

2010 Legal and Public Notices

6. Public Hearings

A. Annual malt beverage license renewals

Mike Carlson, Finance Officer, reported that the Notice of Hearing and the Police Chief's report for the applicants are included in the packet. Mike noted that City ordinance requires a management plan upon re-application if a violation occurred since last renewal. The management plans from Coyote Convenience, Inc for Coyote Convenience; Pump N Stuff for Pump N Stuff; Café Brule, Inc. for Café Brule and Bonnie Rowland for Raziel's were handed out at last Council meeting. Mike read the list of licenses that had applied for renewal noting that the Old Lumber Company license was restricted to the interior of the building when it was last renewed.

177-14

Alderman Osborne moved approval of the renewal of the following malt beverage licenses: Re-issuance of Retail (On-Off Sale) Malt Beverage: Gup Fei Zheng for Asian Buffet at 404 Bower Street; Bunyan's LLC for Bunyan's at 1201 West Main Street; Café Brule, Inc. for Café Brule at 24 West Main Street; BeBee Street II, Inc. for Carey's Bar at 18 & 20 West Main Street; Spanrex, Inc. for Chae's at 8 West Main Street; Charcoal Lounge, Inc. for Charcoal Lounge at 6 & 8 West Main Street; Coyote Convenience, Inc. for Coyote Convenience at 116 East Cherry Street; Blue, Inc. for Little Italy's at 831 East Cherry Street; Main Street Pub, Inc. for Main Street Pub at 11 West Main Street; Maya Janes, Inc. for Maya Janes at 9 West Main Street; Mexico Viejo, Inc. for Mexico Viejo Mexican Restaurant at 432 E. Cherry Street; NPC International, Inc. for Pizza Hut #2788 at 928 East Cherry Street; Sunset Oil, Inc. for Lucky 7 Casino at 629 Stanford Suite A; Sunset Oil, Inc. for Sunset Casino at 629 Stanford Suite B; Pump N Stuff of Vermillion, Inc. for Pump N Stuff VL room #1 at 203 E Main St; Pump N Stuff of Vermillion, Inc. for Pump N Stuff VL room #2 at 203 E Main St; Bonnie K. Rowland for Raziel's at 13 West Main Street; Red Steakhouse, Inc. for Red Steakhouse at 1 East Main Street; Prairie River, Inc. for R Pizza at 2 West Main Street; Silk Road Café, Inc. for Silk Road Café at 12 West Main Street; OMA SHREE, LLC for Speedee Mart at 800 East Cherry Street; City of Vermillion for The Bluff's Golf Course at 2021 East Main Street; David W. Raabe for Westside Inn at 1313 West Cherry Street; Valiant Vineyard, Inc for Valiant Vineyard at 1500 West Main; Dwight Iverson for Cherry Pit Stop video lottery at 23 East Cherry Street; Varsity Pub, LLC for The Varsity at 113 East Main Street; Re-issuance of Package (Off Sale) Malt Beverage: Dwight Iverson for Cherry Pit Stop at 23 East Cherry Street; Freedom Valley Centers, Inc for Erickson Freedom Valu Ctr at 830 E Cherry Street; HyVee Food Stores, Inc. for HyVee at 525 West Cherry Street; Leo's Sports Bar & Grill, LLC for Leo's Lounge at 11 Market Street; Pump N Stuff of Vermillion, Inc. for Pump N Stuff at 203 East Main Street; Wal-Mart Stores, Inc. for Wal-Mart Super Center #3734 at 1207 Princeton Street; Re-issuance of Retail (On-Off Sale) Malt Beverage with SD Farm Wine: Augustus Management, LLC. for Cherry Street Grill at 1122 East Cherry Street; Re-issuance of Package (Off Sale) Malt Beverage with SD Farm Wine: Casey's Retail Company, Inc. for Casey's General Store at 615 Jefferson Street and the renewal of the retail on-off sale malt beverage with the restriction to the interior of the structure located at 15 Court Street for the Old Lumber Company, Inc. for Old Lumber Company at 15 Court Street. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Special daily malt beverage and wine license for Fraternal Order of Eagles on or about June 13-15, 2014 in an area by the band shell in Prentis Park

Mike Carlson, Finance Officer, reported that an application was received from the Fraternal Order of Eagles for a special daily malt beverage and wine license for the Shakespeare Festival in Prentis Park on or about June 13-15, 2014. Mike noted that the application indicated a fenced area northwest of the band shell and the hours would be from 6:00 p.m. to 11:00 p.m. each day. The Police Chiefs report is included in the packet and lists additional controls for the City Council to consider. Discussion followed on the option to not require the fenced area and to allow alcoholic beverages in the seating area.

