



Special Meeting Agenda
City Council
12:00 p.m. (Noon) Special Meeting
Tuesday, January 17, 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. **Vermillion Public School District sales tax rebate request – Superintendent Damon Alvey.**
5. **EMS staffing – Chief Matt Callahan**
6. **Fire / EMS second penny transfer – Chief Matt Callahan.**
7. **Briefing on the January 17, 2023 City Council Regular Meeting**– Briefings are intended to be informational only and no deliberation or decision will occur on this item.
8. **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 17, 2023

City Council Chambers

25 Center Street

Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. January 3, 2023 Special Meeting; January 3, 2023 Regular Meeting.
4. **Adoption of the Agenda**
5. **Visitors to be Heard**
6. **Public Hearings**
7. **Old Business**
 - a. Second 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.
8. **New Business**
 - a. Vermillion Housing Authority appointment.
 - b. Agreement with Vermillion Chamber and Development Company and CenterPointe Real Estate Group as it pertains to the Declaration of Restrictions and Covenants for Lot 4C in Block 6 of Erickson Addition (lot immediate north of O'Reilly Auto Parts on Princeton Avenue).
9. **Bid Openings**
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.

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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
January 3, 2023
Tuesday, 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Tuesday, January 3, 2023 at 12:00 noon at the John "Jack" Powell Conference Room.

1. Roll Call

Present: Hellwege, Humphrey, Jennewein, Letellier (teleconference), Murra, Price, Ward, Mayor Cole

Absent: Holland

2. Adoption of Agenda

1-23

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

3. Visitors to be Heard - None

4. Informational Session - Review ideas for Law Enforcement Center on Munger property - John Prescott, City Manager

John Prescott, City Manager, reported that the negotiation team met with Travis Mockler and Dick Hammond to discuss the Munger Property. John noted that this conversation was heavily geared towards a location on the Munger property. John reviewed the previously discussed options for the property, showed the architect's renderings on the property, and then showed a draft of something that would fit both the City and County's needs for the development of the land. Discussion followed on what is needed in the community and what the County is needing.

Bob Fuller noted that not everyone is going to get what they want in the development of this land, but everyone needs to look to the future to help the community grow.

5. Informational Session- City Vehicle purchases - Jose Dominguez, City Engineer

Jose Dominguez, City Engineer, reported that in 2021 the City put in an order for two vehicles for the Code and Water Departments. Jose noted that the local Ford dealer mistakenly put in the wrong specs for the

Code pickup and when it was delivered the City had to deny the vehicle. The Local Ford dealer then put in another order for the correct vehicle. The Local Ford dealer than received notice from the Ford Manufacturers that all orders were cancelled and they would have to put in new orders at their increased prices. Jose noted that the new price for the Water Department will be over \$50,000 which then requires a BID to be taken out for the vehicles.

Discussion followed on how staff should proceed.

6. Briefing on the January 3, 2023 City Council Regular Meeting

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

7. Adjourn

2-23

Council Member Murra moved to adjourn the Council special session at 1:08 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 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

Unapproved Minutes
City Council Regular Session
January 3, 2023
Tuesday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Tuesday, January 3, 2023 at 7:00 p.m. by Mayor Cole.

1. Roll Call

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

Absent: Holland

2. Pledge of Allegiance

3. Minutes

A. Minutes of December 19, 2022, Special Session and December 19, 2022, Regular Session

3-23

Council Member Jennewein moved approval of the December 19, 2022, Special Session and December 19, 2022 regular session minutes. Council Member Price seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

4. Adoption of Agenda

4-23

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

5. Visitors to be Heard

A. Dr. Martin Luther King Junior Day of Service Proclamation

Mayor Cole read the proclamation for Dr. Martin Luther King Jr. Day of Service that encouraged citizens to honor the memory of Dr. King and put his teachings into action by participating in the Dr. Martin Luther King Day of Service on January 16, 2023.

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.

Jose Dominguez, City Engineer, reported on the second 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.

5-23

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 Jennewein moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1477 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 19th 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 3rd day of January, 2023 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 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 "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.

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.

BREWPUB. 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.

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

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: Hellwege-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.

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.

6-23

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1478 amending the 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 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 3rd day of January, 2023 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 Hellwege. 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.

B. Change Order No. 4 for Highway 50 Drainage Improvements

Jose Dominguez, City Engineer, reported on Change Order No. 4 for Highway 50 Drainage Improvements. Jose noted that in 2021 the City hired Midland Contracting, Inc. to complete the City's Highway 50 Drainage Improvements Project. This project was completed by Midland in 2021 with the final payment being issued in January 2022.

Jose noted that prior to this change order the City had already approved three change orders. These change orders increased the contract price from \$3,077,119.99 to \$3,438,184.03. An increase of \$361,064.04.

Jose stated that, because the City received SRF funding, the City must issue a final change order to close out the funding. A 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 are savings on the contract. However, the State requires a final change order regardless of savings accomplished.

Jose noted that the change order being considered decreases the cost of the project by \$39,252.20 to a new total of \$3,398,931.82. There were several items that decreased the project cost. The largest of these items being not utilizing the "Contractor Furnished Topsoil". This item was not used since enough topsoil was generated through construction. The change order also shows a few increases due to the State requiring additional work not originally covered in the contract.

Jose stated that the project has already been paid for and no changes will need to be made to the City's budget.

7-23

Council Member Hellwege moved approval of the Change Order No. 4 for Highway 50 Drainage Improvements. Council Member Humphrey seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

C. 2023 Payroll Resolution

John Prescott, City Manager, reported that State statute requires the publication of the complete list of all salaries of officers and employees of the City with the first meeting of the fiscal year. John stated that the City of Vermillion has traditionally passed a resolution at the start of each budget year adopting the salaries, which is then included in the meeting minutes. John noted that other changes in salary or new employees during the course of the budget year are included with City Council minutes as the personnel actions take place. John noted that the three unions have accepted a 5% cost of living pay adjustment for calendar year 2023. John stated that the attached resolution also provides for a 5% increase for non-union, professional, and management

employees as well as the City Council. John noted that the increase in minimum wage to \$10.80 was included for applicable employees.

8-23

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

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 Heggestad; 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

The motion was seconded by Council Member Hellwege. 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. Transfer of one Police Department Taser to the Clay County Sheriff's Office

John Prescott, City Manager, reported that 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. John noted that 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. John stated that 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. John noted that the Tasers were originally purchased by the Vermillion Police Department in January 2015.

