



City of Vermillion Council Agenda

12:00 p.m. (Noon) Special Meeting

Monday, June 22, 2020

City Council Chambers

25 Center Street

Vermillion, South Dakota 57069

1. Roll Call

2. Pledge of Allegiance

3. Adoption of the Agenda

4. Visitors to be Heard

5. Public Hearings

- a. Special daily malt beverage and wine license for the Vermillion Chamber of Commerce and Development Company on or about June 23 through June 27, June 29 through July 4, July 6 through July 11, July 13 through July 18, July 20 through July 25, July 27 through August 1, August 3 through August 8, August 10 through August 15, August 17 through August 22 and August 24 through August 29, 2020 on three sections of closed parking spaces on Main Street between Prospect Street and Center Street, one section of closed parking spaces on Court Street between Main Street and Kidder Street and one section of closed parking spaces on Kidder Street between Court Street and Market Street for special event.

6. Old Business

- a. Second reading of Emergency Ordinance 1415 to amend Title XI, Chapter 112, amending Section 112.01 Special Event Definitions and Section 112.18 to include current license holders as eligible to be issued a Special Daily permit.

7. New Business

- a. Emergency Resolution to establish a Special Event License fee for current license holders.
- b. Request from downtown businesses to close parking spots located on Main St., Kidder St., and Court St. for the downtown Social Distance Expanded Seating Event beginning June 25 and ending August 24.
- c. Consideration of Special Event License permits for Prairie River, Inc. dba R-Pizza, Fireworks, Inc. dba as Dakota Brick House, T&D Foods, Inc. dba Hartford Steak Company Tavern, Old Lumber Company, Inc. dba Old Lumber Company, FOE Sunshine Aerie 2421 dba Eagle Club, Café Brule, Inc. dba Café Brule, BeBee St Inc. II dba Carey's Bar. Special event permits are for the period of June 25, 2020 to August 24, 2020 with no sales on July 6, July 20, August 3, and August 17, 2020. Hours vary by applicant but are between 7am and 2am.
- d. Appointment of Vermillion Housing Authority member.

8. Adjourn

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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.



Council Agenda Memo

From: John Prescott, City Manager

Meeting: June 22, 2020

Subject: Special daily malt beverage and wine license for the Vermillion Chamber of Commerce and Development Company (VCDC) on or about June 23 through June 27, June 29 through July 4, July 6 through July 11, July 13 through July 18, July 20 through July 25, July 27 through August 1, August 3 through August 8, August 10 through August 15, August 17 through August 22, and August 24 through August 29, 2020 on three sections of closed parking spaces on Main Street between Prospect Street and Center Street, one section of closed parking spaces on Court Street between Main Street and Kidder Street and one section of closed parking spaces on Kidder Street between Court Street and Market Street for special events

Presenter: John Prescott

Background: The VCDC submitted the request and the public hearing was advertised. The applicant has since withdrawn their request.

Discussion: The proposal has changed from having the VCDC apply for the special daily permit for expanded seating areas due to social distancing practices to having current license holders apply for the special daily permits.

Financial Consideration: The cost of the newspaper ad for the hearing was paid for when the documents were filed to request the hearing.

Conclusion/Recommendations: No action is needed. The minutes will reflect that the applicant withdrew their request for a special daily permit.



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: June 22, 2020

Subject: Second Reading of Emergency Ordinance 1415 to amend the special event definition and expand special licensing to current license holders

Presenter: John Prescott

Background: State statutes governing special daily licenses were changed in 2010 to allow on-sale wine, on-sale liquor, off-sale package wine dealers selling wine manufactured by SD Farm wineries, special off-sale package malt beverage, and that the special licenses could be issued to current license holders. In 2010, the City Council's Policies and Procedures Committee studied the license change options. The Committee recommended and the City Council adopted an ordinance that modified the definition of a special event and provided for the issuance of special on-sale malt beverage, special on-sale wine, and a special off-sale package wine dealers license for wine manufactured by a farm winery (Valiant Vineyards is a farm winery) licenses. At that time the Committee and City Council discussed, but did not change the ordinance, to allow a special on-sale liquor license or allow issuance of a special license of any type to current license holders. Special licenses were limited to civic, charitable, educational, veteran, or fraternal organizations in conjunction with a special event.

Business owners, the Vermillion Area Chamber and Development Company (VCDC), and City staff have had a number of conversations about providing additional areas that provide for social distancing as well as outdoor space. Some towns have added outdoor space by using parking lots, sidewalks, and streets as extensions of bars and restaurants. The City Council approved first reading of Emergency Ordinance 1415 at the June 15, 2020 meeting.

Discussion: City staff reviewed the state statutes and city ordinances on special daily licenses and special events licenses. A meeting was held on June 5 with Leslie Gerrish, Nate Welch, Josh (Dakota Brick House) and city staff to look at the options of using some parking spaces along Main Street for outside seating for downtown businesses. At the meeting it was discussed how to allow on-sale alcohol noting the need for an ordinance change as it currently allows on-sale malt beverage, on-sale wine, and off-sale package SD Farm wine. There was also discussion that the ordinance would need to be changed to allow current license holders to be issued a special license. The other option was to have the

VCDC apply for a special malt beverage and wine license as the existing ordinance allows civic, charitable, educational, veterans, or fraternal organizations. If the VCDC was issued the license, they could allow local license holders to operate in the closed parking spaces and subcontract the management of the malt beverage and wine sales from the VCDC. As noted with the earlier agenda item, this option was initially pursued but later abandoned.

