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SECTION 2. That a new Section entitled 155.058 Bliss Pointe Planned Development District be added and shall include the following regulations:

DEVELOPMENT PLANNED DISTRICT.

The regulations set forth in this section or set forth elsewhere in the Vermillion Zoning Ordinance when referred to in this section are the district regulations in the Bliss Pointe Planned Development District. The purpose of this district is to provide for mixed density residential and limited commercial areas within the Planned Development District. All city ordinances apply to the Planned Development District. Land included in Areas A through D shall be reflected on the official zoning map of the City of Vermil-

(A) Area A (Low-density, single-family detached residential uses) All city ordinances apply to the planned development district identified as Area A except for those modified below.

Permitted Uses Applicable Stan-

Single-family detached dwellings §§ 155.070, 155.072, 155.076, 155.077

Home occupations §§ 155.070, 155.072, 155.076, 155.077, 155.078

Group day care A safe pickup and drop off area must be provided for the children. All applicable dwelling standards apply Neighborhood utilities § 155.070

Public park areas § 155.070 Fences § 155.074 Accessory structure (such as, ga-

rage, shed) §§ 155.071, 155.082(A) (see definition) (B) Area B (Low medium-density, single-family

residential uses) All city ordinances apply to the planned development district identified as Area A except for those modified below.

Permitted Uses Applicable Stan-

Area A permitted uses See Area A permitted uses

Conditional Uses Applicable Standards Single-family attached (town-

house) dwellings §§ 155.070, 155.072, 155.076, 155.077 Two-family attached (duplex) dwellings §§ 155.070, 155.072,

155.076, 155.077 (C) Area C. (Medium to high-density residential uses) All city ordinances apply to the planned development district

identified as Area C except for those modified below. Permitted Uses Applicable Stan-

155.072, 155.076, 155.077

dwellings §§ 155.070, 155.072, 155.076, 155.077

Home Occupations §§ 155.070, 155.072, 155.076, 155.077, 155.078

Day care center Adequate and safe playground area with fence 4 feet high.

Neighborhood utilities § 155.070 Public park areas § 155.070 Fences § 155.074

Accessory structure (such as, garage, shed) §§ 155.071. 155.082(A) (see definition) Conditional Uses Applicable Standards

Multiple-family (apartments and condominiums) dwellings (more than 2) §§ 155.070, 155.072, 155.076, 155.077

(D) Area D. (Light commercial uses) All city ordinances apply to the planned development district identified as Area D except for those modified below.

Permitted Uses Applicable Stan-

Retail trade or service §§ 155.070. 155.072, 155.073, 155.077 Office §§ 155.070, 155.072, 155.073, 155.077

Personal Service §§ 155.070, 155.072, 155.073, 155.077 Hospital/Clinic §§ 155.070, 155.072, 155.073, 155.077

Public Service Facility §§ 155.070, 155.072, 155.073, **235-13**

Day Care Center §§ 155.070, 155.072, 155.073, 155.077 Accessory Use §§ 155.070. 155.072, 155.073, 155.077

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

Building Lot Area Frontage Line Front Yard Side Yard Rear Yard Maximum Height

Single-family detached 6,500 square feet 50 feet 65 feet 25 feet See #3, 8 feet See #2, 25 feet See #8, 35 feet

Single-family attached (townhouse) dwellings See #4, 2,500 square feet 25 feet 25 feet 25 feet See #3 0 or 8 feet on non-party wall side 25 feet 35 feet

Two-family attached (duplex) dwellings 7,500 square feet 50 65 25 feet 8 feet 25 feet 35 feet Multi-family (apartments and condominiums) dwellings units) (1 lot) 7,500 square feet

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50 75 25 feet 8 feet 25 feet 35 feet 3 to 8 multiple dwelling units (1 lot) 7,500 square feet 50 feet 60 feet 30 feet See #5 10 feet See #1

10 feet 35 feet 9 to 12 multiple dwelling units (1 BLISS POINTE lot) 20,000 square feet 50 feet 70 feet 30 feet See #5 10 feet

See #1 10 feet 45 feet Over 12 multiple dwelling units (1 lot) 30,000 square feet 50 feet 85 feet 30 feet See #5 10 feet

See #1 10 feet 45 feet Area D uses NA Up to 50 feet 50

feet 15 feet see #2 5 feet see #2, #6 5 feet see #7 45 feet Area D uses NA 51 to 100 feet 50 feet 20 feet see #2 5 feet see #2. #6 5 feet see #7 45 feet

50 feet 25 feet see #2 5 feet see #2, #6 5 feet see #7 45 feet All other uses 7,500 square feet 50 feet 75 feet 30 feet 10 feet 25

Area D uses NA 101 or more feet

feet 45 feet Exceptions: #1 The side vard will be required to be increased by 15 feet when the building is 3 stories

in height or more. #1 The side yard will be required to be increased by 10 feet when the building is 3 stories in height

#2 There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.

or more

#3 See also adjustments to yard regulations (§ 155.082) for other

specific exceptions. #4 Every two (2) units shall be staggered.

