering with USD will be presented.

**Financial Consideration:** None at this time.

**Conclusion/Recommendations:** No action is required at this time.



## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer  
**Meeting:** May 7, 2012  
**Subject:** Corporate Stock Transfer JNJ Management, Inc.  
**Presenter:** Mike Carlson

**Background:** Jere Chapman, owner of JNJ Management, Inc., inquired about the process for transferring the corporate stock for a corporation that owns a liquor license. In reviewing this with the Department of Revenue, it was not a transfer as it is the corporation who owns the license and would still retain ownership. Since the corporate ownership changed 100% to one new owner, it was suggested that the City Council take action on the corporate stock transfer under the suitable person section. As such, a license application with the new corporate ownership was received and the new corporate owner, Neil M. Chapman, who owns 100% of the stock, provided a background report from the DCI to the Police Chief.

The city ordinance for suitable person is as follows:

112.20 SUITABLE PERSON.

- (A) South Dakota Codified Law § 35-2-1.2 requires the City Council to determine whether retail alcohol beverage license applicants or their principals are suitable persons before issuing or renewing said licenses. This determination is required annually for each license the applicant seeks. In order to effectuate a thorough determination of suitable person eligibility for license issuance, new applicants must submit to a criminal background check to determine suitability. Each new applicant shall make arrangements with a law enforcement agency and submit to the fingerprinting process. The applicant must also provide to law enforcement payment to the South Dakota Division of Criminal Investigation in an amount necessary to cover the costs of the criminal record check. These actions must be taken by an applicant prior to publication of hearing notice required by South Dakota law. The applicant's completed application will be attached to the certification of the law enforcement agency when received.
- (B) A DISQUALIFYING CRIMINAL RECORD for alcoholic beverage license purposes means any conviction for any felony, a crime of violence as defined in SDCL § 22-1-2(9), a sex offense as defined in SDCL § 22-24B-1, or trafficking in controlled drugs or substances which when and where committed would constitute such in the state of South Dakota. Unpardoned convictions of any crime of moral turpitude as defined by SDCL § 22-1-2(25) which when and where committed would constitute such in the state of South Dakota may constitute a disqualifying record as determined by the City

Council on a case-by-case basis. Any criminal conviction not disclosed by an applicant on his application form may be treated as a disqualifying record. Any criminal conviction may be considered in making license issuance decision. Suspended imposition of sentence will not be considered a conviction.

- (C) An applicant subject to this policy shall provide to the law enforcement agency performing the fingerprinting process cash, check, or money order in an amount necessary to cover the costs of fingerprints for the criminal record check.
- (D) An applicant or principal in any business entity that is an applicant having any indebtedness to the city must satisfy said indebtedness before the City Council will consider any application for alcoholic beverage license issuance or renewal, except for plan one or two special assessment obligations that are not in arrears.

**Discussion:** The City Council has the ability to consider a license on basically two criteria: suitable person and suitable location. As this is just a change in corporate ownership the consideration would be only on suitable person. With respect to the suitable person criteria, the City Council can also determine that an applicant is not of suitable moral character and not authorize the corporate transfer. If the application for corporate stock transfer is denied, the motion must state the reasoning for denial.

The Police Chief report is included in the packet that indicates a misdemeanor offense in 1999, thus, over ten years ago.

**Financial Consideration:** There is no fee for the corporate stock transfer.

**Conclusion/Recommendations:** Administration recommends approval of the corporate stock transfer for JNJ Management, Inc. for The Roadhouse at 911 East Cherry Street for the liquor license.



City of Vermillion

## Police Department

15 Washington Street • Vermillion, SD 57069

Matthew Betzen  
Chief of Police

Phone: (605) 677-7070

Fax: (605) 677-7166

[www.vermillionpd.org](http://www.vermillionpd.org)

### MEMORANDUM

**To:** Mike Carlson

**Date:** 04/23/12

**From:** Matthew Betzen   
Chief of Police

**Subject:** Transfer of Liquor License to Neil Chapman

I have reviewed the application to transfer the JNJ Management Corp. (Roadhouse) Liquor License to Neil Chapman. A review of the Vermillion Police Department records revealed no information that would bear on this issue.

By law, I am not permitted to conduct a state or national criminal record check for the purpose of issuing an alcohol license. Consequently, the city has established a procedure requiring the applicant(s) to obtain and provide a copy of their criminal record check (state and national) to the city to be reviewed by the Chief of Police. On April 19, 2012, I received reports from the Division of Criminal Investigations on Neil Chapman.

The records check shows that Neil Chapman was arrested on 8/2/1999 by Clay County Sheriff's Office for Possession of Marijuana and Ingestion of intoxicant other than alcohol. He plead guilty to the marijuana possession and the ingestion charge was dismissed. This is a misdemeanor offense, which occurred over ten years ago.

As of this date, I have not received the FBI criminal background report which general takes 6-8 weeks or longer.



# Council Agenda Memo

**From:** John Prescott, City Manager  
**Meeting** May 7, 2012  
**Subject:** Resolution Adopting Maximum Tow Rates  
**Presenter:** John Prescott

**Background:** Currently, the City only has one company available for law enforcement tows. The City has had a long standing relationship with this tow company and rates have remained relatively stable. The tow company responds to a request for service when contacted by communications or code enforcement. When the vehicle is collected from the impound lot, by the owner or sold at auction, the tow company is paid for their services.

**Discussion:** A second tow company has recently approached the City about performing law enforcement and code enforcement tows. If this situation arises, each tow company will be asked to enter into an agreement with the City which addresses rotation of calls. In developing the rotation agreement, the reimbursement rate for tows was discussed. Law enforcement and code enforcement tow rates tend to remain relatively constant. The attached resolution provides a maximum tow rate charge. A tow company may elect to charge less than the maximum rate but may not exceed these charges.

**Financial Consideration:** Mainly revenue neutral. While there are occasions where the City pays the cost of the tow, most of the tow charges are recovered from the vehicle owner or at auction. The rates are as follows:

<u>Service</u>	<u>Current rate</u>	<u>Proposed Maximum rate</u>
Vehicle & up to 1 ton pickup	\$75	\$80
Motorcycles	75	\$90
Snow emergency	75	\$100
Impound storage rate*	10	\$15
Enclosed storage*	Not Available	\$20
Large truck or equipment*	15	\$35
After hours gate charge*	Not Available	\$20
City owned vehicles	75	\$80
Recovery vehicles	50	To be determined
Usual clean-up	0	\$35

RESOLUTION TO ESTABLISH  
MAXIMUM TOW FEES

WHEREAS, the City of Vermillion is responsible for the safety, security, and general welfare of drivers along city streets; and

WHEREAS, from time to time, it is necessary to have vehicles recovered, towed or an area cleaned up after an accident under the direction of law enforcement or code enforcement; and

WHEREAS, the fee charges for towing and related services are only paid to a towing company after the owner claims their vehicle and pays related charges or the vehicle is sold at auction; and.

WHEREAS, a fee schedule, of maximum allowable rates for tow and related services, is established for all businesses entering into a tow agreement to provide services for the City of Vermillion at the direction of law enforcement; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota that the following maximum rates are established for tows and related services:

<u>Service</u>	<u>Maximum rate</u>
Vehicle & up to 1 ton pickup	\$80
Motorcycles	\$90
Snow emergency	\$100
Impound storage rate	\$15
Enclosed storage	\$20
Large truck or equipment	\$35
After hours gate charge	\$20
City owned vehicles	\$80
Recovery vehicles	Determined by incident
Usual clean-up	\$35

Dated at Vermillion, South Dakota this 7<sup>h</sup> day of May, 2012.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

\_\_\_\_\_  
By: John E. (Jack) Powell, Mayor

ATTEST:

\_\_\_\_\_  
Michael D. Carlson, Finance Officer

Approved: May 7, 2012

Publish: May 18, 2012

Effective: June 7, 2012

- These rates are been established in the event a private impound lot is established or utilized.
- As recovery rates can vary depending on the situation, a set price is not specified. The proposed tow agreement does provide that the User's Board will serve as the appeal board to determine price if a vehicle owner believes a recovery cost is too high.

**Conclusion/Recommendations:** Administration recommends adoption of the Resolution adopting maximum tow fees.



## *Council Agenda Memo*

**From:** Jose Dominguez, P.E.

**Meeting:** May 7, 2012

**Subject:** Resolution to Designate Disabled Parking Along Market Street (Café Brule) Immediately South of the W. Main Street Intersection

**Presenter:** Jose Dominguez

**Background:** Recently, the City was contacted by the owners of Café Brule to see if the City could provide a disabled parking space along Market Street, just south of West Main Street. Café Brule currently has no off-street parking available; therefore, the customers must find parking on Main Street, Market Street, Prospect Street or another street.

