2010	Legal and Public Notices	2010 Legal and Public Notices	2010 Legal and Public Notices	2010 Legal and Public Notices	2010 Legal and Public Notices	2010 Legal and Public Notices
Alderman Zimmerman moved to		lot that will accommodate	NULICES	vegetation in public parks and	shrubs may be planted in the	(B) Determination of a pest
adjourn	the Council special	the additional structure and	AN ORDINANCE AMENDING	all areas owned by the City or to	boulevard or public	problem will be made by the City.
session at 12:59 p.m. Alderman Grayson seconded the motion.		1	TITLE IX GENERAL REGULATIONS CHAPTER 90	which the public has access as a public park.	right-of-way, except in the planters in the Central Business	(C) Wood from dead,
Motion carried 8 to 0. Mayor		sides. Andrew answered questions	TREES, PLANTS AND	(5) PRIVATE TREES. Those	District.	substantially dead, or infected
Powell declared the motion			SHRUBS SECTIONS 90.70 -	trees and all other woody		trees may be used as firewood
adopted.		proposal for a three unit structure on the lot.	90.73, 90.74 - 90.83 AND 90.85 OF THE REVISED	vegetation on privately owned lots and residences within the	§ 90.74 SPACING.	as long as that wood does not harbor a contagious pest or can
Dated a	t Vermillion, South		ORDINANCES OF THE CITY	City.	The employed for all streat tree	be treated to prevent harboring
Dakota thi	is 5th day of May, 2014.	Darby Ganschow, representing	OF VERMILLION, SOUTH	(6) PUBLIC TREES. All trees	The spacing for all street tree plantings will be in accordance	contagious pests.
		the University of South Dakota on the Planning Commission, stated	DAKOTA, TO ADD AND AMEND THE DEFINITIONS,	now or hereafter growing along	with specifications more	§ 90.82 REMOVAL OF
	VERNING BODY OF TY OF VERMILLION,	that the University is adjoined by	TREE BOARD, PLANTINGS,	any street or in any park, or public areas of the City.	particularly set forth in the	STUMPS.
SOUTHE	· · · · · · · · · · · · · · · · · · ·	R-2 zone in many areas and this	SPACING, UTILITIES, TREE	(7) STREET TREES. Trees on	allowed species list; provided that, in general, no small trees shall be	
BY		ordinance has the potential to	CARE, CLEARANCE, TREE TOPPING, TREE REMOVAL,	boulevards or in parkways	planted less than twenty (20) feet	All stumps of street and park trees
John E. (J	ack) Powell, Mayor	allow for more structures and more tenants that will increase the	REMOVAL OF STUMPS,	which are those parking areas lying between the established	apart, no medium trees shall be	shall be removed eight (8) inches below the surface of the ground.
		parking issues in the area. He	ABATEMENT AND REVIEW	curb line and any right-of-way	planted less than thirty (30) feet apart, and no larger trees shall be	The City shall be responsible only
ATTEST:		noted that there is also the	BY CITY COUNCIL AS IT	line within the City.	planted less than thirty-five (35)	for the removal of those stumps of
BY Michael F	O. Carlson, Finance	aesthetic issue of larger building units added to these	APPLIES TO TREES, PLANTS AND SHRUBS WITHIN THE		feet apart.	trees of which were removed by
Officer	. Carison, Finance	predominately single family home	CITY OF VERMILLION.	TOPPING. The severe cutting		the City.
onneer		neighborhoods.		back of limbs to stubs larger than three (3) inches in diameter within	(A) Trees shall be placed at	§ 90.83 ABATEMENT.
Unapprov	ed Minutes		BE IT ORDAINED BY THE	the tree's crown to such a degree	least ten (10) feet from a driveway.	§ 90.85 ADATEMENT.
City Coun	cil Regular Session	Rich Holland, Planning Commis-	GOVERNING BODY OF THE	so as to remove the normal	(B) Trees shall be centered	(A) The City shall have the
