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Curt Kabris, Technical & Network Operations Manager with Swiftel, reviewed the process used for possible tower locations that would provide the needed coverage for the community. He stated that they had reviewed the option of locating on the Verizon tower on West Cherry but it was too far north as is the new water tower. Curt answered questions of the City Council. Curt requested approval of the variance requested for a tower not to exceed 140 feet in height and built less than the 1/2 mile from an existing tower.

240-14 Alderman Willson moved approval of the variance request from Swiftel for a telecommunications tower not to exceed 140 feet in height and built less than the 1/2 mile from an existing tower for a telecommunications tower to be located at approximately 604 High Street on the fairgrounds. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. First Reading of Ordinance 1317 - Petition to amend the zoning map and exclude from R-1 Residential District and include in the R-2 Residential District the following described real property: the S 49' of Lot 3 and all of Lots 4, 8, 9 & 10 Blk 1 Russo 1st Addition and Lots 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13 & 14 Blk 1 Urup's Addition

Farrel Christensen, Building Official, reported that in the summer of 2013 Harlowe Hatle, the owner of 225 Sycamore Avenue, came to the City with a request to convert the existing laundry attached to the apartment building at 225 Sycamore Avenue into an additional rental unit. Farrel stated that after reviewing the request it was noted that the existing structure was located in the R-1 zoning district, which does not permit multiple-family rental units as an allowed use. Farrel noted that the apartment buildings were constructed in the early sixties (pre-1965). Farrel stated that the first official zoning ordinance that the City adopted was not until 1966 and as early as 1974 the properties were zoned R-1 single family, which prohibited multi-family dwellings. Farrel noted that the 1982 City Zoning Map also reflected R-1 zoning for the Sycamore Avenue apartments, which also made them non-conforming. Farrel noted that the properties have been zoned single-family residential and thus non-conforming since at least 1974, and from that time until now no additional units could be added. It also means that if any of the existing structures should be destroyed by any means to the extent of more than 50% of its replacement cost, such nonconforming use shall not be allowed to continue. Farrel stated that after being denied a permit to convert the existing laundry, the owners started collecting signatures to petition the City Council for a zone change to R-2, which permits multi-family dwellings up to 4 units (4-plex). Farrel reported that ordinance requires applicants to file the written consent of the owners of 45% of the aggregate area having the right of protest against the change. Farrel stated that the applicants have filed property owner consent forms in excess of the minimum required and are now eligible to proceed with the zone change request.

Farrel noted that even though the laundry cannot be converted and not all buildings are totally conforming under the proposed district regulations, it does allow current and future owners to rebuild should structures be damaged or destroyed. Farrel noted that this is a very important consideration when applying for insurance, financing or property transfers. He stated many of the buildings do have the ability to become conforming structures if lot lines were re-platted to separate buildings on individual lots and parking increased. Farrel stated that the 8, 12 and 24-plex will still be nonconforming since the R-2 districts limits density to no more than 4 dwelling units. Farrel stated that there were concerns about building height and that the R-1 and R-2 zones both limit building heights to 35 feet. Farrel stated that a letter opposing the rezone was included in the packet. Farrel stated that the Planning Commission recommended approval of the zone change request.

Valarie Hower, resident of 12 S Walker, stated that she was opposed to the zone change as she did not want more units with more vehicles, traffic and noise in the neighborhood. She stated that she would like to preserve the single family neighborhood.

Jolinda Gray, resident of 100 Catalina, stated that she would like to see the property stay as it is now and that if more units are added would increase traffic in the area.

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Chad Grunewaldt, 100 N Yale, stated that he has redeveloped properties in the community noting that it is an expensive process to remove an existing building and rebuild. Chad stated that he was in favor of the zone change.

Wayne Knutson, resident of 1153 Valley View and owner of one of the 4-plexes to be rezoned, stated that he purchased the unit over fifty years ago and the use has not changed. He stated that the owners have collected the signatures from the neighborhood to request the rezone. He noted that the zoning should have been with the property since it was built.

Discussion followed on the height limit again noting that R-1 and R-2 zones are both limited to 35 feet in height and that R-2 zone limits the number of units per lot to 4.