**Discussion:** Vehicles are currently allowed to park along both sides of Market Street. The west side of the Market Street already has a disabled parking space for businesses along that frontage. The proposed stall will be on the east side of Market Street and is intended to be used by customers of the businesses along the east side of Market Street or W. Main Street.

**Financial Consideration:** The City will only incur the costs of placing two signs on two new posts and the publication of the resolution to make this change.

**Conclusion/Recommendations:** Administration recommends the adoption of the resolution designating Disabled Parking along Market Street by the Café Brule.

RESOLUTION TO DESIGNATE DISABLED PARKING SPACES ALONG MARKET STREET (JUST SOUTH OF W. MAIN STREET)

WHEREAS, pursuant to City of Vermillion Code of Ordinances, section 70.071, the City Council may establish, and cause to be designated and marked, streets, and parts thereof, where vehicles may be parked for limited periods of time only or similarly may establish no-parking areas; and

WHEREAS, the City is responsible for the safety, security, and general welfare of drivers along city streets; and

WHEREAS, there is a need for some of the parking along Market Street, just south of W. Main Street, to be designated to serve persons with disabilities.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota that two (2) parking spots be designated as Disabled Parking Space along Market Street, just south of W. Main Street.

Dated at Vermillion, South Dakota this 7<sup>th</sup> day of May, 2012.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

---

By: John E. (Jack) Powell, Mayor

Attest:

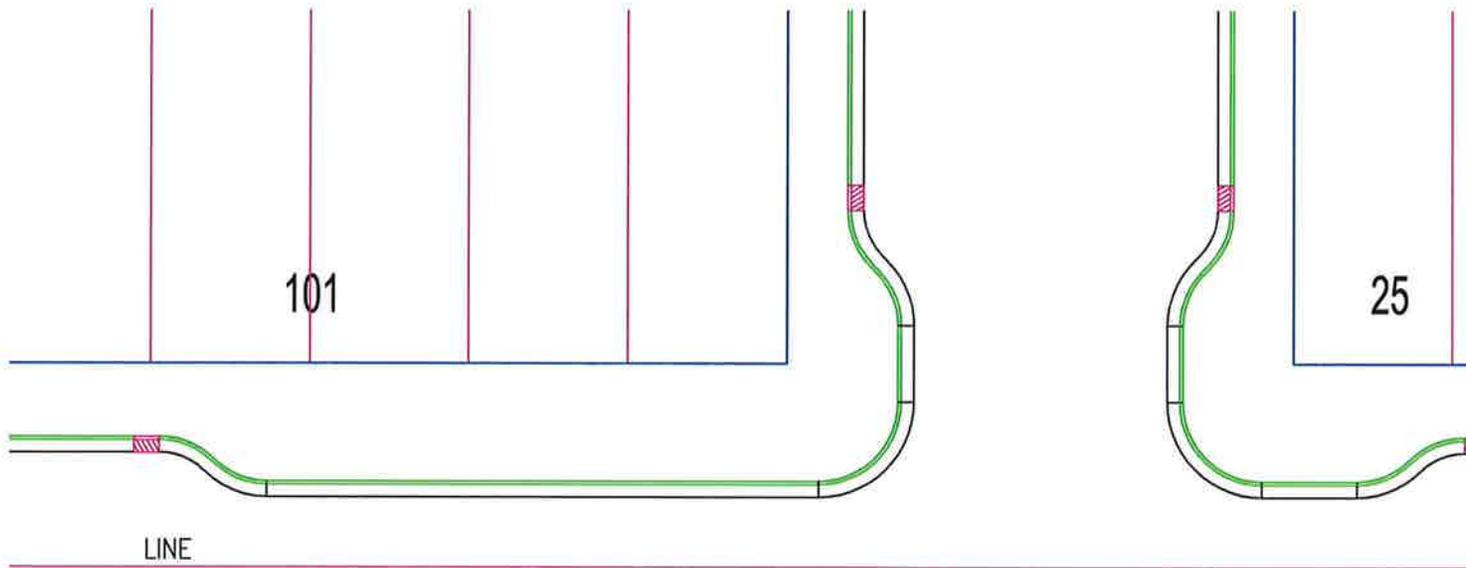
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Michael D. Carlson, Finance Officer

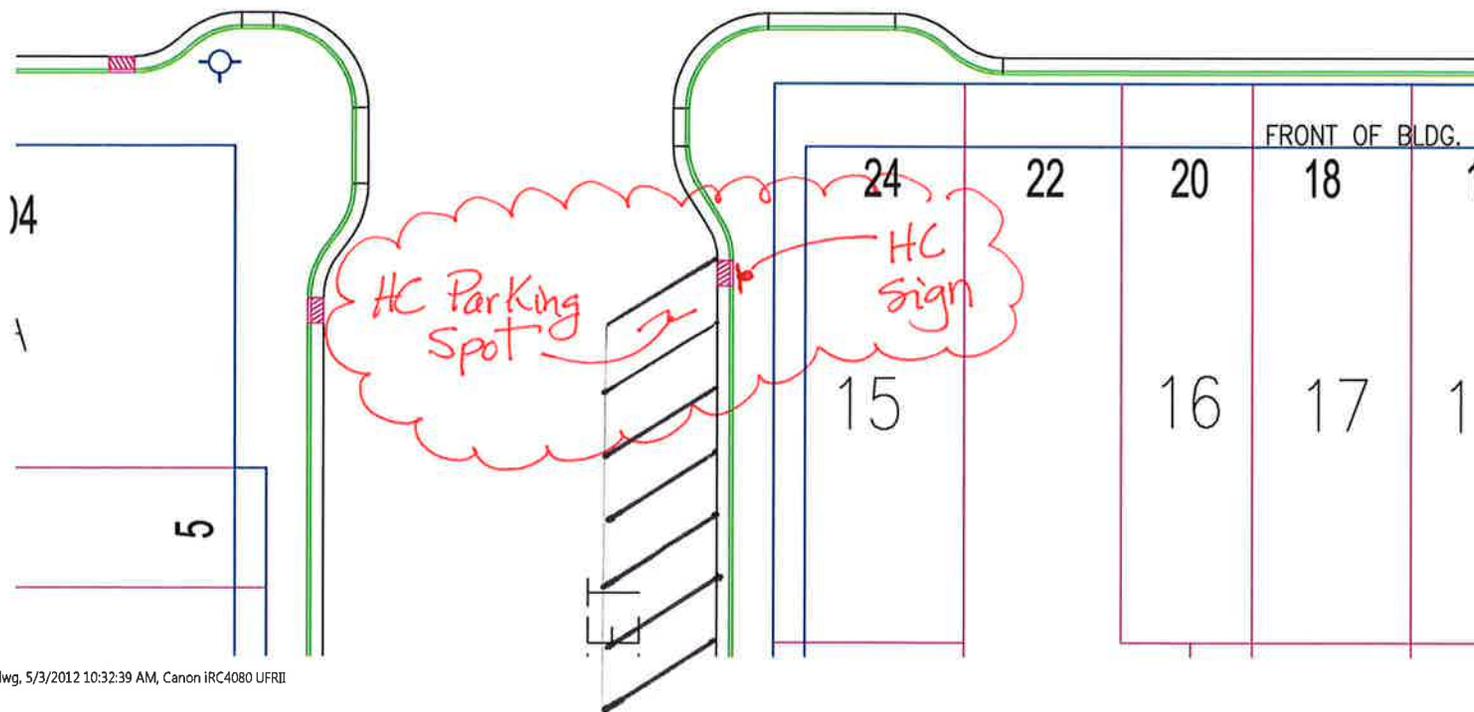
Approved: May 7, 2012

Publish: May 18, 2012

Effective: June 17, 2012



○ W. Main St.





## *Council Agenda Memo*

***From:*** John Prescott, City Manager

***Meeting*** May 7, 2012

***Subject:*** Capital Improvement Plan

***Presenter:*** John Prescott

**Background:** At the March 19, 2012 Noon City Council meeting, staff presented a Capital Improvement Plan for City Council discussion and review. Since the presentation, typographical and other errors have been corrected.

**Discussion:** The Capital Improvement Plan does not allocate funding for any particular project. One of the goals of the Capital Improvement Plan is to present ideas to the City Council and community about projects that may be undertaken in the next five years. The Capital Improvement Plan will assist the City Council and staff with planning future budgets. In some instances, the document may help with grant applications as it shows the City is planning for projects to take place.