9-23

Council Member Jennewein moved approval of the Transfer of one Police Department Taser to the Clay County Sheriff's Office. Council Member

Ward seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

9. Bid Openings

A. Fuel Quotes

Katie Redden, Finance Officer, read the monthly fuel quotes and recommended the low quote of Brunick Service on Item 1, 2, and 3.

Item 1 - 4,350 gal unleaded 10% ethanol: Brunick Service \$3.60; Item 2 - 3,000 gal No. 1 & 2 Diesel fuel dyed average price: Brunick Service \$4.50; Item 3 - 1,000 gal No. 1 & 2 diesel fuel-clear average price: Brunick Service \$4.90

10-23

Council Member Price moved approval of the low quotes of Brunick Service on Items 1, 2, and 3. Council Member Murra seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

10. City Manager's Report

A. John reported that the City offices are closed on Monday, January 16th in observance of Martin Luther King Jr. Day. The next regular City Council meetings are on Tuesday, January 17, 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. Accepting trees through Friday, January 13, 2023.

C. John noted 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.

D. John stated that the Human Relations Commission meets this Thursday, January 5th at 5:30 p.m. in the John "Jack" Powell Conference room.

E. John noted that the Historic Preservation Commission meets on Wednesday, January 11th at 9:00 a.m. in the John "Jack" Powell Conference room.

PAYROLL ADDITIONS AND CHANGES

Library: Laurie Kirschling \$22.55/hr

11. Invoices Payable

11-23

Council Member Price moved approval of the following invoices:

AMAZON BUSINESS	SUPPLIES	1,580.00
APPEARA	SHOP TOWELS	45.00
AUTO VALUE	PARTS	471.51
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	11,555.20
BASIN ELECTRIC POWER COOP	REPAIRS	54.12
BLACKSTONE PUBLISHING	BOOKS	430.00
BORDER STATES ELEC SUPPLY	WORK CLOTHING	1,583.49
BOUND TREE MEDICAL, LLC	SUPPLIES	1,442.73
BROADCASTER PRESS	ADVERTISING	72.00
BUHLS CLEANERS	BAR TOWELS	9.60
BUILDING MAINTENANCE COMPANY	JUNK/DEBRIS REMOVAL	260.00
CAPITAL ONE	SUPPLIES	1,245.93
CASK & CORK	MERCHANDISE	775.50
CENGAGE LEARNING INC/GALE	BOOK	24.80
CENTRAL SQUARE TECHNOLOGIES	SUBSCRIPTION	720.00
CENTURYLINK	TELEPHONE	985.33
CHAMBERLAIN OIL CO	SUPPLIES	250.00
CHRISTENSEN RADIATOR & REPAIR	SOLENOID	334.00
CINTAS	SUPPLIES	188.78
CITY OF VERMILLION	COPIES/POSTAGE	1,049.86
CITY OF VERMILLION	UTILITY BILLS	35,751.42
CLAY COUNTY SHERIFFS OFFICE	CUSTODIAL CONTRACT	2,500.00
CMOORE PIT SERVICE	PORTA-POT RENTAL	150.00
COLONIAL LIFE	INSURANCE	2,958.33
CORNHUSKER INTERNATIONAL TRUCK	BRACKET	77.91
DAKOTA BEVERAGE	MERCHANDISE	3,292.15
DAKOTA PC WAREHOUSE	COMPUTER/WINDOWS	698.98
DAKOTA SUPPLY GROUP	WATER METERS	24,762.00
DELTA DENTAL PLAN	INSURANCE	6,817.86
DEMCO	SUPPLIES	1,300.20
DENNIS MARTENS	MAINTENANCE	833.34
DEPT. ENVIRONMENT NATL RES	STORMWATER INDUSTRIAL FEE	850.00
DGR ENGINEERING	PROFESSIONAL SERVICES	546.00
DISASTER MEDICAL SOLUTIONS	MEDICAL TEAM TRAINING	2,895.00
DYLAN HILLESTAD	REIMBURSEMENT-UNIFORM TAILO	74.55

ECHO ELECTRIC SUPPLY	WIRE	1,715.39
EQUIPMENT BLADES INC	PARTS	1,008.94
ERICKSON SOLUTIONS GROUP	MANAGEMENT LICENSE/PROF SERV	1,954.75
FARMER BROTHERS CO.	COFFEE PACKETS	193.36
GLOBAL DIST.	MERCHANDISE	240.50
GRAHAM TIRE CO.	TIRES	160.62
GRAYMONT (WI) LLC	CHEMICALS	4,890.87
GREGG PETERS	FREIGHT	1,398.75
GREGG PETERS	RENT	937.50
GREGOIRE EXCAVATING, LLC	HAUL SNOW	563.50
HACH CO	CHEMICALS	223.38
HANSEN LOCKSMITHING	KEYS	24.50
HOA SOLUTIONS, INC	REPAIRS	1,268.40
HY VEE FOOD STORE	SUPPLIES	161.62
IN CONTROL, INC	PROFESSIONAL SERVICES	618.75
INGRAM	BOOKS	1,386.69
INSURANCE BENEFITS INC.	AIRPORT LIABILITY	533.40
INTERSTATE POWER SYSTEMS	MAINTENANCE INSPECTION	587.00
JACKS UNIFORM & EQPT	WORK CLOTHING	502.40
JADYN REED	REFUND PARKING TCKT OVERPMT	10.00
JERRY'S CHEVROLET BUICK GM	PART	74.62
JOHN A CONKLING DIST.	MERCHANDISE	1,438.40
JOHNSEN HEATING & COOLING	REPAIRS	1,140.60
JOHNSON BROTHERS OF SD	MERCHANDISE	14,699.77
JOHNSON FEED, INC	TIRES	174.80
JONES FOOD CENTER	SUPPLIES	312.72
K & M TIRE	PARTS	442.62
KENDRA BREWER	MILEAGE REIMBURSEMENT	53.04
LAYNES WORLD	AWARDS/DEDICATION PLATE	601.47
LOCATORS AND SUPPLIES, INC	GLOVES	134.00
LOFFLER	COPIER CONTRACT	42.28
LOW INCOME ENERGY ASSISTANCE	REFUND ONE TIME ELECTRIC PMTS	5,281.85
MALLOY ELECTRIC	PARTS	672.20
MART AUTO BODY & MARINE LLC	TOWING	150.00
MATHESON TRI-GAS, INC	MEDICAL OXYGEN	976.80
MCLEODS PRINTING	JOURNAL RECORD BOOK	586.35
MENARDS	TOILET/TANK	484.67
MICRO MARKETING LLC	BOOK	84.98
MIDCONTINENT COMMUNICATIONS	CABLE/TELEPHONE/INTERNET	613.18
MIDWEST ALARM CO	ALARM MONITORING	386.55
MIDWEST WHEEL COMPANIES	TOOL BOX	511.40
MIZUNO USA, INC	MERCHANDISE	829.19
MOTOROLA INC	SUPPLIES	3,907.50

