



Special Meeting Agenda

City Council

12:00 p.m. (noon) Special Meeting
Monday, April 18, 2016
Large Conference Room-City Hall
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Presentation of Police Department Life Saving awards – Police Chief Matt Betzen.**
3. **Informational Session - Conceptual Designs for Bliss Pointe Park – Jim Goblirsch.**
4. **Informational Session – Proposed Plan for Downtown Public Infrastructure Improvements – Jose Dominguez.**
5. **Briefing on the April 18, 2016 City Council Regular Meeting** - Briefings are intended to be informational only and no deliberation or decision will occur on this item.
6. **Adjourn**

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

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

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

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

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

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



City of Vermillion Council Agenda

7:00 p.m. Regular Meeting
Monday, April 18, 2016
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. April 4, 2016 Special Meeting, April 4, 2016 Regular Meeting.
4. **Adoption of the Agenda**
5. **Visitors To Be Heard**
6. **Public Hearings**
 - a. Special permit to exceed allowable sound levels on June 18, 2016 for Old Lumber Company Bar & Grill, LLC on Kidder Street from Court Street to Market Street for Heartland Humane Society "Taste & Tour" event.
7. **Old Business**
 - a. Second reading of Ordinance 1336 amending Chapter 92, Fire Prevention and Protection Section 92.08 to add installation of a Rapid Entry System on all fraternities and sororities.
8. **New Business**
 - a. First reading of Ordinance 1337 - Amending City of Vermillion Code of Ordinances Title IX general regulations, Chapter 93 Animals and Fowl, to amend section 93.01 and add section 93.50 to include definitions, conditions, limitations and permit requirements for the keeping and housing of chickens within city limits.
 - b. Request from Old Lumber Company, LLC to close Kidder Street from Court Street west to the alley from 7:00 a.m. on June 18 to 2:00 a.m. on June 19, 2016 for Heartland Humane Society "Taste & Tour".
 - c. Permit for Consumption on a portion of Kidder Street June 18-19 Old Lumber Company, LLC for Heartland Humane Society "Taste & Tour" event.
 - d. Request from the Vermillion Chamber of Commerce and Development Company to utilize three parking stalls on W. Main Street from 11:30 a.m. on April 21, 2016 until 10:00 a.m. on April 22, 2016 for a display related to the Earth Day event at Ratingen Platz.
 - e. Resolution to amend the Equal Opportunity statement to include gender identity and expression discrimination.
 - f. Declaration of surplus items for City auction.
9. **Bid Openings**
 - a. Softball Field Lights
10. **City Manager's Report**
11. **Invoices Payable**

12. Consensus Agenda

- a. Set a public hearing date of May 2, 2016 for a special permit to exceed permissible sound levels for Coyoteopoly, Inc and South Dakota Shakespeare Festival between Monday, June 6 through Saturday, June 11, 2016 from 6:00 p.m. to 10:00 p.m. and Sunday, June 12, 2016 from 3:00 p.m. to 7:00 p.m. for Shakespeare festival performances.
- b. Set a public hearing date of May 2, 2016 for a special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company, Inc. on or about June 9-12, 2016 at the Prentis Park band shell area for the Shakespeare performances.
- c. Set a public hearing date of May 2, 2016 for a special daily malt beverage and wine license for the Fraternal Order of Eagles on or about May 20, 21 & 22, 2016 at Prentis Park baseball field for a fundraising tournament.
- d. Set a public hearing date of May 2, 2016 for a special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company, Inc. on or about May 15, 2016 at the Prentis Park baseball field for a baseball game.

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
April 4, 2016
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, April 4, 2016 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Holland, Clarene Meins, Price, Ward, Willson, Mayor Powell

Absent: Erickson, Holly Meins

2. Informational Session - Draft of the Capital Improvement Plan - John Prescott

John Prescott, City Manager, reviewed the 2016-2020 Capital Improvement Plan for the City. John stated that for items to be included on the Capital Improvement Plan they should be over \$5,000 in cost and are not a maintenance item or a reoccurring item. John reviewed the individual department's Capital Improvement Plan. John and the Department Heads answered questions of the City Council on the Capital Improvement Plan. John stated that the Capital Improvement Plan serves as the first step in planning for the 2017 budget. John noted that the direction provided by the City Council is used in developing the 2017 budget. John stated that the Capital Improvement Plan will be on a future City Council agenda for approval. Discussion followed on the Capital Improvement Plan.

3. Briefing on the April 4, 2016 City Council Regular Meeting

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

4. Adjourn

78-16

Alderman Ward moved to adjourn the Council special session at 12:52 p.m. Alderman Collier-Wise seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 4th day of April, 2016.

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

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
April 4, 2016
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, April 4, 2016 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Erickson, Holland, Clarene Meins, Holly Meins, Price, Ward, Willson, Mayor Powell, Student Representative Ireland

2. Pledge of Allegiance

3. Minutes

A. Minutes of March 21, 2016 Special Meeting, March 21, 2016 Regular Meeting

79-16

Alderman Willson moved approval of the March 21, 2016 Special Meeting and March 21, 2016 Regular Meeting minutes. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

80-16

Alderman Collier-Wise moved approval of the agenda with the addition of Item 5D Proclamation of Congratulations to the USD Women's Basketball Team. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. Arbor Day proclamation

Alderman Clarene Meins read the Arbor Day Proclamation recognizing April 29, 2016 as Arbor Day in Vermillion urging all citizens to support efforts to protect our trees and woodlands. Mayor Powell presented the proclamation to Jim Goblirsch, Director of Parks & Recreation. Jim stated that the Parks Department will be planting a tree on April 29th with the second grade class. Jim stated that the Tree Board will be providing information on a program to assist with tree planting. Jim encouraged citizens to watch the paper for information on this program.

B. National Library Week proclamation

Alderman Collier-Wise read the National Library Week Proclamation recognizing the week of April 10-16, 2016 as National Library Week in Vermillion and encouraged all citizens to visit the Edith B. Siegrist Vermillion Public Library. Mayor Powell asked if John Prescott could deliver the proclamation to the Library.

C. Carla Connors Appreciation Day proclamation

Alderman Price read the Proclamation of Carla Connors Appreciation Day recognizing April 11, 2016 as Carla Connors Appreciation Day. Mayor Powell presented the proclamation to Tom Craig representing the VHS Music Booster Club. Tom invited the community to a fundraising performance by Carla Connors at the high school at 7:00 p.m. on April 11th.

D. Proclamation of Congratulations to the 2015-16 University of South Dakota Women's Basketball Team

Alderman Ward read the Proclamation of Congratulations to the 2015-16 USD Women's Basketball Team in recognition of winning the Women's National Invitational Tournament. Mayor Powell presented the proclamation to Coach Amy Williams. Dave Herbster, Athletic Director, wanted to thank the community for their support and assistance.

6. Public Hearings

A. Transfer of retail off sale malt beverage license to Jay Ambe-7, LLC from Freedom Valu Center, Inc for Erickson Freedom Valu Center at 830 E. Cherry Street

Mike Carlson, Finance Officer, reported that an application was received for the transfer of the retail off sale malt beverage license to Jay Ambe-7, LLC from Freedom Valu Center, Inc for Erickson Freedom

Value Center at 830 E. Cherry Street. Mike stated that the City Council has the ability to transfer a license on basically two criteria: suitable person and suitable location. Mike reported that, as to the suitable person, City ordinance provides that new applicants must submit to a criminal background check to determine suitability. Mike stated that the two corporate owners listed have provided the South Dakota Division of Criminal Investigation background check to the Chief of Police. Mike noted that the Police Chief's report is included in the packet. Mike stated that, with respect to the location criteria, licenses have been previously approved for this location. Mike stated that the transfer fee of \$150 has been received, of which half is retained by the City and the other half is sent to the state.

81-16

Alderman Collier-Wise moved approval of the transfer of the retail off sale malt beverage license to Jay Ambe-7, LLC from Freedom Valu Center, Inc. at 830 E. Cherry Street for Freedom Valu Center. Alderman Holland seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Special daily malt beverage and wine license on or about April 23, 2016 for Vermillion Area Arts Council at 202 Washington

Mike Carlson, Finance Officer, reported that the Vermillion Area Arts Council has applied for a special daily malt beverage and wine license for a special event on or about April 23, 2016 at 202 Washington. Mike stated that the notice of hearing and Police Chief's reports are included in the packet. Mike noted that staff is not aware of any issues with previous special permits for the Arts Council.

82-16

Alderman Collier-Wise moved approval of the special daily malt beverage and wine license for the Vermillion Area Arts Council on or about April 23, 2016 at 202 Washington Street. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Special daily malt beverage and wine license on or about April 23, 2016 for Vermillion Area Arts Council at the fairgrounds west arena

Mike Carlson, Finance Officer, reported that the Vermillion Area Arts Council has applied for a special daily malt beverage and wine license for a special event on or about April 23, 2016 at the fairgrounds west arena. Mike stated that the notice of hearing and Police Chief's reports are included in the packet. Jessi Wilharm representing the Arts Council stated that this event is from noon to 5:00 p.m.

83-16

Alderman Collier-Wise moved approval of the special daily malt beverage and wine license for the Vermillion Area Arts Council on or about April 23, 2016 at the fairgrounds west arena. Alderman Holland seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Special daily malt beverage and wine license on or about April 21, 2016 for Vermillion Area Chamber of Commerce & Development Company, Inc on Ratingen Platz and half block of Market Street south of Main Street for Thursday's on the Platz/Earth Day events.

Mike Carlson, Finance Officer, reported that the Vermillion Area Chamber of Commerce & Development Company (VCDC) has applied for a special daily malt beverage and wine license for Earth Day event on April 21, 2016 on Ratingen Platz and half block of Market Street south of Main Street. Mike stated that the notice of hearing and Police Chief's reports are included in the packet. Mike noted that, as the event will be held on a City street and City property, ordinance allows the City to include "such conditions and restrictions, as the governing body may deem appropriate and consistent with state law." Mike reported that the VCDC has provided a certificate of Insurance naming the City of Vermillion as an additional insured and provided a Release and Indemnification releasing the City from liability for the event. Mike stated that staff is not aware of any issues with the special license for the VCDC in the past. Mike stated that administration recommends approval of the license if the sales hours are set unless other information is received at the hearing. Mike noted that the permit to exceed allowable sound levels later on agenda has the time listed as 4:00 p.m. to 8:00 p.m.

84-16

Alderman Willson moved approval of the special daily malt beverage license on or about April 21, 2016 for the Vermillion Area Chamber of Commerce & Development Company for Earth Day event at Ratingen Platz and half block of Market Street south of Main Street with the sales hours of 5:00 p.m. to 7:00 p.m. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Special permit to exceed allowable sound levels on April 21, 2016 for Vermillion Area Chamber of Commerce & Development Company, Inc on Ratingen Platz and half block of Market Street south of Main Street for Thursday's on the Platz/Earth Day events

Mike Carlson, Finance Officer, reported that the Vermillion Area Chamber of Commerce & Development Company (VCDC) has applied for a special permit to exceed allowable noise levels for Earth Day events on

April 21, 2016, to be held at Ratingen Platz and the half block of Market Street south of Main Street from 4:00 p.m. to 8:00 p.m. Mike stated that the notice of hearing, copy of the application and a map of the area are attached. Mike stated that the City Council will need to determine, at the public hearing, if it is in a suitable location with appropriate facilities, during the allowable time and if the applicant can demonstrate the public benefit of the event. Mike stated that staff is not aware of any issues with the special permit for the VCDC in the past.

85-16

Alderman Collier-Wise moved approval of the special permit to exceed allowable sound levels for the Vermillion Area Chamber of Commerce and Development Company for the Earth Day events on the Ratingen Platz and the half block of Market Street south of Main Street from 4:00 p.m. to 8:00 p.m. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

F. Special daily malt beverage and wine license on or about May 7, 2016 for Clay County Agricultural Fair Association at the fairgrounds west arena

Mike Carlson, Finance Officer, reported that the Clay County Agricultural Fair Association, Inc. has submitted an application for a special daily malt beverage and wine license for a spring Demo Derby on May 7, 2016. Mike stated that the notice of hearing and Police Chief's reports are included in the packet. Mike stated that staff is not aware of any issues with the special license for the Fair Board in the past. Mike stated that administration recommends approval of the license unless other information is received at the hearing.

86-16

Alderman Collier-Wise moved approval of the special daily malt beverage license on or about May 7, 2016 for the Clay County Agricultural Fair Association, Inc. for a Demo Derby at the fairgrounds west arena. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

G. Special permit to exceed allowable sound levels on April 14, 2016 for Pi Kappa Alpha in the northwest corner of Prentis Park for a fundraising concert event

Mike Carlson, Finance Officer, reported that Dallas Humphries contacted the City on March 17th regarding a special permit to exceed permissible sounds levels for their "Pikes in the Park" event. Mike stated that Dallas was provided with the application forms but they were not returned. Mike noted that as the hearing was included on the March 21st

consensus agenda it was listed on this agenda. Mike stated that the hearing can be closed and no special permit will be issued. Mayor Powell noted that with no one present the hearing was closed.