May 5, 20	14	sion Member, stated that this applies to all properties in the R-2	CITY OF VERMILLION, SOUTH DAKOTA that Title IX,	canopy and disfigure the tree.	between the curb and sidewalk.	authority to trim or remove
Monday 7	:00 p.m.	zone. He stated that the R-2 zone	Sections 90.70 (B), (C); 90.71;			t r e e s
		allows for up to four unit	92.72 (A), (B), (D), (E); 90.73	TREE SUPPORT AND BRACING. Supplement support	§ 90.75 DISTANCE FROM	not conforming to the provisions of this subchapter
	lar session of the City	structures per lot. The proposed	(B), (C), (D), (E), (F), (G); 90.74 through $00.80; 00.81$ (A) (P):	in the form of cabling or bracing.	CURB AND SIDEWALK.	and to assess the cost of
	City of Vermillion, kota was called to order	ordinance would allow the four units to be in more than one	through 90.80; 90.81 (A),(B); 90.82; 90.83; and 90.85 be added	(1) BRACING. The use of steel	No two shall be planted in a	removal to the abutting owner
	ay, May 5, 2014 at 7:00	structure as a conditional use that	and amended as follows:	rod(s) to support a trees	No tree shall be planted in a parking where the distance	of the property on which the
p.m. by M	layor Powell.	the Planning Commission would		structure.	between the curb and sidewalk is	same were improperly located.
		need to study before	§ 90.70 PURPOSE.	(2) CABLING. The use of cable, chain, rope, or anything	less than seven (7) feet.	(B) The occupant, person in charge or owner of any lot or
1. Roll Ca	11	recommendation.		to support limbs of a tree,		parcel of land in the City shall
Present:	Collier-Wise, Davies,	John Prescott, City Manager,	(A) The preservation of existing urban trees and the	excluding small trees.	§ 90.76 DISTANCE FROM STREET CORNERS AND	keep the property free of
	Meins, Osborne, Ward,	stated that there is another	encouragement of the planting		FIREPLUGS.	nuisance trees and other woody plants by treating or removing,
Willson,	Zimmerman, Mayor	property in the R-2 zone in the	of additional trees is an	§ 90.72 CITY TREE BOARD.		as may be appropriate and
Powell		city that had a single structure removed and the lot divided into	important public purpose.	(A) There is hereby created and	Street trees shall be planted no	approved by the City tree
2 Dista	- 6 4 11	two lots and then two four unit	(B) The City can play an important role in urban forestry	established an advisory board to	closer than thirty-five (35) feet of	specialist.
2. Pledge	of Allegiance	structures constructed. John stated	through providing advice,	be known as the City Tree	any street corner, measured from the point of nearest intersecting	(C) Trees, plants and shrubs not conforming to this ordinance
3. Minutes	8	that not all of the neighbors were	expert information and	Board of the City of Vermillion.	curbs or curblines. No street tree	and subchapters are hereby
5. minute.	5	in support of this.	recommendations to the citizens	There shall be five (5) members of the City Tree Board in which	shall be planted closer than ten	declared a public nuisance.
A. Minut	tes of April 21, 2014	Discussion followed on the	of Vermillion. (C) It is the intent of the	board members are citizens and	(10) feet of any fireplug.	
1	ession; April 21, 2014	proposed ordinance.	Governing Body that this	residents of Vermillion. They	§ 90.77 UTILITIES.	§ 90.84 INTERFERENCE WITH CITY.
Regular S	ession		chapter provides guidelines and	shall be appointed by the Mayor	§ JOLT OTHEITIES.	CIT I.
Mayor Do	well asked if there were	145-14	assistance to the citizens of the	with the approval of the City Council. The Parks and	No trees shall be planted under or	It shall be unlawful for any person
•	well asked if there were ctions or changes to the	Alderman Zimmerman moved to	City and to initiate a general policy for the planting of trees	Recreations Director shall	within fifteen (15) feet of	to prevent, delay, or interfere with
