



Special Meeting Agenda
City Council
12:00 p.m. (noon) Special Meeting
Monday, October 21, 2013
Large Conference Room
City Hall-25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Informational Session – Vermillion Now! 2 – Steve Howe.**
3. **Informational Session – Public Safety Center engineering proposal for HVAC system – John Prescott.**
4. **Briefing on the October 21, 2013 City Council Regular Meeting Agenda-** Briefings are intended to be informational only and no deliberation or decision will occur on this item.
5. **Adjourn**

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

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

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

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

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

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



City of Vermillion Council Agenda

7:00 p.m. Regular Meeting
Monday, October 21, 2013
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. October 7, 2013 Special Session; October 7, 2013 Regular Session.
4. **Adoption of the Agenda**
5. **Visitors To Be Heard**
 - a. Tanager Day Recognition.
 - b. Extra Mile Day Proclamation.
6. **Public Hearings**
7. **Old Business**
 - a. Second Reading of Ordinance 1307 – Amending Chapter 150, Building Regulations, removing the building permit exemption for replacement windows in existing openings and adding regulations and requirements for replacement windows.
8. **New Business**
 - a. Resolution setting a fee for window permits.
 - b. Resolution authorizing the sale of a 2013 Special Assessment Bond.
 - c. Resolution authorizing the prepayment of the Tax Incremental Revenue Bond Series 2005 upon collection of the 2012 levy.
9. **Bid Openings**
10. **City Manager’s Report**
11. **Invoices Payable**
12. **Consensus Agenda**
 - a. Set a public hearing date of November 4, 2013 for a special daily malt beverage and wine license for the Vermillion Area Arts Council on or about November 16, 2013 at 202 Washington Street.
13. **Adjourn**

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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
October 7, 2013
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, October 7, 2013 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Davies, Grayson, Meins, Willson, Zimmerman, Mayor Powell

Absent: Osborne, Ward

2. Informational Session - Strategic Plan discussion - Steve Howe

Steve Howe, Executive Director of the Vermillion Chamber of Commerce and Development Company, presented information on the goals that were achieved by the Vermillion NOW! Campaign. Steve noted that, along with accomplishing the goals, other challenges were created for the community. Steve stated that the Talent Attraction Strategy and Workforce Housing Solution study provided many recommendations/suggestions that were reviewed by a group of community leaders and grouped into four major objectives. Steve proposed that these four objectives be the start for a community wide strategic planning process. The objectives were 1) housing, 2) targeted business recruitment, 3) business retention and expansion and 4) community enhancement. Steve stated that a community wide strategic plan would involve all stakeholders in the community. Steve stated that when the plan is completed the plan objectives could be assigned to each stakeholder thus no one entity would have to bear the entire burden. Steve stated that he would like to set up a meeting with the community leaders to determine the process to proceed with the strategic planning process. Discussion followed on the process.

3. Informational Session - Comprehensive Plan update discussion - Andy Colvin

Andy Colvin, Assistant to the City Manager, reported that with the completion of the Joint Jurisdictional Zoning Ordinance, the Planning Commission has begun the process to revise the City's Comprehensive Plan with the assistance of SECOG. The most recent comprehensive plan was completed in 1999-2000 by SECOG. Andy stated that the Comprehensive Plan serves two major purposes - 1) to lay

out the City's growth areas and provide a map for residential, commercial, industrial and recreational land uses and 2) to fulfill the requirements in state law that a Comprehensive Plan be adopted. Andy noted that other communities have turned away from traditional Comprehensive Plans, such as those developed by SECOG, to Community Plans that include hard geographical and economic data. Andy stated that Steve Howe has made a case for the importance of strategic planning and the question for the City Council is how strategic planning can work with the City's need for a Comprehensive Community Plan. Andy asked the City Council for their thoughts on obtaining the services of an outside consultant to facilitate and develop a Comprehensive Community Plan that works with strategic planning activities between the City, VCDC, other governments and community groups. Andy provided a listing of communities in our region that have utilized consultants along with the cost. Discussion followed on the community planning process and strategic planning process. Mayor Powell asked the Council members to provide input to the City Manager on how they would like to proceed on the planning process.

4. Briefing on the October 7, 2013 City Council Regular Meeting

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

5. Adjourn

307-13

Alderman Willson moved to adjourn the Council special session at 12:56 p.m. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 7th day of October, 2013.

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
October 7, 2013
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, October 7, 2013 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Davies, Grayson, Meins, Osborne, Willson, Zimmerman, Mayor Powell

Absent: Ward

2. Pledge of Allegiance

3. Minutes

A. Minutes of September 16, 2013 Special Session; September 16, 2013 Regular Session; September 27, 2013 Special Session

308-13

Alderman Meins moved approval of the September 16, 2013 Special Session; September 16, 2013 Regular Session and September 27, 2013 Special Session minutes. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

309-13

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

5. Visitors to be Heard

A. National Disability Employment Awareness Month

Alderman Meins read the Proclamation for National Disability Employment Awareness Month that proclaims the month of October as "Disability Employment Awareness Month" in Vermillion. Mayor Powell presented the proclamation to representatives of SESDAC.

B. Coyoteopoly "Hunger Awareness Day" Proclamation

Alderman Zimmerman read the Proclamation for Hunger Awareness Day that proclaims October 25, 2013 as "Hunger Awareness Day" in Vermillion and encourages all citizens to participate in the Coyoteopoly hunger awareness programs. Mayor Powell presented the proclamation to representatives of Coyoteopoly. Michael Nour, Coyoteopoly CEO, reviewed activities planned for the week to bring awareness to hunger in the community. He stated that the food drive collection for the Vermillion Food Pantry will be on Saturday October 26th.

C. Proclamation in Recognition of Jack Doyle

Alderman Davies read the Proclamation in Recognition of Jack Doyle which proclaims October 11th as "Jack Doyle Day" in Vermillion.

D. Public Power Week Proclamation

Alderman Grayson read the Proclamation designating the week of October 6-12, 2013 as "Public Power Week" in Vermillion. Mayor Powell presented the proclamation to Mark Koller representing the Vermillion Light & Power. Mark invited the City Council and community to the open house on Tuesday, October 8th from 11:00 a.m. to 1:00 p.m. at the Municipal Service Center on Duke Street.

E. Fire Prevention Week Proclamation

Alderman Collier-Wise read the Proclamation designating the week of October 6-12, 2013 as "Fire Prevention Week" and encouraged all people in Vermillion to check their kitchens for fire hazards and to use safe cooking practices. Mayor Powell presented the proclamation to Richard Draper, Fire Chief. Richard invited the community to the Fire/EMS open house on Wednesday, October 9th starting at 5:30 p.m. at the Fire/EMS facility on North Dakota Street.