**Financial Consideration:** None at this time.

**Conclusion/Recommendations:** Administration recommends adoption of the Capital Improvement Plan.

CAPITAL IMPROVEMENT PLAN  
MAY 2012



# CAPITAL IMPROVEMENT PLAN

March 2012



## □ GOALS

- \* Gather City Council input at start of budget process
- \* Different perspective to budget planning
- \* Council driven budget

# CAPITAL IMPROVEMENT PLAN

March 2012



## Guidelines to document

- Items that are \$5,000 or more
- Non-recurring expenses
- Funding sources (2<sup>nd</sup> Penny, grant dollars, donors, etc.) not yet identified for some items
- First draft of plan

## SAFETY AND SECURITY

### (Emergency Communications, Fire, and Police)

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>TOTAL</u>
<b><u>EMERGENCY COMMUNICATIONS</u></b>						
Computer Equipment	\$ 2,600					
Dispatch Console		\$ 10,000				
Zetron Radio Controller		\$ 20,000				
Sentinel Phone System		\$ 14,000				
Dispatch Console Purchase & Setup		\$ 6,500				
Eventide NEXLog 740 Installed by Waltek			\$ 20,000			
	<u>\$ 2,600</u>	<u>\$ 50,500</u>	<u>\$ 20,000</u>			<b>\$ 73,100</b>
<b><u>FIRE</u></b>						
Fire Department Equipment	\$ 16,000	\$ 16,000	\$ 16,000	\$ 16,000	\$ 16,000	
Protective Clothing			\$ 90,000			
Breathing Apparatus				\$ 130,000		
SCBA Air Compressor/Fill Station					\$ 35,000	
	<u>\$ 16,000</u>	<u>\$ 16,000</u>	<u>\$ 106,000</u>	<u>\$ 146,000</u>	<u>\$ 51,000</u>	<b>\$ 335,000</b>
<b><u>POLICE PATROL</u></b>						
Police Department Equipment	\$ 13,000					
Space Study for Public Safety Center		\$ 15,000				
Impound Lot Improvements		\$ 20,000				
Firearms Range Improvements		\$ 30,000				
COP Evidence Server				\$ 6,100		
RADAR Trailer Replacement (1/\$12,000)				\$ 12,000		
Digital Speed Signs (2/\$6,000.00)			\$ 6,000		\$ 6,000	
	<u>\$ 13,000</u>	<u>\$ 65,000</u>	<u>\$ 6,000</u>	<u>\$ 18,100</u>	<u>\$ 6,000</u>	<b>\$ 108,100</b>
<b>TOTAL SAFETY &amp; SECURITY \$</b>						<b>516,200</b>

## MAINTENANCE AND TRANSPORTATION (Airport, Service Center, Street)

	2012	2013	2014	2015	2016	TOTAL
<u>AIRPORT</u>						
Airport Improvements (3% City Share)	\$ 8,600	\$ 4,500	\$ 6,000	\$ 1,200	\$ 23,700	
	\$ 8,600	\$ 4,500	\$ 6,000	\$ 1,200	\$ 23,700	\$ 44,000
<u>SERVICE CENTER</u>						
Add 3 Bays to North End of Building		\$ 250,000				
		\$ 250,000				\$ 250,000
<u>STREET</u>						
Street Maintenance Work (Chip Sealing, Asphalt Patching, Gravel, etc)	\$ 117,000	\$ 118,000	\$ 121,000	\$ 124,000	\$ 127,000	
Stanford Street Construction	\$ 450,000					
Street Department Equipment	\$ 31,700					
Concrete Projects	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	
Transportation Study (City Share \$100,000 in State Funding)	\$ 25,000					
West Main Street Mill & Overlay			\$ 450,000			
Walk Behind Paint Stripper				\$ 15,000		
Snow Plow for Dump Truck					\$ 15,000	
Snow Box for Dump Truck					\$ 10,500	
	\$ 683,700	\$ 178,000	\$ 646,000	\$ 184,000	\$ 212,500	\$ 1,904,200
<u>MECHANIC'S GARAGE</u>						
Used Sweeper				\$ 5,000		
Gas Pumps, Readers and Software					\$ 16,000	
				\$ 5,000	\$ 16,000	\$ 21,000
<b>TOTAL MAINTENANCE AND TRANSPORTATION</b>						<b>\$2,219,200</b>

## HUMAN DEVELOPMENT AND LEISURE (Armory, Library)

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>TOTAL</u>
<u>ARMORY</u>						
New Boiler for Armory	\$ 50,000	_____	_____	_____	_____	
	\$ 50,000					<b>\$ 50,000</b>
<u>LIBRARY</u>						
New Library Materials	\$ 94,000	\$ 96,000	\$ 96,000	\$ 98,000	\$ 98,000	
Addition/Renovation construction	\$2,106,000	\$ 702,000				
Expansion - Library Parking Lot	_____	\$ 305,000	_____	_____	_____	
	\$2,200,000	\$1,103,000	\$ 96,000	\$ 98,000	\$ 98,000	<b>\$3,595,000</b>

# PARKS and RECREATION

<u>PARKS &amp; RECREATION</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>TOTAL</u>
Prentis Park Ball Field Foul Poles & Outfield Fence at 4-H Ball Field	\$ 5,500					
Hike/Bike Path (18.05% City Share)	\$ 41,154					
Ice Rink/Skate Board Facility at Barstow Park (\$25,000.00 in Grant Funds)	\$ 80,000					
Study Plan to Replace Prentis Park Pool	\$ 50,000					
Renovate S. Barstow Restroom		\$30,000				
Swimming Pool			\$ 4,500,000			
Parks Garage					\$ 500,000	
Softball Complex Lights					\$ 225,000	
Lion Park Campsites asphalt						
12 <sup>th</sup> Street Bike Path						
Prentis Park Restrooms		\$ 100,000				
Cotton Park Restrooms			\$ 100,000			
Lions Park Restrooms				\$ 100,000		
Barstow Park Restrooms					\$ 100,000	
	<u>\$ 176,654</u>	<u>\$ 130,000</u>	<u>\$4,600,000</u>	<u>\$ 100,000</u>	<u>\$ 825,000</u>	<u>\$5,831,654</u>
						<b>TOTAL HUMAN DEVELOPMENT AND LEISURE \$9,426,654</b>

# UTILITIES

## (Electric, Wastewater and Water)

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>TOTAL</u>
<b><u>ELECTRIC</u></b>						
3 Vista Style Switches	\$ 145,000					
New Construction & Conversion	\$ 215,000	\$ 215,000	\$ 215,000	\$ 225,000	\$ 225,000	
Relays & SCADA	\$ 289,000					
1 Vista Style Switch		\$ 35,000	\$ 35,000			
115 KV Breakers & Substation Upgrades	540,000	\$ 540,000				
Load Management Upgrade				\$ 20,000		
Add Circuit B-5			\$ 335,000			
Trouble Spot Work System				\$ 100,000		
Add Circuit C-5					<u>\$ 257,000</u>	
	<u>\$ 1,189,000</u>	<u>\$ 790,000</u>	<u>\$ 585,000</u>	<u>\$ 225,000</u>	<u>\$ 482,000</u>	<b>\$ 3,271,000</b>

# WASTEWATER

<u>WASTEWATER</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>TOTAL</u>
Phosphorus Removal Equipment					\$100,000	
Collection MHN Rehab	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000		
2-Flow Meters for 1/1 Study	\$ 25,000					
Replace plant standby generator					\$125,000	
<u>Collection</u>						
ML #2 Recoat Outside Lift Station Below Ground		\$ 25,000				
New NE Pumping Station					\$ 300,000	
Sewer Slip Lining				\$ 375,000		
New Boiler Burner*		\$ 80,000				
<u>Treatment</u>						
Replace Lower Roof on Digester			\$ 25,000			
Phosphorus Removal					\$ 125,000	
	<u>\$ 65,000</u>	<u>\$ 145,000</u>	<u>\$ 65,000</u>	<u>\$ 415,000</u>	<u>\$ 650,000</u>	
					<b>TOTAL</b>	<b>\$ 1,340,000</b>

□ \* Switch from propane to natural gas at Treatment Plant

# WATER

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>TOTAL</u>
<b><u>WATER</u></b>						
<b><u>Treatment</u></b>						
Water Softeners for Soda Ash Make-up Water		\$ 8,000				
Replace Roof Membrane on Original WTP			\$ 30,000			
Reservoir Painting (Inside Ceiling)				\$ 25,000		
Install Air-Wash System on WTP Filters					\$ 50,000	
<b><u>Distribution</u></b>						
Cold Storage Building	\$ 35,000					
Stanford St Water Main Replacement	\$ 108,000					
W. Broadway St Water Main Replacement		\$ 25,000				
Carr Street Water Main Replacement		\$ 15,000				
Franklin Street Water Main Replacement				\$ 8,000		
New Well				\$ 50,000		
Luxemburg Street Water Main Replacement					\$ 8,000	
New Water Tower	\$ 375,000	\$1,125,000				
New Water Meters	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	
New Fire Hydrants	<u>\$ 25,000</u>	<u>\$ 25,000</u>	<u>\$ 25,000</u>	<u>\$ 25,000</u>	<u>\$ 25,000</u>	
	\$ 563,000	\$1,218,000	\$ 75,000	\$ 128,000	\$ 103,000	<b>\$2,087,000</b>
				<b>TOTAL UTILITIES</b>		<b>\$6,888,000</b>