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2010 Legal and Public Notices

beverage and wine license for the Fraternal Order of Eagles on or about June 13-15, 2014 for a fenced area in Prentis Park between the hours of 6:00 p.m. to 11:00 p.m. with the recommendations of the Police Chief that entrance/exits to the beer garden area need to be supervised and identification checked to insure those entering are of legal age and if the beer garden is going to encompass areas where underage persons will be allowed, then a wrist band system should be used at the entrance/exit to identify those of legal age to drink and additional TAM trained staff should be employed to check to insure alcohol remains out of underage hands after the point of sale and that alcohol does not leave the fenced area. Alderman Willson seconded the motion. Alderman Osborne requested to abstain as he is an officer in the Fraternal Order of Eagles. Motion carried 6 to 2. Mayor Powell declared the motion adopted.

7. Old Business

A. Second Reading of Ordinance 1316 - Amending the Zoning Ordinance of the City of Vermillion by amending Section 155.008, Definitions, and Section 155.036, GB General Business District, providing a definition and regulations for limited production and processing as a conditional use

Mayor Powell read the title to Ordinance No. 1316 and stated that Alderman Willson has requested to abstain from discussion and voting as he owns property in this area.

Andy Colvin, Assistant to the City Manager, reported that the VCDC requested to review the zoning ordinance as it applied to existing buildings in the General Business Zoning District as there have been requests to locate businesses in this area but they do not conform to the GB standards. Andy noted that staff worked with SECOG developed a proposed ordinance that limited the conditional use to building less than 20,000 square feet in size that the Planning Commission reviewed and recommended to the City Council. Andy stated at first reading that the ordinance was amended to only be allowed on property formerly zoned I-0 Industrial in the applicable standards that is more restrictive. Andy reported that City staff has not received any comments on the ordinance since first reading.

Alderman Collier-Wise noted that the VCDC made the request as they had requests for businesses to locate in the existing buildings in the General Business zone. She stated that to address the VCDC's specific issue the applicable standards should be limited to only the existing buildings in this area and not include structures to be constructed on vacant lots.

179-14

Alderman Collier-Wise moved to amend the applicable standards in Ordinance No. 1316 to add the restriction that it only is permitted for existing buildings as of July 3, 2014. Alderman Davies seconded the amendment. Discussion followed on the ordinance and amendment noting that the amendment is more restrictive and would be an incremental approach to this issue. Discussion followed on the conditions that could be attached as part of the conditional use.

A roll call vote of the Governing Body on the amendment to Ordinance No. 1316 was as follows: Collier-Wise-Y, Davies-Y, Grayson-Y, Meins-Y, Osborne-Y, Ward-Y, Zimmerman-Y, Mayor Powell-Y and Willson abstained. Amendment carried 8 to 0. Mayor Powell stated that Ordinance No. 1316 was amended.

180-14

Second reading of title to Ordinance No. 1316, entitled AN ORDINANCE Amending the Zoning Ordinance of the City of Vermillion by amending Section 155.008, Definitions, and Section 155.036, GB General Business District, providing a definition and regulations for limited production and processing as a conditional use for the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1316 entitled an Ordinance Amending the Zoning Ordinance of the City of Vermillion by amending Section 155.008, Definitions, and Section 155.036, GB General Business District, providing a definition and regulations for limited production and processing as a conditional use for the City of Vermillion, South Dakota was

2010 Legal and Public Notices

first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 19th day of May, 2014 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 2nd day of June, 2014 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 1316

AN ORDINANCE OF THE CITY OF VERMILLION, SD, AMENDING THE ZONING ORDINANCE OF THE CITY OF VERMILLION BY AMENDING SECTION 155.008, DEFINITIONS, AND SECTION 155.036, GB GENERAL BUSINESS DISTRICT, PROVIDING A DEFINITION AND REGULATIONS FOR LIMITED PRODUCTION AND PROCESSING AS A CONDITIONAL USE.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota:

Section 1. That Section 155.008, of the Zoning Ordinance of Vermillion, SD, is hereby amended by adding the following definition to read as follows:

LIMITED

PRODUCTION/PROCESSING. Light manufacturing, fabrication, assembly, processing, packaging, research, development, or similar uses which are conducted indoors and which would not be disruptive of, or incompatible with, other office, retail, or service uses that may be in the same building or on adjacent property. Limited production/processing generally does not include industrial processing from raw materials.

Section 2. That Section 155.036, of the Zoning Ordinance of Vermillion, SD, is hereby amended by adding the following conditional use to read as follows:

Conditional Use

Limited production and processing

Applicable Standards

§§ 155.070, 155.072, 155.073, 155.074, 155.077, 155.095(A). Building size limited to a maximum area of 20,000 square feet. Only permitted for existing buildings as of July 3, 2014, on property formerly zoned I-0 Industrial according to the official zoning map on August 6, 2008.