#5 More than one building per lot may be constructed. #6 A side yard of 15 feet shall be required where a lot is adjacent to

or abuts a residential district. #7 A rear yard of 20 feet shall be required where a lot is adjacent to or abuts a residential district.

#8 The rear yard may be reduced to 20 feet for lots 9,000 square feet or less.

(F) Property re-division. All future property re-division shall require a re-platting of the affected parcels. The Planned Development District may require an amendment depending on property re-division.

Dated at Vermillion, South Dakota this 5th day of August, 2013.

THE GOVERNING BODY OF THE CITY OF VERMILLION. SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Offi-

Adoption of the Ordinance was Single-family attached (town- seconded by Alderman Zimmer- erates a structure or complex subhouse) dwellings §§ 155.070, man. Thereafter, the question of ject to this section shall be subject the adoption of the Ordinance was Two-family attached (duplex) put to a roll call vote of the Gov- tions of the Code for any violation Ward-Y. Zimmerman-Y. Mayor \$100.00. Powell-Y

> Motion carried 7 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

B. Second reading of Ordinance No. 1303 - Adding Chapter 92 Section 92.08, Rapid Entry System, to the City of Vermillion Code of Ordinances, which will require certain government, residential, and business structures to install a rapid entry system

Richard Draper, Fire Chief, reported that the ordinance is unchanged since first reading and the Fire Department recommended approval. Richard stated that the facilities covered by the ordinance include new commercial or industrial structures that are secured in a manner that restricts access during an emergency, new multifamily residential structures that have restricted access and new governmental structures and nursing care facilities. Discussion followed.

Second reading of title to Ordinance No 1303, entitled AN OR-DINANCE Adding Chapter 92 Section 92.08 Rapid Entry System of the Revised Ordinances of the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the

utes of this meeting shall show that the title to the proposed Ordinance No. 1303 entitled AN OR-DINANCE Adding Chapter 92 Section 92.08 Rapid Entry System of the Revised Ordinances 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 15th day of July, 2013 and that the title was again read at this meeting, being a

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regularly called meeting of the Governing Body on this 5th day of August, 2013 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

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

ORDINANCE NO. 1303

AN ORDINANCE ADDING CHAPTER 92 SECTION 92.08 RAPID ENTRY SYSTEM OF THE REVISED ORDINANCES OF THE CITY OF VERMIL-LION, SOUTH DAKOTA WHICH WILL REQUIRE CER-TAIN GOVERNMENT. RESI-DENTIAL, AND BUSINESS STRUCTURES TO INSTALL A RAPID ENTRY SYSTEM.

BE IT ORDAINED, by the erning Body of the City of Vermillion, South Dakota, that Chapter 92 Section 08 is added and it is hereby ordained by authority of the same as follows:

§92.08 RAPID ENTRY SYS-

(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 r u tures that have restricted access;

(3) Governmental structures and nursing care facilities.

(B) 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.

(C) 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 applicable structures to use the designated system.

(D) 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.

(E) The Fire Chief shall be authorized to implement rules and regulations for the use of the lock box system.

(F) Any person who owns or opto the penalties set forth in all secerning Body, and the members of this section; provided that the voted as follows: Collier-Wise-Y, maximum fine for a conviction for Davies-Y, Grayson-Y, Meins-Y, a violation of this section shall be

> (G) 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.

> (H) The Fire Chief shall provide a list of compatible entry systems. (1)Box systems must be UL Listed and test box system.

> (I) 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 build-

(J) Inside the box system, a master key for all exterior and interior

locks must be placed inside. (1) No more than two keys permitted inside the box without ap-

proval of the Fire Chief; (2) If two keys are present inside the box, the keys must be clearly labeled "Exterior Doors,"

(3) Master electronic key cards may be placed inside instead of a physical key.

(K) The location of the installation must be approved by the Fire Chief or his (her) designee prior to being installed. Dated at Vermillion, South Dakota this 5th day of August, 2013.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY John E. (Jack) Powell, Mayor

ATTEST:

BY Michael D. Carlson, Finance Offi-

Adoption of the Ordinance was seconded by Collier-Wise. question of the adoption of the the group is requesting a street

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Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Collier-Wise-Y, Davies-Y, Grayson-Y, Meins-Y, Ward-Y, Zimmerman-Y, Mayor Powell-Y

Motion carried 7 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. Ribs, Rods & Rock 'n Roll street closing for September 6th and 7th for portions of Main, Market, Prospect, & Kidder Streets

Andy Colvin, Assistant to the City Manager, reported that Ribs, Rods & Rock'n Roll, Inc. has requested a temporary street closing to host Ribs, Rods, & Rock'n Roll State BBQ Championship, Music Festival. and Car Show on September 6 and 7, 2013. Andy stated that a diagram was included in the packet, noting that the request is broken down into three areas as

Section A - Prospect Street from Main Street _ block north from Friday, September 6th at 3:00 p.m. until noon on Sunday, Sep-8th tember

Section B - Main Street from Prospect Street to the Bank of the West drive-through, Court Street from Main Street south one-half (_) block to the alley and Center

National Street on Saturday, tember 7th, from 7:00 a.m. until 5:00 p.m.

