

10 Vermillion Plain Talk

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Unapproved Minutes
Council Special Session
March 17, 2014
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, March 17, 2014 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Davies, Grayson, Meins, Ward, Willson, Zimmerman, Mayor Powell

Absent: Osborne

2. Proposed updates to 90.70 - 90.99 (Tree Ordinance) – Jim Goblirsch

Jim Goblirsch, Director of Parks and Recreation, reported that he has been requested to review and update the City Tree Ordinance. Jim reported that he has worked with all City departments that are impacted by trees in preparing the draft ordinance that was handed out.

Aaron Baedke, Parks Supervisor, reviewed examples of good boulevard trees as well as examples of improper boulevard trees.

Jim reviewed the major changes that are being proposed for the tree ordinance. He stated that a Tree Guide was developed to supplement the ordinance as well as document information on tree care. Jim stated that the street tree planting permit, as well as removal permit, will still be required. Jim stated that his plan would be to have the Tree Board develop objectives to promote tree planting as well as educational sessions. Jim answered questions of the City Council on the proposed tree ordinance as well as the tree guide. Discussion followed on the tree ordinance.

3. Proposed Cottage Avenue water main replacement project – Jason Anderson

Jason Anderson, Assistant City Engineer, reported that a water main break along the Cottage Street 16" water main in November, 2013 brought to light the condition of this section of water main and the need for replacement. He noted that there had been two previous main breaks along this section but the last break showed significant deterioration to the pipe. Jason stated that sections of the pipe are available for inspection at the front of the room. Jason stated that alternatives to open digging were reviewed for the replacement of this water main but, because of the location of the sewer laterals and other underground utilities, these were not feasible. Jason stated that the recommendation is to replace this section of pipe by open trench at an estimated cost of \$190,000. Jason noted that this was not budgeted for 2014 but will require a budget amendment. Jason stated that the project will require that temporary water service be provided to the homes along this section of Cottage Street. Parking will be removed from the west side but two lanes of traffic will remain. The sidewalk and driveways will need to be removed with the specifications calling for driveways to be open each evening. Jason and Randy Isaacson, Water Superintendent, answered questions of the City Council on the Cottage Street water main replacement project. Jason stated that, if there were no objections from the City Council they would proceed with setting up a meeting with the citizens impacted by the project.

4. Briefing on the March 17, 2014 City Council Regular Meeting

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

Dan Siefken, representing the Multihousing Association, asked the City Council if it would consider appointing a committee to look into the egress window requirements of the proposed ordinance. Dan stated that he was concerned that rental housing code only applies to egress window requirements to rental property, not all housing in the community.

John Prescott, City Manager, reported that the City adopted a rental housing code in 1975 that required adequate sized egress windows in rental bedrooms which was amended in 1986 to require minimum window size of 5 square feet.

Discussion followed on the egress window code as it applied to owner occupied homes vs. rental property. The discussion included minimum egress window size as well as the timeline for complying that was included in the ordinance. It was noted that the ordinance allows five years for compliance except for those that have been previously replaced with inadequate sized windows or windows smaller than three square feet in area. The consensus of the City Council was to not appoint a committee at this time.

5. Adjourn

77-14
Alderman Willson moved to adjourn the Council special session at 1:15 p.m. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

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Dated at Vermillion, South Dakota this 17th 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

Unapproved Minutes
City Council Regular Session
March 17, 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 17, 2014 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Davies, Grayson, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell

2. Pledge of Allegiance

3. Minutes

A. Minutes of March 3, 2014 Special Session; March 3, 2014 Regular Session

78-14
Alderman Zimmerman moved approval of the March 3, 2014 Special Session and March 3, 2014 Regular Session minutes. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

79-14
Alderman Willson moved approval of the agenda with the addition of 12C. Consensus Agenda - Set a bid opening date of April 2, 2014 for Norbeck Street Improvements and 13. Executive Session – Economic Development matters with VCDC SDCL 1-25-2. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. Purple Up! For Military Kids Day Proclamation

Alderman Meins read the Purple Up! For Military Kids Day Proclamation that proclaimed April 15, 2014 as "Purple Up! For Military Kids Day" in Vermillion and urge all citizens to wear purple in order to salute, honor, support and thank our military children in the community. Marie Anne Ben, representing the American Legion Auxiliary, thanked the Mayor and City Council for the proclamation and invited the community to the Purple Up kickoff event March 29th at the Edith B. Siegrist Vermillion Public library from 1:00 p.m. to 3:00 p.m.