6. Public Hearings - None

7. Old Business - None

8. New Business

A. First Reading of Ordinance 1307 - Amending Chapter 150, Building Regulations, removing the building permit exemption for replacement windows in existing openings and adding regulations and requirements for replacement windows

Farrel Christensen, Building Official, reported that, during the recent upgrade to the rental housing ordinance and the

implementation of the health, safety and welfare retrofit, it became apparent that some existing buildings with compliant egress windows were having new non-compliant windows installed. Farrel stated that, when the International Building Code and International Residential Code were adopted in 2011, the ordinance included an exception in the permit requirement section that allows windows to be replaced in existing openings without a permit. Farrel noted that due to this exception many owners chose to install double hung windows in place of casement style windows effectively reducing the opening area by half, creating a non-compliant window and an unsafe condition. Farrel stated that by requiring permits for replacement windows, City staff will have a chance to review the proposed window replacement and make sure replacement windows are correct for the specific application. Farrel stated that this proposed ordinance would apply to all window replacement including rental housing and owner occupied structures. Farrel reported that at second reading a resolution will be presented to set the fee and the proposed fee would be \$25 per permit regardless of the number of windows.

Barb Iacino, resident of 1909 N University, realtor and rental property owner, asked if this only applied to replacement windows and not existing windows.

Farrel Christensen, Building Official, stated that this ordinance would require a building permit for all replacement windows.

John Prescott, City Manager, reported that the ordinance includes an effective date of January 1, 2014 to allow time to inform residents and contractors of the new requirement for a building permit for replacing all windows. Discussion followed.

310-13

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

Resolution

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1307 entitled An Ordinance Amending Chapter 150, Building Regulation, removing the building permit exemption for replacement windows in existing openings and requiring a building permit for the replacement of windows in existing openings of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 7th day of October, 2013 at

the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Collier-Wise. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

B. Egress window compliance extension

John Prescott, City Manager, reported that, since the adoption of the building code updates in 2011, staff has been identifying non-compliant windows during the rental inspection process. John noted that all new construction since the mid 1960's has required by building code to have egress window sizes of 5 square foot or 5.7 square foot. John stated that those properties found not in compliance are provided six months to install compliant windows. John reported that currently there are just over 2,600 units on the rental registry located in approximately 930 structures. A review of the rental registry indicated that there were eighteen different properties that combined have a total of 215 windows that needed to be replaced. John stated that some property owners have indicated that a six month timeframe to complete the replacement may not be feasible for financial or other reasons. John stated that an extension form has been developed to address the time to complete the window requirements similar to what was done for the HVAC system requirements. The form will be required to be filed and approved prior to December 31, 2014 to provide an extension to the time requirements for egress window compliance. John stated that the extension requires a number of items such as fire extinguishers and notices to make tenants and guests aware of the egress situation. John noted that at present there is no set timeframe for compliance as staff will work with each property owner to develop a plan of action unless the City Council would want to establish a compliance date. John stated that the extension form is attached.

Barb Iacino, resident of 1909 N. University, realtor and rental property owner, requested that the City Council table action tonight to allow for more research on the egress window requirements based upon her estimated cost of \$4 million to the landlords of the community. She also felt this requirement should be grandfathered for existing properties. She noted that these requirements apply to rental property but not to owner occupied homes or state property. Barb closed by requesting tabling of the action on the egress window requirement.

Jill Schafer, real estate attorney and rental property owner, questioned if the City Council had considered the purpose and consequence when making these code changes. Jill stated that she hears that the purpose is fire safety but stated that all rental units now have hard wired smoke detectors that are not required of owner occupied residential housing. She stated that the consequence may be the loss of landlords to other communities such as Brookings that does not have these costly requirements of their landlords.

Harlow Hatle, resident of 2022 Augusta Drive and rental property owner, questioned the egress window requirements noting that these requirements have changed since the property was built and now it is requested that the windows be changed before they need to be replaced. He suggested a compromise that would allow the windows to be made compliant when they are replaced. He questioned what he felt was a retroactive law. Harlow reviewed information included in his letter to the editor noting that he calculates an individual is twice more likely to be struck by lightning than be injured in a bedroom fire. He stated that all rental units have hard wired smoke detectors and does not feel that the egress window requirements are health and safety issues as other cities do not have this requirement for rental property.

Don Foley, resident of 215 N. Pine and rental property owner, asked if the City Council considered the cost/benefit of these requirements and the impact on landlords and tenants.

Woody Houser, rental property owner, noted that the article in the paper stated the number one issue was cost and that the landlord was responsible for code compliance. He questioned the code requirements that do not apply to owner occupied property or the dorms on the University campus but are required for residential rental units. He suggested that the City Council get more information on this issue before taking action on these code requirements.

Mayor Powell stated that hearing no further public comment this issue would be turned to the City Council for discussion and action. John Prescott, City Manager, reported that the City Council in 2011 adopted the International Property Maintenance Code for rental property that uses the standards established by the International Building Code and International Residential Code for health and safety. As to egress windows required in rental property, the building code has required 5 square foot to 5.7 square foot of opening since the 1960's. John noted that the issue being brought before the City Council is application procedure to allow extensions of more than six months for property owners to comply with the egress window requirements. John stated that, from the Code

Enforcement office records, there are 18 property owners who combined have a total of 215 windows to replace. The extension, if applied for, will allow these property owners additional time to complete the replacement.

Discussion followed noting that the issue for consideration is the extension of beyond the six months for egress window compliance for the property owners.

311-13

Alderman Willson moved approval of the application procedure for additional time to comply with the requirement for egress window standards as presented. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. Agreement and Covenants with Owner's of Lots 3, 4 and 21, Block 1, Countryside Addition Regarding Sidewalk Construction

Jose Dominguez, City Engineer, reported on the location of the Countryside Addition where in 2000 the City approved the plat that opened up approximately 45 residential lots. Jose noted that the development has experienced an influx of families. He stated that he has received inquiries about sidewalk connecting the development to the sidewalk along Crawford Road. Jose noted that the lack of sidewalk forces the residents to walk on Burbank Road which is dangerous as it lacks shoulders. Jose reported that staff is proposing to construct a 5 foot sidewalk along the north side of Burbank Road. The new sidewalk would go from the west side of Natalie Court to the east side of the easternmost leg of Brandon Drive and then again from the west side of the most westernmost leg of Brandon Drive to Crawford Road. The proposed sidewalk would have to be built in the existing 10 foot utility easement located along the south side of the properties. This would be done so that the new sidewalk is not located at the bottom of the road ditch. Jose reported that, at this point, we only have agreements with two of the three owners. The agreements are different since one of the owners wants the City to pay for the construction of the sidewalk now while the other owner will pay for the construction himself. The agreement will allow this with the condition that, in the future, the City will not be liable for the cost if the sidewalk is relocated, and vice versa. Jose stated that the 2013 budget included funding for this sidewalk which, at this point, is estimated to cost \$9,300. Discussion followed with Jose answering questions on sidewalks and if sidewalks were needed in other areas along Burbank Road.

312-13

Alderman Grayson moved approval of the agreements and covenants for Lots 3, 4 and 21 Block 1 Countryside Addition for sidewalk construction. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

D. Resolution to Transfer Surplus Chairs to Clay County

Mike Carlson, Finance Officer, reported that with the completion of the library expansion and renovation project the Library Foundation is furnishing the new and renovated spaces. One of the many items included is new chairs for the community room. Jane contacted the Clay County Auditor to see if they wanted the old chairs as the County typically borrows the cushioned chairs for the election workers during the primary and general elections. Mike reported that state statutes provide for the transfer of property between political subdivisions by resolution. Mike stated that the attached resolution provides for the transfer of thirty cushioned chairs and three chair carts to Clay County.

