



Special Meeting Agenda

City Council

12:00 p.m. (noon) Special Meeting
Monday, May 18, 2015
Large Conference Room-City Hall
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Educational Session – Acknowledge receipt of Initiative Petition repealing sections 112.24 through 112.31 imposing a charge upon malt beverage purchases pursuant to SDCL 35-4-60.2.**
3. **Educational Session – COPS Grant – Matt Betzen.**
4. **Briefing on the May 18, 2015 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.

Council Agenda Memo

From: Mike Carlson

Meeting: May 18, 2015

Subject: Acknowledge receipt of Initiative Petition to repeal sections 112.24 through 112.31 imposing a charge upon malt beverage purchases pursuant to SDCL 35-4-60.2

Presenter: Mike Carlson

Background: The City Council approved second reading of Ordinance 1325 enacting sections 112.24 through 112.31 that imposed a 5% charge upon malt beverage purchases pursuant to SDCL 35-4-60.2 on February 17, 2015. The ordinance was published on February 27, 2015 and became effective 20 days after on March 19, 2015. A referendum petition was received on March 18, 2015 that was determined by the City Attorney to not be valid due to the wording on the petition. An Initiative Petition to repeal sections 112.24 through 112.31 imposing a charge upon malt beverage purchases pursuant to SDCL 35-4-60.2 was received on May 11, 2015 from Blaine Schoellerman. A copy of the petition was taken to City Attorney Jim McCulloch for review. A voter registration list was requested from the County Auditor that contained 5,187 registered voters. To meet the 5% requirement would mean 260 signatures. I compared the signatures on the petition to the voter registration list and determined that there were over 260 valid signatures on the petitions. Jim McCulloch called to say that the content of the petition complies with statute thus a valid initiative petition was presented.

Discussion: The following state statute requires the petition to be presented to the City Council at its first ensuing regular or special meeting and that the Governing Body submits the petition to a vote as prescribed for referendum (SDCL 9-20-11). This petition is being presented at the noon special meeting as it is the first ensuing special meeting.

9-20-4. Presentation of initiative petition to governing body--Submission to voters. When a petition to initiate is filed with the finance officer, the finance officer shall present the petition to the governing body at its first ensuing regular or special meeting. The governing body shall submit the petition to a vote of the voters in the manner prescribed for a referendum.

The statute for setting an election for referendum is as follows:

9-20-11. Date of election on referendum petition--No action taken pending election. The governing body shall, upon the presentation of a petition pursuant to § 9-20-6, submit the question to the electors at the next annual municipal election or the next general election, whichever is earlier. Pending the election, the governing body may take no action with respect to the subject matter of the petition that would alter or preempt the effect of the proposed petition. However, the governing body may expedite the date of the election by ordering, within ten days of receiving the petition, a special election to be held on a Tuesday not less than thirty days from the date of the order of the governing body.

The next scheduled municipal election would be June 7, 2016. This election would be for the four city alderman positions and is combined with the primary election. The earliest that a special election could be held would be June 30, 2015. As the City has also received the referred petition on the daycare registration that will be presented at the evening meeting and will require Council action to set an election.

As to the election date the city has combined the biannual city election with the primary election to obtain a better voter turnout. In the past, special elections have had smaller voter turnout. If the election is set for June 2016 the malt beverage mark up will become effective July 1, 2015 and will await the June 2016 elections results to determine if it will continue or be repealed.

Financial Consideration: The cost of a special election using paper ballots are estimated at \$2,500 to \$3,000. The cost of a combined election with the County was \$2,500 in 2014.

Conclusion/Recommendations: As the policy is not to take formal actions at the noon meeting, the City Council can acknowledge receipt of the initiative petition and defer setting the election until the evening meeting.

MUNICIPAL INITIATIVE PETITION IN THE MUNICIPALITY OF VERMILLION

WE, THE UNDERSIGNED qualified voters of the municipality of Vermillion, the state of South Dakota, petition that the following ordinance be submitted to the voters of that municipality for their approval or rejection pursuant to law.

The proposed ordinance in proper form is as follows:

BE IT ORDAINED THAT TITLE XI BUSINESS REGULATIONS, CHAPTER 112 ALCOHOLIC BEVERAGES OF THE REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA SECTIONS 112.24 THROUGH 112.31 IMPOSING A CHARGE UPON MALT BEVERAGE PURCHASES PURUSANT TO SDCL 35-4-60.2 ARE HEREBY REPEALED.

*Received 5-11-15
1 of 36
MDC*

INSTRUCTIONS TO SIGNERS:

1. Signers of this petition must individually sign their names in the form in which they are registered to vote or as they usually sign their names.
2. Before the petition is filed, each signer or the circulator must add the residence address of the signer and the date of signing. If the signer is a resident of a second or third class municipality, a post office box may be used for the residence address.
3. Before the petition is filed, each signer or the circulator must print the name of the signer in the space provided and add the county of voter registration.
4. Abbreviations of common usage may be used. Ditto marks may not be used.
5. Failure to provide all information requested may invalidate the signature.

NAME	RESIDENCE	DATE/COUNTY
SIGN <i>William Willroth II</i>	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <i>PO Box 462</i>	DATE OF SIGNING <i>4-28-15</i>
PRINT <i>William Willroth II</i>	CITY OR TOWN <i>Vermillion SD</i>	COUNTY OF REGISTRATION <i>Clay</i>
SIGN <i>W H Willroth II</i>	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <i>PO Box 124</i>	DATE OF SIGNING <i>4-28-15</i>
PRINT <i>W H WILLROTH II</i>	CITY OR TOWN <i>Vermillion SD</i>	COUNTY OF REGISTRATION <i>Clay</i>
SIGN <i>Jennifer French</i>	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <i>302 Canby St</i>	DATE OF SIGNING <i>5-5-15</i>
PRINT <i>Jennifer French</i>	CITY OR TOWN <i>Vermillion</i>	COUNTY OF REGISTRATION <i>Clay</i>
SIGN <i>Susan M French</i>	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <i>1401 E MAIN</i>	DATE OF SIGNING <i>5-5-15</i>
PRINT <i>SUSAN M. French</i>	CITY OR TOWN <i>Vermillion SD 57060</i>	COUNTY OF REGISTRATION <i>Clay</i>
SIGN 5 _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____	DATE OF SIGNING _____
PRINT 5 _____	CITY OR TOWN _____	COUNTY OF REGISTRATION _____
SIGN 6 _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____	DATE OF SIGNING _____
PRINT 6 _____	CITY OR TOWN _____	COUNTY OF REGISTRATION _____
SIGN 7 _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____	DATE OF SIGNING _____
PRINT 7 _____	CITY OR TOWN _____	COUNTY OF REGISTRATION _____

NAME	RESIDENCE	DATE/COUNTY
SIGN 8 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN	DATE OF SIGNING _____ COUNTY OF REGISTRATION
SIGN 9 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN	DATE OF SIGNING _____ COUNTY OF REGISTRATION
SIGN 10 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN	DATE OF SIGNING _____ COUNTY OF REGISTRATION
SIGN 11 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN	DATE OF SIGNING _____ COUNTY OF REGISTRATION
SIGN 12 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN	DATE OF SIGNING _____ COUNTY OF REGISTRATION
SIGN 13 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN	DATE OF SIGNING _____ COUNTY OF REGISTRATION
SIGN 14 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN	DATE OF SIGNING _____ COUNTY OF REGISTRATION
SIGN 15 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN	DATE OF SIGNING _____ COUNTY OF REGISTRATION
SIGN 16 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN	DATE OF SIGNING _____ COUNTY OF REGISTRATION
SIGN 17 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN	DATE OF SIGNING _____ COUNTY OF REGISTRATION
SIGN 18 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN	DATE OF SIGNING _____ COUNTY OF REGISTRATION
SIGN 19 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN	DATE OF SIGNING _____ COUNTY OF REGISTRATION
SIGN 20 _____ PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN	DATE OF SIGNING _____ COUNTY OF REGISTRATION

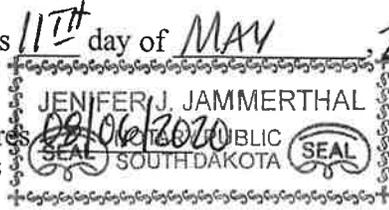
VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before filing.

Blaine Schoellerman 2531 E MAIN ST Vermillion SD 57004
 Print name of the circulator Residence Address City State

I, under oath, state that I circulated the above initiative petition, that each signer personally signed this petition in my presence, that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration, that I attest the legality of the signatures and that each person signing this petition is a resident and qualified voter of the municipality of Vermillion, South Dakota.

Sworn to before me this 11th day of MAY, 2015
 (Seal)



Signature of Circulator

 Signature of Officer Administering Oath
Jennifer J. Jammertal
 NOTARY PUBLIC, SOUTH DAKOTA
 Title of Officer Administering Oath



City of Vermillion Council Agenda

7:00 p.m. Regular Meeting
Monday, May 18, 2015
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. May 4, 2015 Special Session; May 4, 2015 Regular Session.
4. **Adoption of the Agenda**
5. **Visitors To Be Heard**
6. **Public Hearings**
 - a. Retail on-off sale wine license for Bonnie K. Rowland for Raziel's at 13 W Main Street.
 - b. Subdivision ordinance variance request for Duane and Jeanne Mehlhaf at 1322 E. Clark.
7. **Old Business**
 - a. Second Reading of Ordinance 1329 amending Chapter 90 Health and Safety, Section 90.16 Specific Nuisances adding Subsection 90.16(5) declaring snow and ice and all its subsections a specific nuisance.
8. **New Business**
 - a. Resolution adding and amending administrative fees for City abatement of nuisances.
 - b. Receipt of referendum petition and set an election date for Ordinance 1326 – daycare registration and safety requirements.
 - c. Set an election date for Initiative Petition repealing sections 112.24 through 112.31 imposing a charge upon malt beverage purchases pursuant to SDCL 35-4-60.2.
 - d. Selection of design alternative for Main / Center / Court Street intersection.
 - e. Request from USD to close North Dakota Street from Alumni Drive to East Duke Street from May 19, 2014 to May 27, 2014 for construction.
 - f. Request from USD to close Rose Street from Dakota Dome to 400-feet south of Dakota Dome from May 19, 2014 to May 27, 2014 for construction.
 - g. Request from Feimer Construction to close Cottage Avenue from West Cherry Street to West Dartmouth Street from May 20, 2015 to May 22, 2015.
 - h. Resolution authorizing the purchase of solid waste bale bags for landfill.
 - i. Library Board appointment.
9. **Bid Openings**
10. **City Manager's Report**
11. **Invoices Payable**

12. Consensus Agenda

- a. Set a public hearing date of June 1, 2015 for a special permit to exceed permissible sound levels by no more than 50% for the Vermillion Fire Department on July 4th in Barstow Park from 3:00 p.m. to 9:00 p.m.
- b. Set a public hearing date of June 1, 2015 for annual malt beverage license renewals.
- c. Set a public hearing date of June 1, 2015 for a special daily malt beverage and wine license for Vermillion Area Chamber of Commerce and Development Company for Coyoteopoly Shakespeare Festival June 11-14 in the Prentis Park Band shell area.

13. Adjourn

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

Addressing the Council: Persons addressing the Council shall use the microphone at the podium. Please raise your hand to be recognized, go to the podium and state your name and address.

a. Items Not on the Agenda Members of the public may speak under Visitors to Be Heard on any topic NOT on the agenda. Remarks are limited to 5 minutes and no decision will be made at this time.

b. Agenda Items: Public testimony will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen who wishes may speak one time for 5 minutes on each agenda item. Public testimony will then be closed and the topic will be given to the governing body for possible action. At this point, only City Council members and staff may discuss the current agenda item unless a Council member moves to allow another person to speak and there is unanimous consent from the Council. Questions from Council members, however, may be directed to staff or a member of the public through the presiding officer at any time.

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

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Vermillion City Council's Values and Vision

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



Unapproved Minutes
Council Special Session
May 4, 2015
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, May 4, 2015 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Erickson (arrived 12:02 p.m.), Holland, Clarene Meins, Holly Meins, Price, Ward, Willson, Mayor Powell

2. Educational Session- Report on Main/Center/Court traffic signal study options - Jose Dominguez

Jose Dominguez, City Engineer, stated that, as background, the 2012 Transportation Study questioned the efficiency of this intersection. Jose noted that with the need to update the traffic signals it was time to review and make changes before moving forward with updating the signals.

Alderman Erickson arrived at 12:02 p.m.