Dated at Vermillion, S o u t h Dakota this 2nd day of June, 2014.

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 as amended was seconded by Alderman Collier-Wise. 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, Davies-N, Grayson-Y, Meins-N, Osborne-Y, Ward -Y, Zimmerman-N, Mayor Powell-Y, Willson-Abstain

Motion carried 5 to 3. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. Street Closure Request for Main Street from S. Norbeck Street to Washington Street for routing and/or staging of the Dakota Days Parade on Saturday, October 4, 2014 from 7:30 a.m. to 12:30 p.m.

Marya Wilson, USD Dakota Days Executive Board Parade Director, requested the closing of Main Street from South Norbeck to Washington Street on Saturday, October 14, 2014 from 8:00 a.m. to 12:30 p.m. Marya stated the parade route will change this year and at the intersection of Prentis Street and Main Street and travel west to High Street. She stated that this will allow more staging area for the parade at the high school parking lot.

181-14

Alderman Zimmerman moved approval of the closing of Main Street from South Norbeck Street to Washington Street on Saturday, October 14, 2014 from 8:00 a.m. to 12:30 p.m. for the Dakota Days parade. Alderman Meins seconded the motion. Discussion followed on the need to notify

2010 Legal and Public Notices

parade goers of the change in route as many set up on the west side of Prentis Park that is no longer on the parade route. Motion carried 9 to 0

B. Library Board appointments

Mayor Powell reported that five citizens have expressed interest in the two three year terms on the Library Board. Mayor Powell wanted to thank Cyndy Chaney and Janet Hoff for their service on the Library Board. Mayor Powell recommended the appointment of Daniel Burniston and Diane Leja to the Library Board.

182-14

Alderman Davies moved approval of the Mayor's recommendation of Daniel Burniston and Diane Leja to serve three year terms on the Library Board. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Resolution to remove parking on Bower Street west of Princeton Street

Jose Dominguez, City Engineer, reported that, during construction of the Vermillion Technology Center located at the corner of Bower and Princeton Streets, the property owner expressed concern with vehicles and trucks parking in front of the building and by the intersection. Jose stated that the owner was concerned that the parked vehicles might pose a safety issue with the increased traffic once the building is occupied. Jose reviewed the City ordinance regarding parking and provided a map of the area where on street parking will be removed. Jose recommended adoption of the resolution removing parking along a portion of Bower Street. Discussion followed on truck parking in the area.

183-14

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

RESOLUTION TO REMOVE PARKING ALONG A PORTION OF BOWER STREET WEST OF PRINCETON STREET

WHEREAS, pursuant to City of Vermillion Code of Ordinances, section 70.071, the City Council may establish, and cause to be designated and marked, streets, and parts thereof, where vehicles may be parked for limited periods of time only or similarly may establish no-parking areas; and

WHEREAS, the City is responsible for the safety, security, and general welfare of drivers along city streets; and

WHEREAS, there is a need for some of the parking along Bower Street to be removed for the safe use of the street.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota that parking will be removed along the south side of Bower Street between Princeton and Carr Streets, and that parking will also be removed along the north side of Bower Street for 750-feet west of the intersection between Bower and Princeton Streets.

Dated at Vermillion, South Dakota this 2nd day of June, 2014.

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.

D. Resolution to remove parking on Jefferson Street north of East Cherry Street

Jose Dominguez, City Engineer, reported that Standard Ready Mix is in the process of relocating their access point from East Cherry Street to Jefferson Street. Jose noted that due to the amount of truck traffic expected on this portion of Jefferson Street they have requested that the parking be removed from East Cherry Street to the new access to the property. Jose stated they are concerned that vehicles parked along this stretch will pose a safety issue when trucks are turning into Jefferson Street from East Cherry Street. Jose provided a map of the area to have parking removed and recommended the adoption of the

2010 Legal and Public Notices

resolution. Discussion followed.

184-14

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

RESOLUTION TO REMOVE PARKING ALONG A PORTION OF JEFFERSON STREET BETWEEN EAST CHERRY AND DUKE STREETS

WHEREAS, pursuant to City of Vermillion Code of Ordinances, Section 70.071, the City Council may establish, and cause to be designated and marked, streets, and parts thereof, where vehicles may be parked for limited periods of time only or similarly may establish no-parking areas; and

WHEREAS, the City is responsible for the safety, security, and general welfare of drivers along City streets; and

WHEREAS, there is a need for some parking along Jefferson Street to be removed for the safe use of the street.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota that parking will be removed along the east side of Jefferson Street from the intersection with East Cherry Street to 250-feet north of East Cherry Street.

