



**Special Meeting Agenda
City Council**

12:00 p.m. (Noon) Special Meeting
Tuesday, January 3, 2023
Powell Conference Room – City Hall
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Adoption of the Agenda**
3. **Visitors to be Heard**
4. **Review ideas for Law Enforcement Center on Munger property – John Prescott, City Manager.**
5. **City vehicle purchases – Jose Dominguez, City Engineer.**
6. **Briefing on the January 3, 2023 City Council Regular Meeting**– Briefings are intended to be informational only and no deliberation or decision will occur on this item.
7. **Adjourn.**

Access the City Council Agenda on the web – www.vermillion.us

Addressing the Council: Persons addressing the Council shall be recognized. Please state your name and address. Presentations are limited to 5 minutes. For those who do not appear on the agenda, no decision is to be expected at this time.

Meeting Assistance: If you require assistance, alternative formats and/or accessible locations consistent with the Americans with Disabilities Act, please contact the City Manager’s Office at 677-7050 at least 3 working days prior to the meeting.

Council Meetings: City Council regular meetings are held the first and third Monday of each month at 7:00 p.m. If a meeting falls on a City holiday, the meeting will be scheduled for the following Tuesday.

Live Broadcasts of Council Meetings on Cable Channel: Regular City Council meetings are broadcast live on Cable Channel 3.

As a courtesy to others, we ask that cellular phones and other electronic devices be turned off during the meeting.



City of Vermillion Council Agenda

7:00 p.m. Regular Meeting

Tuesday, January 3, 2023

City Council Chambers

25 Center Street

Vermillion, South Dakota 57069

1. Roll Call

2. Pledge of Allegiance

3. Minutes

- a. December 19, 2022 Special Meeting; December 19, 2022 Regular Meeting.

4. Adoption of the Agenda

5. Visitors to be Heard

- a. Dr. Martin Luther King, Jr. Day of Service Proclamation.

6. Public Hearings

7. Old Business

- a. Second reading of Ordinance 1477 amending City of Vermillion Code of Ordinances Title XV, Land Usage, Chapter 155, Zoning Regulations, Section 155.008, Definitions, to Include Definitions for "Malt Beverage", "Brewpub", "Farm Winery", "Microbrewery", and "Wine Manufacturer"; Section 155.036, CB Central Business District, (A) Permitted Uses, to Include "Brewpub" as a Permitted Use, (B) Conditional Uses, to Include "Farm Winery", "Microbrewery", and "Wine Manufacturer" as Conditional Uses; Section 155.037, GB General Business District, (A) Permitted Uses, to Include "Brewpub" as a Permitted Use, (B) Conditional Uses, to Include "Farm Winery", "Microbrewery", and "Wine Manufacturer" as Conditional Uses; Section 155.039, GI General Industrial District, (B) Conditional Uses, to Include "Brewpub", "Farm Winery", "Microbrewery", and "Wine Manufacturer" as Conditional Uses; and to Create Section 155.084, Brewpub, Farm Winery, Microbrewery, and Wine Manufacturer.

8. New Business

- a. First reading of Ordinance 1478 amending City of Vermillion Code of Ordinances Title IX, General Regulations; Chapter 90, Health and Safety; Nuisances; Section 90.01 to Amend the Hours of Noises Prohibited to Provide Consistent Hours.
- b. Change Order No. 4 for Highway 50 Drainage Improvements.
- c. 2023 Payroll Resolution.
- d. Transfer of one Police Department Taser to the Clay County Sheriff's Office.

9. Bid Openings

- a. Fuel quotes.

10. City Manager's Report

11. Invoices Payable

12. Consensus Agenda

13. Adjourn

Access the City Council Agenda on the web – www.vermillion.us

Addressing the Council: Persons addressing the Council shall use the microphone at the podium. Please raise your hand to be recognized, go to the podium and state your name and address.

a. Items Not on the Agenda Members of the public may speak under Visitors to Be Heard on any topic NOT on the agenda. Remarks are limited to 5 minutes and no decision will be made at this time.

b. Agenda Items: Public testimony will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen who wishes may speak one time for 5 minutes on each agenda item. Public testimony will then be closed and the topic will be given to the governing body for possible action. At this point, only City Council members and staff may discuss the current agenda item unless a Council member moves to allow another person to speak and there is unanimous consent from the Council. Questions from Council members, however, may be directed to staff or a member of the public through the presiding officer at any time.

Meeting Assistance: The City of Vermillion fully subscribes to the provisions of the Americans with Disabilities Act of 1990. If you desire to attend this public meeting and are in need of special accommodations, please notify the City Manager's Office at 677-7050 at least 3 working days prior to the meeting so appropriate auxiliary aids and services can be made available.

Council Meetings: City Council regular meetings are held the first and third Monday of each month at 7:00 p.m. If a meeting falls on a City holiday, the meeting will be scheduled for the following Tuesday. The City Council typically has a Special Meeting on the first and third Monday of each month at Noon.

Live Broadcasts of Council Meetings on Cable Channel: Regular City Council meetings are broadcast live on Cable Channel 3.

Vermillion City Council's Values and Vision

This community values its people, its services, its vitality and growth, and its quality of life and sees itself reinforcing and promoting these ideals to a consistently increasing populace.

Unapproved Minutes
Council Special Session
December 19, 2022
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, December 19, 2022 at 12:00 noon at the John "Jack" Powell Conference Room.

1. Roll Call

Present: Holland, Jennewein, Letellier, Price, Mayor Cole

Absent: Hellwege, Humphrey, Murra, Ward (Arrived 12:02 p.m.)

2. Adoption of Agenda

401-22

Council Member Price moved approval of the agenda. Council Member Holland seconded the motion. Motion carried 5 to 0. Mayor Cole declared the motion adopted.

Council Member Ward arrived at 12:02 p.m.

3. Visitors to be Heard

David Lias asked the Council if they could utilize their mics during the evening meetings in order for the public to hear them better.

4. Informational Session - Vermillion Chamber and Development Company (VCDC) quarterly report - Scott Pohlson, VCDC Board Past Chair, and Jeff Erickson, VCDC Board President

Scott Pohlson, VCDC Board Past Chair, and Jeff Erickson, VCDC Board President, presented the VCDC quarterly report to the City Council. Pohlson went over the new organizational chart outlining the four employees and their duties. Pohlson then outlined the VCDC's focus and the properties the VCDC owns. Discussion followed.

5. Informational Session - Discussion on fee proposal for possessing of backyard chickens without a permit - Kalin Bird, Building Official

Kalin Bird, Building Official, presented three proposed ideas for fee schedules. The three ideas are: 1) \$10 per day fee, 2) \$15 for the first week and \$25 for each week after, 3) \$50 fee each year. Discussion followed and the Council agreed on the second option.

6. Draft of park ordinance - Jim Goblirsch, Parks and Recreation Director

Jim Goblirsch, Parks and Recreation Director, presented a draft ordinance for the Parks and Recreation Department. Jim noted that the current ordinance was implemented in the 80s and gives very limited authority to the Department. Jim outlined a few of the areas and discussion followed on the draft ordinance.

7. Briefing on the December 19, 2022 City Council Regular Meeting

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

8. Adjourn

402-22

Council Member Price moved to adjourn the Council special session at 12:59 p.m. Council Member Ward seconded the motion. Motion carried 6 to 0. Mayor Cole declared the motion adopted.

Dated at Vermillion, South Dakota this 19th day of December, 2022.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____
Jonathan D. Cole, Mayor

ATTEST:

BY _____
Katie E Redden, Finance Officer

Unapproved Minutes
City Council Regular Session
December 19, 2022
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on December 19, 2022 at 7:00 p.m. by Mayor Cole.

1. Roll Call

Present: Holland, Humphrey, Jennewein, Letellier, Murra, Price, Ward, Mayor Cole

Absent: Hellwege

2. Pledge of Allegiance

3. Minutes

A. Minutes of December 5, 2022, Special Session and December 5, 2022, Regular Session

403-22

Council Member Holland moved approval of the December 5, 2022, Special Session and December 5, 2022 regular session minutes. Council Member Humphrey seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

4. Adoption of Agenda

404-22

Council Member Price moved approval of the agenda. Council Member Jennewein seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

5. Visitors to be Heard - None

6. Public Hearings

A. Proposed financing for the improvements to the Water Facility

Sara Pankonin and Joe Munson of Banner Associates presented a proposal to improve the Water Treatment Plant Facility. Sara walked through the process of how water flows through the facility and pointed out areas that needed improvements. Sara walked through the projected population and needs the Water Facility would need. Joe talked about the distribution system improvements for the city, explaining the costs and what street would be effected. Banner proposed to upgrade the plant in two parts with phase one estimated at \$6,637,200 with an anticipated rate impact of \$9.46 per account per month. Discussion followed on the need of the improvements.

405-22

Council Member Holland moved to close the public hearing for the proposed financing for the improvements to the Water Treatment Plant Facility. Council Member Price seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

B. Proposed financing for the improvements to the Wastewater Facility

Christa DeVries and Tanya Miller, Banner Associates, presented a proposal to improve the Wastewater Facility. Tanya showed how the wastewater flows through the system and showed recommended changes to the plant. Banner recommended demolishing the current pretreatment building and replacing it, replacing the pump gallery and updating the hydraulic profile. Banner proposed the first phase costing an estimated \$23,100,000 with an anticipated rate impact of \$31.23 per account per month.

406-22

Council Member Price moved to close the public hearing for Proposed financing for the improvements to the Wastewater Facility. Council Member Ward seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

C. First reading of Ordinance 1477 amending City of Vermillion Code of Ordinances Title XV, Land Usage, Chapter 155, Zoning Regulations, Section 155.008, Definitions, to Include Definitions for "Malt Beverage", "Brewpub", "Farm Winery", "Microbrewery", and "Wine Manufacturer"; Section 155.036, CB Central Business District, (A) Permitted Uses, to Include "Brewpub" as a Permitted Use, (B) Conditional Uses, to Include "Farm Winery", "Microbrewery", and "Wine Manufacturer" as Conditional Uses; Section 155.037, GB General Business District, (A) Permitted Uses, to Include "Brewpub" as a Permitted Use, (B) Conditional Uses, to Include "Farm Winery", "Microbrewery", and "Wine Manufacturer" as Conditional Uses; Section 155.039, GI General Industrial District, (B) Conditional Uses, to Include "Brewpub", "Farm Winery", "Microbrewery", and "Wine Manufacturer" as Conditional Uses; and to Create Section 155.084, Brewpub, Farm Winery, Microbrewery, and Wine Manufacturer

Jose Dominguez, City Engineer, reported on the first reading of Ordinance No. 1477. Jose noted that there has been an increased interest in the community to have malt beverage manufacturers within the city. The current ordinance does not allow for these uses explicitly. Conversely, the ordinance does not prohibit these uses. Jose stated that the proposed ordinance amendments are an attempt to codify uses associated with malt beverage and wine manufacturing. The latter has already been occurring within the city as a non-conforming use at the winery on the west end of the city.

Jose noted that the proposed amendments will change the definition section, the uses allowed in certain districts, and create a new section that will have criteria for the uses.

Jose stated that staff is proposing to include five new definitions. Four of these (i.e. "Malt Beverage", "Farm Winery", "Microbrewery", and "Wine Manufacturer") direct the reader to the State statute that defines the term. The remaining term, "Brewpub", is defined in the ordinance as a brewer that is also an eating or drinking establishment. The State does not define "brewpub".

Jose noted that the amendment also considers the location where the four new uses will be allowed. "Brewpubs" are recommended to be a permitted use in the CB Central Business and GB General Business districts while "microbrewery", "farm winery" and "wine manufacturer" would be a conditional-use in these two districts. Additionally, all four uses would

also be allowed in the GI General Industrial district as conditional-uses.

Jose stated that the amendment creates a new section that states a criteria for each of the four uses. The criteria will inform the applicant of which license may be needed (e.g. malt beverage manufacturer's license from the State, a City malt beverage license, a farm winery or wine manufacture's license from the State). The criteria will dictate the area allowed for the brewing operation if the applicant also intends to serve food or alcohol and place a cap on the maximum production.

Jose noted that the City's Planning and Zoning Commission considered this item at their November 28th meeting. After discussion, the Commission unanimously recommended that the Council adopt the ordinance amendment.

Jose stated that Staff changed the units used to measure the wine manufactured. The document presented states "150,000-barrels". This was supposed to read as "150,000-gallons". Staff used the cap set by the State for "farm winery". This is 150,000-gallons. For reference, 1-barrel of wine has 60-gallons. If the ordinance is approved without this change the Council would be setting a maximum of 9,000,000-gallons, which would be an illegal amount for a "farm winery" to manufacture.

Eldon Nygaard asked the Council if they could add artisanal distilleries to this ordinance. Eldon noted that this type of distillery is a good way to bring tourism to Vermillion.

Mayor Cole asked if they were to add artisanal distilleries to this ordinance, would it have to go back to Planning Commission.

Jose noted that it would have to go back to Planning Commission. Jose noted that the Council could pass this ordinance to get this in place due to a time restraint on a business owner wanting this type of business. Jose stated that another ordinance amended could be put into place to add artisanal distilleries at a later time.

407-22

Mayor Cole read the title to the above-mentioned Ordinance and Council Member Ward moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1477 amending the City of Vermillion Code of Ordinances Title XV, Land Usage, Chapter 155, Zoning Regulations, Section 155.008, Definitions, to Include Definitions for "Malt Beverage", "Brewpub", "Farm Winery", "Microbrewery", and "Wine Manufacturer"; Section 155.036, CB Central Business District, (A) Permitted Uses, to Include "Brewpub" as a Permitted Use, (B) Conditional Uses, to Include "Farm Winery", "Microbrewery", and "Wine Manufacturer" as Conditional

Uses; Section 155.037, GB General Business District, (A) Permitted Uses, to Include "Brewpub" as a Permitted Use, (B) Conditional Uses, to Include "Farm Winery", "Microbrewery", and "Wine Manufacturer" as Conditional Uses; Section 155.039, GI General Industrial District, (B) Conditional Uses, to Include "Brewpub", "Farm Winery", "Microbrewery", and "Wine Manufacturer" as Conditional Uses; and to Create Section 155.084, Brewpub, Farm Winery, Microbrewery, and Wine Manufacturer for 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 19th day of December, 2022 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Council Member Price. 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 Cole declared the motion adopted.

D. Retail on-off sale malt beverage license and on-off sale wine and cider license for the AV Lounge located at 4 W. Main Street

Austin Flowers, Deputy Finance Officer, reported on Retail on-off sale malt beverage license and on-off sale wine and cider license for the AV Lounge located at 4 W. Main Street. Austin noted that an application was received for the AV Lounge, LLC at 4 West Main Street from Joe and Amanda Raiche. Austin stated that the retail on-off sale malt beverage license is for the licensing period from issuance to expiration on June 30, 2023, and the retail on-off sale Wine and Cider license is for the licensing period from January 1, 2023 to expiration on December 31, 2023.

Austin noted that the City Council has the ability to issue a license on two criteria: suitable applicant and suitable location. As to the suitable applicant, the owners, Joe Raiche and Amanda Raiche, have submitted the information for the FBI background check. The FBI background check has not yet been received by the Police Chief. In the memo, the Police Chief states from the DCI report that there is no information to preclude the issuance of the license. With respect to the location criteria, this location is in the downtown business district.

408-22

Council Member Price moved approval of the Retail on-off sale malt beverage license and on-off sale wine and cider license for the AV Lounge located at 4 W. Main Street contingent on FBI background checks coming back clear. Council Member Humphrey seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

E. Medical cannabis license renewals

Katie Redden, Finance Officer, reported on Medical Cannabis License Renewals. Katie noted that the ordinance required approval by the City Council for issuance of Medical Cannabis License Renewals. Katie stated that the following firms have applied to renew their medical cannabis license:

Dispensary Licenses:

- Dakota Herb at 112 E Main Street
- Dakota Natural Growers at 907 N Norbeck
- Exhale at 906 E Cherry Street

Cultivation Licenses:

- Dakota Natural Growers at 907 N Norbeck
- Aardvark Alternative Medicine at 828 N Crawford Rd

Katie noted that during the license period January 1, 2022 to December 31, 2022, two cultivation licenses are in use and one dispensary license is in active use. The remaining dispensaries are still in the construction phase which is due to getting the facilities up to code and in compliance with all laws. At this time, there have been no issues with Medical Cannabis licenses.