Jose stated that the consultant developed four options that were reviewed with a public input meeting followed with the City Council authorization to cover the signals, install stop signs, then review and report in the future. Jose reviewed the results from traffic and pedestrian counts conducted on the intersection. Jose reviewed the comments that were received on the intersection. Jose stated that at the May 18th meeting he will be requesting direction from the City Council on how to proceed on this intersection as a decision is needed before plans can be developed. Jose noted that this is a State funded project with a longer timeline, noting that plans need to be submitted this summer to the State for construction to begin in the 2016 season. Jose noted that if the signal is removed it most likely would not meet the state and federal requirements for a signaled intersection. Jose noted that there would need to be a considerable increase in both pedestrian and vehicle traffic to meet the state/federal warrants for a signal.

Jose noted that with the signal removal the plan is to extend the intersection curb bump outs to slow traffic. Jose noted that this should most likely be done at the other two intersections in the downtown area and, as such, maybe it is time to consider additional downtown improvements. Jose noted that there are grant funds available

to assist which would require application by late June with the notice of award being made in December. Jose stated that 49 of the 63 downtown properties have sidewalk that needs to be replaced and if the City Council wanted to consider some type of improvement program maybe an extension to the time for the sidewalk improvements may need to be considered. Jose stated that some public meetings may be needed to obtain property owner input before any final decision on downtown improvements. Discussion followed with Jose answering questions of the City Council on the project. The consensus of the City Council was to bring the traffic signal option to the next meeting and to work on options for the intersection.

John Prescott, City Manager, noted that, if the action is to remove the traffic signal, this most likely will not happen until the state awards a contract in 2016.

3. Educational Session - Update on Sidewalk Inspection and Repair Policy - Jose Dominguez

Jose Dominguez, City Engineer, reviewed the sidewalk inspection and repair policy noting that he has made the change listed in red in the handout. Jose stated that instead of referring to defective sidewalks by repair codes it has been changed to problems that are numbered 1 to 6 and the repair required for each problem listed. Jose stated that notice will be provided to affected property owners, after a contract is awarded, noting the start and completion deadline. Discussion followed with the consensus to proceed with the updated sidewalk inspection and repair policy.

4. Briefing on the May 4, 2015 City Council Regular Meeting Agenda

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

5. Adjourn

137-15

Alderman Ward moved to adjourn the Council special session at 12:36 p.m. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 4th day of May, 2015.

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

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
May 4, 2015
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, May 4, 2015 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Erickson, Holland, Clarene Meins, Holly Meins, Price, Ward, Willson, Mayor Powell

Absent: Collier-Wise

2. Pledge of Allegiance

3. Minutes

A. Minutes of April 20, 2015 Special Session; April 20, 2015 Regular Session

138-15

Alderman Willson moved approval of the April 20, 2015 Special Session and April 20, 2015 Regular Session minutes. Alderman Price seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

139-15

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

5. Visitors to be Heard - None

6. Public Hearings - None

7. Old Business

A. Second Reading of Ordinance 1328 amending Section 155.059 Community Oriented Healthcare Planned Development District, subsection (D) Lot and Yard regulations, adding a section for hospitals/clinics

Jose Dominguez, City Engineer, reported that this ordinance is an amendment to the Community Oriented Healthcare Planned Development District (PDD) that would increase the minimum building height for hospitals/clinics from 35 feet to 60 feet. Jose reported that the ordinance for this PDD was adopted in September 2014. Jose reviewed the heights of other structures in the city. Jose stated that the Planning Commission reviewed the proposed ordinance change at their April 13th meeting and recommended approval. Jose stated that the City Council approved first reading on April 20th and that no comments have been received. Jose recommended second reading of the ordinance.

140-15

Second reading of title to Ordinance No. 1328 entitled An Ordinance Amending Section § 155.059, Community Oriented Healthcare Planned Development District, Subsection (D) Lot And Yard Regulations, Adding a Section Regarding the Allowable Height For Hospitals/Clinics of the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1328 entitled An Ordinance Amending Section § 155.059, Community Oriented Healthcare Planned Development District, Subsection (D) Lot And Yard Regulations, Adding a Section Regarding the Allowable Height For Hospitals/Clinics of the City of Vermillion, South Dakota was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 20th day of April, 2015 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 4th day of May, 2015 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

BE IT RESOLVED and ordained that said Ordinance be adopted to read as follows:

ORDINANCE NO. 1328

AN ORDINANCE AMENDING SECTION § 155.059, COMMUNITY ORIENTED HEALTHCARE PLANNED DEVELOPMENT DISTRICT, SUBSECTION (D) LOT AND YARD REGULATIONS, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, ADDING A SECTION REGARDING THE ALLOWABLE HEIGHT FOR HOSPITALS/CLINICS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA that section § 155.059 Community Oriented Healthcare Planned Development District, subsection (D) Lot and Yard Regulations be amended to read as follows:

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

	Lot Area	Frontage	Building Line	Front Yard	Side Yard	Rear Yard	Maximum Height
Hospital/clinic	6000 square feet	50 feet	50 feet	25 feet	8 feet	25 feet	60feet
All other uses	6000 square feet	50 feet	50 feet	25 feet	8 feet	25 feet	35 feet
Off-premise parking lots	§ 155.072	NA	NA	10 feet	2 feet	10 feet	NA
Exceptions:							
#1 Where a side yard or rear yard is required half of the required yard must be maintained as a landscaped area.							
#2 There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of lots.							
#3 Parking lot setbacks will only be required when abutting or across from a residential zone.							
#4 See adjustments to yard regulations (§ 155.082) for other specific exceptions.							

Dated at Vermillion, South Dakota this 4th day of May, 2015

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Erickson. Thereafter, the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Erickson-Y, Holland-Y, Clarene Meins-Y, Holly Meins-Y, Price-Y, Ward-Y, Willson-Y, Mayor Powell-Y

Motion carried 8 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. First Reading of Ordinance 1329 amending Chapter 90 Health and Safety, Section 90.16 Specific Nuisances adding Subsection 90.16(5) declaring snow and ice and all its subsections a specific nuisance.

Farrel Christensen, Building Official, reported that there has been a problem with a small number of properties that have numerous violations. Farrel stated that neighbors to these properties raised the concern about the need to encourage the property owner to keep their properties cleaned up. Farrel stated that in April, 2006 the City Council passed an ordinance that set new guidelines for grass and weed violations including a new resolution for fees. Farrel stated that the resolution included a new approach that utilized a progressive rate with the first offense fee of \$10.00 that increased an additional twenty dollars for each subsequent offense during the year. Farrel noted that since implementing the new progressive fees tagging for grass and weeds tagging is greatly diminished. Farrel reported that the City Council at noon on April 20th discussed adding snow and ice violations and junk and debris to the progressive fee during a calendar year and recommended that the changes needed be brought to the following Council meeting for consideration. Farrel stated that this process will take two steps with the first being the change to the ordinance to add sidewalk snow and ice violations to the specific nuisance ordinance section and then with second reading of the ordinance will be the progressive fee resolution. Farrel stated that violations of the nuisance section will then have the progressive fee for all these violations in a calendar year then reset to the \$10 starting fee. Farrel answered question of the City Council on the proposed ordinance.

141-15

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1329 entitled An Ordinance Amending Chapter 90, Health And Safety; Nuisances, Section 90.16 Specific Nuisances, Adding Subsection 90.16(B)(5) to the 2008 Revised Ordinances, Declaring Section 96.12(A) Snow And Ice and all its Subsections A Specific Nuisance 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 4th day of May, 2015 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

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

B. Resolution to designate disabled parking stalls along a portion of South Plum Street between East Main Street and Jane Street

Jose Dominguez, City Engineer, reported that the City was contacted by Banner Associates, on behalf of Sanford Hospital, to see if the City would be willing to designate some of the public parking along South Plum Street as disabled parking. Jose noted that this request is due to the fact that the existing disabled parking provided by the hospital will be removed to allow for a more usable drop off area. Jose reviewed a map of the area noting that a total of six parking spaces will be removed on Plum Street to accommodate 4 disabled parking stalls and the aisles. Jose recommended approval of the resolution.

142-15

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

RESOLUTION TO DESIGNATE DISABLED PARKING SPACES ALONG A PORTION OF
SOUTH PLUM STREET BETWEEN EAST MAIN STREET AND JANE 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 South Plum Street, between East Main Street and Jane 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 four (4) parking spots be designated as Disabled Parking Space and that two (2) parking spots be designated as aisles to facilitate the use of the disabled parking spots South Plum Street, between East Main Street and Jane Street.

Dated at Vermillion, South Dakota this 4th day of May, 2015.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By: John E. (Jack) Powell, Mayor

Attest:

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.

C. Airport Consultant Selection for 2015 through 2019

Jose Dominguez, City Engineer, reported that every five years the City has to select an airport consultant to complete all of the design and studies at the airport. Jose stated that this selection is required by the FAA in order to select a consultant that is knowledgeable in the matter, provides high quality results, and provides continuity for the projects. Jose reviewed the process used to select the consultant noting that this process was also used in 2005 and 2010. Jose stated that the committee recommended that the firm of Helms and Associates be retained as the airport consultant for 2015 through 2019. Jose noted that this firm has been the airport consultant since 2005 and that he has been very satisfied with their work. Jose recommended approval of Helms and Associates as the airport consultant. Jose reviewed the current and proposed future projects at the airport.

143-15

Alderman Ward moved approval of the selection of Helms and Associates as the airport consultant for 2015 through 2019. Alderman Price

seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

D. Request to close Shriner Street from Cottage Avenue to the Wal-Mart parking lot on May 30, 2015 from 9:00 a.m. to 2:00 p.m. for the Vermillion Police Department Bike Rodeo

John Prescott, City Manager, reported that the Police Department is hosting a Bike Rodeo on Saturday, May 30th and is requesting the closing of Shriner Street from Cottage Avenue to the Wal-Mart parking lot. John stated that the request is from 9:00 a.m. to 2:00 p.m. John noted that they have contacted the neighboring property owners. John recommended approval of the street closing.

144-15

Alderman Willson moved approval of the closing of Shriner Street from Cottage Avenue to the Wal-Mart parking long on Saturday, May 30th from 9:00 a.m. to 2:00 p.m. for the Police Department Bike Rodeo. Alderman Erickson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Surplus cardiac monitors and battery charger

Matt Callahan, EMS Division Chief, reported that with purchase of new cardiac monitors last year we now have two Zoll E Series cardiac monitors and one 4-bank battery charger that are not being used. Matt noted that the cardiac monitors were declared surplus at the April 6th City Council meeting and appraised at a total of \$5,000. Matt stated that the surplus equipment was advertized to fire and EMS groups in a multi state area with an April 30th bid opening date. Matt stated that no bids were received but noted that equipment may be sold at private sale for not less than 90% of the appraised value. Matt stated that they will continue working to see if the equipment can be sold. Discussion followed.

145-15

Alderman Holland moved to recognize that no bids were received and to authorize staff to continue marketing the equipment for sale at not less than 90% of the appraised value. Alderman Willson seconded the motion. 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 all items.

Item 1 - 4,350 gal unleaded 10% ethanol: Stern Oil \$2.3104, Brunick's Service \$2.34; Item 2 - 1,000 gal unleaded: Stern Oil \$2.4878, Brunick's Service \$2.57; Item 3 - 3,000 gal No. 2 Diesel fuel dyed: Stern Oil \$2.1591, Brunick's Service \$2.25; Item 4 - 1,000 gal No. 2 diesel fuel-clear: Stern Oil \$2.4556, Brunick's Service \$2.57

146-15

Alderman Erickson moved approval of the low quote of Stern Oil on all four items. Alderman Willson seconded the motion. Discussion followed. Motion carried 8 to 0. President Willson declared the motion adopted.

10. City Manager's Report

A. John reported that the Prentis Park pool is scheduled to open on Saturday, May 23rd at 1:00 p.m. weather permitting and will maintain regular pool schedule until August.

B. John reported that questions have been posed about the daycare ordinance and staff has developed a set of frequently asked questions that has been posted on the City web site.

C. John reported that the City is seeking Expression of Interest forms for citizens interest in serving on the Library Board. John noted that there is one opening this year for a three year term. John stated that the Expression of Interest forms are due by Noon on Thursday, May 14th for Council consideration on May 18th. John noted that the City will be seeking Expression of Interest forms for the Planning Commission in June.

D. John reported that last week the South Dakota Department of Environmental and Natural Resources (DENR) announced that the City of Vermillion wastewater treatment system was a recipient of the 2014 Operation and Maintenance Wastewater Treatment Award. John stated that this award is based on a system's compliance with state environmental requirements, the quality of the treated and discharged wastewater, monitoring reports, state inspections, and proper operation and maintenance of the wastewater treatment facility.

E. John reported that last month DENR announced that the City's Water Department has again met the requirements of the Safe Drinking Water Act and State of SD regulations. John stated that the Water Department received the Secretary's Award for Drinking Water Excellence.

