



**Special Meeting Agenda
City Council**

12:00 p.m. (Noon) Special Meeting
Monday, August 3, 2020
Large Conference Room – City Hall
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call.**
2. **Visitors to Be Heard.**
3. **Discussion of possible uses of CARES Act funding – John Prescott.**
4. **Briefing on the August 3, 2020 City Council Regular Meeting** – Briefings are intended to be informational only and no deliberation or decision will occur on this item.
5. **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
Monday, August 3, 2020
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. Roll Call

2. Pledge of Allegiance

3. Minutes

- a. July 20, 2020 Special Meeting; July 20, 2020 Regular Meeting.

4. Adoption of the Agenda

5. Visitors to be Heard

- a. Proclamation Recognizing August as American Wind Week.

6. Public Hearings

7. Old Business

- a. Second Reading Ordinance 1416 – Amending Title XV, Chapter 155, Section 155.058 (C) and (D), Bliss Pointe Planned Development District, to allow for Single-Family Detached Dwellings, and Motor Vehicle Sales, Displays, and Rentals; and to remove all Multiple-Family Dwelling uses.
- b. COVID-19 issues.

8. New Business

- a. Face covering requirement for City owned buildings.
- b. First reading of Emergency Ordinance 1417 requiring the wearing of face coverings of face masks inside of public buildings to slow the spread of COVID-19.
- c. Combined election agreement with Clay County for Home Rule Charter.
- d. Developer's agreement with Nutrien Ag Solutions, Inc. Owner of Heikes Tract 2, SE ¼, SE ¼, Exc. Heikes Addn, 7-92-51, City of Vermillion, Clay County, South Dakota.
- e. Presentation of the proposed 2021 budget.
- f. First reading of Emergency Ordinance 1418 to amend Title XI, Chapter 112 amending Section 112.01 Special Event Definitions and 112.18 amending Special Event Licensing to include current license holders.

9. Bid Openings

- a. Fuel quotes.

10. City Manager's Report

11. Invoices Payable

12. Consensus Agenda

13. 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.

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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
July 20, 2020
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, July 20, 2020 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Hellwege (teleconference), President Holland, Humphrey (teleconference), Jennewein (teleconference), Letellier (teleconference), Price (teleconference), Ward (teleconference), Willson (teleconference)

Absent: Mayor Collier-Wise

2. Visitors to be Heard - None

3. Vermillion Chamber of Commerce and Development Company update - Nate Welch

Nate Welch, Executive Director of the VCDC, provided an update on the Thursdays on the Platz event after two events and asked for feedback from the City Council. Discussion included if the VCDC had any plans for when the students return to increase outdoor activities to provide for more social distancing. Nate noted that, at this time, the VCDC has not done any planning on this but if the City Council wanted he would put together a group that included business owners, Police and City Administration to review creative ideas. Nate reported to the questions of how the closed parking spaces was working with the businesses and he replied that the City Council has done its part by increasing outdoor seating with the emergency ordinance and closing the parking spaces and the businesses are responding to expanding into the outdoor spaces. Nate answered questions of the City Council on proposed Ordinance No. 1416 that is amending the zoning regulations for Bliss Pointe Planned Development District.

4. Briefing on the July 20, 2020 City Council Regular Meeting

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

5. Adjourn

214-20

Alderman Ward moved to adjourn the Council special session at 12:42 p.m. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

Dated at Vermillion, South Dakota this 20th day of July, 2020.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Rich Holland, Council President

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
July 20, 2020
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, July 20, 2020 at 7:00 p.m. by President Holland.

1. Roll Call

Present: Hellwege (teleconference), President Holland, Humphrey (teleconference), Jennewein (teleconference), Letellier (teleconference), Price (teleconference), Ward (teleconference), Willson (teleconference)

Absent: Mayor Collier-Wise

2. Pledge of Allegiance

3. Minutes

A. Minutes of July 6, 2020, Special Meeting; July 6, 2020, Regular Meeting; July 9, 2020, Special Meeting

215-20

Alderman Humphrey moved approval of the July 6, 2020, Special Meeting, July 6, 2020, Regular Meeting and July 9, 2020, Special Meeting minutes. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

4. Adoption of Agenda

216-20

Alderman Willson moved approval of the agenda. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

5. Visitors to be Heard - None

6. Public Hearings

A. First Reading Ordinance No. 1416 - Amending Title XV, Chapter 155, Section 155.058 (C) and (D), Bliss Pointe Planned Development District, to allow for Single-Family Detached Dwellings, and Motor Vehicle Sales, Displays, and Rentals; and to remove all Multiple-Family Dwelling uses.

Jose Dominguez, City Engineer, reported that in 2013 the Vermillion Area Chamber and Development Company (VCDC) led a drive to create the Bliss Pointe Planned Development District (Bliss Pointe). Jose noted that the VCDC purchase of approximately 30 acres to create Bliss Pointe came about due to a community wide shortage of affordable, single-family housing. Jose noted that, for ease of construction, Bliss Pointe was divided into two phases. Jose noted that the first phase consisted of all of the 'bluff' lots, the cul-de-sac, and other internal lots. Jose reported that most of phase one has been developed, and the VCDC is starting the process to commence work on phase two. Jose stated that the City received an application from the VCDC and Mr. Kevin Bliss requesting to amend the current Bliss Pointe zoning. Jose stated that the applicant requested that Area C be amended to allow single-family detached dwellings as a permitted use, and to remove all multiple-family dwelling uses from this area and that Area D allow motor vehicle sales, display, and rentals as a permitted use. Jose reported that the City published a notice in the Plain Talk advertising the meeting, posted signs on the property, and mailed notices to owners within 250-feet of the affected property. Jose stated that the City's Planning and Zoning Commission held two meetings