	resented. Hearing none,	concur with the Planning Commission and deny the	on the public property.	recommend one (1) member to	overhead utility wires, traffic	the City while engaging in the
•	Powell declared the	amendment proposed in		the board from staff; the Street Superintendent shall	signals, or street lights. No trees shall be planted within ten (10)	inspection, planting, pruning, or removal of any street trees or park
minutes aj	pproved.	Ordinance 1315. Alderman Meins	§ 90.71 DEFINITIONS.	recommend one (1) member to	feet of any water, sewer, or other	trees, as authorized in this
4 Adoptic	on of Agenda	seconded the motion. Discussion followed. Motion carried 9 to 0.		the board from staff; one (1)	service valves and within a fifteen	subchapter.
4.7 dopite	Sil of Algenda	Mayor Powell declared the	For the purpose of this subchapter, the following	member shall be currently	(15) foot radius from a utility cabinet.	
144-14		motion adopted.	definitions shall apply unless the	serving on the City Council; a n d	caomet.	§ 90.85 REVIEW BY CITY
Alderman	Willson moved		context clearly indicates or	two (2) members shall be	§ 90.78 TREE CARE.	COUNCIL.
**	of the agenda. Alderman	7. Old Business	requires a different meaning.	selected by the governing body		Any abutting property owner
Collier-W	ise seconded the Motion carried 9 to 0.			from the residents of the City of Vermillion.	(A) The City will herein be	
	Powell declared the	A. Second reading of Ordinance 1313 to amend Title IX General		(B) The term of the five (5)	responsible for all tree care of	agent or officer of the City
motion ad		Regulations Chapter 90 Section	the elected and or designated	persons to be appointed shall be	park trees and will make recommendations or give ad-	designated to enforce this subchapter or to carry out its
		90.70 - 90.99 (Tree Ordinance)	official, authorized agent, or	two (2) years except the terms	v i c e	purpose may appeal from any
5. Visitors	to be Heard		employees of the City of	of those representing the City Council and City employed	to adjoining property owners	such action to the City Council
	DIN C	Jim Goblirsch, Parks and Recreation Director reported that	Vermillion assigned to carry out the enforcement of this		f 0 r	
A. Procla Week	amation-Public Service	Recreation Director, reported that this is second reading of the	subchapter.	shall expire at the expiration of	care of street trees. (B) For any trees or shrubs now	make final decision.
HUCK		updated tree ordinance. Jim stated		their terms of office or	situated on or hereafter planted	§ 90.99 PENALTY.
Alderman	Meins read the	that the updated version is to	CITY TREE SPECIALIST. An	employment. In the event that a vacancy shall occur during the	in the public right-of-way, it	3 70.77 i LittiLi I.
Proclamat	tion recognizing May	better serve the city's current utility location trends, tree	employee designated by the City Manager that is educated in the	term of any member, his or her	shall be the duty of the abutting	Any person violating any
	Public Service Week in	placement, safety, community	care of trees and other woody	successor shall be appointed for	property owner to maintain t r e e s	provision of this chapter for which
	n to honor the men and n public service in the	aesthetics as well as addressing	plants. This individual will serve	the unexpired portion of the	in a safe and healthy condition	no specific penalty is prescribed shall be subject to $\delta = 10,00$
communit	*	nuisance vegetation. Jim noted	as the primary contact for the	term. (C) Members of the City Tree	and in every way in compliance	shall be subject to § 10.99.
		that, in addition, the proposed	public.	Board shall serve without	with the provisions of this	