Eldon Nygaard noted that the City has a much simpler process than the State and the City is more efficient.

409-22

Council Member Ward moved approval of the Medical Cannabis License renewals. Council Member Holland seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

7. Old Business

A. Second reading of Ordinance 1473 amending the City of Vermillion Code of Ordinances Title XV, Land Usage; Chapter 155, Zoning Regulations by amending Section 155.031, R-1 Residential District, subsection (A), Permitted Use, to include the "Bed and Breakfast Establishment" use as a permitted use; by amending Section 155.035, R-4 Manufactured Housing District, subsection (A), Permitted uses, to include "Neighborhood Utility Facility" use as a permitted use; and by amending Section 155.038, NC Neighborhood Commercial District, subsection (A), Permitted uses, to include the "Neighborhood Utility Facility" use as a permitted use.

Jose Dominguez, City Engineer, reported on the second reading of Ordinance No. 1473. Jose noted that in 2019 the City completed a major zoning amendment. Since then, the City has approved some additional

changes to the ordinance. These changes ranged from including new uses to modifying existing uses.

Jose stated that the amendments being considered tonight were triggered when Staff were performing a cursory review of the Tom Street Lift Station Project. The City has been looking into improving the lift station since 2014. Jose noted that, at that time, the zoning ordinance allowed for lift stations to be constructed in the R-4 zoning district under the "Neighborhood Utility Facility". During our most recent review, Staff found that the "Neighborhood Utility Facility" use was removed from the R-4 zoning district meaning that the existing lift station could not be built in the existing location or improved. Jose stated that the removal of this use from this district is not documented in any of the minutes. The Planning Commission recommended that the use remain in the district. However, the use was removed from the ordinance during the Council considerations.

Jose noted that when the omission was discovered, Staff reviewed the ordinance to see if other omissions were found. Staff found that the "Neighborhood Utility Facility" use was also removed from the NC Neighborhood Commercial district. Once again, the use was recommended by the Planning Commission but omitted during the Council considerations. Similarly, the use of "Bed and Breakfast Establishment" was erroneously omitted from the R-1 district. Jose noted that the use can be found in the first reading approved by the Council but not in the second reading signed by the Mayor. Again, no mention of the removal of this use was found in the meeting minutes.

Jose noted that, if approved, the amendments allowing for "Neighborhood Utility Facility" would allow for public utilities covering a small footprint to be constructed in certain areas. All setback requirements would still apply and, if necessary, Staff would have to request variances for the construction of any of the utility facilities.

Jose noted no changes have been made since the first reading.

410-22

Second reading of title to Ordinance No 1473, entitled AN ORDINANCE AMENDING Title XV, Land Usage; Chapter 155, Zoning Regulations by amending Section 155.031, R-1 Residential District, subsection (A), Permitted Use, to include the "Bed and Breakfast Establishment" use as a permitted use; by amending Section 155.035, R-4 Manufactured Housing District, subsection (A), Permitted uses, to include "Neighborhood Utility Facility" use as a permitted use; and by amending Section 155.038, NC Neighborhood Commercial District, subsection (A) , Permitted uses, to include the "Neighborhood Utility Facility" use as a permitted use for the City of Vermillion, South Dakota.

Mayor Cole read the title to the above named Ordinance, and Council Member Murra moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No 1473 entitled An Ordinance Amending Title XV, Land Usage; Chapter 155, Zoning Regulations by amending Section 155.031, R-1 Residential District, subsection (A), Permitted Use, to include the "Bed and Breakfast Establishment" use as a permitted use; by amending Section 155.035, R-4 Manufactured Housing District, subsection (A), Permitted uses, to include "Neighborhood Utility Facility" use as a permitted use; and by amending Section 155.038, NC Neighborhood Commercial District, subsection (A) , Permitted uses, to include the "Neighborhood Utility Facility" use as a permitted use for 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 5th day of December, 2022 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 19 day of December, 2022 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 1473

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV, LAND USAGE; CHAPTER 155, ZONING REGULATIONS; SECTION 155.031, R-1 RESIDENTIAL DISTRICT, (A) PERMITTED USES, TO INCLUDE "BED AND BREAKFAST ESTABLISHMENT" AS A PERMITTED USE; SECTION 155.035, R-4 RESIDENTIAL DISTRICT, (A) PERMITTED USES, TO INCLUDE "NEIGHBORHOOD UTILITY FACILITY" AS A PERMITTED USE; AND, SECTION 155.038 NC NEIGHBORHOOD COMMERCIAL DISTRICT, (A) PERMITTED USES, TO INCLUDE "NEIGHBORHOOD UTILITY FACILITY" AS A PERMITTED USE

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that the following section of Chapter 155 be amended by including "Bed and Breakfast Establishment" as a permitted use. All other portions of section 155.031 (A) will remain as they are. Following is the amendment:

§155.031 R-1 RESIDENTIAL DISTRICT

(A) PERMITTED USES.

Permitted Use	Applicable Standards
Bed and Breakfast Establishment	§§ 155.070, 155.072, 155.077, 155.080

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that the following section of Chapter 155 be amended by including "Neighborhood Utility Facility" as a permitted use. All other portions of section 155.035 (A) will remain as they are. Following is the amendment:

§155.035 R-4 RESIDENTIAL DISTRICT

(A) PERMITTED USES.

Permitted Use	Applicable Standards
Neighborhood Utility Facility	§§ 155.070

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that the following section of Chapter 155 be amended by including "Neighborhood Utility Facility" as a permitted use. All other portions of section 155.038 (A) will remain as they are. Following is the amendment:

§155.038 NC NEIGHBORHOOD COMMERCIAL DISTRICT

(A) PERMITTED USES.

Permitted Use	Applicable Standards
Neighborhood Utility Facility	§§ 155.070

Dated at Vermillion, South Dakota this 19th day of December 2022.

THE GOVERNING BODY OF THE CITY
 OF VERMILLION, SOUTH DAKOTA
 BY _____
 Jonathan D. Cole, Mayor

ATTEST:
 BY _____
 Katie E. Redden, Finance Officer

Adoption of the Ordinance was seconded by Council Member Jennewein. 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: Holland-Y, Humphrey-Y, Jennewein-Y, Price-Y, Letellier-Y, Ward-Y, Murra -Y, Mayor Cole-Y

Motion carried 8 to 0. Mayor Cole declared that the Ordinance has been adopted and directed publication thereof as required by law.

B. Second reading of Ordinance 1474 amending the City of Vermillion Code of Ordinances Title XV, Land Usage, Chapter 155, Zoning Regulations by amending Section 155.078 (A), Home Occupations, to allow home occupations

to also be conducted from accessory structures associated with a dwelling unit

Jose Dominguez, City Engineer, reported on the first reading of Ordinance No. 1474. Jose stated that the City currently allows for home occupations to occur only within residential dwellings. Home occupations are defined as "any occupation carried on by a member of the immediate family residing on the premises". Typically, home occupations are a service that can easily be done from the house without negatively affecting the neighboring properties.

Jose stated that prior to 2019 home occupations were allowed to occur within the residential dwelling and within any associated accessory structure. The ability of having home occupations within accessory structures was removed in 2019 due to the negative effects that sometimes was caused on neighboring properties. For example, noise generated by business, parked cars used for the business, people coming and going, etc.

Jose noted that since the adoption of the ordinance in 2019 the City has had several requests to operate home occupations from accessory structures associated with residential dwellings. By removing the ability to use accessory structures the City has made existing home occupation that were not negatively impacting neighboring property non-conforming. Additionally, it has removed the possibility of running a home occupation from locations that once operated a business from the accessory structure but stopped for 1-year or longer.

Jose noted that no changes have been made since the first reading.

411-22

Second reading of title to Ordinance No 1474, entitled AN ORDINANCE AMENDING Title XV, Land Usage, Chapter 155, Zoning Regulations by amending Section 155.078 (A), Home Occupations, to allow home occupations to also be conducted from accessory structures associated with a dwelling unit for the City of Vermillion, South Dakota.

Mayor Cole read the title to the above named Ordinance, and Council Member Murra moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No 1474 entitled amending Title XV, Land Usage, Chapter 155, Zoning Regulations by amending Section 155.078 (A), Home Occupations, to allow home occupations to also be conducted from accessory structures associated with a dwelling unit 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 5th day of December, 2022 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 19th day of

December, 2022 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 1474

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV, LAND USAGE; CHAPTER 155, ZONING REGULATIONS; SECTION 155.078, HOME OCCUPATIONS, SUBSECTION (A) TO INCLUDE ASSOCIATED ACCESSORY STRUCTURES AS A PLACE TO CONDUCT HOME OCCUPATIONS.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that the following section of Chapter 155 be amended by including associated accessory structures as a place to conduct home occupations. All other portions of section 155.078 will remain as they are. Following is the amendment:

§155.078 HOME OCCUPATIONS

(A) The occupation must be conducted within a dwelling unit or associated accessory structure.

Dated at Vermillion, South Dakota this 19th day of December 2022.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____
Jonathan D. Cole, Mayor

ATTEST:
BY _____
Katie E. Redden, Finance Officer

Adoption of the Ordinance was seconded by Council Member 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 follows: Holland-Y, Humphrey-Y, Jennewein-Y, Price-Y, Letellier-Y, Ward-Y, Murra -Y, Mayor Cole-Y.

Motion carried 8 to 0. Mayor Cole declared that the Ordinance has been adopted and directed publication thereof as required by law.

C. Second reading of Ordinance 1475 to amend Title XI, Business Regulations; Chapter 119, Mobile Food Vendors by amending Section 119.02 Definitions to add Food Stand and to remove the clause "upon a public street", amending Section 119.04(A)(10) to permit set up after a special

event, and to amend Section 119.05 to provide for the fee to be waived for non-profit organizations.

Austin Flowers, Deputy Finance Office, reported on the second reading of Ordinance No. 1475. Austin noted that, in 2011, a Vermillion citizen came to the City Council and requested the creation of an ordinance that would allow Mobile Food Vendors to serve in the public right of way. On September 6, 2011, the City Council passed Ordinance No. 1258 that allowed Mobile Food Vendors to serve on public property and set regulations that companies who obtained a permit would need to follow.

Austin noted that since 2011 there have been several changes within the City of Vermillion as well as within the Food Truck market. Also, in the past few years, Vermillion has attracted fewer food trucks than surrounding communities. Austin noted that staff discussed these issues with the City Council at the noon educational meeting on November 21st. It was determined that it may be in the best interest of the City to adopt some changes to amend Chapter 119. The proposed amendments would allow the City to adapt to the quickly changing environment and potentially increase the number of food trucks in our community.

Austin stated that proposed Ordinance No. 1475 would make changes to the existing language of Chapter 119, Section 119.02, 119.04, and 119.05. The proposed changes include simplifying the definition of Mobile Food Vendor, adding a food cart to the definition, and removing the "upon a public street" clause from the definition. Furthermore, this proposal would allow Mobile Food Vendors to set up after a special event vs. the current language of waiting for two hours after the event ends. Lastly, language is proposed that the application fee would be waived for non-profit organizations.

Austin noted that there were no changes from the first reading. Jose Lira of 15 Sycamore Ave No. 52 told the Council that he would like to setup in downtown in the furniture zone with a limited lease, but the current ordinance does not allow anyone but business owners to get that.

Mayor Cole noted that this ordinance does not have anything to do with the limited leases and Jose should work with staff to look at that ordinance.

412-22

Second reading of title to Ordinance No 1475, entitled AN ORDINANCE AMENDING Title XI, Business Regulations; Chapter 119, Mobile Food Vendors by amending Section 119.02 Definitions to add Food Stand and to remove the clause "upon a public street", amending Section 119.04(A)(10) to permit set up after a special event, and to amend Section 119.05 to provide for the fee to be waived for non-profit organizations for the City of Vermillion, South Dakota.

Mayor Cole read the title to the above named Ordinance, and Council Member Jennwein moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1475 entitled an ordinance amending Title XI, Business Regulations; Chapter 119, Mobile Food Vendors by amending Section 119.02 Definitions to add Food Stand and to remove the clause "upon a public street", amending Section 119.04(A)(10) to permit set up after a special event, and to amend Section 119.05 to provide for the fee to be waived for non-profit organizations 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 5th day of December, 2022 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 19th day of December, 2022 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 1475

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XI, BUSINESS REGULATIONS; CHAPTER 119, MOBILE FOOD VENDOR; SECTIONS 119.02 THROUGH 119.05 MODIFYING THE DEFINITION OF A MOBILE FOOD VENDOR BY ADDING A FOOD STAND TO QUALIFY AS A MOBILE FOOD VENDOR AND REMOVING THE REQUIREMENT "UPON A PUBLIC STREET" AND UPDATING THE FEE SCHEDULE TO OBTAIN A PERMIT.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that portions of Chapter 119, Section 119.02 through 119.04 and Section 119.05 be amended by simplifying the definition of Mobile Food Vendor, adding food stand to the definition, removing the clause "upon a public street", allowing Mobile food vendors to set up after a special event, and updating the current fee schedule for a permit. All other portions of section 119.02 through 119.04, Section 119.05, and Chapter 119 will remain as they are. Following are the amendments:

§119.02 Definitions.

Mobile Food Vendor. Any business establishment offering food for sale from a stand, pushcart, truck, or similar vehicle that is transported from site to site which is operated by a Food Service Establishment and Mobile Food Service Establishment licensee as both are defined in SDCL Ch. 34-18.

§119.04 (10) SALES, RESTRICTIONS.

Utilize the permit in any area authorized by the City Council for a parade or special event 2 hours before or during the event unless approved by the special event applicant for space.

§119.05 FEES.

(A)The fee for each mobile food vendor permit shall be as outlined in the resolution adopted by the City Council. The application fee will be waived for non-profit organizations with the approval of City Administration.

Dated at Vermillion, South Dakota this 19th day of December 2022.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____

Jonathan D. Cole, Mayor

ATTEST:

BY _____
Katie E. Redden, Finance Officer

Adoption of the Ordinance was seconded by Council Member 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 follows: Holland-Y, Humphrey-Y, Jennewein-Y, Price-Y, Letellier-Y, Ward-Y, Murra -Y, Mayor Cole-Y

Motion carried 8 to 0. Mayor Cole declared that the Ordinance has been adopted and directed publication thereof as required by law.

D. Second Reading of Ordinance 1476 - 2022 Supplemental Appropriations

Katie Redden, Finance Officer, reported that the Supplemental Appropriations Ordinance is needed to adjust the budget for items that have changed since the revised budget was adopted in September 2022. Katie stated that the agenda memo included an explanation of the individual line-item changes noting that the general fund is projecting to decrease the general fund reserve by \$535,264 for 2022. Discussion followed.

413-22

Second reading of title to Ordinance No 1476, entitled 2022 Supplemental Appropriations for the City of Vermillion, South Dakota.

Mayor Cole read the title to the above named Ordinance, and Council Member Ward moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1476 entitled 2022 Supplemental

Appropriations 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 5th day of December, 2022 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 19th day of December, 2022 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. 1476
2022 SUPPLEMENTAL APPROPRIATIONS ORDINANCE

AN ORDINANCE ADOPTING a 2022 Supplemental Appropriations Ordinance for the City of Vermillion, South Dakota.

BE IT ORDAINED, BY THE GOVERNING BODY of the City of Vermillion, that the following sums are appropriated to meet the obligations of the municipality.