313-13

Alderman Davies moved approval of the resolution authorizing the transfer of the thirty cushioned chairs and three chair carts to Clay County. Alderman Grayson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

E. Resolution to adjust the Storm Drainage Fee

Mike Carlson, Finance Officer, reported that during the budget process it was proposed to raise the storm drainage fee to provide additional revenues for storm drainage projects. The fee is charged to all properties in the city and is included on the property tax statements. The proposed increase will generate \$8,100 of additional revenue for the storm water fund. For a residential lot of 10,000 square feet, the fee would go from \$24.75 to \$25.87 per year. Discussion followed.

314-13

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

RESOLUTION TO CHANGE STORM DRAINAGE FEE

WHEREAS, Section 53-135 of the 2008 Revised Ordinances of the City of Vermillion allows the City Council to change the city wide property drainage fee, and;

WHEREAS, during the annual budget it was determined there were not sufficient revenues in the storm drainage fee fund.

BE IT HEREBY RESOLVED, by the Governing body of the City of Vermillion, South Dakota, at a regular meeting thereof of said City at 7:00 p.m. on the 7th day of October, 2013 that the fee is changed as follows:

The unit financial charge shall be \$0.000345.

Dated at Vermillion, South Dakota this 7th day of October, 2013.

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

By _____
John E. (Jack) Powell, Mayor

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. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

F. Business Improvement District #1 By-Laws

John Prescott, City Manager, reported that at last meeting a resolution was adopted establishing the boundaries of the Business Improvement District (BID) #1 and establishing a Board of five members appointed by the Mayor with the concurrence of the City Council. John reported that it was noted at last meeting that there are several steps in the creation of a BID. John noted that, with the different variety of uses for a BID, it has been suggested that by-laws be adopted to give a new Board direction. John stated that the proposed by-laws provide direction on how the Board is to be composed, Officers the Board should have, establishing open meetings, the taking of minutes, and other organizational structure items. The BID #1 Board is designed to serve as a body that makes recommendations to the City Council with respect to BID funds. The Board would be asked to submit an annual recommendation of how the following year receipts would be utilized. This should facilitate an annual review of how BID funds are being spent. The by-laws also provide that the BID Board can make recommendations on changes to

the by-laws that would require City Council approval. Discussion followed on the makeup of the Board noting that a representative of the VCDC and City Council should be included. John reported that, in reviewing other by-laws and contacts with other cities, it does not appear that City Council members or City staff serves as Board members but noted that they attended meetings. John stated that the by-laws Section C. 1 could be changed to include ex-officio members to include a City Council member and a representative of the VCDC. Steve Howe, Executive Director of the VCDC, stated that as the VCDC operating the Convention Visitor's Bureau they could have a representative on the Board. Discussion followed.

315-13

Alderman Davies moved approval of the Business Improvement District #1 By-Laws with the addition to include a City Council member and a representative of the VCDC as ex-officio members to the Board. Alderman Willson seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

G. Declaration of surplus skid steer loader

Jason Anderson, Assistant City Engineer, reported that the new skid loader for the Solid Waste Department is scheduled for delivery so the old loader will need to be declared surplus and sold. Jason stated that the 2010 Bobcat C205 will need to be declared surplus and appraised by the Surplus Property Appraisal Committee to be sold by sealed bids. Jason reported that a bid opening date of November 13, 2013 is included on the consensus agenda.

316-13

Alderman Willson moved approval of declaring the 2010 Bobcat C205 as surplus to be appraised by the Surplus Property Appraisal Committee to be sold by sealed bids. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Landfill Baler Building

Jose Dominguez, City Engineer, reported bids were opened on September 25 for the landfill baler building. There were five bids received and the low bidder was Daniel's Residential Construction for \$991,600. Jose noted this was the second bid opening for the project with the Council rejecting the bids on August 19. The low bid at that time was \$1,060,000. Jose reported the insurance carrier agreed on a replacement cost of \$663,788 for a building equal in size to the one destroyed in the October 22 fire. Jose

reported the cost of the new building was expected to be more than the replacement cost due to the fact the new building will be larger. The old building was 80 feet by 130 feet and the new building will be 80 feet by 160 feet. To assist with the financing, a grant from the DENR Solid Waste Fund was applied for and was funded for \$225,000. Jose noted that Joint Powers reserves will finance the cost over the insurance and the grant proceeds. Discussion followed on the building size, qualifications of the low bidder and funding.

Bids Received: Daniels Residential Construction - \$991,600; Peska Construction - \$1,018,000; Welfl Construction - \$1,081,000; Gill Haugan Construction - \$1,136,800; HCI Construction - 1,138,095

317-13

Alderman Willson moved approval of the low bid of Daniels Residential Construction of \$991,600 for the construction of the landfill building. Alderman Zimmerman seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Fuel Quotes.

Mike Carlson, Finance Officer, read the monthly fuel quotes and recommended the low quote of Stern Oil on items 1, 3 & 4 and Brunick's Service on item 2.

Item 1 - 4,350 gal unleaded 10% ethanol: Stern Oil \$2.9979, Brunick's Service \$3.04; Item 2 - 1,000 gal unleaded gasoline regular: Stern Oil \$3.2294, Brunick's Service \$3.20; Item 3 - 3,000 gal No. 2 Diesel fuel- clear: Stern Oil \$3.2735, Brunick's Service \$3.30; Item 4 - 1,000 gal No. 2 diesel fuel-clear: Stern Oil \$3.51, Brunick's Service \$3.58

318-13

Alderman Osborne moved approval of the low quote of Stern Oil on items 1, 3 and 4 and Brunick's Service on item 2. Alderman Zimmerman seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

a) John reported on the following raffle requests:

USD Athletics - \$5 tickets at home football games. Win a Coyote picture valued at \$85.00. Proceeds go to the Athletic Fundraising Account for team travel expenses, athletic supplies and related items.

Career Service Advisory Council will be conducting a raffle on November 7, 2013 prior to their meeting. The tickets are \$1 each. Prize will be split 50% among winning ticket holder and 50% to a charity selected by CSA on October 8.

b) John reported on the upcoming open houses:

-Light & Power Open House is Tuesday, October 8 from 11 - 1

-Fire/EMS Open House is Wednesday, October 9 starting at 5:30

-Public Safety Open House is October 26 from 10 am to 1:00 pm

c) John reported the Household Hazardous Waste Collection is Friday, October 25th from 2-6 pm at the Recycling Center at 840 N Crawford Road. There is a \$10 charge per vehicle.

d) John reported that City offices will be closed Monday, October 14 in observation of Native American Day

e) John reported that Ryan Baedke was selected as the SD Park & Recreation Association Young Professional of the Year.