a report from engineering staff on ordinance lots that would need sidewalks to definitions.

ordinance revises the Tree Board's Im stated that the Park and Recreation Department has also developed a tree guide to explain the ordinance, share promote the benefits of tree planting and other related items. Jim reported that no comments have been received on the

Alderman Zimmerman requested role and members, clarifies CITY TREE BOARD. An language and advisory board consisting of five (5) members who are citizens and residents of Vermillion, who shall be responsible for the development of a long term plan that will suggestions on best practices for encourage the growth of a healthy planting and maintaining trees, tree canopy throughout the City's boulevards, City's parks and any other areas of the City. MAINTAINED TREE. A tree or ordinance since first reading and woody plant that has been recommended second reading of properly trimmed to remove any the ordinance. dead or hazardous branches. It has also been watered, fertilized, and 146-14 treated for disease or insects as needed.

Board shall serve without compensation.

(D) Subject to the control of the Governing Body of the City. (E) The City Tree Board shall choose its own officers and keep a journal of its proceedings. A majority of the members shall be a quorum for the transactions of business. Its purpose shall be to review, from time to time, conditions relating to tree and plant growth in the City and to recommend procedures and policies calculated to maintain and improve a healthy forestation program for the City.

with the provisions of this subchapter for the life of the tree.

(C) Trees severely damaged by

Dated at Vermillion, South Dakota this 5th day of May, 2014.

THE GOVERNING BODY OF

address pedestrian safety in areas such as the Countryside Addition that adjoins Burbank Road. Alderman Zimmerman noted that pedestrians are walking along Burbank Road as the sidewalk is not continuous along Burbank Road. He asked if the report could be made at the next noon meeting.

6. Public Hearings

A. First Reading of Ordinance 1315 - Amending Section 155.032 (A), R-2 Residential District Permitted Uses, adding a provision to allow more than one (1) building per lot as a conditional use

Jose Dominguez, City Engineer, reported that several weeks ago the City received a request from a property owner wanting to build a three unit apartment on one lot that already has a single-family dwelling. Jose stated that the request was denied since the current ordinance does not allow multiple buildings on one lot to be construed as multi-family in the R-2 zone. Jose stated that the City's Planning Commission discussed this amendment to the zoning ordinance at their April 28th meeting. Jose stated that the proposed amendment would allow the property owner to request a conditional use permit for the higher building density on one lot. This would allow the City's Planning Commission an opportunity to verify that the proposed development matches what the comprehensive plan intended for that particular part of the City. Jose reported that the Planning Commission voted against the proposed zoning amendment. Jose reported that the Planning Commission was concerned with the increase in building density and how that would look in residential areas. The Planning Commission was also worried that the proposed change would have a negative impact on already established single family neighborhoods in the R-2 zoning district. Jose reported that the proposed ordinance is for Citv Council consideration. Discussion followed on structures allowed and parking.

Second reading of title to Ordinance No. 1313, entitled An Ordinance Amending Title IX General Regulations Chapter 90 Trees, Plants and Shrubs Sections 90.70 - 90.73, 90.77 - 90.83 and 90.85 of the Revised Ordinances of the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1313 entitled An Ordinance Amending Title IX General Regulations Chapter 90 Trees, Plants and Shrubs Sections 90.70 - 90.73, 90.77 - 90.83 and PLANTS. 90.85 of the Revised Ordinances of the City of Vermillion, South Dakota, to add and amend the definitions, tree board, plantings, spacing, utilities, tree care, clearance, tree topping, tree removal, removal of stumps, abatement and review by City Council as it applies to trees, plants and shrubs within 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 21st day of April, 2014 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 5th day of May, 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 1313

Andrew Gunderson, owner of 902 E Clark, stated that this is a large NUISANCE TREE. Any tree that is not valued where it is growing and is usually of vigorous growth; especially one that tends to overgrow or choke out more desirable plants.

PARKS. All public parks within the City having individual names.

PERSON. Any person, firm, partnership, association, corporation, company, organization, or political subdivision of any kind.

PESTS. An insect or disease that attacks a tree or woody vegetation.

Any growing "non-woody" vegetation.

PROPERTY OWNER. The person owning the property as shown by the records on file at the office of the Register of Deeds of Clay County, South Dakota.

PUBLIC PLACES. All property and grounds owned by the City lying within the County of Clay, State of South Dakota, or under its control or supervision whether owned, leased or under contract of the City.

TREES.

(1) LARGE TREES. Trees larger than forty (40) feet tall at maturity.