F. John reported that the City auction of surplus property is Friday, May 8th at 5:30 p.m. at the Municipal Service Center, 115 W. Duke Street.

PAYROLL ADDITIONS AND CHANGES

Administration: Jen Olson \$14.35/hr; Street: Paul Brunick \$8.50/hr, Nick Olson \$8.75/hr; Recreation: Justine Twite \$8.50/hr; Pool: Courtney Johnson \$8.50/hr, Lucas Zingmark \$9.50/hr; Parks: Nicholas Young \$8.50/hr; Light: Mark Koller \$41.29/hr

11. Invoices Payable

147-15

Alderman Price moved approval of the following invoices:

A & A Refrigeration	repairs	1,811.28
A-Ox Welding Supply Co	bulk CO2	477.00
Ahead, Inc	merchandise	1,592.30
Allied Insurance	notary renewal	100.00
Appeara	supplies	53.35
Aramark Uniform Services	uniform cleaning	311.92
Argus Leader Media #1085	subscription	398.23
Atco International	supplies	124.00
Avera Queen Of Peace Health	testing	279.60
Bagit, LLC	supplies	271.20
Baker & Taylor Books	books	701.87
Banner Associates, Inc	professional services	253.65
Benjamin Nelsen	meals reimbursement	130.00
Best Western Ramkota Inn	lodging	347.96
Bierschbach Eqpt & Supply	supplies	670.04
Billion Auto	parts	98.25
Black Clover Enterprises	merchandise	217.60
Blackburn Manufacturing Co.	supplies	349.24
Blackstone Audio Inc	books	147.99
Blick Art Materials	supplies	353.09
Border States Elec Supply	supplies	167.50
Bound Tree Medical, LLC	supplies	1,600.71
Brian Nelson	safety boots reimbursement	100.00
Broadcaster Press	advertising	454.50
Brown Traffic Products	supplies	158.25
Builders Choice	maintenance building	25,000.00
Burns & McDonnell	professional services	11,237.76
Bushnell Outdoor Products	merchandise	1,103.50

Butler Machinery Co.	parts	2,928.12
Callaway Golf	merchandise	199.69
Campbell Supply	supplies	1,335.28
Cannon Technologies, Inc	meters/parts/maintenance	26,642.40
Cask & Cork	merchandise	1,148.27
Century Business Leasing	lease/copies	198.47
Centurylink	telephone	743.37
Chemco, Inc	supplies	63.59
Chesterman Co	supplies	513.50
City Of Vermillion	copies/postage	1,248.64
City Of Vermillion	utility bills	35,313.79
Class C Solutions Group	supplies	253.16
Clay County Ems Association	CPR cards	40.00
Coffee King, Inc	supplies	62.75
Colonial Life Acc Ins.	insurance	3,215.16
Concrete Materials	supplies	862.40
Continental Research Corp	supplies	962.95
Cutter & Buck	merchandise	640.10
D-P Tools	supplies	166.01
Dakota Beverage	merchandise	14,121.67
Dakota Pc Warehouse	professional services	219.97
Dale Husby	safety glasses reimbursement	150.00
Delta Dental Plan	insurance	6,383.22
Demco	supplies	59.22
Dennis Martens	maintenance	833.34
Dept Of Revenue	testing	157.00
DGR Engineering	professional services	7,304.08
Diamond Vogel Paints	supplies	240.28
Dust Tex	mats	80.00
Earthgrains Baking Co's Inc	supplies	109.44
Eberle Design Inc	supplies	178.00
Echo Electric Supply	supplies	7,770.08
EDC Educational Services	books	784.59
Electronic Engineering	batteries	243.00
Elizabeth Phillips	refund armory rental fee	25.00
Embroidery & Screen Works	fire-EMS patches	681.90
Emergency Services Marketing	subscription	800.00
Farmer Brothers Co.	supplies	119.66
Fastenal Company	supplies	70.48
Filtertec	filters	256.38
Fireguard Inc	repairs	55.61
Gale	books	218.29
Gemplers Inc	entry mats	57.40

Graham Tire Co.	tires	889.58
Grainger	supplies	1,074.40
Gregg Peters	advertising/freight	1,445.60
Gregg Peters	rent	937.50
Hach Co	chemicals	3,285.36
Harland Technology Service	printer ribbons	113.39
Hartington Tree LLC	tree removal	400.00
Hauff Mid-America Sports	uniform shirts/supplies	1,745.45
Hawkins Inc	chemicals	898.37
HD Supply Waterworks	supplies	18,020.74
Heiman, Inc.	inspection	174.50
Helms & Associates	professional services	2,849.16
Herren-Schempp Building	supplies	419.50
Hillyard Floor Care Supply	supplies	688.50
Hornungs Pro Golf	merchandise	382.84
Hy Vee Food Store	supplies	139.87
Independence Waste	waste hauling	1,156.50
Ingram	books	2,764.11
Interstate All Battery Center	batteries	383.40
Istate Truck Center	parts	35.14
Jacks Uniform & Eqpt	uniform	174.75
Jacy Nelsen	meals reimbursement	130.00
Jay's Plumbing	repairs	141.23
John A Conkling Dist.	merchandise	4,922.82
John C. Prescott	meals reimbursement	18.00
Johnson Brothers Famous Brands	merchandise	21,307.78
Johnson Controls	service agreement/repairs	2,207.57
Johnson Feed, Inc	repairs	1,240.78
Jones Food Center	supplies	780.39
Karsten Mfg Corp	merchandise	2,120.42
Key Contracting, Inc	manhole lining/mobilization	38,062.00
Leggette, Brashears & Graham	professional services	7,383.16
Lessman Elec. Supply Co	supplies	190.00
Licensed Beverage Dealers	dues	112.50
Lincoln Republic Insurance	insurance	489.78
Locators And Supplies, Inc	supplies	970.14
Magnum Development	storm sewer agreement	2,281.00
Mainland Engraving LLC	medals/ribbons	81.25
Mark Clark	safety boots reimbursement	100.00
Mart Auto Body	towing	525.00
Marty Gilbertson	water heater rebate	315.00
Matheson Tri-Gas, Inc	medical oxygen	372.82
Matthew Bender & Co, Inc	books	41.04

Maximum Promotions	flags	600.00
Maxx Sunglasses	merchandise	252.86
Mc2, Inc	parts	10,517.54
McCulloch Law Office	professional services	1,224.00
Mead Lumber	supplies	195.37
Medical Waste Transport, Inc	haul medical waste	231.71
Merrick Industries	parts	1,597.38
Midwest Alarm Co	alarm monitoring	132.00
Midwest Building Maintenance	mat svc	163.80
Midwest Ready Mix & Equipment	supplies	1,767.53
Midwest Turf & Irrigation	parts	3,002.06
Minn Municipal Utility Assoc	safety mgmt	5,925.00
Missouri River Energy Service	registration fees	100.00
Missouri Valley Maintenance	repairs	1,321.30
Moore Welding & Mfg	materials	151.10
NCL Of Wisconsin, Inc	supplies	590.51
Netsys+	professional services/server	2,920.00
New York Life	insurance	84.02
Nike Inc	merchandise	1,530.44
Norman Jensen	refund ambulance overpayment	99.00
Northern Truck Eqpt Corp	toolbox	592.58
Office Systems Co	copies/maintenance	477.44
Okoboji Wines-SD	merchandise	1,050.00
Omprakash Thangavelu	water heater rebate	150.00
Overhead Door Of Sioux City	repairs	314.25
Paraclete Press, Inc	books	70.13
Pauls Plumbing	repairs	357.41
PCC, Inc	ambulance commission	2,254.30
Penguin Random House LLC	books	243.75
Penworthy Company	books	422.22
Peoplefacts, LLC	services	13.40
Pete Jahn	safety boots reimbursement	100.00
Pete Lien & Sons, Inc	chemicals	7,655.70
Pressing Matters	supplies	348.00
Presto-X-Company	inspection/treatment	49.86
Print Source	advertising/supplies	1,050.00
Pro Auto Inc	professional services	875.00
Pump N Pak	fuel	59.67
Quality Motors	repairs	77.25
Queen City Wholesale	merchandise	227.31
Quill	supplies	1,363.98
Racom Corporation	maintenance	447.85
Randy Crum	safety boots reimbursement	97.74

Randy Voss	professional services	299.98
Recorded Books, Inc	books	326.00
Recreation Supply Co.	supplies	862.78
Reinhart Foodservice, LLC	supplies	466.49
Reliable Towing & Roadside	towing	514.25
Republic National Dist.	merchandise	10,849.80
Richard Draper	reimb supplies/travel	306.23
Rockmount Research & Alloy	supplies	483.32
Rosewood Greenhouse	plants	43.09
Rusty Jensen	reimb supplies	211.92
Sanford Clinic Vermillion	supplies	781.53
Sanford Health Plan	participation fees	57.00
Sanitation Products	parts	471.73
Schaeffer Mfg. Co	supplies	638.40
Schweitzer Engineering Lab	supplies	912.80
SD Federal Property Agency	torque wrench	15.00
SD Lottery	license renewal	100.00
SD Public Assurance Alliance	insurance	58,972.44
SD One Call	locates	181.65
SD Retirement System	contributions	51,818.90
Security Shredding Service	shredding	35.00
Servall Towel & Linen	shop towels	88.20
Services Unlimited Inc	repairs	1,549.60
Siouxland Humane Society	fees	37.00
Stacy Zeigler	water heater rebate	165.00
Standard Ready Mix Concrete	supplies	92.64
State Hygienic Laboratory	testing	811.00
Stewart Oil-Tire Co	repairs/tires	1,068.20
Sturdevants Auto Parts	parts	1,241.26
Taser International	supplies	28.21
Taylor Made	merchandise	3,302.30
Team Golf	merchandise	1,270.61
Terex Utilities, Inc	parts	107.84
The Equalizer	advertising	150.00
Titan Machine-Productivity	parts	1,434.00
Titleist Drawer CS	merchandise	996.87
Tmb Enterprises LLC	merchandise	83.97
Total Flooring	supplies	15.96
Tri County Propane Inc	propane	850.00
Tri Tech Sales	parts	730.42
True Fabrications	supplies	214.56
True Value	supplies	784.60
Turfwerks	parts	69.90

Turner Plumbing	repairs	2,378.52
Tyler Technologies	maintenance	4,290.56
United Way	contributions	549.50
Univar Usa Inc	chemicals	9,393.90
University Of Louisville	training registration	1,195.00
USA Bluebook	supplies	440.91
USD Marketing & U Relation	supplies	114.45
Valiant Vineyards	merchandise	264.00
Van Diest Supply Co	supplies	1,295.00
Vantage Apparel	merchandise	1,270.39
Verizon Wireless	wireless communication	1,878.37
Vermillion Ace Hardware	supplies	2,007.01
Vermillion Area Community	round up program	253.65
Vermillion Chamber Of Comm	promotion BID #1	10,115.00
Vermillion Concrete	path construction contract	25,069.24
Vermillion Fastpitch Softball	online registration	121.87
Vermillion Ford	parts	31.50
Vermillion Now!	contribution	50,000.00
Vermillion Rotary Club	dues/meals	140.75
Vermillion Youth Baseball	online registration	1,860.69
VGSA	online registration	224.25
Visa/First Bank & Trust	fuel/lodging/supplies	7,938.78
Volante	advertising	69.00
Wal-Mart Community	supplies	971.63
Walker Construction	repairs	510.20
Walt's Homestyle Foods, Inc	supplies	255.70
Wesco Distribution, Inc	supplies	4,599.91
Wow! Business	911 circuit	1,365.50
Yankton Fire & Safety	annual inspection	89.00
Yankton Janitorial Supply	supplies	562.25
Zee Medical Service	supplies	511.00
Zimco Supply Co	supplies	17,182.05
Zuercher Technologies Llc	support/maintenance	1,260.00
Dave Stammer	Bright Energy rebate	48.00
Emogene Paulson	Bright Energy rebate	250.00
Paul Krier	Bright Energy rebate	425.00

Alderman Erickson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

12. Consensus Agenda

A. Set a public hearing date of May 18, 2015 for a retail on-off sale wine license for Bonnie K. Rowland for Raziel's at 13 W Main Street.

148-15

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

13. Adjourn

149-15

Alderman Ward moved to adjourn the Council Meeting at 7:27 p.m. Alderman Erickson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 4th day of May, 2015.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: May 18, 2015

Subject: Retail on-off sale wine license for Bonnie K. Rowland for Raziel's at 13 West Main until December 31, 2015

Presenter: Mike Carlson

Background: An application was received for a retail on-off sale wine license from Bonnie K. Rowland for Raziel's at 13 West Main Street. The notice of hearing and the Police Chief's report on the applicant is included in the packet. The request is for a license for the period ending December 31, 2015.

