

2010 Legal and Public Notices

Zimmerman, Mayor Powell

Absent: Davies

2. Informational Session - Vermillion Now! 2 - Steve Howe

Steve Howe, Executive Director of the Vermillion Chamber of Commerce and Development Company, stated that the City has pledged \$450,000 to the Vermillion Now Campaign that started in 2009 and generated \$1.6 million to advance the economic development efforts in the community. Steve reviewed the goals, accomplishments and the oversight of the Vermillion Now campaign funds. Steve answered questions of the City Council on the Vermillion Now accomplishments.

David Madigan, representing Convergent Nonprofit Solutions, reported on the survey conducted by his firm for the VCDC that outlined a prospectus for a Vermillion Now 2 campaign. David stated that the VCDC serves to bring private and public sector together for the economic development benefit of the community.

Steve stated that the VCDC Board of Directors has approved moving forward with the Vermillion Now 2 campaign with a goal of \$1.6 million over a five year period.

David Madigan stated that the informal request of support from the City for this campaign is \$500,000. Discussion followed on the request. John Prescott, City Manager, stated that the final payments from the City pledge to the first campaign are included in the 2014 budget so the request for the second campaign will be included in the 2015 budget. Discussion followed with the consensus that staff put together options to fund the request for consideration at a future meeting.

3. Informational Session - Public Safety Center engineering proposal for HVAC system - John Prescott

John Prescott, City Manager, reported that the County hired the firm of Associated Consulting Engineering to develop plans and specifications for the replacement of the courthouse chiller. As the Public Safety Center equipment is reaching the end of its useful life and has had some issues, the County wanted to know if the City wanted to participate in the engineering design costs for the joint areas. John stated that there is an estimated cost of \$4,250 for the safety center two condensing units, \$350 for the emergency operations center, \$600 for the server room and \$1,650 for the training room. John stated that it was reported that the County did not want to consider the training room options. John noted that these are the costs for engineering services to bring the project to bid and the actual cost will be considerably higher. Matt Betzen, Police Chief, stated he had included \$9,000 in the 2013 budget for upgrades to the hvac system that were not spent that can be used for the engineering services. Discussion followed noting that by putting the different equipment together maybe the price will be better. The consensus was to inform the County that the City would like to partner in the safety center condensing units, emergency operations center and server room for a total of \$5,200.

4. Briefing on the October 21, 2013 City Council Regular Meeting

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

5. Adjourn

323-13

Alderman Osborne moved to adjourn the Council special session at 12:45 p.m. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 21st day of October, 2013.

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
October 21, 2013
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on October 21, 2013 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. Minutes of October 7, 2013 Special Session and October 7, 2013 Regular Session.

324-13

Alderman Grayson moved approval of the October 7, 2013 Special Session and October 7, 2013 Regular Session minutes. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

325-13

Alderman Meins moved approval of the agenda. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be heard

A. Tanager Day Recognition

Aaron Baedke, representing the Parks and Recreations Department, wanted to thank Lenni Billberg, along with all at the Vermillion High School, who assisted in organizing the Tanager Day. Aaron stated that the student volunteers did a wide variety of projects around the city for the last several years and felt it was time to recognize those who put this project together. Lenni Billberg, stated that students volunteer to be part of the Tanager Day program with over 370 students participating in the program doing projects all around the community. Lenni wanted to thank all that assisted with the program.

B. Extra Mile Day Proclamation

Alderman Ward read the proclamation designating November 1, 2013 as "Extra Mile Day" in Vermillion to recognize the individuals and organizations within the community who go the extra mile in order to make a difference.

6. Public Hearings - None

7. Old Business

A. Second Reading of Ordinance 1307 - Amending Chapter 150, Building Regulations, removing the building permit exemption for replacement windows in existing openings and adding regulations and requirements for replacement windows.

Farrel Christensen, Building Official, reported that the ordinance is unchanged since first reading and that he has had a number of inquiries from contractors who are in favor of the change as it will have the City checking to see that replacement windows meet the building code. Farrel stated that the ordinance will be effective January 1, 2014. Discussion followed.