Mayor Powell wanted to congratulate the Lady Coyotes basketball team on winning the Summit League Tournament and advancing to the NCAA Division I Tournament. Mayor Powell reported the Coyotes will be playing Stanford in first round action in Ames, Iowa on Saturday.

6. Public Hearings

A. Special permit to exceed allowable sound levels for Pi Kappa Alpha in the northwest corner of Prentis Park on or about March 22, 2014 from 5:00 p.m. to 7:00 p.m. (requesting change to March 27th).

Mike Carlson, Finance Officer, reported that a special permit to exceed permissible sound levels by no more than 50% was received from Pi Kappa Alpha for a fundraising event in Prentis Park on or about March 27, 2014 from 5:00 p.m. to 7:00 p.m. The notice of hearing, application with diagram of the event and a request from Dallas Humphries to change the date to March 27th are included in the packet. Mike noted that the Pikes in the Park event have been held for a number of years without any issues. Mike stated that Dallas Humphries was present to answer any questions on the event.

80-14
Alderman Collier-Wise moved approval of the special permit to exceed permissible sound levels for Pi Kappa Alpha in the northwest corner of Prentis Park on or about March 27, 2014 from 5:00 p.m. to 7:00 p.m. for a fundraising event. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Special daily malt beverage and wine license for the Vermillion Area Arts Council on or about March 21, 2014 at 202 Washington Street

Mike Carlson, Finance Officer, reported that an application for a special daily malt beverage and wine license was received from the Vermillion Area Arts Council for a St Patrick's Day Celebration event on or about March 21, 2014 at 202 Washington Street. Mike noted that the notice of hearing and Police Chief's reports are included in the packet. Mike stated that staff is not aware of any problems with previous special events licenses granted to the Arts Council.

81-14
Alderman Collier-Wise moved approval of the special daily malt

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beverage and wine license for the Vermillion Area Arts Council on or about March 21, 2014 at 202 Washington Street. Alderman Grayson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company on or about April 24, 2014 from 5:00 p.m. to 7:00 p.m. and July 10, July 24, August 7, August 21 and September 4, 2014 from 6:00 p.m. to 8:00 p.m. at Ratingen Platz.

Mike Carlson, Finance Officer, reported that an application for a special daily malt beverage and wine license was received from the Vermillion Area Chamber and Development Company for the Thursdays on the Platz events on or about April 24, 2014 from 5:00 p.m. to 7:00 p.m., July 10, July 24, August 7, August 21 and September 4, 2014 from 6:00 p.m. to 8:00 p.m. at Ratingen Platz and adjoining portion of Market Street. The notice of hearing and the report of the Police Chief are included in the packet. The VCDC has provided the City with a certificate of insurance and the release and indemnification for the events. Mike noted that the events will be similar to previous years. The location is on the Ratingen Platz and the abutting portion of Market Street and, if approved, should include the use of the Ratingen Platz. The special permit to exceed permissible sound levels and street closing are later on the agenda.

82-14
Alderman Grayson moved approval of the special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company on or about April 24, 2014 from 5:00 p.m. to 7:00 p.m., July 10, July 24, August 7, August 21 and September 4, 2014 from 6:00 p.m. to 8:00 p.m. on Ratingen Platz and adjoining portion of Market Street including the use of the Ratingen Platz for the events. Alderman Ward seconded the motion. Michele Maloney, representing Thursdays on the Platz, explained their plans for the different events. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Special permit to exceed allowable sound levels for the Thursdays on the Platz organization on or about April 24, 2014 from 5:00 p.m. to 7:00 p.m. and July 10, July 24, August 7, August 21 and September 4, 2014 from 6:00 p.m. to 8:00 p.m. at Ratingen Platz.