	<u>2022</u> <u>Budget</u>	<u>Proposed</u> <u>Budget</u>	Amount of <u>Supplemental</u> <u>Budget</u>
<u>General Fund:</u>			
<u>Revenues:</u>			
Tax on Mobile Homes	500	1,000	500
Zoning Fees & Variance	2,000	3,000	1,000
Plumbing Licenses	1,500	1,620	120
Dog Licenses	900	1,000	100
Medical Cannabis Licenses	-0-	60,085	60,085
Street Repairs and Services	6,000	7,500	1,500
Airport Fuel	65,000	80,000	15,000
Tagging Fees	7,000	7,200	200
Animal Control & Shelter Fees	1,200	2,000	800
Swimming Pool Fees	100,000	101,460	1,460
Swimming Pool Concessions	38,000	39,206	1,206
Recreation Program Fees	30,000	35,000	5,000
Interest Earned on Investment	10,600	12,500	1,900
Contributions Private Sources	15,500	50,800	35,300
Transfer in Second Penny	-0-	1,154,197	1,154,197
Appropriation from Reserve	446,368	535,264	88,896
<u>Expenditures:</u>			
General Government	625,214	674,714	49,500
Finance	197,235	197,885	650
City Hall Maintenance	91,752	95,922	4,170
Municipal Service Center	29,600	30,300	700
Engineering	375,086	376,236	1,150
Police Administration	647,815	662,740	14,925
Police Patrol	1,541,213	1,554,713	13,500

Street	817,798	821,398	3,600
Airport	124,361	134,511	10,150
Code	248,848	250,898	2,050
Fire	424,857	439,157	14,300
Ambulance	610,114	616,114	6,000
Recreation	241,491	243,991	2,500
Swimming Pool	285,288	346,655	61,367
Parks & Forestry	434,659	445,414	10,755
Library	730,548	746,298	15,750
Conservation & Development	67,227	1,223,424	1,156,197

Second Penny Sales Tax Fund:

Revenues:

Federal Grants	470	64,470	64,000
Appropriation From Reserve	-0-	1,223,857	1,223,857

Expenditures:

Public Safety Expenses	178,172	239,470	61,298
Public Works Expenses	554,389	597,489	43,100
Conservation and Development	-0-	50,000	50,000
Transfer to General Fund	-0-	1,154,197	1,154,197
Reserve	20,738	-0-	(20,738)

Special Revenue Fund: Bed Booze and Board (BBB):

Revenues:

Appropriation from Reserve	63,400	65,500	2,100
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Expenditures:

Community Development	399,300	401,400	2,100
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Special Revenue Fund: Library:

Revenues:

Other Revenue	4,000	7,700	3,700
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Expenditures:

Appropriation to Reserve	-0-	3,700	3,700
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Special Revenue Fund: Stormwater:

Revenues:

Appropriation from Reserve	175,552	182,702	7,150
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Expenditures:

Operating Expense	31,000	38,150	7,150
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Special Revenue Fund: Parks Capital:

Revenues:

Interest on Investments	-0-	10	10
Contributions & Donations	6,000	6,850	850

Expenditures:

Appropriation to Reserve	3,500	4,360	860
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Capital Project Fund: Bike Path

Expenditures:

Capital Expenditures	308,700	309,200	500
Reserve	2,418	1,918	(500)

Internal Service: Unemployment

Revenues:

Interest	25	30	5
Reverse	-0-	1,152	1,152

Expenditures:

Operating Expense	25	1,182	1,157
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Enterprise Fund: Golf Course

Revenues:

Sales	896,450	953,187	56,737
Appropriation from Reserve	59,390	39,780	(19,610)

Expenditures:

Operating Expenses	1,035,077	1,072,204	37,127
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Enterprise Fund: Electric

Revenues:

Sale of Material	20,000	26,000	6,000
Car Charging Station	700	1,500	800
Interest on Investments	6,000	20,000	14,000

Expenditures:

Billing Operating Expenses	162,895	165,647	2,752
Distribution Personnel Serv.	922,691	936,738	14,047
Power Plant Rebate Program	2,000	5,500	3,500
Reserve	1,025,702	1,026,203	501

Enterprise Fund: Water

Revenues:

Sales	1,744,500	1,746,550	2,050
Appropriation From Reserve	111,695	207,092	95,397

Expenditures:

Billing Operating Expenses	142,533	143,205	672
Treatment Operating Expenses	570,216	730,805	160,589
Distribution Operating Exp.	632,623	568,809	(63,814)

Enterprise Fund: Wastewater

Revenues:

Interest	3,000	11,000	8,000
Wastewater Revenue	2,019,938	2,024,738	4,800

Expenditures:

Billing Operating Expenses	101,809	102,591	782
Collection Operating Exp.	390,182	301,882	(88,300)
Treatment Operating Exp.	988,068	1,174,387	186,319

Reserve	290,668	204,667	(86,001)
<u>Enterprise Fund: Liquor</u>			
Revenues:			
Sales	1,790,000	1,792,000	2,000
Expenditures:			
Operating Expense	1,499,665	1,507,801	8,136
Transfer	339,077	332,941	(6,136)
<u>Enterprise Fund: Joint Powers:</u>			
Revenues:			
Joint Landfill Sales	956,180	964,900	8,720
Interest	5,000	11,000	6,000
State & Federal Grants	-0-	60,000	60,000
Appropriation From Reserve	-0-	595,545	595,545
Expenditures:			
Joint Landfill Expenses	2,060,462	2,725,627	665,165
Joint Recycling Expenses	2,526,062	2,533,162	7,100
<u>Enterprise Fund: Curbside Recycling</u>			
Revenues:			
Interest	200	500	300
Curbside Revenue	300	500	200
Expenditures:			
Operating Expenses	14,613	16,586	1,973
Reserve	2,534	1,061	(1,473)

Dated at Vermillion, South Dakota this 19th day of December, 2022.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____
Jonathan D. Cole, Mayor

ATTEST:

BY _____
Katie E Redden, Finance Officer

Adoption of the Ordinance was seconded by Council Member Price. 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: Holland-Y, Humphrey-Y, Jennewein-Y, Price-Y, Letellier-Y, Ward-Y, Murra-Y, Mayor Cole-Y.

Motion carried 8 to 0. Mayor Cole declared that the Ordinance has been adopted and directed publication thereof as required by law.

E. Resolution establishing fines related to possessing chickens without a permit. Note: this item was Tabled at the December 5, 2022 meeting to this agenda.

414-22

Council member Price removed the item resolution establishing fines related to possessing chickens without a permit from the table. Council Member Humphrey seconded the motion. Motion carried 8-0. Mayor Cole declared the item off the table.

Kalin Bird, Building Official, reported that on June 6, 2022, the City Council approved Ordinance No. 1337 establishing Permit Conditions and Permitting Fees for backyard chickens to be incorporated. Regulations related to backyard chickens were added to Chapter 93: Animals and Fowl. Section 93.54 of the Vermillion City Code requires an applicant to obtain a permit, and 93.56 provides the allowance to establish fees to be determined regarding possession of chickens without a permit.

Kalin noted that, as staff was reviewing the master fee schedule, staff realized that there was not a fine for possession of chickens without a permit. Kalin stated that on December 5th staff presented the proposal of \$50 per day if found with backyard chickens without a permit issued by the City of Vermillion. City Council discussed what was an appropriate fee. Ultimately, the City Council tabled the discussion and asked staff to present three new ideas at the next noon meeting and would then make a final decision at the evening meeting. Kalin noted that from the noon meeting staff was directed to adjust the fees to Fifteen Dollars (\$15) for the first week with an increase of Twenty-Five Dollars (\$25) per week for each following week until a permit is approved.

415-22

After reading the same once, Council Member Holland moved adoption of the following:

RESOLUTION ESTABLISHING A FINE
RELATED TO POSSESSING CHICKENS WITHOUT A PERMIT

WHEREAS, Section 93.54 of the Vermillion City Code requires for applicant to obtain a permit, and 93.56 provides the allowance to establish fees to be processed regarding possession of chickens without a permit; and

WHEREAS, Section 93.99 of the Vermillion City Code allows for the City to establish and enforce fines for penalties or offenses; and

WHEREAS, all applicants must follow the requirements set in sections 93.54, 93.55, 93.56, and 93.99 in the Vermillion City Code; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof in the Council Chambers of City Hall at 7:00 p.m. on the 19th day of December 2022 that fee and fine rates be adopted as follows:

Fine: Possession of Chicken(s) without a permit: Fifteen Dollars (\$15) for the first week with an increase of Twenty-Five Dollars (\$25) per week for each following week until a permit is approved.

Dated at Vermillion, South Dakota, this 19th day of December 2022.

THE GOVERNING BODY OF THE CITY OF
VERMILLION, SOUTH DAKOTA

By: _____

Jonathan D. Cole, Mayor

ATTEST:

By: _____

Katie E. Redden, Finance Officer

The motion was seconded by Council Member Price. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Cole declared that the Resolution was adopted.

8. New Business

A. Resolution authorizing an application for financial assistance for the Water Facility

Sophie Johnson, SECOG, reported that they help the City of Vermillion with loan and grant applications. Sophie noted that the first step for this project was to be put on the State’s Water Plan which was approved in November of 2022. Sophie stated that this loan application is through the Department of Agriculture and Natural Resources (DANR) and the City is seeking \$7,000,000 for the Water Facility improvements. Discussion followed on the loan grant process.

416-22

After reading the same once, Council Member Ward moved adoption of the following:

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE,
AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND
DESIGNATING AUTHORIZED REPRESENTATIVES TO CERTIFY AND SIGN PAYMENT
REQUESTS.

WHEREAS, the City of Vermillion (the "City") has determined it is necessary to proceed with improvements to its water treatment plant and water distribution system (the "Project"); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the "Board") will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the City of Vermillion as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$7,000,000 to the Board for the Project.

2. The Mayor and City Manager are hereby authorized to execute the Application and submit it to the Board and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.

3. The Mayor and City Manager are hereby designated as authorized representatives of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Dated at Vermillion, South Dakota, this 19th day of December, 2022.

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

By _____
Jonathan D. Cole, Mayor

ATTEST:

By _____
Katie E. Redden, Finance Officer

The motion was seconded by Council Member Price. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Cole declared that the Resolution was adopted.

B. Resolution authorizing an application for financial assistance for the Wastewater Facility.

Sophie Johnson, SECOG, reported that they help the City of Vermillion with loan and grant applications. Sophie noted the first step for this project was to be put on the State's Water Plan which was approved in November of 2022. Sophie stated this loan application is through the Department of Agriculture and Natural Resources (DANR) and the City is seeking \$23,100,000 for the Wastewater Facility improvements.

417-22

After reading the same once, Council Member Ward moved adoption of the following:

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AUTHORIZED REPRESENTATIVES TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the City of Vermillion (the "City") has determined it is necessary to proceed with improvements to its Wastewater Treatment Facility (the "Project"); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the "Board") will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$23,100,000 to the Board for the Project.

2. The Mayor and City Manager are hereby authorized to execute the Application and submit it to the Board, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.

3. The Mayor and City Manager are hereby designated as authorized representatives of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Dated at Vermillion, South Dakota, this 19th day of December, 2022.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
Jonathan D. Cole, Mayor

ATTEST:

By _____
Katie E. Redden, Finance Officer

The motion was seconded by Council Member Price. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Cole declared that the Resolution was adopted.

C. Resolution amending fees for mobile food vendors as provided for by Section 119.05

Austin Flowers, Deputy Finance Officer, reported on a Resolution amending fees for mobile food vendors as provided for by Section 119.05. Austin noted earlier on the agenda, the City Council had the second reading of Ordinance No. 1475 amending the definition of Mobile Food Vendors as well as changing some of the regulations in Chapter 119. The ordinance provides that the City Council, by resolution, will set mobile food vendor permit fees. Austin noted that, during discussion when the draft ordinance was presented, it was noted that a fee schedule with different periods including annual, 1-6 months, 1 month, and 1 day would be forthcoming with the second reading of the ordinance.

Austin noted that, in developing the ordinance, staff was able to find the fees of a few other cities. Brookings and Sioux Falls both have a \$75 annual fee. On the higher end, Rapid City has a \$250 initial fee with a \$100 renewal fee. Also, it was found that Yankton has an annual fee of \$15 and a \$3 fee for a one-day permit. Austin noted that the resolution being proposed is to set the following fees for each period: \$100 per calendar year, \$65 for one to six consecutive calendar months, \$20 for one calendar month, and \$15 for one day. The new fee schedule will offer food companies the flexibility to decide how long they would like to operate in the City of Vermillion. It should be noted that all permits end on December 31st each year.

Austin noted that individuals applying for an itinerant merchant, peddler, or solicitor permit also represent a temporary type of business in the community. These permits are issued by the day, week, or month on an annual basis.

418-22

After reading the same once, Council Member Jennewein moved adoption of the following:

RESOLUTION TO AMEND FEES FOR
MOBILE FOOD VENDORS

WHEREAS, Title XI, Business Regulations; Chapter 119, Mobile Food Vendors; Section §119.05 of the 2008 Revised Ordinances of the City of Vermillion allows the City Council to establish and set by resolution the fees for mobile food vendors; and

WHEREAS, the mobile food vendor may utilize public right-of-way to conduct business, and City staff time is utilized to process permits; and

WHEREAS, the fee schedule is designed to provide different permitting cost options for mobile food vendors.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof said City at 7:00 p.m. on the 19th day of December 2022 that the mobile food vendor permit fee shall be as follows: \$100 per calendar year, \$65 for one to six consecutive calendar months, \$20 for one calendar month, and \$15 for one day.

Dated at Vermillion, South Dakota this 19th day of December 2022

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
By _____
Jonathan D. Cole, Mayor

ATTEST:

By _____
Katie E. Redden, Finance Officer

The motion was seconded by Council Member Holland. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Cole declared that the Resolution was adopted.

D. Request to close W. Kidder Street from the corner of Court Street, west to the alleyway between Court and Market Street for the Law Enforcement Torch Run and Polar Plunge® for Special Olympics event on Saturday, February 25, 2023 from 8:00 a.m. to 4:00 p.m.

John Prescott, City Manager, reported that Drew Gortmaker of the Law Enforcement Torch Run International has requested the closure of W. Kidder Street from the corner of Court Street, west to the alleyway between Court and Market Street for the Law Enforcement Torch Run and Polar Plunge® for Special Olympics event on Saturday, February 25, 2023 from 8:00 a.m. to 4:00 p.m. John noted that registration will begin at noon with the Polar Plunge event starting at 1:00 p.m. and concluding by 4:00 p.m. John stated that the completed street closure request application and diagram are attached and the Street, Police, Fire, and EMS Departments have been notified of the street closure request. John noted that they did not have any issues with the event as it is the same setup and closure as previous years.

419-22

Council Member Holland moved approval of the request to close W. Kidder Street from west line of the intersection with Court Street west to the east line of the intersection of the north-south alley between Court Street and Market Street from 8:00 a.m. to 4:00 p.m. on Saturday, February 25, 2023 for the Law Enforcement Torch Run and Special Olympics Polar Plunge event. Council Member Price seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

E. Garbage hauler license renewals

Katie Redden, Finance Officer, reported that the following have made application, including the proof of insurance, for commercial collector's licenses for 2023: Loren Fischer Disposal - Loren Fischer, Owner; Fischer Disposal, LLC - Lonnie Fischer, Operator; Art's Garbage Service - Division of Waste Connections; Vermillion Garbage Service - VSG, Inc., and Waste Management of Sioux City Iowa. Katie noted that, as part of the renewal, applicants were requested to include any violations of City ordinance and the Police Chief did a local record check on each applicant with her results included in the memo. Discussion followed.

420-22

Council Member Murra moved approval of the commercial collector's licenses for 2023 for the businesses listed. Council Member Ward seconded the motion. Discussion followed on the commercial collection license process. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

F. Public Safety Center Board member appointments

John Prescott, City Manager, reported on the Public Safety Center Board member appointments. When the Public Safety Center was built, there was a Construction and Use Agreement entered into between the City of Vermillion and Clay County on January 21, 1988. The agreement provided for a Public Safety Center Board that would resolve any issues and/or conflicts between the City and County in the use of the facility.

John noted that the current members of the board and the expiration of their current terms are Robert Fuller (2022), Bruce Plate (2023), and Dave Thiesse (2024). Sheriff Howe and Police Chief Brady are recommending the reappointment of Bob Fuller for a term ending December 31, 2025.

John stated that Dave Thiesse will be leaving the Public Safety Center Board as he will begin service as a County Commissioner next month. Sheriff Howe and Police Chief Brady have recommended appointing Steve Waller to complete the balance of the term held by Mr. Thiesse which expires on December 31, 2024.

421-22

Council Member Price moved approval of appointing Robert Fuller for the term expiring December 31, 2025 and Steve Waller for the term to expire December 31, 2024. Council Member Jennewein seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

G. Resolution Authorizing the Purchase of Two Cardiac Monitors

Matt Callahan, Fire Chief, reported on a resolution authorizing the purchase of two cardiac monitors. Matt noted that, in 2010, the City of Vermillion was granted a cardiac monitor from the State of South Dakota through the Helmsley Grant funding project. In 2012, two (2) additional cardiac monitors were purchased for the other two ambulances so that all devices were compatible with each other.