on this item. Jose stated that the first meeting was on July 13th, but due to a lack of property owner notification, the Commission was not able to make a recommendation at this meeting. Jose stated that the second meeting was tonight at 5:30 p.m. Jose reported that three members of the public commented at the July 13th Planning and Zoning Commission meeting with two of the comments in favor of the proposed changes to Area D, one person asked for the proposed changes to Area C to be explained further, and another person asked if the proposed changes to Area D applied to all of the empty lots within Area D. Jose noted that the applicants are proposing to amend the allowable uses within Area C by eliminating all of the multiple-family dwelling uses and are requesting that single-family detached dwellings be allowed as a permitted use (currently this use is not allowed in Area C). Jose stated that this means that for Area C both attached and detached single-family dwellings will be allowed as permitted uses. Jose stated that the applicants are trying to balance the original concept of Bliss Pointe (offering affordable housing in a wide variety of housing styles) and the perception that residential property values decrease when differing housing styles are built in close proximity. Jose stated that the applicants proposed amendment to Area D is intended to allow the construction of small car dealerships. Jose reported that the intent is to offer space for a person to display (no more than 10 vehicles displayed outside of the structure within the lot) of a small number of vehicles on their parcel. Jose reported that the Planning and Zoning Commission, at their meeting today, recommended adoption of proposed Ordinance No. 1416 as included in the packet. Discussion followed with Jose and Nate Welch, Executive Director of the VCDC, answering questions of the City Council on the proposed change to Area D to allow motor vehicle sales, display and rental as a permitted use and how the changes to Area C will impact affordable housing in the planned development district. Discussion followed on the proposed change in Area D for motor vehicle sales including changing the permitted use for motor vehicle sales, display, and rental to a conditional use in Area D. Jim McCulloch, City Attorney, reviewed options on changing the usage to conditional use.

217-20

President Holland read the title to the above mentioned Ordinance and Alderman 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. 1416 entitled An Ordinance Amending Title XV, Chapter 155, Section 155.058 (C) and (D), Bliss Pointe Planned Development District, to allow for Single-Family Detached Dwellings, and Motor Vehicle Sales, Displays, and Rentals; and to remove all Multiple-Family Dwelling uses of the City of Vermillion, South Dakota with the Motor Vehicle Sales, Displays, and Rentals in Area D changed from a permitted use to a conditional use 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 20th day of July, 2020 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Ward. After discussion, the question of adoption of the Resolution was put to a roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

B. Site transfer of retail on-sale liquor license for Leo's Sports Bar & Grill, LLC for Leo's Sports Bar at 11 Market Street to include 7 Market Street

Mike Carlson, Finance Officer, reported that a site transfer application has been received from Leo's Sports Bar & Grill, LLC for Leo's Sports Bar at 11 Market Street to expand into 7 Market Street. Mike stated that the notice of hearing and Police Chief's report are included in the packet. Mike reported that the City Council has the ability to transfer a license on basically two (2) criteria: suitable person and suitable location. Mike noted that, with respect to the suitable person criteria, the applicant currently has a license issued by the City. Mike noted that, with respect to the location criteria, licenses have been previously approved for 11 Market Street for this business and the request is being made to expand into 7 Market Street. Mike noted that, if the City Council determines this to be a suitable location, the motion should include the approval of the site transfer contingent upon approval of occupancy by the Building Inspector. Mike stated that the \$150 transfer fee has been received. Mike noted that, following the input from the public hearing, the City Council is asked to make a decision on the approval or denial of the expansion. Discussion followed.

218-20

Alderman Willson moved approval of the site transfer of the retail on-sale liquor license for Leo's Sports Bar & Grill, LLC for Leo's Sports Bar at 11 Market Street to include 7 Market Street contingent upon Building Inspector approval for occupancy. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

7. Old Business

A. COVID-19 issues

President Holland reported that this item was requested to be placed on this and future agendas. John Prescott, City Manager, reported that the City Attorney's opinion is that this agenda item is not specific enough to allow the City Council to take any formal action but would allow the City Council to discuss plans for any future actions. Jim McCulloch, City Attorney, stated that without the agenda item being specific no action can be taken but would allow for discussion on the issue. Discussion followed on COVID-19 items.

8. New Business

A. Appointment of a Central Ward City Council member

John Prescott, City Manager, reported that the City Council accepted the resignation of Central Ward Council member Kelsey Collier-Wise at the May 4, 2020 meeting following her appointment as Mayor. John stated that the City Council appointed Lindsey Jennewein to serve as a Central Ward Council member at the May 18, 2020 meeting. John stated that the appointment was to a Central Ward City Council seat expiring with the July 6, 2020 meeting or until the vacancy is filled. John reported that Kelsey has not qualified for the Central Ward seat by taking the oath of office within 10 days of the July 6th meeting and has submitted a letter that indicated that she did not intend to qualify for the Central Ward seat as she was serving as Mayor. John noted that the appointment of Lindsey Jennewein is still current, however, the City Council should now appoint someone as the person elect has not qualified for the Central Ward Council seat. John stated that the appointment would serve until a person elected in 2021 qualifies for the Central Ward office. John recommended the City Council appoint an individual to fill the vacant Central Ward position. Discussion followed.