Discussion: The City Council has the ability to issue a license on basically two criteria: suitable person and suitable location. As to the suitable person, Bonnie Rowland currently has an on-off sale malt beverage license and previously had a retail on-off sale wine license for this location, as such she is not a new applicant and a background check was not requested. With respect to the location criteria, the above listed licenses have been previously approved for the location. A recent western South Dakota legal ruling defined that other items can impact the location criteria. The character of neighborhoods and businesses tend to change over time and a local governing body has a legitimate interest in managing the alcoholic beverage licensing in its jurisdiction to assess whether an alcohol sales location continues to be suitable. The following are the city ordinances on suitable person and suitable location.

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.

§ 112.21 SUITABLE LOCATION.

(A) South Dakota Codified Laws § 35-2-1.2 requires the City Council to determine whether retail alcohol beverage license applications propose suitable locations before issuing or renewing said licenses. This determination is required annually for each license the applicant seeks. The following are nonexclusive criteria established to assist in determining suitable location status:

- (1) Identification of a garbage hauler to be utilized by the business and the frequency of the garbage pickup;
- (2) Zoning restrictions, and
- (3) Neighborhood characteristics.

(B) In determining suitable location, the City Council will also utilize factors developed through South Dakota case law. This includes the manner in which the business is operated; the extent to which minors frequent or are employed in such place of business; the adequacy of police facilities to properly police the proposed location, and other factors associated with the sale of alcoholic beverages, such as noise and litter.

§ 112.22 SUITABLE PERSON AND SUITABLE LOCATION CONSIDERATION.

(A) South Dakota codified laws and case law support the premise that the decision to issue an alcoholic beverage license is discretionary. Therefore, the city hereby establishes a two-tiered process to evaluate on-sale liquor applications. The first tier will assess the character of the applicant or principals and whether the location is suitable according to §§ 112.20 and 112.21 of this chapter.

(B) Upon finding evidence that the character of the applicant is acceptable and the location suitable, the City Council will consider second tier criteria. This process can include examining the best location for economic and tourism development, the best ancillary uses (restaurant, etc.) developed with the sale of liquor, the best location in accordance with the city long-range plan, the size of the facility, parking facilities, closeness to existing supplementing businesses, residences, and activities deemed important by the City Council.

As is noted in the Police Chief's report, Raziel's failed a compliance check on March 26, 2014. The management plan for the failed compliance check was submitted with the June

2014 malt beverage license renewal. The following is the listing of the results of compliance checks at Raziél's:

March 19, 2009 passed

May 1, 2009 passed

March 23, 2010 passed

April 6, 2010 passed

August 3, 2012 failed - management plan December 2012

December 7, 2012 failed - management plan June 2013

March 21, 2013 passed

March 26, 2014 failed - management plan June 2014

Bonnie has indicated that she is scheduling private parties at this location and is requesting the on-off sale wine license along with the existing malt beverage license to allow for the sale of wine and malt beverages at these events.

Financial Consideration: The license fee is \$500 which is retained by the City.

Conclusion/Recommendations: Following the input from the public hearing, the City Council is asked to make a decision on the approval or denial of the retail on-off sale wine license for Bonnie K. Rowland for Raziél's at 13 West Main Street. If a motion is made to deny the license, the reason needs to be included in the motion.

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



05/01/15

To: Mike Carlson, Finance Director

From: Matt Betzen, Chief of Police

Reference: Retail on-off Sale Wine License until December 31, 2015 – Raziel's

I have reviewed the department records for the applicant and the address of the business. Raziel's held a malt beverage license in 2014 and several years prior. The last contact with the department was on 3/26/14 when Raziel's failed a compliance check. There are no other contacts in 2014, and the business and not been operating in 2015.

The applicant does not have any disqualifying convictions.

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 18th day of May, 2015 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street will meet in regular session to consider the following application for an alcoholic beverage license to operate within the municipality for the licensing period stated, which has been presented to the City Council and filed in the Finance Officer's Office:

Retail on-off Sale Wine license until December 31, 2015:
Bonnie K. Rowland for the Raziel's at 13 West Main Street.

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

Dated at Vermillion, South Dakota this 30th day of April, 2015.

Michael D. Carlson, Finance Officer

Publish: May 8, 2015

Published once at the approximate cost of _____.

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: May 18, 2015

Subject: Subdivision ordinance variance request for Duane and Jeanne Mehlhaf at 1322 E. Clark Street

Presenter: Jose Dominguez

Background: On May 1, 2015 the City received a Petition for Variance from Duane and Jeanne Mehlhaf with regard to a driveway access to 1322 E. Clark Street. The applicant presented his concerns at a noon meeting on October 6, 2014. At this meeting the Council asked Staff to work with the owners on the issue. It was determined that a variance would be the only way to obtain the preference of the property owner. The applicant was informed that they would be required to petition for a variance to vary from the subdivision ordinance.

Discussion: During the review of the petition for variance it was discovered that the documents submitted follow two distinct procedures; one is for the Subdivision Ordinance Variance and the other is for Zoning Ordinance Variance. Due to the fact that the Subdivision Ordinance, as per SDCL 11-6-27, was created, amongst other things, to provide for the 'distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, or prosperity' we feel that the procedures that shall be followed are those within the Subdivision Ordinance (154.15.1(D)) and not those required for a Zoning Ordinance variance request. To clarify, all of the regulations within the Zoning Ordinance have been met; the building was constructed as per the building code, the building is located within the required setbacks and the required parking has been provided.

The Subdivision Ordinance allows the applicant to file a petition requesting a variance. This petition is presented to the City Council for their deliberation. The Council may deny, approve or place conditions on the variance. However, any Council motion that may vary from the Subdivision Ordinance requires $\frac{3}{4}$ votes from the entire membership of the Council in favor of the motion (7 out of 9 must vote in favor).

The City Council may grant a variance as long as the applicant demonstrates that the variance meets certain requirements as set in the ordinance. These requirements are: there are unusual surroundings, topography, or shape; may only be applicable to this property; may not be exclusively based on financial gains; may not be detrimental to the public's health, safety and welfare; may be applied to a large scale development; or may be a design innovation. The applicant does not meet any of these requirements for a variance to be granted. Following are the reasons:

- Unusual surroundings, topography, or shape: The property was (and is) a flat piece of land and of a rectangular shape. The applicant has also known from the beginning that the parcel in question was always a corner lot bounded by two collector streets.
- May only be applicable to this property: There are many possibilities of this situation coming up in the future. Just with Mr. Mehlhaf's future property to be developed this could happen three more times. Additionally, this would set two precedents; first, all Staff's decisions made due to safety and health can be overturned for convenience. Secondly, all other properties facing the same situation may request the same treatment. It should be noted that a different property owner on the northwest corner of Madison and N. Norbeck Street was also denied an access point due to the same circumstances.
- May not be exclusively based on financial gains: The apartment building has been functioning, without any complaints to the City, with one access since construction was completed in 2012. According to conversations with Mr. Mehlhaf they have not had any issues renting the apartments and have been nearly full since construction was completed.
- May not be detrimental to the public's health, safety and welfare: Before proceeding, it should be noted that driveways (or access points) are considered as unsignalized intersections that merit special considerations. There have been several studies that show that access points in general, and that their location, cause accidents and are dangerous to all forms of transportation. One way to show how many conflict points occur at an intersection is by drawing an intersection conflict point diagram. These diagrams show how many possible conflict points may occur between vehicles, pedestrians and bicycles. For a typical intersection (i.e. N. Norbeck and E. Clark Street) there are 32 vehicle/vehicle conflict points and 24 vehicle/pedestrian conflict points. At the location where the proposed access point would be located there would be a total of 39 vehicle/vehicle conflict points and 10 vehicle/pedestrian conflict points. This is a 25% increase in vehicle/vehicle conflict points making the proposed configuration more dangerous than a typical intersection for the general public. To validate this, there have been approximately 270 accidents at driveways in the City since 2005.

- May be modified for a new large scale residential development, or may provide for innovative design: Neither of these would be met since the development was of a single multifamily apartment that did not include any design innovations.

It should be noted that the access point in question was never approved. The drawing submitted by the applicant as Exhibit A is a document created by Staff for review purposes. The document is meant to depict the applicant's desires with respect to the lot. We use this drawing explicitly to make sure that the proposed construction will be within the setbacks and that the parking requirements are met. The drawings are not approved; otherwise, the applicants may have issues constructing the proposed facility due to changes. For example, Exhibit A also shows a 14-unit building (structure built was 15-units), a mainfloor garage (this was not constructed), 46 parking spaces (the original drawing was for 44 spots). These items were changed at the applicants request without the drawing being updated. This, again, proves that exhibit A should not weigh heavily into this discussion. Additionally, the Building Permit Application originally submitted by the applicant on November 1, 2011 was that of a 14-unit apartment with two mainfloor garages and not of what actually was constructed.

Additionally, the discussion regarding the access point on to N. Norbeck Street was had on December 13, 2013. At this meeting Duane was informed that the access off N. Norbeck Street would not be granted due to the location of where it would be in the intersection. At that time Duane did not object to the access not being allowed. Also, during the design of N. Norbeck Street Duane approached the City with questions and concerns regarding the project. One of the issues that he raised was the access to the new apartment that was being built on the east side of N. Norbeck Street at 1400 E. Clark Street. Duane never brought up the issue of the access to 1322 E. Clark Street even though this would have been the perfect occasion. In addition, Duane attended a public meeting to review the plans on May 5, 2014. At this meeting the public had a chance to review the plans for N. Norbeck Street construction prior to the construction starting. Duane and Jeanne attended the meeting and did not raise any concerns with the fact that there were no access points on either side of N. Norbeck Street. Rather their concerns were about occupancy, sidewalks, sanitary sewer extensions and street lights.

Another point that the Mehlhaf's have made is that having one access point would be a safety hazard with regard to fire protection and safety of the occupants. Staff discussed the access to the apartments with Vermillion's Fire Chief. During the conversation it was noted that the existing arrangement (one access point) does not make the apartment unsafe. In fact the Chief was more concerned with the proximity of the existing parking spaces in the lot to the access point off E. Clark Street and how they may negatively

affect the access to the apartment complex. Also, the apartment complex is equipped with a sprinkler system for fire suppression.

Financial Consideration: None that isn't covered by the non-refundable \$100 variance fee already paid by the applicant.

Conclusion/Recommendations: This property has functioned since the construction was completed with only one driveway. In fact, all of the apartments that the Mehlhaf's own at this point only have one access point. The request for the variance is thinly disguised on the premise of safety. This has never been an issue in the past; not on this apartment or any of the other apartments. The request is one of convenience for his tenants.

Due to the reasons stated, Staff believes that the issuance of the variance is not warranted, or needed, and that if granted would set a bad precedence and be harmful to the public by allowing developers to request variances on any Staff decision that is made to promote the public's safety, health and welfare.



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

PETITION FOR VARIANCE

TO THE HONORABLE MAYOR AND THE CITY COUNCIL OF THE CITY OF VERMILLION

1. As authorized by § 154.15.1 of the City of Vermillion Subdivision Ordinance (I) (we) (Name & Address):

Name: Duane & Jeanne Mehlhaf

Address: 9 East Main Street, Vermillion, SD 57069

Home
1300 E Clark Vermillion

Hereby petition for a variance to vary the strict application of the subdivision ordinance requirements as will not be contrary to the public interest. (Please describe the request below)

This request is not a terminal variance as the driveway access in question was previously approved by City staff as part of the building permit. The driveway further meets all applicable setback and other requirements under City Ordinance. See the site plan which is attached as Exhibit A. We are also filing a Notice of Appeal to supplement our request under state law.

The legal description Lot 1, Block 2 Mehlhaf Addition to the City of Vermillion

Address 1322 East Clark Street

The proposed variance is to facilitate:

Access to and from the apartment complex and the safety of the occupants in the event of a fire or other natural disaster or emergency requiring emergency evacuation of the property.

An unnecessary hardship must be established by the applicant who applies for the variance. For purposes of this subchapter, an unnecessary hardship is a situation where, in the absence of a variance, an owner can make no feasible or reasonable use of the property. Convenience, loss of profit, financial limitations, or self-imposed hardship shall not be considered as grounds for approving a variance by the City Council. Please address the following criteria as best as you can. These are the "standards for variance" which will be addressed at the public hearing. (Use additional sheets if necessary).

In detail, explain what exceptional and extraordinary circumstances apply to the property that do not apply to other properties and that result from lot size or shape, topography or other circumstances which are not of the applicant's making.

As indicated above, this is not a standard or technical variance request. However, it is not reasonable for the access to be denied when it was previously granted, and more importantly complies with Vermillion Ordinance No. 154.11. It also creates an unnecessary hardship on the occupants for access to and from the property, and more importantly a safety hazard with regard to fire protection and safety of the occupants.

