2010 **Legal and Public Notices** 

Regulations; 155.036 GB General Business District (C) Lot and Yard Regulation; 155.038, GI General Industrial District Lot and Yard Regulations and 155.39 HI Heavy Industrial District Lot and Yard Regulations to add Regulations for Building Lines and Frontage.

Notice is further given that at the times and places aforesaid any person may appear and be heard upon all matters pertaining to the said amendments. Drafts of said amendments are available for inspection at City Hall, 25 Center Street, Vermillion, SD 57069, during normal business hours.

Andrew Colvin, Assistant to the City Manager

City of Vermillion

Published once at the total approximate cost of \$21.05

Estimated publishing cost per published copy \$.0113 Published: May 18, 2012

### NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Vermillion, South Dakota, will meet at 5:30 p.m. on Tuesday, the 29th day of May, 2012, in the Large Conference Room, located in City Hall at 25 Center Street in the City of Vermillion, at which time the said Planning Commission will hear, consider and act upon three proposals to amend the City Zoning Ordinance as follows:

1. Amend Title 15, Chapter 155, Section 155.031R-1 Residential District (A) Permitted Uses and (C) Lot and Yard Regulations and to add Single Family Attached Dwellings as a Permitted Use and add Regulations for Building Lines and Frontage.

2. Amend Title 15, Chapter 155, Section 155.036, GB General Business District, (B) Conditional Uses to Modify the Distance Requirements Veterinary Clinics and Kennels.

3. Amend Title 15, Chapter 155, Section 155.034, R-4 Manufactured Housing District Lot and Yard Regulations; 155.035 CB Central Business District Lot and Yard Regulations: 155.036 GB General Business District (C) Lot and Yard Regulation; 155.038, GI General Industrial District Lot and Yard Regulations and 155.39 HI Heavy Industrial District Lot and Yard Regulations to add Regulations for Building Lines and Frontage.

Notice is further given that at the times and places aforesaid any person may appear and be heard upon all matters pertaining to the said amendments. Drafts of said amendments are available for inspection at City Hall, 25 Center Street, Vermillion, SD 57069, during normal business hours.

Andrew Colvin, Assistant to the City Manager

City of Vermillion Published once at the total approximate cost of \$

Estimated publishing cost per published copy \$. Published: May 18, 2012

### Notice to Bidders 313th Street Ditch Cleanout Clay County, South Dakota

Notice is hereby given that sealed bids will be received by the Board of Commissioners of Clay County, South Dakota, on May 29th at 9:30 a.m. in the Commissioner's Room in the Courthouse in Vermillion, South Dakota, for 313th Street Ditch Cleanout, Clay County. Received bids will be opened publicly and read aloud at that time and place.

A certified check, cashiers check or bank draft on a South Dakota bank for 5% of the bid and payable to Clay County Auditor must accompany each bid. In lieu thereof, a bid bond of 10% of the amount bid issued by a surety authorized to do business in the State of South Dakota is acceptable. The surety is to be payable to Clay County as a guarantee that such bidder will enter into a contract. Performance Bond and Payment Bond for full amount of contract shall be furnished by successful bidder.

Bids are invited on the following major items of work as shown in the Plans.

Cleanout 3200 L.F. of north ditch and install culverts on 313th Street, west of University Road.

The complete set of Contract Documents and Plans shall be examined and obtained at the office of the Clay County Auditor in the Clay County Courthouse, 211 West Main St., Vermillion, South Dakota.

The Board of Commissioners may waive any informalities or minor defects or reject any or all BIDS.

Ruth A. Bremer Clay County Auditor

Published twice at the total approximate cost of \$34.92

Estimated publishing cost per published copy \$.0375 Published: May 18 & 25, 2012

STATE OF SOUTH DAKOTA COUNTY OF CLAY: SS

IN CIRCUIT COURT

FIRST JUDICIAL CIRCUIT

In the Matter of the Petition of Gloria Mar'Rea O'Schofield

for a Change of Name to

Gordon Lewis Laber, Jr.