219-20

Alderman Ward moved approval of the appointment of Lindsey Jennewein to fill the vacant Central Ward position until a person elected at the municipal election in 2021 qualifies for the office. Alderman Price seconded the motion. Alderman Jennewein requested to abstain. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

Mike Carlson, Finance Officer, administered the oath of office to Lindsey Jennewein as Alderman Central Ward.

B. Accept the Home Rule Charter and determine an election date

John Prescott, City Manager, reported that last year a Home Rule Study Committee was appointed to evaluate the notion of appointing a Home Rule

Charter Committee to develop a Home Rule Charter for voter consideration. John stated that at the January 20, 2020 Noon City Council meeting, the Home Rule Study Committee presented their recommendation to move forward with the process. John stated that the City Council approved appointing a five-member Home Rule Charter Committee at the February 3, 2020 meeting and approved a charge for the Home Rule Charter Committee at the February 18, 2020 meeting. John stated that the City Council appointed Mike Card, Matt Fairholm, AJ Franken, Stacy Larson, Travis Letellier, and Council member Steve Ward to serve on the Home Rule Charter Committee at the March 2nd meeting. John stated that the Home Rule Charter Committee presented their report and a draft of the charter at the July 6, 2020 meeting. John stated that, when the draft of the Home Rule Charter was presented at the July 6, 2020 meeting, the Committee had not yet reviewed the item with the City Attorney. John stated that the committee met with the City Attorney on July 10, 2020, noting that most of the changes suggested by the City Attorney were related to style and to reference State statute in place of trying to detail a process in the Home Rule Charter. John reported that the updated draft of the Home Rule Charter was placed on the City's website on Monday, July 13, 2020 and is included with this agenda memo. John noted that the Home Rule Charter would provide the City Council with the ability to take action and offer services unless they are specifically prohibited by State statute or Federal law. John stated that currently the City can only provide those functions specifically identified by State statute as duties of a municipality. John stated that the issue before the City Council at this point is whether to accept the Home Rule Charter as presented and modified since the July 6, 2020 meeting and authorize the question to be placed before the voters on an election ballot. John noted that, when the Home Rule Study Committee presented their recommendation in January, there was considerable discussion about the timing of completing a charter and placing the matter before the voters. John noted that the consensus of the City Council, at that time, was to place a Home Rule Charter before the voters as part of the November 3, 2020 general election ballot, if possible. John noted that, if the City Council accepts the proposed Home Rule Charter and wishes to place the question before voters as part of the November 3, 2020 general election ballot, the City will need to check with Clay County to make sure there is room on the ballot and enter into an agreement to include the matter on the ballot. John noted that Mike Card had received some questions on the Home Rule Charter. Mike Card reported that he had received the following questions on the Home Rule Charter and would ask if Jim McCulloch could answer. Mike reported Item #1 was how the charter would affect the property tax reduction for elderly and disabled with Jim McCulloch reporting that there would be no change, #2 was what actions are referable with Jim McCulloch stating that the Home Rule Charter would not change what items are referable by the citizens and reviewed the referendum process, and #3 was the effective date of emergency ordinances with Jim McCulloch stating that an emergency

ordinance would be effective upon adoption or at such later time as it may specify. Discussion followed on the Home Rule Charter including changes made to the charter since last meeting following the review from the City Attorney. Mike Card noted that the Committee will continue its efforts to provide public education on the charter.

220-20

Alderman Hellwege move approval to submit the proposed Home Rule Charter initially presented by the Home Rule Charter Committee at the July 6, 2020 regular meeting and as revised and presented at the July 20, 2020 regular City Council meeting to a vote at the November 3, 2020 general election, contingent upon county authorization for a joint election on said date. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

C. Request to close N. Pine Street from E. Cedar Street to the south end of the Alpha Phi property on Saturday, August 15, 2020 from 8:00 a.m. to 3:00 p.m. (change in date from August 20, 2020).

James Purdy, Assistant City Manager, reported that the Alpha Phi Sorority has requested the closure of North Pine Street from East Cedar Street to the south property line of the Alpha Phi House at 707 E. Cedar Street for their Recruitment Bid Day. James noted that the street closure is requested for Saturday, August 15, 2020 from 8:00 a.m. to 3:00 p.m. James noted that, at the March 2, 2020 meeting, the City Council approved this street closure for August 20, 2020, however, due to classes beginning earlier this fall due to COVID-19, Alpha Phi has requested to reschedule the closure. James reported that the street closure request application and diagram are included in the packet. James stated that the Street, Police, Fire, and EMS Departments have been notified of the street closure request and they did not have any concerns. James recommended approval of the temporary street closing request as changed from August 20th to August 15th.

221-20

Alderman Willson moved approval of the temporary closing of North Pine Street from East Cedar Street to the south property line of the Alpha Phi House from 8:00 a.m. to 3:00 p.m. for Alpha Phi's Sorority Recruitment Bid Day on Saturday, August 15, 2020, change in date from August 20th. Alderman Humphrey seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

D. Joint Powers Board Vermillion citizen appointment

President Holland thanked those that expressed interest in the Joint Powers Board citizen appointment and recommended Mark Sweeney as the City of Vermillion citizen appointment to the Joint Powers Board replacing Lindsey Jennewein.

222-20

Alderman Price moved approval of the appointment of Mark Sweeney as the City of Vermillion citizen representative to the Joint Powers Board. Alderman Jennewein seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported that the Census is underway and asked residents to please take a minute to complete the 2020 Census. John noted that the current response rate is 63%. John reported that it is important to the City of Vermillion and Clay County to have everyone counted as the CARES Act funding provided by the State to the Cities and Counties was based upon population.