326-13

Second reading of title to Ordinance No. 1307, entitled An Ordinance Amending Chapter 150, Building Regulation, removing the building permit exemption for replacement windows in existing openings and requiring a building permit for the replacement of windows in existing openings 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. 1307 entitled An Ordinance Amending Chapter 150, Building Regulation, removing the building permit exemption for replacement windows in existing openings and requiring a building permit for the replacement of windows in existing openings of the City of Vermillion, South Dakota 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 7th day of October, 2013 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 21st day of October, 2013 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. 1307

AN ORDINANCE AMENDING CHAPTER 150, BUILDING REGULATIONS, REMOVING THE BUILDING PERMIT EXEMPTION FOR REPLACEMENT WINDOWS IN EXISTING OPENINGS AND REQUIRING A BUILDING PERMIT FOR THE REPLACEMENT OF WINDOWS IN EXISTING OPENINGS:

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MENT WINDOWS IN EXISTING OPENINGS AND REQUIRING A BUILDING PERMIT FOR THE REPLACEMENT OF WINDOWS IN EXISTING OPENING:

SECTION 150.02 INTERNATIONAL BUILDING CODE ADOPTED:

(B) 9 (a) AND DELETING SECTION 150.03 (B) 6 (a) AND DELETING SECTION 150.03 (B) 7 (9).

SECTION 150.03, INTERNATIONAL RESIDENTIAL CODE ADOPTED:

(B) 6 (a) AND DELETING SECTION 150.03 (B) 7 (9).

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quire 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 may require additional modification to provide for the health, safety and welfare of the occupants. Fees for replacement window permits shall be set by resolution.

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

BE IT FURTHER ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that Section 150.03 (B) (7) (9) be deleted as follows:

150.03 INTERNATIONAL RESIDENTIAL CODE ADOPTED.

(7) "Section 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:
9. Replacement of window in existing openings.

BE IT FURTHER ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that the effective date of this ordinance shall be January 1, 2014.

Dated at Vermillion, South Dakota this 21st day of October, 2013.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:
BY _____
Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Collier-Wise. Thereafter, the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Collier-Wise-Y, Davies-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.

8. New Business

A. Resolution setting a fee for window permits

Farrel Christensen, Building Official, reported that, with the change in the building ordinance just approved, there will be a need to establish a fee for window replacement in existing openings. Farrel stated that in checking with other cities in South Dakota the most common permit fee structure used was a flat fee for window replacement and the most common amount was \$25. Farrel noted that \$25 is the minimum building permit fee on the existing fee schedule. The fee will be effective with the ordinance on January 1, 2014.

327-13

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

RESOLUTION ESTABLISHING FEES FOR WINDOW REPLACEMENT IN EXISTING OPENINGS

WHEREAS, the City of Vermillion is authorized, under Section 105.1(a) of International Building Code as adopted and made part of the City of Vermillion Code of Ordinances, to set fees for window replacement by resolution; and

WHEREAS, the City of Vermillion is authorized, under Section R105.1(a) of International Residential Code as adopted and made part of the City of Vermillion Code of Ordinances, to set fees for window replacement by resolution; and

WHEREAS, the City wishes to set a flat fee for window replacement to be effective January 1, 2014.

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NOW, THEREFORE, BE IT RESOLVED, the City Council hereby authorizes the fee for the replacement of windows to be \$25.00 dollars for each permit regardless of the number of windows.

Dated at Vermillion, South Dakota this 21st day of October, 2013

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 Meins. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

B. Resolution authorizing the sale of a 2013 Special Assessment Bond

Mike Carlson, Finance Officer, reported that the special assessments regarding the concrete surfacing of street, trails and sidewalk on Stanford Street from West Main Street to West Cherry Street was adopted in 2012. The construction was completed and, following a public hearing, the City Council adopted the resolution creating the assessment rolls. The resolution provided for the payment of the assessments within 30 days of the adoption of the resolution without interest. After this time, the assessments are to be collected in 10 equal installments using the procedures for Plan One through the County Treasurer. Mike stated that to reimburse the City's Capital Projects Special Assessment fund for the construction costs that have not been paid following the 30-day period, a special assessment bond needs to be sold in the amount of \$45,898.27. The bond is payable over 10 years at 4 percent interest with annual principal and interest payments. Mike noted that, due to the size of the special assessment bond and the costs of selling such a bond, the City has purchased these bonds in the past with electric fund reserves as an investment. This saves the bond council fees and bond sales commission. Mike reported that administration recommends adoption of the resolution for the sale of the 2013 Special Assessment Bond. Discussion followed.

