

# 18 Vermillion Plain Talk

March 14, 2014 www.plaintalk.net

## 2010 Legal and Public Notices

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Claims may be filed with the personal representative or may be filed with the clerk, and a copy of the claim mailed to the personal representative.

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**Unapproved Minutes Council Special Session**  
March 3, 2014  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, March 3, 2014 at 12:00 noon at the City Hall large conference room.

### 1. Roll Call

Present: Grayson, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell

Absent: Collier-Wise, Davies

2. Informational Session - Introduction of VCDC Executive Director Nathan Welch

John Prescott, City Manager, introduced Nathan Welch as the Executive Director of the VCDC noting he was just starting his second week. Nathan stated that he was excited about working in Vermillion and thanked everyone for the warm welcome.

3. Informational Session - 2013 Fire & EMS Annual Report - Shannon Draper

Shannon Draper, Fire Chief, presented the 2013 annual report for the Fire & EMS Departments. Shannon reviewed the annual report and answered questions of the City Council. Shannon stated that the annual report is on the Fire Department page of the City web site.

4. Informational Session - 2013 Police Department Annual Report - Matt Betzen

Matt Betzen, Police Chief, presented the 2013 annual report for the Police Department. Matt reviewed the annual report and answered questions of the City Council on the Police Department. Matt stated that the annual report is on the Police Department page of the City web site.

Alderman Ward requested to be excused at 1:06 p.m.

5. Briefing on the March 3, 2014 City Council Regular Meeting

Council reviewed items on the agenda with City staff. No action was taken.

Dan Siefken, representing the SD Multifamily Association, handed out a letter from the President of the Association, as she was unable to attend the meeting, to the Mayor and City Council as it relates to the ordinance to be considered tonight.

### 6. Adjourn

58-14  
Alderman Osborne moved to adjourn the Council special session at 1:13 p.m. Alderman Meins seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 3rd day of March, 2014.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA  
BY \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:  
BY \_\_\_\_\_  
Michael D. Carlson, Finance Officer

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Unapproved Minutes  
City Council Regular Session  
March 3, 2014  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday March, 3, 2014 at 7:00 p.m. by Mayor Powell.

### 1. Roll Call

Present: Collier-Wise (arrived at 7:02 p.m.), Davies, Grayson, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell, Student Representative Peterson

### 2. Pledge of Allegiance

### 3. Minutes

A. Minutes of February 18, 2014 Special Session; February 18, 2014 Regular Session, February 18, 2014 Policies and Procedures Committee Special Meeting, and February 24, 2014 Special Meeting.

59-14  
Alderman Zimmerman moved approval of the Minutes of February 18, 2014 Special Session; February 18, 2014 Regular Session, February 18, 2014 Policies and Procedures Committee Special Meeting, and February 24, 2014 Special Meeting minutes. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda  
Alderman Collier-Wise arrived at 7:02 p.m.

60-14  
Alderman Willson moved approval of the agenda with the addition to 12. Consensus Agenda of the following items:

B. Set a public hearing date of March 17, 2014 for a special daily malt beverage and wine license for the Vermillion Area Arts Council on or about March 21, 2014 at 202 Washington Street

C. Set a public hearing date of March 17, 2014 for a special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company on or about April 24 5:00 p.m.-7:00 p.m., July 10, July 24, August 7, August 21 and September 4 from 6:00 p.m. - 8:00 p.m. on the Platz

D. Set a public hearing date of March 17, 2014 for a special permit to exceed allowable sound levels for the Thursdays on the Platz organization on or about April 24 5:00 p.m. - 7:00 p.m., July 10, July 24, August 7, August 21 and September 4 from 6:00 p.m. - 8:00 p.m. on the Platz

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

### 5. Visitors to be Heard

A. Developmental Disabilities Awareness Proclamation

Alderman Meins read the proclamation for Developmental Disabilities Awareness Month that proclaimed March as "Developmental Disabilities Awareness Month" in Vermillion. Mayor Powell presented the proclamation to Tiffany Glenn, President of People First Vermillion. Tiffany thanked the Mayor and City Council for the proclamation and presented Mayor Powell with the 2014 Developmental Disabilities t-shirt.