B. John reported that the Fire Department, Parks and Rec, and Water Department are offering Hydrant Parties every Tuesday through July 28th at four locations: Bluffs Golf Course at 12:00 p.m.; Trinity Lutheran Church at 1:00 p.m.; Hillside Church at 2:00 p.m. and the Armory parking lot at 3:00 p.m. John noted that participants are asked to wear a shoe or sandal, social distancing will be enforced, and please only attend one party which is closest to your neighborhood. John stated that, if there is rain on a Tuesday, the event will occur on Wednesday.

C. John reported that the recycling trailers have been placed back out in the community and asked users to please follow the directions posted on the trailers for recycling.

D. John reminded citizens that Thursdays on the Platz will be every Thursday through the end of August with street closing of West Main Street from the west line of the intersection of Court Street west to the west line of Ratingen Platz and Market Street as they abut Ratingen Platz from 4:00 p.m. to 8:00 p.m.

E. John reported that Vermillion Light & Power in partnership with our supplemental power supplier has 4 free LED bulbs for each residential electric customer. John noted that they are finalizing the plan to

distribute the light bulbs during the final week of July. John stated that when the plan is finalized the details will be on the City's website, updated on social media and in the Broadcaster / Plain Talk.

PAYROLL ADDITIONS AND CHANGES

Library Board: Alexis Oskolkoff \$15.00/mtg; Police Admin: Deb Derocher \$17.86/hr; Police: Matt Davis \$25.88/hr; Street: Cory Taggart \$18.54/hr, Ted Ball Jr \$17.74/hr

11. Invoices Payable

223-20

Alderman Willson moved approval of the following invoices:

Adidas America, Inc	merchandise	99.78
AMS Building System LLC	refund overpayments	139.79
AT&T Mobility	mobile hot spots	432.30
Broadcaster Press	advertising	1,642.44
Buhls Cleaners	mop/mat service	572.44
Bureau Of Administration	telephone	268.48
BX Civil & Construction	hydrant deposit less usage	758.53
C & B Operations, LLC	parts	48.96
Callaway Golf	merchandise	498.11
Cask & Cork	merchandise	609.00
CenturyLink	telephone	1,594.07
Chesterman Co	merchandise	855.88
City Of Vermillion	landfill vouchers	1,032.77
Clay Co Register Of Deed	filing fee	30.00
Clay Rural Water System	water usage	269.30
Clay-Union Electric Corp	electricity	1,475.94
Dakota Beverage	merchandise	16,594.67
Dubois Chemicals	soda ash	7,359.00
Echo Electric Supply	supplies	233.01
Farner Bocken Company	merchandise	1,552.77
Global Dist.	merchandise	215.00
Gregg Peters	mgr profits/fees/freight	41,857.73
John A Conkling Dist.	merchandise	5,173.35
Johnson Brothers Of SD	merchandise	14,624.34
Jones Food Center	supplies	298.61
K & M Tire	parts	49.42
Karsten Mfg Corp	merchandise	415.02
Knife River Midwest, LLC	asphalt	3,006.87
Loren Fischer Disposal	haul cardboard	1,180.00

Matheson Tri-Gas, Inc	cylinder rental	87.70
MidAmerican	gas usage	776.43
Midcontinent Communication	internet/cable service	746.57
NCL Of Wisconsin, Inc	supplies	732.10
Nebraska Journal-Leader	advertising	39.95
O'Reilly Auto Parts	parts	5.31
Prairie Berry Winery	merchandise	732.00
Presto-X-Company	inspection/treatment	53.00
QT Pod	airport fuel cards	22.68
Quadient Finance USA, Inc	postage for meter	706.01
Republic National Distributing	merchandise	9,960.26
Running Supply, LLC	supplies	380.24
Scott Supply Co.	parts	1,400.37
SD DENR	landfill operations fee	4,297.65
Siouxland Concrete Co	pea rock	77.68
Southern Glazer's Of SD	merchandise	7,004.10
Staples Business Credit	supplies	1,141.45
Stern Oil Co.	fuel	16,378.68
The Growler Station, Inc	license fee/maintenance	749.97
The Home Depot Pro	supplies	31.16
Titleist-Acushnet Company	merchandise	1,910.08
Tractor Supply Credit Plan	supplies	18.98
True Fabrications	merchandise	610.90
United Parcel Service	shipping	224.63
Us Postmaster	postage for utility bills	950.00
Vermillion Ace Hardware	supplies	266.45
Vermillion Area Community	round up program	251.16
Vermillion Booster Club	hole sponsor	100.00
Vermillion Chamber Of Commerce	contribution	66,250.00
Vermillion Ford	repairs	1,012.44
Vermillion Rotary Club	dues/meals	106.25
Waste Management Of WI-MN	waste hauling	1,410.32

Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

12. Consensus Agenda - None

13. Adjourn

224-20

Alderman Ward moved to adjourn the Council Meeting at 8:28 p.m. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

Dated at Vermillion, South Dakota this 20th day of July, 2020.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____
Rich Holland, Council President

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.