What have you done to determine granting of the variance will comply with the general purpose and intent of this chapter, and will not negatively impact the public's health, safety, welfare, or be injurious to property in the neighborhood in which the property is located?

As indicated above, this driveway access fully complies with Vermillion Ordinance No. 154.11, as it is more than the minimum of 40 feet from the right-of-way cross street (54 feet). Granting access will not negatively impact public health, safety or welfare, or harm neighborhood properties. In fact, granting this request will improve public safety.

What design innovations will be used in the development that will not conform with the ordinance requirements?

None, as the access fully complies with current City Ordinance as indicated above.

In order to preserve the intent of these subdivision regulations and to protect the public interest, the City Council may attach conditions to a variance. A variance shall remain valid only as long as the property owner complies with any terms and conditions of the variance, as attached by the City Council.

Petitioner's Signature  Phone 605-351-1769 Date April 30, 2015
Duane Mehlahf

Owner's Signature  Phone _____ Date _____
(If different)

Date Fee Received: 5-1-15 Fee \$100.00 PAYABLE TO the City of Vermillion

NOTICE OF APPEAL
Refusal of City Engineer to Allow Previously Approved Access
to Norbeck Street for 1322 E. Clark Street

To: Board of Adjustments, City of Vermillion

The undersigned Duane and Jeanne Mehlhaf, property owners of 1322 E. Clark Street, Vermillion South Dakota, SD 57069, legally described as:

Lot 1, Block 2 Mehlhaf Addition to the City of Vermillion, and

hereby appeal, pursuant to SDCL 11-4-19, the refusal of the City Engineer, on behalf of the City of Vermillion, to permit a previously approved access (driveway) onto Norbeck Street designated on Exhibit A attached hereto and incorporated by reference herein as "Future Driveway". Further, pursuant to SDCL 11-4-21 we request a public hearing of this appeal pursuant to notice.

The factual background forming the basis of the appeal is as follows:

1. On March 25th, 2011 the Mehlhafs entered into and signed a Developer's Agreement with the City of Vermillion. On or about November, 2011 a plat, site plan and building permit were all approved by the City, including the site plan attached to this appeal as Exhibit A identifying a future driveway as Norbeck Street was not yet completed.
2. The foundation for the apartment complex on the above listed property was poured in 2011. *November 9th*
3. In the fall of 2012 the Mehlhafs requested a curb and gutter cut after the apartment complex was completed in the summer of 2012. In approximately late August early September of 2012 the Mehlhafs requested permission from the City Engineer to install curb and gutter and a curb cut onto Norbeck Street. At that time the City Engineer indicated that he was unsure of the street grade and denied the request.
4. Pursuant to Vermillion Ordinance No. 154.11.1(D) Design Standards section (16) (c) 4 a driveway is required to be at least 40 feet or more from the back of the curb on an intersection. The proposed access point designated as future driveway is 54 feet back from the intersection and fully complies with this requirement and city ordinance.
5. In June 2014, road construction on Norbeck Street commenced.
6. In August 2014, the City Engineer contacted the Mehlhafs a day or two prior to the curb and gutter being poured on Norbeck and inquired if the driveway to be put in on the east side of Norbeck should be submitted by public bid contractor or if the Mehlhafs wanted to enter into a private contract before the concrete hardened. At that time the Mehlhafs responded and asked him to complete the curb cuts on the sides of Norbeck Street for the driveway access using the public bid contractor.

7. Subsequent to this the City Engineer then decided not to allow the Mehlhaf's the access point shown as future driveway on Exhibit A. The following day contractors for the City poured the curb and gutter with no curb cut onto the Mehlhaf property. The Mehlhaf's approached City Officials while the concrete was still wet and spoke with the City Manager, City Engineer and the Mayor. They were denied the right to install access which was previously approved as part of the site plan and building permit in November 2011.
8. Pursuant to Vermillion Ordinance section 154.11 Design Standards-Streets. In section 154.11 16, subsection 2 (E) one reads as follows:

(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 property owner or owner's representative. All access permits must be obtained prior to building permits being issued.

Further subparagraph C access point location subparagraph 4 reads as follows:

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.

Therefore, the Mehlhaf's are filing this Notice of Appeal and requesting a public hearing. Further in the alternative the Mehlhaf's will complete all necessary forms as required by the City of Vermillion to appeal this decision of City Officials.

Dated this 30 day of April, 2015

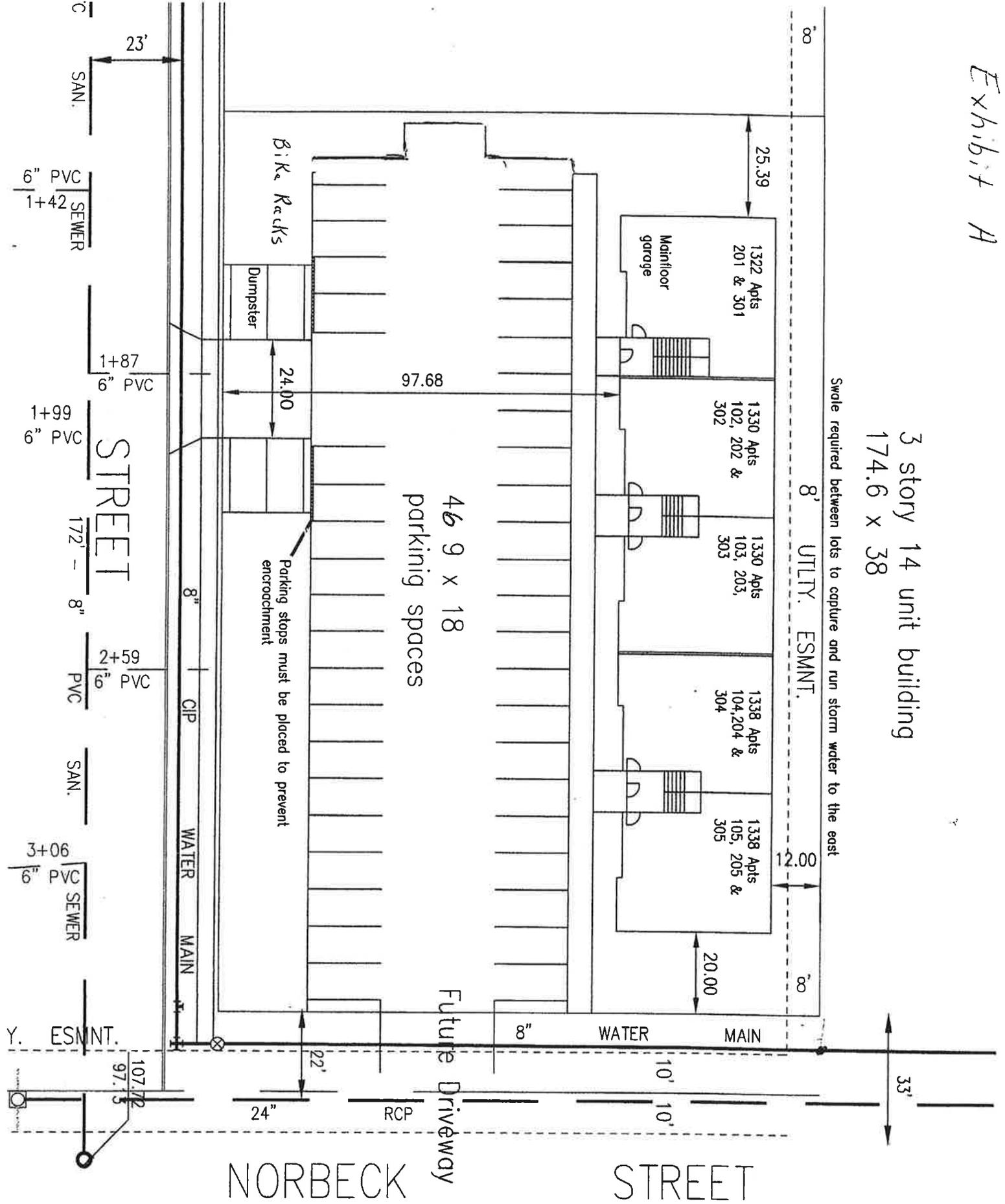

Duane Mehlhaf


Jeanne Mehlhaf

Exhibit A

3 story 14 unit building
174.6 x 38

Swale required between lots to capture and run storm water to the east



STREET

NORBECK

STREET

Council Agenda Memo

From: Farrel Christensen

Meeting: May 18, 2015

Subject: Ordinance No. 1329 Declaring Snow and Ice and all related subsections a specific nuisance

Presenter: Farrel Christensen

Background: In April, 2006 the City Council passed an ordinance that set new guidelines for grass and weed violations including a new resolution for fees. The resolution included a new approach that utilized a progressive rate. The fee for the first offense was \$10.00 with the fees increasing an additional twenty dollars for each subsequent offense. Since implementing the new progressive fees tagging for grass and weeds tagging is greatly diminished.

Code Compliance Officers spend a great deal of time, energy and resources working with some property owners to get sidewalks clear of snow and ice, and abate nuisances such as junk and debris. The current system contains an administrative fee of \$10.00 for each violation but no system to discourage continued violations. Many property owners or occupants wait for the City to tag them for a violation before clearing sidewalks or removing junk and debris. This promotes a system of continued noncompliance.

The City Council at the Noon meeting on April 20, 2015 discussed utilizing a progressive fee system for snow and ice violations and junk and debris nuisances as is currently done with grass and weeds. The City Council approved first reading of Ordinance 1329 at the May 4, 2015 meeting.

Discussion: To make this change, two steps are needed. One step has to do with the section of code where sidewalk snow is located. The second step has to do with adopting the actual resolution implementing the progressive fee system. The resolution is part of New Business on this Council agenda.

Sidewalk snow is currently located in the City's Streets and Sidewalks section of the Code. To utilize a progressive fee system, appropriate language needs to be adopted which declares sidewalk snow to be a specific nuisance. To do this an ordinance has been

developed which leaves the Streets and Sidewalks section unchanged but includes the violation by reference as a specific nuisance.

If this ordinance change is approved by City Council, it will then be the correct time to consider a resolution with a progressive fee schedule for these violations. The effective date of the resolution would be no sooner than the effective date of the ordinance. The resolution does include language that is designed to make the fees the responsibility of the property owner. This is how the current resolution for grass and weed violations is enforced and the only way to assess unpaid fees to the property owner if not paid. The resolution also resets the progression each calendar year.

Financial Consideration: The goal of the increased fee is to encourage property owners to take care of their property without being tagged. The increasing fee schedule may result in minor additional revenue.

Conclusion/Recommendations: Administration recommends approval of the second reading of Ordinance 1329. A roll call vote is required for second reading of an ordinance.

ORDINANCE NO. 1329

AN ORDINANCE AMENDING CHAPTER 90, HEALTH AND SAFETY; NUISANCES OF THE REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, SECTION 90.16 SPECIFIC NUISANCES, ADDING SUBSECTION 90.16(B)(5) TO THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, DECLARING SECTION 96.12(A) SNOW AND ICE AND ALL ITS SUBSECTIONS A SPECIFIC NUISANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF VERMILLION, SOUTH DAKOTA that Section 90.16, Specific Nuisances, is hereby amended as follows:

(5) The presence of prohibited snow and ice conditions described and specified in Chapter 96, Section 96.12(A) beyond 24 hours after any fall of snow or freezing rain is hereby declared to be dangerous to the health, repose, and comfort of the city and hereby declared to be a nuisance.

Dated at Vermillion, South Dakota this 18th day of May, 2015.

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: May 4, 2015
Second Reading: May 18, 2015
Publish: May 29, 2015
Effective: June 18, 2015

Council Agenda Memo

From: Farrel Christensen

Meeting: May 18, 2015

Subject: Resolution adding and amending Administrative Fees for Nuisance Abatement

Presenter: Farrel Christensen

Background: At the last meeting the City Council gave first reading approval to an ordinance declaring violations of Chapter 90 subsection 90.16 a specific nuisance. Second reading of the ordinance is under Old Business. The section was added to the list of other specific nuisances in order to develop an across the board progressive administrative fee for three specific types of Code violations. The goal of the ordinance change and resolution is to discourage repeat offenders while keeping fees low for first time offenders.

Discussion: The resolution addresses the three most common types of Code Violations, **Duty to Cut** (Grass & Weed Mowing), **Snow and Ice** (Sidewalk Snow Removal) and **Specific Nuisances** (primarily Junk & Debris and Garbage). The proposed resolution would charge \$10.00 for the first offense and increase by \$20.00 per offense for any one or combination of any of the three Code violations in any given calendar year. Violation fee invoices will be sent to the property owners and, if not paid, assessed against the property. This practice solicits involvement from renters, rental property owners and non rental property owners and also insures payment to the City.