Mike Carlson, Finance Officer, reported that an application was received for a special permit to exceed permissible sound levels by no more than 50% for the Thursdays on the Platz events scheduled for April 24, 2014 from 5:00 p.m. to 7:00 p.m. and July 10, July 24, August 7, August 21 and September 4, 2014 from 6:00 p.m. to 8:00 p.m. on the Ratingen Platz at the corner of Market and Main Streets. The notice of hearing and application are included in the packet. Discussion followed.

83-14
Alderman Zimmerman moved approval of the special permit to exceed permissible sound levels by no more than 50% for the Thursdays on the Platz events on April 24, 2014 from 5:00 p.m. to 7:00 p.m. and July 10, July 24, August 7, August 21 and September 4, 2014 from 6:00 p.m. to 8:00 p.m. on the Ratingen Platz (corner of Market and Main Streets). Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

7. Old Business

A. Second 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 this is second reading of an ordinance to adopt the 2012 International Building Code, 2012 International Residential Code and the 2012 International Fire Code as modified by the City of Vermillion. Farrel stated that this information had been passed along to local contractors and no comments have been received since first reading. Farrel recommended adoption of second reading of the ordinance.

84-14
Second reading of title to Ordinance No. 1309, entitled AN ORDINANCE 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

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Code as modified by the City of Vermillion.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1309 entitled an ordinance 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 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 3rd day of March, 2014 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 17th day of March, 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 NO. 1309

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, SOUTH DAKOTA; AMENDING SECTION 150.03 INTERNATIONAL RESIDENTIAL CODE ADOPTED AND ENACTING THE 2012 INTERNATIONAL RESIDENTIAL CODE AS MODIFIED BY THE CITY OF VERMILLION AND AMENDING 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, SOUTH DAKOTA

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 150 Section 150.02 International Building Code is repealed and the 2012 International Building Code is enacted, and the following portions of the 2012 International Building Code adopted in this article shall be added, deleted, modified or amended, or not adopted as follows. All other sections or subsections of the 2012 International Building Code as published shall remain the same.

AN ORDINANCE of the City of Vermillion adopting the 2012 edition of the International Building Code as amended, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Vermillion; providing for the issuance of permits and collection of fees therefore; repealing ordinance 1242 of the City of Vermillion and all other ordinances or parts of laws in conflict herewith including existing ordinance section 150.02 and replacing with the following.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 150, Section 150.03 International Residential Code is repealed and the 2012 International Residential Code is enacted, and the following portions of the 2012 International Residential Code shall be amended, added, or deleted by the City as follows. All other portions of the 2012 International Residential Code as published shall remain the same.

AN ORDINANCE of the City of Vermillion adopting the 2012 edition of the International Residential Code as amended, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Vermillion; providing for the issuance of permits and collection of fees therefore; repealing ordinance 1243 of the City of Vermillion and all other ordinances or parts of laws in conflict therewith including existing ordinance section 150.03 and replacing with the following.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 92: Section § 92.04 Fire Code is repealed and the 2012 International Fire Code is enacted, and the fol-

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lowing portions of the 2012 International Fire Code adopted in this article shall be added, deleted, modified or amended, or not adopted as follows. All other sections or subsections of the 2012 International Fire Code as published shall remain the same.

AN ORDINANCE of the City of Vermillion adopting the 2012 edition of the International Fire Code as amended, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises.

§ 150.02 INTERNATIONAL BUILDING CODE ADOPTED
A certain document, one copy of which is on file in the office of the City Building Official, a copy of which is on file at the Vermillion Public Library, designated as the International Building Code, 2012 Edition, including Appendix J, as published by the International Code Council, Inc., is hereby adopted as the erection construction, enlargement, alteration, moving, removal, demolition, conversion, occupancy, height, area, and maintenance of all property, buildings, and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use, and for the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of the structures as herein provided, and providing for the issuance of permits and collection of fees therefore. Each and all of the regulations, provisions, penalties, conditions, and terms of the International Building Code, 2012 Edition, on file in the locations mentioned above are hereby referred to, adopted, and made a part hereof, as if fully set out in the ordinance, with the additions, insertions, deletions, and changes if any, prescribed below. The minimum building standards of International Building Code, 2012 Edition, and amendment thereto shall be applied to any building permit issued after the effective adoption date.

