

**Unapproved Minutes Council Special Session October 19, 2009**  
**Monday 12:00 noon**  
 The special session of the City Council, City of Vermillion, South Dakota was held on Monday, October 19, 2009 at 12:00 noon at the City Hall large conference room.

**1. Roll Call**  
 Present: Edelen, Hofman (arrived at 12:02 p.m.), Meins, Osborne (arrived at 12:01 p.m.), Powell, Willson, Mayor Christopherson  
 Absent: French Ward

**2. Educational Session - Sidewalk Replacement Policy**  
 John Prescott, City Manager, stated that a project has been brought forward for downtown sidewalk replacement. Jose Dominguez, City Engineer, has reviewed the existing sidewalks and proposed policy for sidewalk replacement. The proposal is to allow for sidewalk width of 2.7 feet of pavers by curb and a colored concrete when more than a half block of sidewalk is replaced. If less than half a block is replaced, it should be replaced with the same type of concrete as what is removed. Discussion followed noting the need to review future street light location and input from the Downtown Action Team.

**3. Educational Session - Street Banner Policy**

John Prescott, City Manager, reported that there have been requests to have street banners placed on light poles in town. Andy Colvin, Assistant City Manager, City Manager, and Jeff Mehlhoff, City Manager Intern, have developed a policy for street light banners. The policy specifies the banner size and fabric type. It specifies a charge to install the banner and the location of town banner location. Discussion followed on the policy, location on Cherry Street, and banner size for shorter pedestrian lights.

**4. Briefing on the October 19, 2009 City Council Regular Meeting Agenda**

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

Alderman Hoffman and Meins requested to leave at 1:00 p.m.

**5. Adjourn**  
 3:38-09

Alderman Willson moved to adjourn the Council special session at 1:00 p.m. Alderman Osborne seconded the motion. Motion carried 5 to 0. Mayor Christopherson declared the motion adopted.

Dated at Vermillion, South Dakota this 19th day of October, 2009.

**THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA**

BY **Dan Christopherson, Mayor**  
**ATTEST:**

BY **Michael D. Carlson, Finance Officer**

**Unapproved Minutes City Council Regular Session October 19, 2009**  
**Monday 7:00 p.m.**

The regular session of the City Council, City of Vermillion, South Dakota was called to order on October 19, 2009 at 7:00 p.m. by Mayor Christopherson.

**1. Roll Call**  
 Present: Edelen, Hofman, Meins, Osborne, Powell, Willson, Mayor Christopherson, Student Representative Blake  
**2. Pledge of Allegiance**  
**3. Minutes**

**A. October 5, 2009 Special Session; October 5, 2009 Regular Session**  
 3:38-09

Alderman Edelen moved approval of the October 5, 2009 special session minutes and the October 5, 2009 regular session minutes with the change of the first word on Page 60 from feet to inches. Alderman Powell seconded the motion. Motion carried 7 to 0. Mayor Christopherson declared the motion adopted.

**4. Adoption of Agenda**  
 3:44-09

Alderman Willson moved approval of the agenda. Alderman Hoffman seconded the motion. Motion carried 7 to 0. Mayor Christopherson declared the motion adopted.

**5. Visitors to be Heard**

**A. Proclamation - Disability Employment Awareness Month**  
 Alderman Edelen read the proclamation designating October as "Disability Employment Awareness Month" in Vermillion. Mayor Christopherson presented the proclamation to Amanda Dickenson.

Mayor Christopherson invited the community to Sesquiennial Heritage Harvest Ball on November 21, 2009 at the Muenster Center. Tickets are available at the Nook 'N Cranny for \$15.00.