241-14 Mayor Powell read the title to the above mentioned Ordinance and Alderman Collier-Wise moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1317 entitled An Ordinance amending title 15, Chapter 155, Section 155.026 of the official zoning map for 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 21st day of July, 2014 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

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

C. Special Permit to exceed permissible sound levels by no more than 50% at Ratingen Platz on October 8, 2014 from 4:00 p.m. to 11:00 p.m. for the Dakota Days Committee for an event that will include a band

Mike Carlson, Finance Officer, reported that Nathan Hofer, on behalf of the USD Dakota Days Committee, has applied for a special permit to exceed allowable noise levels for a Battle of the Bands event on October 8, 2014 from 8:00 p.m. until 11:00 p.m. on Ratingen Platz. Mike noted that a copy of the application and published notice of the hearing are included in the packet. Mike stated that the application and diagram map indicate that the stage and sound system will be on the Platz and faced toward the east. The Market Street closing request is under new business on this agenda. Mike noted that the City Council will need to determine 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.

Nathan Hofer, USD Dakota Days Committee, stated that this is a new community wide event as part of the 100th Dakota Days. The noise permit is for the Battle of the Bands to be held on the Ratingen Platz from 8:00 p.m. to 11:00 p.m. Nathan stated that they would clean up after the event. Nathan answered questions of the City Council on the event noting that there is no alcohol being requested for this event.

242-14 Alderman Holland moved approval of the special permit to exceed permissible sound levels by no more than 50% at Ratingen Platz on October 8, 2014 from 4:00 p.m. to 11:00 p.m. for the Dakota Days Committee for an event that will include bands. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

D. Special Permit to exceed permissible sound levels by no more than 50% on W. Main Street between High and Prospect Street on Friday, September 5, 2014 between 5:00 p.m. and 1:00 a.m. and on Saturday, September 6, 2014 between 5:00 p.m. and 1:00 a.m. Sunday for Ribs, Rods & Rock'n Roll for a street dance

Mike Carlson, Finance Officer, reported that Ribs, Rods & Rock'n Roll, Inc. has applied for a special permit to exceed allowable noise levels for several bands and for a street dance on two consecutive dates. Mike stated that the first date is Friday, September 5th beginning at 5:00 p.m. and lasting until midnight and the second occasion begins on Saturday, September 6th at 5:00 p.m. lasting until midnight. Mike noted that a

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copy of the application and a map of the area are included in the packet. Mike stated that the application and map indicate that the stage and sound system will be on the Platz like last year facing toward the east. Mike noted that the special daily license is under public hearings and the street closing request is under new business on this agenda. Mike noted that the City Council will need to determine 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 noted that representatives from Ribs, Rods & Rock'n Roll are present to answer questions. Discussion followed.

243-14 Alderman Willson moved approval of the special permit to exceed permissible sound levels by no more than 50% for Ribs, Rods & Rock'n Roll, Inc. for a street dance on Main Street between High and Prospect Streets from 5:00 p.m. on Friday, September 5th to midnight and from 5:00 p.m. on Saturday, September 6th to midnight. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

E. Special daily malt beverage and wine license for Ribs, Rods & Rock'n Roll on or about September 5 and 6, 2014 on Main Street between Washington and Church Street, Ratingen Platz, Market Street from Main to Bloomingdale Street, Austin Street from Main Street to Kidder Street, Kidder Street from Austin to half block east of Market, Prospect Street from Main Street to half block north and Court Street from Main Street to half block south