# Civ: 12-146

## NOTICE OF HEARING FOR CHANGE OF NAME

\*\*\*\*\*\*\*\*\*\* NOTICE IS HEREBY GIVEN that a petition has been filed by Gloria Mar'Rea O'Schofield to change his/her name to Gordon Lewis Laber, Jr. On the 13th day of June, 2012, at the hour of 9:00am said petition will be heard by this Court before the Honorable Judge Steven R. Jensen Presiding, at the Court Room in the Clay County Courthouse, City of Vermillion, Clay County, South Dakota, or as soon thereafter as is con-

Legal and Public 2010 2010 **Notices** 

venient for the court. Anyone may come and appear at that time and place and show reasons, if any, why said name

should not be changed as requested. Dated this 3rd day of May, 2012 at Vermillion, South Dakota

Jessica Bosse Clerk of Court ATTEST:

Nadvne Zimmerman

Clerk of Court Deputy Published four times at the total approximate cost of \$60.82

Estimated publishing cost per published copy \$.1307 Published: May 11, 18, 25, & June 1,

STATE OF SOUTH DAKOTA **COUNTY OF CLAY: SS** 

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

In the Matter of the Petition of Aaron Gordon Schurman, AKA Aaron Gordon Lappegard

for a Change of Name to

Aaron Gordon Ludwig.

Civ: 112-149

#### NOTICE OF HEARING FOR ADULT NAME CHANGE \*\*\*\*\*\*\*\*\*

NOTICE IS HEREBY GIVEN a Verified Petition for Adult Name Change has been filed by Aaron Gordon Schurman, AKA Aaron Gordon Lappegard to Aaron Gordon Ludwig. On the 13th day of June, 2012, at the hour of 9:00 am said verified petition will be heard by this Court before the Honorable Steven R, Jensen Presiding, at the Court Room in the Clay County Courthouse, city of Vermillion, Clay County, South Dakota, or as soon thereafter as is convenient for the court. Anyone may come and appear at that time and place and show reasons, if any, why said name should not be changed as requested.

Dated this 4 day of May, 2012 at Vermillion, South Dakota.

Jessica Bosse, by N Zimmerman Clerk of Courts

ATTEST: L Wood

Published four times at the total approximate cost of \$63.03

Estimated publishing cost per published copy \$.1355 Published: May 11, 18, 25 & June 1,

**Unapproved Minutes Council Special Session** May 7, 2012

Monday 12:00 noon The special session of the City Council, City of Vermillion, South Dakota was held on Monday, May 7, 2012 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present:Davies. Gravson, Meins. Osborne, Ward, Willson, Zimmerman, Mayor Powell

Absent: French

2. Recognition of Water Department

for Drinking Water Excellence Award Mayor Powell requested that this item be continued to next meeting.

Educational Session Covoteopoly/south Shakespeare Festival

John Prescott, City Manager, reported that City staff has been working with Coyoteopoly/South Dakota Shakespeare Festival group in making improvements to the park for the event. The City Council has approved the special permit to exceed permissible sounds levels and approved closing of Main Street from Prentis to Sycamore during the event daily. John noted that the consensus agenda has a public hearing for a special daily malt beverage and wine license for the event that will be considered at the May 21st meeting. John stated that City staff has had meetings with the group and today the group wanted to update the City Council on the event.

Members of the Coyoteopoly/South Dakota Shakespeare Festival updated the City Council on the festival schedule, the production, marketing plan, theater workshops, scholars' roundtable, sponsors, volunteers, vendors and diagram of the area. The group answered questions of the City Council on the event.