328-13

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

RESOLUTION RELATING TO THE LEVYING AND COLLECTING OF SPECIAL ASSESSMENTS FOR IMPROVEMENTS IN THE CITY OF VERMILLION PROVIDING FOR THE ISSUANCE OF 2013 SPECIAL ASSESSMENT BOND FOR SUCH PROJECTS AND THE FORM THEREOF, ESTABLISHING A REVOLVING FUND FOR PAYMENT AND FOR THE SALE OF SAID BOND

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERMILLION, SOUTH DAKOTA

Section 1. That the special assessments to be levied for the following public improvements in the City of Vermillion, South Dakota, via:

CONCRETE SURFACING OF STREET, TRAILS AND SIDEWALKS ON:

Stanford Street from West Main Street to West Cherry Street

According to plans therefore, all on file in the office of the City Engineer in the City of Vermillion for the calendar year of 2012 and 2013, are hereby designated as 2013 Special Assessment Improvements Bond, and the same hereby are divided into equal annual installments, as specified in the Resolution of Necessity providing therefore.

Section 2. That all assessments referred to in this Resolution shall be collected in accordance with the provisions of Plan One as provided by SDCL 9-43-114 to 9-43-125 inclusive, and each of the installments above provided for shall have interest and penalty added thereto, as provided by said Plan One.

Section 3. That Municipal Finance

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Officer shall hereafter and in the time provided by law certify such assessments to the County Auditor and County Treasurer for collection as provided by law.

Section 4. That in lieu of issuing special assessment certificate, the City may issue its negotiable bond without a vote of the electors in an amount not exceeding the entire assessment and shall sell the same at not less than par with accrued interest to pay the costs of said improvements. Any such bond shall mature not later than one year after the maturity of the last assessment installment and bare interest, as hereinafter set forth, payable the first day of July in each year, commencing July 1, 2014. All amounts derived from these special assessments shall be received into the accountability of the special assessment fund, separate from all other funds of the City of Vermillion, and shall be used only for the payment of such bond and interest. The proceeds of the sale of said bond shall be placed in a separate account within the said fund and be used only for the payment of the costs of the improvements aforesaid. No money shall be transferred out of said fund until all obligations which are or may be charged against the same have been discharged, including the contract price and all the engineering, inspection, publication, fiscal, legal and interest during construction, and other expenses incidental thereto.

That said bond shall be callable at the option of the City at any time, upon 30 days notice to be mailed to the holder of the bond, if known, and in order of serial numbers, lowest numbers first at par, plus accrued interest. Thereafter the governing body may transfer any unexpended and unobligated balance to the general fund.

Section 5. The total amount of such assessments, at the time of adoption of this Resolution is estimated to be \$45,898.27.

Section 6. That the bond to be issued in accordance with the foregoing Resolution shall be in the principal amount of \$45,898.27 and shall be payable in installments of \$4,589.86 for the year 2014, \$4,589.86 for year 2015, \$4,589.85 for year 2016, \$4,589.83 for year 2017, \$4,589.82 for year 2018, \$4,589.81 for year 2019, \$4,589.81 for year 2020, \$4,589.81 for year 2021, \$4,589.81 for year 2022, \$4,589.81 for year 2023 and payable in accordance with the following maturity schedule:

Bonds	Special Assessment	Total Balance
		2013
Principal Payment	0.04 Interest	0.04 Total
45,898.27		
07/01/2014	4,589.86	1,267.55
5,857.41	41,308.41	
07/01/2015	4,589.86	1,652.34
6,242.20	36,718.55	
07/01/2016	4,589.85	1,468.74
6,058.59	32,128.70	
07/01/2017	4,589.83	1,285.15