PROCLAMATION

DESIGNATION OF AUGUST 9-15 AS AMERICAN WIND WEEK

WHEREAS, wind energy is the largest provider of renewable energy in the country; and

WHEREAS, 63% of the City of Vermillion's power supply is generated from renewable sources including wind; and

WHEREAS, 90% of the City of Vermillion's power supply is carbon-free including wind; and

WHEREAS, the wind industry is a major economic driver in towns and counties all across South Dakota, driving \$3 billion in total capital investments to date and providing \$9.8 million in annual lease payments to rural landowners in 2019 alone; and

WHEREAS, our state is home to 20 wind projects and five wind-related manufacturing facilities, providing more than 2,000 jobs for South Dakotans; and

WHEREAS, the City of Vermillion is a proud partner with Missouri River Energy Services; and

WHEREAS; municipalities that partner with Missouri River Energy Services have a power supply that averages 84% carbon-free power and benefit from 85.7 megawatts of wind generated energy annually.

NOW, THEREFORE, we, the governing body of the City of Vermillion, South Dakota, do hereby proclaim the week of August 9-15, 2020 as

AMERICAN WIND WEEK

and encourage all residents to participate in this observance by being outside and enjoying the clean air made possible by the City's renewable energy portfolio, which includes wind energy.

Dated at Vermillion, South Dakota this 3rd day of August, 2020.

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

By _____
Kelsey Collier-Wise, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer



Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: August 3, 2020

Subject: Second Reading Ordinance 1416 – Amending Title XV, Chapter 155, Section 155.058 (C) and (D), Bliss Pointe Planned Development District, to allow for Single-Family Detached Dwellings, and Motor Vehicle Sales, Displays, and Rentals; and to remove all Multiple-Family Dwelling uses

Presenter: Jose Dominguez

Background: In 2013, the Vermillion Area Chamber and Development Company (VCDC) led a drive to create the Bliss Pointe Planned Development District (Bliss Pointe). The need for creating Bliss Pointe came about due to a community wide shortage of affordable single-family housing. The VCDC purchased approximately 30-acres to develop, part of which was to be affordable housing.

For ease of construction, Bliss Pointe was divided into two phases. The first phase consisted of all of the ‘bluff’ lots, the cul-de-sac, and other internal lots. At the time the idea was to use the development of phase one to fund the second phase, which would consist of higher density residential development. Currently, most of phase one has been developed, and the VCDC is starting the process to commence work on phase two.

On June 26, 2020, the City received an application from the VCDC and Mr. Kevin Bliss requesting to amend the current Bliss Pointe zoning. The application requested that Area C be amended to allow single-family detached dwellings as a permitted use, and to remove all multiple-family dwelling uses from this area. Additionally, the applicants requested that Area D allow motor vehicle sales, display, and rentals as a permitted use.

The Planning and Zoning Commission held two meetings on this item. One on July 13th and a second one on July 20th. Only three members of the public were present at those meetings. The Commission heard several comments; two were in favor of the proposed changes to Area D, one person asked for an explanation of the changes to Area C, and another individual asked if the proposed changes to Area D applied to all of the empty lots within Area D. At the July 20th Planning and Zoning Commission meeting, the Commission recommended that the City Council approve the proposed changes to the Bliss Pointe PDD.

At the July 20th City Council meeting it was decided to keep the proposed changes to Area C as presented; however, the change to Area D was modified. For Area D, the City Council chose to make the proposed motor vehicle sales, displays, and rentals a conditional-use rather than a permitted use as originally proposed.

Discussion: As mentioned previously, one of the original intents of Bliss Pointe was to create affordable single-family housing. This required that the VCDC offer a wide variety of housing styles (single-family detached, single-family attached, and multiple-family dwellings) in the new development. Phase one of the development consisted mainly of areas for the construction of single-family detached dwellings as a permitted use, with some locations for single-family attached dwellings as conditional-uses. The combination of these two different types of housing has proven unpopular with some Bliss Pointe residents, as many of them see the increase in residential density as negative. This is due to the perception that the increased density, in such close proximity, will negatively affect their property value.

In an effort to address this issue, the applicants are proposing to amend the allowable uses within Area C by eliminating all of the multiple-family dwelling uses. Additionally, they are requesting that single-family detached dwellings be allowed as a permitted use (currently this use is not allowed in Area C). This means that for Area C both attached and detached single-family dwellings will be allowed as permitted uses. The applicants are trying to balance the original concept of Bliss Pointe (offering affordable housing in a wide variety of housing styles) and the perception that residential property values decrease when differing housing styles are built in close proximity.

The amendment originally requested by the applicant was for Area D to allow, as a permitted use, the construction of small car dealerships. These dealerships may sell products that are more limited (e.g. foreign vehicles, antique vehicles, collector vehicles, etc...) and harder to find. However, at the July 20th meeting the City Council changed the proposed amendment from a permitted use to a conditional-use. This change requires that the City's Planning and Zoning Commission hold a public hearing to review any conditional-use permit applications wanting to construct a car dealership in this area. The change provides the public an opportunity to voice any concerns regarding the proposed land use, and for the Commission to place any conditions on the use it deems necessary.

Financial Consideration: Cost of publication.

Conclusion/Recommendations: Staff recommends that the City Council approve the second reading of Ordinance 1416. This being a second reading, a roll call vote is required.

PETITION FOR ZONE CHANGE

TO THE HONORABLE MAYOR AND THE CITY COUNCIL OF THE CITY OF VERMILLION, SOUTH DAKOTA

1. As authorized by § 155.101 of the City of Vermillion Zoning Ordinance (I) (we) (Name & Address):
Vermillion Area Chamber & Development Company

Hereby petition to rezone property owned by (Name & Address): Vermillion Area Chamber of Commerce and Development Company

From the classification _____, Not changing _____ to _____, Not Changing _____.

