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care center fence requirements contained in Vermillion Zoning Regulations, Chapter 155, will prevail to the extent they apply and conflict with this provision.

Exception: A registered daycare provider may be exempt from the fencing or other barrier requirement of this section if a written consent form signed by a parent or guardian of each child being cared for stating they understand that there is not an enclosed playground area at the registered location.

121.09 Building code requirements applicable. Nothing in this article shall be construed to exempt any structure from any otherwise applicable portion of the relevant building code or fire code. In any case where the building code requirements are in conflict with the requirements of this article, the more stringent requirement shall apply.

121.11 State registered home daycares. Any home day care which falls within the scope of this article but which is registered as a family day care pursuant to SDCL ch. 26-6 and ARSD ch. 67:42:03 shall be required to register pursuant to this article.

121.12 All home day care facilities shall comply with the most recent version of the International Fire Code and International Building Code as modified and adopted by the City.

Dated at Vermillion, South Dakota this 6th day of April, 2015.

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-N, Holland-Y, Clarens-Y, Holly Meins-N, Price-Y, Ward-Y, Willson-Y, Mayor Powell-Y

Motion carried 7 to 2. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. Referendum petition received for Ordinance 1325 - Malt Beverage markup

Mike Carlson, Finance Officer, reported that the City Council approved second reading of the malt beverage markup ordinance on February 17, 2015 that was published on February 27, 2015.

Mike stated that a referendum petition is required to be filed within twenty days of the publication of the ordinance, which would be March 19, 2015 at 5:00 p.m. Mike noted that on Wednesday afternoon, March 18th, Blaine Schoellerman presented him with 26 pages of referendum petition listing "ORDINANCE NUMBER 1325 Adopted: 17 February 2015". Mike stated that copy was taken to Jim McCulloch, City Attorney, for his review as to the petition content. Mike stated that the petitions were reviewed to determine if the 5% of voter registration requirement was met and that Ann Schoellerman called on Thursday morning to see if more signatures were needed. Mike reported that he contacted Ann about needing one more signature just after noon on Thursday and that Ann provided two more pages of the petition. Mike stated that at 2:40 p.m. Jim called to say that he had been in contact with the Secretary of State's office and in his opinion the petition did not include the title of the ordinance and he recommended that the petition be rejected. Mike stated that he called Ann Schoellerman to relay that in Jim's opinion the petition did not include the title to the ordinance as required by the State statute. Mike recommended that the City Council acknowledge that a petition was received but that it did not meet the requirements of SDCL 9-20-7 as the title to the ordinance being referred to was not contained in the petition and as such the petition is

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not being accepted. Discussion followed with Jim McCulloch, City Attorney, explaining that State statute states that the title shall be included in the petition and the definition of shall is "manifests a mandatory directive and does not confer any discretion". Jim recommended that the City Council, if they agreed with his recommendation, acknowledge receipt of the petition noting the reason why it was not accepted. Discussion followed.

100-15 Alderman Willson moved to acknowledge receipt of the referendum petition titled "ORDINANCE NUMBER 1325 Adopted: 17 February 2015" but that the petition did not meet the requirements of SDCL 9-20-7 as the title of the ordinance being referred to was not contained in the petition and that the petition should not be accepted. Alderman Ward seconded the motion. Discussion followed. Motion carried 8 to 1. Mayor Powell declared the motion adopted.

B. Request to extend platting time requirement for Outlot A, Smith-Quam Addition

Jose Dominguez, City Engineer, reported that the City at one point owned Outlot A in Smith-Quam Addition on E. Main Street. Jose noted that this outlot was bordered by E. Main Street on the north and by Cypress Drive on the east. Jose stated that in 2005 Mr. Wade Larson purchased Outlot A with the intent to develop it. Jose stated that the original agreement required Mr. Larson to develop the lot within a certain time, if not, the City would repurchase the outlot for 70% of the original purchase price. Jose noted that the City approached Mr. Larson regarding repurchasing the outlot in 2014. Jose noted that on October 20, 2014 the City Council allowed Mr. Larson to sell the outlot to a third party, Three Sisters LLC. Jose noted that the City Council allowed the transfer of the property on October 20, 2014, however, the City required that the original stipulations with respect to platting and the construction start be included with the agreement. Jose stated that platting was required within three months (February 12, 2015) and construction would begin within twelve months (November 14, 2015). Jose noted that the stipulations were intended to ensure that the land was developed in a timely manner according to the covenants. Jose stated that on March 19, 2015 the City received a request from Three Sisters, LLC asking that the platting deadline be extended until August 31, 2015. Jose stated that the request was included in the packet. Jose recommended that the deadline be extended until June 30, 2015 which he felt would allow the owner ample time to develop a plan and plat the land accordingly. Jose noted that the extension does not modify the deadline for construction to begin that is November 14, 2015.