At the June 5 meeting, it was proposed that there would be three locations on the block of Main Street from Court Street to Market Street. At the end of the meeting there were still issues that were going to need to be addressed such as the hours alcohol sales were to be allowed, who supplies tables and chairs, clean up in the closed parking spaces, clean up where the street sweeper cannot get to outside the closed parking stalls, who supplies and pays for the traffic barrier (staff has identified a company that rents jersey barriers that can be filled with water to create a proper barrier), any conflicts with the Thursday's on the Platz special license, etc.

In Nate's meetings with the restaurant and bar owners the week of June 8, the areas were expanded from the three on Main Street to include a spot in front of the Hartford Steak House on Court Street and another on Kidder Street along the south side of the Old Lumber Company. In Nate's meetings, the license holders wanted the ability for customers to purchase inside the business and then go outside as well as to allow for on-sale liquor sales. For a patron to be able to purchase in the business and then walk outside to the parking area the licenses would need to be in the same name. There is also a statute that only allows a license to sell on the property that is owned or leased by the licensee but there is an exception if the licensee is issued a special license.

The VCDC held a meeting Thursday, June 11 to review the different options with the business owners including city staff. The consensus of the group was to request the City Council to amend the ordinance to allow current license holders to apply for a special license for the sale of alcoholic beverages that corresponds to the license(s) that they are currently issued. The changes would need to be done through an emergency ordinance in order to continue working with the group on a recommendation for a beginning and ending time for alcoholic beverage sales, the type of barricades that will be used (need to meet the DOT safety requirements), a recommendation as to uniform days to allow alcohol sales that are less than the 15 consecutive days that state statute specifies as the maximum number of days a special permit can be issued, clean up as the street sweeper cannot access the areas, and how many parking spaces will be closed to have a report at second reading. There was also discussion on the current \$20 per day license fee. The fee is the topic of item 7a - New Business on this agenda.

The state statutes are as follows:

35-1-5.6. Consumption of alcoholic beverages on on-sale premises from which beverage not purchased as misdemeanor--Exceptions.

It is a Class 2 misdemeanor for any person to consume any alcoholic beverage upon the premises of a licensed on-sale dealer if the alcoholic beverage was not purchased from the on-sale dealer. However, this provision does not apply to any passenger aboard a vehicle operated by a licensed carrier. A person may consume any alcoholic beverage upon the premises of a licensed on-sale dealer if the beverage is purchased from a licensee who has been issued a temporary license pursuant to § 35-4-124 for a special event occurring on the premises of the licensed on-sale dealer.

35-2-6.3. Ownership or lease of premises required of licensees--Ownership of business.

Any manufacturer, wholesaler, or retailer licensee under this title shall be the owner or actual lessee of the premises where the business is conducted and the sole owner of the business operated under the license. However, this section does not apply to a special event licensee issued a temporary license pursuant to § 35-4-124.

Based upon the June 11 meeting, the business group wanted to make changes that would be effective by the end of June. If Emergency Ordinance 1415 is approved with second reading, the changes can be made effective sooner but then will also expire in 60 days. The emergency ordinance would make two changes. The first change is to amend the definition of "Special Event" to remove section 112.01 (4) "The event is conducted without the intention of commercial or personal gain or profit". The second change is to section 112.18(C) to provide that current license holders could be issued special licenses that correspond to the license(s) they are currently issued to include on-sale liquor. The special license(s) for current license holders can be issued without a public hearing as a public hearing was held when the business was issued their existing license(s). This special license issued to a business adjoining the closed parking spaces would allow for alcoholic beverages to be purchased in the business and taken outside. The license holder is still responsible to make sure the patron doesn't leave the designated area and will need to keep the sidewalks open for pedestrian traffic.

Later on this agenda are the individual special permit applications from the license holders interested in using the parking stalls for extended space during the life of Emergency Ordinance 1415 if it is adopted at second reading.

The emergency ordinance provides that it can be modified at any time by a resolution. This provides the City Council the ability to make changes, as needed, through adoption of a resolution versus the lengthier process of adopting a modifying ordinance.

Financial Consideration: The cost of publication of the ordinance.

6. Old Business; item a

Conclusion/Recommendations: Administration recommends that the City Council thoughtfully review the second reading of proposed Ordinance 1415 to assist local business with additional space for customers to practice social distancing to help prevent the spread of COVID-19.

EMERGENCY ORDINANCE NO. 1415

AN EMERGENCY ORDINANCE TO ALLOW FOR CURRENT LICENSEES TO BE ISSUED SPECIAL DAILY LICENSES IN CONJUNCTION WITH A SPECIAL EVENT BY AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XI, CHAPTER 112, TO AMEND SECTIONS 112.01 AND 112.18 FOR SPECIAL EVENT DEFINITIONS AND TO EXPAND SPECIAL LICENSING TO INCLUDE CURRENT LICENSE HOLDERS.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, and it is hereby ordained by authority of the same, that Sections 112.01 and 112.18 be amended to clarify special event as set forth below:

§ 112.01 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ALCOHOLIC BEVERAGE, WINE, MALT BEVERAGE, and DISTILLED SPIRITS. These words and terms mean the same as the definitions given them by SDCL 35-1-1.

