

## Zone/ from page 1

Farrel Christensen, city zoning official. "(City) staff and the planning commission still believe this is a good zoning ordinance and it will preserve the existing character of that neighborhood far into the future, and we recommend approval."

"I understand that one of the things that's put in place is that if a unit of property is already a duplex, it is grandfathered in," said Lydia Freedom, 25 E. Bloomingdale. "There are several properties in my neighborhood that are already duplexes. However, there are a number of us, myself included, that purchased a property that has the duplex potential. It's something that could be made into a duplex, which is why I purchased it, and if it's switched over to R-1, I won't have the opportunity to do that."

Holly Straub, 104 Court Street, an affected homeowner, told aldermen that the neighborhood being considered for the zoning change is bordered by the historic downtown business district.

"In that regard, it's not a typical residential area," she said. "It's not particularly adjacent to any of the other R-1 sections of the community."

"Individually, I certainly support the idea of historic preservation," said Straub, who is a past chair of the Clay County Historic Preservation Commission. "I also am the owner of the single property in that area that is on the National Register of Historic

Places. I hope that people understand that the R-1 designation really does nothing to assist with any efforts in regards to historic preservation."

She told the council that it would be appropriate to seek designation of the neighborhood as a district to be placed on the national register and the state register of historic places.

Straub also said changing the zoning from R-2 to R-1 would limit the flexibility of some property owners, and would prohibit some property owners from converting homes in the area to multi-unit residences.

A rapid change in zoning would keep those homeowners from making the needed changes to their homes in time to be grandfathered in before the neighborhood is zoned R-1, Straub said.

"Personally, I believe that my neighborhood can best be maintained by the individual owners," she said, "if in fact people have the flexibility to make enhancements to their property that wouldn't be done, or wouldn't be able to be done quite as easily if they were not able to convert those properties into duplexes or some other sort of multi-dwelling listing. I understand the general spirit that communities are often times best served by having a lot of single family dwellings and owner-occupied property, however I think there are some unique characteristics of this segment of the community for which, at this present

time, the city of Vermillion as well as the residents are perhaps best served by maintaining the R-2 designation."

Mike Kellar, 215 Court Street, told the city council that he and his wife, Paula, circulated the petition in favor of the zoning change.

"We think the neighborhood is deserving of an R-1. It's appropriate, it's a beautiful neighborhood, it should be preserved," he said. "R-2 has a very expansive use. I regret limiting people's flexibility. I wish that wasn't an outcome, but it seems that to leave it at R-2 is inappropriate. R-1 is much more appropriate."

"There's a neighborhood immediately to our west much like our neighborhood that is R-1, and certainly our neighborhood's original character and beauty is of a single family neighborhood," he said. "We appreciate your support in changing the designation to eliminate all of those alternate uses that currently R-2 allows."

Ted Muenster, who serves on the city zoning commission, also spoke in favor of the zoning change. He and his wife, Karen, own a home in the affected neighborhood. Muenster noted that he did not attend or participate in the zoning commission meeting in which the zoning change recommendation was approved.

"I think it is a good thing that we have gotten in touch with our history in this community, and this particular part of Vermillion has a lot of historic value to it," he said.

Muenster noted that one of the home's in the neighborhood was the residence of Gov. Andrew Lee, who was South Dakota's chief executive for four years beginning in 1897.

"It would be a shame to allow that to become an apartment building," Muenster said. "Other homes in that area have similar historic importance, and I think that it is important that Vermillion protect the properties along the bluff, to encourage, wherever possible, single occupancy, family-owned, family-occupied residences."

"I respect property rights, but I think in terms of the long-term interests and preservation and encouragement of the quality of life and the image of Vermillion, I argue strongly in favor of approving this petition," he said.

Mitch Flanagan, who has lived with his family since 2006 at 208 Court Street, voiced support for the zoning change. At the time the Flanagans purchased their home, it was a duplex, and they worked to convert it back to a single family residence.

"To change the district to R-1, I feel, is the right thing to do," he said. "It protects the single family homes from being converted into a duplex, which, in my opinion, was never the intent of some of these homes. That's the problem I see with a lot of neighborhoods in Vermillion. Homes that were meant for single family are now duplex or triplex, and that's why I would like to see a R-1 district."