## Solid Waste (Curbside and Joint Powers)

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>TOTAL</u>
<b><u>CURBSIDE RECYCLING</u></b>						
Hydraulic Trailer		\$ 38,000				
Ford F250 4x4			\$ 29,000			
Recycling Truck				\$ 75,000		
		\$ 38,000	\$ 29,000	\$ 75,000		\$ 142,000
<b><u>JOINT POWERS SOLID WASTE &amp; RECYCLING</u></b>						
Ford 4x4 F250		\$ 29,000				
Ford 4x4 F250 (2010)					\$ 30,000	
621 Scraper			\$ 750,000			
Freightliner FL80 Roll Off				\$ 125,000		
Roll Off Containers	\$ 9,000	\$ 9,000				
938 Cat Loader					\$ 195,000	
D6T Doze w/gps				\$ 650,000		
IH Roll Off					\$ 125,000	
JD Mower F725			\$ 4,500			
906 Loader (914)	\$140,000					
904 Loader			\$ 90,000			
Doors for Building (4 Overhead)	\$ 40,000					
Building Repair (Floor & Conveyor Area)		\$ 20,000			\$ 200,000	
Cell 5 Construction/Leachate Pond	\$ 150,000	\$ 2,150,000				
Closure Cell 2/3 Testing			\$ 9,000			
Chevy Colorado (Recycling)	\$ 29,000					
Ford F250 (Recycling)				\$ 29,000		
Bobcat F250 (Recycling)			\$ 33,000	\$ 28,000		
Sort Line (Recycling)					\$ 70,000	
Baler (Recycling)	\$ 85,000					
Solid Waste & Recycling Building						
Remodeling (Recycling)			\$ 200,000			
Forklift (Recycling)				\$ 25,000		
	\$ 453,000	\$2,188,000	\$ 1,116,500	\$ 857,000	\$ 610,000	\$4,955,500
					<b>TOTAL</b>	
						<b>\$4,955,500</b>
					<b>TOTAL SOLID WASTE</b>	<b>\$5,097,000</b>



## *Council Agenda Memo*

**From:** José Dominguez, City Engineer

**Meeting:** May 7, 2012

**Subject:** Land Transfer between Clay County and the City for Blocks 33 and 34, Van Meters Addition

**Presenter:** José Dominguez

**Background:** Clay County was approached by a property owner regarding the purchase of Blocks 33 and 34, Van Meters Addition. The property owner is a neighbor in the area of the property described above. These blocks are situated directly west of West Street. Another way to describe the property is the land immediately north of the Dawson Bridge on W. Broadway Street. The City has spoken with the County regarding the property as being used for the public as an addition to the park area at this location.

**Discussion:** The County Commissioners approved a resolution indicating their interest in transferring the blocks to the City. The Commissioners requested that the area be left for public use. The blocks will be added to the park area directly east (bike trail trailhead).

The County would finalize the land transfer at their May 8<sup>th</sup> meeting.

**Financial Consideration:** The City will have to record the transfer documents at the Clay County Register of Deeds.

**Conclusion/Recommendations:** Administration recommends authorizing administration to accept the land transfer for Blocks 33 and 34, Van Meters Addition from Clay County.





## *Council Agenda Memo*

**From:** José Dominguez, City Engineer

**Meeting:** May 7, 2012

**Subject:** Grant Agreement with Vermillion Basin Water Development District for the City's Storm Drainage Study

**Presenter:** José Dominguez

**Background:** On March 5<sup>th</sup> the Council approved a contract with SEH Engineering to complete a drainage study for portions of the City. The study was divided into phases ranging from data gathering to developing a CIP plan.

**Discussion:** After the Council approved the contract, Staff had a meeting with the Vermillion Basin Water Development District (VBWDD) to see if they would fund a portion of the study. The entire study is currently being funded by the City; however, this only includes the modeling of two drainage basins. The two drainage basins selected for the study have been driven by possible development (one encompassing the land north of East Main Street and west of North Crawford Road, while the second area will cover the land north of West Duke Street and west of Princeton Street). Additional funding from VBWDD will be used to model either the area north of East Cherry Street and west of Midwest Redi-mix, or the area around North Crawford Road north of the SD Hwy. 50 loop.

The VBWDD has offered \$30,000 for the completion of seven additional basins. This money will be granted to the City in \$10,000 increments over the following years. In order to receive the money, the City will have to provide a receipt to the VBWDD, which in turn will reimburse the City up to the \$10,000 amount.

**Financial Consideration:** The City had originally budgeted \$70,000 for the drainage study. The cost of the study came in at \$51,000. A portion of the difference will be used to cover the cost of the additional basins to be modeled until the VBWDD refunds the cost to the City.

**Conclusion/Recommendations:** Administration recommends entering into a grant agreement with the Vermillion Basin Water Development District.



## *Council Agenda Memo*

**From:** José Dominguez, City Engineer

**Meeting:** May 7, 2012

**Subject:** Service Center Concrete Project

**Presenter:** José Dominguez

**Background:** The concrete pavement around the bays on the east side of the Service Center building is currently in need of repairs. The concrete has been placed in sections, with the first portion being built in the mid 1980's and the last in the early 1990's. The concrete has failed due to the large amount of truck traffic, the poor pavement design and poor drainage.

Quotes were opened May 3, 2012 for the Service Center Concrete Project. Four quotes were received. The low quote was from Walker Construction at \$21,705.32 while the high bid came in at \$25,178.80.

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

The proposed concrete will be 8-inches thick and will be placed on 6-inches of aggregate. The drainage will also be addressed with this project with the replacement of the drainage swale that drains the majority of the parking lot.

**Financial Consideration:** This project was budgeted for in the 2011 Budget.

**Conclusion/Recommendations:** Administration recommends awarding the project to Walker Construction for the amount of \$21,705.32.

210 - CONTRACT  
SERVICE CENTER CONCRETE

THIS AGREEMENT entered into this 7<sup>th</sup> day of May 2012 by and between the City of Vermillion, South Dakota, acting by and through the City Council of said City hereinafter called the City, and Walker Construction of Vermillion, SD, hereinafter called the Contractor.

WITNESSETH:

WHEREAS the City Council of Vermillion, South Dakota has heretofore caused to be prepared certain drawings, specifications, and proposal blank for furnishing equipment and materials for said City under terms and conditions therein fully stated and set forth; and

WHEREAS the Contractor is required to return to the City a signed copy of the contract within 20-days of signing of the Contract by the Mayor along with the required bonds and insurance.

WHEREAS said drawings, specifications, and proposal of the Contractor accurately and fully describe the terms and conditions upon which the Contractor has offered to furnish all equipment and material awarded the Contractor;

NOW, THEREFORE, IT IS AGREED: That the City hereby accepts the proposal of the Contractor at the prices set out hereinafter:

ITEM	DESCRIPTION	UNIT	QUAN	UNIT PRICE	TOTAL PRICE
1	2000-SUBBASE, INSTALL ONLY	TON	275.5	\$3.00	\$826.50
2	4000-PCC PVMT, 8-INCHES	SY	479	\$30.04	\$14,389.16
3	4000-PCC FILLET, 8-INCHES	SY	11.25	\$35.00	\$393.75
4	4300-CONCRETE CURB AND GUTTER, 8-INCHES	LF	194	\$18.00	\$3,492.00
5	4400-SIDEWALK, 5-INCHES	SY	94.5	\$24.38	\$2,303.91
6	20000-MOBILIZATION	LS	1	\$300.00	\$300.00
TOTAL					\$21,705.32

Project completion – September 28, 2012.

IN ADDITION, IT IS FURTHER AGREED: That said drawings, specifications, proposal and addenda are hereby incorporated as parts of this contract as fully as though set out herein verbatim.

This contract is executed in DUPLICATE by the parties hereto as of the date first herein written.

CITY OF VERMILLION  
CLAY COUNTY, STATE OF SOUTH DAKOTA

\_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

DATE SIGNED: \_\_\_\_\_

\_\_\_\_\_  
Michael D. Carlson, Finance Officer

Walker Construction  
CONTRACTOR

\_\_\_\_\_

DATE SIGNED: \_\_\_\_\_



## *Council Agenda Memo*

**From:** José Dominguez, City Engineer

**Meeting:** May 7, 2012

**Subject:** Barstow Skate Park Project

**Presenter:** José Dominguez

**Background:** The current ice skating rink is located at Barstow Park at the intersection of Dartmouth and Carr Streets. The ice rink has been at this location for approximately 30-years. The ice rink currently consists of depression built from dirt with a warming house adjacent to the rink.