SPECIAL EVENT. For the purposes of this section, “special event” shall be defined as follows:

- (1) a location for which premises do not have an existing malt beverage and/or wine license,
- (2) The event is
 - (a) for the advancement of charitable, educational or community objectives,
 - (b) in conjunction with activities of state, national or international significance, or
 - (c) as designated by the City Council as an event of municipal significance.
- (3) The event is open to the public with, or without, payment of admission. A limitation on number of tickets sold or issued for admission where applicable must be related to size of venue and not a desire to have a private party, and
- ~~(4) The event is conducted without the intention of commercial or personal gain or profit;~~

§ 112.18 SPECIAL ALCOHOLIC BEVERAGE LICENSES ISSUED IN CONJUNCTION WITH SPECIAL EVENTS.

- (A) The City Council may grant, after public hearing, a special on-sale malt beverage and/or a special on-sale wine license to a civic, charitable, educational, veterans, or fraternal organization in conjunction with a special event.
- (B) The City Council may grant, after public hearing, a special off-sale package wine dealers license to a civic, charitable, educational, veterans, or fraternal organization in conjunction with a special event. A special off-sale package wine dealers licensee may only sell wine manufactured by a farm winery that is licensed pursuant to SDCL Ch. 35-12.
- (C) The City Council may grant a special on-sale malt beverage and/or a special on-sale wine license and/or a special on-sale liquor license to any licensee that corresponds to one or

more license(s) currently issued to the licensee in conjunction with a special event pursuant to SDCL 35-4-124.

~~(C)~~(D) Any license issued pursuant to this section shall be issued to the person and the location specified on the application. Any license issued pursuant to this section may be issued for a period of time established by the municipality. However, no period of time may exceed 15 consecutive days. The granting of the special license shall be subject to such conditions and restrictions as the City Council may deem appropriate and consistent with state law.

~~(D)~~(E) The fee for such special licenses shall be set by resolution of the City Council.

BE IT FURTHER ORDAINED, that, pursuant to SDCL 9-19-13 this ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective on June 25, 2020. This ordinance shall remain in effect for a period of sixty (60) days, at which time it shall be automatically repealed unless specifically readopted for an additional period of time by the City Council. Any restriction contained in this ordinance may be modified at any time by a resolution of the City Council.

Dated at Vermillion, South Dakota this 22nd day of June, 2020.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Kelsey Collier-Wise, Mayor

ATTEST:

BY _____
Michael Carlson, Finance Officer

First Reading: June 15, 2020
Second Reading: June 22, 2020
Publish: June 26, 2020
Effective: June 25, 2020



Council Agenda Memo

From: John Prescott, City Manager

Meeting: June 22, 2020

Subject: Resolution adopting a fee for current license holders issued a special daily permit as part of Emergency Ordinance 1415

Presenter: John Prescott

Background: If Emergency Ordinance 1415 is adopted, some of the license holders have proposed that the fee for the special daily license be reduced. The current cost of a special daily license is a \$15 advertising fee and a \$20 fee per day of operation.

Discussion: As the license holders have an annual public hearing on the renewal of their licenses, they are not required to have a public hearing for the issuance of a special daily permit. This negates the need for the \$15 advertising fee.

As noted above the fee for current special daily permit is \$20 per day. This fee has been for non-profits setting up for temporary events. The current license holders are looking to set up for extended periods of time up to nearly 60 days. It has been suggested that a longer term or group pricing option be made available. There is some precedent for this type of setup. With itinerant merchants, the City offers three levels of pricing. The options are \$25 a day, \$75 a week or \$200 a month. If adopted earlier on this agenda, Emergency Ordinance 1415 would be in effect for 60 days. The proposed resolution establishes a fee for the current license holders for the life of Ordinance 1415.

Financial Consideration: Revenue collected from Special Daily permits is added to the General Fund.

Conclusion/Recommendations: Administration recommends approval of the Resolution adopting a fee for the issuance of a Special Daily permit to license holders as part of Emergency Ordinance 1415.

**EMERGENCY RESOLUTION REVISING THE FEE FOR SPECIAL
DAILY ON-SALE LICENSES**

WHEREAS Title XI Chapter 112 Section 112.18 of the 2008 Revised Ordinances of the City of Vermillion allows the City Council to change the fee for special alcoholic beverage licenses issued in conjunction with special events; and

WHEREAS, an outbreak of the COVID-19 disease has created financial challenges for many businesses in the community; and

WHEREAS, a group of business owners have been working with the Vermillion Chamber of Commerce and Development Company to develop outdoor dining opportunities utilizing parking spaces and public right-of-way in Downtown Vermillion to provide additional space for social distancing and an environment which has a reduced risk of spreading COVID-19; and

WHEREAS, Ordinance No. 1415 was adopted as an emergency ordinance to be effective for sixty (60) days; and

WHEREAS, Emergency Ordinance 1415 provides for a special on-sale liquor license which will need a fee established; and

WHEREAS, the special recovery event will have licenses extended over many days during the sixty-day emergency ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Vermillion, South Dakota, at a special meeting thereof in the Council Chambers of City Hall at 12:00 Noon on the 22nd day of June, 2020 that rates be changed and established as follows:

112.18 A. Special on-sale malt beverage and/or special on-sale wine license the fee shall be twenty dollars (\$20.00) per day (maximum of one hundred dollars \$100.00) plus a fifteen dollar (\$15.00) advertising fee.