Matt stated that, in 2023, these devices are scheduled to be replaced due to exceeding the manufacturer's recommended life span. The State of South Dakota once again will be purchasing each registered ambulance in the state one (1) Stryker LifePak 15 Cardiac Monitor. These units will replace the units that are currently on our ambulances. Matt noted that, with our changing times, increased call volume, and increase in our ALS capabilities, the Department finds it necessary to increase the number of cardiac monitors that we have. These two (2) additional units will be utilized on our new Heavy Rescue unit that will be delivered near the end of April 2023 and as a training device to improve and enhance our excellent patient care abilities. This training unit will also be used as an in-house loaner when one of the other units has to be sent out for repair as part of our service agreements.

422-22

After reading the same once, Council Member Murra moved adoption of the following:

RESOLUTION
AUTHORIZING THE PURCHASE
OF TWO CARDIAC MONITORS

WHEREAS, SDCL 5-18A-8 authorizes a governmental entity to purchase supplies or services without competition if the purchasing agency determines that a sole source provider is the only option available; and

WHEREAS, the City of Vermillion approached the area's distributor that sells the same brand as the cardiac monitors already found in the City's ambulances, rescue equipment, and in locations around the community; and

WHEREAS, purchasing two Striker LifePak 15 Cardiac monitors will interface with the current equipment being used by the City's Fire and EMS Department, provide consistency with other cardiac monitors found in the community, will not require additional personnel training to use the new cardiac monitors, and will reduce the number of supplies needed.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to purchase two Stryker LifePak 15 Cardiac Monitors from Stryker Medical, Redmond, WA for a total price of \$66,678.30.

Dated at Vermillion, South Dakota this 19th day of December 2022.

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

By _____

Jonathan D. Cole, Mayor

ATTEST:

By _____

Katie E. Redden, Finance Officer

The motion was seconded by Council Member Humphrey. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Cole declared that the Resolution was adopted.

H. Resolution Authorizing the Purchase of Rescue Equipment

Matt Callahan, Fire Chief, reported on a resolution authorizing the purchase of rescue equipment. Matt noted that, with the new heavy rescue/engine being delivered around the end of April, the Department is beginning the process of acquiring replacement, new, and additional equipment for the truck. Matt noted that part of the equipment needed is additional rescue air struts and accessories. These devices are used for stabilization in vehicle accidents, building collapses, trench rescues, elevator rescues, and various types of rope rescues. The Department currently already has Paratech Rescue Air Struts in its cache of

equipment. This purchase of \$125,000 would be to add to those struts already being used.

Matt noted that this equipment meets the requirement for sole source purchase due to the need for them to interface with current equipment, supplies and other communities along with the SD-TF1 Urban Search and Rescue Team. Purchasing other device brands would not make compatibility with current equipment, supplies, and other devices possible.

Council Member Murra noted he saw the new truck today and it is something the City should be proud of. Murra noted that it is going to be a huge addition to helping those in our community.

423-22

After reading the same once, Council Member Ward moved adoption of the following:

RESOLUTION
AUTHORIZING THE PURCHASE
OF RESCUE EQUIPMENT

WHEREAS, SDCL 5-18A-8 authorizes a governmental entity to purchase supplies or services without competition if the purchasing agency determines that a sole source provider is the only option available; and

WHEREAS, the City of Vermillion approached the area's distributor that sells the same brand as the rescue equipment already being used by the City's Fire and EMS Department; and

WHEREAS, purchasing Paratech Rescue Air Struts will interface with the current equipment being used by the City's Fire and EMS Department, provide consistency with other neighboring Fire Departments using the same brand of rescue equipment, will reduce the amount of personnel training that may be required, and will reduce the number of supplies needed.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to purchase Paratech Rescue Air Struts and accessories from M & T Fire Equipment, Volga, SD in the amount of \$70,912.00.

Dated at Vermillion, South Dakota this 19th day of December, 2022.

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

By _____
Jonathan D. Cole, Mayor

ATTEST:

By _____
Katie E. Redden, Finance Officer

The motion was seconded by Council Member Holland. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Cole declared that the Resolution was adopted.

I. Corrective Municipal Quitclaim Deed for Erickson Addition

John Prescott, City Manager, reported on a corrective Municipal quitclaim deed for Erickson Addition. John noted that, in 2011, the City-owned land in Erickson Park Addition was transferred to the Vermillion Chamber and Development Company (VCDC) for development purposes. The land can roughly be described as bordered by Highway 50 on the north, Princeton Street on the east, W. Duke Street if extended west of Princeton Street on the south, and Carr Street on the west. John noted the City Council entered into a Memorandum of Understanding with the VCDC regarding the transfer of the land. To complete the transfer of property from the City to the VCDC, a Quitclaim deed was filed at the Register of Deeds office. The VCDC has sold different parcels in Erickson Addition over the years and is not the sole owner of Erickson Addition.

John noted that a prospective buyer of one of the lots expressed a concern with language in the Quitclaim Deed used to transfer the property from the City to the VCDC.

John stated that City staff visited with Clay County Abstract and Title, Clay County Register of Deeds office, and City Attorney on how to address this language in the current deed. It was suggested that the attached Corrective Municipal Quitclaim Deed be prepared, presented to the City Council for consideration, and if approved, filed with the Register of Deeds office.

424-22

Council Member Ward moved approval of the Corrective Municipal Quitclaim Deed for Erickson Addition. Council Member Jennewein seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

9. Bid Openings

A. Water Treatment Chemicals

Jose Dominguez, City Engineer, reported on a bid for Water Treatment chemicals. Jose stated that the City uses lime and soda ash at the City's Water and Wastewater Treatment Plants. The lime and soda ash are used at the Water Treatment Plant to soften the water distributed. Soda ash is used at the Wastewater Treatment Plant to raise the pH of the water before it is released into the Vermillion River.

Jose noted that the City requested bids for these two chemicals from nine bidders. Four bids for lime and one bid for soda ash was received. The bids were opened on December 14th. One of the lime bids was not read due to the lack of a bid bond. Graymont LLC submitted the low bid of \$232.50 per ton for the lime. Dubois Chemicals Inc. was the only bid received for the soda ash for \$598.00 per ton.

Jose stated that it should be noted that the bid from Dubois for the soda ash is only firm for the 1st quarter of 2023. Due to this, Staff will be asking the Council to reject DuBois' low bid as the price is not good for the entire year. Staff proposes to follow SDCL 5-18A-22(5) which exempts chemical purchases from State bid laws. Using this statute allows Staff to request quotes from chemical suppliers every quarter.

Jose stated that the Water and Wastewater Departments have funds for the chemical purchases. However, both budgets will have to be revised in 2023 to cover the increase cost of the soda ash.

Jose noted that Administration recommends awarding the lime bid to Graymont LLC, at \$232.50 per ton for a total of \$116,250 plus fuel surcharges. Additionally, Staff recommends rejecting the soda ash bid from Dubois Chemicals Inc. as it does not meet the bid requirements.

Jose stated that staff will enter into a separate contract with Dubois as allowed in SDCL 5-18A-22(5) for the 1st quarter of 2023 for \$598.00 per ton for a total of \$358,800. Staff would acquire a quote every quarter from all known suppliers for future soda ash awards.

425-22

Council Member Humphrey moved to accept the bid from Graymount LLC for the lime and reject the bid from DeBois' for the soda ash. Council Member Ward seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

10. City Manager's Report

A. John noted that City office's will be closed on Monday, December 26th and Monday, January 2nd. The next regular City Council meetings are on Tuesday, January 3, 2023.

B. John stated that the Christmas tree collection site is open and accepts real trees. The site is located on the south side of Broadway Street just west of Dakota Street. Please remove any plastic that you might wrap the tree in for transporting it as well as lights and decorations. Trees are accepted through Friday, January 13, 2023.

C. John noted that the Library is seeking responses to a library services survey. Surveys are to be completed before December 31st. Surveys are available on the Library's website or there are paper copies at the Library.

D. John reminded residents that sidewalks are to be cleared 24 hours after the end of a snow event. Snow should be stored on your property - not across the street on neighbor's yard without permission or piled up in the street in front of neighbor's property. If moved across the street, windrows of snow should not be left in the street.

PAYROLL ADDITIONS AND CHANGES

Police: Norma Probst \$23.06/hr; Street: Scott Iverson \$25.15/hr, Cory Moore \$24.06/hr; Library: Jeff Engeman \$19.90/hr; Water: Brian Hamilton \$21.28/hr, Curt Haakinson \$34.54/hr, Aaron Hammer \$21.28/hr, Dale Husby \$25.65/hr, Eric McPherson \$31.52/hr, Andrew Wickre \$23.58/hr, Zach Hammond \$23.07/hr; Wastewater: Michael Watterson \$20.49/hr, Mike Heine \$33.15/hr, Nick Anglin \$22.18/hr, Jay Elledge \$19.23/hr; Recycling: Todd Moe \$23.55/hr

11. Invoices Payable

426-22

Council Member Price moved approval of the following invoices:

A & B BUSINESS, INC	COPIER CONTRACT	196.54
A&M SERVICES, INC	UNIFORM CLEANING	125.00
ACCENT WIRE - TIE	BALER BAGS	76,464.00
AMAZON BUSINESS	SUPPLES	710.44
AUTO VALUE	PARTS	1,022.47
BAUER BUILT TIRE & SERVICE	TIRES	2,385.08
BILL BROWN	SNOW REMOVAL	202.50
BLACKSTONE PUBLISHING	BOOKS	254.05
BLUEPEAK	TELEPHONE/INTERNET	4,854.56
BORDER STATES ELEC SUPPLY	SUPPLIES	603.18
BRIAN WAAGE	SAFETY BOOTS REIMBURSEMENT	163.96
BROADCASTER PRESS	ADVERTISING	1,125.16
BUHLS CLEANERS	MAT/MOP SERVICE	542.94
BUREAU OF ADMINISTRATION	TELEPHONE	300.30
BUTCH'S PROPANE INC	PROPANE	3,147.71

BUTLER MACHINERY CO.	PARTS	416.56
CANNON TECHNOLOGIES, INC	SUPPORT	8,854.00
CENGAGE LEARNING INC/GALE	BOOKS	133.57
CENTRAL SQUARE TECHNOLOGIES	SUBSCRIPTION	661.50
CLAY RURAL WATER SYSTEM	WATER USAGE	61.20
CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,921.62
CMOORE PIT SERVICE	PORTA-POT RENTAL	150.00
CONVERGINT TECHNOLOGIES LLC	REPAIRS	384.18
CORE & MAIN LP	SUPPLIES	505.44
CRARY HUFF LAW FIRM	PROFESSIONAL SERVICES	3,500.50
DAKOTA BEVERAGE	MERCHANDISE	5,741.05
DAKOTA PC WAREHOUSE	SUPPLIES	35.97
DAKOTA ROCK FARMS	SLUDGE HAULING	29,694.00
DAKOTA SUPPLY GROUP	WATER METERS	3,460.00
DEADPERFECT	MERCHANDISE	193.86
DIAMOND MOWERS	PARTS	86.12
DISPLAY SALES COMPANY	POLE BANNERS	1,942.13
DIVISION OF MOTOR VEHICLE	LICENSE PLATES	10.00
DUBOIS CHEMICALS	SODA ASH	22,357.50
ECHO ELECTRIC SUPPLY	PARTS	894.49
EQUIPMENT BLADES INC	SNOWPLOW BLADES/CURB BUMPER	4,256.80
FINDAWAY WORLD LLC	BOOK	49.99
FRIEBERG, NELSON & ASK, LLC	PROFESSIONAL SERVICES	157.50
GREENTREE PSYCHOLOGICAL SERVICE	PROFESSIONAL SERVICES	400.00
GREGG PETERS	MANAGERS FEE	6,000.00
HACH CO	SUPPLIES	63.16
HELMS & ASSOCIATES	PROFESSIONAL SERVICES	2,863.29
INGRAM	BOOKS	2,467.14
INSURANCE BENEFITS INC.	AIRPORT LIABILITY	4,800.60
INTERSTATE POWER SYSTEMS	REPAIRS	7,630.88
ISTATE TRUCK CENTER	PARTS	104.38
JACKS UNIFORM & EQPT	UNIFORM	2,210.15
JAY'S PLUMBING	REPAIRS	400.82
JERRY'S CHEVROLET BUICK GM	HOLDER	99.50
JOHN A CONKLING DIST.	MERCHANDISE	2,022.40
JOHNSEN HEATING & COOLING	REPAIRS	2,728.83
JOHNSON BROTHERS OF SD	MERCHANDISE	22,125.51
JONES FOOD CENTER	SUPPLIES	268.02
LAWSON PRODUCTS INC	SUPPLIES	159.53
LINDA RASMUSSEN	REFUND AMB OVERPAYMENT	171.76
LOFFLER	COPIER CONTRACT/COPIES	285.27
LONGS PROPANE INC	PROPANE	30.00

LOREN FISCHER DISPOSAL	HAUL CARDBOARD	1,280.00
MALLOY ELECTRIC	RELAY	94.76
MATHESON TRI-GAS, INC	CYLINDER RENTAL	97.45
MATTER LAW OFFICE, PROF LLC	PROFESSIONAL SERVICES	421.00
MATTHEW BENDER & CO, INC	BOOKS	152.43
MATTHEW CALLAHAN	REIMBURSEMENT	43.20
MENARDS	SUPPLIES	381.00
MICRO MARKETING LLC	BOOKS	374.92
MIDAMERICAN	GAS USAGE	7,392.03
MIDWEST ALARM CO	ALARM MONITORING	119.85
MIDWEST RADIATOR & EXHAUST	PART	5.98
MISTER SMITH'S	SUPPLIES	122.78
MIZUNO USA, INC	MERCHANDISE	193.19
NCL OF WISCONSIN, INC	CHEMICALS	712.80
NEBRASKA JOURNAL-LEADER	ADVERTISING	33.95
NETSYS+	PROFESSIONAL SERVICES	926.00
NEWMAN SIGNS, INC	SUPPLIES	3,170.87
NO BULL LANDSCAPING & SNOW	SNOW REMOVAL	810.00
O'REILLY AUTO PARTS	PARTS	634.72
OVERDRIVE INC	SUBSCRIPTIONS	4,500.00
OVERHEAD DOOR OF SIOUX CITY	REPAIRS	597.50
PING/KARSTEN MFG CORP	MERCHANDISE	35.17
POWERPHONE, INC	REGISTRATION-ONLINE TRAINING	329.00
QUADIENT FINANCE USA, INC	SUPPLIES	76.22
QUADIENT LEASING USA, INC	COPIER LEASE PAYMENT	178.90
REPUBLIC NATIONAL DIST	MERCHANDISE	13,860.74
REQUIP, LLC	REPAIRS	1,827.50
RILEY ARCHER	REFUND PARKING TICKET OVERPMT	5.00
RIVERSIDE TECHNOLOGIES, INC	COMPUTERS	4,480.00
RUNNING SUPPLY, LLC	SUPPLIES/PARTS	751.62
RYAN HOUGH	FITNESS CENTER REIMBURSEMENT	300.00
SANFORD HEALTH OCCUPATIONAL	TESTING	1,126.00
SD DENR	LANDFILL OPERATIONS FEE	3,432.13
SD PUBLIC ASSURANCE ALLIANCE	AUTO DAMAGE COVERAGE	918.74
SOOLAND BOBCAT	PARTS	214.55
SOUTHERN GLAZER'S OF SD	MERCHANDISE	7,360.13
STERN OIL CO.	FUEL	18,832.82
SYMBOL ARTS	BADGES	276.90

THE LUMBERYARD LLC	SUPPLIES	189.70
THE WALKING BILLBOARD	SWEATSHIRTS	892.36
TRACTOR SUPPLY CREDIT PLAN	SPADES/BOLTCUTTER	152.45
TRUCK-TRAILER SALES	PARTS	92.26
TRUE BRANDS	MERCHANDISE	885.50
TWIN CITY HARDWARE	SUPPLIES	532.62
UNITED PARCEL SERVICE	SHIPPING	315.36
US BANK	ADM FEES	770.00
US GOLF ASSOCIATION	MEMBERSHIP DUES	150.00
USD MARKETING & U RELATION	MERCHANDISE	200.18
USPS-POC	POSTAGE FOR METER	700.00
VERMEER HIGH PLAINS	REPAIRS	2,625.62
VERMILLION ACE HARDWARE	SUPPLIES	599.38
VERMILLION AREA ARTS COUNCIL	FUNDING	2,000.00
VERMILLION CHAMBER OF COMMERCE	VERMILLION BUCKS	250.00
VERMILLION FOOD PANTRY	CONTRIBUTION	5,500.00
VERMILLION FORD	REPAIRS	1,390.81
WESTERN IOWA TECH	CLASS B TEST	300.00
WORLD BOOK, INC	ENCYCLOPEDIA SET	1,199.00
YANKTON JANITORIAL SUPPLY	GLOVES	599.00
ZEP SALES & SERVICE	SUPPLIES	179.57

Council Member Jennewein seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

12. Consensus Agenda - None

13. Adjourn

427-22

Council Member Murra moved to adjourn the Council Meeting at 8:53 p.m. Council Member Ward seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

Dated at Vermillion, South Dakota this 19th day of December, 2022.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____
Jonathan D. Cole, Mayor

ATTEST:

BY _____
Katie E. Redden, Finance Officer

Published once at the approximate cost of _____.