City Attorney Jim McCullough informed the city council that if they approved the zoning change, their decision could be referred by citizens to a city-wide election. Another action that could be taken is a protest, signed by 40 percent of the property owners in the neighborhood, and owners of land within 250 feet of any part of the district.

"If such a protest is signed, and presented to the city, then there would be a third reading of this ordinance, and in order for it to become effective, two-thirds of the city council would have to vote in favor of approving the ordinance over the protest," he said.

Christensen noted, in response to a question from Mayor Dan Christopherson, that many of the properties in the neighborhood wouldn't be able to comply with city codes, particularly parking requirements, if they were converted to duplexes or triplexes.

"Part of the reason that staff felt this down-zoning is appropriate is these are smaller lots with single driveways and it is a condensed neighborhood," he said.

The city council agreed to a compromise suggested by Christopherson, and amended the motion to rezone the neighborhood to R-1. Instead of it becoming effective in approximately a month, the zoning change will go into effect July 1, giving property owners with current applicable plans to convert homes into multi-family dwellings time to finish that construction.

## Relay/ from page 1

at the event and enjoy activities and entertainment.

Each team member gets a Relay For Life T-shirt and participants can even win prizes. Each team member donates \$10 to participate and raises more dollars from family, friends, acquaintances and colleagues, as well. Prizes are awarded for the team and individual who collect the most in donations. The best decorated "camp site" wins a prize, too. For every \$50 an individual raises, he or she gets an entry into a drawing for prizes like a 19-inch HDTV, a Sony Walkman, a hotel getaway and more.

The Relay is also a time to remember. The Relay will sell "luminarias" before and during the event so those who have battled cancer can be honored. For a \$5 donation, a decorated white bag that bears the name of a cancer survivor or someone who died of cancer will be placed along the track. Participants can read the names as they walk around the track, and the names on all the luminarias will be read during the Relay. Donors can decorate the bags themselves with the name, drawings and photos or have Relay volunteers do the decorations.

Here's how you participate.

- To form a TEAM and get a team packet, contact Wess Pravecek, 605-624-5352.

- To participate in the SURVIVOR activities, call Barb Kronaizl, 624-8929.

- You may purchase LUMINARIAS before the Relay: The Nook 'N Cranny, the Civic Council store and the Vermillion Beauty Shop, all in downtown Vermillion; or the Vermillion Federal Credit Union at Cherry and Dakota. They also will be sold at the Relay.

- For more information, go to [www.relayforlife.org/USD](http://www.relayforlife.org/USD).

The money raised is used by the American Cancer Society for research, public education and help for cancer patients and their families.

In 2008, more than 4,000 South Dakotans were diagnosed with cancer, according to the American Cancer Society. Prostate cancer, breast cancer and lung-related cancers were among the most common.

"According to American Cancer Society statistics, 1,640 South Dakotans died of cancer last year," said Relay Community Chair Wess Pravecek. "We can change these statistics in the future, if we work together. When you're talking about cancer, a little knowledge can save a life."

## Public Utilities Commission approves Xcel Energy rate increase

The South Dakota Public Utilities Commission conditionally approved an approximate 5.5 percent increase over current rates for Xcel Energy this week. In recent years Xcel Energy had received some interim rate recovery from the PUC, but this is the first base rate increase for the company in 17 years.

The application filed by Xcel Energy with the PUC in June 2009 requested a 10.7 percent rate increase to current rates, which would have generated approximately \$15.7 million in additional annual revenue. The commission decision increases bills by \$8 million, a 5.5 percent increase over current rates. PUC staff and Xcel Energy had previously reached a settlement stipulation for a slightly higher increase, but commissioners unanimously voted to remove costs related to a development fund mandated by the Minnesota Legislature that had been a part of the recommended rate increase.

PUC Chairman Dusty Johnson commended the PUC staff and company representatives for agreeing to a rate increase substantially lower than the company's original request. "These are difficult economic times and I'm glad we've been able to cut this request in half," he said. "It's been 17 years since the last general rate increase and that kind of stability is good for ratepayers."

In presenting its case to the PUC, Xcel Energy noted much of the requested increase stemmed from more than \$6 billion of infrastructure invest-

ment made by the company in recent years. Additionally, representatives stated their customer base in South Dakota has grown by 44 percent and overall electric use has expanded by 78 percent since 1992. The company's operating costs have risen and infrastructure improvements have been made during the same 17-year period. The company serves about 81,000 customers in southeastern South Dakota.