Mike Carlson, Finance Officer, reported that an application has been received for a special daily malt beverage and wine license from Ribs, Rods & Rock'n Roll event on September 5 & 6, 2014 on Main Street between Washington and Church Street, Ratingen Platz, Market Street from Main to Bloomingdale Street, Austin Street from Main Street to Kidder Street, Kidder Street from Austin to half block east of Market, Prospect Street from Main Street to half block north and Court Street from Main Street to half block south. Mike stated that the request from Ribs, Rods, & Rock'n Roll, notice of hearing, Police Chief's report and map of the area are included in the packet. Mike stated that, from the map, the area that alcohol will be allowed has increased. Mike reviewed the different times and locations for where alcohol will be allowed noting that sales will remain in the same location as previous years on Main Street by Market Street. Mike stated that City ordinance allows the City Council to set conditions and restrictions, as it may deem appropriate, in issuing a special license. In the past, these conditions were to require a Release and Indemnification releasing the City from liability for the event (already received), a Certificate of Insurance naming the City as an additional insured (already received), require clear signage at each egress from the area where alcohol is allowed, reimburse the City for overtime wages of the Police Department up to a maximum of \$1,000, provide six security personnel, require a cleanup plan and provide restroom facilities. As to hours, the request is to start at 5:00 p.m. on Friday until midnight and a start time of 11:00 a.m. on Saturday until midnight. Upon request, Jenny French, representing Ribs, Rods & Rock'n Roll, stated that not all individuals that check ID's are TAM certified but that they also have the electronic ID checking machine. Chad Grunewaldt, 100 N Yale, asked about the fencing and control of people walking out of current licensed businesses. Scott Henderson, representing Ribs, Rods & Rock'n Roll, explained the location of the car show on Saturday. Alderman Willson stated that a business reported to him some damage to their building from port-a-pots and noted that they may need to adjust the location this year to prevent any more damage. Discussion followed.

244-14 Alderman Holland moved approval of the special daily malt beverage and wine license for Ribs, Rods & Rock'n Roll, Inc. on or about September 5 & 6, 2014 on Main Street between Washington and Church Street, Ratingen Platz, Market Street from Main to Bloomingdale Street, Austin Street from Main Street to Kidder Street, Kidder Street from Austin to half block east of Market, Prospect Street from Main Street to half block north and Court Street from Main Street to half block south, contingent upon the following: 1) The applicant provides a Release and Indemnification releasing the City from liability for the event; 2) The applicant provide a

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Certificate of Insurance naming the City of Vermillion as an additional insured, including liquor liability, for the event; 3) The applicant provide clear signage at each egress from the area where alcohol is; 4) The Organization provide a minimum of 6 personnel that are at least age 21 to serve as security for the street dance. The individuals shall be wearing shirts that state "Event Security" on the back; 5) The Organization agrees to reimburse the City of Vermillion for the overtime for police officers assigned to the event limited to \$1,000 or actual costs, whichever is lower; 6) The Organization shall have a plan for clean up and provide adequate restroom facilities; 7) The hours authorized for malt beverage and wine sales are 5:00 p.m. Friday to midnight and Saturday 11:00 a.m. Saturday until midnight in the areas as outlined in the map included with the application. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

F. Special Permit to exceed permissible sound levels by no more than 50% on Kidder Street from Court Street west to the east side of the alley from 12:00 p.m. (Noon) on July 26, 2014 to 1:00 a.m. on July 27, 2014 for the Old Lumber Company Grill and Bar, LLC for a fundraising event benefiting Make-A-Wish to include a band

Mike Carlson, Finance Officer, reported that the Old Lumber Company Grill and Bar has applied for a special permit to exceed permissible sound levels for a fundraising event to include a live band on Saturday, July 26, 2014 on Kidder Street from Court Street west to the east side of the alley from noon on July 26, 2014 until 1:00 a.m. on July 27, 2014. A copy of the application and a map of the area are included in the packet. Mike reported that the street closing request and permit for consumption are under new business later on the agenda. Mike stated that the application and map indicate that the band will be on a stage located on Kidder Street just west of Court Street facing west and the event will also include a motorcycle ride. Mike stated that the Old Lumber Company hosted the Make-A-Wish event last year that consisted of motorcycle ride with the street closing and consumption on Kidder Street where the motorcycles were parked. A letter from Make-A-Wish, explaining the event and Police Chief's letter are also included in the packet. Mike stated that the City Council will need to determine 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.

Chad Grunewaldt, owner of Old Lumber Company, stated that the band will be on the stage on Kidder Street facing west. Chad stated the area will be fenced from Court Street west to the east side of the alley with six foot tall metal fence. Chad stated that there will be a gate on the west side that is monitored and that all entrance will be through the bar. Chad stated that after the event they will clean up the area.