Over the last couple of years the City has been collecting funding sources for converting the existing ice rink into a multiuse facility. The new skate park will be a skateboard/roller blade park in the summer and an ice skating rink in the winter.

Bids were opened May 2, 2012 for the Barstow Skate Park Project. Seven bids were received. The low bid was from Vermillion Construction Company at \$46,875, while the high bid came in at \$89,473.00.

**Discussion:** Bid specifications were sent to 13 potential bidders in the area. Bidding is required by State law when the cost of the project exceeds \$50,000. This project was estimated to cost more than the bid limit so bids were requested.

The proposed skate park will consist of a 6-inch concrete slab with curb and gutter. The slab will measure 77-feet by 152-feet. The slab will drain towards the south into a grassy area, that will eventually drain to Dartmouth Street.

**Financial Consideration:** \$80,000 has been budgeted for the project. This money will cover for the construction of the skate park and for some of the amenities that will be installed for the summer use.

**Conclusion/Recommendations:** Administration recommends awarding the project to Vermillion Construction Company for the amount of \$46,875.

**210 - CONTRACT  
BARSTOW SKATE PARK**

THIS AGREEMENT entered into this 7 day of May 2012 by and between the City of Vermillion, South Dakota, acting by and through the City Council of said City hereinafter called the City, and Vermillion Construction Company of Vermillion, SD, hereinafter called the Contractor.

**WITNESSETH:**

WHEREAS the City Council of Vermillion, South Dakota has heretofore caused to be prepared certain drawings, specifications, and proposal blank for furnishing equipment and materials for said City under terms and conditions therein fully stated and set forth; and

WHEREAS the Contractor is required to return to the City a signed copy of the contract within 20-days of signing of the Contract by the Mayor along with the required bonds and insurance.

WHEREAS said drawings, specifications, and proposal of the Contractor accurately and fully describe the terms and conditions upon which the Contractor has offered to furnish all equipment and material awarded the Contractor;

NOW, THEREFORE, IT IS AGREED: That the City hereby accepts the proposal of the Contractor at the prices set out hereinafter:

ITEM	DESCRIPTION	UNIT	QUAN	UNIT PRICE	TOTAL PRICE
1	2000-BASE COURSE, INSTALL ONLY	TON	430	\$2.00	\$860.00
2	2000-SUBBASE, INSTALL ONLY	TON	675	\$2.00	\$1,350.00
3	4000-PCC PVMT, 6-INCHES	SY	1,176	\$25.00	\$29,400.00
4	4300-CONCRETE CURB AND GUTTER, 6-INCHES	LF	450	\$12.00	\$5,400.00
5	20000-MOBILIZATION	LS	1	\$1,500.00	\$1,500.00
6	20000-ICE RINK OUTLET	LS	1	\$50.00	\$50.00
<b>ADD/ALTERNATE</b>					
1	20000-SECURITY FENCE	LF	470	\$17.00	\$7,990.00
2	20000-SECURITY FENCE GATE	EA	1	\$325.00	\$325.00
<b>TOTAL WITH ADD/ALTERNATE</b>					<b>\$46,875.00</b>

Project completion – October 31, 2012.

IN ADDITION, IT IS FURTHER AGREED: That said drawings, specifications, proposal and addenda are hereby incorporated as parts of this contract as fully as though set out herein verbatis.

This contract is executed in DUPLICATE by the parties hereto as of the date first herein written.

CITY OF VERMILLION  
CLAY COUNTY, STATE OF SOUTH DAKOTA

\_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

DATE SIGNED: \_\_\_\_\_

\_\_\_\_\_  
Michael D. Carlson, Finance Officer

Vermillion Construction Company  
CONTRACTOR

\_\_\_\_\_  
DATE SIGNED: \_\_\_\_\_



## *Council Agenda Memo*

**From:** José Dominguez, City Engineer

**Meeting:** May 7, 2012

**Subject:** 2012 Chip Seals

**Presenter:** José Dominguez

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

Quotes were opened May 1, 2012 for the 2012 Chip Seal Project. Two quotes were received. The low quote was from The Road Guy Construction Company, from Yankton, at \$42,775.28, while the high bid came in at \$44,784.20.

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

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

**Conclusion/Recommendations:** Administration recommends awarding the project to The Road Guy Construction Company for the amount of \$42,775.28.

**210 - CONTRACT  
2012 CHIP SEAL PROJECT**

THIS AGREEMENT entered into this 7<sup>th</sup> day of May 2012 by and between the City of Vermillion, South Dakota, acting by and through the City Council of said City hereinafter called the City, and The Road Guy Construction Company, Inc. of Yankton, SD, hereinafter called the Contractor.

**WITNESSETH:**

WHEREAS the City Council of Vermillion, South Dakota has heretofore caused to be prepared certain drawings, specifications, and proposal blank for furnishing equipment and materials for said City under terms and conditions therein fully stated and set forth; and

WHEREAS the Contractor is required to return to the City a signed copy of the contract within 20-days of signing of the Contract by the Mayor along with the required bonds and insurance.

WHEREAS said drawings, specifications, and proposal of the Contractor accurately and fully describe the terms and conditions upon which the Contractor has offered to furnish all equipment and material awarded the Contractor;

NOW, THEREFORE, IT IS AGREED: That the City hereby accepts the proposal of the Contractor at the prices set out hereinafter:

DESCRIPTION	UNIT	QUAN	UNIT PRICE	TOTAL PRICE
3300-CHIP SEAL	SY	30,780	\$1.276	\$39,275.28
20000-MOBILIZATION	LS	1	\$3,000.00	\$3,000.00
20000-TRAFFIC CONTROL	LS	1	\$500.00	\$500.00
<b>TOTAL AMOUNT</b>				<b>\$42,775.28</b>

Project completion – July 31, 2012.

IN ADDITION, IT IS FURTHER AGREED: That said drawings, specifications, proposal and addenda are hereby incorporated as parts of this contract as fully as though set out herein verbatim.

This contract is executed in DUPLICATE by the parties hereto as of the date first herein written.

CITY OF VERMILLION  
CLAY COUNTY, STATE OF SOUTH DAKOTA

ATTEST:

\_\_\_\_\_  
John E. (Jack) Powell, Mayor

DATE SIGNED: \_\_\_\_\_

\_\_\_\_\_  
Michael D. Carlson, Finance Officer

The Road Guy Construction Company, Inc.  
CONTRACTOR

\_\_\_\_\_

DATE SIGNED: \_\_\_\_\_



## *Council Agenda Memo*

***From:*** José Dominguez, City Engineer  
***Meeting:*** May 7, 2012  
***Subject:*** 2012 Miscellaneous Concrete Project  
***Presenter:*** José Dominguez

**Background:** The City has an ongoing program to update all of the handicap ramps within the City. The program was instituted several years back and designates funding for handicap ramp improvements. The City also utilizes this project to repair curb and gutter sections and storm sewer inlets that were damaged during the winter months.

Quotes were opened May 1, 2012. Four quotes were received. The low quote was from Martinson Construction for the amount of \$24,039.59. The high quote was for \$32,731.00.

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

**Financial Consideration:** \$35,000 was budgeted for this project. The detectable warning panels required by ADA at handicap ramps are also purchased from this line item.

**Conclusion/Recommendations:** Administration recommends awarding the project to Martinson Construction for the amount of \$24,039.59.

**210 - CONTRACT  
2012 MISCELLANEOUS CONCRETE**

THIS AGREEMENT entered into this 7<sup>th</sup> day of May 2012 by and between the City of Vermillion, South Dakota, acting by and through the City Council of said City hereinafter called the City, and M & M Construction of Vermillion, SD, hereinafter called the Contractor.

**WITNESSETH:**

WHEREAS the City Council of Vermillion, South Dakota has heretofore caused to be prepared certain drawings, specifications, and proposal blank for furnishing equipment and materials for said City under terms and conditions therein fully stated and set forth; and

WHEREAS the Contractor is required to return to the City a signed copy of the contract within 20-days of signing of the Contract by the Mayor along with the required bonds and insurance.