2. The legal description of that part of the property to be rezoned is (include only the description of the land proposed to be Rezoned. You may need to have a surveyor draft this description):

(BLK 6, Lot 12) - Blk 6 Exc Lots 1A, 2A, 3, 4A, 5A, 5B, 6A, 6B, 8, 9, 10, 11, & 13 BLISS POINTE ADDN

TRACT 1 EXC BLISS POINTE ADDN BLISS 3RD ADDN

Parcel Identification Number (PIN): 15093-00600-000-00 / 15092-00000-000-00

3. The proposed change is to facilitate the use of the land for (be specific-list all proposed uses):
Please see attached

4. Please address the following criteria as best as you can. These are the "standards for rezoning" which will be addressed at the public hearing. (Use additional sheets if necessary).

A. In detail, explain what public facilities and services serve the proposed development at present, or how they will be provided. Please see attached

B. Explain how the provision for these facilities will not be an unreasonable burden to local government.

This development is intended to equally match in its added value to the community and local property tax increases with burdens to local government

C. What have you done to determine that the land is suitable for the development proposed?

Prior planning. Additional explanation in attached letter.

D. Explain what will have to be done so the development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas. No known additional work will need to be done, other than general construction and infrastructure development

E. Explain any potential for conflict with existing land uses in the area. We see no seen conflicts of existing land uses as these two proposed changes will compliment current housing developments as well as add an additional business to the southern portion of the development.

(OVER)

F. Demonstrate the need of the proposed development at this location. Please see attached

G. What is the availability of alternative locations? Be specific. Commercial Development - there are few places available for this type of commercial business change. While some exist, we don't feel this to be unreasonable.

Residential property developments currently exist, but we feel this to be a great addition to the current available developable lots in Vermillion.

H. If cropland is being consumed by this Zone Change, what is the productivity of the agricultural lands involved? The 15 acres that are sometimes used for crop land, are often used for just alfalfa. It has been farmed with intentions of someday developing houses.

I. If cropland is being consumed by this zone change, explain how the proposed development will be located to minimize the amount of agricultural land converted. The remaining 15 acres have been intended on housing since 2013.

5. Planning Commission recommendation, The Zoning Administrator shall set the date, time and place for a Planning Commission public hearing. The Zoning Administrator shall post a sign of the public hearing on the property affected by a change of zone no less than 7 days prior to the scheduled public hearing. The notice shall be published in a legal newspaper of the city once not less than 10 days prior to the public hearing. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the City Council. The Planning Commission shall either recommend or not recommend approval of the amendment to the City Council.

6. City Council action, The Zoning Administrator shall set the date, time and place for a City Council public hearing. The Zoning Administrator shall post a sign of the public hearing on the property affected by a change of zone no less than 7 days prior to the scheduled public hearing. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the City Council. The City Council shall either approve or not approve the ordinance describing the proposed amendment or change of zone to these zoning regulations, in accordance with standard procedures for reading, approval, publication and effective date. When a proposed amendment or change of zone is approved by the City Council, the amendment shall take effect 20 days after publication, unless the referendum shall have been invoked.

7. Petitioner's Signature  Phone (605) 624-4964 Date 6/26/2020

8. Owner's Signature  Phone (605) 624-5571 Date 6/26/2020
(If different)

Date Fee Received: _____ Fee \$150.00 PAYABLE TO the City of Vermillion

FAILURE OF THE APPLICANT OR HIS AGENT TO APPEAR AT THE HEARING WILL CAUSE THE COMMITTEE TO DENY THIS APPLICATION.

June 24th, 2020



Vermillion City Planning & Zoning Commission,

To the members of the Planning & Zoning Commission, I offer this letter as an additional explanation accompanying our application for changing parts of our Planned Development District.

This application includes two minor changes. The first is in section D, which includes our commercial lots at Bliss Pointe. The second is in section C, which includes our residential lots at Bliss Pointe.

First – the commercial lot change. The Vermillion Area Chamber of Commerce & Development Company (VCDC) has entered into a Purchase Agreement with a local business owner who intends on building a commercial building on Lot 12, Block 6 of Bliss Pointe. This is a long-time business owner in the community, and while his facility will not immediately have the purpose, it could, in the future, provide specialty auto sales on a limited basis. To do so, we feel it necessary and appropriate to change the current conditions to allow auto vehicle sales – with up to, but no more than, 10 vehicles placed for sale outside of the structure on the property. The VCDC is supportive of this for the following reason: this facility could provide a 'boutique aspect' of auto sales in what is growing to be a unique specialty service area of Vermillion – which includes multiple types of housing, visitor attractions, neighborhood restaurants and this addition of retail. We ask for the Planning and Zoning to recommend approval of these proposed changes.

Second – the residential lots at Bliss Pointe. At this point, Bliss Pointe - Phase 1 lots are over 80% sold, just over five years after we broke ground on the first home in this beautiful addition. Since then, the 35 acres in Phase 1 now generates over \$8m in property valuation. To say "we aren't done yet" is an understatement. We are extremely excited at continuing the success of Phase 1 with beginning development on Phase 2 – which includes nearly 15 additional acres. Before we break ground on the infrastructure, we are pausing to take a moment and appropriately pivot from the original plans of Bliss Pointe as they were envisioned in 2013. Originally, the concept for Phase 2 was to have a bit more of a denser population of housing. A great plan in its time, but since then over 1,000 new apartment beds have been added to the Vermillion housing landscape. Along with continued development of Bliss Pointe homes in Phase 1, we feel the importance on growing our Single Family homes inventory in Vermillion. Therefore, we are looking to change the plans of Phase 2 to be the proposed changes in this request.