7. Old Business

A. Second reading of Ordinance 1335 amending Chapter 92, Fire Prevention and Protection Section 92.07 to include definitions, hours for discharge of novelty fireworks, display permits, and sales permits

Shannon Draper, Fire Chief, stated that this is second reading of Ordinance No. 1335 that amended the existing ordinance to include definitions, provides that novelty ground based fireworks are allowed during certain hours on July 4th, addresses public display permits and includes a permitting process for fireworks sales within the City.

87-16

Second reading of title to Ordinance No. 1335 entitled An Ordinance amending Chapter 92, Fire Prevention and Protection to include definitions, hours for discharge of novelty fireworks, display permit requirements and sales permits 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. 1335 entitled An Ordinance amending Chapter 92, Fire Prevention and Protection to include definitions, hours for discharge of novelty fireworks, display permit requirements and sales permits 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 21st day of March, 2016 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 4th day of April, 2016 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 1335

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE IX GENERAL REGULATIONS, CHAPTER 92 FIRE PREVENTION AND PROTECTION, SECTION 92.07 OF THE REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA TO INCLUDE DEFINITIONS, HOURS FOR DISCHARGE OF NOVELTY FIREWORKS,

DISPLAY PERMIT REQUIREMENTS, SALES REQUIREMENTS, AND PENALTY FOR VIOLATIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA that Title IX, Chapter 92 section 92.07 be amended as set forth below:

§ 92.07 FIREWORKS

(A) DEFINITIONS. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LEGAL CONSUMER FIREWORKS. Novelty consumer or aerial consumer fireworks designed primarily to produce visible effects by combustion, that must comply with the construction, chemical composition, and labeling regulations promulgated by the U.S. Consumer Product Safety Commission (C.F.R. Title 16--Commercial Practices, Part 1507), effective January 1, 1998 and that are enumerated in the American Pyrotechnics Association Inc., Standard 87-1, April, 1993 edition of SDCL 34-37-5. All other fireworks would be considered illegal.

ILLEGAL CONSUMER FIREWORKS. Any fireworks that do not comply with the U.S. Consumer Product Safety Commission (C.F.R. Title 16--Commercial Practices, Part 1507), effective January 1, 1998 and that are enumerated in the American Pyrotechnics Association Inc., Standard 87-1, April, 1993 edition or SDCL 34-37-4.

NOVELTY CONSUMER FIREWORKS. Non-aerial fireworks including, but not limited to, sparklers, smoke devices, snakes, snappers, party poppers, ground-based sparklers, or fountains up to 500 grams, and small firecrackers.

AERIAL CONSUMER FIREWORKS. Legal consumer fireworks including, but not limited to sky rockets, bottle rockers, roman candles, reloadable shell devices, mortar type fireworks, and any airborne open flame, including sky lanterns.

(B) SALE AND USE REGULATION.

(1) It shall be unlawful for any person to shoot, discharge, or explode, or cause to be shot, discharged, or exploded, any firecrackers, sky rockets, blank cartridges, fireworks, or other explosives used for fireworks or fire display in the City except for Novelty Consumer Fireworks. Novelty Consumer Fireworks shall only be discharged within City limits in areas other than public streets, sidewalks, parks, grounds, or within the downtown business district

of the City. The discharge of Novelty Consumer Fireworks shall be allowed, in accordance with state law, between the hours of 9:00 a.m. and 11:59 p.m. on July 4th. It shall be unlawful for any person to launch Aerial Consumer Fireworks within City limits except if provided for by permit.

(2) Nothing in this section shall prohibit the use of a public display of fireworks in the City, provided that any individual, firm, partnership, or corporation, prior to making the public display of fireworks, shall first secure a written permit to do so from the governing body of the City. Permit applications must be submitted at least twenty days prior to the event on forms provided by the Fire Chief. Site inspection is required prior to the approval of the permit. Site inspection is also required on the day of the event not less than thirty minutes before the listed event show. The Fire Chief or designee will complete all site inspections.

(3) It shall be unlawful to sell Legal Consumer Fireworks without a permit from the City. Application for a permit shall be made to the Fire Chief on forms provided. Applicants for permit to sell Legal Consumer Fireworks must first obtain a Retail Fireworks License from the South Dakota State Fire Marshal. The sale of Legal Consumer Fireworks is allowed in accordance with City codes and SDCL 34-37. The sale of Legal Consumer Fireworks must take place on property zoned for commercial use. The fee for the permit shall be set by resolution of the City Council. The City may deny a permit if a site, hours, or applicant is deemed unsuitable. The City may revoke a permit for any violation of this Section 92.07.

(4) It shall be unlawful to sell or use any fireworks other than Legal Consumer Fireworks within the City of Vermillion.

§ 92.99 PENALTY.

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to §10.99.

Dated at Vermillion, South Dakota this 4th day of April, 2016.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Ward. 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: Collier-Wise-Y, Erickson-Y, Holland-Y, Clarene Meins-Y, Holly Meins-Y, Price-Y, Ward-Y, Willson-Y, Mayor Powell-Y.

Motion carried 9 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. Request from the Vermillion Chamber of Commerce and Development Company to close Market Street from Main Street south for ½ block on Thursday, April 21, 2016 from 3:30 p.m. to 8:00 p.m. for Green Thursday on the Platz.

Cole Bockelmann, Communications Intern, reported that the Vermillion Chamber of Commerce and Development Company has requested the closing of Market Street from Main Street south for ½ block on Thursday, April 21, 2016 from 3:30 p.m. to 8:00 p.m. for Green Thursday on the Platz. Cole stated that the special daily license and noise permit were previously approved for the event.

88-16

Alderman Collier-Wise moved approval of the Vermillion Chamber of Commerce and Development Company request to close Market Street from Main Street south for ½ a block on Thursday, April 21, 2016 from 3:30 p.m. to 8:00 p.m. for Green Thursday on the Platz. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. First reading of Ordinance 1336 amending Chapter 92, Fire Prevention and Protection Section 92.08 to add installation of a Rapid Entry System on all fraternities and sororities

Shannon Draper, Fire Chief, stated that Ordinance No. 1336 will amend the rapid entry system ordinance to require the rapid entry system known as Knox Box on all existing fraternities and sororities. Shannon stated that this change was proposed in response to a request from Laura Roof, USD Director of Sorority/Fraternity Life. Shannon stated that this was presented to the City Council at the March 21st noon meeting.

89-16

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. 1336 entitled An Ordinance Amending Title IX General Regulations, Chapter 92 Prevention and Protection, Section 92.08 Rapid Entry System, Adding Fraternity And Sorority Housing as Required Structures for Rapid Entry System 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 April, 2016 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Collier-Wise. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

C. Resolution setting a fee for the permit to sell legal consumer fireworks

John Prescott, City Manager, reported that the adoption of Ordinance No. 1335 provides for a permit for the sale of legal consumer fireworks with the permit fee to be set by resolution of the City Council. John stated that in reviewing other cities permit fees the high was \$200 but the State of South Dakota charges a license fee of \$25. John stated that it was up to the City Council to determine the amount. Discussion followed noting that \$25 would be acceptable.

90-16

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

ESTABLISHING A PERMIT FEE
FOR THE SALE OF LEGAL CONSUMER FIREWORKS

WHEREAS, the adoption of Ordinance No. 1335 created Section 92.07 (B) that provides for a city permit for the sale of legal consumer fireworks within the City of Vermillion; and,

WHEREAS, the newly created Section 92.07 (B) of the Vermillion, South Dakota Code of Ordinances provides the fee for such a permit be set by resolution of the City Council; and,

WHEREAS, the City wishes to establish a permit fee to recover the costs associated with ordinance enforcement of the selling of legal consumer fireworks, as allowed in Section 92.07 (B), which allows the sale of legal consumer fireworks; and

WHEREAS, said permit fee for the sale of legal consumer fireworks specified in 92.07 (B) shall be set at \$25.00; and

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof, in the Council Chambers of said City, at 7:00 p.m. on the 4th day of April, 2016, that the permit fee for the sale of legal consumer fireworks as provided for in Section 92.07 (B) is established at \$25.00.

Dated at Vermillion, South Dakota this 4th day of April, 2016.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Willson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

D. Resolution revising Wastewater Rates

Mike Carlson, Finance Officer, reported that wastewater rates were last adjusted in April 2014. The wastewater rates are a percentage of the average water billing for January, February and March. Mike noted that wastewater rates are based on water billing and water rates were increased 2% in January 2015 and 2.5% in January 2016. Mike stated that the current percentage is 126% and the resolution is to adjust the rate to 127%. Mike noted that, for the average residential customer using 465 cubic feet of water, this would be a \$.91 monthly increase or 2.95%. The revised fee is projected to meet the wastewater budget, surcharge required for the SRF loan and some funding for the lift station replacement project. Discussion followed.

91-16

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

RESOLUTION AMENDING SEWER RATES

WHEREAS, Section 53.018 of Title V, Public Works, of the 2008 Revised Ordinances of the City of Vermillion, allows the City Council to establish and change sewer rates and reads as follows:

The monthly sewer charge to each user for ordinary use of the public sanitary sewer utility shall be equal to a percentage, set from time to time by resolution of the Council, of the average monthly charges made for water during the last January, February and March period to any person occupying any premises served by the utility and to his successors in the occupancy. In cases where the premises were unoccupied during the months of January, February and March and/or where the use of the premises has significantly changed the water usage, the sewer charge may be based on the average usage during three (3) other months of the year; and

WHEREAS, the State Revolving Loan for the Phase II improvements required the creation of a surcharge fee sufficient to produce net revenues for each fiscal year at least equal to one hundred ten (110) percent of the principal and interest on the bonds coming due in such fiscal year be established; and

WHEREAS, the City Council has approved the application for SRF loan/grant funding for the Prentis Street lift station project that will require a rate adjustment for the increased debt service; and

WHEREAS, the rates being proposed are projected to produce the revenues necessary to cover the wastewater operations and the debt service requirements.

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof, in the Council Chambers of said City, at 7:00 p.m. on the 4th day of April, 2016, that the percentage for calculating the sewer charge be established or charged as follows:

- (a) Total charge: One hundred twenty-seven percent 127%.

This rate include a surcharge fee defined in (b) below.

- (b) Debt Service Surcharge Fees effective until the 2008 loan is retired: There is hereby established and imposed, pursuant to the authority of SDCL ch. 9-40, a surcharge upon the sewer service in the City of Vermillion. The surcharge shall apply to all classes of customers. The debt service surcharges is a special charge for the use of the wastewater plant and lift station improvements and is pledged to the South Dakota Conservancy District for the payment of the loan payments on the 2008 Clean Water State Revolving Fund Loan. The City does hereby establish the debt

service surcharge fees for each customer of its System who received or benefits from the Project or services of the Project. Such allocation shall be set at a level which, assuming a ten percent (10%) delinquency rate, will produce income at the times and in amounts sufficient to pay when due the principal of and interest on the borrower 2008 bonds and the administrative expense surcharges and all other payments as may be required under the loan agreement. The charges shall be reviewed annually by city personnel and administratively adjusted, upwards or downwards, pursuant to SDCL 9-40-15.1 and 9-40-15 to such amounts as may be necessary to pay principal, administrative surcharge and other charges as may become due and owing under the loan agreements. The debt service surcharge percentage included in (a) above, per monthly billing shall be twenty one and nine tenth percent (21.9%).

The Debt Service Surcharge may be combined with the Meter Service Charge on the monthly billing for ease of reporting.

Effective Date of Rate:

The effective date of the rates listed in Vermillion City Ordinance 53.018 is for bills with a billing date after April 20, 2016.

Dated at Vermillion, South Dakota this 4th day of April, 2016.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Collier-Wise. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

E. Resolution to remove Main Street Project from Statewide Transportation Project list

Jose Dominguez, City Engineer, reported that in January 2013 the City Council placed the project upgrading all of the signals along Main Street on the State's Statewide Transportation Improvement Program (STIP). Jose noted that last year the State announced that they would

not be managing the STIP program any longer with the funding allotted to the cities from the Federal government being sent directly to the cities. Jose noted that the cities would be required to spend the money on transportation projects. Jose reported that the State has asked if the City would be interested in removing the signal project from the STIP fund. Jose reviewed the pros and cons of removing the project from the state program noting that removing will provide the city more flexibility and should reduce the cost of the project. Jose noted that the state funding being held for the project of approximately \$142,000 would be sent to the city. Discussion followed.

92-16

Alderman Willson moved approval of the Resolution to remove Main Street Project from Statewide Transportation Project list. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

F. Declaring one car, one pickup and six pieces of equipment surplus

Jose Dominguez, City Engineer, reported that the 2016 budget includes the replacement of a number of pieces of equipment of which many have already had bids awarded. Jose recommended that the following items be declared surplus: 2006 Ford Crown Victoria, 1996 Chevrolet S-10, 2010 Elgin Pelican NP, 1995 Ford 6640SL; 2002 Bobcat 463 and 2005 Toro MultiPro 1200. Jose asked if the Surplus Property Appraisal Committee could meet after the meeting to appraise the Elgin Pelican street sweeper as the new sweeper is scheduled to arrive. Jose stated that the surplus street sweeper will be marketed to other governmental entities and if not sold will be advertized for sealed bids. Jose noted that he will be asking the Surplus Property Appraisal Committee to meet as the replacement pieces of equipment are received to set the appraised value to sell the equipment.