WHEREAS said drawings, specifications, and proposal of the Contractor accurately and fully describe the terms and conditions upon which the Contractor has offered to furnish all equipment and material awarded the Contractor;

NOW, THEREFORE, IT IS AGREED: That the City hereby accepts the proposal of the Contractor at the prices set out hereinafter:

ITEM	DESCRIPTION	UNIT	QUAN	UNIT PRICE	TOTAL PRICE
1	1100-REMOVE PCC PVMT	SY	44	\$3.50	\$154.00
2	1100-REMOVE SIDEWALK	SY	59	\$3.50	\$206.50
3	1100-REMOVE CURB AND GUTTER	LF	65	\$4.60	\$299.00
4	1200-UNCLASSIFIED EXCAVATION	CY	16.5	\$4.50	\$74.25
5	2000-SUBBASE	TON	31.25	\$25.50	\$796.87
6	4000-PCC PVMT, 6-INCHES	SY	25	\$38.50	\$962.50
7	4000-PCC FILLET, 6-INCHES	SY	4	\$42.50	\$170.00
8	4000-PCC FILLET, 8-INCHES	SY	15	\$45.50	\$682.50
9	4000-PCC APPROACH, 6-INCHES	SY	22.5	\$38.50	\$866.25
9	4300-CONCRETE CURB AND GUTTER, 6-INCHES	LF	163	\$17.50	\$2,852.50
10	4400-SIDEWALK, 5-INCHES	SY	59	\$32.25	\$1,902.75
11	10000-LANDSCAPING	LS	1	\$100.00	\$100.00
12	20000-MOBILIZATION	LS	1	\$0	\$0
13	20000-TRAFFIC CONTROL	LS	1	\$0	\$0

<b>ADD/ALTERNATE (AUGUSTA DRIVE)</b>						
1	1100-REMOVE PCC PVMT	SY	271	\$3.50		\$948.50
2	1200-UNCLASSIFIED EXCAVATION	CY	61	\$4.25		\$259.25
3	2000-SUBBASE	TON	110	\$24.10		\$2,651.00
4	4000-PCC PVMT, 6-INCHES	SY	271	\$32.51		\$8,810.21
5	10200-STABILIZATION FABRIC	SY	271	\$8.50		\$2,303.50
<b>TOTAL WITH ADD/ALTERNATE</b>						<b>\$24,039.58</b>

Project completion – September 28, 2012.

IN ADDITION, IT IS FURTHER AGREED: That said drawings, specifications, proposal and addenda are hereby incorporated as parts of this contract as fully as though set out herein verbatim.

This contract is executed in DUPLICATE by the parties hereto as of the date first herein written.

CITY OF VERMILLION  
CLAY COUNTY, STATE OF SOUTH DAKOTA

\_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

DATE SIGNED: \_\_\_\_\_

\_\_\_\_\_  
Michael D. Carlson, Finance Officer

M & M Construction  
CONTRACTOR

\_\_\_\_\_

DATE SIGNED: \_\_\_\_\_

CITY OF VERMILLION  
 INVOICES PAYABLE-MAY 7, 2012

1 Jack Powell	APPA LEGISLATIVE RALLEY EXPENSES	162.15
2 UNIVERSITY CLEANERS	HEMMING	18.00
3 3D SPECIALTIES INC	SUPPLIES	297.33
4 ADAMS GOLF, LTD	MERCHANDISE	820.78
5 ADVANCE SIGN & ENGRAVING	SIGN INSERT	31.30
6 AHEAD, INC	MERCHANDISE	389.03
7 ALLEGIANT EMERGENCY SERVICE	PARTS	1,339.58
8 ALLIED INDUSTRIAL DISTRIBUTING	PARTS	17.50
9 ALLIED INSURANCE	NOTARY BOND	100.00
10 AMERICAN FENCE COMPANY, INC	CHAIN LINK FENCE	5,778.00
11 AMERICAN PUBLIC POWER ASSOC	REGISTRATION	1,535.00
12 AMERICAN SOCCER COMPANY, INC	NETS	256.62
13 APPEARA	SUPPLIES	121.39
14 ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	273.67
15 ARAMARK-WEARGUARD	UNIFORM SHIRTS	304.75
16 ARGUS LEADER MEDIA #1085	SUBSCRIPTION	46.59
17 ASC PUMPING EQUIPMENT	PARTS	1,197.08
18 ASSURED LOCK TOOL & SUPPLY	PARTS	58.28
19 ATCO INTERNATIONAL	PARTS	84.50
20 AUDIO GO	BOOKS	163.94
21 B&R CHAINSAW SCULPTURES	PARK SIGN	400.00
22 BAKER & TAYLOR BOOKS	BOOKS	457.32
23 BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	1,704.00
24 BARNES DISTRIBUTION	SUPPLIES	191.61
25 BEST WESTERN RAMKOTA INN	TRAVEL	163.98
26 BIRSCHBACH EQPT & SUPPLY	SUPPLIES	125.90
27 BOB FRANK	WATER HEATER REBATE	150.00
28 BOB IVERSON	MEALS REIMBURSEMENT	23.00
29 BOOK WHOLESALERS, INC	BOOKS	320.26
30 BORDER STATES ELEC SUPPLY	SUPPLIES	668.50
31 BOUND TREE MEDICAL, LLC	SUPPLIES	1,033.56
32 BROADCASTER PRESS	ADVERTISING	281.82
33 BROCK WHITE CO	SUPPLIES	482.60
34 BULLBERRY SYSTEMS, INC	SOFTWARE MAINTENANCE	1,950.00
35 BUSHNELL OUTDOOR PRODUCTS	MERCHANDISE	1,638.92
36 BUTLER MACHINERY CO.	PARTS	959.16
37 CAMPBELL SUPPLY	SUPPLIES	1,267.23
38 CANON FINANCIAL SERVICES	COPIER LEASE	56.16
39 CASK & CORK	MERCHANDISE	952.30
40 CENTER POINT LARGE PRINT	BOOKS	52.79
41 CENTRAL STATES WIRE PRODUCTS	SUPPLIES	2,440.55
42 CENTURY BUSINESS PRODUCTS	COPIER CONTRACT	48.24
43 CENTURLINK	TELEPHONE	736.13
44 CHEMCO, INC	SUPPLIES	35.00
45 CHESTERMAN CO	MERCHANDISE	1,132.48
46 CIT GROUP/COMMERCIAL SERVICE	MERCHANDISE	334.38

47 CITY OF VERMILLION	COPIES/POSTAGE	1,549.95
48 CITY OF VERMILLION	UTILITY BILLS	33,154.72
49 CLAY CO REGISTER OF DEED	FILING FEES	36.00
50 CLAY COUNTY HIGHWAY DEPT	CULVERTS/BANDS	1,094.66
51 CLAY RURAL WATER SYSTEM	WATER USAGE/SUPPLIES	63.27
52 CLEVELAND GOLF	MERCHANDISE	1,640.80
53 COFFEE KING, INC	SUPPLIES	57.75
54 COLONIAL LIFE ACC INS.	INSURANCE	3,032.79
55 CRA PAYMENT CENTER	PARTS	75.74
56 D & G CONCRETE CONSTRUCTION	BIKE PATH CONTRACT	106,816.36
57 D-P TOOLS	SCAN TOOL MEMORY UPDATE	895.95
58 DAKOTA BEVERAGE	MERCHANDISE	9,579.68
59 DAKOTA PC WAREHOUSE	REPAIRS/SOFTWARE	294.95
60 DAN GOEDEN	MEALS REIMBURSEMENT	21.00
61 DAPHNE'S HEADCOVERS	MERCHANDISE	101.88
62 DAYS INN BROOKINGS	TRAVEL	276.00
63 DELTA DENTAL PLAN	INSURANCE	5,580.86
64 DEMCO	SUPPLIES	216.22
65 DENNIS MARTENS	MAINTENANCE	833.34
66 DEPT OF REVENUE	TESTING	194.00
67 DEPT OF VETERANS AFFAIRS	REFUND DUPLICATE AMB PAYMENTS	516.00
68 DEWILD GRANT RECKERT & ASSOC	PROFESSIONAL SERVICES	810.50
69 DIVISION OF MOTOR VEHICLE	TITLE/PLATES	40.00
70 DUST TEX	MAT SERVICE	34.95
71 E.A SWEEN COMPANY	SUPPLIES	263.44
72 EARTHGRAINS BAKING CO'S INC	SUPPLIES	107.92
73 ECHO ELECTRIC SUPPLY	SUPPLIES	1,580.64
74 ECOLAB	SUPPLIES	114.56
75 ENVIRONMENTAL PRODUCTS	PARTS	77.27
76 ERIN J. SEEP	MAINTENANCE	50.75
77 EZ-LINER INDUSTRIES	SUPPLIES	102.50
78 FAR FROM NORMAL	SUPPLIES	26.46
79 FARMER BROTHERS CO.	COFFEE PACKETS	81.76
80 FEDEX.	SHIPPING	10.97
81 FOOT-JOY	MERCHANDISE	132.42
82 FOREMAN MEDIA	COUNCIL MTG	50.00
83 GALE	BOOKS	241.50
84 GE CAPITAL	COPIER LEASE	114.48
85 GEMPLERS INC	SUPPLIES	202.55
86 GRAHAM TIRE CO.	TIRES	800.54
87 GRAINGER	PARTS	1,078.50
88 GRAYBAR ELECTRIC	SUPPLIES	40.09
89 GREGG PETERS	FREIGHT/ADVERTISING	2,427.25
90 GREGG PETERS	RENT	937.50
91 GUARANTEE OIL CO INC	SUPPLIES	698.14
92 HARTINGTON TREE LLC	GRIND STUMPS	125.00
93 HAWKINS WATER TREATMENT	CHEMICALS	958.02
94 HD SUPPLY WATERWORKS	SUPPLIES	3,465.78
95 HELGET SAFETY SUPPLY, INC	SUPPLIES	105.71
96 HELMS & ASSOCIATES	PROFESSIONAL SERVICES AIRPORT	18,976.13