# 4. Briefing on the May 7, 2012 City

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

5. Adjourn 135-12

Alderman Ward moved to adjourn the Council special session at 12:41 p.m. Alderman Mains seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 7th day of May, 2012. THE GOVERNING BODY OF THE

CITY OF VERMILLION, SOUTH DAKOTA

John E (Jack) Powell, Mayor ATTEST:

Michael D. Carlson, Finance Officer **Unapproved Minutes** 

City Council Regular Session May 7, 2012 Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on May 7, 2012 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present:Davies, French, Grayson, Meins, Ward, Willson, Zimmerman, Mayor Powell

Absent: Osborne 2. Pledge of Allegiance

Legal and Public 2010 **Notices** 

A. April 16, 2012 Special Session; April 16, 2012 Regular Session; April 30, 2012 Special Session 136-12

Alderman Zimmerman moved approval of the April 16, 2012 special session minutes, April 16, 2012 regular session minutes and the April 30, 2012 special session minutes. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

Alderman Zimmerman moved approval of the agenda with the addition of Item 12C - Set a public hearing date of May 21, 2012 for a retail on-off sale malt beverage license for Valiant Vinevard. Inc for Valiant Vineyard at 1500 W Main Street, Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. USD 150th Proclamation

Alderman Davies read the proclamation for USD Sesquicentennial recognizing the USD Sesquicentennial Year celebration.

B. Drinking Water Proclamation

Alderman Meins read the proclamation designating May 6-12, 2012 as Drinking Water Week in Vermillion.

C. Harlow Hatle, 2022 Augusta, addressed the City Council on a number of issues that he has had with the City over the years.

6. Public Hearings

A. First Reading of Ordinance No. 1275 - Amending Section 155.008, Definitions, 155.032, R-2 Residential District and 155.033, R-3 Residential District to change dwelling definitions and add a definition and regulations for

Jose Dominguez, City Engineer, reported that the ordinance change is to amend definitions for duplexes, townhouses and apartment complexes. In addition to the definitions, the amendment will require that new construction be placed at the building line rather than setback line. He explained the definitions and difference in building and setback lines. Jose stated that the Planning Commission approved the amendment. Discussion followed.

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. 1275 -Amending Section 155.008, Definitions, 155.032, R-2 Residential District and 155.033, R-3 Residential District to change dwelling definitions and add a definition and regulations for building lines 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 7th day of May, 2012 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.

B. First Reading of Ordinance No. 1276 - Amending Section 155.072, Off Street Parking, modifying parking requirements for dwellings

Jose Dominguez, City Engineer, Dakota reported that the City experiences a lot of construction involving duplexes, townhouses or apartment buildings. These units can only be constructed in the R-2 and R-3 zoning districts. Prior to construction starting, certain requirements, such as setbacks, lot widths, lot area and off-street parking requirements have to be met. Meeting parking requirements is often a challenge as many sites are fully developed. Community members and Council members have asked to have City staff review the requirement which does not allow garage spaces to count as parking spaces.

The proposed amendment will offer the developer the option to count the garage space, and the area directly behind the garage, toward meeting the parking requirement for the units being constructed. This will only be allowed when the development meets the follow-

o Each unit must have direct access to their garage through a door directly leading to the garage without going through the outside.

o The garage stall must be at least 10feet wide by 20-feet long.

o The property owner will ensure that the garage space is open for tenant parking and that the space cannot be used for any other purposes. This will be a condition of the rental registry.

For example, a four unit apartment complex, with three bedrooms per unit, and four 1 car garages, meeting all of our proposed requirements would require 12-parking stalls under our existing ordinance. Under the proposed ordinance, the same development would require 10parking stalls in addition to the four 1 car garages. If the proposed conditions related to the garages are met, a formula is utilized to reduce the number of parking spaces that are required besides the garages. Staff believes that the conditions help ensure the likelihood that garage spaces are used for parking and not storage spaces which leads to more vehicles utilizing the streets for parking

The Planning Commission reviewed the proposed amendment during their April 23rd meeting. During the meeting, was explained to the Planning Commission that the proposed criteria are in place to prevent the use of garages as storage sheds while still counting them towards the off-street parking requirements. At the meeting, the Planning Commission recommended removing all of the proposed criteria and allowing all of the garages to count towards the off-street parking requirements. This would be a return to stanLegal and Public 2010 **Notices** 

dards that existed prior to 2008 when the Planning Commission and City Council took steps to address parking issues. If the City Council concurs with the Planning Commission recommendation, an ordinance will need to be drafted to

make this change. City staff understands the view of the Planning Commission. From a planning perspective, a garage is logically built to park a vehicle. From a rental standpoint. which is how most duplexes, townhouse and apartment units are utilized, garages are used in a variety of ways. The City has worked with tenants who have rented the living unit but not had access to the garage, yet the garage is counted as part of the available parking for the unit. As rental units are often times a transition situation for many individuals, garages are often the most convenient storage space for the tenants. From a rental registry standpoint, a number of garages never meet the intended purpose of providing off-street parking.