NETSYS+	PROFESSIONAL SERVICES	904.75
O'REILLY AUTO PARTS	PARTS	191.95
OVERDRIVE INC	DIGITAL EBOOKS	2,500.00
PCC, INC	COMMISSION	5,629.50
PIZZA RANCH	HOLIDAY PARTY	2,237.40
PRESSING MATTERS	UTILITY STUBS/ENVELOPES	391.00
PUMP N PAK	ICE	14.10
QUALITY MOTORS	ALIGNMENT	92.65
QUILL	SUPPLIES	382.14
RACOM CORPORATION	MAINTENANCE	473.98
REDI TOWING	TOWING	825.00
REPUBLIC NATIONAL DISTRIBUTORS	MERCHANDISE	22,965.61
ROCKMOUNT RESEARCH & ALLOY	WELDING ROD	1,017.44
RS PLUMBING SERVICES	REPAIRS	110.30
RUNNING SUPPLY, LLC	SUPPLIES	702.09
SANFORD USD MEDICAL CENTER	SUPPLIES	825.97
SD FIREFIGHTERS ASSOCIATION	MEMBERSHIP DUES	1,125.00
SD MUNICIPAL LEAGUE	REGISTRATION	60.00
SD PUBLIC HEALTH LABORATORY	TESTING	150.00
SD RETIREMENT SYSTEM	CONTRIBUTIONS	90,771.47
SERVICE MASTER OF SE SOUTH DAK.	CUSTODIAL	3,703.59
SIOUX FALLS FORD	REPAIRS	2,841.76
SKARSHAUG TESTING LAB.	TESTING	606.46
SOUTHEAST FIREFIGHTERS ASSOC	DUES	50.00
SOUTHERN GLAZER'S OF SD	MERCHANDISE	9,043.84
SOUTHERN LIVING BOOKS	BOOK	45.91
STEWART OIL-TIRE CO	REPAIRS	59.95
STOREY KENWORTHY/MATT PARROT	YEAR END TAX FORMS	330.88
STUART C. IRBY CO.	SUPPLIES	403.20
SUPERIOR HOOD STEAMERS, INC	REPAIRS	695.00
THE UPS STORE #6751	SHIPPING	13.93
TIGERT ART GALLERY	FRAMING	130.00
TWIN CITY HARDWARE	PARTS	93.99
TWO WAY SOLUTIONS	REPAIRS	588.45
UNITED WAY	CONTRIBUTIONS	524.60
UNUM LIFE INSURANCE COMPANY	INSURANCE	1,135.69
US FLAGPOLE GUY	SUPPLIES	484.83
US POSTMASTER	FIRST CLASS/POSTAGE FOR UB	1,525.00
VALIANT VINEYARDS	MERCHANDISE	97.65
VERIZON WIRELESS	CELL PHONES	2,920.75
VERMEER HIGH PLAINS	MAINTENANCE	795.96
VERMILLION ACE HARDWARE	SUPPLIES	577.06
VERMILLION CHAMBER OF COMM	PARADE OF LIGHTS	50.00

VERMILLION FORD	PART	224.25
VERMILLION GARBAGE SERVICE	WASTE HAULING	934.38
VISA/FIRST BANK & TRUST	TRAVEL/SUPPLIES	5,587.18
WESCO DISTRIBUTION, INC	WORK CLOTHING	384.00
YANKTON MOTORSPORTS LLC	HEATER KIT	1,229.75
2023 INVOICES		
ESO SOLUTIONS	SOFTWARE/MAINTENANCE	11,938.33
MUNICIPAL ELECTRIC ASSOCIATION	MEMBERSHIP DUES	4,625.00
SDML WORKERS COMP FUND	2023 WORKERS COMP	126,052.00
TYLER TECHNOLOGIES	MAINTENANCE	52,137.75

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

12. Consensus Agenda - None

13. Adjourn

12-23

Council Member Murra moved to adjourn the Council Meeting at 7:17 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 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

Published once at the approximate cost of _____.

Council Agenda Memo

From: John Prescott, City Manager

Meeting: January 17, 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: John Prescott

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(2)(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: Staff has proposed amending Chapter 90, making the hours of maximum permissible sound levels consistent in City Code. 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.

The ordinance would make the chart consistent with the language in the code. With the 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. The first reading of the ordinance was approved at the January 3 meeting. There have been no changes to the ordinance since the first reading.

Financial Consideration: The only cost is publication of the ordinance.

Conclusion/Recommendations: Administration recommends approval of the second reading of the ordinance. A roll call vote is required with the second reading.

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 7:00 a.m.</i>	<i>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, 2023

Second Reading: January 17, 2023

Publish: January 27, 2023

Effective: February 16, 2023

Council Agenda Memo

From: John Prescott, City Manager
Meeting: January 17, 2023
Subject: Vermillion Housing Authority Board Appointment
Presenter: Jon Cole, Mayor

Background: By State Statute the City Council is charged with appointing members of the Vermillion Housing Authority.

11-7-12. Appointment and terms of commissioners--Vacancies. The commissioners constituting a commission shall be appointed by the mayor or the chairman of the board of county commissioners, with the approval of the governing body. Those initially appointed shall be appointed for terms of one, two, three, four, and five years respectively. Thereafter all commissioners shall be appointed for five-year terms. Each vacancy in an unexpired term shall be filled in the same manner in which the original appointment was made.