97 HENDERSON EXHAUST PLUS	SOCCER GOALS	403.76
98 HERREN-SCHEMPP BUILDING	SUPPLIES	375.78
99 HY VEE FOOD STORE	SUPPLIES	196.38
100 INDEPENDENCE WASTE	PORTABLE TOILET RENTAL/WASTE HAULING	1,250.38
101 INGRAM	BOOKS	210.91
102 JACKS UNIFORM & EQPT	UNIFORMS	1,977.55
103 JAY'S PLUMBING	REPAIRS	79.21
104 JIM BALLEWEG	SAFETY BOOTS REIMBURSEMENT	100.00
105 JOHN A CONKLING DIST.	MERCHANDISE	7,432.10
106 JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	30,742.48
107 JOHNSON CONTROLS	REPAIRS	1,293.34
108 JOHNSTONE SUPPLY	SUPPLIES	214.54
109 JON COLE	SAFETY BOOTS REIMBURSEMENT	50.00
110 JONES ACE HARDWARE	SUPPLIES	1,290.15
111 JONES FOOD CENTER	SUPPLIES	511.84
112 KNOLOGY	911 CIRCUIT	1,365.50
113 KUSTOM SIGNALS, INC	SUPPLIES	215.00
114 LARGE PRINT OVERSTOCKS	BOOKS	25.55
115 LARSON DATA COMMUNICATIONS	PARTS	799.80
116 LAWSON PRODUCTS INC	SUPPLIES	162.67
117 LAYNES WORLD	EMS ID PLATES	85.00
118 LBA INTERIORS	PROFESSIONAL SERVICES	366.18
119 LEARNING OPPORTUNITIES, INC	BOOKS	154.18
120 LEGGETTE, BRASHEARS & GRAHAM	PROFESSIONAL SERVICES	1,006.23
121 LEISURE LAWN CARE	TREATMENT	65.96
122 LESSMAN ELEC. SUPPLY CO	PARTS	1,541.20
123 LINCOLN MUTUAL LIFE	INSURANCE	483.90
124 LINDA FRITZ	REFUND AMBULANCE PAYMENT	573.10
125 LOCATORS AND SUPPLIES, INC	SAFETY VESTS	44.82
126 LUDEY'S READY MIX	REPAIRS	120.00
127 MAINLAND ENGRAVING LLC	MEDALS/RIBBONS	50.75
128 MALLOY ELECTRIC	PARTS	61.66
129 MART AUTO BODY	TOWING	960.00
130 MATHESON TRI-GAS, INC	SUPPLIES	192.91
131 MAXIMUM PROMOTIONS	FLAGS	539.95
132 MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,152.00
133 MEAD LUMBER	SUPPLIES	450.17
134 MERRICK INDUSTRIES	PARTS	2,729.12
135 MICRO MARKETING ASSOC	BOOKS	25.79
136 MIDWEST ALARM CO	ALARM MONITORING	120.00
137 MIDWEST BUILDING MAINTENAN	MAT SERVICE	491.00
138 MIDWEST TURF & IRRIGATION	SUPPLIES	267.08
139 MILTONA TURF PRODUCTS	PARTS	153.86
140 MINN MUNICIPAL UTILITY ASSOC	SAFETY MGMT PROGRAM	5,405.86
141 MISSOURI VALLEY MAINTENANCE	REPAIRS	867.65
142 MOORE WELDING & MFG	REPAIRS	513.55
143 N B GOLF LLC	PARTS	4,189.18
144 NATIONAL FIRE PROTECTION ASSOC	TRAINING MANUALS	272.20
145 NCL OF WISCONSIN, INC	PARTS	995.75
146 NEBRASKA JOURNAL-LEADER	ADVERTISING	34.92

147 NETSYS+	PROFESSIONAL SERVICES	270.00
148 NEW YORK LIFE	INSURANCE	95.00
149 NIKE INC	MERCHANDISE	444.00
150 NORTHERN TRUCK EQPT CORP	PARTS	1,169.24
151 OFFICE OF WEIGHTS & MEASURE	TESTING	103.00
152 OFFICE SYSTEMS CO	SUPPLIES	198.00
153 OKOBOJI WINES-WEST	MERCHANDISE	252.00
154 ORIENTAL TRADING CO	SUPPLIES	71.05
155 PAGE, WOLFBERG & WIRTH, LLC	TRAINING VIDEOS	149.00
156 PEITZ GMC SERVICE INC	TOWING	626.76
157 PETE LIEN & SONS, INC	CHEMICALS	4,550.80
158 PITNEY BOWES, INC	INK CARTRIDGE	61.19
159 PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
160 POMPS TIRE SERVICE, INC.	TIRES	1,050.60
161 PRAIRIE BERRY WINERY	MERCHANDISE	1,608.00
162 PRESSING MATTERS	SUPPLIES	456.00
163 PRESTO-X-COMPANY	INSPECTION/TREATMENT	47.00
164 PRINT SOURCE	ADVERTISING	2,343.68
165 PROEFROCK ELECTRIC INC	UNDERGROUND REIMBURSEMENT	545.00
166 PUMP N PAK	FUEL	2,348.71
167 QUALITY TELELCOMMUNICATION	PHONE SYSTEM	2,944.29
168 QUEEN CITY WHOLESAL	SUPPLIES	801.24
169 QUILL	SUPPLIES	859.64
170 RACOM CORPORATION	MAINTENANCE CONTRACT	368.50
171 RANDOM HOUSE, INC	BOOKS	356.40
172 RAWLINS MUNICIPAL LIBRARY	BOOKS	23.99
173 RECORDED BOOKS, INC	BOOKS	827.20
174 REINHART FOODSERVICE, LLC	SUPPLIES	949.61
175 REPUBLIC NATIONAL DISTRIBUTING	MERCHANDISE	23,385.26
176 RESCO	SUPPLIES	47,984.90
177 RICK ERICKSON	WATER HEATER REBATE	150.00
178 RIVERSIDE HYDRAULICS & LAB	PARTS	110.20
179 ROYAL CAR WASH	CAR WASH CARDS	200.00
180 SANITATION PRODUCTS	PARTS	351.62
181 SCHAEFFER MFG. CO	SUPPLIES	595.20
182 SCHUH ELECTRIC	UNDERGROUND REIMBURSEMENT	410.00
183 SD GOVERNMENTAL FINANCE OFFICERS	REGISTRATION	150.00
184 SD LOTTERY	VIDEO LOTTERY LICENSE RENEWAL	100.00
185 SD ONE CALL	LOCATES	128.10
186 SD PARKS & RECREATION ASSOC	MEMBERSHIP DUES	20.00
187 SD PUBLIC ASSURANCE ALLIANCE	PROPERTY COVERAGE	390.00
188 SD RETIREMENT SYSTEM	CONTRIBUTIONS	45,130.94
189 SECOG	CDBG ADMINISTRATIVE	7,500.00
190 SECURITY SHREDDING SERVICE	PROFESSIONAL SERVICES	35.00
191 SERVALL TOWEL & LINEN	SUPPLIES	73.50
192 SHORTYS HVAC SUPPLIES LLC	PARTS	95.00
193 SKYHAWKE TECHNOLOGIES LLC	MERCHANDISE	741.85
194 SMITH & LOVELESS, INC	PARTS	58.14
195 SORLIEN ELECTRIC, INC	INSTALL LOAD MGMT	76.53
196 SPORT SUPPLY GROUP	SUPPLIES	2,393.43