Chris O'Connor, representing Three Sisters, LLC, stated that the developer is currently busy with another development within the city and requested the extension until August 31, 2015 noting that they would meet the construction state deadline of November 14, 2015. She stated that plans need to be developed then priced to determine if it would cash flow before platting, thus the extra time is requested. Discussion followed on the request.

101-15 Alderman Willson moved approval of extending the platting deadline for Three Sisters, LLC for Outlot A Smith-Quam Addition until August 31, 2015. Alderman Holland seconded the motion. Discussion followed noting the start of construction deadline shall remain at November 14, 2015. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Resolution of sponsorship for Coyoteopoly - South Dakota Shakespeare Festival

John reported that Coyoteopoly and the USD College of Fine Arts in planning for the previous Shakespeare Festival they requested the City Council adopt a resolution of co-sponsorship. The City Council adopted a resolution of co-sponsorship for the previous events.

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John noted that tonight's street closing along with other items will be included on the next couple agendas related to the third Shakespeare Festival planned for June 2015. John stated that the proposed resolution of co-sponsorship is very similar to what was adopted in previous years. He stated that the main purpose of the resolution is to designate the City as a civic co-sponsor of the Shakespeare Festival. John stated that the resolution does not obligate the City to complete any specific tasks and no direct financial support is tied to serving as a civic co-sponsor.

John stated that City staff has met with the leadership group planning the event. John stated that the proposed event is very similar to the prior year's Shakespeare Festival.

Tyler Reddington and Aaron Peterson representing Coyoteopoly were present to answer questions.

102-15 Alderman Holland moved approval of the Resolution for Co-Sponsorship of Coyoteopoly South Dakota Shakespeare Festival as presented and authorized the Mayor to sign. Alderman Erickson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Request from Coyoteopoly - Shakespeare Festival to close E. Main Street from Plum Street through the Walker Street intersection during the performances on June 11-14 and limit E. Main Street parking

John Prescott, City Manager reported that Coyoteopoly has submitted a request to close E. Main Street from Plum Street to Walker Street from 6:00 p.m. to 10:00 p.m. on June 11, 12, 13, and 14 2015 for the performance. John noted that they are also requesting to remove the on-street parking on E. Main Street along Prentis Park on June 8 - 14, 2015 to prohibit vehicles from parking next to the production area. John noted that the organization will man the street closing barricades to allow emergency vehicles access. Tyler Reddington and Aaron Peterson representing Coyoteopoly were present to answer questions.

103-15 Alderman Collier-Wise moved approval of the request of Coyoteopoly/South Dakota Shakespeare Festival to close E. Main Street from Plum Street to Walker Street on June 11, 12, 13, and 14 2015 from 6:00 p.m. to 10:00 p.m. and to remove parking on E. Main Street along Prentis Park on June 8 - 14, 2015. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Permit for consumption of alcohol in the Café Brule Furniture Zone Use permit area (Market Street sidewalk as it abuts the building at 24 W. Main)

John Prescott, City Manager, reported that Monica Iverson, on behalf of Café Brule, Inc., has applied for a sidewalk furniture zone use permit for Café Brule for six two person tables on the Market Street side of the restaurant. John stated that administration has approved the use of the sidewalk furniture zone use permit for food consumption, but the request was to also include alcohol. John stated that City ordinance provides that the City Council may permit the consumption of alcoholic beverages within the furniture use zone. John stated that the ordinance provides additional rules to governing alcoholic beverages in the furniture zone, one of which is that the hours of operation for the sale and consumption shall be noon to 10:00 p.m. The Police Chief has reported that there were no incidents during last year in this area. John reported that the application for furniture zone use permit, alcohol sales plan, certificate of insurance and the diagram of the area are included in the packet. Discussion followed noting the need to restrict sales on Dakota Days.