Administration believes the proposed ordinance helps to address the concerns expressed about counting garage spaces for parking while balancing the concerns about garages used for storage. While the Planning Commission did not recommend adoption of Ordinance No. 1276 as presented, Administration recommends approval of the first reading of Ordinance No. 1276.

Discussion followed with Alderman Willson wanting to know how this will be enforced. Jose stated that prior to a building permit the parking requirements must be met. The garage spaces will be reviewed during the rental housing inspection and if there is any complaint on parking it will be investigated.

John Prescott, City Manager, stated that the proposed ordinance will allow developers an option when designing the building project to include the garage space by meeting the criteria or not to count the garage space. John noted that criteria can be changed by the City Council before adoption of the ordi-

Steve Howe, Planning Commission member, stated that the Planning Commission was concerned about the restrictive requirements of the criteria to count a garage when meeting the parking requirements and, as such, recommended the removal of the criteria.

Discussion followed on the attached vs. unattached garage requirements noting that the goal of the parking requirement is to reduce the demand for on street parking in the community. It was noted that the property may meet the parking requirements by counting the garages when it is built but a new owner may change the use of the garages. 139-12

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. 1276 -Amending Section 155.072, Off Street Parking, modifying parking requirements for dwellings 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 7th day of May, 2012 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as

amended. The motion was seconded by Alderman Ward. 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. First Reading of Ordinance No. 1277 - Amending Title 15 Chapter 155 Sections 155.008 and 155.037, of the 2008 Revised Ordinances of the City of Vermillion adding a definition and permitted and conditional uses to the NC Neighborhood Commercial District

Andy Colvin, Assistant to the City Manager, reported that in 2008 the Planning Commission and City Council completed a comprehensive rezoning of the city and a revision of the zoning ordinance. During the process, one new district created was the Neighborhood Commercial District. The intent of the district was to create a transitional area separating Cherry Street from Main Street, which permitted very light commercial uses so as not to negatively impact the adjoining residential areas. In this district, all types of residential uses are prohibited, as are eating establishLegal and Public 2010 **Notices** 

ments. In November, a residential property owner in the Neighborhood Commercial District, approached the Planning Commission expressing concerns that he is unable to re-finance the mortgage on his property because the zoning does not permit residential uses. The Planning Commission requested additional information on this issue and after study proposed an ordinance revision to permit both residential and restaurants in the Neighborhood Commercial District. To allow residential and restaurants in the Neighborhood Commercial District, the Planning Commission proposed the changing of the ordinance to have these types of uses be conditional uses in this district. The conditional use permit will allow for the review of parking, noise, hours of operation and allow the use with conditions if necessary. Andy noted that the Planning Commission recommended adoption of the proposed ordinance change. Discussion followed.

140-12

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1277 Amending Title 15 Chapter 155 Sections 155.008 and 155.037, of the 2008 Revised Ordinances of the City of Vermillion adding a definition and permitted and conditional uses to the NC Neighborhood Commercial District 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 7th day of May, 2012 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Grayson, 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.

D. First Reading of Ordinance No. 1278 - Amending Section 154.01, Definitions, 154.11.1 Design Standards -Streets - Urban to clarify the difference between private streets and mutual access easements

Jose Dominguez, City Engineer, reported that private roads and mutual access easements are addressed in the Subdivision Ordinance adopted last year. The original intent of the ordinance regarding these items was to allow a developer to construct either a private road or dedicate easement allowing access to certain parts of the property. Recently, it has come to our attention that the ordinance does not offer much flexibility between a private road and a public road and a mutual access easement. Jose explained the difference between private roads, public roads and mutual access easements. He noted that prior to the City accepting any responsibility, a roadway would need to be brought up to current City standards at the owners expense. Discussion followed on the proposed ordinance.