93-16

Alderman Collier-Wise moved approval of declaring the following equipment surplus and authorized the Surplus Property Appraisal Committee to appraise the equipment when needed: 2006 Ford Crown Victoria, 1996 Chevrolet S-10, 2010 Elgin Pelican NP, 1995 Ford 6640SL; 2002 Bobcat 463 and 2005 Toro MultiPro 1200. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

G. Egress and ingress easement for 410 S. Dakota Street

Jose Dominguez, City Engineer, reported that the City has been approached by Clay County Abstract on behalf of the owner of 410 S. Dakota Street to acquire an egress/ingress easement to access their

property. Jose stated that the current property owner would like to sell the property and recently learned that the lot does not currently abut a public street. Jose noted that many years ago, Dakota Street abutted a portion of the property which provided access to a public street. Jose stated that the easement is necessary for the owner of 410 S. Dakota Street to complete a property sales transaction. Jose stated that the proposed easement would be 20-feet in width and run along the west property line. Jose stated that the easement is written that the City will not be required to maintain the access to the property and that the easement will not be considered a right-of-way. Jose stated that all costs associated with the easement will be paid by the owner of 410 S. Dakota Street.

94-16

Alderman Collier-Wise moved approval of the egress and ingress easement for 410 S. Dakota Street as presented. Alderman Holland seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

H. Resolution to purchase an excavator for Solid Waste from National Joint Purchasing Alliance

Jose Dominguez, City Engineer, reported that the 2016 Joint Powers budget included \$200,000 for equipment purchases. Jose stated that, in reviewing the equipment needs, Landfill Supervisor Bob Iverson is recommending the purchase of an excavator for cell and pond maintenance. Jose stated that the City may purchase one 2013 Caterpillar 318EL HEX ADSD-N DCA 1 through the National Joint Purchasing Alliance (NJPA) at a cost of \$186,449. Jose noted that the excavator has not been used for construction purposes as it has been on display at different dealers throughout the area. Discussion followed.

95-16

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

RESOLUTION AUTHORIZING THE PURCHASE OF EXCAVATOR

WHEREAS, SDCL 5-18A-37 authorizes a governmental entity to participate in cooperative purchasing agreements and conduct purchasing transactions under a joint agreement in this or any other state; and

WHEREAS, the City of Vermillion has reviewed and determined that the National Joint Purchasing Alliance (NJPA) price of \$186,449 for a 2013 Caterpillar 318EL HEX ADSD-N DCA 1 offers an advantageous price to the City for said item; and

WHEREAS, the City has contacted Butler CAT of Sioux Falls, South Dakota and they have agreed to allow the City to purchase one excavator for the awarded price and terms as they have contracted with the NJPA; and

WHEREAS, the City will not take delivery or make payment for the excavator until it has been delivered in 2016.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to purchase one new 2013 Caterpillar 318EL HEX ADSD-N DCA 1for the total price of \$186,449.

Dated at Vermillion, South Dakota this 4th day of April, 2016.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____

John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Collier-Wise. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

I. Policies and Procedures Committee report on a policy on gender identity and expression discrimination

John Prescott, City Manager, reported that the Policies and Procedures Committee met on March 29th with two items on the agenda. John noted that the first item was a question on amending the duty to cut grass to provide for low maintenance lawns or more drought tolerant landscaping that may grow taller than the six inches currently permitted for developed properties. John stated that staff is gathering additional information for the Committee at this time and no recommendation is currently being presented on this matter. John noted that the second agenda item dealt with gender identity and expression as they pertain to the delivery of City services and employment. John stated that the minutes from the meeting are included in the packet. John noted that, with respect to gender identity and expression, staff offered that there were two questions. The first had to do with gender identity and expression as it pertains to employment practices. John stated that the City's employment application does not specifically list gender identity or expression, the Department of Labor confirmed that they

will review gender identity or expression discrimination, whether or not it is listed on the City's employment application. The second question pertained to the provision of City services. John noted that the provision of many City services is provided without knowledge of gender or any of the categories found in the equal opportunity statement. John stated that the Committee reviewed an equal opportunity statement from another community. John stated that the committee recommendation is that the current City of Vermillion equal opportunity statement be modified to read as follows:

It is the policy of the City of Vermillion to provide equal opportunity for all residents, applicants, and employees as it pertains to the provision of services and employment opportunities in order to ensure that there will be no discrimination against any person on the basis of race, color, religion, sex, age, gender identity and expression, national origin, ancestry, political affiliation, or any other basis prohibited by state or federal law.

John noted the Policies and Procedures Committee recommendation would be to adopt a revised Equal Opportunity Statement. John stated that action cannot be taken at the meeting in which a report is presented, so a future Council meeting will include a resolution on this topic. John stated that the Council can accept the Committee report.

96-16

Alderman Ward moved to accept the report of the Policies and Procedures Committee on the revision to the Equal Opportunity Statement for the City. Alderman Erickson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Snow plow and dump body bids

Jose Dominguez, City Engineer, reported that the City awarded the bid for the truck chassis at the March 7th meeting and this bid is for the dump body, hoist and reversible plow to fit on the truck chassis. Jose stated that bids were opened on March 23rd with three bids received. Jose recommended the low bid from Northern Truck Equipment of Sioux Falls for \$37,782.

Bids: Northern Truck Equipment of Sioux Falls, \$37,782; Sanitation Products \$40,364; Custom Truck Equipment, Inc \$45,448.

97-16

Alderman Willson moved approval of the low bid of Northern Truck Equipment of Sioux Falls for \$37,782 for the dump body, hoist and reversible plow. Alderman Ward seconded the motion. Motion carried 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 \$1.5954, Brunick's Service \$1.67; Item 2 - 1,000 gal unleaded gasoline - regular: Stern Oil \$1.8924, Brunick's Service \$1.90; Item 3 - 3,000 gal Diesel fuel dyed: Stern Oil \$1.3258, Brunick's Service \$1.40; Item 4 - 1,000 gal diesel fuel-clear: Stern Oil \$1.6323, Brunick's Service \$1.74.

98-16

Alderman Price moved approval of the low quote of Stern Oil all four items. Alderman Holland seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported that the City Council will be considering an ordinance to permit backyard chickens at their April 18th meeting. John noted that a draft of the proposed ordinance is posted on the City's website.

B. John reminded citizens that E. Main Street will be closed on Wednesday, April 13th from Prentis Street to Norbeck Street and Anderson Street from Main Street to Mulberry Street from 10:00 a.m. to 2:30 p.m. for a mock accident scene at the High School.

C. John reported that two terms on the Library Board of Directors will be expiring this year. John requested interested citizens complete the Expression of Interest forms and return them to City Hall by noon on April 22nd.

D. John reminded citizens of the public meeting with information on downtown improvement options on Tuesday, April 19th at 6:30 p.m. in the City Council chambers. John stated that there will be a presentation on possible improvements in the downtown area such as landscaping, sidewalks, intersection safety improvements, street lighting, etc. John stated that a conceptual plan will be presented and an opportunity to provide feedback will be available.

E. John reported that R-2 zoning changes related to off-street parking were presented at the March 7th noon meeting and were approved by the Planning Commission at the March 29th meeting. John noted that the

changes will be incorporated into an ordinance for the Council to consider at the May 2nd meeting.

F. John reported that the City Engineer has approved the final plats for Lot 12 and Lots 22, 23 and 24 all in Block 2 of Bliss Pointe Addition.

PAYROLL ADDITIONS AND CHANGES

Police: Megan Anthony \$12.37/hr, Jon Cole \$22.20/hr; Fire: Matt Taggart \$15.00/hr; Street: Josh Hale \$9.00/hr, Sean Bredl \$9.25/hr; Code: Sabrina Schnack \$15.97/hr; Ambulance: Shea Soderlin \$2.00/on call-\$10.00/hr-\$3.50/holiday on call-\$15.00/holiday hr-\$8.55/training hr; Recreation: Cassie Luetje \$8.75/hr; Pool: Mackenzie Alverson \$11.00/hr; Parks: Cylie Hanson \$9.00/hr, Elana Kaup \$8.75/hr; Golf Clubhouse: Ashley Hemphill \$8.75/hr, Kayla Stammer \$8.75/hr; Golf Maintenance: Matthew Koch \$8.55/hr, Kyle Ringhofer \$8.75/hr, Jerred Tarrell \$8.55/hr

11. Invoices Payable

99-16

Alderman Collier-Wise moved approval of the following invoice:

John Powell	APPA travel reimbursement	1,969.35
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Alderman Erickson seconded the motion. Mayor Powell requested to abstain. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

100-16

Alderman Collier-Wise moved approval of the following invoices:

All Cleaner	professional services	550.00
Allegiant Emergency Service	repairs	99.65
Applied Concepts, Inc	antenna cable	77.50
Aramark Uniform Services	uniform cleaning	271.93
Argus Leader Media #1085	subscription	26.00
Automatic Building Control	annual inspection	2,175.00
AWWA	membership	364.00
Baker & Taylor Books	books	463.54
Banner Associates, Inc	professional services	3,926.50
Barry Bratten	safety boots reimbursement	84.99
Batteries Plus	supplies	47.90
Bhs Marketing, LLC	soda ash	6,822.86
Bierschbach Eqpt & Supply	supplies	328.23
Blackburn Manufacturing Co.	supplies	173.34
Blackstone Audio Inc	books	150.00

Blick Art Materials	supplies	52.65
Border States Elec Supply	supplies	2,413.74
Bound Tree Medical, LLC	supplies	1,302.78
Broadcaster Press	advertising	141.00
Brunicks Service Inc	fuel	1,800.00
Butler Machinery Co.	parts	4,745.97
Callaway Golf	merchandise	2,718.83
Calle Anglin	meals reimbursement	79.00
Campbell Supply	supplies	537.99
Cask & Cork	merchandise	1,004.15
Centurylink	telephone	743.88
Chesterman Co	merchandise	791.66
City Of Vermillion	copies/postage	1,159.15
City Of Vermillion	utility bills	36,935.97
Class C Solutions Group	supplies	111.83
Clay County EMS Association	CPR cards	255.00
Cleveland Golf	merchandise	1,969.70
Colonial Life Acc Ins.	insurance	3,106.27
Concrete Materials	supplies	843.74
Confluence	professional services	2,925.00
Continental Research Corp	chemicals	1,821.74
Credit Collections Bureau	commission	122.24
Crescent Electric Supply	parts	245.92
Cutter & Buck	merchandise	861.46
D-P Tools	tools	135.29
Daigle Law Group, LLC	training	475.00
Dakota Beverage	merchandise	12,030.18
Dakota PC Warehouse	supplies	21.99
Dakota Pump Incorp	repairs	3,482.15
Dan Goeden	safety boots reimbursement	100.00
Danko Emergency Equipment	supplies	736.00
Delta Dental Plan	insurance	6,230.76
Demco	supplies	32.09
Dennis Martens	maintenance	833.34
Dept Of Revenue	testing	150.00
DGR Engineering	professional services	8,713.74
Dust Tex	entry mats	80.00
Ebsco	subscription	22.62
Echo Electric Supply	supplies	1,383.27
Electronic Engineering	repairs	3,299.55
Embroidery & Screen Works	uniform shirts	1,765.29
Energy Laboratories	testing	1,150.00
Environmental Resource Assoc.	testing	1,135.45

Eric Birkeland	meals reimbursement	83.00
Farmer Brothers Co.	supplies	164.70
Ferguson Enterprises, Inc	supplies	854.80
Findaway World LLC	books	655.80
Flags Unlimited	flags	434.84
Flint Trading Inc	supplies	12,870.80
Frame Aligners, Inc	repairs	706.40
Gale	books	19.99
Graham Tire Co.	tires	785.02
Grainger	supplies	130.50
Graybar Electric	supplies	2,681.57
Graymont Capital Inc	chemicals	3,986.94
Gregg Peters	freight	1,634.40
Gregg Peters	rent	937.50
Guarantee Oil Co Inc	supplies	332.80
Hach Co	supplies	1,266.77
Hansen Locksmithing	repairs	1,456.99
Harland Technology Service	maintenance	1,807.00
HD Supply Waterworks	supplies	951.68
Heartland Glass Co.	repairs	117.65
Heiman, Inc.	inspection	205.92
Helget Safety Supply, Inc	supplies	200.13
Helms & Associates	professional services	13,767.79
Hendersons Ultimate Car Wash	wash card	50.00
Herc-U-Lift	repairs	1,123.18
Herren-Schempp Building	supplies	4.99
Hornungs Pro Golf	merchandise	240.75
Hy Vee Food Store	supplies	71.33
Imperial Headwear, Inc	merchandise	280.19
In Control, Inc	professional services	8,438.10
Independence Waste	waste hauling	778.50
Infogroup	books	405.00
Ingram	books	2,420.27
Jacks Uniform & Eqpt	uniform	264.49
Janitor's Closet, Ltd	supplies	319.45
Jim Balleweg	safety boots reimbursement	100.00
John A Conkling Dist.	merchandise	8,393.78
Johnson Brothers Of SD	merchandise	20,362.01
Johnson Controls	service agreement	2,096.60
Jones Food Center	supplies	688.55
Kalins Indoor Comfort	repairs	125.27
Karsten Mfg Corp	merchandise	877.79
Kellen Cusick	meals reimbursement	79.00