104-15 Alderman Erickson moved approval of the sale and consumption of alcoholic beverages in the Café Brule Furniture Zone Use permit area during the hours

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outlined in the ordinance being noon to 10:00 p.m. but the sale and consumption will be restricted on Dakota Days. Alderman Holland seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

F. First Reading of Ordinance 1327 amending Chapter 118.16 (F) to expand hours of operation for the sale and consumption of alcoholic beverages in the furniture zone

John Prescott, City Manager, reported that Café Brule has submitted a request to begin alcohol sale and consumption hours at 7 a.m. vs. the current code start time of Noon. John noted that the request is included in the packet that stated they are interested in the ability to serve a mimosa to breakfast customer. John noted that the change would also be beneficial for early lunch customers. John reported that a change in City code would apply to all current and future furniture zones and not just the Café Brule furniture zone. John stated that Café Brule was issued the only furniture zone permit in 2014. John noted that the City Council still maintains the authority to approve or disapprove the sale and consumption of alcohol in a furniture zone. John stated that the Police Chief has reported no incidents with alcohol sales in the furniture zone area at Café Brule. John stated that the ordinance will amend section 118.16(F) to change the daily start time from noon to 7:00 a.m.

105-15 Mayor Powell read the title to the above mentioned Ordinance and Alderman Erickson moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1327 entitled An Ordinance Amending Title XI, Chapter 118, Section 1018.16(F) to expand hours of operation from the sale and consumption of alcoholic beverages in the furniture zone 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 6th day of April, 2015 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman 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.

G. Engineering agreement with Banner Associates for Prentis Avenue lift station assessment

Jason Anderson, Assistant City Engineer, reported that with the recent addition of North Norbeck Street between Roosevelt Street and E. Clark Street has provided access to a lot of development-ready ground east of Norbeck Street. Jason stated that, by the end of 2015, City staff is anticipating the addition of over 150 bedrooms of apartments east of North Norbeck Street.

Jason stated that the sanitary sewer collection system in this area is serviced by the Prentis Avenue lift station and due to the current growth in the area, City staff would like to assess the useful life of this lift station.

Jason stated that contact was made with Banner Associates expressing our concerns for this lift station. Jason reported that Banner has offered to provide an assessment of this lift station for a cost not to exceed \$14,000. Jason stated that the report will provide City staff with an analysis of the lift station's current condition, current capacity, and expected useful life. He stated that the report will also recommend options for future improvement and cost.

106-15 Alderman Collier-Wise moved approval of the professional services agreement with Banner Associates for the Prentis Avenue lift station assessment in an amount not to exceed \$14,000.

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

H. Grant funding agreement with Vermillion Basin Water Development District

Jason Anderson, Assistant City Engineer, reported that a grant request was made to the Vermillion Basin Water Development District (VBWDD) for \$14,000 of aid in financing a water system leak detection survey and a wastewater lift station evaluation. The VBWDD at their March 18, 2015 meeting awarded the City \$7,000 to assist with the project of the City's choice. Jason stated that City staff felt the immediate necessity would be the Prentis Street lift station assessment. Jason stated that the VBWDD will reimburse the City up to \$7,000 for the cost of the project after expended by the City. Jason recommended approval of the grant agreement with VBWDD to perform the assessment for the Prentis Street lift station.

107-15 Alderman Collier-Wise moved approval of the grant funding agreement with the Vermillion Basin Water Development District for up to \$7,000 for the assessment for the Prentis Street lift station. Alderman Holland seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

I. Declare Zoll E-Series Cardiac monitors and battery charger surplus property to be sold by sealed bids

Matt Callahan, EMS Division Chief, reported that with the purchase of new cardiac monitors for the ambulances last year we now have two Zoll E-Series cardiac monitors and one 4-bank battery charger that are no longer being used. Matt requested that the cardiac monitors and battery charger be declared surplus and appraised by the Surplus Property Appraisal Committee to be sold by sealed bids. Matt stated that they would advertise the surplus equipment with regional fire and EMS departments.

108-15 Alderman Willson moved approval of declaring the two Zoll E-Series cardiac monitors and one 4-bank battery charger as surplus and to authorize the appraisal by the Surplus Property Appraisal Committee to be sold by sealed bids. Alderman Erickson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

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

Jason Anderson, Assistant City Engineer, reported that the City was approached by Fred Haar Company about leasing two tractors for eight months. Jason noted that the lease rate is zero for the first 250 hours and then \$95 per hour thereafter. Jason noted that we did not exceed the 250 hours on the leased equipment in prior years. Jason stated that the City is responsible for insurance and normal maintenance and repair during this lease. Jason stated that the lease is the same as last year and is included in the packet. Jason noted that the insurance cost is estimated at \$200 per tractor and maintenance would be required on City vehicles if used. Jason stated that the use of the leased equipment reduces the hours placed on the other vehicles in the City fleet. Discussion followed.