The composition of the Vermillion Housing Authority per state statute is:

11-7-11. A commission shall consist of five commissioners, who, unless otherwise provided by ordinance, shall be residents of the area of operation of the commission, appointed after the resolution provided for in §11-7-7 becomes finally effective. In municipalities of the first class, no public officer or employee of the municipality may serve as a commissioner. However, if the municipality employs a city manager, the governing body may, by resolution, constitute itself as the commission. In municipalities of the second and third class and in counties, the commission may be made up of members of the governing body, but may not include employees of the municipality or county. However, in municipalities of the second and third class and in counties, a majority of the commission may not be comprised of the governing body. A commissioner may be a notary public.

The vouchers provided through the Vermillion Housing Authority are valid throughout Clay County. The Housing Authority Board is comprised of five citizens appointed by the City Council. One seat is reserved for a program participant. The terms are for five years and expire in June.

Discussion: The current members of the Vermillion Housing Authority and term expiration year are: Elizabeth Abbott (2023), Cindy Benzel (2024), Catherine Johnson (2025), Maria Trowbridge (2026), and Craig Develder (2027). The seat held by Elizabeth Abbott has been vacated and needs to be filled by a program participant for the remaining six months of the term.

One individual has submitted an Expression of Interest form for the program participant vacancy on the Vermillion Housing Authority Board.

Financial Consideration: The City of Vermillion and the Housing Authority do not compensate Housing Authority Board members for their service. The adopted 2023 City budget includes \$8,500 to help the Housing Authority Board with administrative costs such as their annual audit.

Conclusion/Recommendations: Administration recommends the City Council make an appointment to fill the Vermillion Housing Authority Board program participant's term expiring in June of this year.

From: noreply@civicplus.com
To: [Vermillion](#); [John Prescott](#)
Subject: Online Form Submittal: Citizen Board/Commission Expression of Interest Form
Date: Monday, January 9, 2023 12:33:28 PM

Citizen Board/Commission Expression of Interest Form

Select the Board/Commission on which you are interested in serving. Vermillion Housing Authority

Name Joe Reiser

Number of years you have lived in/around Vermillion 55

Address

Phone Number

Email Address

Occupation Retired

Employer *Field not completed.*

Business Address *Field not completed.*

Prior elected or appointed offices held (if any) None

Present and past community volunteer activities *Field not completed.*

Why are you interested in serving on this Board/Commission? I am levelheaded and want to do my part to help this process.

Do you have any unique skills or experience which would be beneficial to the City to know in selecting someone to serve? Good communication skills and open minded thinker.

Are there any particular projects, programs or goals you would like to see achieved while serving on the Board/Commission? Help the process move in the right direction.

Electronic Signature Agreement I agree.

Electronic Signature Joe Reiser

Date: 1/9/2023

Email not displaying correctly? [View it in your browser.](#)

Council Agenda Memo

From: John Prescott, City Manager

Meeting: January 17, 2023

Subject: Agreement with Vermillion Chamber and Development Company and CenterPointe Real Estate Group as it pertains to the Declaration of Restrictions and Covenants for Lot 4C in Block 6 of Erickson Addition

Presenter: John Prescott

Background: CenterPointe Real Estate Group (Developer) is in process to purchase Lot 4C in Block 6 of Erickson Addition to develop a Les Schwab Tire Center. The City Planning and Zoning Commission approved a Conditional Use Permit on January 9, 2023 to construct and operate a motor vehicle service station which is the type of use in the zoning district. The lot for the store is located on the west side of Princeton Street between O'Reilly's Auto Parts and McHenry Street. The City previously owned this property before transferring it to the VCDC in 2011. In 2008 while the City owned this lot and surrounding properties on the west side of Princeton Street, a Declaration of Restrictions and Covenants (Covenants) were developed and filed. The Covenants were later amended in 2013.

Discussion: The Developer has expressed concern about a couple of sections of the Covenants. The Developer has requested a waiver of the repurchase right for this lot as referenced in the covenants. The VCDC would have a Right of First Refusal to purchase the property if the Developer is not issued a building permit. The Developer would also like to follow City Code as it pertains to the issuance of a building permit and completion time vs. the timelines as detailed in the Covenants.

The Developer has prepared the attached Repurchase Waiver and Right of First Refusal Agreement for the City, VCDC, and Developer to sign. The document has been prepared to address only Lot 4C in Block 6 of Erickson Addition and none of the other lots that are included within the Covenants. The City Attorney has reviewed the attached document. A copy of the original 2008 Covenants and the 2011 amendment are also attached.

Financial Consideration: The VCDC, as the current property owner, will record the document.

8. New Business; item b

Conclusion/Recommendations: Administration recommends entering into the Agreement to encourage development of this parcel.

Prepared by:
 City of Vermillion
 25 Center Street
 Vermillion, SD 57069
 605-677-7050

118010

STATE OF SOUTH DAKOTA, County of Clay, ss
 Filed for record this 20 day of June 2008
 At 1130 o'clock AM and Recorded in Book 47
 of Misc on Page 556
Betty McComb Register of Deeds
Deputy

**ERICKSON ADDITION TO THE CITY OF VERMILLION, SOUTH DAKOTA
 LOTS 2-5 BLOCK 6 & LOTS 1-7 BLOCK 7
 DECLARATIONS OF RESTRICTIONS AND COVENANTS**

1. **THE CITY OF VERMILLION**, a municipal corporation, fee owners of the following described real estate, namely, Lots 2-5 Block 6 and Lots 1-7 Block 7; all in Erickson Addition to the City of Vermillion, Clay County, South Dakota, make the following declarations as to limitations, restrictions, and uses to which the lots constituting said addition may be put, hereby specifying that said declarations shall constitute covenants to run with all the land, as provided by law, and shall be binding on all parties and all persons claiming under it, and for the benefit of and limitations upon all future owners of real estate in said addition, this declaration of restrictions being designed for the purpose of keeping said addition desirable, uniform and suitable in architectural design and use as herein specified.

Lots 2-5 Block 6 and Lots 1-2 Block 7, Erickson Addition to the City of Vermillion, Clay County, South Dakota are Zoned B-1 and Lots 3-7 Block 7, Erickson Addition to the City of Vermillion, Clay County, South Dakota are Zoned I-0 thus all buildings would need to conform to the allowable uses in this zone as well as use restrictions in section 3 below.