PAYROLL ADDITIONS AND CHANGES

11. Invoices Payable

319-13

Alderman Davies moved approval of the following invoice:

UNIVERSITY CLEANERS	PROFESSIONAL SERVICES	40.00
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Alderman Willson seconded the motion. Alderman Meins requested to abstain. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

320-13

Alderman Grayson moved approval of the following invoices:

A-OX WELDING SUPPLY CO	BULK CO2	772.00
AMERICAN FENCE COMPANY, INC	REPAIRS	1,720.00
AMSAN	SUPPLIES	269.42
APPEARA	SUPPLIES	280.54
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	571.18
ARGUS LEADER MEDIA #1085	SUBSCRIPTION	48.00
ARLEY K. FADNESS	BOOKS	20.99
AUTOMATIC BUILDING CONTROLS	INSPECTION	321.00
AVENET, LLC	WEB HOSTING	700.00
BAKER & TAYLOR BOOKS	BOOKS	963.11
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	2,368.85
BARKLEY ASPHALT	ASPHALT	1,288.32
BEST WESTERN RAMKOTA INN	LODGING	827.91
BETTER HOMES & GARDENS	BOOKS	35.94
BLACKSTONE AUDIO INC	BOOKS	150.00

BOB IVERSON	MEALS REIMBURSEMENT	62.00
BOMGAARS	SUPPLIES	544.64
BONIK'S CARPET SERVICE	TILE WORK LIBRARY	719.98
BORDER STATES ELEC SUPPLY	SUPPLIES	3,744.70
BOUND TREE MEDICAL, LLC	SUPPLIES	128.42
BOYER TRUCKS	PARTS	31.63
BROADCASTER PRESS	ADVERTISING	1,389.41
BROWN TRAFFIC PRODUCTS	SUPPLIES	284.00
BRUNICKS SERVICE INC	PROPANE	57.00
BSN SPORTS INC	SUPPLIES	240.24
BUTCH'S PROPANE INC	PROPANE	1,187.01
BUTLER MACHINERY CO.	PARTS	4,138.30
BW INSURANCE AGENCY, INC	NOTARY BOND	100.00
C&H DISTRIBUTORS, INC	SUPPLIES	131.56
CALLAWAY GOLF	MERCHANDISE	176.30
CAM COMMERCE	MAINTENANCE	1,661.56
CAMPBELL SUPPLY	SUPPLIES	815.41
CANFIELD BUSINESS INTERIOR	LIBRARY FURNISHINGS	2,752.52
CASK & CORK	MERCHANDISE	982.82
CDW GOVERNMENT, INC	COMPUTER EQUIPMENT	1,384.68
CENTER POINT LARGE PRINT	BOOKS	23.77
CENTRAL STATES WIRE PRODUCTS	WIRE	1,721.50
CENTURY BUSINESS LEASING	COPIER LEASE	138.25
CENTURYLINK	TELEPHONE	742.13
CHERRY STREET GRILLE	ROLLS	66.50
CHESTERMAN CO	MERCHANDISE	1,004.37
CITY OF VERMILLION	COPIES/POSTAGE	1,438.72
CITY OF VERMILLION	UTILITIES	42,749.15
CLASSIC INDUSTRIAL SUPPLIES	UNIFORMS	527.45
CLAY CO REGISTER OF DEED	FILING FEES	120.00
CLAY RURAL WATER SYSTEM	WATER USAGE	67.70
CLEMET BOSTUCK	MOWING	545.00
COLONIAL LIFE ACC INS.	INSURANCE	3,040.66
CORINSURANCE	FIRE EQUIPMENT COVERAGE	1,174.25
COVENTRY HOUSE PUBLISHING	BOOKS	8.00
CULLIGAN WATER	SUPPLIES	13.00
D-P TOOLS	SUPPLIES	70.43
DAKOTA BEVERAGE	MERCHANDISE	14,833.10
DAKOTA CONST AND SUE FRENCH	STORM SEWER-MICKELSON	18,371.06
DAKOTA PC WAREHOUSE	SUPPLIES	89.97
DAKOTA SUPPLY GROUP	PARTS	2,585.30
DANKO EMERGENCY EQUIPMENT	SUPPLIES	286.12
DELTA DENTAL PLAN	INSURANCE	6,264.26

DEMCO	SUPPLIES	1,771.74
DENNIS MARTENS	MAINTENANCE	833.34
DEPT OF REVENUE	TESTING	377.00
DETCO	SUPPLIES	377.34
DGR ENGINEERING	PROFESSIONAL SERVICES	8,434.33
DIAMOND VOGEL PAINTS	WHITE TRAFFIC PAINT	3,036.00
DIANE'S GREENHOUSE	PLANTS	49.98
DIESEL SPECIALTIES, INC	REPAIRS	1,446.23
DITCH WITCH OF SD	REPAIRS	1,180.74
DIVISION OF MOTOR VEHICLE	TITLE & PLATES	10.00
DUECO, INC	DERRICK DIGGER	241,037.00
DUST TEX	SUPPLIES	104.80
E.A SWEEN COMPANY	SUPPLIES	78.70
EARTHGRAINS BAKING CO'S INC	SUPPLIES	108.09
EBERLE DESIGN INC	REPAIRS	178.00
ECHO ELECTRIC SUPPLY	SUPPLIES	2,219.32
ED M. FELD EQPT CO	SUPPLIES	27.42
EMPIRE BUILDING CONST	REPAIRS	3,326.00
ENVIRONMENTS	SUPPLIES	240.16
EZ-LINER INDUSTRIES	PARTS	32.21
FAR FROM NORMAL	SUPPLIES	39.75
FARMER BROTHERS CO.	SUPPLIES	81.34
FASTENAL COMPANY	SUPPLIES	75.45
FOOT-JOY	MERCHANDISE	120.62
FOREMAN MEDIA	COUNCIL MTG	50.00
FRED HAAR CO, INC	PARTS	18.92
GEOTEK ENGINEERING	PROFESSIONAL SERVICES	1,380.00
GRAHAM TIRE CO.	TIRES	949.14
GRAINGER	SUPPLIES	21.94
GRAYBAR ELECTRIC	SUPPLIES	3,610.00
GRAYMONT CAPITAL INC	CHEMICALS	7,615.15
GREGG PETERS	FREIGHT	3,012.75
GREGG PETERS	RENT	937.50
GUARANTEE OIL CO INC	OIL	855.26
GUARANTEE ROOFING & SIDING	ROOF OLD LIBRARY	9,442.00
HALI-BRITE INC.	SUPPLIES	3,088.87
HARTINGTON TREE LLC	PROFESSIONAL SERVICES	1,956.00
HAUGER YARD/SNOW SERVICE	MOWING	100.00
HAWKINS INC	CHEMICALS	1,097.32
HD SUPPLY WATERWORKS	SUPPLIES	17,761.86
HDR ENGINEERING, INC	PROFESSIONAL SERVICES	9,040.62
HEALTH CARE LOGISTICS	SUPPLIES	306.94
HEIMAN, INC.	INSPECTION	260.32