(2) MEDIUM TREES. Trees that are twenty (20) to forty (40) feet tall at maturity. (3) SMALL TREES. Trees less

than twenty (20) feet tall at maturity. (4) PARK TREES. Trees. shrubs, and all other woody

§ 90.73 PLANTING.

(A) The permit requirements of this subchapter shall not apply to the planting of grass, annual flowers, or similar non-woody vegetation.

(B) The City is herein responsible for tree planting in all City parks however, § 90.79 CLEARANCE. non-allowable species are prohibited from being planted on private property. (C) No person shall plant or set out any tree or plant on a boulevard, parkway, or other public place without first filing an application and procuring a permit from the City. The application required herein shall state the number of trees or plants to be planted or set out, the location and variety of each tree or plant, and the other information as the City shall find reasonably necessary to a fair determination of whether a permit should be issued hereunder.

(D) The City shall issue the permit for the planting of a tree or plant on a boulevard or other public place if it is found that the proposed planting is of a type and species which reasonably conforms to the established plan and existing practices within the City as determined by resolution of the Governing Body.

(E) The City may designate § 90.81 TREE REMOVAL. agents to accept applications and issue permits for the planting of trees covered under this subchapter.

(F) The City will issue an allowable species list for tree planting in the public places and a non-allowable tree list for planting on private property. (G) No hedges, conifer trees, or

storms or other causes, aged utility wires or other SOUTH DAKOTA obstructions must be removed. (D) The City shall have the right By to plant, trim, prune, and remove trees, plants, and shrubs within the City right-of-way

n d public grounds as may be necessary to ensure public safety and City utility services. (E) The City Tree Specialist shall have the authority to regulate and control nuisance trees and other woody plants upon private property only when an action is demonstrably necessary to maintain City utilities, to prevent the damage of public right-of-ways, or to prevent the spread of disease or insects to public trees and places.

Any tree overhanging any street or right-of-way within the City shall have the branches trimmed so that the branches will not block or otherwise inhibit street and sidewalk traffic and signs controlling the traffic. All large established trees shall be trimmed in such a manner so as to allow eight (8) feet clearance over sidewalks and sixteen (16) feet clearance over all streets. The City shall have the right to prune any tree or shrub on public or private property that obstructs the view of any street intersection, street lighting or visibility of any traffic-control device or sign.

§ 90.80 TREE TOPPING.

Tree topping is not an allowed practice for any person, firm, or City department of any street tree, park tree or other tree on public property, except when determined necessary by the City.

(A) The City will be responsible for the removal of dead, hazardous, or diseased park and street trees. For removal of street trees, whether they are dead, hazardous, or diseased, or not dead, hazardous, or diseased, any private landowner or resident must obtain permission from the City.

trees, or certain trees under THE CITY OF VERMILLION,

John E. (Jack) Powell, Mayor

ATTEST:

By Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Ward. 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 Collier-Wise-Y, follows: Davies-Y, Grayson-Y, Meins-Y, Osborne-Y. Ward-Y. Willson-Y. Zimmerman-Y, Mayor Powell-Y.

Motion carried 9 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

B. Second reading of Ordinance 1314 to add Section 51.34 Distributed Generation to Chapter 51 Electricity of Title V Public Works

Jason Anderson, Assistant City Engineer, reported that, at the April 7th work session, a presentation was made on Distributed Generation. Jason reported that Distributed Generation is a term that is used to describe on-site electricity generation that is connected to the electric power grid. Jason noted that, if a distributed generation system is deemed to be a "Qualifying Facility", the City is required to buy and sell power to the site at non-discriminatory rates. Jason stated that the City Light & Power has been approached by a customer who is interested in the installation of a solar panel system. Jason reported that, to accommodate this customer and any future customers, City staff would like to adopt the "Distributed Generation Workbook" as City policy for approving these small power producing facilities. Jason stated that to provide for adoption of the Distributed Generation Workbook an ordinance must first be put into place. Jason stated that Ordinance