Alderman Grayson reported the Annual Reports for the Fire/EMS and Police Departments were presented to the City Council at the noon meeting today noting these reports are available on the city web site. John wanted to on behalf of the City Council recognize Chief Draper and Chief Betzen for the reports.

Alderman Osborne presented the Council members with March Library book marks that list the programs for the month and stated the book marks are available at the library monthly.

Jessica Peterson, USD Student Representative, stated the USD Student Government election is this week and introduced Lyndsey Clausen.

### 6. Public Hearings - None

### 7. Old Business - None

### 8. New Business

A. Resolution to rename Streets in Bliss Pointe

John Prescott, City Manager, reported that one idea in the Talent Attraction Survey and Workforce Housing Study was to

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develop the community as a regional center for the arts, literature and music. John stated that it was suggested that renaming the streets in Bliss Pointe might be a way to recognize the contributions and importance of the arts in Vermillion. John noted that Bliss Pointe is uniquely situated to have a specific set of names. It is a large area that will not have streets which continue west beyond the development. John noted that the development of an identity for the housing project is also something the VCDC has been seeking to do. A unique set of street names for Bliss Pointe helps to foster that identity. As the VCDC is the sole owner of the property at this time and there are no current residents, it is easier to change the street names at this point in time. John reviewed the criteria used in selecting the street names. John reported that the proposed street names of Rockwell Trail, O'Keefe Circle, Joplin Street and Wilder Road cover painting, literature and music. John noted that one other street has yet to be final platted and Frost Trail was discussed as a name for this street. John reviewed a map of the proposed streets.

Alderman Willson was concerned about how Rockwell Trail turns into Cornell Street at the intersection with Kennedy Street. He stated that it would be better for Rockwell Trail to go all the way around and back to Stanford. Discussion followed. John Prescott stated that this option was looked at but the house numbering for a street that goes north and south and east and west would be confusing as well as having two intersections of Rockwell Trail and Stanford Street. Discussion followed.

61-14  
After reading the same once, Alderman Collier-Wise moved adoption of the following:

Resolution To Change the name of Bliss Pointe Streets

WHEREAS, W. Clark Street is platted west of Stanford Street in Bliss Pointe Addition; and

WHEREAS, Frontier Street is platted in Bliss Pointe Addition; and

WHEREAS, Pioneer Street is platted in Bliss Pointe Addition; and

WHEREAS, Spirit Mound Circle is platted in Bliss Pointe Addition; and

WHEREAS, Vermillion has always had strong ties to the arts, theater, music and literature, and is home of the University of South Dakota which is the liberal arts University of the state; and

WHEREAS, the promotion of the arts through the naming of the streets demonstrates the commitment of Vermillion to the arts; and

WHEREAS, Bliss Pointe presents a unique opportunity to recognize and demonstrate the importance of the arts in Vermillion and in society; and

WHEREAS, a change in Bliss Pointe street names will not impact any current residents or owners as the VCDC is the current and sole owner; and

WHEREAS, State Statute 9-45-2 (1) grants municipalities the power to change the name of streets.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Vermillion does hereby change the name of W Clark Street in Bliss Pointe Addition from the intersection of Stanford Street to Kennedy Street to Rockwell Trail.

BE IT FURTHER RESOLVED, that the Governing Body of the City of Vermillion does hereby change the name of Frontier Street in Bliss Pointe Addition to Joplin Street.

BE IT FURTHER RESOLVED, that the Governing Body of the City of Vermillion does hereby change the name of Pioneer Street in Bliss Pointe Addition to Wilder Road.

BE IT FURTHER RESOLVED, that the Governing Body of the City of Vermillion does hereby change the name of Spirit Mound Circle in Bliss Pointe Addition to O'Keefe Circle.

BE IT FURTHER RESOLVED, that all street name changes in Bliss Pointe Addition in this Resolution are effective April 3, 2014.

Dated at Vermillion, South Dakota this 3rd day of March, 2014.

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FOR 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 Grayson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Davies-Y, Grayson-Y, Meins-Y, Osborne-Y, Ward -N, Willson-N, Zimmerman-N, Mayor Powell-Y. Mayor Powell declared that the Resolution was adopted 6 to 3.