Prior to the first reading of the ordinance, a one page description of the issue and proposed ordinance was emailed to the rental registry data base. While code violations are not solely a rental registry issue, some property managers are in the position of working with tenants who don't address these issues. Code staff received several emails after the first reading of the ordinance. None of the emails were opposed to the proposed ordinance. All comments were from rental property owners and many thought that snow and ice were already part of the nuisance section.

Staff also checked with other cities and found that the most common fee, when a fee was applied, was between \$50.00 and \$100.00 per violation. It is not the intent of this

resolution to aggressively fine first or one time offenders but rather to discourage continued violations with the ultimate goal of preventing dangerous and unsightly conditions before they occur.

Financial Consideration: This progressive fee schedule may result in minor additional revenue. As stated the goal of the fee schedule is to encourage property owners to take care of property without being tagged.

Conclusion/Recommendations: Administration recommends approval of the resolution.

**RESOLUTION ADDING AND AMENDING ADMINISTRATIVE FEES
FOR CITY ABATEMENT OF NUISANCES**

WHEREAS Section 90.18 (B) of the Vermillion, South Dakota Code of Ordinances allows the City Council to establish and change the administrative fees for the abatement of nuisances by the City; and,

WHEREAS Section 90.51 (C) allows the City Council to establish and change the administrative fees of each violation of the Duty to Cut City Ordinance.

BE IT HEREBY RESOLVED by the Governing Body of the City of Vermillion, South Dakota at a regular meeting thereof at 7:00 p.m. on the 18th day of May, 2015, that fees be established or changed as follows:

The fee for violations of 90.16 (Specific Nuisances) as provided for in Section 90.18 (B) and Section 90.51 (C) (Duty to Cut) of the Ordinances of the City of Vermillion shall be ten dollars (\$10.00) for the first offense with the fee increasing an additional twenty dollars (\$20.00) for each subsequent offense, per lot, for any violation or combination of the above violations occurring within a given calendar year, regardless of occupancy. All administrative fees and/or abatement fees shall be the responsibility of the property owner and subject to special assessment against the property if not paid.

The administrative fee for nuisance abatement by the City as provided for in Section 90.18 (B) and 90.51(C) of the Ordinances of the City of Vermillion shall be twenty-five dollars (\$25.00).

The administrative fee for all other violations of the revised Ordinances of the City of Vermillion shall be ten dollars (\$10.00.) unless a more specific amount is set by resolution.

Dated at Vermillion, South Dakota this 18th day of May, 2015.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

By: _____
Michael D. Carlson, Finance Officer

Approved: May 18, 2015
Publish: May 29, 2015
Effective: June 18, 2015

Council Agenda Memo

From: Mike Carlson

Meeting: May 18, 2015

Subject: Referendum Petition for Ordinance 1326 Requiring Day Care Businesses to Register with the City

Presenter: Mike Carlson

Background: Ordinance 1326 requiring daycare businesses to register had first reading on March 16, 2015 after considerable discussion and several meetings with the daycare providers. Second reading was on April 6, 2015 and the ordinance was published on April 17, 2015 with the 20 day referral period ending May 7, 2015.

On May 6, 2015 Laura Wiemers presented a referendum petition regarding the Daycare Business Registration Ordinance 1326. A copy of the petition was taken to City Attorney, Jim McCulloch, for review. A voter registration list was requested from the County Auditor that contained 5,188 registered voters. To meet the 5% requirement of voters, 260 signatures are needed. I compared the signatures on the petition to the voter registration list and determined that there were over 260 valid signatures on the petitions. Jim McCulloch called to say that the content of the petition complies with statute thus a valid referendum petition was submitted.

Discussion: The statute for setting an election for referendum is as follows:

9-20-11. Date of election on referendum petition--No action taken pending election. The governing body shall, upon the presentation of a petition pursuant to § 9-20-6, submit the question to the electors at the next annual municipal election or the next general election, whichever is earlier. Pending the election, the governing body may take no action with respect to the subject matter of the petition that would alter or preempt the effect of the proposed petition. However, the governing body may expedite the date of the election by ordering, within ten days of receiving the petition, a special election to be held on a Tuesday not less than thirty days from the date of the order of the governing body.

The next scheduled municipal election would be June 7, 2016. This election would be for the four city alderman positions and is combined with the primary election. The earliest that a special election could be held would be June 30, 2015. The City has also received an initiative petition on the repeal of the malt beverage markup that will be presented at the evening meeting and will require Council action to set an election.

As to the election date, the city has combined the biannual city election with the primary election to obtain a better voter turnout. In the past, special elections have had smaller voter turnout. If the election is set for June 2016 the daycare registration ordinance will be put on hold waiting for the canvass of the June 2016 election results.

Financial Consideration: The cost of a special election using paper ballots is estimated at \$2,500 to \$3,000. The cost of a combined election with the County was \$2,500 in 2014.

Conclusion/Recommendations: The City Council will need to set an election date for the referendum on the Daycare Registration Ordinance 1326.

MUNICIPAL REFERENDUM PETITION IN THE MUNICIPALITY OF VERMILLION

WE, THE UNDERSIGNED qualified voters of the municipality of Vermillion, the state of South Dakota, petition that the following ordinance as passed by the governing board of the municipality, be submitted to the voters for their approval or rejection pursuant to law.

ORDINANCE NUMBER 1326

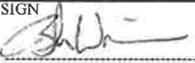
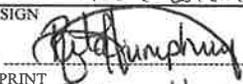
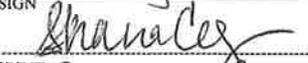
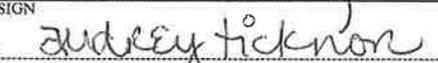
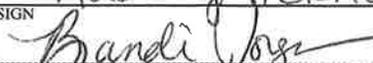
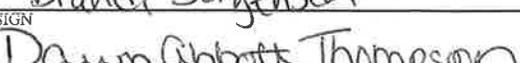
AN ORDINANCE AMENDING TITLE XI, ADDING CHAPTER 121, DAY CARE, TO THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, CREATING A REQUIREMENT FOR DAYCARE BUSINESSES TO REGISTER WITH THE CITY OF VERMILLION AND PROVIDING FOR CERTAIN HEALTH AND SAFETY REQUIREMENTS.

Passed April 6, 2015 by City Council of Vermillion, SD

*Received 5-6-15
1473
MDC*

INSTRUCTIONS TO SIGNERS:

1. Signers of this petition must individually sign their names in the form in which they are registered to vote or as they usually sign their names.
2. Before the petition is filed, each signer or the circulator must add the residence address of the signer and the date of signing. If the signer is a resident of a second or third class municipality, a post office box may be used for the residence address.
3. Before the petition is filed, each signer or the circulator must print the name of the signer in the space provided and add the county of voter registration.
4. Abbreviations of common usage may be used. Ditto marks may not be used.
5. Failure to provide all information requested may invalidate the signature.

NAME		RESIDENCE	DATE/COUNTY
SIGN 		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 855 Eastgate Dr	DATE OF SIGNING 4/20/15
PRINT Brandon Wiemers		CITY OR TOWN Vermillion, SD 57069	COUNTY OF REGISTRATION Clay
SIGN 		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 1038 Cottage Ave	DATE OF SIGNING 4/21/15
PRINT Rita Humphrey		CITY OR TOWN Vermillion SD 57069	COUNTY OF REGISTRATION Clay
SIGN 		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 215 Carr	DATE OF SIGNING 4/21/15
PRINT Wendy Pederson		CITY OR TOWN Vermillion, SD 57069	COUNTY OF REGISTRATION Clay
SIGN 		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 119 N Yale St	DATE OF SIGNING 4/21/15
PRINT Shana Derry		CITY OR TOWN Vermillion SD 57069	COUNTY OF REGISTRATION Clay
SIGN 		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 600 Colonial St	DATE OF SIGNING 4/21/15
PRINT Audrey Ticknor		CITY OR TOWN Vermillion SD 57069	COUNTY OF REGISTRATION Clay
SIGN 		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 1318 Crestview	DATE OF SIGNING 4/24/15
PRINT Brandi Jorgensen		CITY OR TOWN Vermillion, SD 57069	COUNTY OF REGISTRATION Clay
SIGN 		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 1103 E. Clark St	DATE OF SIGNING 4/24/15
PRINT Dawn Abbott Thompson		CITY OR TOWN Vermillion, SD 57069	COUNTY OF REGISTRATION Clay

NAME		RESIDENCE	DATE/COUNTY
SIGN 8 PRINT	Kathryn Heles Kathryn Heles	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 406 N. Crawford Rd CITY OR TOWN Vermillion SD 57069	DATE OF SIGNING 4.25.15 COUNTY OF REGISTRATION Clay
SIGN 9 PRINT	Michael L. Moley Michael L. Moley	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 31315 Bluff Rd CITY OR TOWN Vermillion SD 57069	DATE OF SIGNING 4/25/15 COUNTY OF REGISTRATION Clay
SIGN 10 PRINT	Jamie Drake Jamie Drake	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 1923 Brandon Dr CITY OR TOWN Vermillion SD 57069	DATE OF SIGNING 4/25/15 COUNTY OF REGISTRATION Clay
SIGN 11 PRINT	Teremie Hill Teremie Hill	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 500 Catalina Ave CITY OR TOWN Vermillion SD 57069	DATE OF SIGNING 4/25/15 COUNTY OF REGISTRATION Clay
SIGN 12 PRINT	Abby Hill Abby Hill	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 500 Catalina Ave CITY OR TOWN Vermillion, SD 57069	DATE OF SIGNING 4/25/15 COUNTY OF REGISTRATION Clay
SIGN 13 PRINT	Keith Thompson Keith Thompson	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 1103 E Clark St CITY OR TOWN Vermillion, SD 57069	DATE OF SIGNING 4-25-15 COUNTY OF REGISTRATION Clay
SIGN 14 PRINT	Janet L. Macy Janet L. Macy	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 409 Bulow CITY OR TOWN Vermillion SD 57069	DATE OF SIGNING 4-28-15 COUNTY OF REGISTRATION Clay
SIGN 15 PRINT	Kimberly K. Lee Kimberly K. Lee	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 1828 Kinnie St CITY OR TOWN Vermillion SD 57069	DATE OF SIGNING 4/28/15 COUNTY OF REGISTRATION Clay
SIGN 16 PRINT	Marie Anne Ben Marie Anne Ben	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 116 East Blommingdale St. CITY OR TOWN Vermillion SD 57069	DATE OF SIGNING 4/28/15 COUNTY OF REGISTRATION CLAY
SIGN 17 PRINT	Theresa Dwyg Theresa Dwyg	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 129 S. Pine CITY OR TOWN Vermillion, SD 57069	DATE OF SIGNING 4/28/15 COUNTY OF REGISTRATION Clay
SIGN 18 PRINT	Diane Wirth Diane Wirth	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 716 Rose # 102 CITY OR TOWN Vermillion SD 57069	DATE OF SIGNING 4/28/15 COUNTY OF REGISTRATION Clay
SIGN 19 PRINT	Kay Rasmussen Kay Rasmussen	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 500 Oakmont Drive CITY OR TOWN Vermillion, SD	DATE OF SIGNING 4/28/15 COUNTY OF REGISTRATION Clay
SIGN 20 PRINT	Richard Ekstrom Richard Ekstrom	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 912 Ridgecrest Dr CITY OR TOWN Vermillion SD	DATE OF SIGNING 4/28/15 COUNTY OF REGISTRATION Clay

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before filing.

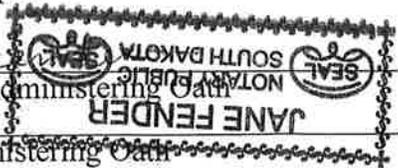
Laura E Wiemers 855 Eastgate Dr. Vermillion SD
 Print name of the circulator Residence Address City State

I, under oath, state that I circulated the above referendum petition, that each signer personally signed this petition in my presence, that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration, that I attest the legality of the signatures and that each person signing this petition is a resident and qualified voter of the municipality of Vermillion.

Laura E Wiemers
 Signature of Circulator

Sworn to before me this 29 day of April, 2015.
 (Seal)

Jane Fender
 Signature of Officer Administering Oath
 Title of Officer Administering Oath



My Commission Expires 2-22-2019
 Form Revised 2000 - 5:02:08:16

Council Agenda Memo

From: Mike Carlson

Meeting: May 18, 2015

Subject: Set the election date for Initiative Petition to repeal sections 112.24 through 112.31 imposing a charge upon malt beverage purchases pursuant to SDCL 35-4-60.2

Presenter: Mike Carlson

Background: It is anticipated that the City Council received the initiative petition to repeal sections 112.24 through 112.31 of the City Code imposing a charge upon malt beverage purchases pursuant to SDCL 35-4-60.2 at the Noon meeting and deferred action on setting the election date until the evening meeting. The following state statute requires the petition to be presented to the City Council at its first ensuing regular or special meeting and that the Governing Body submit the petition to a vote as prescribed for referendum (SDCL 9-20-11).