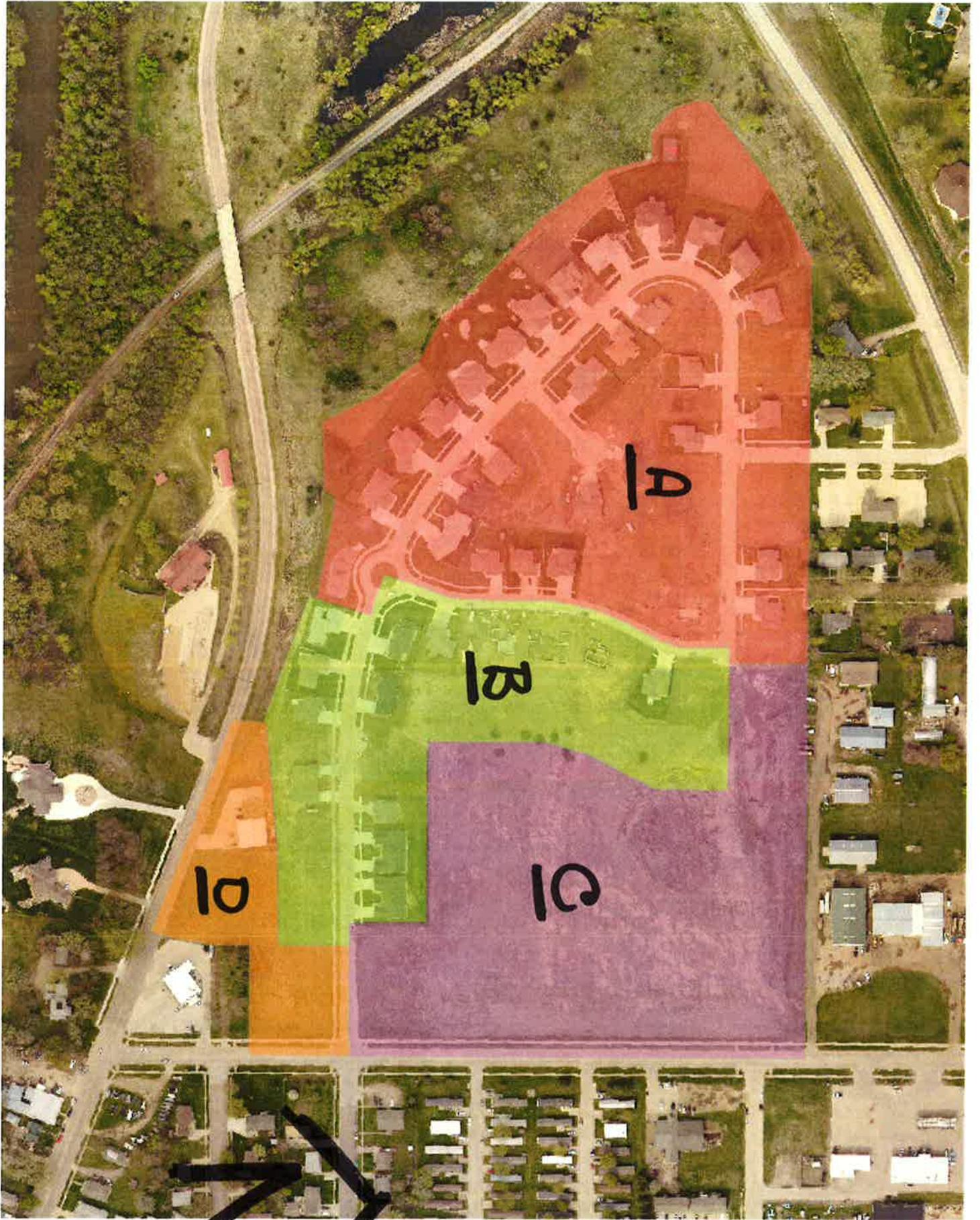
Thank you for your time, consideration, and your service to our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Nate Welch".

Nate Welch
VCDC President / CEO





ORDINANCE 1416

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES AMENDING TITLE XV LAND USAGE; CHAPTER 155, ZONING REGULATIONS; SECTIONS 155.058 (C), AND (D), BLISS POINTE PLANNED DEVELOPMENT DISTRICT, TO ALLOW FOR SINGLE-FAMILY DETACHED DWELLINGS, AND MOTOR VEHICLE SALES, DISPLAYS, AND RENTALS; AND TO REMOVE ALL MULTIPLE-FAMILY DWELLING USES.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the Code of Ordinances Sections 155.058 (C) and (D), Bliss Pointe Planned Development District be amended as follows:

§ 155.058 BLISS POINTE PLANNED DEVELOPMENT DISTRICT.

(A) *Area A (low-density, single-family detached residential uses).* All city ordinances apply to the Planned Development District identified as Area A except for those modified below.

<i>Permitted Uses</i>	<i>Applicable Standards</i>
Dwelling, single-family detached	§§ 155.070, 155.072, 155.076, 155.077
Day care, group	A safe pickup and drop off area must be provided for the children. All applicable dwelling standards apply.
Neighborhood utility facility	§ 155.070
Public park areas	§ 155.070
Accessory building or use	§§ 155.071, 155.082(A) (see definition)

(B) *Area B (low to medium-density, single-family residential uses).* All city ordinances apply to the Planned Development District identified as Area A except for those modified below.