141-12

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

BE IT RESOLVED that the minutes proposed Ordinance No. 1278 Amending Section 154.01, Definitions, 154.11.1 Design Standards - Streets -Urban to clarify the difference between private streets and mutual access easements 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 7th day of May, 2012 at the Council Chambers in City Hall in the manner pre-

scribed by SDCL 9-19-7 as amended. The motion was seconded by Alderman Zimmerman. 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. 7. Old Business - None

8. New Business

A. Resolution pledging City Second Penny contribution to Vermillion Now! Program for Compton Street infrastruc**Legal and Public Notices** 

John Prescott, City Manager, reported that in March the City and Vermillion Chamber & Development Company (VCDC) entered into a Developer's Agreement to extend Compton Street south of Highway 50 to 450th Street. This resolution would commit the pledge of the City to Vermillion Now! of \$180,000 for the water sanitary sewer, stormwater and street improvements for this portion of Compton Street to be developed by the VCDC. Discussion followed.

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

RESOLUTION PLEDGING BBB SALES TAX FUNDS TO VCDC'S VERMILLION NOW! **CAMPAIGN** 

WHEREAS, the City of Vermillion has pledged \$170,000 of BBB sales tax funds to the Vermillion Area Chamber of Commerce and Development Company's Vermillion Now! Campaign of which \$80,000 has been contributed through 2011 with \$30,000 budgeted for contribution in 2012; and

WHEREAS, the City of Vermillion has pledged \$280,000 of second penny sales tax funds over the course of six years to the Vermillion Area Chamber of Commerce and Development Company's Vermillion Now! Campaign of which \$8,713 was contributed in 2011 for capital improvements; and

WHEREAS, the City of Vermillion (City) and Vermillion Area Chamber of Commerce and Development Company (VCDC) have entered into a developers agreement dated March 5, 2012 to develop several lots presently described as:

The NW 1/4 of the NE 1/4, South of South Dakota Highway 50, the East 363feet (363'), and Outlot B, Block 5, Brooks Industrial Park, Section 18, Township 92 North, Range 51 West of the 5th P.M., City of Vermillion, Clay County, South Dakota; and WHEREAS, the VCDC has respectfully requested that the City agree to

penny sales tax pledge for development costs, not to exceed \$180,000 for water sanitary sewer and street paving costs; WHEREAS, the VCDC has obtained an Opinion of Probable Construction Costs, attached hereto, documenting the

reimburse the VCDC from the

Vermillion Now! Campaign second

anticipated costs; and WHEREAS, City crews will be installing the water service shown on the attached diagram and installing the street lights; and

not labor, for the water line installation and street lights will be charged against the above referenced \$180,000 of Vermillion Now! funds; and WHEREAS, it is understood that all payments from the City to the VCDC will be on a reimbursement basis based

and agrees that the costs of materials, but

WHEREAS, the VCDC understands

upon supporting contract documents, invoices and records of payments for costs contained in the Opinion of Probable Construction Costs NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Vermillion agrees to reimburse the VCDC, as developer, from the Vermillion Now! Campaign second penny sales tax funds the development costs as presented in the Opinion of Probable Construction costs not to

compliance with the terms of the March 5, 2012 agreement. BE IT FURTHER RESOLVED, that the reimbursements of the improvement costs, as outlined in the Opinion of Probable Construction Costs, will not be subject to City assessment to current or

exceed \$180,000, contingent upon the

availability of funds at the time of the

reimbursement request and the VCDC's

future property owners. BE IT FURTHER RESOLVED, that any costs incurred by the City, or reimbursed by the City to the VCDC outside the Opinion of Probable Construction Costs may be subject to City assessment to current or future property owners.

Dated at Vermillion, South Dakota,

this 7th day of May, 2012. THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor ATTEST:

Michael D. Carlson, Finance Officer