109-15 Alderman Willson moved approval of the lease agreement with Fred Haar Company for two tractors for up to eight months. Alderman Price seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

K. Resolution adopting the City of Vermillion's Storm Drainage Design Criteria

Jose Dominguez, City Engineer, reported that in 2012 the City adopted a Subdivision Ordinance that required developers to provide storm water mitigation. Jose noted that at the time the ordinance was adopted the City did not have any form of storm drainage design criteria. Jose

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reported that the City completed a City wide drainage study in 2013 that recommended drainage design standards to be adopted by the City. Jose noted that the standards proposed were modified and have been followed by Staff as policy since 2014. Jose reported that these standards were presented to the Council at a noon meeting today. Jose stated that the proposed criteria will require all new multifamily, commercial, industrial and large scale single family developments to mitigate storm water generated by the development. Jose stated that the type of mitigation will vary depending on the existing lot conditions, size of development and on the amount of imperviousness.

110-15 After reading the same once, Alderman Erickson moved adoption of the following:

RESOLUTION ADOPTING THE STORM DRAINAGE DESIGN CRITERIA

WHEREAS, on March 16, 2015 the City adopted the City of Vermillion's Storm Water Management Program, dated March 2015, as required by the Clean Water Act; and,

WHEREAS, this program required that the City adopt requirements in order to address storm water runoff and pollution created by developments; and,

WHEREAS, the City of Vermillion over the years has experienced localized flooding due to development not being required to mitigate any storm water generated on the site; and,

WHEREAS, the Storm Drainage Design Criteria will reduce localized flooding and minimize the amount of pollutants reaching the Vermillion River by requiring that some developers to construct facilities designed to mitigate storm water.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota that the City adopts as policy the City of Vermillion's Storm Drainage Design Criteria, dated April 2015.

Dated at Vermillion, South Dakota this 6th day of April, 2015.

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 Price. 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.

L. 2015 - 2019 Capital Improvement Plan

John Prescott, City Manager, reported that in March the Capital Improvement Plan was updated for 2015 to 2019 and was presented to the City Council. John noted that funding may not be defined for each item at present but will be developed as the timeline moves closer. John stated that the Capital Improvement Plan has been developed for the last several years as a planning document to be used in developing the future budgets. John reviewed the projects being considered for 2016 that will be included in the 2016 budget later this summer.

111-14 Alderman Holland moved approval of the Capital Improvement Plan for 2015-2019 as presented. Alderman Willson seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings
A. Market Street water tower demolition

Jason Anderson, Assistant City Engineer, reported that the new water tower was placed in service in August 2014. Jason noted that at the January 19, 2015 noon meeting information was presented to the City Council on options

Financial Report to the School Board from the Business Manager - Vermillion School District #13-1

Reporting Month:	General Fund	Capital Outlay Fund	Special Ed Fund	Pension Fund	Bond Red. Fund	Capital Projects Fund	Enterprise Funds	Food Service Fund	Internal Service Fund	T & A Fund
MARCH 2015										
Beginning Cash Balance	2,127,913.45	2,054,339.04	548,781.44	798,010.39	471,384.05		73,105.42	295,152.46	540,451.61	51,410.46
Local Sources:	126,570.47	53,631.21	28,092.43	5,163.04	7,402.06		10,542.50	32,802.73	16,407.97	29,171.15
County Sources	16,849.33									
State Sources	242,198.89	39,715.82	23,317.00				1,659.50			
Federal Sources	40,876.58						111.26	27,279.23		
Miscellaneous										
NSF Checks Reversed										
TOTAL RECEIPTS	426,495.27	93,347.03	51,409.43	5,163.04	7,402.06		12,313.26	60,081.96	16,407.97	29,171.15
TOTAL DISBURSEMENTS	714,369.43	53,875.09	140,189.77			990,890.00	10,063.98	52,232.58	3,106.46	21,251.24
Transfers/Voiced Check		(1,173,674.00)				1,173,674.00				
Other Financing Sources										
Ending Cash Balance	1,840,039.29	920,136.98	460,001.10	803,173.43	478,786.11	182,784.00	75,354.70	303,001.84	553,753.12	59,330.37