Street from Main Street to

Section C - West Main Street from the west side of the Prospect Street intersection west to the diagonal intersection of High Street and Austin Street, Market Street from the intersection with West Main Street south to Bloomingdale Street and Kidder Street from the alley just west of the Craig Thompson Law Office to the alley on the east side of Total Flooring from 7:00 a.m. Friday, September 6th until Noon on Sunday, September 8th

Andy noted that the request includes the use of Ratingen Platz and the City parking lot at the corner of Market and Kidder. Jenny French, representing Ribs, Rods & Rock'n Roll, reported on the number of competitors that have preregistered to compete. Discussion followed on the request.

236-13 Alderman Zimmerman moved approval of the temporary street closing in the three sections as listed and to include the use of the Ratingen Platz and City parking lot at the corner of Market and Kidder Streets. Alderman Meins ried 7 to 0. Mayor Powell declared the motion adopted.

B. Request to close a portion of Rose Street from the southern corner of Coyote Village to the Dakota Dome parking lot for USD Tailgate Nation on August 31 and October 5, 2013 from 8:00 a.m. to 4:00 p.m. and October 12, November 2, November 9, and November 16, 2013 from 7:00 a.m. to 3:00 p.m.

James Bandy, SR. Associate Director of Athletics and Internal Operations at USD, stated that for the last few years they have requested closure of a portion of Rose Street to provide a safe area for fans to gather for pregame activities. James stated that for this football season the request is to close Rose Street from Coyote Village north to the Dakota Dome from 8:00 a.m. to 4:00 p.m. on August 31st and October 5th, and 7:00 a.m. to 3:00 p.m. on October 12th, November 2nd, November 9th, and November 16th. Discussion followed.

237-13 Alderman Davies moved approval of closing the portion of Rose Street from Coyote Village north to the Dakota Dome from 8:00 a.m. to 4:00 p.m. on August 31st and October 5th and 7:00 a.m. to 3:00 p.m. October 12th, November 2nd, November 9th, and November 16th. Alderman Collier-Wise seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

C. Request to close Market Street from West Main Street south for _ block on August 29, 2013 from 5:30 p.m. to 8:00 p.m. for Thursdays on the Platz

John Prescott, City Manager, reported that Thursdays on the Platz had one event in downtown Vermillion while a second event scheduled for July 25th was rained out. He stated that this summer's events were scheduled for July 11, July 25, August 8, August 22, and September 5, 2013 and the street closings for these Alderman dates were previously approved Thereafter, the by the Council. John stated that

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closing for August 29th in the event that there is another rainout. This date would not be used if there is no rainout on the previously scheduled dates. The request is to close Market Street from West Main Street to the East/West alley between West Main Street and Kidder Street from 5:30 p.m. to 8:00 p.m. Discussion followed.

238-13

Alderman Zimmerman moved approval of closing Market Street from West Main Street to the East/West alley between West Main Street and Kidder Street on August 29th from 5:30 p.m. to 8:00 p.m. for the Thursdays on the Platz event. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

D. Resolution authorizing the submission of a grant application to DENR for assistance in funding the baler building at the landfill

Jose Dominguez, City Engineer, reported that the landfill baler building was lost in the fire on October 22, 2012. Due to the loss, the City has been in the process of planning for the replacement of the equipment and building. The insurance carrier has estimated the replacement cost of the building at \$663,788.

Jose stated that the proposed building will be approximately 30 feet longer and thus will cost more to build. He stated that the increase in size is due to a few factors. First, the building that was destroyed in the fire was considered too small and unsafe during operations. This was made obvious during several inspections by the City's Safety Committee during the process of utilizing the loaders to empty some of the garbage trucks. Secondly, maintenance tools and equipment used at the landfill are stored inside the building. Thirdly, the size of the building that was destroyed was nearing the end of its capacity. Jose reported that the estimated cost of the proposed building with engineering and utility extensions is \$997,291 and in contacting the Solid Waste Management program with DENR we were encouraged to submit a grant application. Jose stated that the resolution is to support a grant application for \$200,000 to assist with the cost not covered by insurance with the balance to come from the Joint Powers funds. Discussion followed on the application and funding for the project.