PROCLAMATION

DR. MARTIN LUTHER KING, JR. DAY OF SERVICE

WHEREAS, Dr. Martin Luther King, Jr. devoted his life to the advancement of civil rights and public service. He believed in a nation of freedom and justice for all, and challenged all citizens to help build a more perfect union and live up to the purpose and potential of America; and

WHEREAS, Dr. King recognized that everyone can be great because everyone can serve, and during his lifetime encouraged all Americans to serve their neighbors and their communities; and

WHEREAS, in 1994, Congress initiated the King Day of Service, a nationwide effort to transform the federal holiday honoring Dr. Martin Luther King, Jr. into a day of community service, grounded in Dr. King's teachings, that helps solve social problems while focusing on bringing people together and breaking down the barriers that have divided us as a nation; and

WHEREAS, hundreds of thousands of volunteers in cities and towns across the nation participate in King Day service projects, in all 50 states, the District of Columbia, Guam, and Puerto Rico; and

WHEREAS, the King Day of Service, which falls on Monday, January 16th this year, is a time for the people of Vermillion to recognize Dr. King's teachings on advancing equality and opportunity for all by contributing their own time and talents in a day of service.

NOW, THEREFORE, BE IT RESOLVED we, the governing body of the City of Vermillion, South Dakota, do hereby proclaim January 16, 2023, as

DR. MARTIN LUTHER KING, JR. DAY OF SERVICE

and encourage our citizens to honor the memory of Dr. King, to put his teachings into action by participating in the MLK Day of Service.

Dated at Vermillion, South Dakota this 3rd day of January, 2023.

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

By _____
Jonathan D. Cole, Mayor

ATTEST:

By _____
Katie E. Redden, Finance Officer

Council Agenda Memo

From: José Domínguez, City Engineer

Meeting: January 3, 2023

Subject: Ordinance 1477 – Amending City of Vermillion Code of Ordinances Title XV, Land Usage, Chapter 155, Zoning Regulations, Section 155.008, Definitions, to Include Definitions for “Malt Beverage”, “Brewpub”, “Farm Winery”, “Microbrewery”, and “Wine Manufacturer”; Section 155.036, CB Central Business District, (A) Permitted Uses, to Include “Brewpub” as a Permitted Use, (B) Conditional Uses, to Include “Farm Winery”, “Microbrewery”, and “Wine Manufacturer” as Conditional Uses; Section 155.037, GB General Business District, (A) Permitted Uses, to Include “Brewpub” as a Permitted Use, (B) Conditional Uses, to Include “Farm Winery”, “Microbrewery”, and “Wine Manufacturer” as Conditional Uses; Section 155.039, GI General Industrial District, (B) Conditional Uses, to Include “Brewpub”, “Farm Winery”, “Microbrewery”, and “Wine Manufacturer” as Conditional Uses; and to Create Section 155.084, Brewpub, Farm Winery, Microbrewery, and Wine Manufacturer

Presenter: José Domínguez

Background: Recently there has been an increased interest in the community to have malt beverage manufacturers within the City. The current ordinance does not allow for these uses explicitly. Conversely, the ordinance also does not prohibit the uses. The amendments attempt to codify uses associated with malt beverage manufacturing and wine manufacturing. The latter has already been occurring within the City as a non-conforming use at the winery on the west end of the City.

Discussion: The ordinance tries to address all aspects associated with the new uses (i.e. brewpub, farm winery, microbrewery, and wine manufacturing). The ordinance would create definitions for the uses, spell out in which districts the uses will be allowed, and have a section that lays out the criteria each of the uses must follow.

Staff is proposing to use the definitions found in state statute for each of the uses, except for “brewpub.” The definition for “brewpub” was created by Staff to encompass what the establishment would be doing. The State does not have a definition for a “brewpub.”

Regarding the districts where the new uses would be allowed, Staff considered the type of business, the neighborhood, and possible negative effects the use may have. In doing this, Staff is proposing that all the uses be included within the CB Central Business district, the GB General Business district, and in the GI General Industrial district. The “brewpub” use would be a permitted use in the CB Central Business district and in the GB General Business district, and a conditional use in the GI General Industrial district. All the other uses will be conditional uses in the three districts.

Section 155.084 will be created to specify the criteria for each of the uses. The criteria in this section will inform the applicant of which licenses they need to obtain (e.g. malt beverage manufacturer’s license from the State, a City malt beverage license, a farm winery license from the State, or a wine manufacturer license from the State). Additionally, the criteria will also spell out the area allowed for the brewing operation if the applicant also intends to serve food or alcohol. The section will also place a cap on the production maximums. Except for the maximums for a “brewpub” the values used on the other uses are identical to the State’s maximums.

Staff has discussed a draft of the amendments with members of the community that have shown interest in operating one of the listed uses.

The City’s Planning and Zoning Commission unanimously recommended that the City Council adopt the ordinance as proposed by Staff. The City Council approved the first reading of ordinance 1477 at the December 19th meeting. The only change in the ordinance since the first reading has been a correction to its formatting. At the December meeting, the City Council also instructed Staff to bring forward an amendment after adoption of this ordinance that would also allow “artisan distillers” within City limits.

Financial Consideration: The only financial cost to the City will be that of publishing the ordinance amendments.

Conclusion/Recommendations: Staff recommend adoption of the ordinance amendment. Since this is the second reading of an ordinance, a roll-call vote is required.

ORDINANCE 1477

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV, LAND USAGE, CHAPTER 155, ZONING REGULATIONS, SECTION 155.008, DEFINITIONS, TO INCLUDE DEFINITIONS FOR “MALT BEVERAGE”, “ BREWPUB”, “FARM WINERY”, “MICROBREWERY”, AND “WINE MANUFACTURER”; SECTION 155.036, CB CENTRAL BUSINESS DISTRICT, (A) PERMITTED USES, TO INCLUDE “BREW PUB” AS A PERMITTED USE, (B) CONDITIONAL USES, TO INCLUDE “FARM WINERY”, “MICROBREWERY”, AND “WINE MANUFACTURER” AS CONDITIONAL USES; SECTION 155.037, GB GENERAL BUSINESS DISTRICT, (A) PERMITTED USES, TO INCLUDE “BREW PUB” AS A PERMITTED USE, (B) CONDITIONAL USES, TO INCLUDE “FARM WINERY”, “MICROBREWERY”, AND “WINE MANUFACTURER” AS CONDITIONAL USES; SECTION 155.039, GI GENERAL INDUSTRIAL DISTRICT, (B) CONDITIONAL USES, TO INCLUDE “BREW PUB”, “FARM WINERY”, “MICROBREWERY”, AND “WINE MANUFACTURER” AS CONDITIONAL USES; AND TO CREATE SECTION 155.084, BREWPUB, FARM WINERY, MICROBREWERY, AND WINE MANUFACTURER.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the following section of Chapter 155 be amended by including “Malt Beverage”, “Brewpub”, “Microbrewery”, “Wine Manufacturer”, and “Farm Winery” as definitions. All other portions of section 155.008 will remain as they are. Following is the amendment:

MALT BEVERAGE. A beverage as defined by SDCL 35-1-1.

BREW PUB. A restaurant or drinking establishment that includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, yeast, and other ingredients into a malt beverage by mashing, cooking, and fermenting.

FARM WINERY. A manufacturer of wine as defined by SDCL 35-12-13.

MICROBREWERY. A manufacturer of malt beverages as defined by SDCL 35-15-1.

WINE MANUFACTURER. A manufacturer of wine as defined by SDCL 35-16-1.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the following section of Chapter 155 be amended by including “Brewpub” as a permitted use, and “Farm Winery”, “Microbrewery” and “Wine Manufacturer” as conditional uses. All other portions of sections 155.036 (A) and (B) will remain as they are. Following is the amendment:

§155.036 CB CENTRAL BUSINESS DISTRICT

(A) PERMITTED USES.

Permitted Use	Applicable Standards
Brewpub	§§ 155.070, 155.072, 155.074, 155.077, 155.084, and SDCL 35-15.

(B) CONDITIONAL USES.

Conditional Use	Applicable Standards
Farm Winery	§§ 155.070, 155.072, 155.074, 155.077, 155.084, 155.095(A), and SDCL 35-12.
Microbrewery	§§ 155.070, 155.072, 155.074, 155.077, 155.084, 155.095(A), and SDCL 35-15.
Wine Manufacturer	§§ 155.070, 155.072, 155.074, 155.077, 155.084, 155.095(A), and SDCL 35-16.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the following section of Chapter 155 be amended by including “Brewpub” as a permitted use, and “Farm Winery”, “Microbrewery” and “Wine Manufacturer” as conditional uses. All other portions of sections 155.037 (A) and (B) will remain as they are. Following is the amendment:

§155.037 GB GENERAL BUSINESS DISTRICT

(A) PERMITTED USES.

Permitted Use	Applicable Standards
Brewpub	§§ 155.070, 155.072, 155.074, 155.077, 155.084, and SDCL 35-15.

(B) CONDITIONAL USES.

Conditional Use	Applicable Standards
Farm Winery	§§ 155.070, 155.072, 155.074, 155.077, 155.084, 155.095(A), and SDCL 35-12.
Microbrewery	§§ 155.070, 155.072, 155.074, 155.077, 155.084, 155.095(A), and SDCL 35-15.
Wine Manufacturer	§§ 155.070, 155.072, 155.074, 155.077, 155.084, 155.095(A), and SDCL 35-16.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the following section of Chapter 155 be amended by including “Brewpub”, “Farm Winery”, “Microbrewery” and “Wine Manufacturer” as conditional uses. All other portions of sections 155.039 (B) will remain as they are. Following is the amendment:

§155.039 GI GENERAL INDUSTRIAL DISTRICT

(B) CONDITIONAL USES.

Conditional Use	Applicable Standards
Brewpub	§§ 155.070, 155.072, 155.074, 155.077, 155.084, 155.095(A), and SDCL 35-15.
Farm Winery	§§ 155.070, 155.072, 155.074, 155.077, 155.084, 155.095(A), and SDCL 35-12.
Microbrewery	§§ 155.070, 155.072, 155.074, 155.077, 155.084, 155.095(A), and SDCL 35-15.

Wine Manufacturer	§§ 155.070, 155.072, 155.074, 155.077, 155.084, 155.095(A), and SDCL 35-16.
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BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the following section of Chapter 155 be created. All other sections of Chapter 155 will remain as they are, unless amended by this ordinance amendment. Following is the new section to Chapter 155:

§155.084 BREWPUB, FARM WINERY, MICROBREWERY, AND WINE MANUFACTURER

(A) BREWPUB AND MICROBREWERY

(1) Brewpub

- (a) The area used for brewing, including bottling and kegging (but not including storage facilities, or other spaces that may be used by the restaurant or drinking establishment), shall not exceed 33-percent of the total area of a combined restaurant and drinking establishment and 50-percent of the total floor area of a drinking establishment without restaurant services.
- (b) A malt beverage manufacturer’s license must be obtained per State law.
- (c) A malt beverage license must be obtained per City ordinance.
- (d) The amount, method, and frequency of spent grain being disposed shall be provided.
- (e) The brewery shall not produce more than 15,000-barrels of malt beverages per year. A barrel contains 31-gallons.

(2) Microbrewery

- (a) A malt beverage manufacturer’s license must be obtained per State law.
- (b) A malt beverage license must be obtained per City ordinance.
- (c) A microbrewery may also operate other uses allowed in the district. Depending on the use, and the district, the additional uses may require a conditional use permit.
- (d) If operating a combined restaurant and drinking establishment in combination with the Microbrewery, the area used for brewing, including bottling and kegging (but not including storage facilities, or other spaces that may be used by the restaurant or drinking establishment) shall not exceed 33-percent of the total area.
- (e) If operating a drinking establishment in combination with the Microbrewery, the areas used for brewing, including bottling and kegging (but not including storage facilities, or other spaces that may be used by the restaurant or drinking establishment) shall not exceed 50-percent of the total area.
- (f) All grain shipments and spent grain shall be contained within a completely enclosed building.
- (g) The amount, method, and frequency of spent grain being disposed shall be provided.
- (h) The brewery shall not produce more than 30,000-barrels of malt beverages per year. A barrel contains 31-gallons.

(B) FARM WINERY AND WINE MANUFACTURER

(1) Farm Winery

- (a) A farm winery license must be obtained per State law.
- (b) A malt beverage license must be obtained per City ordinance.
- (c) A farm winery may also operate other uses allowed in the district. Depending on the use, and the district, the additional uses may require a conditional use permit.
- (d) The amount, method, and frequency of pomace or marc being disposed shall be provided.
- (e) The quantity of wine produced cannot exceed 150,000-gallons per year.

(2) Wine Manufacturer

- (a) A wine manufacturer license must be obtained per State law.
- (b) A malt beverage license must be obtained per City ordinance.
- (c) A wine manufacturer may also operate other uses allowed in the district. Depending on the use, and the district, the additional uses may require a conditional use permit.

- (d) The amount, method and frequency of pomace or marc being disposed shall be provided.
- (e) The quantity of wine produced cannot exceed 150,000-gallons per year.

Dated at Vermillion, South Dakota this 3rd day of January, 2023.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Jonathan D. Cole, Mayor

ATTEST:

BY _____
Katie E. Redden, Finance Officer

First Reading: December 19, 2022
Second Reading: January 3, 2023
Published: January 13, 2023
Effective: February 2, 2023

Council Agenda Memo

From: Stone Conley, Assistant to the City Manager

Meeting: January 3, 2023

Subject: Ordinance 1478 – Amending the City of Vermillion Code of Ordinances Title IX, General Regulations; Chapter 90, Health and Safety; Nuisances; Section 90.01 of the Revised Ordinances of the City of Vermillion, South Dakota, to Amend the Hours of Noises Prohibited to Provide Consistent Hours

Presenter: Stone Conley

Background: The City currently has maximum permissible sound levels in effect from 11:00 pm until 7:00 am with another set of maximum permissible sound levels from 7:00 am until 11:00 pm. Recently, staff identified that there was an inconsistency in the hours used in section 90.01(b) of City Code. The language states that the maximum permissible sound levels are during the hours of 11:00 pm to 7:00 am. However, the corresponding chart does not use the same hours to distinguish between the maximum permissible sound levels.

Discussion: The City would like to amend Chapter 90, making the hours of maximum permissible sound levels consistent with one another. Currently the chart and the language both display different hours. By having different hours, it can be confusing as to what the maximum permissible sound level is between 6:00 am and 7:00 am. In order to change this, the City must amend the code of ordinances.

As seen in the amended ordinance, the City would like to make the chart consistent with the language in the code. With the proposed ordinance, the chart would display two sections, one with noise levels for the hours of 11:00 pm to 7:00 am and another section for 7:00 am to 11:00 pm. The chart will be consistent with the language allowing for those to properly plan any event that emits noise.

Financial Consideration: The only financial cost to the City will be that of publishing the ordinance amendments.

Conclusion/Recommendations: Administration recommends approval of the first reading of the ordinance.