2. **CITY ORDINANCES APPLICABLE.** In addition to the restrictions and covenants described herein, ordinances of the City of Vermillion shall apply to owners of the parcel described above.
3. **LAND USE AND BUILDING TYPE.** Commercial building is constructed in accordance with City Zoning Ordinance. For Lots 2-5 Block 6 and Lots 1-2 Block 7, all sides of a building facing a street must be finished in the same design scheme and texture with not more than 25% being metal and for lots 3-7 Block 7 all sides of a building facing a street must be finished in the same design scheme and texture with not more than 50% being metal. Heating or air conditioning units must be screened to reduce visibility from the street on Lots 2-5 Block 6 and Lots 1-2 Block 7. As these lots serve as a transitional zone between business/commercial and the proximity to residential areas, the following uses which may currently be permitted in B-1 or I-0 zoning are not permitted on Lots 2-5 Block 6 and Lots 1-7 Block 7 Erickson Addition with the adoption of these covenants by the governing body:
 - 3.1 Farm implements, mobile homes, sale and repair.
 - 3.2 Residential
 - 3.3 Automobile parking lots.
 - 3.4 Wholesale merchandising or storage warehouses.
 - 3.5 No off-premise outdoor advertising sign or structure.
4. **BUILDING LOCATION.** In the interest of harmony, buildings shall be placed on lots according to the setback lines as will be established on the plat, or the Zoning Ordinance of the City of Vermillion, whichever provides the greatest setback. Consideration of any variance from the setback lines shall follow the procedures prescribed in the Zoning Ordinance of the City of Vermillion.

5. EASEMENTS.

- 5.1 Utility Easements. Easements are hereby reserved by the City for public utilities including, water, sewer, electricity, gas, telephone, storm sewers, drainage, television, and street lights shall be shown on the plat or plats of Erickson Addition.
- 5.2 Use of Utility Easements. Said reserved easements may be utilized by the easement holder or its designee for the purposes of ingress, egress, and for the installation, replacing, repairing and maintaining of utilities placed within the easements.
- 5.3 Dedication. The easements reserved by the City as to be shown on the recorded plats of Erickson Addition are dedicated to those utilities and entities that provide the various services referred to above and any other like utility service.
- 5.4 Northern Natural Gas Pipeline Easement: There are 50' easements along the north side of Lot 2, south side of Lot 3 and north side of Lot 3 all in Block 6.
- 5.5 Maintenance of Easements. The owner of a lot shall maintain the easements located upon their lot, except for those improvements for which a public utility or public authority is responsible. No structure or planting shall be placed or permitted to remain on or to interfere with the dedicated easements.

6. NUISANCES. The following activities and structures are hereby prohibited on the Property:

- a. Unenclosed outside storage areas.
- b. Exterior building lighting that is not cut-off optic.
- c. Unenclosed trash receptacles.
- d. Overnight parking of trucks or trailers while operating motorized units on Lots 2-5 Block 6 and Lots 1-2 Block 7.

7. SIGNS. Ground signs or freestanding signs may not exceed 40 feet in height or 10 above the building height which ever is less and must comply with City of Vermillion Ordinances.

8. DEVELOPMENT STANDARDS. The following design features must be adhered to in the development of Lots 2-5 Block 6 and Lots 1-7 Block 7.

- a. On Lots 2-5 Block 6 and Lots 1-2 Block 7 all landscaped areas developed with plants, trees or grass and must be irrigated with underground sprinkler systems. On Lots 3-7 Block 7 the areas adjoining Bower and Carr Street shall be landscaped and developed with plants, trees or grass and must be irrigated with underground sprinkler systems.
- b. All parking areas must be hard-surfaced and utilize cut-off optic lighting.

9. LOT COVERAGE AND/OR ASSESSED VALUATION: On lots 2-5 Block 6 and Lots 1-2 Block 7 the enclosed building shall cover at least 15% of the lot area or the building assessed valuation shall exceed \$500,000 in value. The assessed valuation will be adjusted annually starting in January 2009 by the growth factor used by the South Dakota Department of Revenue for increase in property tax revenues.

10. SIDEWALKS AND DRIVEWAYS. All driveways and public sidewalks shall meet City specifications. As pedestrian and bicycle traffic is already present in the area, an occupancy permit will not be issued unless all sidewalks are completed and open to the public.

11. CONSTRUCTION TIME REQUIREMENT. To promote the orderly development of this addition, construction of the principal structure for each platted lot shall begin within 12 months after the property is purchased, and construction once started shall be completed within 18 months. If construction is not started within 12 months, the City of Vermillion maintains an option to purchase back the undeveloped lots for 70% of the original purchase price.

12. GENERAL PROVISIONS. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 25 years from the date these covenants are recorded, unless amended as specified below, after which time said covenants are automatically to be reenacted for another 25 years from date of amendment. The covenants may be amended at any time by the unanimous

consent of the then owners of the lots, with the concurrence of the City Council of the City of Vermillion, South Dakota, agreeing to change said covenants in whole or in part. If no amendments occur during the 25-year term mentioned above, said covenants may be extended for another 25 years by the unanimous consent of all the then property owners.

13. **ENFORCEMENT.** If any person, their heirs, administrators, executors, or assigns, acquiring right, title or interest in and to any portion of said addition shall violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situated in said addition to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant, and to seek judgment either to prevent them from so doing or to recover damages for such violation. The City of Vermillion, South Dakota, may also enforce any of the covenants herein pursuant to SDCL 11-5-3 or pursuant to zoning or other ordinance procedures.
14. **SEVERABILITY.** Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in force and effect.

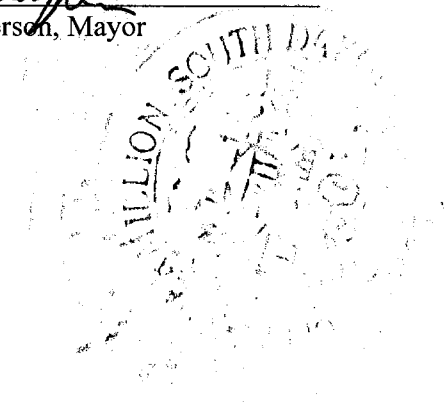
Dated at Vermillion, South Dakota this 16th day of June, 2008.