Koble's Electric	install controller	25.00
Komline-Sanderson	parts	221.59
Kyle Blake	mileage reimbursement	120.98
Lawson Products Inc	supplies	382.67
Lessman Elec. Supply Co	supplies	2,244.00
Liz Rakness	meals reimbursement	79.00
Locators And Supplies, Inc	supplies	480.10
M.J Dalsin Co Of SD, Inc	roof contract	22,860.00
Malloy Electric	parts	63.53
Mart Auto Body	towing	825.00
Masaba, Inc	repairs	1,170.31
Matheson Tri-Gas, Inc	medical oxygen	465.89
Matthew Betzen	meals/mileage reimbursement	148.56
MC2, Inc	repairs	8,713.13
McCulloch Law Office	professional services	1,314.00
McLeods Printing	supplies	467.42
Mead Lumber	supplies	164.27
Medical Waste Transport, Inc	haul medical waste	350.00
Medico Life & Health Insurance	insurance	460.59
Melby Appraisals	appraisal	450.00
Micro Marketing LLC	books	591.87
Mid-American Research Chem	chemicals	538.02
Midwest Alarm Co	alarm monitoring	231.75
Midwest Building Maintenance	mat svc	338.80
Midwest Striping	light bar	307.00
Midwest Turf & Irrigation	parts	2,894.57
Midwest Wheel Companies	parts	94.14
Missouri Valley Maint & Repair	repairs	990.76
Moore Welding & Mfg	repairs	262.55
Natl Golf Foundation	membership	225.00
NCL Of Wisconsin, Inc	chemicals	798.36
Netsys+	repairs/professional services	586.25
New York Life	insurance	84.02
Newman Traffic Signs	supplies	34.20
Northern Safety Co. Inc	safety glasses	74.95
O'Reilly Auto Parts	supplies	74.96
One Office Solution	chair	329.00
Overhead Door Of Sioux City	repairs	221.00
Pauls Plumbing	repairs	71.43
PCC, Inc	commission	2,015.58
Penguin Random House LLC	books	127.50
Penworthy Company	books	223.24
Peopelfacts, LLC	testing materials	31.07

Pitney Bowes	postage meter lease	289.71
Pitney Bowes, Inc	supplies	183.57
Pomps Tire Service, Inc.	tires	11,733.34
Presto-X-Company	inspection/treatment	51.36
Print Source	scorecards/advertising	813.80
Psychological Solutions	screening eval questionnaire	350.00
Pump N Pak	fuel	36.50
Queen City Wholesale	merchandise	327.70
Quill	supplies	429.69
Racom Corporation	maintenance contract	1,343.55
Recorded Books, Inc	books	268.60
Reel Sharp	repairs	480.00
Republic National Dist	merchandise	22,261.48
Sanitation Products	parts	182.17
SD Assoc. Of Code Enforcement	registration	50.00
SD Electrical Commission	wiring permit	85.00
SD Fire Chiefs Assn.	membership dues	100.00
SD Licensed Beverage Dealers	video lottery fee	145.00
SD Redbook Fund	training books	443.27
SD Retirement System	contribution	49,041.34
Security Shredding Service	supplies	35.00
SEH, Inc	drainage study	4,909.10
Servall Towel & Linen	shop towels	16.80
Shane Griese	travel reimbursement	260.46
Shortys HVAC Supplies LLC	repairs	1,312.00
Sign Pro	professional services	50.00
Sioux City Ford	parts	77.32
Sioux City Foundry Co	parts	692.70
Sioux Falls Two Way Radio	repairs	280.95
Siouxland Scale Service	repairs	1,109.55
Special T's And More	uniform t-shirts	674.15
Staples Advantage	supplies	561.06
Steffen	parts	293.38
Steve's Heating & A/C Inc	repairs	415.66
Stewart Oil-Tire Co	repairs	75.00
Stuart C. Irby Co.	supplies	4,995.50
Sturdevants Auto Parts	parts	1,900.85
Subway	meals	204.00
Supplyworks	supplies	197.01
Taylor Made	merchandise	9,674.97
The Equalizer	advertising	184.00
The New Sioux City Iron Co	supplies	89.32
The Walking Billboard	uniform shirts	290.00

Tigert Art Gallery	framing	100.00
Titleist Drawer Cs	merchandise	9,578.48
Tomahawk Live Trap Company	traps	320.60
Tony Rydstrom	meals reimbursement	79.00
Total Flooring	supplies	12.52
Tri Tech Sales	parts	251.94
Tri-B-Trim Shop	repairs	250.00
True Brands	supplies	1,046.18
True Value	supplies	439.08
Turfwerks	parts	79.37
Twin City Hardware	repairs	533.99
Tys Building Service	install door	989.30
Ultramax	supplies	2,817.00
United Way	contributions	559.70
US Postmaster	postage due	50.00
USA Bluebook	supplies	793.30
USD Marketing & U Relation	merchandise	58.65
Valiant Vineyards	merchandise	180.00
Vast Broadband	911 circuit/dialup service	1,416.45
Verizon Wireless	cell phones	1,734.18
Vermeer High Plains	repairs	146.41
Vermillion Ace Hardware	supplies	331.54
Vermillion Chamber Of Commerce	contribution/banquet tickets	100,150.00
Vermillion Fire Ems	ambulance call	150.00
Vermillion Ford	parts	305.92
Vermillion Girls Fastpitch	sponsorship	250.00
Vermillion Housing & Redevelopment	contribution	5,950.00
VGSA	online registration	3,059.38
Visa/First Bank & Trust	fuel/lodging/supplies	5,091.37
Volante	advertising	34.50
Wal-Mart Community	supplies	666.21
Walt's Homestyle Foods, Inc	supplies	122.40
Wesco Distribution, Inc	supplies	2,370.00
WH Over Museum	contribution	15,000.00
Willson Florist	floral arrangement	55.00
Yankton Fire & Safety	extinguisher recharge	52.50
Yankton Janitorial Supply	supplies	139.50
Yankton Medical Clinic	testing	139.00
Zee Medical Service	supplies	72.75
Zimco Supply Co	supplies	5,228.20
Lyle Wagner	Bright Energy Rebate	24.00
Monty Munkvold	Bright Energy Rebate	20.00
Nick Slattery	Bright Energy Rebate	498.00

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

12. Consensus Agenda

A. Set a public hearing date of April 18, 2016 for a special permit to exceed allowable sound levels on June 18, 2016 for Old Lumber Company Bar & Grill, LLC on Kidder Street from Court Street to Market Street for Heartland Humane Society "Taste & Tour" event

101-16

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

13. Adjourn

102-16

Alderman Ward moved to adjourn the Council Meeting at 7:55 p.m. Alderman Erickson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 4th day of April, 2016.

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: April 18, 2016

Subject: Special Permit to exceed permissible sound levels by no more than 50% for Old Lumber Company Bar and Grill, LLC on Kidder Street from Court Street to Market Street, on June 18, 2016 at 7:00 p.m. until June 19, 2016 at 2:00 a.m. for a Heartland Humane Society Taste & Tour fundraising event

Presenter: Mike Carlson

Background: Chad Grunewaldt of the Old Lumber Company has applied for a special permit to exceed allowable noise levels for a fundraising event to include a live band on Saturday, June 18, 2016 on Kidder Street between Court and Market Streets from 7:00 p.m. until 2:00 a.m. on June 19, 2016. In talking to Chad, he said they were only looking to close Kidder Street from Court Street west to the alley. A copy of the application and a map of the area are attached.

The city noise ordinance is as follows:

Sec. 90.01. Noises prohibited.

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

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

- 1) Sound equipment prohibited: Except for emergency vehicles, it shall be unlawful for any person to operate or cause to be operated upon the streets or public places in the city a sound truck or car with sound amplification equipment in operation. "Sound truck" as used herein means any vehicle having thereon or attached thereto any sound amplification equipment. "Sound amplification equipment" as used herein means any machine or device for the amplification of the human voice, music or other sound, but shall not include radio or warning devices on vehicles used for traffic warning or control purposes.
- 2) Stereos, radios, television sets, musical instruments and similar devices:
 - a. Using, operating or permitting the use or operation of any stereo, radio, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in paragraph (1) above, in such a manner as to violate this section or cause a noise disturbance.
 - b. The operating of any such device between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty (50) feet from such device when operated within a vehicle parked on a public right-of-way or when operated from within a private residence.

6. Public Hearing; item a

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

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

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

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

The street closing request and permit for consumption are under new business later on the agenda.

Discussion: The application and map indicate that the band will be on a stage located on Kidder Street just west of Court Street facing west. A letter from the Heartland Humane Society explaining the event is included in the packet. Chad stated the Heartland Humane Society event is from 9:00 p.m. to 11:00 p.m. The requested noise permit is from 7 p.m. to 2 a.m. The applicant indicated the time before the event is to allow for set up and the bands to do sound checks. The noise permit time requested after the event is if the bands play longer and for take down.

The City Council will need to determine, at the public hearing, if it is in a suitable location, with appropriate facilities, during the allowable time, and if the applicant can demonstrate the public benefit of the event. Relevant questions for a public gathering when a noise permit is sought include the availability of restroom facilities, clean up of the area, disposal of waste and the impact on the adjoining neighbors.

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

Conclusion/Recommendations: Administration recommends consideration of the special permit unless information is presented at the public hearing that indicates that there were problems related to the noise. A motion for approval should include the hours the permit is approved for.

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

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

Organization Requesting Old Lumber Company

Contact Person Chad Grunewaldt Phone 605.280.3520

Contact Person Address 15 Connet St / Vermillion SD 57069

Location of Event Kickler to Market Date of Event June 18, 2016
to Court

Duration of event from time 7pm to Time 2am
18th 19th

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

Yes, there will be garbages placed at all
exits, and will be taken down the night of
the event. Alcoholic beverages will be allowed within
the fenced are and all patrons will be I.D

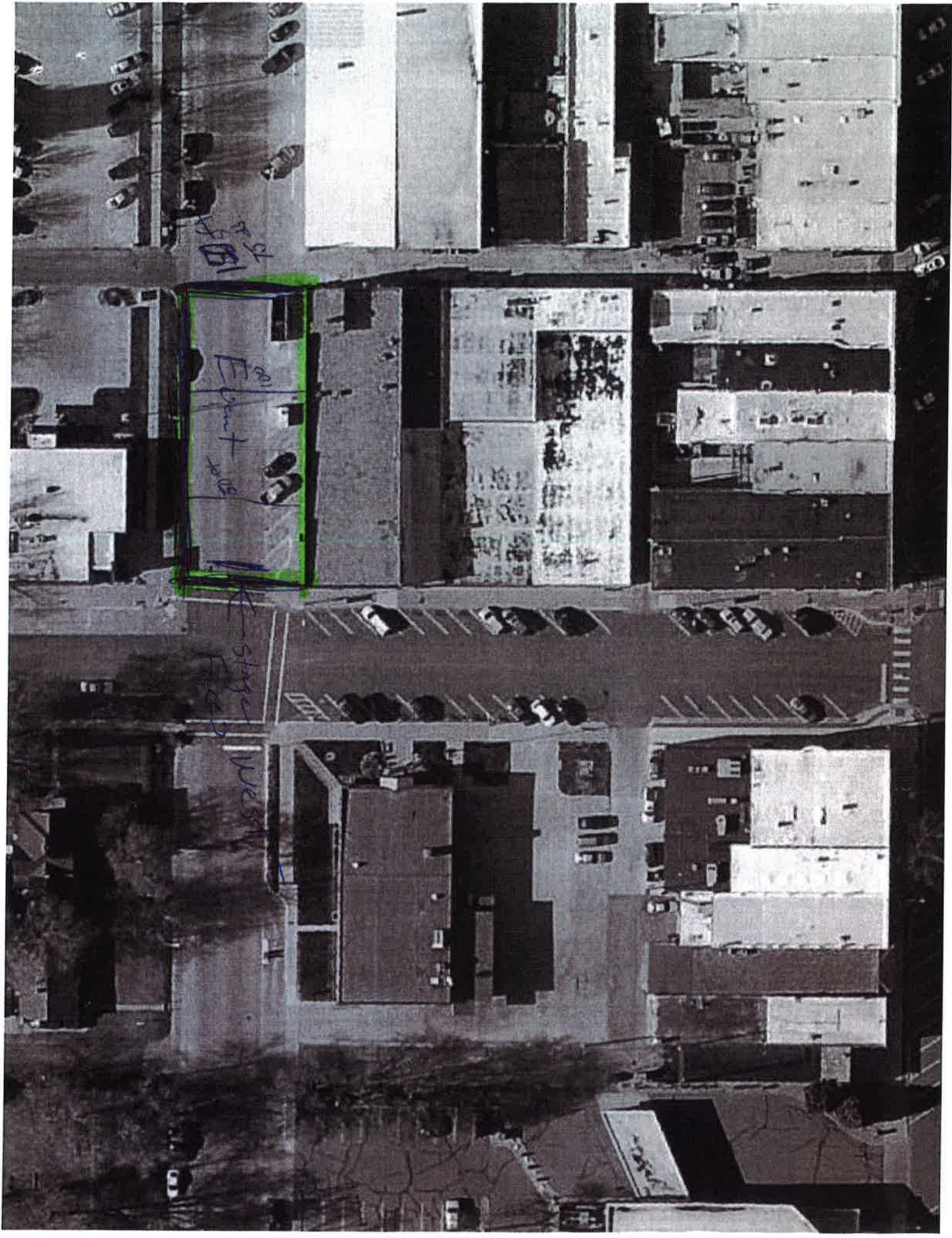
The ordinance asks the applicant to demonstrate that the event for which the permit is requested be of public benefit. Describe the public benefit: _____

Heartland Humane Societies event "Taste 'Towr"
will acknowledge downtown Vermillion business and
support abandoned animals in Clay County

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

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

Signature of applicant Venny Havelly date 3-18-16



1501

E Port
2005

Stages West

Faded

March 18, 2016

To whom it may concern,

On behalf of Heartland Humane Society, I would like to ask the City of Vermillion to approve the street closing submitted by Chad Grunewaldt for our upcoming Taste & Tour on June 18, 2016.