B. Minimum Standards for Operators of Commercial Activities at Harold Davidson Field Airport

Jose Dominguez, City Engineer, reported that the City has owned and operated the airport since 1957. For a majority of that time, there has been some type of commercial activity at the airport. These activities have ranged from aircraft maintenance to aerial applicators. Jose reported that in 2013 the City received a request from a user wanting to become the Fixed Based Operator (FBO). Jose stated that the FBO at an airport provides several services ranging from fueling, aircraft rentals, aircraft maintenance, flight instruction, etc. Jose stated that if an airport does not have a set of minimum standards then the FAA standards apply.

Jose reported that minimum criteria were presented to the City Council for discussion at the November 4 and December 16, 2013 noon meetings. The City Council, at their January 6th meeting, referred the minimum standards to the Policies and Procedures Committee for further review. The Policies and Procedures Committee met on January 28, February 4 and on February 18th. The Policies and Procedures Committee report was accepted by the Council at the February 18th meeting. When the item was referred to Committee on January 6, the date of March 3rd was selected as the date for Council to act on the policy.

Jose stated that the proposed minimum standards would specify the types of services that would be allowed at the airport. The criteria would then go through all of the other requirements for each use (leased space requirements, hours of operations, personnel required, insurance, fueling, etc.). The proposed criteria would split all of the commercial uses into a two tier system. The tiers would be 1st Entry Level and 2nd Entry Level. All of the allowed commercial uses would be in the 1st Entry Level tier (aircraft sales, aircraft maintenance, aircraft rental, pilot training, aircraft charter, specialized flight services, avionics, instruments and/or propeller services, and aerial applicators), with the exception of the Limited Service Fixed Based Operator (LSFBO). The LSFBO would be within the 2nd Entry Level tier. The LSFBO would need to be able to do at least two of the commercial activities within the 1st Entry Level tier to become an LSFBO. Jose noted that, if approved, a change to the airport ordinance is later on the agenda and a resolution will be included with second reading setting the fees for the commercial activities listed. Discussion followed on the airport minimum standards.

62-14  
Alderman Davies moved approval of the airport minimum standards for operations of commercial activities at the Harold Davidson Field airport. Alderman Zimmerman seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. First Reading of Ordinance 1309 to amend Chapter 150 Building Regulations, Section 150.02 International Building Code Adopted and Enacting the 2012 International Building Code as modified by the City of Vermillion; to amend Section 150.03 International Residential Code Adopted and Enacting the 2012 International Residential Code as modified by the City of Vermillion; and to amend Chapter 92 Fire Prevention and Protection Section 92.04 Fire Code Adopted and Enacting the 2012 International Fire Code as modified by the City of Vermillion

Farrel Christensen, Building Official, stated that the International Code Council publishes new codes every three years. This method insures that the International Codes are kept up to date through the review of

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proposed changes submitted by the code enforcing officials, industry representatives, design professionals and other interested parties. Farrel stated that local jurisdictions are required to insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction and several other areas that are specific to the adopting body. Farrel noted that many of the changes proposed are part of that process and some are specific to Vermillion and the needs of our City. Farrel stated that staff has reviewed the proposed new codes carefully and the first reading of the adoption contains commentary from staff to better describe why a change has been recommended. Farrel reported that staff considered modifications included by other cities in South Dakota and has met with local contractors and affected parties to discuss proposed changes.

John Walker, with Walker Construction 603 S Norbeck, stated that the contractors wanted to thank Farrel and the building official office for the open line of communications through the code change process.

Alderman Willson asked about the egress window code and if there were any changes to that. Farrel stated that the rental housing code that was first adopted in 1975 had a minimum standard window size. Farrel stated that in 1988 the rental housing code was amended setting the minimum size at 5.7 square feet which was the building code minimum window size and that is still the size today. Farrel stated that the building code applies to new construction while the rental housing code and property maintenance code contain health, safety and welfare items that need to be maintained to the current minimum standard. Discussion followed on the building code.