THE GOVERNING BODY OF THE
CITY OF VERMILLION, SOUTH DAKOTA

By *Dan Christopherson*
Dan Christopherson, Mayor

Attest:

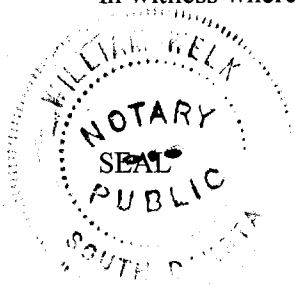
Michael D. Carlson
Michael D. Carlson, Finance Officer



STATE OF SOUTH DAKOTA)
(SS
COUNTY OF CLAY)

On this 16th day of June, 2008, before me the undersigned officer, personally appeared Dan Christopherson and Michael D. Carlson who acknowledged themselves to be the Mayor and Finance Officer respectively of the City of Vermillion, a municipal corporation, and that they as such Mayor and Finance Officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by themselves as Mayor and Finance Office.

In witness whereof I hereunto set my hand and official seal.



William Welk
Notary Public
Comm. Expires: 3/5/10

122495

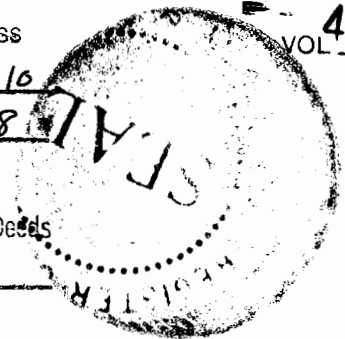
Filed for record this 10 day of June 2016

At 1:30 o'clock P.M. and Recorded in Book 48

of misc on Page 80

Betty McCambridge Register of Deeds

Deputy Jordan Sciles Fee \$12 PR CR



Prepared by:
City of Vermillion
25 Center Street
Vermillion, SD 57069
605-677-7050

**ERICKSON ADDITION TO THE CITY OF VERMILLION, SOUTH DAKOTA
LOTS 2-5 BLOCK 6 & LOTS 1-7 BLOCK 7
DECLARATIONS OF RESTRICTIONS AND COVENANTS
AMENDMENT #1**

The owners of Lots 2-5, Block 6, and Lots 1-2, Block 7, Erickson Addition to the City of Vermillion, Clay County, South Dakota, in concurrence with the Vermillion City Council, per the record of Erickson Addition to the City of Vermillion, South Dakota, Lots 2-5, Block 6 & Lots 1-7, Block 7 Declarations of Restrictions and Covenants, do hereby amend Section 3 and Section 6 of the Declarations of Restrictions and Covenants for Lots 2-5, Block 6 and Lots 1-2, Block 7, Erickson Addition established by the Vermillion City Council on June 16, 2008, recorded in Book 47 of Miscellaneous, page 556.

Amended Section 3 shall read as follows:

3. **LAND USE AND BUILDING TYPE.** Commercial building is constructed in accordance with City Zoning Ordinance. For Lots 2-5, Block 6, and Lots 1-2, Block 7, all sides of a building facing a street must be finished in the same design scheme and texture with not more than 25% being metal and for lots 3-7, Block 7, all sides of a building facing a street must be finished in the same design scheme and texture with not more than 50% being metal. Heating or air conditioning units must be screened to reduce visibility from the street on Lots 2-5, Block 6, and Lots 1-2, Block 7. As these lots serve as a transitional zone between business/commercial and the proximity to residential areas, the following uses which may currently be permitted in G-B (General Business) or G-I (General Industrial) zoning are not permitted on Lots 3-7, Block 7, Erickson Addition with the adoption of these covenants by the governing body:

- 3.1 Farm implements, mobile homes, sale and repair.
- 3.2 Residential
- 3.3 Automobile parking lots exceeding .5 acre in size.
- 3.4 Storage warehouses.
- 3.5 No off-premise outdoor advertising sign or structure.
- 3.6 Broadcaster tower.
- 3.7 Motor vehicle sales, display and service.

In addition to the uses which may currently be permitted in GB (General Business) or GI (General Industrial) zoning, the above mentioned uses in 3.1-3.7, plus the following uses are not permitted on Lots 2-5, Block 6, and Lots 1-2, Block 7.

- 3.8 Funeral home/mortuary
- 3.9 Private club
- 3.10 Daycare Centers
- 3.11 Motor vehicle repair shops
- 3.12 Automobile parking lots.

PREPARED BY:

Otten Johnson Robinson Neff + Ragonetti, P.C.
950 17th Street, Suite 1600
Denver, CO 80202
Attn: Laura J. Salter
Phone: 303-575-7524

REPURCHASE WAIVER AND RIGHT OF FIRST REFUSAL AGREEMENT

THIS REPURCHASE WAIVER AND RIGHT OF FIRST REFUSAL AGREEMENT (this “**Agreement**”) is made and entered into as of _____, 20__, by and among the City of Vermillion, a South Dakota municipal corporation (the “**City**”), the Vermillion Chamber of Commerce and Development Company, a South Dakota corporation (the “**Chamber**”), and CenterPointe Real Estate Group, LLC, an Arizona limited liability company (“**Developer**”). The aforementioned parties shall collectively be referred to herein as the “**Parties**,” and each individually as a “**Party**.”

Recitals

This Agreement is made with respect to the following facts:

A. Developer, as buyer, is currently under contract to purchase from the Chamber, as seller, that certain parcel of land located in Vermillion, South Dakota, known as Lot 4C in Block 6 of Erickson Addition, an addition to the City of Vermillion, Clay County, South Dakota (the “**Property**”), according to the plat thereof recorded in the real property records of Clay County, South Dakota (the “**Records**”).

B. Pursuant to that certain Declaration of Restrictions and Covenants recorded June 20, 2008 in Book 47 of Miscellaneous on Page 556, as amended by that certain Declaration of Restrictions and Covenants Amendment #1 recorded July 22, 2013 in Misc. 48, Page 913, all in the Records (collectively the “**Declaration**”), the City and the Chamber hold conditional options to repurchase the Property.

C. The City and the Chamber now desire to waive any and all repurchase rights under the Declaration with respect to the Property only.

D. Additionally, the Parties now wish to (i) acknowledge the Chamber’s limited right of first refusal to purchase the Property; (ii) waive certain construction deadlines set

forth in the Declaration with respect to the Property only; and (iii) set forth other terms and conditions as more particularly set forth below.