9-20-4. Presentation of initiative petition to governing body--Submission to voters. When a petition to initiate is filed with the finance officer, the finance officer shall present the petition to the governing body at its first ensuing regular or special meeting. The governing body shall submit the petition to a vote of the voters in the manner prescribed for a referendum.

The City Council approved second reading of the ordinance enacting sections 112.24 through 112.31 of the City Code that imposed a 5% charge upon malt beverage purchases pursuant to SDCL 35-4-60.2 on February 17, 2015. The ordinance was published on February 27, 2015 and became effective 20 days after on March 19, 2015. A referendum petition was received on March 18, 2015 that was determined by the City Attorney to not be valid due to the wording on the petition.

An Initiative Petition to repeal sections 112.24 through 112.31 imposing a charge upon malt beverage purchases pursuant to SDCL 35-4-60.2 was received on May 11, 2015 from Blaine Schoellerman. A copy of the petition was taken to City Attorney Jim McCulloch for review. A voter registration list was requested from the County Auditor that contained 5,187 registered voters. To meet the 5% requirement of voters would be 260 signatures. I compared the signatures on the petition to the voter registration list and determined that there were over 260 valid signatures on the petitions. Jim McCulloch called to say that the content of the petition complies with statute thus a valid initiative petition was submitted.

Discussion: As noted above, this memo is prepared anticipating that the petition was submitted to the City Council at the Noon meeting as it was the first ensuing special meeting following receipt of the petition and the City Council acknowledged receipt at that time and deferred setting the election date until the evening meeting.

The statute for setting an election for referendum is as follows:

9-20-11. Date of election on referendum petition--No action taken pending election. The governing body shall, upon the presentation of a petition pursuant to § 9-20-6, submit the question to the electors at the next annual municipal election or the next general election, whichever is earlier. Pending the election, the governing body may take no action with respect to the subject matter of the petition that would alter or preempt the effect of the proposed petition. However, the governing body may expedite the date of the election by ordering, within ten days of receiving the petition, a special election to be held on a Tuesday not less than thirty days from the date of the order of the governing body.

The next scheduled municipal election would be June 7, 2016. This election would be for the four city alderman positions and is combined with the primary election. The earliest that a special election could be held would be June 30, 2015. The previous item on the agenda is the referendum on the daycare registration ordinance that would also require the City Council to set an election date.

As to the election date, the city has combined the biannual city election with the primary election to obtain a better voter turnout. In the past, special elections have had smaller voter turnout. If the election is set for June 2016 the malt beverage mark up will become effective July 1, 2015 and will wait the June 2016 elections results for if it will continue or be repealed.

Financial Consideration: The cost of a special election using paper ballots is estimated at \$2,500 to \$3,000. The cost of a combined election with the County was \$2,500 in 2014.

Conclusion/Recommendations: The City Council will need to set an election date for the initiative petition question to repeal sections 112.24 through 112.31 imposing a charge upon malt beverage purchases pursuant to SDCL 35-4-60.2.

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: May 18, 2015

Subject: Selection of design alternative for Main/Center/Court Street intersection

Presenter: Jose Dominguez

Background: In 2012 the City completed a City-wide transportation study. One of the items that was brought up through that study was that the intersection at Main/Court/Center was experiencing long delays. Based on this public comment the City furthered studied the intersection and found that it in-fact did experience long delays and that it had one of the highest accident propensities in the City.

This intersection was included in the City project that would be renovating, or reconstructing, all of the traffic signals along Main Street. The City presented four options for the intersection mentioned above. Additionally, the City held four public meetings to present the options to the public. These meetings were held October 29, 2014, November 13, 2014 and November 19, 2014.

Discussion: The City presented four options to the public. These options ranged from basic upgrades to the traffic signal to closing Center Street at Main Street. The option that was selected by the City Council for further review was not one of the options developed by the consultant. Rather, the option was to remove the signal and have the north/south streets (Center and Court) be stop controlled at Main Street. Additionally, the intersection would also include the construction of larger bump-outs to reduce vehicular speed and improve pedestrian safety. Due to the impact that removing a traffic signal is, the City conducted a study by shutting off the traffic signals to see what effects the removal may have. The results from the study concluded that traffic on Main Street increased while traffic on the side streets decreased. Additionally, there was no change in pedestrian behavior as there are more than enough gaps in the traffic flow to allow for pedestrian to safely cross Main Street. It should also be noted traffic speed and accidents did not increase due to the signal removal. The City Council reviewed the traffic study results at the May 4, 2015 Noon meeting.

Financial Consideration: As mentioned previously, this project is part of a larger project consisting of upgrading all of the traffic signals along Main Street. The entire project will be funded by a combination of City and STP (State and Federal) funds. The City has anticipated contributing approximately \$200,000 from the 2nd Penny fund for the overall project to upgrade the three Main Street traffic signals. The remainder of the overall project cost would come from STP funds allocated for Vermillion projects.

At this point it appears there are two remaining options for the Main/Center/Court Street intersection. Both of the options include salvaging the existing traffic signals for use at the Main Street and University Street intersection and having larger bump-outs at the Main/Center/Court intersection. However, one option also includes redoing the pavement through the Main/Center/Court intersection; while the other option does not. The option with the new pavement is estimated to cost approximately \$300,000. The other option would be approximately \$210,000. The City contribution to the overall project will likely still be in the range of \$200,000. The City Council will make the determination on the amount of local funding to spend on the project with the 2016 budget process.

Conclusion/Recommendations: Administration recommends selecting the option which would salvage the traffic signal and reconstruct the entire intersection, including the pavement. This option would considerably improve the traffic flow at this intersection while providing a great aesthetic improvement.

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: May 18, 2015

Subject: Request from USD to close North Dakota Street from Alumni Drive to East Duke Street from May 19, 2015 to May 27, 2015 for construction

Presenter: Jose Dominguez

Background: As part of the Arena construction project, the University of South Dakota will need to connect to the City utilities along North Dakota Street. Due to the location of the utilities and the type of construction they will require a portion of North Dakota Street to be closed to traffic.

Discussion: USD's contractor would like to close North Dakota Street from Alumni Drive to East Duke Street to tie to the City's water main located on the west side of North Dakota Street. The street will have to be closed due to the location of the water main and the type of construction that is required. Because of these factors there will not be enough road width remaining for the safe passage of vehicular traffic. The contractor estimates that the closure will take approximately one week. During that week the contractor will excavate the area where the new pipe will go, make the connection to the existing water main, place the flowable backfill and place the new concrete patch.

USD has submitted a traffic control plan for the work. The traffic control plan meets all requirements for road closures. Additionally, the contractor is proposing a detour route for use during the closure.

The road is proposed to be closed on May 19th and be open to traffic on May 28th, 2015.

Financial Consideration: There will be no cost to the City for the closure.

Conclusion/Recommendations: Administration recommends the closing of North Dakota Street between Alumni Drive and East Duke Street for the requested duration. Staff also recommends allowing, if necessary, the closure to be extended by a maximum of an additional week due to weather issues. Due to the timing of City Council meetings, this would be a Staff decision, and the extension would not be longer than a week.

Request to Close Public Street

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

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

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

Organization Requesting Runge Enterprises, Inc.

Contact Person Bob Roth Phone 605-334-4833

Contact Person Address P.O. Box 86490 Sioux Falls, SD 57118

Event Dakota Street Water Crossing Date(s) of Event 5/19/15 to 5/27/15

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

Street Dakota Street from E. Duke St. to Rice Dr.

Street Closing Times _____ to _____

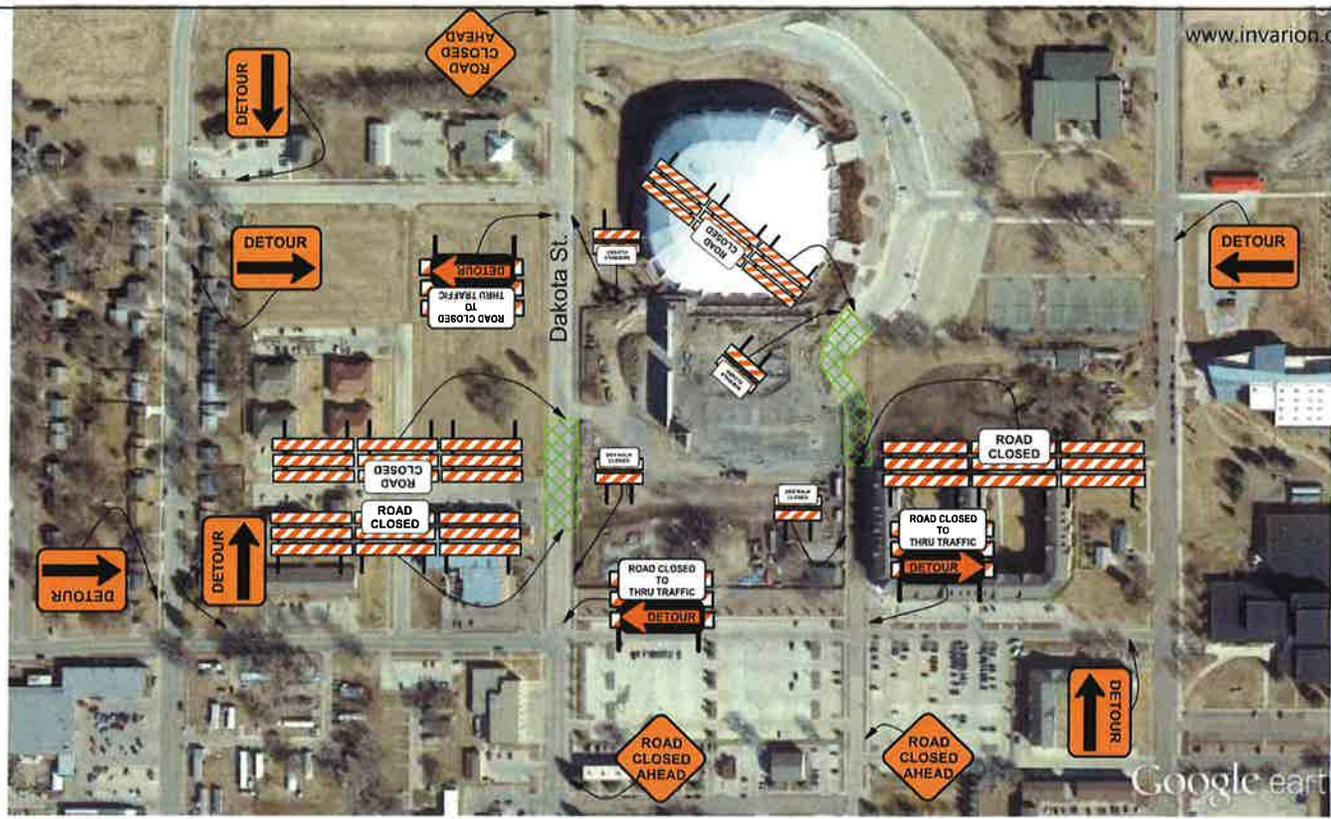
If the street closing requested would affect other residents or businesses have they been notified of the request. Yes ___ No X Not yet, but can notify.

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

Patch street panels after water line is run
across street.

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

Signature of applicant Robert Roth date 5/12/15



Date: 5/12/2015 **Author:** Blaine Weippert **When:** 5-19 Rose St.(2Months) Dakota St.(1.5 weeks)
Comments:
 Contractor is Runge Enterprises, Inc.
 Contact is Robert Roth
 941-0029



Signature: _____ **Date:** _____
**THESE DRAWINGS SHALL NOT BE REPRODUCED, COPIED OR USED
 IN ANY FORM WITHOUT WRITTEN PERMISSION FROM TRAFFIC SOLUTIONS INC.**

Cell Phones
 Sam Wurtz
 605-360-2497
 Lonnie Heibult
 605-360-4958
 Blaine Weippert
 605-941-5832

Posted Speed Prior to Work(MPH)	Spacing of Advance Warning Signs(Feet) (A)	Taper Length (Feet) (L)	Spacing of Channelizing Devices(Feet) (G)
0 - 30	200	180	25
35 - 40	350	320	25
45 - 50	500	600	50
55	750	660	50
60 - 65	1000	780	50

Posted Speed Prior to Work(MPH)	Length of Longitudinal Buffer Space (Feet)
20	35
25	55
30	85
35	120
40	170
45	220
50	280
55	335
60	415
65	485

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: May 18, 2015

Subject: Request from USD to close Rose Street from Dakota Dome to 400-feet south of Dakota Dome from May 19, 2015 to May 27, 2015 for construction

Presenter: Jose Dominguez

Background: As part of the USD Arena project, USD will need to connect to the City utilities along Rose Street. Due to the location of the utilities and the type of construction they will require a portion of Rose Street to be closed to traffic.