### 63-14

Mayor Powell read the title to the above mentioned Ordinance and Alderman Ward moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1309 entitled An Ordinance Amending Chapter 150 Building Regulations, Section 150.02 International Building Code Adopted and Enacting the 2012 International Building Code as modified by the City of Vermillion; to amend Section 150.03 International Residential Code Adopted and Enacting the 2012 International Residential Code as modified by the City of Vermillion; and to amend Chapter 92 Fire Prevention and Protection Section 92.04 Fire Code Adopted and Enacting the 2012 International Fire Code as modified by the City of Vermillion 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 3rd day of March, 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 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

D. First Reading of Ordinance 1310 to amend Chapter 150 Building Regulations, Section 150.50 International Property Maintenance Code, Adopting and Enacting the 2012 International Property Maintenance Code as modified by the City; to amend Chapter 94 Rental Housing Code deleting Sections 94.07(3)(d)(e),(5)(a)(b),(6),(7) Enforcement Notice and Hearing and Section 94.09 (A) and (B) Board of Housing Appeals to Eliminate Conflicting Appeal Sections between the Rental Housing Code and the International Property Maintenance Code and Add Standards and Deadlines for Compliance for Emergency Escape and Rescue Openings in Existing Buildings and Return Air and Controllable Heat Sources in Existing Buildings

Farrel Christensen, Building Official, reported that the International Code Council publishes new codes every three years. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate. Farrel stated that local jurisdictions are required to insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction and several other areas that are specific to the

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adopting body. Many of the changes proposed are part of that process some are specific to Vermillion and the needs of our City.

Farrel reported that staff has reviewed the proposed new codes carefully and the first reading contains commentary on the IPMC and strikethrough and underlining on the Rental Housing Code. Farrel noted that staff has considered modifications included by other cities in South Dakota and has met with local property owners, managers and the new Vermillion chapter of the South Dakota Multifamily Housing Association to discuss proposed changes. Farrel stated that the proposed adoptions are a result of many hours of staff time and over two years of rental inspections together with many meetings with the Multifamily Housing Association. Farrel noted the standards proposed are a compromise that will require property owners to continue to upgrade existing rental units. Farrel stated that time frames for compliance reflect the substantial investment of these requirements. Farrel stated that in working with the City Council over the last two years on health, safety and welfare issues; codes have required that all rental units have hard wired smoke detectors, decks need to be inspected and contain adequate guard rails, the need to separate air service and control over heat and ventilation to each unit and that bedrooms contain egress windows meet the minimum standard. Farrel stated that it has been determined that when windows were replaced it was with a window that did not meet the minimum standard. The City Council addressed this by requiring building permits for all replacement windows. Farrel stated that the ordinance was prepared based upon the minimum safe window size based upon when the structure was built. Thus structures before 1974 the minimum window size is 4.5 square feet, after 1974 and before 1988 the minimum window size is 5 square feet and in or after 1988 the minimum window size is 5.7 square feet. Farrel stated that they have worked with the local Multifamily Association with establishing minimum window widths, minimum sill height and allowing steps.

Dan Siefken, representing the SD Multifamily Association, wanted to thank the City Council and City staff for being allowed to participate in the process. Dan stated that egress windows are still an issue with the association. His concern is that something built to code today may not be in compliance tomorrow. Dan felt that we could learn from other communities on how to improve our rental housing stock.

Discussion followed on the window size.

### 64-14

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1310 entitled An Ordinance Amending Chapter 150 Building Regulations, Section 150.50 International Property Maintenance Code, Adopting and Enacting the 2012 International Property Maintenance Code as modified by the City; to amend Chapter 94 Rental Housing Code deleting Sections 94.07(3)(d)(e),(5)(a)(b),(6),(7) Enforcement Notice and Hearing and Section 94.09 (A) and (B) Board of Housing Appeals to Eliminate Conflicting Appeal Sections between the Rental Housing Code and the International Property Maintenance Code and Add Standards and Deadlines for Compliance for Emergency Escape and Rescue Openings in Existing Buildings and Return Air and Controllable Heat Sources in Existing Buildings 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 3rd day of March, 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 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.

E. First Reading of Ordinance 1311 to amend Chapter 91 Airport, Section 91.08 Permit Requirement; Fees

Jose Dominguez, City Engineer stated that the City Council just