Dated at Vermillion, South Dakota this 2nd day of June, 2014.

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 Meins. 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. Engineering services agreement with Banner Associates for Waste Water Treatment Plant boiler project

Jason Anderson, Assistant City Engineer, reported that on April 21, 2014 the City Council awarded the wastewater treatment process boiler improvement project to Hander, Inc for \$232,197. Jason stated that, since the award, City staff has been negotiating a contract for project inspection services with Banner Associates. Jason stated that the agreement is included in the packet for a total of \$23,709 that included \$3,835 of additional design costs resulting from changes in the project scope. Jason stated that to keep inspection costs as low as possible City staff will handle most of the construction inspection duties and involve Banner staff only when necessary. Jason stated that Banner staff will be involved in the final inspection. Jason recommended approval of the engineering services agreement with Banner Associates.

185-14

Alderman Zimmerman moved approval of the engineering services agreement with Banner Associates for wastewater treatment process boiler improvement project inspection in the amount of \$23,709. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

F. Set special meeting date to canvas election results

Mike Carlson, Finance Officer, reported that State law requires the canvass of the election results by the Governing Body within seven days of the election. Mike noted that there is not a regular scheduled meeting during these seven days so a special meeting date and time will need to be set. The County will be canvassing the primary results on June 5th so a special meeting will need to be set following Thursday. Discussion followed.

186-14

Alderman Zimmerman moved approval of calling a special meeting on June 6, 2014 at noon to canvass the June 3 City election results. Alderman Osborne seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

G. Labor & Finance Committee report on Personnel Manual Revision

2010 Legal and Public Notices

Andy Colvin, Assistant to the City Manager, reported that the Labor and Finance Committee met on May 14 and May 28, 2014 to review a draft of the revised personnel manual for City employees. Andy noted that the City's personnel manual has not had a major revision in several years. Andy noted that the last amendment was in 2002 and addressed smoking in public facilities due to a change in State law. Andy reported that in 2013 the South Dakota Municipal League provided a draft Personnel Policy Manual to member cities. He stated that the draft was written by attorneys representing the South Dakota Public Assurance Alliance, who are the City's liability insurance carrier. Andy stated that this draft manual served as the starting point for the revised personnel manual that was reviewed and updated by the Labor and Finance Committee during their meetings. Andy reported that the recommendation of the Labor and Finance Committee to the City Council is to adopt the Personnel Manual as proposed that will be on the agenda for the next council meeting. Discussion followed on the report.

187-14

Alderman Zimmerman moved to accept the report of the Labor and Finance Committee on the personnel manual revisions. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

H. Fireworks public display permit for July 4, 2014 by the Vermillion Chamber of Commerce

Mike Carlson, Finance Officer, reported that a Fireworks Public Display Permit was received from James Taylor on behalf of the Vermillion Area Chamber and Development Company for the July 4th fireworks display that will be discharged from the field south of Polaris, west of Carr Street. Mike reported that the application along with the Fire Department's required site plan are included in the packet. Mike stated that this is similar to last year's request. Discussion followed.

188-14

Alderman Willson moved approval of the Fireworks Public Display Permit for the Vermillion Area Chamber and Development Company for the 4th of July fireworks display south of Polaris, west of Carr Street to start at approximately 10:00 p.m. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

I. Request to have City staff schedule closure of North Dakota Street from East Clark to East Cherry Street and North University from 500 feet North of East Cherry Street to 700 feet North of E. Cherry Street for USD construction projects

John Prescott, City Manager, reported that at the May 19th meeting the City Council approved two temporary street closing requests submitted by the USD consultant for the USD utility projects. John stated that the original request was for the Dakota Street closing for June 2nd to 6th and the University Street closing was scheduled for June 16th to 20th. John stated that today the USD's contractor is not yet ready to start work on the Dakota Street project and is now anticipating the closing for the week of June 16th to 20th. The University Street closing will be pushed back until the completion of the Dakota Street work. John stated that staff is requesting City Council to authorize City staff to schedule the street closings with USD as needed as the Council has already approved the closings. Discussion followed.

189-14

Alderman Grayson moved approval to authorize the City Manager or City Engineer to schedule the closing of North Dakota Street between East Clark and East Cherry Street and N. University Street from 500 feet North of East Cherry Street to 700 feet North of E. Cherry Street for the USD construction projects. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Surplus Turf sweeper

Jason Anderson, Assistant City Engineer, reported that the replacement of the 2000 Goosen Versa Vac turf sweeper was included for replacement in 2014. The used equipment was declared surplus and appraised for \$6,000 following the January 20, 2014 meeting. No bids were received at the February 25th bid opening.