PUC Vice Chairman Steve Kolbeck pointed out the number of expenses that were reduced during negotiations, resulting in a lower rate increase. "Not only are specific costs related to operating expenses and rate design care-

fully reviewed, staff looked at accounting methods and management principles when negotiating with the company on the rate increase," he said.

Commissioner Gary Hanson noted the intricate process of reviewing and negotiating the rate case. "The PUC staff clearly identified the potential for reducing costs as they plowed through the hundreds of details of Xcel Energy's application. This due diligence and successful negotiation avoided a lengthy formal hearing thereby saving the ratepayer between \$300,000 and \$400,000 in costs the company could have incurred as part of that extended process," he said.

## ELCA/ from page 1

An audience member asked if churches will be protected from federal prosecution for not seeking a gay pastor.

"How will there be transparency (in the pastoral process) if the federal laws say we can't discriminate on the basis of sexual orientation?" the man asked.

The law makes an exception for the calling of rostered pastoral leaders, Zellmer said. The First Amendment protection for freedom of religion supersedes the anti-discrimination laws, he said.

"We have the constitutional right as a church to ask if you are a gay person," he said. "Or if you're dating, who you are dating. And if you're married, how is your marriage? You have a right to ask that as part of the call process. We have a right to ask the hard questions of someone seeking to be an associate minister, deacon or one of our pastors."

Zellmer said he was leaving today (Tuesday) for a meeting in Chicago, the next step in setting up the rules for the new social statement.

Audience members asked about ways to reverse the churchwide assembly's decision. Zellmer advised parishes against withholding funds from the synod, instead advising them to take steps such as resolutions, moratoriums and referring votes.

The decision on gay clergy has created divisions within the ELCA membership, Zellmer said. He acknowledged hurt feelings and angry letters on both sides of the issue, and he urged forgiveness by all parties.

Some congregations are taking steps toward leaving the ELCA, Zellmer said.

"I'm not making that argument for anybody, but I hear two main things," he said. "People didn't like the vote in August, or (they don't like) what they see as a misunderstanding of Scriptural interpretation."

Six ELCA congregations in the South Dakota Synod have voted on leaving the denomination, Zellmer said. The largest parish has decided to remain with the ELCA, while the other five churches – two medium and three small – are in various stages of voting.

Zellmer said he believes that two very small congregations – one with 22 members and the other with 18 – will leave the ELCA.

"If you leave, you have to follow the rules," he said. "I can't come in and take your property. But I can make your congregation follow the rules."

Zellmer outlined the procedure that congregations must follow in deciding whether their church will remain with the ELCA.

Parishes have to vote twice on the resolution, with at least 90 days between the two votes. The votes must be taken at special meetings, not during the annual congregation meeting.

A parish can hold a consultation with the bishop any time during the minimum 90 days between meetings. The bishop or an associate must attend the second vote on leaving the ELCA.

ing the ELCA.

Both of the votes to withdraw from the ELCA need to receive at least two-thirds of those present for passage.

Zellmer advised against repeatedly voting to reach the two-thirds level. Instead, the members should spend the next six months or a year in conversation, without a vote, "to get a temperature of the congregation."

One woman asked if the Coalition for Renewal – also known as CORE – provides an alternative for dissatisfied ELCA congregations.

CORE must be seen not merely as a Lutheran movement but as forming a new denomination, Zellmer said.

The two main groups forming CORE have held widely differing views on church structure, Zellmer said. He noted the difficulties that came with forming the ELCA, which consists of 5 million members who hold strong agreement on many matters.

Disagreements within the church date back to Biblical times, Zellmer said. He noted past Lutheran controversies surrounding the ordination of women and the merger of synods into the current ELCA.

"We are not a denomination surrounded by this vote (on gay clergy). We are bound together by Jesus Christ," he said.

"We have all sorts of disagreements, but I know of no disagreement on salvation or Jesus Christ."

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**Welcome**  
Alan Fritch  
Vermillion Branch Manger

Originally from Table Rock, Nebraska, Alan has over 28 years of successful experience in all aspects of banking as well as community, agricultural and business lending. Alan and his wife Julie are excited to be part of Vermillion and CorTrust Bank is proud to have Alan as part of their team.

Stop in and meet Alan at the Vermillion branch of CorTrust Bank. He looks forward to meeting you and helping you with your financial needs.



**Alan Fritch**

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