**6. Public Hearings - None**  
**7. Old Business**

**A. Second reading of Ordinance 1218 amending Sections 96.52 and 96.53 and adding Section 96.54 to the Vermillion Code of Ordinances regarding New Sidewalk Construction Required**

Jose Dominguez, City Engineer, reported that this is second reading of Ordinance 1218 amending Section 96.52 changing the width from 4 ft to 5 ft, Section 96.53 changing the thickness to five inches through driveways and adding Section 96.54 which would require sidewalk installation during new construction and when 75% of the block is complete. Jose reported that the ordinance handed out tonight has had the wording changed in section 96.52 to clarify news from repairs and when the new width would apply to replacement.

John Prescott, City Manager, stated that this ordinance is to codify the current practices of the City and address the requirements of ADA to have five-foot sidewalks at least every 200 feet to allow for wheelchairs to pass. The wording in Section 96.52 was changed to address new sidewalk where none previously existed and repair and replacement. New sidewalk where none previously existed will need to be five foot wide. Repair and replacement of less than 75% of the property frontage may match the existing sidewalk width of five feet. Discussion followed with Jim McCulloch, City Attorney, reviewing the wording changes and how it would apply.

3:41-09

Second reading of title to Ordinance No 1218 entitled AN ORDINANCE amending Section

96.52 changing the width from 4 ft to 5 ft, Section 96.53 changing the thickness to five inches through driveways and adding Section 96.54 which would require sidewalk installation during new construction and when 75% of the block is complete for the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No 1218 entitled AN ORDINANCE amending Section 96.52 changing the width from 4 ft to 5 ft, Section 96.53 changing the thickness to five inches through driveways and adding Section 96.54 which would require new sidewalks during new construction and when 75% of the block is complete for the City of Vermillion, South Dakota was first read and the Ordinance considered substantially in its present form and tentatively adopted by the governing body of the City of Vermillion on the 19th day of October, 2009 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. 1218**  
**CITY OF VERMILLION CODE OF ORDINANCES TITLE 96, CHAPTER 96. TO CHANGE THE SIDEWALK WIDTH TO FIVE (5) FEET IN SECTION 96.52, TO CLARIFY THE SIDEWALK THICKNESS IN SECTION 96.53 AND TO ADD SECTION 96.54 AND TO ADD SECTION 96.55 MAKE PROVISION WITH RESPECT TO THE CONSTRUCTION OF NEW SIDEWALKS.**

BE IT ORDAINED by the governing body of the City of Vermillion, South Dakota as follows:

**§ 96.52 WIDTH**

New sidewalks constructed where a sidewalk did not previously exist shall be 5 feet in width. Repair or replacement of existing sidewalk sections totaling less than 75% of the abutting street frontage along a property may be constructed to instead match the existing sidewalk width of the property if the sidewalks adjacent thereto are of different widths, then the City Engineer shall determine the width thereof. It is further provided that on Main Street, between Forest Avenue and High Street; on Center Street, between Main Street and National Street; on Court Street between Main Street and Kidder Street; on Market Street between Main Street and Blomquist Street; on Prospect Street from Main Street to first Alley; and on the north side of Kidder Street between Court Street and Market Street, sidewalks hereafter constructed shall extend in width from the lot line to the curb line.

**§ 96.53 THICKNESS**  
 All the sidewalks shall be constructed of concrete at least 4 inches thick. Sidewalks crossing any driveway approach shall be constructed of concrete at least 5 inches thick.

**§ 96.54 NEW SIDEWALK CONSTRUCTION REQUIRED**  
 Owner Installation of Sidewalks.

Whenever city blocks developed along 75 percent or more of a street frontage, property owners along said street frontage must install sidewalks in compliance with the Vermillion Code of Ordinances. Property owners will have sixty (60) days after being notified by Code Enforcement officials to install the sidewalks. Code Enforcement officials may set a timeframe greater than sixty (60) days if in their judgment, circumstances exist justifying such extensions. Failure by property owners to comply with sidewalk installation requirements herein will render each non-complying property as a public nuisance abatement, which will proceed pursuant to § 90.20 of the Vermillion Code of Ordinances.

Sidewalk Installation as Building Permitted.  
 Sidewalk installation will be required to be included as part of any building permit for the erection, construction, reconstruction, conversion, enlargement, or extension of any building structure, in any portion, within the City from and after the effective date of this ordinance, regardless of the amount of City block street frontage development.