PROPOSED ORDINANCE 1478

AN ORDINANCE AMENDING TITLE IX, GENERAL REGULATIONS; CHAPTER 90, HEALTH AND SAFETY; NUISANCES; SECTION 90.01 OF THE REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, TO AMEND THE HOURS OF NOISES PROHIBITED TO PROVIDE CONSISTENT HOURS.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that Chapter 90, Section 90.01 be amended as follows:

§ 90.01 NOISES PROHIBITED.

(2) Stereos, radios, television sets, musical instruments, and similar devices.

- (a) Using, operating, or permitting the use or operation of any stereo, radio, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in division (B)(1) above, in such a manner as to violate this section or cause a noise disturbance.
- (b) The operating of any such device between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at the property boundary of the source or plainly audible at 50 feet from the device when operated within a vehicle parked on a public right-of-way or when operated from within a private residence.

(3) Maximum permissible sound levels. It shall be unlawful for any person to operate or permit the operation of any stationary source of sound in such a manner as to create a sound pressure level during any 10-minute measurement period which exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise. Sound level measurements shall be made at a distance of 50 feet from source with a sound level meter of type 2 or better, using the “A” weighting scale, in accordance with standards promulgated by the American National Standards Institute.

<i>Use District</i>	<i>11:00 p.m. to 6:00 a.m. 7:00 a.m.</i>	<i>6:00 a.m. 7:00 a.m. to 11:00 p.m.</i>
Residential	50 dB(A)	55dB(A)
Commercial	55 dB(A)	60dB(A)
Industrial and Agricultural	75 dB(A)	80dB(A)

THE GOVERNING BODY OF THE
CITY OF VERMILLION, SOUTH DAKOTA

By: _____
Jonathan D. Cole, Mayor

ATTEST:

By: _____
Katie E. Redden, Finance Officer

First Reading: January 3, 2022
Second Reading: January 17, 2023
Publish: January 27, 2023
Effective: February 16, 2023

DRAFT

Council Agenda Memo

From: Jose Dominguez, City Engineer
Meeting: November 1, 2021
Subject: Change Order No. 4 for Highway 50 Drainage Improvements
Presenter: Jose Dominguez

Background: On March 1, 2021, the City Council awarded a \$3,077,119.99 contract to Midland Contracting, Inc. of Huron to construct a storm sewer along the south ditch of South Dakota Highway 50 from Dakota Street to Over Drive. The work on the project began in May 2021 and the last payment was issued to the Contractor in January 2022.

The City has previously approved three change orders for the project. Together, the three change orders increased the contract by \$361,064.04 to a total of \$3,438,184.03.

Discussion: To close out the SRF funding received from the State, the City must complete a final change order. This final change order balances out all the items and shows where any savings or additional expenses occurred. Typically, the City does not issue a final change order if there have been savings on the contract, as in this instance. However, the State requires a final change order regardless of savings accomplished.

Change Order No. 4, the final change order, will decrease the cost of the project by \$39,252.20 to a new total of \$3,398,931.82. The largest decrease was \$44,172 to the “Contractor Furnished Topsoil.” This item was decreased since the item was not used during the project because enough topsoil was generated during construction. However, the change order also includes increases due to the State requiring additional work not originally in the contract. This work occurred after change order no. 3 was approved.

Financial Consideration: The City is responsible for paying the total of \$3,398,931.82 to cover the cost of the drainage project. The project has already been paid for and no changes will need to be made to the City’s budget.

Conclusion/Recommendations: Administration recommends that the City Council review the requested change order and permit the Mayor to sign Change Order No. 4 with Midland Contracting, Inc.

City of Vermillion Contract Change Order 4

Project name: **Highway 50 Drainage Improvements COV# 1374**

Contractor: **Midland Contracting**

Proposed Change and Justification: **This is the final change order and balances the bid items out between the previous change order (CO#3) and the final quantities paid to the contractor.**

Item	Description	Quantity Change +/-	Unit Price Change +/-	Extended Amount +/-
5	Remove Sediment	-0.8 CuYd	\$100.00/CuYd	-\$80.00
Reason – bid item was not used during the project.				
6	Remove Erosion Control Wattle	-330 Ft	\$1.05/ft	-\$346.50
Reason – bid item was not used during the project.				
4	Remove Silt Fence	-74 Ft	\$0.02/ft	-\$1.48
Reason – bid item was not used during the project.				
11	Contractor Furnished Topsoil	-2,454 CuYd	\$18.00/CuYd	-\$44,172.00
Reason – enough topsoil was generated during the project so there was no need for the contractor to furnish topsoil.				
13	Pipe Culvert Undercut	-0.06 CuYd	\$15.00/CuYd	-\$0.90
Reason – contractor adjusted the quantity from 4,495-CuYd to 4,494.94-CuYd.				
35	Class M6 Concrete	-1.8 CuYd	\$2,313.52/CuYd	-\$4,164.34
Reason – bid item was not used during the project.				
36	Controlled Density Fill	-24.7 CuYd	\$145.00/CuYd	-\$3,581.50

Item	Description	Quantity Change +/-	Unit Price Change +/-	Extended Amount +/-
	Reason – not as much of the bid item was required during the project.			
42	Type 7 Manhole Frame and Lid	-2 each	\$444.45/each	-\$888.90
	Reason – two existing frames and lids were reused.			
47	Mulching	-3.1 Ton	\$236.25/Ton	-\$732.37
	Reason – a smaller area was disturbed allowing for this bid item to be reduced.			
48	12" Diameter Erosion Control Wattle	30 Ft	\$5.25/Ft	\$157.50
	Reason – additional bid items were used during the project.			
49	High Flow Silt Fence	-294 Ft	\$3.15/Ft	-\$926.10
	Reason – bid item was not used during the project.			
50	Mucking Silt Fence	-19 CuYd	\$2.10/CuYd	-\$39.90
	Reason – bid item was not used during the project.			
51	Repair Silt Fence	-74 Ft	\$1.05/Ft	-\$77.70
	Reason – bid item was not used during the project.			
52	Type A Drainage Fabric	-0.60 SqYd	\$3.36/SqYd	-\$2.02
	Reason – contractor adjusted the quantity from 1,023-SqYd to 1,022.40-SqYd.			
	8" Misc PCC Pavement	22 SqYd	\$69.30/SqYd	\$1,524.60
	Reason – SDDOT required a portion of intersection between Over Drive and SD Hwy. 50 be removed and replaced with a additional PCC Pavement.			

Item	Description	Quantity Change +/-	Unit Price Change +/-	Extended Amount +/-
	Concrete Curb & Gutter	20 Ft	\$55.00/Ft	\$1,100.00
	Reason – SDDOT required new curb and gutter on the west side of Over Drive at the intersection with SD Hwy. 50.			
	Insert Steel Bar in PCC Pavt	17 each	\$13.20/Each	\$224.40
	Reason - SDDOT required additional PCC pavement at the intersection between Over Drive and SD Hwy. 50. The new PCC pavement required steel bar.			
	Mob at Over Drive	1 LS	\$1,250.00/LS	\$1,250.00
	Reason – the work required by the SDDOT at the intersection of Over Drive and SD Hwy. 50 occurred towards the end of the project and all of the mobilization had been paid to the contractor. Additionally, this work was not originally planned for or asked for during construction.			
	Concrete Sawing	1 LS	\$1,250.00/LS	\$1,250.00
	Reason – joints needed to be sawed on the new PCC pavement at the intersection of Over Drive and SD Hwy. 50.			
	Remove Concrete Pavement	51 SqYd	\$5.00/SqYd	\$255.00
	Reason – SDDOT required some PCC pavement be removed from the intersection between Over Drive and SD Hwy. 50.			
	Inslope 6” Concrete	1 LS	\$10,000.00/LS	\$10,000.00
	Reason – SDDOT required additional concrete be poured on the west facing slope of the ditch at the intersection between Over Drive and SD Hwy. 50 to protect the slope from erosion.			
Total changes from this change order +/-				-\$39,252.20
Total changes from previous change orders +/-				\$361,064.03
Original contract amount				\$3,077,119.99
New contract amount				\$3,398,931.82

Engineer's Approval

Engineer

Date

Contractor's Approval

Officer

Date

Mayor's Approval

Jonathan D. Cole, Mayor

Date

Summary for Final Change Order #4

Project: Highway 50 Drainage Improvements
 Location: Vermillion, South Dakota
 SEH No. VERMC 154777
 City No. 1374
 DOT PCN: Clay X05N
 Date: 3-Jan-23

LINE NO.	ITEM NO.	ITEM DESCRIPTION	UNIT	BID QUANTITY	BID UNIT PRICE	TOTAL BID COST	REVISED QUANTITY CHANGE ORDER 1	REVISED QUANTITY CHANGE ORDER 2	REVISED QUANTITY CHANGE ORDER 3	FINAL QUANTITY CHANGE ORDER 4	REVISED GRAND TOTAL COST
	004E0060	Temporary Detour Structure	Each	0	\$7,725.00	\$0.00			1.00	1.00	\$7,725.00
1	009E0010	Mobilization	LS	1	\$566,000.00	\$566,000.00				1.00	\$566,000.00
2	110E0460	Remove Manhole	Each	1	\$750.00	\$750.00	2.00		4.00	4.00	\$3,000.00
3	110E0500	Remove Pipe Culvert	Ft	1138	\$24.65	\$28,051.70			1,184.00	1,184.00	\$29,185.60
4	110E0510	Remove Pipe End Section	Each	22	\$214.24	\$4,713.28			23.00	23.00	\$4,927.52
5	110E1690	Remove Sediment	CuYd	0.8	\$100.00	\$80.00					\$0.00
6	110E1693	Remove Erosion Control Wattle	Ft	330	\$1.05	\$346.50					\$0.00
7	110E1700	Remove Silt Fence	Ft	68	\$0.02	\$1.36	74.00				\$0.00
8	120E0010	Unclassified Excavation	CuYd	2260	\$6.00	\$13,560.00			4,714.00	4,714.00	\$28,284.00
	120E0300	Borrow Unclassified Excavation	CuYd	0	\$7.50	\$0.00		9,000.00	16,992.00	16,992.00	\$127,440.00
9	120E4100	Reprofiling Ditch	Sta	60	\$650.00	\$39,000.00				60.00	\$39,000.00
10	230E0010	Placing Topsoil	CuYd	2260	\$5.00	\$11,300.00			4,714.00	4,714.00	\$23,570.00
11	230E0020	Contractor Furnished Topsoil	CuYd	2454	\$18.00	\$44,172.00					\$0.00
12	260E0020	Incidental Work, Grading	LS	1	\$1,071.20	\$1,071.20				1.00	\$1,071.20
13	421E0100	Pipe Culvert Undercut	CuYd	2865	\$15.00	\$42,975.00			4,495.00	4,494.94	\$67,424.10
14	450E0163	30" RCP Class 3, Furnish	Ft	54	\$31.68	\$1,710.72			58.00	58.00	\$1,837.44
15	450E0170	30" RCP, Install	Ft	54	\$69.75	\$3,766.50			58.00	58.00	\$4,045.50
16	450E0183	36" RCP Class 3, Furnish	Ft	484	\$56.85	\$27,515.40			504.00	504.00	\$28,652.40
17	450E0190	36" RCP, Install	Ft	484	\$49.42	\$23,919.28			504.00	504.00	\$24,907.68
18	450E0192	42" RCP Class 2, Furnish	Ft	416	\$71.55	\$29,764.80			420.00	420.00	\$30,051.00
19	450E0200	42" RCP, Install	Ft	416	\$46.37	\$19,289.92			420.00	420.00	\$19,475.40
20	450E0222	60" RCP Class 2, Furnish	Ft	5766	\$114.06	\$657,669.96				5,766.00	\$657,669.96
21	450E0223	60" RCP Class 3, Furnish	Ft	1660	\$127.69	\$211,965.40				1,660.00	\$211,965.40
22	450E0224	60" RCP Class 4, Furnish	Ft	352	\$146.86	\$51,694.72				352.00	\$51,694.72
23	450E0230	60" RCP, Install	Ft	7778	\$133.09	\$1,035,174.02				7,778.00	\$1,035,174.02
24	450E2028	36" RCP Flared End, Furnish	Each	12	\$540.05	\$6,480.60				12.00	\$6,480.60
25	450E2029	36" RCP Flared End, Install	Each	12	\$348.14	\$4,177.68				12.00	\$4,177.68
26	450E2032	42" RCP Flared End, Furnish	Each	8	\$635.28	\$5,082.24				8.00	\$5,082.24
27	450E2033	42" RCP Flared End, Install	Each	8	\$401.70	\$3,213.60				8.00	\$3,213.60
28	450E2223	60" RCP Sloped End with Bars, Furnish	Each	1	\$4,425.23	\$4,425.23				1.00	\$4,425.23
29	450E2225	60" RCP Sloped End, Install	Each	1	\$535.60	\$535.60				1.00	\$535.60
30	450E3082	72" RCP Arch Class 2, Furnish	Ft	46	\$216.65	\$9,965.90				46.00	\$9,965.90
31	450E3090	72" RCP Arch, Install	Ft	46	\$93.46	\$4,299.16				46.00	\$4,299.16
32	450E4532	72" RCP Arch Flared End, Furnish	Each	2	\$1,558.22	\$3,116.44				2.00	\$3,116.44
33	450E4533	72" RCP Arch Flared End, Install	Each	2	\$749.84	\$1,499.68				2.00	\$1,499.68
34	451E7016	Connect to Existing Sewer Main	Each	2	\$2,598.73	\$5,197.46			3.00	3.00	\$7,796.19
35	462E0100	Class M6 Concrete	CuYd	1.8	\$2,313.52	\$4,164.34					\$0.00
36	464E0100	Controlled Density Fill	CuYd	84.7	\$145.00	\$12,281.50				60.00	\$8,700.00
37	670E5200	Special Frame and Grate Assembly	Each	10	\$633.19	\$6,331.90				10.00	\$6,331.90
38	670E9010	Type 1 Drop Inlet	Each	10	\$3,559.60	\$35,596.00				10.00	\$35,596.00
39	671E0550	Special Manhole	Each	5	\$7,058.32	\$35,291.60				5.00	\$35,291.60
40	671E1060	60" Manhole	Each	2	\$8,443.60	\$16,887.20				2.00	\$16,887.20
	671E1084	84" Manhole	Each	0	\$14,797.20	\$0.00			1.00	1.00	\$14,797.20
41	671E1096	96" Manhole	Each	3	\$17,044.12	\$51,132.36				3.00	\$51,132.36
42	671E6007	Type A7 Manhole Frame and Lid	Each	10	\$444.50	\$4,445.00	11.00			9.00	\$4,000.05
43	680E0260	6" Corrugated Polyethylene Drainage Tubing	Ft	1000	\$21.65	\$21,650.00	1,150.00			1,150.00	\$24,897.50
44	680E2500	Porous Backfill	Ton	190	\$38.25	\$7,267.50	218.50			218.50	\$8,357.63
45	730E0212	Type G Permanent Seed Mixture	Lb	215	\$16.80	\$3,612.00				215.00	\$3,612.00
46	731E0100	Fertilizing	Lb	12360	\$0.53	\$6,550.80				12,360.00	\$6,550.80
47	732E0100	Mulching	Ton	16	\$236.25	\$3,780.00				12.90	\$3,047.63
48	734E0154	12" Diameter Erosion Control Wattle	Ft	330	\$5.25	\$1,732.50				360.00	\$1,890.00
49	734E0604	High Flow Silt Fence	Ft	270	\$3.15	\$850.50	294.00				\$0.00
50	734E0610	Mucking Silt Fence	CuYd	19	\$2.10	\$39.90					\$0.00
51	734E0620	Repair Silt Fence	Ft	68	\$1.05	\$71.40	74.00				\$0.00
52	831E0100	Type A Drainage Fabric	SqYd	889	\$3.36	\$2,987.04	1,023.00				\$3,435.26
	462E0100	Class M6 Concrete	CuYd	0	\$315.00	\$0.00			10.00	10.00	\$3,150.00
	009E0700	Extra Work (Bars in Flared End)	LS	0	\$1,278.95	\$0.00				1.00	\$1,278.95
	009E0700	Extra Work (Remove and reinstall 36" RCP Flared End)	LS	0	\$1,453.40	\$0.00				1.00	\$1,453.40
	451E4905	Trench Stabilization Material	Ton	0	\$35.47	\$0.00			242.30	242.30	\$8,594.38
	009E0700	Extra Work (Saw PCC Pavement)	LS	0	\$665.00	\$0.00				1.00	\$665.00
	004E0020	Temporary Traffic Diversion (8-10-21)	LS	0	\$3,243.90	\$0.00				1.00	\$3,243.90
	004E0020	Temporary Traffic Diversion (9-30-21)	LS	0	\$1,820.20	\$0.00				1.00	\$1,820.20
	120E5110	Waste Material Haul	CuYd	0	\$5.50	\$0.00			22,716.00	22,716.00	\$124,938.00
		8" Misc PCC Pavement	SqYd	0	\$69.30	\$0.00				22.00	\$1,524.60
		Concrete Curb & Gutter	Ft	0	\$55.00	\$0.00				20.00	\$1,100.00
		Insert Steel Bar in PCC Pavt	Each	0	\$13.20	\$0.00				17.00	\$224.40
		Mob @ Over Drive	LS	0	\$1,250.00	\$0.00				1.00	\$1,250.00
		Concrete Sawing	LS	0	\$1,250.00	\$0.00				1.00	\$1,250.00
		Remove Concrete Pavt	SqYd	0	\$5.00	\$0.00				51.00	\$255.00
		Instlope 6" Concrete	LS	0	\$10,000.00	\$0.00				1.00	\$10,000.00