112.18 B. Special off-sale package wine dealers license such license may only sell wine manufactured by a farm winery that is licensed pursuant to SDCL 35-12 the fee shall be twenty dollars (\$20.00) per day (maximum of one hundred dollars \$100.00) plus a fifteen dollar (\$15.00) advertising fee.

112.18 C. Special on-sale liquor license the fee shall be twenty dollars (\$20.00) per day (maximum of one hundred dollars \$100.00) plus a fifteen dollar (\$15.00) advertising fee.

Note: If the same entity is applying for licenses under both Sections 112.18 A, 112.18 B, or or Section 112.18 C there shall only be one advertising fee and the advertising fee is waived if a public hearing is not required.

BE IT FURTHER RESOLVED, that, pursuant to SDCL 9-19-13 this resolution is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective on June 25, 2020. This resolution shall remain in effect for a period of

sixty (60) days, at which time it shall be automatically repealed unless specifically readopted for an additional period of time by the City Council.

Dated at Vermillion, South Dakota this 22nd day of June, 2020.

THE GOVERNING BODY OF THE CITY OF
VERMILLION, SOUTH DAKOTA

By: _____
Kelsey Collier-Wise, Mayor

Attest:

By: _____
Michael D. Carlson, Finance Officer

Adopted: June 22, 2020
Effective: June 25, 2020
Expires: August 24, 2020



Council Agenda Memo

From: James Purdy, Assistant City Manager

Meeting: June 22, 2020

Subject: Request from downtown businesses to close parking spots located on Main St., Kidder St., and Court St. for the downtown Social Distance Expanded Seating Event beginning June 25 and ending August 24

Presenter: James Purdy

Background: City staff has received a request from several downtown businesses to close 20 parking spots in the downtown business district beginning June 25 and ending August 24, 2020. The parking stalls are located on Main Street, Kidder Street, and Court Street. The closure request is in order to provide the space needed for the Social Distance Expanded Seating Event necessitated by the COVID-19 pandemic and the resulting economic hardship shared by many in the community. The following businesses have submitted requests:

- 1) Dakota Brickhouse has requested the closure of 5 spots starting at the west end of the building and moving east.
- 2) R-Pizza and The Bean have requested the closure of 5 spots starting at the eastern most parking spot in front of R-Pizza and moving west (2 of those spots are located in front of the theatre).
- 3) Carey's Bar and Café Brule have requested the closure of 6 spots starting at the western most parking spot in front of Tigert Art Gallery and moving east.
- 4) Old Lumber Company has requested the closure of 1 parking spot to the west of their garage door on the south side of their building. (it is technically only 1 parking spot, but the area in public right-of-way is approximately 34 feet wide)
- 5) Hartford Steak Co. Tavern has requested the closure of 3 parking spots to the south of the alley immediately north of their building.

Discussion: The businesses have identified the closure of the parking spots as necessary to provide the outdoor space needed for the event. The City will require a barrier and fencing plan from the businesses in order to ensure the safety of patrons utilizing the public right-of-way for dining or drinking from the street traffic, and to prevent alcohol

from leaving the designated area. One area shared by two businesses may also be divided into two separate areas due to there being two different license holders. The businesses will be required to provide trash receptacles, furniture, ADA access points, and restroom access. The businesses will also need to clean the areas, as the street sweeper will not be able to access these areas. At this time, no plan has been provided to the City regarding these items. City staff has some additional questions regarding this request such as: will food from other downtown establishments be allowed in all of the closed areas, and whether or not smoking will be allowed.

The Police, Fire, Street, and EMS Departments have been notified of the closure request and have found no safety concerns as long as the barriers meet MUTCD, FHWA, and AASHTO standards.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends that the City Council thoughtfully review information related to the closures of parking spots and determine if the parking spots located on Main St., Kidder St., and Court St. can safely be closed and should be closed for the downtown Social Distance Expanded Seating Event beginning June 25 and ending August 24, 2020.



Council Agenda Memo

From: John Prescott, City Manager
Meeting: June 22, 2020
Subject: Special Daily permits for
Presenter: Mike Carlson, Finance Officer

Background: If Emergency Ordinance 1415 is adopted, several of the license holders in the downtown area have expressed interest in obtaining a Special Daily license for sales on the streets in downtown. Below is a summary of the permits applications submitted along with information about the types of licenses requested and hours of operation for the various establishments. The more detailed application submitted by each of these establishments is included in the packet.

<u>Applicant</u>	<u>Business address</u>	<u>Proposed hours of Operation</u>	<u>Type of license requested</u>
R-Pizza	2 W Main St	11am to 9pm	on-sale malt beverage
Dakota Brick House	15 W Main St	3pm to 2am	on-sale malt beverage, wine & liquor
Carey's	18 W. Main St	7am to 2am	on-sale malt beverage, wine & liquor
Café Brule	24 W. Main St	7am to 9pm	on-sale malt beverage and wine
Eagles	114 W Main St	11am to 2am	on-sale malt beverage, wine & liquor
Hartford Steak House	7 Court St	4:30 to 9:30pm	on-sale malt beverage and wine
Old Lumber Company	15 Court St	11am to 2am	on-sale malt beverage, wine & liquor

Discussion: Included in the packet is a street closing request which indicates the parking spaces and the public right-of-way to be closed. The closure of the public right-of-way is needed to facilitate the event. If a street closure area is not approved, one or more special daily license applications may not be needed. A defined area will need to be presented to the City and established with barriers to comply with state statutes. Only one special daily license can be issued for an area. The map presented by the applicant did not include all of the locations or demonstrate how multiple license holders such as Café Brule and Carey's would split the joined space in front of their establishments.