The Taste and Tour will be celebrating its 5th year this June. The event brings participants to Vermillion to showcase what businesses have to offer while raising funds for our local animal shelter. Attendees will have the opportunity to visit eight to ten businesses, receive VIP shopping treatment, win raffles, and sample food and drink. We wish to end the evening from 9pm to 11pm with local entertainment on a stage outside of Old Lumber Company.

I entrust Chad and his staff will work with Heartland Humane Society to prepare adequate fencing and seating. This location also makes restroom use and garbage disposal an ease with the partnership of HHS and OLC.

We expect to have between 150 and 250 participants at the event this year and have a goal of raising \$10,000. We have already secured business participation from Old Lumber Company, The Varsity, Nook 'n' Cranny, Maloney Real Estate, Vermillion Beauty Shop, Pet's Paw, and Sharing the Dream.

Thank you for your consideration,

Kerry Hacecky
Executive Director
Heartland Humane Society

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

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 18th day of April, 2016 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 a special permits to exceed allowable sound levels which has been filed in the Finance Officer's Office:

Old Lumber Company Grill and Bar, LLC request for a special permit to exceed allowable sound levels on Kidder Street from Court to Market Street from 7:00 p.m. on June 18, 2016 to 2:00 a.m. June 19, 2016.

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

Dated at Vermillion, South Dakota this 1st day of April, 2016.

Michael D. Carlson, Finance Officer

Publish: April 6, 2016

Published once at the approximate cost of _____.

Council Agenda Memo

From: Cole Bockelmann, Communications Intern

Meeting: April 18, 2016

Subject: Second Reading of Ordinance 1336 proposed change to City Code requiring Key Lock Box on all Fraternity and Sorority Housing structures

Presenter: Shannon Draper, Fire Chief

Background: In August of 2013, the City Council adopted Ordinance 1303 which required a rapid entry system (Knox Box) to be installed on certain types of new construction structures. Recently, City Staff received a letter from USD's Office of Sorority/Fraternity Life requesting that section 92.08 of City Code be amended to require a rapid entry system on all current and future fraternity and sorority housing structures.

At the March 21, 2016 noon meeting, Fire Inspector Matt Taggart presented the USD request and how the City Code could be modified to include all existing and new fraternities and sororities housing structures be required to have a Knox Box. Matt also reviewed the Fire Department system to account for when and who could access the rapid entry system. The consensus of the City Council was for staff to draft an ordinance to require the rapid entry system on fraternities and sororities for consideration at a future meeting.

During the April 4th Council Meeting, the Council approved first reading of Ordinance 1336 via voice vote.

Discussion: The attached ordinance would change the Rapid Entry System of Vermillion City Code as requested. The ordinance would require all newly constructed and existing fraternity and sorority housing to have a key lock box near the entrance of the housing complex. Having a rapid entry system in place at sororities and fraternities would allow the Fire Department to quickly and safely enter the building during an emergency when nobody may be available to provide entry to the structure.

It fit best to insert the proposed language as subsection (B). The existing subsections (B) to (K) are relabeled as (C) to (L) but the language of these sections does not change.

Financial Consideration: None other than the publication of the ordinance.

Conclusion/Recommendations: Administration recommends approval of Ordinance 1336. Second reading of an ordinance requires a roll call vote.

ORDINANCE 1336

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE IX GENERAL REGULATIONS, CHAPTER 92 FIRE PREVENTION AND PROTECTION, SECTION 92.08 RAPID ENTRY SYSTEM, ADDING FRATERNITY AND SORORITY HOUSING, OF THE REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA that Title IX, Chapter 92 be amended as set forth below:

§ 92.08 RAPID ENTRY SYSTEM.

- (A) The following newly constructed structures shall be equipped with a key lock box at or within 15 feet of the main entrance or such other location required by the Fire Chief.
 - (1) Commercial or industrial structures that are secured in a manner that restricts access during an emergency;
 - (2) Multifamily residential structures that have restricted access; and
 - (3) Governmental structures and nursing care facilities.
- (B) All newly constructed and existing fraternity and sorority housing.
- (C) All newly constructed structures or complexes subject to this section shall have the key lock box installed and operational prior to the issuance of an occupancy permit.
- (D) The Fire Chief shall designate the type of key lock box system to be implemented within the city and shall have the authority to require all structures to use the designated system.
- (E) The owner or operator of a structure or complex required to have a key lock shall, at all times, keep a key in the lock box, or maintain the operation of the box at all times.
- (F) The Fire Chief shall be authorized to implement rules and regulations for the use of the lock box system.
- (G) Any person who owns or operates a structure or complex subject to this section shall be subject to the penalties set forth in all sections of the Code for any violation of this section, provided that the maximum fine for a conviction for a violation of this section shall be \$100.
- (H) All requests for the designated key lock box system shall be coordinated through the Fire Chief. The Fire Chief shall approve the location of the box on each site.
- (I)
 - (1) The Fire Chief shall provide a list of compatible entry systems.
 - (1) Box systems must be UL Listed and text box system.

- (J) All surface mount box systems shall be securely installed on the address side of the building and 7-10 feet from ground level or if a recessed box is installed, the box may be installed at eye level on the address side of the building.
- (K) Inside the box system, a master key for all exterior and interior locks must be placed inside.
 - (1) No more than 2 keys permitted inside the box without approval of the Fire Chief.
 - (2) If 2 keys are present inside the box, the keys must be clearly labeled "Exterior Doors," and the like.
 - (3) Master electronic key cards may be placed inside instead of a physical key.
- (L) The location of the installation must be approved by the Fire Chief or his designee prior to being installed.

Dated at Vermillion, South Dakota this 18th day of April, 2016.

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: April 4, 2016
Second Reading: April 18, 2016
Publish: April 23, 2016
Effective Date: May 13, 2016

Council Agenda Memo

From: Andy Colvin, Assistant City Manger

Meeting: April 18, 2016

Subject: First reading of Ordinance 1337 - Amending City of Vermillion Code of Ordinances Title IX general regulations, Chapter 93 Animals and Fowl, to amend section 93.01 and add section 93.50 to include definitions, conditions, limitations and permit requirements for the keeping and housing of chickens within city limits

Presenter: Andy Colvin

Background: At a February 2015 City Council meeting, a request was made by a resident to allow chickens within Vermillion City limits. Later that month, the City Council Policies and Procedures Committee discussed the issue and decided to poll residents via the city's website. The results showed that 46% were in favor of permitting backyard chickens, while 53% stated they were against it. With the results of the poll in mind, the committee decided to send the issue to the City Council. In June of 2015, city staff presented information on backyard chickens to the City Council at a noon meeting. A discussion on backyard chickens was held at another noon Council meeting on January 18th, 2016.

At the January 18th meeting, staff outlined the proposed changes to different sections of City code with regard to allowing backyard chickens. The suggested changes would allow residents to keep up to four hens in a separate coop on the rear or side of the property. The coop would have to meet city regulations on area and height, and that structure would have to be accompanied by an attached run or exercise yard. The language also states that the owner of the chickens must have the approval of his or her adjacent neighbors.

Discussion: The City Council has discussed the issue of permitting backyard chickens on several occasions. With respect to the draft ordinance, most of the discussion has centered on the degree of neighbor consent, disposal of dead or diseased chickens and abatement of coops that are no longer in use. At the March 21st meeting, the City Council asked for clarification on a few items to be included in the final draft. The items are as follows:

- Owner-occupied: The draft includes language that backyard chickens are only permitted on property that is owner-occupied and zoned single-family. However, covenants may place other limitations on a particular property.
- Unused coops: The draft includes language that coops and runs that go unused for a period of one (1) year will be declared a nuisance and removed at the owner's expense.
- Disposal of manure: In speaking with Solid Waste Director Bob Iverson, manure from backyard chickens can be taken to the landfill separately from curbside waste. As a matter of clarification, pet feces are best disposed of separately as well so as not to put the material in the baling machine. Language has not been included in the ordinance to address disposal of manure.

The City Council has the ability to adopt the ordinance as presented, make changes to the ordinance, or reject the ordinance completely. Staff presented an ordinance that includes more stringent language. The issue of backyard chickens has been brought before several communities in South Dakota. Below is a summary of how a number of other communities have addressed the issue:

- Aberdeen – Not allowed
- Brookings – An ordinance was adopted in early 2016 to permit the issuance of a small number of permits for backyard chickens. The ordinance was referred to a vote and defeated 68% to 32%.
- Volga - An ordinance was adopted in 2015 to permit backyard chickens. The ordinance was referred to a vote and defeated.
- Huron – Not allowed
- Mitchell - Not allowed
- Pierre – Not allowed
- Sioux Falls – 6 birds without license, no roosters
- Watertown – With permission from Animal Control Board
- Yankton – 6 hens, not visible to public or neighbors, no roosters

The Planning Commission considered an amendment to add coops to the zoning ordinance as an accessory use in January 2016. The commission forwarded a recommendation to deny the amendment. This zoning amendment will come before the City Council on May 2nd if the proposed ordinance to permit backyard chickens moves forward to a second reading.

Financial Consideration: Revenue from permit fees would go into the general fund.

Conclusion/Recommendations: The City Council is asked to consider adoption of the proposed ordinance.

PROPOSED ORDINANCE NO. 1337

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE IX GENERAL REGULATIONS, CHAPTER 93 ANIMALS AND FOWL, TO AMEND SECTIONS 93.01 AND 93.99 AND ADD SECTION 93.50 AND TO INCLUDE DEFINITIONS, CONDITIONS, LIMITATIONS AND PERMIT REQUIREMENTS FOR THE KEEPING AND HOUSING OF CHICKENS WITHIN CITY LIMITS.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 93 be amended as set forth below:

§ 93.01 KEEPING CERTAIN ANIMALS; RESTRICTIONS.

(A) No person shall keep or maintain any livestock or fowl, except as provided in this chapter, in any zoning district other than the A-1 district or maintain any structure or enclosure for keeping such animals within 150 feet of any dwelling or building used for human habitation in any zoning district other than that of the owner of said animal or the owner's family.

CHICKENS

§ 93.50 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHICKEN. A domesticated bird that serves as a source of eggs or meat for human consumption.

COOP. The structure for the keeping or housing of chickens permitted by this chapter.

EXERCISE YARD. A larger fenced area that provides space for exercise and foraging for the birds when supervised.

HEN. A female chicken.

OFFICER. Any person designated by the City Manager as an enforcement officer.

ROOSTER. A male chicken.

RUN. A fully enclosed and covered area attached to a coop where the chickens can roam unsupervised.

§ 93.51 PURPOSE

It is the purpose and intent of this subchapter to permit the keeping and maintenance of hens for egg and meat sources in a clean and sanitary manner that is not a nuisance or detrimental to the public health, safety, and welfare of the community.

§ 93.52 INVESTIGATION AND ENFORCEMENT

Officers designated by the City Manager shall have authority in the investigation and enforcement of this subchapter, and no person shall interfere with or hinder any such officer in the exercise of such powers. The officer shall make investigations as is necessary and may grant, deny, or refuse to renew any application for permit, or terminate an existing permit under this article.

§ 93.53 LIMITATIONS FOR EACH SINGLE-FAMILY DWELLING UNIT.