HELGET SAFETY SUPPLY, INC	SAFETY EQUIPMENT	102.78
HELMS & ASSOCIATES	PROFESSIONAL SERVICES	2,920.24
HENDERSONS ULTIMATE CAR WASH	CAR WASH	100.00
HERREN-SCHEMPP BUILDING	SUPPLIES	1,976.93
HILLYARD FLOOR CARE SUPPLY	SUPPLIES	86.32
HY VEE FOOD STORE	SUPPLIES	426.44
ID CARDS UNLIMITED	PATRON KEY CHAIN CARDS	332.40
IN CONTROL, INC	PROFESSIONAL SERVICES	144.38
INDEPENDENCE WASTE	WASTE HAULING/TOILET RENTAL	1,509.20
INGRAM	BOOKS	3,149.48
ISAAC VOSS	GAS REIMBURSEMENT	42.00
JACKS UNIFORM & EQPT	UNIFORMS/EQUIPMENT	1,399.90
JASON ANDERSON	MEALS REIMBURSEMENT	40.00
JOHN A CONKLING DIST.	MERCHANDISE	9,907.75
JOHN C. PRESCOTT	MEALS REIMBURSEMENT	133.00
JOHN WALKER	MEALS REIMBURSEMENT	40.00
JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	43,173.63
JOHNSON CONTROLS	REPAIRS/MAINTENANCE	5,129.79
JOHNSON FEED, INC	REPAIRS	432.56
JONES FOOD CENTER	SUPPLIES	2,497.99
KAIUS HELENURM	WATER HEATER REBATE	240.00
KALINS INDOOR COMFORT	REPAIRS	144.00
KARL BOTTESINI	WORK BOOTS REIMBURSEMENT	25.00
KARSTEN MFG CORP	MERCHANDISE	193.02
LARGE PRINT OVERSTOCKS	BOOKS	167.82
LAYNES WORLD	PLAQUE	65.03
LEISURE LAWN CARE	PROFESSIONAL SERVICES	25.00
LINCOLN MUTUAL LIFE	INSURANCE	450.02
LONGS PROPANE INC	PROPANE	27.00
LP GILL, INC	TIRE DISPOSAL	487.00
M.W BEVINS CO	REPAIRS	177.65
MAINLAND ENGRAVING LLC	MEDALS/RIBBONS	76.75
MALLOY ELECTRIC	SUPPLIES	1,668.39
MARKS MACHINERY	PARTS	5,566.68
MART AUTO BODY	TOWING/PARTS	904.45
MARTY GILBERTSON	ARMORY BOILER REPLACEMENT	31,653.00
MATHESON TRI-GAS, INC	SUPPLIES	203.27
MATTHEW BENDER & CO, INC	BOOKS	70.39
MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	769.38
MEAD LUMBER	SUPPLIES	233.37
MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	192.23
MIDWEST ALARM CO	ALARM MONITORING	141.75
MIDWEST BUILDING MAINTENANCE	MAT SVC	617.95

MIDWEST READY MIX & EQUIPMENT	CONCRETE	318.00
MIDWEST TURF & IRRIGATION	PARTS	1,285.99
MISSOURI RIVER ENERGY SERVICE	INFRARED INSPECTION	1,847.68
MISSOURI VALLEY MAINTENANCE	REPAIRS	1,697.50
MOORE WELDING & MFG	REPAIRS	30.00
McLAURY ENGINEERING	PROFESSIONAL SERVICES	338.50
NCL OF WISCONSIN, INC	CHEMICALS	210.51
NETSYS+	PROFESSIONAL SERVICES/REPAIRS	326.25
NEW YORK LIFE	INSURANCE	94.02
NEWMAN TRAFFIC SIGNS	SUPPLIES	348.01
NORTHERN TRUCK EQPT CORP	SUPPLIES	193.20
OFFICE SYSTEMS CO	COPIER CONTRACT	364.00
OVERHEAD DOOR OF SIOUX CITY	DOORS	2,164.00
PAUL BRUNICK	MEALS/MILEAGE REIMBURSEMENT	140.00
PCC, INC	COMMISSION	2,909.10
PITNEY BOWES	POSTAGE METER RENT	242.49
PITNEY BOWES, INC	SUPPLIES	122.38
PLAIN TALK PUBLISHERS	SUBSCRIPTION	26.00
PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
POWERPHONE, INC	SERVICE AGREEMENT	379.00
PRAIRIE BERRY WINERY	MERCHANDISE	896.00
PRESSING MATTERS	SUPPLIES	682.20
PRESTO-X-COMPANY	INSPECTION/TREATMENT	49.25
PRINT SOURCE	COPIES	227.50
PUMP N PAK	FUEL	2,568.32
QUALITY MOTORS	REPAIRS	56.98
QUEEN CITY WHOLESALE	MERCHANDISE	444.84
QUILL	SUPPLIES	2,455.28
RACOM CORPORATION	MAINTENANCE CONTRACT	386.75
RANDOM HOUSE, INC	BOOKS	107.50
RANDY ISAACSON	MEALS REIMBURSEMENT	40.00
RANDY VOSS	PROFESSIONAL SERVICES	150.00
RASMUSSEN MOTORS, INC	REPAIRS	51.79
RECORDED BOOKS, INC	BOOKS	173.20
REINHART FOODSERVICE, LLC	SUPPLIES	1,105.70
REPUBLIC NATIONAL DIST	MERCHANDISE	39,951.81
RIVERSIDE HYDRAULICS & LAB	PARTS	263.46
ROAD KING, INC	SUPPLIES	115.51
ROGER & MARY TURNER	WATER HEATER REBATE	315.00
SAFETY BENEFITS INC	REGISTRATION	65.00
SANITATION PRODUCTS	PARTS	544.79
SCHAEFFER MFG. CO	SUPPLIES	25.60
SD GOLF ASSOCIATION	MENS/WOMENS HANDICAP	990.00

SD PLANNERS ASSOCIATION	REGISTRATION	370.00
SD PUBLIC ASSURANCE ALLIANCE	INSURANCE VEHICLE	471.00
SD RETIREMENT SYSTEM	CONTRIBUTION	48,223.65
SECURITY SHREDDING SERVICE	SHREDDING CONTAINERS	35.00
SERVALL TOWEL & LINEN	SHOP TOWELS	16.80
SHOPKO STORES OPERATING CO	SEWER CERTIFICATES	6,264.00
SOOLAND BOBCAT	TRAINING KIT	168.75
STANDARD READY MIX CONCRETE	REPAIRS	93.48
STANLEY SECURITY SOLUTIONS	SUPPLIES	59.17
STERN OIL CO.	FUEL	6,536.58
STEWART OIL-TIRE CO	TIRES	619.90
STUART C. IRBY CO.	TOOLS	226.61
STURDEVANTS AUTO PARTS	PARTS	1,612.53
TENELLE CHOAL	REIMBURSEMENT NOTARY FEE	30.00
THATCHER COMPANY	SODA ASH	27,350.40
THE EQUALIZER	ADVERTISING	842.45
THE NEW SIOUX CITY IRON CO	PARTS	25.15
TIM TAGGART	MEALS REIMBURSEMENTS	62.00
TITAN ACCESS ACCOUNT	PARTS	2,190.51
TODD HALVERSON	SAFETY BOOTS REIMBURSEMENT	100.00
TOTAL FLOORING	TILE FOR LIBRARY	292.36
TRI TECH SALES	PARTS	274.13
TRUE VALUE	SUPPLIES	338.33
TURNER PLUMBING	SEPTIC TANK-AIRPORT	6,086.75
UNITED PARCEL SERVICE	SHIPPING	156.89
UNITED WAY	CONTRIBUTIONS	335.20
VANTAGE CUSTOM CLASSICS, INC	MERCHANDISE	1,221.40
VERIZON WIRELESS	WIRELESS COMMUNICATION	334.54
VERMEER HIGH PLAINS	PARTS	282.13
VERMILLION ACE HARDWARE	SUPPLIES	1,139.65
VERMILLION CHAMBER OF COMMERCE	CONTRIBUTION	46,350.00
VERMILLION CONCRETE	CONCRETE WORK	10,211.43
VERMILLION NOW!	COMMERCE STREET EXPENSES	407.40
VESSCO, INC	REPAIRS	295.03
VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	7,094.78
WAL-MART COMMUNITY	SUPPLIES	543.15
WALKER CONSTRUCTION	JUNK/DEBRIS REMOVAL	370.00
WALT'S HOMESTYLE FOODS, INC	SUPPLIES	55.00
WESCO DISTRIBUTION, INC	SUPPLIES	4,455.57
WINKLER ROOFING, INC	ROOF REPAIRS	1,945.00
WOW! BUSINESS	E911 CIRCUIT	1,365.50
XIAOYU ZHOU	TUMBLING REFUND	20.00
YANKTON JANITORIAL SUPPLY	SUPPLIES	685.30