Agreement

In consideration of the mutual promises and agreements set forth in this Agreement, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. Waiver of Repurchase Right. The City and the Chamber acknowledge that, notwithstanding the repurchase right to the Property set forth in Section 11 of the Declaration (the “**Repurchase Right**”), the City and the Chamber hereby each waive any and all rights and privileges to exercise the Repurchase Right against the Developer or Developer’s successors and assigns (the “**Repurchase Waiver**”). The Repurchase Waiver pertains only to the Property and shall not be construed as a waiver or limitation of the City’s or the Chamber’s rights under the Declaration with respect to any other real property subject to the Declaration.

2. Reservation of Limited ROFR. Without limiting the foregoing, the Chamber hereby reserves, and Developer and the City expressly acknowledge, the Chamber’s ongoing right of first refusal to purchase the Property from Developer until the Start of Construction on the Property. As used herein, the “Start of Construction” means such time as construction of foundations for vertical improvements has commenced on the Property pursuant to a building permit issued by the City (the “**Limited ROFR**”). Upon the Start of Construction, the Limited ROFR shall automatically terminate and be of no further force or effect.

3. Declaration Construction Deadlines. The City and the Chamber hereby waive the right to enforce the construction deadlines set forth in Section 11 of the Declaration against the Property, Developer, or any third party authorized by Developer and the City to develop the Property. Notwithstanding the foregoing, all construction and development activities conducted on the Property shall be performed in compliance with applicable City laws, codes and regulations, including, but not limited to, those regulations and requirements which govern the commencement and completion of construction of the Property.

4. Counterparts. This Agreement may be executed in counterparts, each of which will be deemed a duplicate original.

5. Recording. Upon the execution of this Agreement by the Parties, this Agreement shall be recorded in the Records.

CITY OF VERMILLION
 2022 INVOICES PAYABLE-JANUARY 17, 2023

1 A&M SERVICES, INC	UNIFORM CLEANING	121.80
2 AMAZON BUSINESS	SUPPLIES	1,716.69
3 AT&T MOBILITY	MOBILE HOT SPOTS	519.48
4 AUTO VALUE	PARTS	368.78
5 BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	47,338.10
6 BIERSCHBACH EQPT & SUPPLY	CONCRETE SPRAYER	141.00
7 BLACKSTONE PUBLISHING	BOOKS	213.31
8 BLUEPEAK	E911 CIRCUIT	1,365.50
9 BOUND TREE MEDICAL, LLC	SUPPLIES	165.18
10 BROADCASTER PRESS	ADVERTISING	3,579.70
11 BUHLS CLEANERS	MAT/MOP SERVICE	474.76
12 BUREAU OF ADMINISTRATION	TELEPHONE	177.59
13 BUTCH'S PROPANE INC	PROPANE	3,996.66
14 BUTLER MACHINERY CO.	PARTS	5,765.23
15 CAPITAL ONE	SUPPLIES	178.55
16 CASK & CORK	MERCHANDISE	852.00
17 CENTRAL STATES WIRE PRODUCTS	GALV COILS	3,561.50
18 CINTAS	SUPPLIES	414.39
19 CITY OF VERMILLION	LANDFILL VOUCHERS/POSTAGE	343.81
20 CLAY RURAL WATER SYSTEM	WATER USAGE	55.90
21 CLAY-UNION ELECTRIC CORP	ELECTRICITY	2,146.23
22 COLONIAL LIFE	INSURANCE	1,479.09
23 CORE & MAIN LP	SUPPLIES	184.70
24 DAKOTA BEVERAGE	MERCHANDISE	907.40
25 DAKOTA SUPPLY GROUP	WATER METERS	24,220.00
26 DANIEL MILROY	SAFETY BOOTS REIMBURSEMENT	117.14
27 DUBOIS CHEMICALS	CHEMICALS	16,384.50
28 ENERGY LABORATORIES	TESTING	1,499.00
29 ENGRAVER'S EDGE	NAME TAGS	47.30
30 GREGG PETERS	MANAGERS PROFITS	45,148.23
31 H&R SALVAGE	TIRE DISPOSAL	28,980.00
32 HEALTH CARE LOGISTICS	SUPPLIES	302.91
33 HEIMAN FIRE EQUIPMENT	INSPECTION	152.00
34 HELMS & ASSOCIATES	PROFESSIONAL SERVICES	20,043.03
35 INGRAM	BOOKS	606.45
36 JOHNSON BROTHERS OF SD	MERCHANDISE	12,451.31
37 JONES FOOD CENTER	SUPPLIES	120.82
38 K & M TIRE	TIRE	160.60
39 LOFFLER	COPIER CONTRACTS	355.53
40 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	1,200.00
41 LOU'S GLOVES	GLOVES	286.00
42 MAGUIRE IRON, INC	PROFESSIONAL SERVICES	2,639.25
43 MATHESON TRI-GAS, INC	MEDICAL OXYGEN	654.26
44 MATTER LAW OFFICE, PROF LLC	PROFESSIONAL SERVICES	60.00
45 MCLEODS PRINTING	TRAFFIC TICKETS	2,300.45