(A) The keeping of chickens shall be permitted as an accessory use in conjunction with detached, owner-occupied single-family dwelling uses.

(B) No more than four (4) hens shall be housed or kept on any one single-family dwelling lot in any area of the city with a permit as outlined below. *(Exception: Planned Development Districts that provide for single-family dwellings may not permit chickens unless specifically listed as a use in the regulations of the particular district.)*

(C) Roosters are prohibited.

(D) Slaughtering of chickens on the property is prohibited. Owners may slaughter chickens that are permitted on their property for the purpose of personal consumption.

(E) Leg-banding of all chickens is required. The bands must identify the owner and the owner's address and telephone number.

(F) A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards:

- (1) Located in the rear or side yard.
- (2) Setback at least five feet from the rear or side property lines.
- (3) Interior floor space - four square feet per bird.
- (4) Interior height - six feet to allow access for cleaning and maintenance.
- (5) Doors - one standard door to allow humans to access the coop and one for birds (if above ground level, must also provide a stable ramp).
- (6) Windows - one square foot window per ten square feet floor space. Windows must be able to open for ventilation.
- (7) Climate control - adequate ventilation and/or insulation to maintain the coop temperature between 32 - 85 degrees Fahrenheit.
- (8) Nest boxes - one box per every three hens.
- (9) Roosts - one and one-half-inch diameter or greater, located 18 inches from the wall and two to three inches above the floor.

(10) Rodent proof - coop construction and materials must be adequate to prevent access by rodents.

(11) Coops shall be constructed and maintained in a workmanlike manner.

(G) A run or exercise yard is required.

(1) Runs must be constructed and maintained to meet the following minimum standards:

(a) *Location*: rear or side yard.

(b) *Size*: Ten square feet per bird, if access to a fenced exercise yard is also available; 16 square feet per bird, if access to an exercise yard is not available. If the coop is elevated two feet so the hens can access the space beneath, that area may count as a portion of the minimum run footprint.

(c) *Height*: Six feet in height to allow access for cleaning and maintenance.

(d) *Gate*: One gate to allow human access to the run.

(e) *Cover*: Adequate to keep hens in and predators out.

(f) *Substrate*: Composed of material that can be easily raked or regularly replaced to reduce odor and flies.

(2) Exercise yards must be fenced and are required if the run does not provide at least 16 square feet per bird. Exercise yards must provide a minimum of 174 square feet per chicken.

(H) Chickens must not be housed in a residential house or an attached or detached garage.

(I) All premises on which hens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property. Failure to comply with these conditions may result in revocation of a chicken permit and/or removal of chickens from the premises.

(J) All grain and food stored for the use of the hens on a premise with a chicken permit shall be kept in a rodent-proof container.

(K) Hens shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property.

(L) Dead chickens must be disposed of according to the South Dakota Animal Industry Board rules which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include off-site burial, off-site incineration or rendering.

§ 93.54 PERMIT REQUIRED.

The officer shall grant a permit for chickens after the applicant has obtained the written consent of 100 percent of the owners or occupants of privately or publicly-owned real estate that are located adjacent (i.e., sharing property lines) on the outer boundaries of the premises for which the permit is being requested, or in the alternative, proof that the applicant's property lines are 150 feet or more from any residence other than the permit applicant's.

Where an adjacent property consists of a multiple dwelling or multi-tenant property, the applicant need obtain only the written consent of the owner or manager, or other person in charge of the building. Such written consent shall be required on the initial application and as often thereafter as the officer deems necessary.

§ 93.55 APPLICATION.

Any person desiring a permit required under the provisions of this article shall make written application to the city upon a form prescribed by and containing such information as required by the city and officer. Among other things, the application shall contain the following information:

(A) A description of the real property upon which it is desired to keep the chickens.

(B) The breed and number of chickens to be maintained on the premises.

(C) A site plan of the property showing the location and size of the proposed chicken coop and run, setbacks from the chicken coop to property lines and surrounding buildings (including houses and buildings on adjacent lots), and the location, style, and height of fencing proposed to contain the chickens in a run or exercise area. Portable coops and cages are allowed, but portable locations must be included with the site plan.

(D) Statements that the applicant will at all times keep the chickens in accordance with all of the conditions prescribed by the officer, or modification thereof, and that failure to obey such conditions will constitute a violation of the provisions of this article and grounds for cancellation of the permit.

(E) Such other and further information as may be required by the officer.

§ 93.56 PERMIT CONDITIONS; REVOCATION; FEES.

No person shall (without first obtaining a permit in writing from the City) own, keep, harbor or have custody of any live chicken. If granted, the permit shall be issued by the city and officer and shall state the conditions, if any, imposed upon the permittee for the keeping of chickens under this permit. The permit shall specify the restrictions, limitations, conditions and prohibitions which the officer deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to promote the public health and safety. Such permit may be modified from time to time or revoked for failure to conform to such restrictions, limitations, prohibitions. Such modification or revocation shall be effective after ten days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintaining such chickens.

(A) The City Manager may revoke any permit issued under this article if the person holding the permit refuses or fails to comply with this subchapter, with any regulations promulgated by the city

council pursuant to this subchapter, or with any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten days thereafter, humanely dispose of all chickens being owned, kept or harbored by such person, and no part of the permit fee shall be refunded.

(B) Coops, runs and other fenced areas that go unutilized for a period of one (1) year shall be deemed a nuisance and shall be removed by the owner at the owner's expense.

(C) The permit period under this section shall expire one year from the date the permit is issued.

(D) For each residential site, the fee for a permit may be imposed, set, established and fixed by resolution of the City Council.

§ 93.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person violating the provisions of §§ 93.20 *et seq.* shall, upon conviction, be fined an amount adopted by resolution for each offense, and shall be fined an additional amount beyond the amount fined in the previous offense for each subsequent offense provided the offenses shall have occurred within a period of 12 consecutive months from the date of the first offense.

(C) Any person violating the provisions of §§ 93.50 *et seq.* shall, upon conviction, be fined an amount adopted by resolution for each offense, and shall be fined an additional amount beyond the amount fined in the previous offense for each subsequent offense provided the offenses shall have occurred within a period of 12 consecutive months from the date of the first offense.

Dated at Vermillion, South Dakota this 2nd day of May, 2016.

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: April 18, 2016
Second Reading: May 2, 2016
Publish: May 7, 2016
Effective Date: May 27, 2016

Hello, my name is Justin McGregor and I'm interested in more information about the request to allow backyard chickens. I was under the impression Vermillion allowed chickens within the A-1 zoning district which my mobile home court at 807 Cottage is zoned for residential, business, and agriculture or so I thought.

I was contacted by the city code enforcement to dispose of my chickens that I have been happily caring for these past two years. I would like to point out the extraordinary benefits of keeping chickens. Besides the obvious self-reliant topics such as organic eggs, meat, and natural fertilizer there is a psychological component that has helped me lose 40 pounds of weight due to clean eating habits, less hours worked at my job, and increased disposable monthly income. All of this came about because of careful observation of chickens and my personal habits. Chickens are my catalyst for insightful personal change.

As our economy heads for yet another recession, please consider the social costs of banning chickens. Encouraging citizens to take responsibility for their actions, health, and wellbeing through personal Options will decrease the dependency on government welfare which in the end we all pay for.

Go out and hug a chicken, it just might save your life!

Sincerely,

Justin McGregor

I am wholeheartedly in favor of urban chickens (hens not roosters) in Vermillion. This has proven successful in many communities. While there is much misunderstanding and misinformation floating around, chickens are quiet, clean, and fun. They are no different than any other pet - you have to take care of them, and clean up after them. The difference is that they'll reward you and your neighbors with fresh eggs.

Vermillion Chickens:

1. Encourage self-sufficiency among residents
2. Encourage entrepreneurship. For example, residents could design, build, and sell chicken coops and chicken tractors (moveable coops); another could collect, compost and sell chicken manure as fertilizer.
3. Support the local economy with purchases of chicks, coops, feed, care and maintenance.
4. Provide the next step in disaster preparedness – self-sufficiency in food production.
5. Backyard chickens provide the best tasting, freshest eggs.
6. With the rising cost of food, many people want to be able to raise as much of their own food as possible.
7. Strengthens local food security.
8. Growing and eating one's own food is healthy and helps to reduce the carbon footprint of our food supply. It's more sustainable than transporting food long distances.

Amy Schweinle

I really hope Vermillion decides to allow chickens in town. I can understand not wanting roosters, but chickens are definitely less of a nuisance than a barking dog. Additionally, my mother has been looking for a home to buy in Vermillion but really wants to have a couple chickens so she has been torn on being in town or having chickens. It would be nice to not have to choose a house based on the city boundaries and ability to have a chicken. They are wonderful animals for the home gardener and would not disrupt one's neighbors. Thank you so much for considering the possibility of allowing chickens!

Julia Wessel
1102 W Main
Vermillion, SD

Dear City Council Representative,

I would like to take a brief moment to express my opinion on the recent poll for consideration of allowing Vermillion city residents to own egg-laying hens.

Baby chickens cost an average of 1-5 dollars and can be purchased at many retail locations, this includes Runnings and TSC. The cost is minimal but my concern develops from an understanding of livestock and their upkeep. The cost of properly maintaining a group of hens and their coop is beyond most citizens. The hens may cost a small sum of. money but the most important factor to remember is that they require constant upkeep. They must be fed twice daily along with watering. The coop must be cleaned at least weekly and the peak for egg-laying hens comes near the summer. A fertile and healthy hen may lay up to one or two eggs a day in the peak season (the summer). Throughout the winter months this may decrease or the hens may not lay any eggs.

The issue occurs when the hens are improperly taken care of. Providing a safe and healthy environment for the hens should take priority of having eggs for the summer months. I strongly believe that the residents of Vermillion would embrace the ideal of having fresh available produce. Yet, when the upkeep exceeds the capability of the average resident, what happens? The community as a whole will suffer through malice towards the young chickens and improper maintenance will lead to an increase in predators in the city limits,

Vermillion suffers a population of felines that has grown tremendously in the wild. This comes through college students and residents being unable to take care of their pets for whatever reason that is applicable. Please understand that as one problems rages onward with lack of an animal control unit, the solution is not to let more animals and creatures prosper in this environment while several other species are struggling and suffering.

Please know that I have rallied friends, family, coworkers, and residents to vote against this action. Your online poll should reflect this as my support grows. If the idea makes itself present in city legislature for a vote I will bring my support there as well.

Sincerely,

A concerned citizen

I do not intend to have chickens myself, but I do approve of the idea. I do not agree with having to have the neighbor's permission. A person could spend a lot of money on a coop, be humming along nicely, and have new "occupants of property adjacent" get mad at you for any of a number of reasons, and all of a sudden you're not allowed to have your chickens any more. There are a lot of renters coming and going in this town. A lot of occupant turnover. Neighbors may have a falling out over any number of reasons. And they can keep you from having chickens. I have a yard large enough that this wouldn't be a problem, but not many people in town do. Besides which, I get along with my neighbors. I just do not believe your neighbors should be the ones determining whether or not you can have chickens.

Jeanette Williams
401 Park Lane

We are all for chickens in town, within reason, of course. Please keep us posted on future developments.

Matt and Carly Heard
Vermillion, SD

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: April 18, 2016

Subject: Street Closure Request – Old Lumber Company, LLC for Kidder Street from Court Street west to alley from 7:00 a.m. on June 18 to 2:00 a.m. on June 19, 2016 for Heartland Humane Society “Taste & Tour” event

Presenter: John Prescott, City Manager

Background: Chad Grunewaldt of Old Lumber Company has submitted a request to close Kidder Street from Court Street west to the alley from 7:00 a.m. on Saturday, June 18, 2016 to 2:00 a.m. on Sunday, June 19, 2016 for a live band in conjunction with the Heartland Humane Society “Taste & Tour” event (note the request stated Kidder Street from Market Street to Court Street but from talking to Chad he wants the closing just to the alley). The permit to exceed noise levels was considered earlier on the agenda and the permit for consumption but not sale is next on the agenda. The street closing request, diagram, and Heartland Humane Society letter are attached.

Discussion: The street closure request application indicates that neighboring businesses and residents have been notified. Access to First Dakota National Bank via Court Street and Kidder Street will be impacted for the duration of the event. The drive-thru would be accessible via Market Street and Kidder Street from the west.

An issue the Council may want to consider is the closing starting at 7:00 a.m. on Saturday morning when the event doesn't start until later in the day. Kerry Hacecky with Heartland Humane Society has stated they would like to be able to set up at 4:00 p.m. so they are ready to go at the start of the event at 6:00 p.m. noting that Chad will need to have the fence, stage, etc. set up prior to 4:00 p.m. Chad with OLC stated he wanted to close Kidder Street starting at 7:00 a.m. to prevent vehicles from parking on the street that would be in the way for event. I suggested that the request be revised to allow him to place no parking signs on the north and south side of Kidder for the half block from 7:00 a.m. to 1:00 p.m. on Saturday, with the street closing from 1:00 p.m. on Saturday to 2:00 a.m. on Sunday morning. However, Chad stated he would still prefer to close the street at 7:00 a.m.