TOTAL: \$3,077,119.99

\$3,398,931.82

TOTAL CHANGE TO CONTRACT AMOUNT:

\$321,811.83

LESS CHANGE ORDER 1, 2 and 3:

\$361,064.03

AMOUNT FOR CHANGE ORDER 4:

-\$39,252.20

Council Agenda Memo

From: John Prescott, City Manager

Meeting: January 3, 2023

Subject: 2023 Payroll Resolution

Presenter: John Prescott

Background: State statute requires the publication of the complete list of all salaries of officers and employees of the City. The City Council has traditionally approved a resolution at the first City Council meeting in January adopting the salaries for the year, which is then included in the meeting minutes. A change in employee pay during the course of the year is reported with the City Council minutes following the adjustment. The state law with respect to the publication of payroll information is as follows:

6-1-10. Publication of payroll information. Notwithstanding the provisions of §§7-18-3, 9- 18-1, and 13-8-35, the boards of county commissioners, the governing board of each municipal corporation, and school boards shall publish, with the minutes of the first meeting following the beginning of the fiscal year, or within thirty days thereafter, or in the minutes of the first meeting following the completion of salary negotiations with employees for that fiscal year, or within thirty days thereafter, a complete list of all the salaries of all officers and employees and, thereafter, shall publish once any salary paid to any officer or employee who has been added or whose salary has been increased.

Discussion: Three-year collective bargaining agreements were negotiated and approved by the City Council in September and December 2021. The City has two collective bargaining agreements with AFSCME and one collective bargaining agreement with FOP. All three agreements cover the calendar years of 2022, 2023, and 2024. The agreements generally provide for a 2.5% cost of living adjustment in 2023 for employees covered by either of the two AFSCME agreements and the FOP agreement. Some employees may receive slightly more than a 2.5% change in their wage as adjustments are made to the pay schedules. During the 2023 budget planning and adoption process, a 5% COLA was applied for 2023 due to inflation. The respective unions accepted the increase in the COLA for 2023.

The attached resolution also provides for a 5% increase for non-union, professional, and management employees. For over a decade, the City Council has received the same cost of living adjustment as provided to employees. The payroll resolution includes a 5% increase in City Council wages for 2023.

Also of note, the South Dakota minimum wage increased to \$10.80 per hour on January 1, 2023. This adjustment is reflected in the attached resolution for applicable employees. Additionally, the City includes volunteer board and commission members in the payroll resolution. Through the City Council officially recognizing them as volunteers on the resolution, it better positions the individuals to be covered under the South Dakota Municipal League's workers' compensation fund in the event there is a claim.

Also included in the resolution again this year is the designation of City Staff as essential employees. Nearly all City of Vermillion employees qualify as either first responders or essential critical infrastructure workers according to the U.S. Department of Homeland Security. As COVID-19 funding is still being distributed, Administration believes it may be beneficial to again designate City Staff as essential officially in order to recognize the outstanding work they have done throughout the pandemic, and to put the City in a position to utilize any future stimulus funding related to essential employee or first responder staffing.

Financial Consideration: The 2023 budget includes sufficient funding to cover the wage rates reflected in the salary resolution.

Conclusion/Recommendations: Administration recommends the City Council approve the resolution and authorize the publication thereof as required by law.

**CITY OF VERMILLION
2023 PAYROLL RESOLUTION**

WHEREAS, effective and responsive delivery of City services is dependent upon the employment of a highly competent and motivated workforce; and

WHEREAS, the City of Vermillion, as an employer, makes periodic adjustments to wages and compensation for inflation and in comparison to other municipal employers; and

WHEREAS, the City of Vermillion has previously approved collective bargaining agreements with AFSCME Local 1052 covering the calendar year 2023 that includes placement of employees on a wage schedule which generally provides a 2.5% increase in wages; and

WHEREAS, the City of Vermillion has previously approved a collective bargaining agreement with the Fraternal Order of Police Lodge 19 covering the calendar year 2023 that includes placement of employees on a wage schedule which generally provides a 2.5% increase in wages; and

WHEREAS, the respective unions have accepted the City's proposal to provide a cost of living adjustment for 2023 larger than provided for with the negotiated agreements; and

WHEREAS, the City of Vermillion desires to increase wages and salaries for elected officials, management, professional, non-union, and union employees by 5% on January 1, 2023; and

WHEREAS, the City of Vermillion, South Dakota, provides essential services that protect, serve, and support the health, safety, and well-being of the citizens and those visiting the community, and

WHEREAS, nearly all City of Vermillion employees qualify as either first responders or essential critical infrastructure workers according to the U.S. Department of Homeland Security.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Vermillion hereby approves and adopts the following wage rates for the calendar year 2023 and declares all employees fitting the category of first responders or essential critical infrastructure workers essential.

BI-WEEKLY SALARIES:

Mayor/City Council: Jonathan Cole/\$509.69; Julia Hellwege/\$295.11; Rich Holland/\$295.11; Brian Humphrey/\$295.11; Lindsey Jennewein/\$295.11; Travis Letellier/\$295.11; Mike Murra/\$295.11; Katherine Price/\$295.11; Steve Ward/\$295.11; **General Government:** John Prescott/\$6,018.40; Stone Conley/\$1,959.20; **Fire/EMS:** Matthew Callahan/\$3,366.40; Anthony Klunder/\$2,667.20; **Code Enforcement:** Kalin Bird/\$2,415.20; **Telecommunications:** Ryan Anderson/\$2,666.40; **Engineering:** José Domínguez/\$3,924.00; Shane Griese/\$2,890.40; **Finance:** Katie Redden/\$3,036.00; Austin Flowers/\$2,019.20; Daniel Anderson/\$2,100.00; **Library:** Daniel Burniston/\$2,869.60; **Light and Power:** Monty Munkvold/\$4,001.60; **Parks & Recreation/Golf:** James Goblirsch/\$3,513.60; Tyler Trageser/\$2,062.40; Kelly Knutson/\$1,995.20; Mark Clark/\$3,096.00; Russell Jensen/\$2,452.80; **Police:** Crystal Brady/\$3,916.80; Drew Gortmaker/\$2,478.40; Ryan Hough/\$3,252.00; **Solid Waste:** Timothy Taggart/\$2,657.60; **Street:** Pete Jahn/\$3,089.60; **Water:** Curtis Haakinson/\$2,901.60; **Wastewater:** Michael Heine/\$2,784.80;

HOURLY WAGES:

Fire/EMS: Sommer Anstine/\$18.20, \$4.00/hr on-call; Madison Christensen/\$15.30, \$4.00/hr on-call; Maria Glover/\$18.40, \$4.00/hr on-call; Schuyler, Hellerich/\$18.34; Robin Hower/\$17.10, \$4.00/hr on-call; Valarie Hower/\$17.90, \$4.00/hr on-call; Kayla Kloucek/\$15.30, \$4.00/hr on-call; Benjamin Kulesa/\$15.30, \$4.00/hr on-call; Joe Kyte/\$18.60, \$4.00/hr on-call; Audrey Larsen/\$19.31; Jordan Leach/\$15.50, \$4.00/hr on-call; Isabelle Lehman/\$15.30, \$4.00/hr on-call; Lillian McNaughton/\$15.10, \$4.00/hr on-call; Neil Melby/\$16.20, \$4.00/hr on-call; Hannah Meyer/\$15.30, \$4.00/hr on-call; Ty Murray/\$18.60; Caleb Nadeau/\$14.00; Logan Peterson/\$17.10, \$4.00/hr on-call; Mandy Reed/\$17.10, \$4.00/hr on-call; Braxton Schmidt/\$15.20, \$4.00/hr on-call; Tim Schorn/\$15.10, \$4.00/hr on-call; Jennifer Seehafer/\$18.20, \$4.00/hr on-call; Savannah Stengel/\$15.10; Nathan Steussy/\$15.40, \$4.00/hr on-call; Matt Taggart/\$21.37; Benjamin Tegethoff/\$15.20, \$4.00/hr on-call; Ryne Whisler/\$15.10, \$4.00/hr on-call; Michael Wildermuth/\$20.40, \$4.00/hr on-call; Matthew Wilmes/\$15.50, \$4.00/hr on-call; Lisa Wood/\$16.20, \$4.00/hr on-call; **Code Enforcement:** Jim Balleweg/\$26.63; Justin Roetman/\$20.29 **Custodial:** Ron Maher/\$14.79; **Electric:** Austin Anderson/\$42.03; Chad Christopherson/\$42.03; Todd Halverson/\$43.21; Karen Harris/\$23.88; Joshua

Manning/\$34.17; Brandon Steeneck/\$41.36; Travis Tarr/\$44.80; Phil Wiebelhaus/\$41.36; **Engineering:** Todd Nordyke/\$26.84; Luke Schmitz/\$20.82; **Finance:** Vicki Fader/\$21.88; Alexandra Fischer/\$18.69; Sherry Howe/\$32.26; Janis Johnson/\$21.88; **General Government:** Marty Washington/\$21.22; **Library:** Kendra Brewer/\$17.91; Kaia Brose/\$15.74; Jeffrey Engeman/\$21.40; Prairie Hanson/\$14.30; Zachary Hawkins/\$17.17; Elliza Mollman/\$11.76; Wendy Nilson/\$26.66; Sam Person/\$14.47; Amanda Raiche/\$23.44; **Parks & Recreation/Golf:** Hannah Auen/\$11.00; Alexandra Baer/\$11.00; Emma Bohnsack/\$11.50; Mackenzie Brady/\$11.00; Paige Chapman/\$11.00; Grace Chaussee/\$11.00; Chandler Cleveland/\$30.00 per game; Paige Davis/\$11.00; Shaina Determan/\$11.00; Timothy Dixon/\$11.00; Alexis Duscher/\$11.00; Bridget Farmer/\$11.50; Tori Farmer/\$11.00; Shannon Fitzsimmons/\$11.00; Jasmine Freng/\$11.00; Sophia Gapp/\$11.00; Holly Gerberding/\$11.00; Jake Goblirsch/\$13.00; Parker Goblirsch/\$13.00; Payten Halverson/\$11.00; Lindsey Hasvold/\$11.00; Amelia Howard/\$11.00; Jacob Jensen/\$30 per game; Emile Khan/\$11.00; Josi Kjenstad/\$11.00; Joseph Knoer/\$30 per game; Alisha Leber/\$11.00; Rylee Lehmkuhl/\$11.00; Kristen Leitru/\$11.00; Hunter Logue/\$11.00; Alexis Malimaneck/\$11.00; Jamie Moser/\$11.00; Jack Moskowitz/\$11.00; Kensie Mulheron/\$11.00; Hannah Nelson/\$11.00; Isabelle Newcombe/\$11.00; Matthew Nielsen/\$30.00 per game; Laura Petterson/\$11.00; Shaelynn Puckett/\$11.00; Cassie Quail/\$11.00; Maya Radigan/\$11.00; Emily Reiser/\$11.50; Nathan Robertson/\$13.00; Willis Robertson/\$13.00; Conner Roerig/\$30.00 per game; Abigail Roob/\$11.00; Brooklyn Schram/\$11.00; Matt Slagus/\$11.00; Drew Thelen/\$13.00; Dylan Thelen/\$13.00; Alicia Thul/\$11.00; Makayla Tsagalis/\$11.00; Mark Upward/\$11.00; Madigan Wallin/\$30.00 per game; Abigail Weideman/\$11.00; Emma Willert/\$11.00; Brooklyn Williams/\$11.00; Rebecca Worsham/\$11.00; Alli Wroblewski/\$11.00; Carson Wunder/\$11.00; Anna Armbrust/\$13.50; Broden Askew/\$14.00; Josh Bern/\$11.75; Emery Bohnsack/\$14.00; Grant Brouwer/\$13.50; Clare Dahlhoff/\$13.50; Mary Dahlhoff/\$11.00; Mya Dejong/\$15.00; Clayton Denker/\$13.50; Emma Emerson/\$11.00; Caden Feit/\$13.50; Jonathan Flemming/\$14.00; Christian Fossum/\$13.50; Kennedy Goblirsch/\$16.00; Annika Granaas/\$13.50; Olivia Granaas/\$13.50; Lauren Haberman/\$13.50; Mya Halverson/\$11.00; Abigail Hanson/\$11.00; Benjamin Kerby/\$13.50; Lucas Kerby/\$13.50; Reed Lenker/\$13.50; Tyler Mann/\$11.75; Brooke Mincks/\$11.00; Brody Myron/\$11.00; Michael Naber/\$11.00; Rylee Nordyke/\$11.00; Zane Parry/\$13.50; Sadie Pederson/\$15.00; Keaira Pepper/\$13.50; Trinity Robinson/\$11.00; Mack Sathre/\$13.50; Jameson Shaheen/\$14.00; Brooklyn Sides/\$16.50; Teja Torrez/\$13.50; Kaitlin Tracy/\$13.50; Isaiah Wapniarski/\$11.00; Theo Wittmuss/\$11.00; Brendinh Sayaloune/\$19.92; Max W. Anderson/\$14.00; Dan Hanson/\$23.89; Joshua Jenkins/\$13.00; Christopher White/\$13.00; Grant Campbell/\$16.47; Stephanie Carr/\$11.00; Dennis Chandler/\$24.52; Rylan Craig/\$11.00; Tracy Eich/\$11.00; Kyle Feauto/\$11.00; Noah Gilbertson/\$11.00; Jackson Girard/\$11.00; Dalton Godfrey/\$11.00; Shanel Goranowski/\$11.00; Alexander Hill/\$11.00; Abby Kaup/\$11.00; Claire Kurtz/\$11.00; Carter Larson/\$11.00; Jackson Lee/\$11.00; Gabe Legner/\$11.00; Beth Meyer/\$11.00; Michaela Mohr/\$11.00; Hannah Molitor/\$11.00; Kyleigh Moran/\$11.00; Blake Paulson/\$11.00; Kelsey Plumb/\$11.00; Piper Roseland-Bender/\$11.00; Jason Samec/\$11.00; Peyton Stolle/\$11.00; Aaron Baedke/\$13.75; Greg Baedke/\$13.00; Danny Brown/\$13.00; Benjamin Burbach/\$13.00; Austin Felts/\$13.00; Connor Larson/\$13.00; Tyler Leif/\$13.00; Carter Mart/\$13.00; Gabe Montgomery/\$13.00; Joshua Prescott/\$13.00; Timothy Tracy/\$13.00; Travis Taggart/\$22.19; Charles Ward/\$13.00; Derek Wolterman/\$13.00; **Police:** Andrew Correll/\$24.82; Randy Crum/\$38.52; Matthew Davis/\$30.15; Dylan Deetz/\$24.21; Debra DeRocher/\$20.69; Mark Foley/\$32.08; Dylan Hillestad/\$30.00; Jacob Hoffman/\$24.21; Robin Hower/\$30.00; Tevin Mielitz/\$24.21; Jessica Newman/\$33.22; Andrew Paulsen/\$25.00; Norma Probst/\$24.21; Melissa Schmidt/\$19.22; Dallas Schnack/\$30.00; Mitchell Stanley/\$24.21; Alex Taggart/\$25.68; Justice Tobin/\$24.21; Jonathan Warner/\$25.00; **Solid Waste/Recycling:** Jasper Johnson/\$20.36; Jeremiah Kashas/\$21.11; Kase King/\$19.47; Mark Milbrodt/\$27.67; Daniel Milroy/\$21.34; Jordyn Mockler/\$17.02; Todd Moe/\$24.73; Kara Mulheron/\$18.82; Kyle Pickett/\$11.50; Evan Rasmussen/\$11.50; Brian Waage/\$21.34; Jim Zimmerman/\$26.93; **Street:** Tanner Elle/\$20.08; Benjamin Heintz/\$19.67; Scott Iverson/\$26.41; Cory Moore/\$25.26; John Pittman/\$19.67; Michael Russell/\$23.05; Collin Schrawyer/\$12.50; Rich Walker/\$12.75; **Telecommunications:** Amanda Arndt/\$21.47; Anthony Iverson/\$21.47; Jena Jones/\$20.95; Derek Ronning/\$26.17; David Stammer/\$26.81; Jessica Standley/\$26.81; Ashley Surber/\$20.44; Taylor Trudeau/\$20.44; **Wastewater:** Nicholas Anglin/\$23.29; Jay Elledge/\$20.19; Ethan Gullikson/\$21.03; Ryan Hage/\$12.00; Jessie Lovett/\$20.19; Michael Watterson/\$21.51; **Water:** Dennis Davis/\$0.60 per meter; Brian Hamilton/\$22.34; Aaron Hammer/\$22.34; Zachary Hammond/\$24.22; Dale Husby/\$26.93; Eric McPherson/\$33.10; Wade Mount/\$28.17; Madelyn Wade/\$11.55; Andrew Wickre/\$24.76; **Volunteer Firefighters:** Dawn Abbott-Thompson; Madison Christensen; Kellen Cusick; Phil Dohn; Ryun Fischbach; Chase Howe; Hunter Jackson; Cody Jansen; Kase King; Josh Kleinhesselink; Tony Kronaizl; Noah Krull; Shannon Kymala; Jordan Leach; Nate Martinson; Scott Martinson; Hannah Meyer; Curtis Mincks; Peyton Mofle; Kyle Moser; Isaac Muehlbeier; Mike Murra; Caleb Nadeau; Blake Nelson; Andrew Paulsen; Shelby Roda; Blaine Schoellerman; Bill Sperry; Nathan Steussy; Mark Taggart; Ben Tegethoff; Keith Thompson; Taylor Trudeau; John Walker; Noah Walker; Dylan Whelchel; Ryne Whisler; Brandon Wiemers; **Associate Firefighters:** Doug Brunick; Ray Decker;