239-13

Alderman Zimmerman moved approval of the resolution authorizing the grant/loan application to DENR for the landfill baler building replacement as presented requesting \$200,000 of grant fund-Alderman Collier-Wise sec ıng seconded the motion. Motion car- onded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

> E. Resolution fixing the time and place for a hearing and notice of hearing to levy special assessments for nuisance abatement

> Mike Carlson, Finance Officer, reported that, as part of the nuisance abatement process, the City incurred costs for tagging, hiring contractors to mow or remove the snow and remove dangerous buildings. The state statute provides for the special assessment of these costs and requires that the City Council set a public hearing date, notify the property owners by sending notice and publishing the notice of hearing. The resolution will set a public hearing date of September 3, 2013 and provides for notice to the property owners. Discussion followed.

240-13 After reading the same once, Alderman Ward moved adoption of the following:

RESOLUTION FIXING THE TIME AND PLACE FOR A HEARING AND NOTICE OF HEARING ON THE SPECIAL ASSESSMENT ROLL FOR NUISANCE ABATEMENT IN THE CITY OF VERMILLION, SOUTH DAKOTA

WHEREAS, a special assessment roll was filed in the office of the City Finance Officer of the City of Vermillion, Clay County, South Dakota on the 5th day of August, 2013 for the abatement of public nuisance to be levied against the property abutting

NUISANCE ABATEMENT On various properties as follows:

Property Location, Legal, Corrective Ac-

tion, Amount: 15 Linden, S18" of Lots 1&2 & N 32' of Lot 3, remove dangerous structure, 1,145.11. Blk 1 Cottage Place, sidewalk snow removal 1/2/13, 63.60.

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gerous structure, 11,321.99. 601 E. Lewis, Lot 1 Replat of Aud Tract A S 1/2 Lot 2, Sidewalk snow removal 1/2/13, 84.80. NW 1/4 19-92-581 Aud Tract 19-92-51, sidewalk snow removal 2/27/13, 108.65.

716 Maple, E77.7 of 11,12& E77.7 of S1/2 of 13 Blk 3, Eastside, grass/weed removal 8/14/12, 180.20

In the City of Vermillion, Clay County, South Dakota, said special assessment being against the property for the corrective action.

WHEREAS, said assessment roll, now on file in the office of the City Finance Officer of the City of Vermillion, South Dakota, is open for public inspection and is referred to for further particulars; and

WHEREAS, said assessment roll shows:

1. The name of the owner(s) of each lot to be assessed as shown by the assessment rolls of the Director of Equalization;

2. A description by lot, block, and addition, or by metes and bounds of each parcel of land to be assessed, recognizing divisions by deed of platted lots, and obtaining the legal description of land as of the date of the adoption of the Resolution of Necessity for such improvement;

3. The amount assessed against

4. The number of installments, the rate of interest deferred installments shall bear, and the whole of such assessment or any installment thereof may be paid at any time, and that all installments paid prior to the respective due dates shall be deemed paid in inverse order of their due date;

5. Whenever the word "lot" appears therein, it shall be construed to include tracts and other parcels

NOW THEREFORE BE IT RE-SOLVED, that 3rd day of September, 2013, at the hour of 7:00 p.m. in the City Hall Council Chambers 25 Center Street in the City of Vermillion, Clay County, South Dakota, be and the same is hereby fixed as the time and place for hearing upon said assessment roll. Any interested person may appear and show cause why the Governing Body of the said City of Vermillion, South Dakota should not approve and levy said assessments against the respective premises as set forth in said assessment roll, to defray the costs

BE IT FURTHER RESOLVED. that the Finance Officer of the City of Vermillion, Clay County, South Dakota shall be and is hereby authorized and directed to cause this Resolution and Notice to be published in the official newspaper in the City of Vermillion, South Dakota, one week prior to the date set for such hear-

of the nuisance abatement

BE IT FURTHER RESOLVED. that the Finance Officer of the City of Vermillion, Clay County, South Dakota shall mail a copy of this Resolution and Notice, by first-class mail with postage thereon fully prepaid, addressed to the owner(s) of any property to be assessed for such nuisance abatement at their address as shown by the records of the Director of Equalization. Such mailing shall be done at least one (1) week prior

Dated at Vermillion, South Dakota, this 5th day of August 2013.

to the date set for said hearing.

THE GOVERNING BODY OF THE CITY OF VERMILLION. SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

BY Michael D. Carlson, Finance Offi-

derman Collier-Wise. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Gov-

The motion was seconded by

erning Body. 7 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

F. Presentation of the proposed 2014 budget

John Prescott, City Manager, stated that the 2014 Proposed Budget was included in the binder placed at each seat at the Council table. John stated that the budget utilizes conservative fiscal principals to develop a plan of action