Staff from the Old Lumber Company will clean up the area after the event. The enclosed map submitted by the Old Lumber Company indicates that trash cans will be provided.

The Fire, Police, EMS and Departments have been notified of the closure and have not expressed concerns.

The consideration of the street closing request is impacted by the permit to exceed permissible sound levels considered earlier on the agenda as the band would be set up in the street and the audience would gather there. Any changes to the special permit to exceed permissible sound levels may impact the times of the street closing.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends approval of the street closure request if the noise permit is approved and appropriate hours are established to balance the needs of the residential neighborhood, abutting businesses, and the event organizers.

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 Manager's office one week prior to the Council Meeting.

CITY OF VERMILLION REQUEST TO CLOSE CITY STREET

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 Manager's 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 for which the street will be closed. If additional space is needed, please attach additional sheets with the required information.

Organization Requesting Old Lumber Company Grill & Bar

Contact Person Chad Grunewaldt Phone 605-280-3520

E-Mail Address P.O. Box 568

Contact Person Address P.O. Box 568

Event Taste & Tour Date(s) of Event June 18th

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

Street Killer St from Markets St to Court St

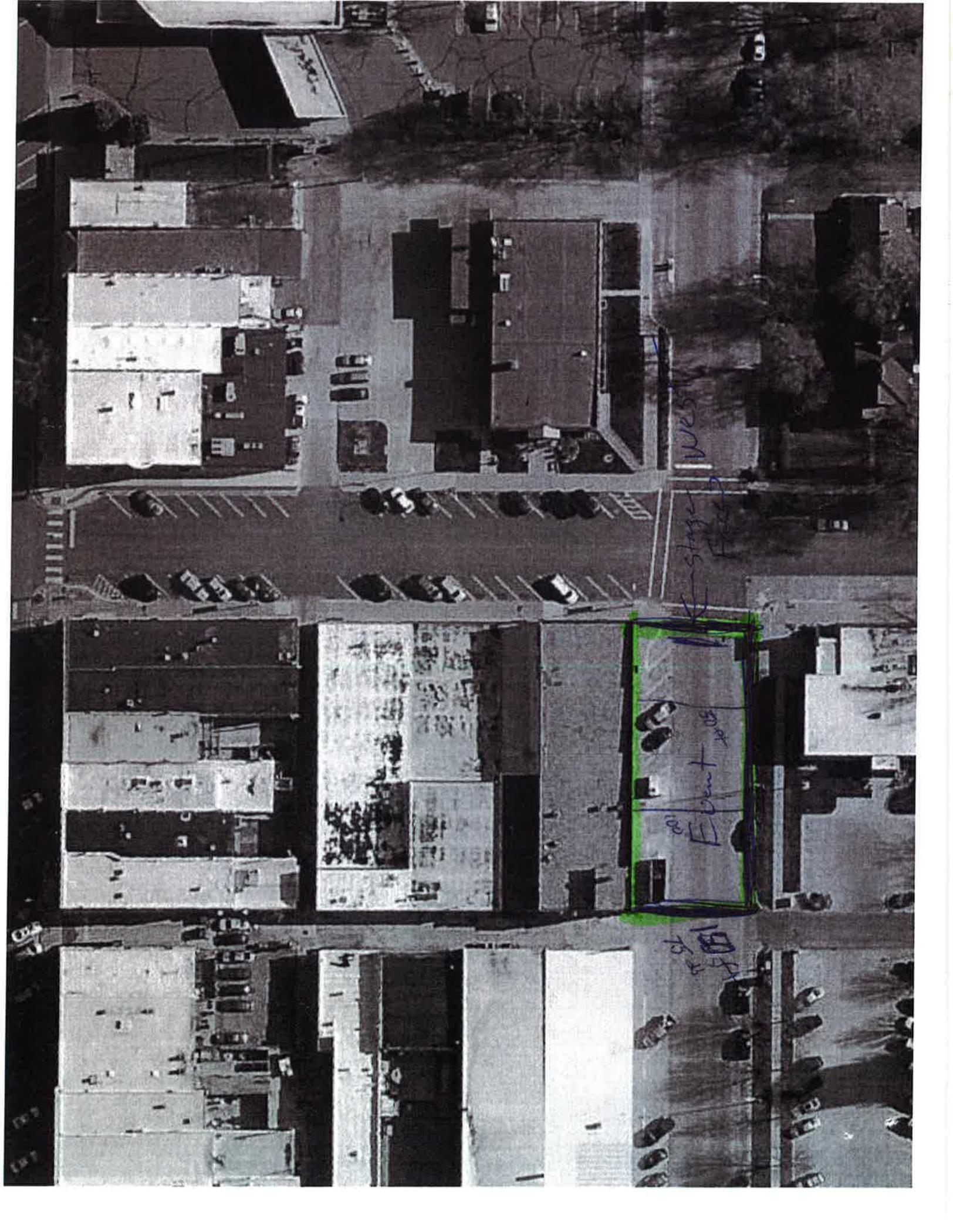
Street Closing Times 7 am 18th to 2 am 19th

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

If approved, the contact person will need to make arrangements with the Street Department for barricades to properly denote the street closing. Have arrangements been made for clean up after the event and other facilities? Please describe:

Garbage cans would be out and taken down the night of the event. They would also be placed at the exits. Alcoholic beverages will be allowed in fenced area. All patrons will be I.D.

Signature of Applicant [Signature] Date 1-22-16



April 7, 2016

To whom it may concern,

On behalf of Heartland Humane Society, I would like to ask the City of Vermillion to approve the street closing submitted by Chad Grunewaldt for our upcoming Taste & Tour on June 18, 2016.

The Taste and Tour will be celebrating its 5th year this June. The event brings participants to Vermillion to showcase what businesses have to offer while raising funds for our local animal shelter. Attendees will have the opportunity to visit eight businesses, receive VIP shopping treatment, win raffles, and sample food and drink. Our event will start at The Varsity at 6pm with stops at the following businesses: Nook 'n Cranny, Sharing the Dream, Pets Paw, Farmers Insurance, Vermillion Beauty Shop and Maloney Real Estate. We wish to end the evening with local entertainment on a stage outside of Old Lumber Company. We plan to move entertainment to the upstairs of OLC if weather does not cooperate.

In past years this event has ended by 11pm. We would like the ability to entertain the crowd for as long as they wish to stay but no later than 1am. Tear down would follow after the participants have left. In order to allow adequate time for setup, we wish to have the street free of parked cars and closed no later than 1pm that day.

I entrust Chad and his staff will work with Heartland Humane Society to prepare adequate fencing and seating. This location also makes restroom use and garbage disposal an ease with the partnership of HHS and OLC.

We expect to have between 150 and 250 participants at the event this year and have a goal of raising \$10,000.

Thank you for your consideration,

Kerry Hacecky
Executive Director
Heartland Humane Society

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: April 18, 2016

Subject: Permit for Consumption on portion of Kidder Street from 4:00 p.m. June 18 to 2:00 a.m. on June 19, 2016 for Old Lumber Company Grill and Bar, LLC hosting the Heartland Humane Society event

Presenter: Mike Carlson

Background: Chad Grunewaldt of Old Lumber Company is requesting consideration of a permit for consumption of alcohol on the previously discussed portion of Kidder Street from 4:00 p.m. on June 18th to 2:00 a.m. on June 19, 2016 to host the Heartland Humane Society “Taste & Tour” event. A copy of the request is attached along with the report of the Chief of Police.

State statute 35-1-5.5 provides that the Governing Body of a municipality may permit the consumption, but not sale, of any alcoholic beverage on property owned by the public. The statute is as follows:

35-1-5.5. Permit for consumption of alcoholic beverage on property owned by public or nonprofit corporation. The board of county commissioners or the governing body of a municipality may permit the consumption, but not the sale, of any alcoholic beverage on property owned by the public or by a nonprofit corporation within its jurisdiction. The permit period may not exceed twenty-four hours and the hours of authorized consumption may not exceed those permitted for on-sale licensees. However, a municipality or county may permit the sale of alcoholic beverages on publicly owned property or property owned by a nonprofit corporation if it is during a special event for which a temporary license has been issued pursuant to § 35-4-124.

Also attached is the information letter from Heartland Humane Society stating that this year’s event will be the 5th year for the Heartland Humane Society Taste & Tour, which has grown in size over the past five years. Heartland Humane society has stated that they are expecting 150 to 250 participants this year.

Discussion: The City Council may permit the consumption, but not the sale, of alcoholic beverages on property owned by the public. Due to the nature of the event and the property upon which the Old Lumber Company is situated, the request is to utilize Kidder Street from Court Street west to the alley for consumption of alcohol. The letter from

Heartland Humane Society stated they will work with OLC to prepare adequate fencing and seating.

Chad has provided the Release and Indemnification to hold the City harmless for claims and a certificate of insurance naming the City as additional insured. Below are some special conditions required by the City Council for other entities that have used city property for the consumption of alcoholic beverages. Adjustments may be appropriate for the conditions, but Staff recommends the City Council consider and attach the following conditions:

- Require the applicant identify and utilize a fenced area where alcoholic beverages may be consumed but not sold, as well as a plan to monitor the entrances and exits from this area to ensure that those under the age of 21 are not allowed. The applicant will need to coordinate the fencing and security plan with the Police Department in advance of the event.
- Require a plan for the cleanup and disposal of materials after the event.
- The hours consumption will be allowed will need to be stated with the request being from 4:00 p.m. on June 18th to 2:00 a.m. on June 19, 2016. The statute provided the permit period may not exceed twenty-four hours and the hours of authorized consumption may not exceed those permitted for on-sale licensees.

Chad Grunewaldt and Kerry Hacecky of Heartland Humane Society have indicated they will be present to explain the event.

It should be noted that when the liquor license was renewed for the Old Lumber Company, the license was restricted to the interior of the building on the location. If the permit is approved the motion should include a suspension of the restriction of the requirement for consumption only on the interior of the structure for this event.

Financial Consideration: None.

Conclusion/Recommendations: Administration would recommend that if the permit is approved, the motion should include a suspension of the requirement for consumption only for the interior of the structure and is contingent upon the Old Lumber Company complying with the conditions listed above and that the hours of consumption are included in the motion.



Old Lumber Company with conjunction with the Humane Society "Taste & Tour" would like to allow the consumption of alcohol during the Human Society "Taste & Tour" June 18th, 2016 outside of Old Lumber Company starting at 4pm. ^{- 2am} Old Lumber Company will I.D and wristband all of the participants, volunteers and on lookers of the event. Old Lumber Company will also provide garbage cans around the event area and will be taken down when the event is finished.

A handwritten signature in blue ink, appearing to read "Chad J.", is written above the Heartland Humane Society logo.



March 18, 2016

To whom it may concern,

On behalf of Heartland Humane Society, I would like to ask the City of Vermillion to approve the street closing submitted by Chad Grunewaldt for our upcoming Taste & Tour on June 18, 2016.

The Taste and Tour will be celebrating its 5th year this June. The event brings participants to Vermillion to showcase what businesses have to offer while raising funds for our local animal shelter. Attendees will have the opportunity to visit eight to ten businesses, receive VIP shopping treatment, win raffles, and sample food and drink. We wish to end the evening from 9pm to 11pm with local entertainment on a stage outside of Old Lumber Company.

I entrust Chad and his staff will work with Heartland Humane Society to prepare adequate fencing and seating. This location also makes restroom use and garbage disposal an ease with the partnership of HHS and OLC.

We expect to have between 150 and 250 participants at the event this year and have a goal of raising \$10,000. We have already secured business participation from Old Lumber Company, The Varsity, Nook 'n' Cranny, Maloney Real Estate, Vermillion Beauty Shop, Pet's Paw, and Sharing the Dream.

Thank you for your consideration,

Kerry Hacecky
Executive Director
Heartland Humane Society

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



04/13/16

To: Vermillion City Council

From: Matt Betzen, Chief of Police

Re: Request for Special Permit for Road Closure, Exceed Permissible Sound Levels, and outdoor consumption of alcohol – Old Lumber Company for 06/18/2016.

This application is for the closure of Kidder Road for the purpose of setting up a band and a street dance/beer garden. The date for this event is 06/18/2016.

The Police Department does not see a response problem with closing Kidder Road on this date. There are no significant conflicting events during the event and no known issues. The Old Lumber Company has done a similar road closure in previous year for other events and there were no issues with that event.

The band and associated noise permit may cause some complaints as there is a residential area to the south of the planned location, and the permit is to allow the band to play until 0100 am in the morning.

In the past, the Old Lumber Company has erected a fence around the band (outside consumption) area and placed monitors at the entry points to insure compliance with all laws. The memo provided does not specify if this is the plan for this function, but if the requested outside consumption area is fenced and entry to the area is monitored by employees tasked with ensuring the alcohol does not leave the area and that underage persons do not consume alcohol, I do not have an objection.