Jim Brady, 511 Mickelson, stated that this will be the 8th year that Make-A-Wish has conducted an event in Vermillion. He stated that, due to the size, the event was moved to the Old Lumber Company last year with over 225 in attendance that raised over \$25,000. Jim reviewed the activities planned for this year's event. Jim answered questions of the City Council on the timing stating that ending at midnight would be fine with him instead of 1:00 a.m. and that the band would be better attended outside rather than upstairs as the event allows motorcycle riders to drive through the building to park out back.

245-14 Alderman Collier-Wise moved approval of the special permit to exceed permissible sound levels by no more than 50% on Kidder Street from Court Street west to the east side of the alley from noon until midnight on July 26, 2014 for the Old Lumber Company Grill and Bar, LLC for a fundraising event benefiting Make-A-Wish to include a band. Alderman Price seconded the motion. Discussion followed on the time change to midnight vs. 1:00 a.m. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

G. Special Permit to exceed permissible sound levels by no more than 50% on Kidder Street from Court Street west to the east side of the alley from 12:00 p.m. (Noon) to midnight on August 23, 2014 for the Old Lumber Company Grill and Bar, LLC for a fundraising event benefiting the US Veteran's Motorcycle Club of South Dakota to include a band

Mike Carlson, Finance Officer,

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reported that the Old Lumber Company Grill and Bar has applied for a special permit to exceed permissible sound levels for a fundraising event to include a live band on Saturday, August 23, 2014 on Kidder Street from Court west to the east side of the alley from noon to midnight. A copy of the application and a map of the area are included in the packet. Mike reported that the street closing request and permit for consumption are under new business later on the agenda. Mike stated that the application and map indicate that the band will be on a stage located on Kidder Street just west of Court Street facing west and the event will also include a Poker Run. Mike stated that a letter from Adam Twedt, Vice President, of U.S. Veteran's Motorcycle Club of South Dakota, explaining the event and Police Chief's letter are also included in the packet. Mike noted that this is USD move in weekend and, as such, will have more traffic in town. Mike stated that the City Council will need to determine 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.

Chad Grunewaldt, owner of Old Lumber Company, stated that the event will be fenced and monitored just like the Make-A-Wish event. All entrance will be through the bar, the exit gate on the west will be monitored and they will clean up after the event. Chad answered questions of the City Council on the event noting that having the event outside is a way to draw more people to downtown.

246-14 Alderman Collier-Wise moved approval of the special permit to exceed permissible sound levels by no more than 50% on Kidder Street from Court Street west to the east side of the alley from noon to midnight on August 23, 2014 for the Old Lumber Company Grill and Bar, LLC for a fundraising event benefiting the US Veteran's Motorcycle Club of South Dakota to include a band. Alderman Holland seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

H. Special Permit to exceed permissible sound levels by no more than 50% on Kidder Street from Court Street west to the east side of the alley from 5:00 p.m. to midnight on October 10, 2014 and from 12:00 p.m. (Noon) to midnight on October 11, 2014 for the Old Lumber Company Grill and Bar, LLC for a fundraising event benefiting the US Veteran's Motorcycle Club of South Dakota to include a band.

Mike Carlson, Finance Officer, reported that the Old Lumber Company Grill and Bar has applied for a special permit to exceed permissible sound levels for a fundraising event to include a live band on Kidder Street from Court Street west to the east side of the alley from 5:00 p.m. to midnight on October 10, 2014 and from noon to midnight on October 11, 2014. A copy of the application and a map of the area are included in the packet. Mike reported that the street closing request and permit for consumption are under new business later on the agenda. Mike stated that the application and map indicate that the band will be on a stage located on Kidder Street just west of Court Street facing west. Mike stated that a letter from Adam Twedt, Vice President, of U.S. Veteran's Motorcycle Club of South Dakota, explaining the event and Police Chief's letter are also included in the packet. Mike noted that the event is on Dakota Days weekend and that the Police Chief's letter recommends denial of the event. Mike stated that the City Council will need to determine 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.