In the last meeting city staff had with the license holders interested in exploring this option, the need for a path from the front door of the establishment to the service area was identified. This space would be for the transport of alcohol to and from the establishment to the closed parking stalls. The path would be crossing over the sidewalk. The sidewalk would not be closed and use of the sidewalk would have priority over the path going between the establishment and the closed parking stalls. This path should not

be a consumption area and appropriate signage and perhaps marking of the path is an item for the City Council to consider. Reference to the path as a part of any special daily permits which are approved is recommended.

State law allows the sale of alcohol between 7:00 am and 2:00 am all seven days of the week. The hours of operation among the seven applicants vary. Some of the difference is likely related to the nature of the business making the request. Ribs, Rods, Rock 'N Roll is the only other regularly requested special daily permit which goes later in the evening in the downtown area. Their musical acts have ended at midnight in recent years based on the permits granted to exceed noise permits. Any impact on neighboring residential properties of outdoor gathering areas serving alcohol for the majority of a two-month period may be a factor to consider in granting permits and setting hours of operation.

The Eagles have requested a special daily permit but are not involved with the street closing request. They will only be using the cement areas in front of their building. If approved, the Eagles special daily permit will be very similar to the sidewalk furniture zone with a couple of differences. The Eagles will not be able to sell alcohol on the respective Mondays listed and only have the opportunity through the life of the Emergency Ordinance 1415. Selling of alcohol in the sidewalk furniture use zone does not have the 15 consecutive sale limitation and can extend beyond 60 days but does require a fence to separate the area from the sidewalk. The Eagles will need to maintain 5 foot of sidewalk for the public to utilize. In speaking with the Gretchen Richardson of the Eagles, she indicated that they would be using the raised cement areas on either side of the front doors for the tables. They will set up barriers to separate the designated special daily permit area from the sidewalk.

The special daily license requests are all for Thursday, June 25, 2020 through Monday, August 24, 2020. As State statute does not allow for the issuance of a special daily license for a period of greater than 15 days, the group has identified Monday, July 6, Monday, July 20, Monday, August 3 and Monday, August 17, 2020 as days when sales of alcoholic beverages will not take place. Taking these days off from alcohol sales will prevent the license holders from exceeding 15 consecutive days. They could still offer food sales or allow gathering in these areas on the four Mondays when no alcohol sales can take place in the outside seating areas.

Typically, with the issuance of special daily license, the City Council addresses items such as the plans for preventing the sale of alcohol to underage individuals, signage clearly stating where alcohol can be consumed or no alcohol beyond this point, clean-up of the area, trashcans available, availability of restroom facilities, and related matters. This information has been provided in differing amounts among the applicants and may be something to inquire of from the applicants. Staff developed the attached Support for Special Event Alcoholic Beverage application to try to gather a lot of this information for

the City Council to consider. All entities have provided a release and indemnification form releasing the city from any liability for the special event.

Financial Consideration: None of the applicants have paid the fee at this time as the second reading of the ordinance change has not taken place and establishment of a fee is part of this agenda. Revenue collected from Special Daily permits is added to the General Fund.

Conclusion/Recommendations: Administration recommends the City Council review the respective Special Daily requests, hours of operation, and nature of the closure.

If the special licenses are approved it should be contingent upon providing a certificate of liability insurance naming the city as additional insured, establishing barriers to define the designated areas, control measures to keep the sidewalks open for pedestrian flow, document how the joint spaces are to be divided between two licensees, signage and other control measures to prevent alcoholic beverages from leaving the designated area and to prevent under age access to alcoholic beverages.

Expanded Social Distance Seating Pause Days.

Regarding the Social Distance Expanded Seating event, all establishments agree that alcohol will not be served on the following dates so as not to eclipse the 15 day permit threshold.

July 6

July 20

Aug 3

Aug 17

Parking Slot Closure Explanation:

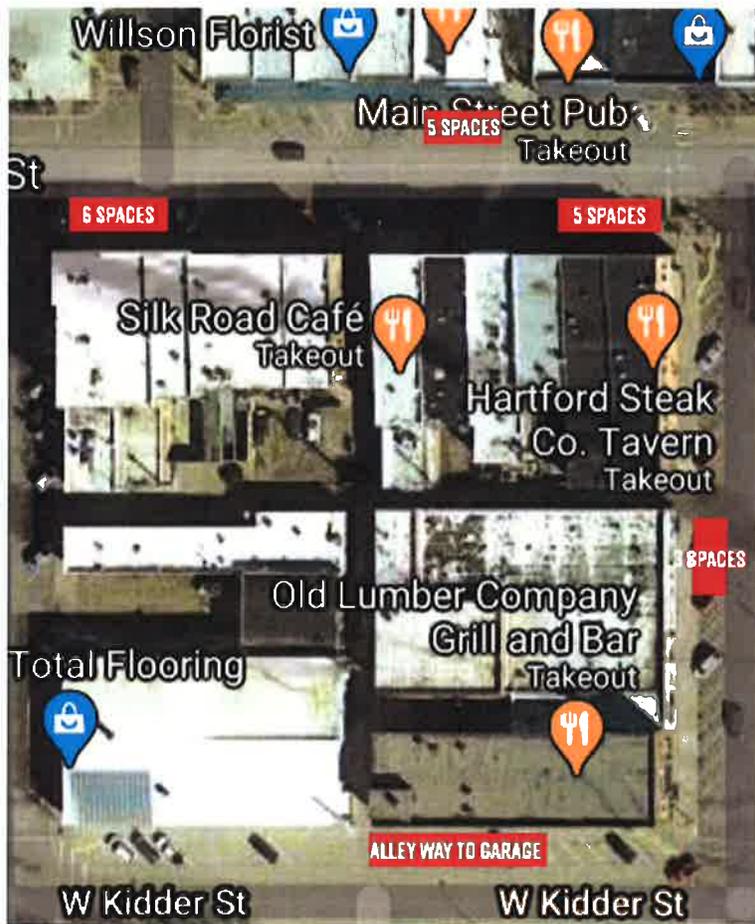
Dakota Brickhouse: 5 Spaces starting at the west end of building

R-Pizza / Bean – 5 spaces starting at eastern most parking spot of R-Pizza

Carey's Bar / Café Brule – 6 spaces starting at western most parking spot in front of Tigert Art Gallery

Old Lumber Company- 1 parking spot to the west of garage door on south side of building

Hartford Steak Co Tavern – 3 Spaces to the south of alley access





SUPPORT FOR SPECIAL EVENT
ALCOHOLIC BEVERAGE APPLICATION

Please attach to the Uniform Alcoholic Beverage Application

Applicant Owner/Organization/Business Name BeBee St Inc # (DBA Carey's Bar)
Address, City State Zip 18 W Main 57069

Is the applicant a civic, charitable, educational, veterans or fraternal organization? Yes No

Contact Name Mat Zeman
Phone Number 605 670 1508 email info@careysbar.com

Application is for: on-sale malt beverage, on-sale wine,
 on-sale liquor, off-sale package wine

If the owner/business has an alcoholic beverage license the license number is RL-6027/RB-26943

Special Event Name Social Distancing Expanded Dining

Date beginning June 25 Ending date Aug 27

(Note license period cannot exceed 15 consecutive days.)

Hours of alcoholic beverage sales 7AM - 2AM

Location of special event See map

If the special event will be conducted on city property, please attached proof of liability insurance naming the city as additional insured and Release and Indemnification releasing the City of Vermillion for liability for the event.

Please explain how alcoholic beverage sales will be controlled to prevent underage age from consuming alcoholic beverages during the event. IDing and vigilance

Is a street closing request has been submitted? Yes No

Is a permit to exceed permissible sound levels also being submitted? Yes No

Location of restrooms for users of the special permit area. Carey's Bar

Who will be responsible for cleanup and trash removal in the special permit area? Carey's Bar Staff

The undersigned applicant certifies under penalties of perjury that all statements provided herein are true and correct.

Date 6/18/20 Print Name Matthew E Zeman Signature [Signature]



SUPPORT FOR SPECIAL EVENT
ALCOHOLIC BEVERAGE APPLICATION

Please attach to the Uniform Alcoholic Beverage Application

Applicant Owner/Organization/Business Name Cafe Brule
Address, City State Zip 24 W Main

Is the applicant a civic, charitable, educational, veterans or fraternal organization? Yes No

Contact Name James P Waters
Phone Number 605-670-7827 email jazzwaters@historical

Application is for: on-sale malt beverage, on-sale wine,
 on-sale liquor, off-sale package wine

If the owner/business has an alcoholic beverage license the license number is RW-19269
RB-19268

Special Event Name Social Distance Expanded Seating
Date beginning June 25 Ending date Aug 24

(Note license period cannot exceed 15 consecutive days.)

Hours of alcoholic beverage sales Upon 7am - 9pm

Location of special event See Map

If the special event will be conducted on city property, please attached proof of liability insurance naming the city as additional insured and Release and Indemnification releasing the City of Vermillion for liability for the event.

Please explain how alcoholic beverage sales will be controlled to prevent underage age from consuming alcoholic beverages during the event. People will be ID'd. We have cameras to monitor area

Is a street closing request has been submitted? Yes No

Is a permit to exceed permissible sound levels also being submitted? Yes No

Location of restrooms for users of the special permit area. Inside Cafe Brule

Who will be responsible for cleanup and trash removal in the special permit area?
Cafe Brule Staff

The undersigned applicant certifies under penalties of perjury that all statements provided herein are true and correct.

Date 6/18/2020 Print Name James P Waters Signature [Signature]



SUPPORT FOR SPECIAL EVENT
ALCOHOLIC BEVERAGE APPLICATION

Please attach to the Uniform Alcoholic Beverage Application

Applicant Owner/Organization/Business Name Fireworks Inc / dba Dakota Brick House
Address, City State Zip 15 W Main St Vermillion SD

Is the applicant a civic, charitable, educational, veterans or fraternal organization? Yes No

Contact Name James P Waters
Phone Number 605-670-7827 email jazzwaters@hotmail.com

Application is for: on-sale malt beverage, on-sale wine,
 on-sale liquor, off-sale package wine

If the owner/business has an alcoholic beverage license the license number is RL6028 RW23204 RB 23203

Special Event Name Social Distancing Ex-purated Seating

Date beginning June 25 Ending date Aug 24

(Note license period cannot exceed 15 consecutive days.)