Discussion: USD's contractor is planning on closing Rose Street south of the Dakota Dome to tie to the City's water main and storm sewer crossing Rose Street. The street will have to be closed due to the location of both of the utilities and the type of construction that is required. Because of both of these factors there will not be enough road width remaining for the safe passage of vehicular traffic. The contractor estimates that the closure will take approximately one week. During that week the contractor will excavate the area where the new pipes will go, make the connection to the existing water main, place the flowable backfill and place the new concrete patch. Additionally, the contractor will be extending the storm sewer west across the Rose Street.

USD has submitted a traffic control plan for the work. The traffic control plan meets all requirements for road closures. Additionally, the contractor is proposing a detour route for use during the closure.

The road is proposed to be closed on May 19th and be open to traffic on May 28th, 2015.

Financial Consideration: There will be no cost to the City for the closure.

Conclusion/Recommendations: Administration recommends the closing of Rose Street from the Dakota Dome to 400-feet south of the Dakota Dome for the requested duration. Staff also recommends allowing, if necessary, the closure to be extended by a maximum of an additional week due to weather issues. Due to the timing of City Council meetings, this would be a Staff decision, and the extension would not be longer than a week.

Request to Close Public Street

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

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

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Organization Requesting Runge Enterprises, Inc.

Contact Person Bob Roth Phone 605-334-4833

Contact Person Address P.O. Box 86490 Sioux Falls, SD 57118

Event Rose Street Reconstruction Date(s) of Event 5/19/2015 to 7/24/2015

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

Street Rose Street from Dakota Dome to 400 feet south

Street Closing Times _____ to _____

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

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

Yes, new water and storm sewer lines. New pavement.

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

Signature of applicant Robert Roth date 5/12/15



Date: 5/12/2015 **Author:** Blaine Weippert **When:** 5-19 Rose St.(2Months) Dakota St.(1.5 weeks)
Comments:
 Contractor is Runge Enterprises, Inc.
 Contact is Robert Roth
 941-0029

Signature: _____ **Date:** _____
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45 - 50	500	600	50
55	750	660	50
60 - 65	1000	780	50

Posted Speed Prior to Work(MPH)	Length of Longitudinal Buffer Space (Feet)
20	35
25	55
30	85
35	120
40	170
45	220
50	280
55	335
60	415
65	485

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: May 18, 2015

Subject: Request from Feimer Construction to close Cottage Avenue from West Cherry Street to West Dartmouth Street from May 20, 2015 to May 22, 2015

Presenter: Jose Dominguez

Background: As part of the apartment construction taking place west of Cottage Avenue on the Old Wheeler Inn property the developer will need to connect to the City sanitary sewer along Cottage Avenue. Due to the location of the sewer and the type of construction they will require a portion of Cottage Avenue to be closed to traffic.

Discussion: Feimer Construction, the contractor for the developer, would like to close Cottage Avenue from West Cherry Street to West Dartmouth Street to tie to the City's sanitary sewer located on Cottage Avenue. The street will have to be closed due to the location of the utility line along the street. Because of this there will not be enough road width remaining for the safe passage of vehicular traffic. The contractor estimates that the closure will take approximately three days. During that time the contractor will excavate the area where the new pipe will go, install the sewer and manhole and place the flowable backfill.

The contractor has not submitted a traffic control plan at this point, but will be required to have advanced warning signs off West Cherry and West Dartmouth Streets. Along with these signs, the contractor will also have to provide barricades, with the appropriate signs, at the actual closures.

The road is proposed to be closed on May 20th and be open to traffic on May 23th, 2015.

Financial Consideration: There will be no cost to the City for the closure.

Conclusion/Recommendations: Administration recommends the closing of Cottage Avenue from West Cherry Street to West Dartmouth Street for the duration requested. Staff also recommends allowing, if necessary, the closure to be extended by a maximum

8. New Business; item g

of an additional week due to weather issues. Due to the timing of City Council meetings, this would be a Staff decision, and the extension would not be longer than a week.

Request to Close Public Street

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

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

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Organization Requesting Feimer Construction

Contact Person Mike Feimer Phone 661-5938
Lee Lindquist Phone 661-7201

Contact Person Address 901 West 19th Yankton SD 57078

Event Gregiore Development Date(s) of Event _____

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

Street North Cottage from Cherry to Dartmouth

Street Closing Times May 20, 2015 May 22, 2015 - Dependent on weather

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

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

Yes, will clean up after project completed

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

Signature of applicant Kathy Feimer date May 14, 2015

Council Agenda Memo

From: Jason Anderson, Asst. City Engineer

Meeting: May 18, 2015

Subject: Resolution Authorizing the Purchase of Solid Waste Bale Bags for Landfill

Presenter: Jason Anderson

Background: The Solid Waste Department will need to purchase bags for the landfill baler. Staff has determined the most advantageous purchase price is a semi-load of bale bags from the City of Pierre bid awarded on June 17, 2014. The landfill will utilize the polypropylene bags with the bale bagging system that is a part of the landfill baler. The baler compresses the solid waste into bales and slides them into the polypropylene bags before the baled waste is transported to the landfill cell.

The bags are capable of containing up to 2,800 pounds of solid waste. A semi-load contains 19,000 bags that should last the landfill approximately 9-10 months. Accent Envirobale, the bidder awarded the City of Pierre contract, is willing to sell a semi-load of bale bags to the City of Vermillion at the City of Pierre contract price. The estimated delivery time is 20 weeks.

Discussion: Due to the time to prepare, advertise and receive bids as well as an attractive price received by the City of Pierre, staff would like to purchase from their bid. Additionally, the City would avoid the expense of preparing bid specifications and other associated bidding costs. The City has purchased off of the City of Pierre bid in the past.

Financial Consideration: The cost of the semi-load of bale bags to the Joint Powers Landfill fund would be \$84,930. The 2015 Joint Powers Landfill budget includes funding of \$90,000 for bale bags.

Conclusion/Recommendations: Administration recommends approving the resolution to purchase solid waste bale bags off the City of Pierre bid from Accent Envirobale for \$84,930.

**RESOLUTION
AUTHORIZING PURCHASE OF
SOLID WASTE BALE BAGS**

WHEREAS, SDCL 5-18A-22 authorizes a governmental entity to purchase necessary supplies from the lowest responsible bidder of another governmental entity or State at the accepted bid price and the concurrence of said bidder; and,

WHEREAS, the City of Vermillion has reviewed and determined that the bid awarded by the City of Pierre, South Dakota for 19,000 solid waste bale bags from Accent Envirobale in the amount of \$4.47 per bag for a total of \$84,930 for a semi-load offers an advantageous price to the City for said items; and,

WHEREAS, the City has contacted Accent Envirobale and they have agreed to allow the City to purchase 19,000 solid waste bale bags in a semi-load for the awarded prices and terms as they have contracted with the City of Pierre, South Dakota.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the City of Vermillion that the City Finance Officer is hereby authorized to purchase 19,000 solid waste bale bags in a semi-load from Accent Envirobale of Tomball, Texas at the awarded prices and under the same terms as the City of Pierre, South Dakota.

Dated at Vermillion, South Dakota this 18th day of May 2015.

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: John Prescott, City Manager

Meeting: May 18, 2015

Subject: Library Board Appointment

Presenter: Mayor Jack Powell

Background: By State Statute, the City Council is charged with appointing members of the Library Board.

9-10-9. Officers and employees appointed by governing body--Others appointed by city manager. The auditor, attorney, library board of trustees, and the treasurer shall be appointed by the governing body and may be removed at any time by such governing body. The auditor and the treasurer shall each appoint all deputies and employees in his office. All other officers and employees, including all members of boards and commissions, except as otherwise provided by law, shall be appointed by the manager and may be removed by him.

The Board is comprised of five (5) citizens, appointed by the City Council, and one (1) member of the City Council. The board terms are for three (3) years and expire in May.

Discussion: The current members of the Library Board and term expiration year are: Fern Kaufman (2015), Jon Flanagan (2016), Carl Gutzman (2016), Daniel Burniston (2017), and Diane Leja (2017). The City Council member is appointed when City Council Committee assignments are made in July of even years. The current council member serving on the board is Kelsey Collier-Wise.

Fern Kaufman has expressed interest in serving another term on the Library Board. Ms. Kaufman was the only person to complete and submit an Expression of Interest form for the Library Board. A copy of the completed Expression of Interest form is included with the packet. The opening was advertised on the City website and during a City Council meeting.

Financial Consideration: With the exception of the City Council representative, each member of the Library Board is paid \$15 per meeting.

Conclusion/Recommendations: Administration recommends appointing one individual to serve a three year term on the Library Board.



CITIZEN BOARD/COMMISSION EXPRESSION OF INTEREST FORM

Return completed forms to: City of Vermillion, John Prescott 25 Center Street Vermillion, SD 57069

Board/Commission on which you are interested in serving: Vermillion Public Library Board

Title: Mr. Mrs./Miss/Ms. Dr. Name: Fern Kaufman

Home Address: 818 Valley View Drive, Vermillion, SD 57069

Email Address: fjeanette13@hotmail.com Phone #: 605-624-4898

Number of years you have lived in/around Vermillion: 55 years

Occupation: Retired Employer:

Business Address:

Prior elected or appointed offices held (if any): Vermillion Public School Board, Dakota Hospital Board, Vermillion Area Community Association

Present and past community volunteer activities: Facilitator for Alzheimer + other Memory Loss Support Group, mentored middle school student, UCC Church choir, United Way

Why are you interested in serving on this Board/Commission? I am interested in the Vermillion Library and the various ways it can serve the community. Also, I have experience serving on the Vermillion Library Board + other Community Boards.

Do you have any unique skills or experiences which would be beneficial to the City to know in selecting someone to serve? As indicated above, I have served on numerous committees + boards in this community and also worked as children's librarian and interim library director - years ago!

Are there any particular projects, programs or goals you would like to see achieved while serving on the Board/Commission? Monitor + improve inter-library loan program. Continue + improve use of library in many diverse ways. encourage + assist with sale of used books.

Fern Kaufman Signature

April 1, 2015 Date

CITY OF VERMILLION
 ACCOUNTS PAYABLE-MAY 18, 2015

1 BECK MOTORS, INC	PICKUP	28,027.00
2 BILLION CHEVROLET	2- PICKUPS	48,228.00
3 BROADCASTER PRESS	ADVERTISING	1,411.51
4 BUREAU OF ADMINISTRATION	LONG DISTANCE	283.43
5 CENTURYLINK	TELEPHONE	1,493.18
6 CITY OF VERMILLION	LANDFILL VOUCHERS	812.75
7 CLAY RURAL WATER SYSTEM	WATER USAGE	63.60
8 CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,677.40
9 CREDIT COLLECTIONS BUREAU	COMMISSION	154.34
10 DEPT OF REVENUE	MALT BEVERAGE LICENSE	300.00
11 DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,490.19
12 DIVISION OF MOTOR VEHICLE	TITLE/PLATES	20.00
13 GREGG PETERS	MANAGERS FEE	6,000.00
14 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	210.00
15 MART AUTO BODY	TOWING	670.00
16 MATHESON TRI-GAS, INC	OXYGEN	67.14
17 MIDAMERICAN	GAS USAGE	1,684.80
18 MIDCONTINENT COMMUNICATION	INTERNET/CABLE SERVICE	118.68
19 NATIONAL MUSIC MUSEUM	CONTRIBUTION	15,000.00
20 RECOVERY SYSTEMS CO, INC	PARTS	442.94
21 REPUBLIC NATIONAL DIST.	MERCHANDISE	14,624.01
22 RESERVE ACCOUNT	POSTAGE FOR METER	900.00
23 SD GOVERNMENTAL FINANCE OFFICERS	REGISTRATION	150.00
24 STERN OIL CO.	FUEL	13,756.10
25 UNITED PARCEL SERVICE	SHIPPING	87.69
26 US POSTMASTER	POSTAGE FOR UTILITY BILLS	900.00
27 VAST BROADBAND	DIALUP SERVICE	49.95
28 VERMILLION FORD	2016 FORD FUSION	19,900.00
29 VISA/FIRST BANK & TRUST	SUPPLIES	227.70
30 CAFÉ BRULE	BRIGHT ENERGY REBATE	250.00
	GRAND TOTAL	\$161,000.41