Don Forseth; Rich Walker; **Planning & Zoning Commission:** (Each member receives \$15.00 per meeting.) Kate Fitzgerald; Don Forseth; Keith Gestring; Susan Heggstad; Greg Merrigan; Kevin O’Kelley; Nate Steele; Doug Tuve; Jim Wilson; **Library Board:** (Each member receives \$15.00 per meeting.) Catherine Beem; Wayne Berninger; Alexis Oskolkoff; Greg Redlin; Eric Young;

VOLUNTEER BOARDS & COMMISSIONS:

Business Improvement District No. 1: Judy Benson; David Herbster; Greg Huckabee; Dan Kenton; Collin Lind; **Business Improvement District No. 2:** Bekki Engquist-Schroeder; Michelle Maloney; Patrick Morrison; Martin Prendergast; Jim Waters; **Golf Advisory Board:** Amber Brooks; David Carr; Jared Heiden; Joni Hook; Ann Jensen; Gina Mockler; Rodney Oberle; **Historic Preservation Commission:** Erin Beyers; Cyndy Chaney; William Dendinger; Ed Gerrish; Susan Keith-Gray; Dietrik Vanderhill; Jim Wilson; **Housing Authority:** Cindy Benzel; Craig DeVelder; Catherine Johnson; Maria Trowbridge; **Human Relations Commission:** Jordan Bonstrom; Michelle Kavanaugh; Trevor Mandernach; Alexis Oskolkoff; Mike Phelan; Becky Rider; Deidre Whiteman; **Joint Powers Solid Waste Advisory Board:** Mark Sweeney; **Public Safety Center Board:** Robert Fuller; Bruce Plate; Steve Waller; **Tree Board:** Aaron Baedke; Kelly Herbster.

PROVIDED, HOWEVER, the City Manager may make wage increases for the completion of education requirement, for passing certification tests, for fulfillment of job requirements set at the date of employment, and the City Manager may make meritorious wage increases for Department Heads within the budgetary appropriation of the respective departments.

Dated at Vermillion, South Dakota this 3rd day of January 2023.

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

By _____
Jonathan D. Cole, Mayor

ATTEST:

By _____
Katie E. Redden, Finance Officer

Council Agenda Memo

From: Crystal Brady, Police Chief

Meeting: January 3, 2023

Subject: Transfer of Police Department Tasers to the Clay County Sheriff's Office

Presenter: John Prescott, City Manager

Background: In 2020, the Vermillion Police Department purchased new Tasers for Police Officers. With the purchase of the new Tasers, the Police Department recommended, and the City Council approved, the transfer of seven old Tasers to the Clay County Sheriff's Office. The Police Department continued to maintain ten of the old Tasers that are still functional and can be utilized. South Dakota Codified Law provides for the transfer of property between political subdivisions as follows:

6-5-2. Gratuitous transfers of real property to political subdivisions and nonprofit corporations. Any county, municipality, sanitary district, township, or school district may convey and transfer any real property which is held or owned by it, the title to which has been obtained and which is not held for public use or which is about to be abandoned for public purposes, to another political subdivision or nonprofit corporation for public purposes and accommodation without offering the property for sale and without requiring said political subdivision or nonprofit corporation to pay therefore.

Discussion: The Clay County Sheriff's Office carries an older version of the Taser and has expressed interest in acquiring an additional City Taser that was replaced. The Sheriff's Office has been using the seven Tasers that were transferred to their agency in 2021. The Tasers were originally purchased by the Vermillion Police Department in January 2015.

Financial Consideration: There will be no cost to the City. These items are next to impossible to resell as they are at the end of their deployment life.

Conclusion/Recommendations: Administration recommends the transfer of the one Taser purchased in 2015 to the Clay County, South Dakota Sheriff's Office. The Clay County Sheriff's Office will be able to use the one additional Taser until they are able to secure funding to replace their Tasers with upgraded Tasers. The serial number of the property to be transferred is X290033XK.

CITY OF VERMILLION
 INVOICES PAYABLE-JANUARY 3, 2022

1 AMAZON BUSINESS	SUPPLIES	1,580.00
2 APPEARA	SHOP TOWELS	45.00
3 AUTO VALUE	PARTS	471.51
4 BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	11,555.20
5 BASIN ELECTRIC POWER COOP	REPAIRS	54.12
6 BLACKSTONE PUBLISHING	BOOKS	430.00
7 BORDER STATES ELEC SUPPLY	WORK CLOTHING	1,583.49
8 BOUND TREE MEDICAL, LLC	SUPPLIES	1,442.73
9 BROADCASTER PRESS	ADVERTISING	72.00
10 BUHLS CLEANERS	BAR TOWELS	9.60
11 BUILDING MAINTENANCE COMPANY	JUNK/DEBRIS REMOVAL	260.00
12 CAPITAL ONE	SUPPLIES	1,245.93
13 CASK & CORK	MERCHANDISE	775.50
14 CENGAGE LEARNING INC/GALE	BOOK	24.80
15 CENTRALSQUARE TECHNOLOGIES	SUBSCRIPTION	720.00
16 CENTURYLINK	TELEPHONE	985.33
17 CHAMBERLAIN OIL CO	SUPPLIES	250.00
18 CHRISTENSEN RADIATOR & REPAIR	SOLENOID	334.00
19 CINTAS	SUPPLIES	188.78
20 CITY OF VERMILLION	COPIES/POSTAGE	1,049.86
21 CITY OF VERMILLION	UTILITY BILLS	35,751.42
22 CLAY COUNTY SHERIFFS OFFICE	CUSTODIAL CONTRACT	2,500.00
23 CMOORE PIT SERVICE	PORTA-POT RENTAL	150.00
24 COLONIAL LIFE	INSURANCE	2,958.33
25 CORNHUSKER INTERNATIONAL TRUCK	BRACKET	77.91
26 DAKOTA BEVERAGE	MERCHANDISE	3,292.15
27 DAKOTA PC WAREHOUSE	COMPUTER/WINDOWS	698.98
28 DAKOTA SUPPLY GROUP	WATER METERS	24,762.00
29 DELTA DENTAL PLAN	INSURANCE	6,817.86
30 DEMCO	SUPPLIES	1,300.20
31 DENNIS MARTENS	MAINTENANCE	833.34
32 DEPT. ENVIRONMENT NATL RES	STORMWATER INDUSTRIAL FEE	850.00
33 DGR ENGINEERING	PROFESSIONAL SERVICES	546.00
34 DISASTER MEDICAL SOLUTIONS	MEDICAL TEAM TRAINING	2,895.00
35 DYLAN HILLESTAD	REIMBURSEMENT-UNIFORM TAILORING	74.55
36 ECHO ELECTRIC SUPPLY	WIRE	1,715.39
37 EQUIPMENT BLADES INC	PARTS	1,008.94
38 ERICKSON SOLUTIONS GROUP	MANAGEMENT LICENSE/PROF SERVICES	1,954.75
39 FARMER BROTHERS CO.	COFFEE PACKETS	193.36
40 GLOBAL DIST.	MERCHANDISE	240.50
41 GRAHAM TIRE CO.	TIRES	160.62
42 GRAYMONT (WI) LLC	CHEMICALS	4,890.87
43 GREGG PETERS	FREIGHT	1,398.75
44 GREGG PETERS	RENT	937.50
45 GREGOIRE EXCAVATING, LLC	HAUL SNOW	563.50
46 HACH CO	CHEMICALS	223.38
47 HANSEN LOCKSMITHING	KEYS	24.50
48 HOA SOLUTIONS, INC	REPAIRS	1,268.40
49 HY VEE FOOD STORE	SUPPLIES	161.62
50 IN CONTROL, INC	PROFESSIONAL SERVICES	618.75
51 INGRAM	BOOKS	1,386.69
52 INSURANCE BENEFITS INC.	AIRPORT LIABILITY	533.40
53 INTERSTATE POWER SYSTEMS	MAINTENANCE INSPECTION	587.00
54 JACKS UNIFORM & EQPT	WORK CLOTHING	502.40

55 JADYN REED	REFUND PARKING TCKT OVERPMT	10.00
56 JERRY'S CHEVROLET BUICK GM	PART	74.62
57 JOHN A CONKLING DIST.	MERCHANDISE	1,438.40
58 JOHNSEN HEATING & COOLING	REPAIRS	1,140.60
59 JOHNSON BROTHERS OF SD	MERCHANDISE	14,699.77
60 JOHNSON FEED, INC	TIRES	174.80
61 JONES FOOD CENTER	SUPPLIES	312.72
62 K & M TIRE	PARTS	442.62
63 KENDRA BREWER	MILEAGE REIMBURSEMENT	53.04
64 LAYNES WORLD	AWARDS/DEDICATION PLATE	601.47
65 LOCATORS AND SUPPLIES, INC	GLOVES	134.00
66 LOFFLER	COPIER CONTRACT	42.28
67 LOW INCOME ENERGY ASSISTANCE	REFUND ONE TIME ELECTRIC PMTS	5,281.85
68 MALLOY ELECTRIC	PARTS	672.20
69 MART AUTO BODY & MARINE LLC	TOWING	150.00
70 MATHESON TRI-GAS, INC	MEDICAL OXYGEN	976.80
71 MCLEODS PRINTING	JOURNAL RECORD BOOK	586.35
72 MENARDS	TOILET/TANK	484.67
73 MICRO MARKETING LLC	BOOK	84.98
74 MIDCONTINENT COMMUNICATIONS	CABLE/TELEPHONE/INTERNET	613.18
75 MIDWEST ALARM CO	ALARM MONITORING	386.55
76 MIDWEST WHEEL COMPANIES	TOOL BOX	511.40
77 MIZUNO USA, INC	MERCHANDISE	829.19
78 MOTOROLA INC	SUPPLIES	3,907.50
79 NETSYS+	PROFESSIONAL SERVICES	904.75
80 O'REILLY AUTO PARTS	PARTS	191.95
81 OVERDRIVE INC	DIGITAL EBOOKS	2,500.00
82 PCC, INC	COMMISSION	5,629.50
83 PIZZA RANCH	HOLIDAY PARTY	2,237.40
84 PRESSING MATTERS	UTILITY STUBS/ENVELOPES	391.00
85 PUMP N PAK	ICE	14.10
86 QUALITY MOTORS	ALIGNMENT	92.65
87 QUILL	SUPPLIES	382.14
88 RACOM CORPORATION	MAINTENANCE	473.98
89 REDI TOWING	TOWING	825.00
90 REPUBLIC NATIONAL DISTRIBUTORS	MERCHANDISE	22,965.61
91 ROCKMOUNT RESEARCH & ALLOY	WELDING ROD	1,017.44
92 RS PLUMBING SERVICES	REPAIRS	110.30
93 RUNNING SUPPLY, LLC	SUPPLIES	702.09
94 SANFORD USD MEDICAL CENTER	SUPPLIES	825.97
95 SD FIREFIGHTERS ASSOCIATION	MEMBERSHIP DUES	1,125.00
96 SD MUNICIPAL LEAGUE	REGISTRATION	60.00
97 SD PUBLIC HEALTH LABORATORY	TESTING	150.00
98 SD RETIREMENT SYSTEM	CONTRIBUTIONS	90,771.47
99 SERVICE MASTER OF SE SOUTH DAKOTA	CUSTODIAL	3,703.59
100 SIOUX FALLS FORD	REPAIRS	2,841.76
101 SKARSHAUG TESTING LAB.	TESTING	606.46
102 SOUTHEAST FIREFIGHTERS ASSOC	DUES	50.00
103 SOUTHERN GLAZER'S OF SD	MERCHANDISE	9,043.84
104 SOUTHERN LIVING BOOKS	BOOK	45.91
105 STEWART OIL-TIRE CO	REPAIRS	59.95
106 STOREY KENWORTHY/MATT PARROT	YEAR END TAX FORMS	330.88
107 STUART C. IRBY CO.	SUPPLIES	403.20
108 SUPERIOR HOOD STEAMERS, INC	REPAIRS	695.00
109 THE UPS STORE #6751	SHIPPING	13.93
110 TIGERT ART GALLERY	FRAMING	130.00
111 TWIN CITY HARDWARE	PARTS	93.99
112 TWO WAY SOLUTIONS	REPAIRS	588.45

113 UNITED WAY	CONTRIBUTIONS	524.60
114 UNUM LIFE INSURANCE COMPANY	INSURANCE	1,135.69
115 US FLAGPOLE GUY	SUPPLIES	484.83
116 US POSTMASTER	FIRST CLASS PRESORT FEE/POSTAGE FOR UB	1,525.00
117 VALIANT VINEYARDS	MERCHANDISE	97.65
118 VERIZON WIRELESS	CELL PHONES	2,920.75
119 VERMEER HIGH PLAINS	MAINTENANCE	795.96
120 VERMILLION ACE HARDWARE	SUPPLIES	577.06
121 VERMILLION CHAMBER OF COMM	PARADE OF LIGHTS	50.00
122 VERMILLION FORD	PART	224.25
123 VERMILLION GARBAGE SERVICE	WASTE HAULING	934.38
124 VISA/FIRST BANK & TRUST	TRAVEL/SUPPLIES	5,587.18
125 WESCO DISTRIBUTION, INC	WORK CLOTHING	384.00
126 YANKTON MOTORSPORTS LLC	HEATER KIT	1,229.75
2023 INVOICES		
127 ESO SOLUTIONS	SOFTWARE/MAINTENANCE	11,938.33
128 MUNICIPAL ELECTRIC ASSOCIATION	MEMBERSHIP DUES	4,625.00
129 SDML WORKERS COMP FUND	2023 WORKERS COMP	126,052.00
130 TYLER TECHNOLOGIES	MAINTENANCE	52,137.75
	GRAND TOTAL	\$519,766.39