Hours of alcoholic beverage sales 3pm - 2am

Location of special event See Map

If the special event will be conducted on city property, please attached proof of liability insurance naming the city as additional insured and Release and Indemnification releasing the City of Vermillion for liability for the event.

Please explain how alcoholic beverage sales will be controlled to prevent underage age from consuming alcoholic beverages during the event. People will be ID'd. We have cameras to monitor area

Is a street closing request has been submitted? Yes No

Is a permit to exceed permissible sound levels also being submitted? Yes No

Location of restrooms for users of the special permit area. Inside Dakota Brickhouse

Who will be responsible for cleanup and trash removal in the special permit area? _____

Dakota Brickhouse Staff

The undersigned applicant certifies under penalties of perjury that all statements provided herein are true and correct.

Date 6/18/2020 Print Name James P Waters Signature [Signature]



SUPPORT FOR SPECIAL EVENT
ALCOHOLIC BEVERAGE APPLICATION

Please attach to the Uniform Alcoholic Beverage Application

Applicant Owner/Organization/Business Name FOE Sunshine Aerie 2421 / Eagles club
Address, City State Zip 114 W main St Vermillion SD 57069
Is the applicant a civic, charitable, educational, veterans or fraternal organization? Yes No

Contact Name Gretchen Richardson
Phone Number 605 624-0934 email Eagles2421@msn.com
Application is for: on-sale malt beverage, on-sale wine,
 on-sale liquor, off-sale package wine

If the owner/business has an alcoholic beverage license the license number is RL-6032

Special Event Name Social Distancing Expanded Seating
Date beginning June 25 Ending date Aug 24

(Note license period cannot exceed 15 consecutive days.)

Hours of alcoholic beverage sales 11A-2A
Location of special event 114 W main St Vermillion SD 57069

If the special event will be conducted on city property, please attached proof of liability insurance naming the city as additional insured and Release and Indemnification releasing the City of Vermillion for liability for the event.

Please explain how alcoholic beverage sales will be controlled to prevent underage age from consuming alcoholic beverages during the event. We will only have a small area where tables will be available. We will also have almost constant contact with outside seating.

Is a street closing request has been submitted? Yes No
Is a permit to exceed permissible sound levels also being submitted? Yes No
Location of restrooms for users of the special permit area. Inside building
Who will be responsible for cleanup and trash removal in the special permit area? bartenders / employees / garrages will be provided

The undersigned applicant certifies under penalties of perjury that all statements provided herein are true and correct.

Date 6/18/20 Print Name Gretchen Richardson Signature Gretchen Richardson



SUPPORT FOR SPECIAL EVENT
ALCOHOLIC BEVERAGE APPLICATION

Please attach to the Uniform Alcoholic Beverage Application

Applicant Owner/Organization/Business Name HARTFORD STEAK CO TAVERN

Address, City State Zip 7 COURT STREET

Is the applicant a civic, charitable, educational, veterans or fraternal organization? Yes No

Contact Name TODD OR DIANE FRIESE

Phone Number 605-366-3038 email DDFRIESE@SIO.MIDCO.NET

Application is for: on-sale malt beverage, on-sale wine,
 on-sale liquor, off-sale package wine

If the owner/business has an alcoholic beverage license the license number is RB-23801

Special Event Name Social Distancing Expanded Seating

Date beginning June 25 Ending date Aug 24

(Note license period cannot exceed 15 consecutive days.)

Hours of alcoholic beverage sales 4:30-9:30

Location of special event See map

If the special event will be conducted on city property, please attached proof of liability insurance naming the city as additional insured and Release and Indemnification releasing the City of Vermillion for liability for the event.

Please explain how alcoholic beverage sales will be controlled to prevent underage age from consuming alcoholic beverages during the event. OUR TYPICAL RESTRICTIONS WILL APPLY

Is a street closing request has been submitted? Yes No

Is a permit to exceed permissible sound levels also being submitted? Yes No

Location of restrooms for users of the special permit area. IN THE BUILDING

Who will be responsible for cleanup and trash removal in the special permit area? MANAGEMENT AND STAFF

The undersigned applicant certifies under penalties of perjury that all statements provided herein are true and correct.

Date 06/18/2020 Print Name DIANE FRIESE Signature DIANE FRIESE



SUPPORT FOR SPECIAL EVENT
ALCOHOLIC BEVERAGE APPLICATION

Please attach to the Uniform Alcoholic Beverage Application

Applicant Owner/Organization/Business Name Old Lumber Company Inc.
Address, City State Zip 15 Court St Vermillion SD 57069

Is the applicant a civic, charitable, educational, veterans or fraternal organization? Yes No

Contact Name Chad Grunewaldt
Phone Number 605-280-3570 email clgrunewaldt@gmail.com
Application is for: on-sale malt beverage, on-sale wine,
 on-sale liquor, off-sale package wine

If the owner/business has an alcoholic beverage license the license number is 2

Special Event Name Social Distance Expanded Seating

Date beginning June 25 Ending date Aug 24

(Note license period cannot exceed 15 consecutive days.)