YANKTON WINNELSON CO	SUPPLIES	150.00
ZEE MEDICAL SERVICE	SUPPLIES	85.75
ZIMCO SUPPLY CO	SUPPLIES	8,173.19
JANET HOFF	BRIGHT ENERGY REBATE	50.00

Alderman Collier-Wise seconded the motion. Motion carried 8 to 0.
 Mayor Powell declared the motion adopted.

12. Consensus Agenda

A. Set a bid opening date of November 13, 2013 for the sale of a surplus skid steer loader.

321-13

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

13. Adjourn

322-13

Alderman Osborne moved to adjourn the Council Meeting at 8:40 p.m. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 7th day of October, 2013.

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
RECOGNIZING NOVEMBER 1, 2013 as EXTRA MILE DAY**

WHEREAS, the City of Vermillion, South Dakota is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, the City of Vermillion, South Dakota is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, the City of Vermillion, South Dakota is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, the City of Vermillion, South Dakota acknowledges the mission of Extra Mile America to create 400 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2013.

NOW THEREFORE, we, the governing body of the City of Vermillion, South Dakota, do hereby proclaim **November 1, 2013** to be

Extra Mile Day

We urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

Dated in Vermillion, South Dakota this 21st day of October, 2013.

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

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

Council Agenda Memo

From: Farrel Christensen, Building Official

Meeting: October 21, 2013

Subject: Second Reading of Ordinance 1307 –Amending Chapter 150, Building Regulations, removing the building permit exemption for replacement windows in existing openings and adding regulations and requirements for replacement windows

Presenter: Farrel Christensen

Background: During the recent upgrade to the rental housing ordinance and the implementation of the health, safety and welfare retrofit it became apparent that some existing buildings with compliant egress windows were having new non-compliant windows installed. When the International Building Code and International Residential Code were adopted, the ordinance included an exception in the permit requirement section that allows windows to be replaced in existing openings without a permit. Due to this exception many owners chose to install double hung windows in place of casement style windows effectively reducing the openable area by half, creating a non-compliant window and an unsafe condition.

City Council approved first reading of Ordinance 1307 at the October 7th meeting. In the two weeks following the first reading the only comments provided to the City have been positive in regard to the ordinance. The individuals contacting the City felt the requirement would be beneficial in preventing the wrong type of window from being installed. No changes have been made to the Ordinance since the first reading.

Discussion: By eliminating this exception and requiring permits for replacement windows, City staff will have a chance to review the proposed window replacement and make sure replacement windows are correct for the specific application. This proposed ordinance would apply to all window replacement including rental housing and owner occupied buildings. Ordinance 1307 will amend Chapter 150 to require a permit for buildings and structures covered by the International Building Code and International Residential Code, which will include apartments, commercial structures, one and two family dwellings, and townhomes.

Several cities in South Dakota already require a permit for window replacement. However, this is a change to current Vermillion practice and an item that will need public

education. Staff is proposing an effective date for the ordinance of January 1, 2014. This will provide time for the Code staff to notify contractors, landlords and the public.

Financial Consideration: The City Council typically sets the fee for a permit with the second reading of any ordinance. A resolution setting the fee for window replacement is under New Business. The fee will not generate a significant amount of revenue but will offset the cost of plan review and inspection. The City will have the cost of publication if the ordinance is adopted.

Conclusion/Recommendations: Administration recommends adoption of the second reading of ordinance number 1307. A roll call vote is required for the second reading of any ordinance.

ORDINANCE NO. 1307

AN ORDINANCE AMENDING CHAPTER 150, BUILDING REGULATIONS, REMOVING THE BUILDING PERMIT EXEMPTION FOR REPLACEMENT WINDOWS IN EXISTING OPENINGS AND REQUIRING A BUILDING PERMIT FOR THE REPLACEMENT OF WINDOWS IN EXISTING OPENINGS;

SECTION 150.02 INTERNATIONAL BUILDING CODE ADOPTED: ADDING 150.02 (B) 9 (a) AND DELETING SECTION 150.02 (B) (10) (9);

SECTION 150.03 INTERNATIONAL RESIDENTIAL CODE ADOPTED: ADDING SECTION 150.03 (B) 6 (a) AND DELETING SECTION 150.03 (B) (7) (9).

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that Section 150.02 (B) 9 (a) be added as follows:

150.02 INTERNATIONAL BUILDING CODE ADOPTED.

(B) The following additions, deletions, modifications, or amendments to the International Building Code, 2009 are hereby incorporated into and made a part of this code.

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

(a) Replacement windows in existing openings

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

Exceptions

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

BE IT FURTHER ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that Section 150.02 (B) (10) (9) be deleted as follows:

150.02 INTERNATIONAL BUILDING CODE ADOPTED.

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

Building:

BE IT FURTHER ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that Section 150.03 (B) 6 (a) be added as follows:

150.03 INTERNATIONAL RESIDENTAL CODE ADOPTED.

(B) The following additions, deletions, modifications, or amendments to the International Residential Code, 2009 are hereby incorporated into and made a part of this code.

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

(a) Replacement windows in existing openings

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

Exceptions

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

BE IT FURTHER ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that Section 150.03 (B) (7) (9) be deleted as follows:

150.03 INTERNATIONAL RESIDENTAL CODE ADOPTED.

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

Building:

BE IT FURTHER ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that the effective date of this ordinance shall be January 1, 2014.

Dated at Vermillion, South Dakota this 21th day of October, 2013.

THE GOVERNING BODY OF THE
CITY OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

First Reading: October 7, 2013
Second Reading: October 21, 2013
Publish: November 1, 2013
Effective: January 1, 2014

RESOLUTION ESTABLISHING FEES FOR WINDOW REPLACEMENT IN EXISTING OPENINGS

WHEREAS, the City of Vermillion is authorized, under Section 105.1(a) of International Building Code as adopted and made part of the City of Vermillion Code of Ordinances, to set fees for window replacement by resolution; and

WHEREAS, the City of Vermillion is authorized, under Section R105.1(a) of International Residential Code as adopted and made part of the City of Vermillion Code of Ordinances, to set fees for window replacement by resolution; and

WHEREAS, the City wishes to set a flat fee for window replacement to be effective January 1, 2014.