46 MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	403.65
47 MICHELLE KAVANAUGH	REIMBURSEMENT	28.22
48 MIDAMERICAN	GAS USAGE	17,278.43
49 MIDWEST WHEEL COMPANIES	PART	33.14
50 MINN MUNICIPAL UTILITY ASSOC	MEMBER DUES	495.00
51 NBS CALIBRATIONS	SCALE MAINTENANCE	398.00
52 NCL OF WISCONSIN, INC	CHEMICALS	224.50
53 NETSYS+	PROFESSIONAL SERVICES	507.50
54 O'REILLY AUTO PARTS	PARTS	268.93
55 OVERDRIVE INC	EBOOKS	1,250.00
56 OVERHEAD DOOR OF SIOUX CITY	INSTALLATION	9,984.00
57 PEDERSEN MACHINE INC	PART	380.83
58 PIZZA RANCH	PIZZAS/BUFFETS	576.49
59 POLLMAN EXCAVATION	CRUSHED GRAVEL	13,783.98
60 PRESTO-X-COMPANY	INSPECTION/TREATMENT	77.97
61 PUMP N PAK	ICE/CALENDARS	273.20
62 QUADIENT FINANCE USA, INC	POSTAGE/SUPPLIES	258.95
63 QUILL	SUPPLIES	41.31
64 REDI TOWING	TOWING	525.00
65 RUNNING SUPPLY, LLC	SUPPLIES	384.43
66 SANFORD HEALTH OCCUPATIONAL	PRE-EMPLOYMENT TESTING	530.00
67 SANFORD USD MEDICAL CENTER	SUPPLIES	487.55
68 SD DENR	LANDFILL OPERATIONS FEE	3,963.63
69 SIOUX EQUIPMENT	PART	206.13
70 SIOUXLAND HUMANE SOCIETY	FEES	27.00
71 SOOLAND BOBCAT	FILTERS	563.62
72 SOUTHERN GLAZER'S OF SD	MERCHANDISE	189.00
73 STAPLES BUSINESS CREDIT	SUPPLIES	711.04
74 STERN OIL CO.	FUEL	22,453.32
75 SYNCB/AMAZON	BOOK	18.80
76 THREAD & INK	WORK CLOTHES	866.48
77 TIGERT ART GALLERY	FRAMING	130.00
78 TRI-STATE GARAGE DOOR, INC	REPAIRS	452.20
79 TWO WAY SOLUTIONS	CONSOLE/LIGHTS	2,883.00
80 UNITED WAY	CONTRIBUTIONS	262.30
81 UNUM LIFE INSURANCE COMPANY	INSURANCE	23.31
82 VERMILLION ACE HARDWARE	SUPPLIES	252.20
83 VERMILLION AREA COMMUNITY FOUNDATION	ROUND UP PROGRAM	231.43
84 VERMILLION FIRE DEPT	DONATION	50.00
85 VERMILLION ROTARY CLUB	DUES/MEALS	166.25
86 WESCO DISTRIBUTION, INC	STREET LIGHT FIXTURES	5,650.64
87 ZIEGLER INC	PARTS	847.14
	GRAND TOTAL	\$321,934.70

CITY OF VERMILLION
 2023 INVOICES PAYABLE-JANUARY 17,2023

1 A & B BUSINESS, INC	COPIER CONTRACT	196.54
2 A&M SERVICES, INC	UNIFORM CLEANING	81.20
3 AMAZON BUSINESS	VACUUM CLEANER	198.27
4 AUTO VALUE	PARTS	208.97
5 BLUEPEAK	TELEPHONE/INTERNET	3,741.94
6 BOMGAARS	SUPPLIES	209.97
7 BOOKPAGE	SUBSCRIPTION	402.00
8 BORDER STATES ELEC SUPPLY	WORK CLOTHES	625.20
9 BOUND TREE MEDICAL, LLC	SUPPLIES	419.88
10 BUHLS CLEANERS	MAT SVC	105.00
11 BUTTERFLY NETWORK, INC	ULTRASOUND SYSTEM	4,299.00
12 CENTURYLINK	TELEPHONE	129.54
13 DAKOTA BEVERAGE	MERCHANDISE	5,264.27
14 DEPT. ENVIRONMENT NATL RES	NPDES MUNICIPAL	11,500.00
15 DLT SOLUTIONS INC	SUBSCRIPTION	1,646.40
16 ERICKSON SOLUTIONS GROUP	SUPPORT/MAINTENANCE	2,016.00
17 FRONTIER PRECISION, INC	SOFTWARE MAINTENANCE	1,246.00
18 GREENTREE PSYCHOLOGICAL SERVICES	PROFESSIONAL SERVICES	200.00
19 GREGG PETERS	MANANGERS FEE	6,000.00
20 INTELLI TRACK	USER LICENSE	2,088.45
21 JACKS UNIFORM & EQPT	UNIFORM PANTS	123.90
22 JOHN A CONKLING DIST.	MERCHANDISE	2,228.95
23 JOHN PITTMAN	SAFETY BOOTS REIMBURSEMENT	181.85
24 JOHNSON BROTHERS OF SD	MERCHANDISE	5,068.16
25 JONES FOOD CENTER	SUPPLIES	83.59
26 LOFFLER	COPIER CONTRACT	292.23
27 MART AUTO BODY & MARINE LLC	TOWING	75.00
28 MATHESON TRI-GAS, INC	CYLINDER RENTAL	109.60
29 MID-STATES ORG. CRIME	MEMBERSHIP	150.00
30 MIDCONTINENT COMMUNICATION	CABLE/INTERNET/SETTLEMENT	10,326.78
31 MIDWEST ALARM CO	ALARM MONITORING	176.59
32 MIDWEST WHEEL COMPANIES	PARTS	146.49
33 NETSYS+	MICROSOFT BUSINESS BASIC	10.00
34 NEWMAN SIGNS, INC	SUPPLIES	196.54
35 PHIL WIEBELHAUS	SAFETY BOOTS REIMBURSEMENT	122.46
36 PLATINUM PROPERTIES	REFUND DUPLICATE RENTAL REG FEE	90.00
37 POSM SOFTWARE	SUPPORT	2,000.00
38 REDI TOWING	TOWING	375.00
39 REPUBLIC NATIONAL DISTRIBUTING	MERCHANDISE	8,616.10
40 RIVERSIDE HYDRAULICS & LAB	REPAIRS	205.45
41 RIVERSIDE TECHNOLOGIES, INC	COMPUTERS	4,180.00
42 SANFORD HEALTH OCCUPATIONAL	AUDIOGRAM	30.00
43 SCHUYLER HELLERICH	REIMBURSEMENT	42.55
44 SD AMBULANCE ASSOCIATION	REGISTRATION	150.00

45 SD CITY MGMT ASSOCIATION	MEMBERSHIP DUES	300.00
46 SD MUNICIPAL LEAGUE	DUES	6,087.95
47 SECOG	DUES	12,810.00
48 SOUTHERN GLAZER'S OF SD	MERCHANDISE	3,584.01
49 STEWART OIL-TIRE CO	REPAIRS	200.00
50 STRYKER SALES CORPORATION	AMBULANCE EQUIPMENT	15,644.92
51 THE GROWLER STATION, INC	MAINTENANCE	1,499.94
52 THE UPS STORE #6751	SHIPPING	19.92
53 TRACTOR SUPPLY CREDIT PLAN	SUPPLIES	193.90
54 USPS-POC	POSTAGE FOR METER	700.00
55 VERMEER HIGH PLAINS	125 GAL TANK	35.46
56 VERMILLION ACE HARDWARE	SUPPLIES	145.14
57 YANKTON MOTORSPORTS LLC	PART	716.57
	GRAND TOTALS	\$117,497.68