Hours of alcoholic beverage sales 11am-2am

Location of special event See Map

If the special event will be conducted on city property, please attached proof of liability insurance naming the city as additional insured and Release and Indemnification releasing the City of Vermillion for liability for the event.

Please explain how alcoholic beverage sales will be controlled to prevent underage age from consuming alcoholic beverages during the event. Employees will check ID

for all alcohol purchases

Is a street closing request has been submitted? Yes No

Is a permit to exceed permissible sound levels also being submitted? Yes No

Location of restrooms for users of the special permit area. inside building

Who will be responsible for cleanup and trash removal in the special permit area? _____

Old Lumber Co Staff

The undersigned applicant certifies under penalties of perjury that all statements provided herein are true and correct.

Date 6-15-20 Print Name Chad Grunewaldt Signature 



SUPPORT FOR SPECIAL EVENT
ALCOHOLIC BEVERAGE APPLICATION

Please attach to the Uniform Alcoholic Beverage Application

Applicant Owner/Organization/Business Name R-Pizza
Address, City State Zip 2 W Main St Vermillion SD 57069
Is the applicant a civic, charitable, educational, veterans or fraternal organization? Yes ___ No X

Contact Name Brandon King
Phone Number (605) 624-6757 email vermillionsbestpizza@gmail.com
Application is for: on-sale malt beverage, ___ on-sale wine,
___ on-sale liquor, ___ off-sale package wine

If the owner/business has an alcoholic beverage license the license number is RB-3706
Special Event Name Social Distance Expanded Seating
Date beginning June 25 Ending date Aug 24
(Note license period cannot exceed 15 consecutive days.)
Hours of alcoholic beverage sales 11am - 9pm

Location of special event See Map
If the special event will be conducted on city property, please attached proof of liability insurance naming the city as additional insured and Release and Indemnification releasing the City of Vermillion for liability for the event.

Please explain how alcoholic beverage sales will be controlled to prevent underage age from consuming alcoholic beverages during the event. employees will check i.d. for all alcohol purchases

Is a street closing request has been submitted? Yes ___ No X
Is a permit to exceed permissible sound levels also being submitted? Yes ___ No X
Location of restrooms for users of the special permit area. Inside R-Pizza
Who will be responsible for cleanup and trash removal in the special permit area? R-Pizza employees

The undersigned applicant certifies under penalties of perjury that all statements provided herein are true and correct.

Date 6-16-20 Print Name Brandon King Signature Brandon King

CITY OF VERMILLION
25 CENTER STREET
VERMILLION, SD 57069
COUNTY OF CLAY
STATE OF SOUTH DAKOTA

RELEASE AND INDEMNIFICATION

The The Bear LLC (Leslie Gernish) (Business Name) do hereby release and forever discharge the City of Vermillion, South Dakota, its agents and employees from all claims, causes of action, and demands whatsoever, the undersigned now has or hereafter may have resulting from expanded customer service area being provided from closed parking spaces understanding that all sidewalks shall remain open for pedestrian traffic.

The Bear LLC (Business Name) do hereby agree to indemnify and hold harmless the City of Vermillion, its agents and employees from all claims, causes of action, and demands whatsoever that may result from the City closing parking spaces and allowing the use for expanded service areas has resulting from the City closing parking spaces.

Dated this 19 day of June, 2020

Leslie Gernish
Signed

Leslie Gernish
Printed name



Council Agenda Memo

From: John Prescott, City Manager
Meeting: June 22, 2020
Subject: Vermillion Housing Authority Board Appointment
Presenter: Kelsey Collier-Wise, 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 Housing Authority Board is comprised of five citizens appointed by the City Council. The terms are for five years and expire in June.

Discussion: The current members of the Vermillion Housing Authority and term expiration year are: Joan Holter (2020), Maria Trowbridge (2021), Craig Develder (2022), Elizabeth Abbott (2023), and Cindy Benzel (2024). The expiring Board term was advertised on the City's website, social media accounts, and mentioned as part of the City Manager's report from the City Council meetings.

Current Board member Joan Holter was the only person to complete an Expression of Interest form for the Vermillion Housing Authority.

Financial Consideration: The City of Vermillion and the Housing Authority do not compensate Housing Authority Board members for their service. The 2020 City budget does include \$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 term expiring in 2025.



CITIZEN BOARD/COMMISSION
EXPRESSION OF INTEREST FORM

Return completed forms to:
City of Vermillion, John Prescott
25 Center Street
Vermillion, SD 57069

Board/Commission on which you are interested in serving: VERMILLION HOUSING

Title: Mr. Mrs. Name: JOAN HOUTER

Home Address: 219 N YALE ST / VERMILLION

Email Address: Yern90@msn.com Phone #: _____

Number of years you have lived in/around Vermillion: ALWAYS LIVED HERE

Occupation: RETIRED Employer: _____

Business Address: _____

Prior elected or appointed offices held (if any): _____

Present and past community volunteer activities: NAT. MUSIC MUSEUM - PED CHURCH & OTHER ACTIVITIES

Why are you interested in serving on this Board/Commission? IT IS A HELP TO THE COMMUNITY

Do you have any unique skills or experiences which would be beneficial to the City to know in selecting someone to serve? _____

Are there any particular projects, programs or goals you would like to see achieved while serving on the Board/Commission? JUST TO KEEP IT RUNNING SMOOTHLY

Joan Houter
Signature

5/28/20
Date