Chad Grunewaldt, owner of Old Lumber Company, stated that the event will be fenced with a six foot metal fence like what was stated for the previous two events with entrance through the building, the exit gate on the west side of the fenced area will be monitored and clean up will be done after the event. Chad stated that the event is a fundraiser for the US Veteran's Motorcycle Club of South Dakota. Chad stated that the Veterans have given a lot to our country and this is a way to give back to them.

Travis Kendt, President of the U.S. Veteran's Motorcycle Club of South Dakota, stated that last year they provided over \$5,000 of assists to veterans and they are trying to make the events grow to raise more funds to be used for veteran's assistance.

Discussion followed noting that

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the City Council has restricted alcohol sales for sidewalk restaurant sales on Dakota Days weekend as well as other special events.

Matt Betzen, Police Chief, reported that Dakota Days weekend is the busiest weekend of the year for the department. Matt reported that officers from other cities and state agencies are requested to help during the weekend. Matt was concerned about an outdoor band with a beer garden in the downtown area at a time that is already expected to be very busy and suggested the applicant consider another weekend for the event. Matt stated that he commends the idea for raising funds for veterans but suggested that the event be scheduled for some other date.

Travis Kendt, answered questions of the City Council noting that there was no motorcycle ride planned for this weekend event but that the cover charge to enter is donated to the club.

Discussion followed on the noise permit request.

247-14 Alderman Collier-Wise moved approval of the special permit to exceed permissible sound levels by no more than 50% on Kidder Street from Court Street from Court Street west to the east side of the alley from 5:00 p.m. to midnight on October 10, 2014 and from 12:00 p.m. (Noon) to midnight on October 11, 2014 for the Old Lumber Company Grill and Bar, LLC for a fundraising event benefiting the US Veterans Motorcycle Club of South Dakota to include a band. Alderman Holland seconded the motion. Discussion followed on the special permit requested. A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Erickson-Y, Holland-Y, Clarene Meins-N, Holly Meins-Y, Price-Y, Willson -N, Mayor Powell-N. Motion carried 5 to 3. Mayor Powell declared the motion adopted.

7. Old Business - None

8. New Business

A. Request to close Market Street from W. Main Street to Kidder Street from 2:00 p.m. to 12:00 a.m. on Wednesday, October 8, 2014 for the Vermtown Bash

John Prescott, City Manager, reported that the Dakota Days Committee is sponsoring a community wide event associated with the 100th Dakota Days on Wednesday, October 8, 2014. He stated that activities are planned for Market Street from Main Street to Kidder Street including using the Ratingen Platz. John reported that the event will include inflatables and activities from 4:00 p.m. to 7:00 p.m. and then a Battle from 8:00 p.m. to 11:00 p.m. John reported that all activities are open to the public and will be alcohol free. He stated that the special permit to exceed permissible sounds levels was approved earlier on the agenda. John stated that Nathan Hofer, representing the Dakota Days Committee, has requested the closing of Market Street from Main Street to Market Street on Wednesday, October 8, 2014 from 2:00 p.m. to midnight. John noted that Police, Fire and EMS departments have been notified of the closure request.

Nathan Hofer, representing the USD Dakota Days Committee, reported that the group will clean up during and after the event. He stated that they would use generators for power to the inflatables and the bands will use the power available at the platz. Nathan answered questions of the City Council noting that they would provide access to Total Flooring and that they want to work with the local businesses.

248-14 Alderman Collier-Wise moved approval of the request to close Market Street from Main Street to Kidder Street from 2:00 p.m. to 12:00 a.m. on Wednesday, October 8, 2014 for the Vermtown Bash. Alderman Holland seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Request to close portions of Austin, Court, Main, Market, Center and Kidder Streets on September 5 and 6, 2014 for Ribs, Rods & Rock 'n Roll

John Prescott, City Manager, reported that Ribs, Rods, & Rock'n Roll, Inc. organization is requesting a temporary street closing to host their Ribs, Rods, & Rock'n Roll State BBQ Championship, Music Festival, basketball tournament and Car Show on September 5 and 6, 2014. John stated that the request is broken down into three sections as follows: First Section - closed from 7:00 a.m. on Friday,