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby authorizes the fee for the replacement of windows to be \$25.00 dollars for each permit regardless of the number of windows.

Dated at Vermillion, South Dakota this 21th day of October, 2013

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

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

Council Agenda Memo

From: Farrel Christensen, Building Official

Meeting: October 21, 2013

Subject: Resolution Establishing Fees for Window Replacement in Existing Openings

Presenter: Farrel Christensen

Background: The need to regulate the replacement of windows has led to the proposing of Ordinance 1307. This second reading of Ordinance 1307 is earlier on this agenda. If the City Council approves the second reading of the Ordinance as presented, it would be necessary to establish a fee for window permits as requiring building permits for window replacement in existing openings. Rather than use the existing fee schedule that determines the cost of the permit based on the estimated cost of the work, staff has proposed a flat fee for window replacement.

Discussion: When looking for an example of existing ordinances used by other cities in South Dakota the most common permit fee structure used was a flat fee for window replacement and the most common amount was \$25.00. This number also represents the first step in the City's existing fee schedule and as such works well with the existing system. The staff time necessary to review and inspect replacement windows is less demanding than most other types of permit applications and typically when applied to one window works for others in a multiple replacement situations so a flat fee seems appropriate.

Financial Consideration: The proposed fee for window replacement is \$25.00 per permit regardless of the number of windows. The publication fees to inform contractors and property owners should not be significant.

Conclusion/Recommendations: Administration recommends adoption of the resolution.

Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: October 21, 2013
Subject: Resolution for Sale of 2013 Special Assessment Bond
Presenter: Mike Carlson

Background: The resolution for special assessments regarding the concrete surfacing of street, trails and sidewalk on Stanford Street from West Main Street to West Cherry Street was adopted in 2012. The construction was completed and, following a public hearing, the City Council adopted the resolution creating the assessment rolls. The resolution provided for the payment of the assessments within 30 days of the adoption of the resolution without interest. After this time, the assessments are to be collected in 10 equal installments at 10 percent interest using the procedures for Plan One through the County Treasurer.

Discussion: To reimburse the City's Capital Projects Special Assessment fund for the construction costs that have not been paid, following the 30-day period, a special assessment bond needs to be sold in the amount of \$45,898.27. The bond is payable over 10 years at 4 percent interest with annual principal and interest payments due July 1st of each year. Due to the size of the special assessment bond, and the costs of selling such a bond, the city has purchased these bonds in the past with electric fund reserves as an investment. This saves the bond council fees and bond sales commission. The difference in interest between the 4 percent on the bond and what is assessed to the property owners is to cover any late payments or unmade payments.

The bond information has been reviewed by Jim McCulloch and his opinion letter is attached.

Financial Consideration: The capital projects special assessment fund needs to sell a bond to replenish the expenditures for the project in the amount of \$45,898.27. The electric fund has reserves available to purchase the bond. The 4 percent offered on the bond is in excess of what can be earned on current electric reserves.

Conclusion/Recommendations: Administration recommends the adoption of the Resolution relating to the levying and collection of special assessments for improvements in the City of Vermillion providing for the issuance of 2013 special assessment

8. New business; item b

improvement bond for such projects and the form thereof, establishing a revolving fund for payment and for the sale of said bond.



25 Center Street • Vermillion, SD 57069

Ph: 605.677.7050 • Fax: 605.677.5461

Info@cityofvermillion.com

www.vermillion.us

October 15, 2013

Mr. Michael D. Carlson
Finance Officer
25 Center Street
Vermillion, SD 57069

RE: 2013 Special Assessment Improvement Bond

Dear Mr. Carlson:

At your request, I have reviewed the proposed 2013 Special Assessment Improvement Bond to be paid out of special assessments against real properties affected by the following mentioned public improvement projects, viz:

CONCRETE SURFACING OF STREET, TRAILS AND SIDEWALKS ON:

Stanford Street from West Main Street to West Cherry Street

It is my understanding that the bond will be considered for adoption at the October 21, 2013 meeting of the governing body. Assuming that each of the projects mentioned in the bond was properly initiated, acted upon and concluded as set forth in the Finance Officer's several certificates attached to each parcel, and that the amount levied to pay the costs of all of them equaled \$45,898.27, it is my opinion that the bond and proceeding for the bond comply with SDCL 9-43-114 and SDCL 9-43-125 and related statutes.

Based on the forgoing assumptions, it is my opinion that the bond meets the requirements of the law and will be a legally binding obligation and enforceable if duly adopted and executed in the form and content which you have proposed for review.

Yours truly,
City of Vermillion

Jim McCulloch
City Attorney

RESOLUTION RELATING TO THE LEVYING AND COLLECTING OF SPECIAL
ASSESSMENTS FOR IMPROVEMENTS IN THE CITY OF VERMILLION
PROVIDING FOR THE ISSUANCE OF 2013 SPECIAL ASSESSMENT
IMPROVEMENT BOND FOR SUCH PROJECTS AND THE FORM THEREOF,
ESTABLISHING A REVOLVING FUND FOR PAYMENT
AND FOR THE SALE OF SAID BOND

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERMILLION, SOUTH DAKOTA

Section 1. That the special assessments to be levied for the following public improvements in the City of Vermillion, South Dakota, via:

CONCRETE SURFACING OF STREET, TRAILS AND SIDEWALKS ON:

Stanford Street from West Main Street to West Cherry Street

According to plans therefore, all on file in the office of the City Engineer in the City of Vermillion for the calendar year of 2012 and 2013, are hereby designated as 2013 Special Assessment Improvements Bond, and the same hereby are divided into equal annual installments, as specified in the Resolution of Necessity providing therefore.

Section 2. That all assessments referred to in this Resolution shall be collected in accordance with the provisions of Plan One as provided by SDCL 9-43-114 to 9-43-125 inclusive, and each of the installments above provided for shall have interest and penalty added thereto, as provided by said Plan One.

Section 3. That Municipal Finance Officer shall hereafter and in the time provided by law certify such assessments to the County Auditor and County Treasurer for collection as provided by law.

Section 4. That in lieu of issuing special assessment certificate, the City may issue its negotiable bond without a vote of the electors in an amount not exceeding the entire assessment and shall sell the same at not less than par with accrued interest to pay the costs of said improvements. Any such bond shall mature not later than one year after the maturity of the last assessment installment and bare interest, as hereinafter set forth, payable the first day of July in each year, commencing July 1, 2014. All amounts derived from these special assessments shall be receipted into the accountability of the special assessment fund, separate from all other funds of the City of Vermillion, and shall be used only for the payment of such bond and interest. The proceeds of the sale of said bond shall be placed in a separate account within the said fund and be used only for the payment of the costs of the improvements aforesaid. No money shall be transferred out of said fund until all obligations which are or may be charged against the same have been discharged, including the contract price and all the engineering, inspection, publication, fiscal, legal and interest during construction, and other expenses incidental thereto.

That said bond shall be callable at the option of the City at any time, upon 30 days notice to be mailed to the holder of the bond, if known, and in order of serial numbers, lowest numbers first at par, plus accrued interest. Thereafter the governing body may transfer any unexpended and unobligated balance to the general fund.

Section 5. The total amount of such assessments, at the time of adoption of this Resolution is estimated to be \$45,898.27.