Except as provided herein, the City Engineer may grant exceptions to the installation of sidewalks in situations, such as height, area, topography, setback, yard, or parking conditions will cause unwarranted hardship, which constitutes an unreasonable deprivation of use. (Ref. § 96.50, § 96.51, § 96.52, § 96.53)

Dated at Vermillion, South Dakota this 19th day of October, 2009.

**THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA**

BY **Dan Christopherson, Mayor**  
**ATTEST:**

BY **Michael D. Carlson, Finance Officer**

Adoption of the Ordinance was seconded by Alderman Powell. 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: Edelen-Y, Hofman-Y, Meins-Y, Osborne-Y, Powell-Y, Willson-Y, Mayor Christopherson-Y.

Motion carried 7 to 0. Mayor Christopherson declared that the Ordinance has been adopted and directed publication thereof as required by law.

**8. New Business**

**A. Vermillion Now! Program Update**

Steve Howe, Executive Director of the VCDCC, thanked the City Council for allowing him to provide the update on the Vermillion NOW! Project. He reported that the program raised \$1,641,000 surpassing the goal. His presentation reviewed the plans for the different areas that the program is addressing: Business Recruitment and Expansion, Marketing, Workforce Development, Entrepreneurial Development and Administration. Steve answered questions of the City Council.

**B. Final Plat of Lot B of**

**Government Lot 1**  
 Jose Dominguez, City Engineer, reported on the location of the property in the extraterritorial area. Jose reported that the Planning Commission recommended approval of the plat. 3:42-09

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

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Lot B of Government Lot 1 in the SW 1/4 of Section 31, 1938, 151W of the 5th P.M., Clay County, South Dakota for approval.

BE IT RESOLVED that the attached and foregoing plat has been submitted to and a report and recommendations thereon made by the Vermillion Planning Commission to the City Council of Vermillion which has approved the same.

IT FURTHER RESOLVED that the attached and foregoing plat has been submitted to the governing body of the City of Vermillion which has examined the same, and it appears that the system of streets and alleys set forth therein conforms to the system of streets and alleys of the existing plat of such city, and that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid and that such plat and survey thereon have been executed according to law, and the same is hereby accordingly approved.

The motion was seconded by Alderman Powell. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the governing body. Alderman Hoffman requested to abstain as the property is in the extraterritorial area. 6 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Christopherson declared that the Resolution was adopted.

**Resolution Amending Electric Rates**

Mike Carlson, Finance Officer, reported that the rate resolution is to pass along the Western Area Power Administration (WAPA) rate increase of 13.3% for 2010. Due to the drought conditions and the costs of buying expensive replacement power as a result of reduced hydropower generation. The supplemental power supplier Missouri River Energy Services has not proposed a rate increase for 2010. The other portion of the rate increase is the surcharge fee for the repayment of the transmission bonds coming due in such fiscal year. The charges shall be reviewed annually by city personnel and administratively adjusted, upwards or downwards, pursuant to SDCL 9-40-15.1 and 9-40-15 to such amounts as may be necessary to preclude the City from being obligated to pay the costs of operating and maintaining said improvements, and the debt service and other charges as may become due and owing on the 2009 Electric Revenue Bonds. The City hereby finds that the said improvements benefit all customers of its electric system and therefore imposes the surcharge fees on each customer of its system. The surcharge shall be applied to all classes of electric customers listed above. The surcharge is a special charge for the use of the electric system improvements financed with the proceeds of the City's 2009 Electric Revenue Bonds, and is pledged for the payment of the costs of operating and maintaining said improvements, and the debt service and other charges as may become due and owing on the 2009 Electric Revenue Bonds. The City hereby finds that the said improvements benefit all customers of its electric system and therefore imposes the surcharge fees on each customer of its system. The surcharge shall be applied to all classes of electric customers listed above. 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