The Police Department does have the resources to provide a mitigating influence on issues the normally arise during these types of events.

Council Agenda Memo

From: Cole Bockelmann, Communications Intern
Meeting: April 18, 2016
Subject: Request from VCDC to close three parking stalls on W. Main Street in front of the Ratingen Platz
Presenter: John Prescott, City Manager

Background: City staff received a request from the Vermillion Chamber and Development Company to close three parking stalls on W. Main Street in front of the Ratingen Platz to place a Builder's Choice "tiny home" as part of the Green Thursday on the Platz event. All three stalls are on the south side of W. Main Street.

The requested closing of the parking stalls on W. Main Street would be from 11:30 a.m. on Thursday, April 21 to 10:00 a.m. on Friday, April 22. A request to close Market Street as it abuts Ratingen Platz for the Green Thursday event was approved by the City Council at the April 4th meeting.

Discussion: Closure of the parking stalls is necessary to properly place the Builder's Choice "tiny home" for Green Thursday on the Platz event. Documents showing the exact location of the parking stalls have been provided.

The Police, Fire, and EMS Departments have been notified of the closure request and have found no safety concerns. Dr. Roob's chiropractic clinic is aware of the parking stall closure request.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends approval of the request to close the three parking stalls in front of the Ratingen Platz on W. Main Street from 11:30 a.m. on April 21 through 10:00 a.m. on April 22, 2016.

John Prescott

From: Elijah Bonde [elijah@vermillionchamber.com]
Sent: Friday, April 01, 2016 4:09 PM
To: John Prescott
Subject: Tiny House Space
Attachments: Fullscreen capture 412016 101408 AM.jpg; Fullscreen capture 412016 101558 AM.jpg

John,

Like you were saying, we want to request that one of the Builders Choice tiny homes, be placed on the space of the three parking spots in front of the Platz (and chiropractors office). Note the pictures attached for more specific details on location. The date in which we want the house to be placed is Thursday April 21st, starting at 11:30 AM that morning and staying there until 10:00 AM the morning of April 22nd. Power to the house will be taken from the power sources located on the Platz. We already have a street closing request being heard by the council on the April 4th meeting, so the roads will be closed during the event itself.

Let me know if there is any more information you need from myself.

Thanks so much,
Elijah

Elijah J. Bonde
Economic Development Assistant
Vermillion Chamber and Development Company
Office: (605)624-5571 • Mobile: (605)759-5237
Elijah@VermillionChamber.com





Council Agenda Memo

From: John Prescott, City Manager
Meeting: April 18, 2016
Subject: Equal Opportunity Statement amended
Presenter: John Prescott

Background: The Policies and Procedures Committee met on March 29th. One of the items on the agenda dealt with gender identity and expression as they pertain to the delivery of City services and employment. The minutes of the Committee meeting were part of the April 4th City Council packet. The City Council received the Committee's recommendation as part of the April 4, 2016 meeting.

Discussion: The recommendation of the Policies and Procedures Committee was to amend the City's Equal Opportunity Statement to include gender identity and expression. As was presented at the Committee meeting and City Council meeting, staff believes there were two questions involved. One question had to do with gender identity and expression as it pertains to employment practices. While the City's employment application does not specifically list gender identity or expression, the Department of Labor confirmed that they will review gender identity or expression discrimination, whether or not it is listed on the City's employment application.

The second question pertained to the provision of City services. The provision of many City services is provided without knowledge of gender or any of the categories found in the equal opportunity statement. Amending the Equal Opportunity Statement as proposed in the Resolution will help to clarify that the City does not discriminate based on gender identity or expression.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends that the City Council approve the amended Equal Opportunity Statement as presented on the Resolution.

**RESOLUTION
AMENDING THE CITY OF VERMILLION
EQUAL OPPORTUNITY STATEMENT**

WHEREAS, the City of Vermillion strives to provide employment opportunities and public services in a non-discriminatory manner; and,

WHEREAS, the provision of municipal employment and services in a non-discriminatory manner reflects the fundamentals of good government and democracy; and,

WHEREAS, the Policies and Procedures Committee of the City Council has recommended amending the City's Equal Opportunity Statement to include the listing of gender identity and expression as grounds for which there will be no discrimination.

BE IT HEREBY RESOLVED, the Governing Body of the City of Vermillion, South Dakota, does hereby adopt the following Equal Opportunity Statement:

It is the policy of the City of Vermillion to provide equal opportunity for all residents, applicants, and employees as it pertains to the provision of services and employment opportunities in order to ensure that there will be no discrimination against any person on the basis of race, color, religion, sex, age, gender identity and expression, national origin, ancestry, political affiliation, or any other basis prohibited by state or federal law.

Dated at Vermillion, South Dakota this 18th day of April, 2016.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

Adopted: April 18, 2016
Published: April 23, 2016
Effective: May 13, 2016

Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting April 18, 2016
Subject: Declaration of Surplus and Abandoned Property for Auction
Presenter: Mike Carlson

Background: When a vehicle is placed in the impound lot, a notice is sent to the registered owner that the vehicle can be claimed by paying the fine, towing fee and impound fee. If the property is not claimed within 60 days, ownership of the vehicle reverts to the City. The last four abandon vehicles will be used by the fire department for training and when they are done these vehicles will be sold as scrap metal. It should be noted that there are no bikes this year as they were donated to the Methodist Church for the group to refurbish and donate.

The surplus properties are made up of items that are no longer needed by a City department.

The state statutes that apply to surplus property are as follows:

6-13-1. Determination of surplus property. The governing board of a political subdivision may sell, trade, destroy, or otherwise dispose of any land, structures, equipment, or other property which the governing board has, by appropriate motion, determined is no longer necessary, useful, or suitable for the purpose for which it was acquired. No motion is required to sell, trade, destroy, or otherwise dispose of consumable supplies, printed text, or subscriptions.

6-13-6. Sale by auction--Notice by publication. In lieu of sealed bids, the governing board of a political subdivision may sell surplus property at auction. Such governing board shall advertise such auction by publication pursuant to §6-13-4. Surplus property may be sold to the highest bidder at such auction.

Discussion: The City normally has an auction in the spring to empty the impound lot of abandoned vehicles accumulated since the previous auction and to sell any surplus property of the different City departments. Each department has listed surplus property for which a City use no longer exists. Hazen Bye has agreed to conduct the auction on May 13, 2016.

Financial Consideration: The proceeds from the auction are not a significant source of revenue, but a legal way to dispose of abandoned and surplus property. The proceeds will pay the tow fees on the impounded cars, advertising fees and the auctioneer fees with the balance going into the general fund.

Conclusion/Recommendations: Administration recommends the City Council declare the attached property list surplus for disposal at public auction except for the last four vehicles that will be used for fire department training and when done will be sold as scrap metal.

Date: April 13, 2016

To: Mayor and City Council

From: Mike Carlson, Finance Officer

Subject: Surplus and Abandoned Property to be sold at Auction

The following list of abandoned vehicles and surplus City property that will need to be declared surplus and authorized to be sold at public auction on May 13, 2016 except for the last four vehicles that will be used for fire department training and when they are done will be sold for scrap:

Abandoned Vehicles:

Year	Make	Model	Plate	Vin #
1993	Mazda	626	1CCB25	1YVGE22A3P5154632
2003	Saturn	ION	333751	1G8ZH5284WZ295988
1993	Honda	Accord	SKG644	1HGCB7659PA152206
2000	Pontiac	Bonneville	17FH15	1G2HX54K6Y4205290
1998	Chevrolet	Monte Carlo	35A524	2G1WW12M9W9220713
1998	Jeep	Cherokee	19PF40	1J4GZ78Y6WC342237
1998	Chevrolet	Blazer	19RA21	1GNDD13W2WK106260
1997	Ford	Ranger	19NY95	1FTDR15X6VPA76694
1995	Buick	Regal	1CFF37	2G4WB52L3S1494558
1997	Buick	Lesabre	19HL64	1G4HR52K7VH438958
2001	Chrysler	Sebring	19PD20	1C3AL56UX1N528012
2004	Chevrolet	Malibu	59L203	1G1ZT52814F239342
UNK	Homemade	Trailer	no plate	None

Fire Department for Training

1992	Oldsmobile	Delta 88	62JJ52	1G3HY53LXNH337184
1997	Buick	Century	19KV19	2G4WS52M6V1403425
2003	Buick	Century	19RM73	2G4WS52J631141523
1997	Honda	Accord	19NX10	1HGCE6673VA006352

Surplus City Property:

General Government: misc computer equipmnet

Police Department: paper punch, clip board, 2- wooden flag poles w/base, round table, Dell Axim X50 PDA with charger, 2-Marantz portable cassette recorders, Sharp camcorder viewcam

Emergency Communications: 2-office partitions

Electric Department: desk, meter tester, 2-dry type transformers

Engineering: 2-hanging file holders

Shop: mower blade sharpener, chain saw chain sharpener

Waste Water: 2-compressors, magazine rack

Parks & Recreation: chain link fence, Toro push mower

Fire/EMS: pickup truck topper

Library: 2 dark-colored computer chairs, print loveseat, hunter green stuffed chair

Council Agenda Memo

From: Shane Griese, Utilities Manager

Meeting: April 18, 2016

Subject: Softball Field Lights

Presenter: Shane Griese

Background: Lions Park has two softball fields which are located just east of the Armory at 603 Princeton St. Over the last several years, the City has made improvements to baseball fields but has not made many improvements to the softball fields. The City is in need of multiple softball fields that are capable of hosting night games, practices, etc. The east softball field located at Lions Park has an outdated lighting system. The poor lighting makes for an inadequate atmosphere for viewing games as well as potentially being dangerous for the athletes that are playing on the field. Due to the age of the existing lighting system, it is also very expensive to operate.

Discussion: Bids were opened on April 12, 2016 at 2:00 p.m. One bid was received from Musco Sports Lighting, LLC from Muscatine, Iowa at a bid price of \$38,000.

Financial Consideration: Funding for the lighting project is proposed to come from the 2nd Penny fund. When the 2016 budget was adopted, funding was included for the Bliss Pointe park in the 2nd Penny fund. In December an estate gift was received which will provide the funding for the Bliss Pointe playground. Use of the estate gift for the playground allowed the 2nd Penny funding to be used for upgrading the softball field lights.

Conclusion/Recommendations: Administration recommends awarding the sports lighting bid to the lowest bidder Musco Sports Lighting, LLC at a cost of \$38,000.

CITY OF VERMILLION
 INVOICES PAYABLE-APRIL 18, 2016

1 BROADCASTER PRESS	ADVERTISING	542.00
2 BRUNICKS SERVICE INC	FUEL	2,529.00
3 BUREAU OF ADMINISTRATION	TELEPHONE	260.89
4 CENTURYLINK	TELEPHONE	1,495.41
5 CLAY COUNTY AUDITOR	JOINT ELECTION COST	2,800.00
6 CLAY RURAL WATER SYSTEM	WATER USAGE	43.20
7 CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,935.57
8 DAKOTA BEVERAGE	MERCHANDISE	11,613.53
9 DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,195.68
10 FIRST NATIONAL BANK	CITY HALL DEBT SERVICE	64,351.72
11 FRED PRYOR SEMINARS	REGISTRATION	198.00
12 GREGG PETERS	MANAGERS PROFIT/MONTHLY FEE	33,418.81
13 JOHN A CONKLING DIST.	MERCHANDISE	6,622.65
14 JOHNSON BROTHERS OF SD	MERCHANDISE	12,601.57
15 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	210.00
16 MART AUTO BODY	TOWING	375.00
17 MIDAMERICAN	GAS USAGE	3,153.75
18 MIDCONTINENT COMMUNICATION	INTERNET/CABLE SERVICE	718.68
19 MOORE WELDING & MFG	REPAIRS/MATERIALS	235.80
20 PRAIRIE BERRY WINERY	MERCHANDISE	744.00
21 REPUBLIC NATIONAL DIST.	MERCHANDISE	15,196.39
22 RESERVE ACCOUNT	POSTAGE FOR METER	550.00
23 SD PUBLIC ASSURANCE ALLIANCE	BOILER/MACHINERY COVERAGE	10,756.00
24 STAPLES ADVANTAGE	SUPPLIES	1,324.16
25 STERN OIL CO.	FUEL	5,567.47
26 THE EQUALIZER	ADVERTISING	1,287.54
27 THE GROWLER STATION	LICENSING FEE/MAINTENANCE	749.97
28 UNITED PARCEL SERVICE	SHIPPING	11.16
29 US POSTMASTER	POSTAGE FOR UTILITY BILLS	1,050.00
30 VERIZON WIRELESS	WIRELESS COMMUNICATION	79.60
31 VERMILLION AREA COMMUNITY	ROUND UP PROGRAM	312.33
32 VERMILLION NOW!	ANNUAL PLEDGE	50,000.00
33 DANNY BROWN	BRIGHT ENERGY REBATE	36.00
34 TODD NELSON	BRIGHT ENERGY REBATE	250.00
	GRAND TOTAL	\$234,215.88