Section 6. That the bond to be issued in accordance with the foregoing Resolution shall be in the principal amount of \$45,898.27 and shall be payable in installments of \$4,589.86 for the year 2014, \$4,589.86 for year 2015, \$4,589.85 for year 2016, \$4,589.83 for year 2017, \$4,589.82 for year 2018, \$4,589.81 for year 2019, \$4,589.81 for year 2020, \$4,589.81 for year 2021, \$4,589.81 for year 2022, \$4,589.81 for year 2023 and payable in accordance with the following maturity schedule:

Special Assessment Bonds				
2013				
	Principal Payment	0.04 Interest	Total Payment	Balance 45,898.27
07/01/2014	4,589.86	1,267.55	5,857.41	41,308.41
07/01/2015	4,589.86	1,652.34	6,242.20	36,718.55
07/01/2016	4,589.85	1,468.74	6,058.59	32,128.70
07/01/2017	4,589.83	1,285.15	5,874.98	27,538.87
07/01/2018	4,589.82	1,101.55	5,691.37	22,949.05
07/01/2019	4,589.81	917.96	5,507.77	18,359.24
07/01/2020	4,589.81	734.37	5,324.18	13,769.43
07/01/2021	4,589.81	550.78	5,140.59	9,179.62
07/01/2022	4,589.81	367.18	4,956.99	4,589.81
07/01/2023	<u>4,589.81</u>	<u>183.59</u>	<u>4,773.40</u>	0.00
	45,898.27	9,529.21	55,427.48	

At the option of the purchaser, a single registered bond may be issued and delivered to the purchaser, and registered as to principal and interest.

Section 7. That all the proceeds of said special assessments are specifically appropriated to the payment of the bond aforesaid, as provided in the terms and conditions of said bond.

Section 8. The offer of the City of Vermillion to purchase said bond with Electric Fund funds at the price of par plus accrued interest to date of delivery is hereby determined to be a fair offer and is hereby accepted, and the Mayor and the Municipal Finance Officer are hereby authorized to execute a contract with said purchaser providing for the sale of said bond.

Section 9. This Resolution adopted by the City Council of the City of Vermillion in conformity with SDCL 9-43-114.

Dated at Vermillion, South Dakota this 21st day October, 2013.

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

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: October 21, 2013

Subject: Resolution authorizing the prepayment of the tax incremental revenue bond series 2005 upon collection of 2012 levy

Presenter: Mike Carlson

Background: A tax incremental revenue bond was issued in June 2005 for improvements in the Brooks Industrial Park where Masaba Mining Equipment Company is located. The TIF 4 district improvements were funded by the bond and grant funds. The tax increment from the district was pledged to retire the bond plus interest. The bond issued in 2005 had a maturity date of 2020 and carried a 4.25% interest rate. There is currently \$355,000 of principal remaining on the bond.

Discussion: The taxable value of property in the tax increment district has exceeded the original projections. With the collection of the balance of the 2012 tax levy due in 2013 and bond reserve, there will be enough funds to prepay the bond. The bond resolution provided that the bonds could be prepaid on or any date after December 1, 2010 upon providing 30 days notice to the registrar. The resolution will authorize the finance officer to provide the notice to the bond registrar of the intent to prepay the bond. The County Treasurer has agreed to notify the finance office when the balance of the 2012 levy payable in 2013 is collected. This resolution will authorize the notice to be sent to the registrar for the request to prepay the Tax Increment Revenue Bonds Series 2005 following notice from the County Treasurer of the tax payment.

Financial Consideration: There will be some interest savings by providing the notice of prepayment prior to the next City Council meeting.

Conclusion/Recommendations: Administration recommends adoption of the resolution that will authorize the finance officer to provide notice of the prepayment of the Tax Increment Revenue Bond Series 2005 upon collection of the balance of the current years taxes in the district.

**RESOLUTION AUTHORIZING THE PREPAYMENT OF THE
TAX INCREMENTAL REVENUE BOND SERIES 2005
UPON COLLECTION OF 2012 LEVY**

WHEREAS, the City of Vermillion issued Tax Incremental Revenue Bonds Series 2005 dated June 1, 2005 for improvements in tax incremental district number four; and

WHEREAS, the tax increment collections to date along with the 2012 levy remaining to be collected in 2013 and the bond reserve will be sufficient to retire the remaining bonds plus accrued interest; and

WHEREAS, the bond resolution for the Tax Incremental Revenue Bonds Series 2005 provides for the prepayment at the option of the City on or any date after December 1, 2010 upon providing 30 days notice; and

WHEREAS, the prepayment of the bonds will reduce the amount of interest due on the bonds.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion that the Finance Officer is hereby authorized to provide the notice to the Registrar of the City's request to prepayment the Tax Incremental Revenue Bonds Series 2005 upon receipt of the 2013 property tax revenues sufficient to retire the outstanding bonds plus the accrued interest.

Dated at Vermillion, South Dakota this 21th day of October, 2013.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

CITY OF VERMILLION
 INVOICES PAYABLE-OCTOBER 21, 2013

1 ARCHITECTURE INC.	PROFESSIONAL SERVICES	1,500.00
2 BUREAU OF ADMINISTRATION	TELEPHONE	264.35
3 BURKE ENGINEERING SALES CO	PARTS	535.00
4 CAMPBELL SUPPLY	SUPPLIES	15.97
5 CANON FINANCIAL SERVICES	COPIER LEASE	196.27
6 CENTURYLINK	TELEPHONE	1,481.31
7 CITY OF VERMILLION	LANDFILL VOUCHERS	372.00
8 CLAY-UNION ELECTRIC CORP	3 PHS POWER - LANDFILL	5,209.69
9 DANKO EMERGENCY EQUIPMENT	SUPPLIES	3,799.13
10 DEPT OF REVENUE	LICENSE RENEWAL	275.00
11 DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	2,880.06
12 DIAMOND VOGEL PAINTS	TRAFFIC PAINT	3,667.04
13 FIRST NATIONAL BANK	CITY HALL DEBT SERVICE	261,371.85
14 GREGG PETERS	MANAGERS PROFIT	23,015.21
15 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	210.00
16 MATHESON TRI-GAS, INC	SUPPLIES	104.95
17 MIDAMERICAN	GAS MAIN & USAGE	49,251.02
18 MIDCONTINENT COMMUNICATION	INTERNET/CABLE SERVICE	118.55
19 RESERVE ACCOUNT	POSTAGE FOR METER	950.00
20 SD PUBLIC ASSURANCE ALLIANCE	LIABILITY & VEHICLE INS	127,504.10
21 SPRINT	CELL PHONES	1,282.29
22 STERN OIL CO.	FUEL	24,147.91
23 THE EQUALIZER	ADVERTISING	45.75
24 UNITED PARCEL SERVICE	SHIPPING	52.67
25 US POSTMASTER	POSTAGE	1,025.00
26 VERMILLION AREA COMMUNITY	ROUND UP PROGRAM	204.41
27 VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	573.96
28 WOW! BUSINESS	DIALUP SERVICE	49.95
29 NICK CERNY	BRIGHT ENERGY REBATE	250.00
	GRAND TOTAL	\$510,353.44