The following additions, deletions, modifications and amendments to the International Building Code 2012 are hereby incorporated into and made a part of this code.

International Building Code modifications

101.1 Title. These regulations shall be known as the Building Code of the City of Vermillion, hereinafter referred to as "this code."

103.1 Enforcement Agency. Building Services is hereby created and the official in charge thereof shall be known as the Building Official.

101.4.3 Plumbing. All references to the International Plumbing Code shall refer to the provisions of the Uniform Plumbing Code. The provisions of The Uniform Plumbing Code as modified by the state of South Dakota shall apply to the installation of plumbing systems, including design, construction, installation, improvement, extension and alteration of materials, piping, venting, fixtures, appliances and appurtenances in relation to plumbing and plumbing systems. Permits and inspection for plumbing work shall be obtained through the State Plumbing Commission.

101.4.7 Electrical. The provisions of the National Electric Code as adopted by the State of South Dakota shall apply to the installation of electrical systems, including equipment, appliances, fixtures, fittings and/or appurtenances thereto. All references to the International Electrical Code shall refer to the National Electrical Code. Permits and inspections for electrical work shall be obtained through The State Electrical Commission.

103.2 Appointment. Not adopted by the City

104.8 Liability. The Building Official, member of the Board of Appeals or employee charged with the enforcement of this code while acting for the jurisdiction in good faith and without malice shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city's insurance pool and any immunities and defenses provided by other applicable state and federal law and shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the city, its officers and employees, be held as assuming

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any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

105.1 Permit Required. Fees for replacement window permits shall be set by Resolution. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. The building official may exempt permits for minor work.

(a) Replacement windows in existing openings

All window replacement shall require a building permit. Replacement windows shall conform to the code for new construction whenever possible, including but not limited to light, ventilation, safety glazing and egress. Windows that cannot meet the code for new construction within the existing opening shall utilize the opening to its maximum potential to comply. Double hung windows or sliding windows that limit light, ventilation or egress are required to be changed to a casement style or similar to maximize the opening. Windows located in rental housing shall meet the requirement to provide for the health, safety and welfare of the occupants. Fee shall be set by Resolution of the City of Vermillion Governing Body.

Exceptions

The replacement of glazing only, in non hazardous location shall not require a permit.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures with side walls no greater than 8 feet in height, used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet.

2. Retaining walls that are not over 4 feet in height measured from the bottoms of the grade elevation to the top of the wall, unless supporting a surcharge.

3. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.

4. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.

5. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 52 inches deep, are not greater than 9,000 gallons and are installed entirely above ground

6. Swings and other playground equipment accessory to detached one- and two-family dwellings

7. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

8. Decks not exceeding 200 square feet in area and not more than 30 inches above grade at any point within 3 feet of the deck.

9. Exterior Siding, Design and installation shall conform to Chapter 7 wall covering.

10. Roofing, Design and installation shall conform to Chapter 9 roof assemblies.

11. Sidewalks and driveways. A driveway permit is required from the City Engineer.

12. Temporary motion picture, television, and theater stage sets and scenery.

13. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

107.3.1 Approval of Construction Documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Approved." One set of construction documents so reviewed shall be retained by the building official. The site submittal set shall be returned to the applicant, shall be kept at the site of work, and shall be open to inspection by the building official or duly authorized representative.

109.2 Schedule of Permit Fees. Fees shall be set by Resolution of the City of Vermillion Governing Body.

109.4 Work Commencing Before Permit Issuance. Any person who commences work requiring a permit on a building or structure before obtaining the necessary permits shall be subject to a fee established by Resolution of the City of Vermillion's Governing Body and shall be in addition to the required permit fees. Legal and/or civil proceedings may also be commenced.

109.7 Delinquent Accounts. The