197 STAN HOUSTON EQPT CO	PARTS	426.35
198 STEFFEN	UTILITY BODY/LIFTGATE	8,159.00
199 STRACHAN SALES, INC	REPAIRS	363.20
200 STUART C. IRBY CO.	SUPPLIES	28,064.30
201 STURDEVANTS AUTO PARTS	PARTS	2,165.57
202 SURFACE SOLUTIONS	REPAIRS	650.00
203 TAYLOR MADE	MERCHANDISE	181.61
204 TEAM GOLF	MERCHANDISE	1,254.05
205 THATCHER COMPANY	SODA ASH	7,123.60
206 THE EQUALIZER	ADVERTISING	1,233.72
207 TIM TAGGART	MEALS REIMBURSEMENT	21.00
208 TITAN ACCESS ACCOUNT	PARTS	54.14
209 TITLEIST DRAWER CS	MERCHANDISE	5,834.83
210 TODDS ELECTRIC SERVICE	INSTALL LOAD MGMT	161.20
211 TRUE VALUE	SUPPLIES	133.02
212 TURFWERKS	PARTS	629.81
213 TYLER TECHNOLOGIES	MAINTENANCE	3,706.34
214 UNITED LABORTORIES	SUPPLIES	731.20
215 UNITED WAY	CONTRIBUTIONS	332.80
216 USBORNE BOOKS	BOOKS	462.92
217 VAN DIEST SUPPLY CO	CHEMICALS	1,379.65
218 VERIZON WIRELESS	POLICE COMMUNICATIONS	211.63
219 VERMEER HIGH PLAINS	SUPPLIES	297.82
220 VERMILLION CHAMBER OF COMMERCE	POSTAGE/DUES	190.32
221 VERMILLION COMMUNITY CPR	CPR CARDS	56.00
222 VERMILLION FORD	4-PICKUPS/PARTS	95,133.04
223 VERMILLION HOUSING AUTHORITY	CONTRIBUTION FOR AUDIT FEE	5,830.00
224 VERMILLION NOW!	PLEDGE AGREEMENT	30,000.00
225 VERMILLION ROTARY CLUB	MEALS/DUES	114.25
226 VERMILLION VETERINARY CLINIC	PROFESSIONAL SERVICES	35.00
227 VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	4,720.35
228 WAL-MART COMMUNITY	SUPPLIES	1,160.47
229 WALKER CONSTRUCTION	CONCRETE PAD	4,590.00
230 WALKER PROCESS EQUIPMENT	REPAIRS	944.26
231 WALT'S HOMESTYLE FOODS, INC	SUPPLIES	103.00
232 WATERTOWN REGIONAL LIBRARY	PROFESSIONAL SERVICES	84.45
233 WELFL CONSTRUCTION CO	LIBRARY EXPANSION/REMODEL	167,501.00
234 WESCO DISTRIBUTION, INC	SUPPLIES	8,237.84
235 WH OVER MUSEUM	CONTRIBUTION	15,000.00
236 YANKTON FIRE & SAFETY	REPAIRS	92.00
237 YANKTON JANITORIAL SUPPLY	SUPPLIES	1,141.02
238 ZEE MEDICAL SERVICE	SUPPLIES	188.90
239 ZIMCO SUPPLY CO	SUPPLIES	17,101.13
240 ZUERCHER TECHNOLOGIES LLC	SUBSCRIPTION	24,255.00
	GRAND TOTAL	897,296.17

Unapproved Minutes  
Vermillion Planning Commission  
Monday April 23, 2012 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order in the conference room at City Hall on April 23, 2012 at 5:30 p.m.

1. Roll Call

Present: Fairholm, Forseth, Gruhn, Howe, Reasoner, and Tuve. Absent: Manning, Muenster and Iverson.

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

2. Minutes

a. March 12, 2012 Regular Meeting.

Moved by Fairholm to approve the March 12, 2012 Regular Meeting Minutes, seconded by Tuve. Motion carried 6-0.

3. Adoption of the Agenda

Moved by Howe to adopt the agenda as printed, seconded by Fairholm. Motion carried 6-0.

4. Visitors to be Heard

5. Public Hearing

a. Zoning Ordinance Amendment - Amending Section 155.008, Definitions, 155.032, R-2 Residential District and 155.033, R-3 Residential District to change dwelling definitions and add a definition and regulations for building lines.

Jose reported that City staff have been working on a plan to permit garage spaces to count towards meeting minimum parking requirements in rental dwellings. The current regulations are in place because code staff found that garages were being used for storage instead of tenant parking. Jose stated that two amendments were required, the first to clarify dwelling definitions and regulations and the second to specify when garage spaces will count. Discussion followed on the first amendment. Forseth asked for clarification on the distinction between a duplex and a townhouse. Jose reported that a townhouse is a single attached dwelling contained on an individual lot and a duplex could be two dwellings on one lot. The Planning Commission asked for clarification on requiring townhomes to be staggered. Jose reported that staggering is desirable to avoid a solid line of homes, which may not be aesthetically desirable. Fairholm suggested that it may be a good idea to define staggered, setting a minimum and a maximum. Staff were directed to look at options from other communities to set a minimum and a maximum limit for staggering.

Moved by Tuve to recommend approval of the amendment, seconded by Gruhn. Motion carried 6-0.

b. Zoning Ordinance Amendment - Amending Section 155.072, Off-Street Parking, modifying parking requirements for dwellings.

Jose reported that the amendment will create specific criteria for when garage spaces will count towards meeting the minimum parking requirements. Jose stated that in order to be counted a garage must have direct access from the garage to the dwelling, the garage stall must be at least 10 feet by 20 feet long, and the property owner will ensure the garage space will not be used for any other purpose.

Gruhn inquired as to how this amendment will impact single-family homes being rented. Jose reported that many single family homes are already able to meet the minimum parking requirement without the garage. Fairholm stated that he lives in an area of town where access is directly off of an alley, where there is little space other than the garage to park. Fairholm asked why there is a requirement for garages to be attached in order to count towards minimum parking requirements. Farrel stated that in his experience if a garage is attached with direct access, it is more likely to be used as a garage instead of for storage. Gruhn asked why staff is bringing this forth if the current regulations have worked for the past several years. Farrel stated that in most cases developers are willing and able to meet the current parking regulations, but that there also may be a way for some garage spaces to count. Howe stated that city regulations on parking are too restrictive and are a barrier to development and redevelopment projects. Howe stated that he would be in favor of permitting garage spaces to count without the criteria suggested by staff.

Moved by Howe to adopt the amendment with the removal of language requiring direct access, minimum size and the requirement that owners must ensure garage spaces are being used for parking, seconded by Tuve. Motion carried 6-0.

c. Zoning Ordinance Amendment - Amending Section 155.08, Definitions, and Section 155.037, Neighborhood Commercial District, to add a definition for office uses and add permitted commercial uses and conditional residential and commercial uses.

Andy reported that the amendment is a follow up to a previous meeting where a resident expressed concern about refinancing a mortgage on a residential dwelling in the Neighborhood Commercial District. Andy stated that the amendment was drafted to permit residential dwellings and some commercial uses as conditional uses. The Planning Commission inquired whether staff have spoken with any financial institutions on whether the proposed change will help with refinancing activities. Andy stated that the problem lies with third party underwriters and appraisals as opposed to banks. Andy stated that the proposed amendment will permit residential uses as conditional uses. Andy also stated that the amendment will provide for restaurant uses without alcohol licenses as a permitted use. Restaurants with an alcohol license would be required to obtain a conditional use permit. Discussion followed on the proposed amendment. Darby Ganschow, USD representative, stated that requiring restaurants with alcohol licenses to obtain a conditional use permit would allow the university to offer comments on alcohol establishments close to campus. Howe expressed concern that parking and traffic may also become an issue for commercial uses, primarily restaurants, since on-site parking would only be available via the alley. After some discussion, it was the consensus of the members to move any restaurant to the conditional use category to allow oversight on whether a location is suitable for a restaurant.

Moved by Fairholm to approve the amendment with the change of removing reference to alcohol licenses and requiring all restaurants to obtain a conditional use permit, seconded by Reasoner. Motion carried 6-0.

6. Old Business

7. New Business

a. Preliminary Plat of Cottage Place Addition.

Jose reported that Banner Associates has submitted a preliminary plat on behalf of the owners of Cottage Place Planned Development District. Jose stated that the plat includes all of the required easements and will subdivide the property into eight lots.

Fairholm expressed concern about the roadway going through an existing home. Jose clarified that once the road is put in the structure will need to be moved or demolished. Reasoner stated that the Cottage Place District was not good for the neighborhood because of the proposed storage and commercial uses. Jose stated that the plat is consistent with the approved district regulations and is only preliminary. If major changes to lots are planned, an additional preliminary plat would be required.

Moved by Howe to approve the preliminary plat, seconded by Gruhn. Motion carried 4-2.

b. Presentation from Tom Reasoner - AIA's 10 Principles of Livable Communities.

Tom Reasoner gave a presentation on the American Institute of Architects' 10 Principles of Livable Communities.

8. Staff Reports

9. Adjourn

Moved by Howe to adjourn, seconded by Gruhn. Motion carried 6-0.

Vice-Chair Forseth declared the meeting adjourned 8:07 p.m.