<i>Permitted Uses</i>	<i>Applicable Standards</i>
Area A permitted uses	See Area A permitted uses

<i>Conditional Uses</i>	<i>Applicable Standards</i>
Dwelling, single-family attached	§§ 155.070, 155.072, 155.076, 155.077
Dwelling, multiple-family (maximum of 2 dwelling units per lot)	§§ 155.070, 155.072, 155.076, 155.077

Dwelling, single-family detached	6,500 square feet	50 feet	65 feet	25 feet See (3)	8 feet See (2)	25 feet See (8)	35 feet
Dwelling, single-family attached, See (4)	2,500 square feet	25 feet	25 feet	25 feet See (3)	0 or 8 feet on non-party wall side	25 feet	35 feet
Dwelling, multiple-family(maximum of 2 dwelling units per lot)	7,500 square feet	50	75	25 feet	8 feet	25 feet	35 feet
Dwelling, multiple-family units (maximum of 32 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)	7,500 square feet	50 feet	60 feet	30 feet See (5)	10 feet See (1)	10 feet	35 feet
Dwelling, multiple-family units (between 33 and 48 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)	20,000 square feet	50 feet	70 feet	30 feet See (5)	10 feet See (1)	10 feet	45 feet
Dwelling, multiple-family units (over 48 bedrooms)	30,000 square feet	50 feet	85 feet	30 feet See (5)	10 feet See (1)	10 feet	45 feet

per lot, number of bedrooms per dwelling unit cannot exceed 4)							
Area D uses	NA	101 or more feet	50 feet	25 feet See (2)	5 feet See (2), (6)	5 feet See (7)	45 feet
All other uses	7,500 square feet	50 feet	75 feet	30 feet	10 feet	25 feet	45 feet

Exceptions:

- (1) The side yard will be required to be increased by 10 feet when the building is 3 stories in height or more.
- (2) There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.
- (3) See also adjustments to yard regulations (§ 155.082) for other specific exceptions.
- (4) Every two units shall be staggered.
- (5) More than one building per lot may be constructed.
- (6) A side yard of 15 feet shall be required where a lot is adjacent to or abuts a residential district.
- (7) A rear yard of 20 feet shall be required where a lot is adjacent or abuts a residential district.
- (8) The rear yard may be reduced to 20 feet for lots 9,000 square feet or less.

(F) *Property re-division.* All future property re-division shall require a re-platting of the affected parcels. The Planned Development District may require an amendment on property re-division.

Dated at Vermillion, South Dakota this 3rd day of August, 2020.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Kelsey Collier-Wise, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

First Reading: July 20, 2020

Second Reading: August 3, 2020
Published: August 7, 2020
Effective: August 28, 2020



Council Agenda Memo

From: John Prescott, City Manager
Meeting: August 3, 2020
Subject: Requirement to wear face coverings in City buildings
Presenter: John Prescott

Background: As the COVID-19 pandemic has evolved, face coverings have been determined to be one of the more effective measures to control the spread of the disease. Since reopening, City buildings such as City Hall have had entry signage requesting visitors to wear a mask, but the City Council has not adopted a policy to require visitors to a public building to wear a mask. Other safety measures such as hand sanitizing stations, physical distancing markings, and general signage about safe practices are already in place. Recently, USD and the Vermillion Public School District have established practices requiring face coverings inside of their buildings.

Discussion: Initially, there were some concerns about requiring visitors to public buildings to wear a mask. After further research by the City Attorney and an attorney for the City's liability insurance company, it was determined that face coverings could be required for city-owned public buildings. There may be situations where an individual is not able to wear a face covering, and those will be addressed on an individual basis. Face coverings will also be available at public entrances to buildings to assist those who may not have a face covering immediately available. In buildings such as City Hall, we have not required employees in offices or who are able to maintain social distancing to wear a face covering.

City buildings, such as the Library and the Bluffs golf course clubhouse, can see a fair amount of public traffic. The golf course clubhouse may be the more challenging of the these two for compliance as individuals are often stopping by to pay for golf vs. planning to stay inside the building.

Financial Consideration: Any costs would be minimal for signage or face coverings provided to visitors.

8. New Business; item a

Conclusion/Recommendations: Administration recommends the City Council adopt a motion requiring face coverings adequate to slow the spread of COVID-19 in city-owned public buildings.



Council Agenda Memo

From: John Prescott, City Manager

Meeting: August 3, 2020

Subject: First reading of proposed Emergency Ordinance 1417 to require the wearing of face masks or face coverings inside of public buildings

Presenter: John Prescott

Background: As noted with the last agenda item, face coverings have been determined to be one of the more effective measures to control the spread of the coronavirus. Social distancing and hand washing or sanitizing are also very effective measures which the City has tried to promote over the last couple of months. Over the last couple of weeks, the Board of Regents and Vermillion Public School District have adopted policies in regard to the use of face coverings on their properties. Some comments have been received in regard to whether the City was going to have face covering or face mask regulations. The Mayor requested that an ordinance requiring the use of face coverings in indoor public settings be drafted for discussion purposes.

Discussion: The City Attorney and an attorney for the City's public liability insurance carrier have expressed reluctance for the City Council to adopt this type of ordinance. One of the main concerns for the City Attorney is appropriate exceptions for individuals that may not be best suited to wear a mask or face covering.

The attorney for the insurance company offered several concerns. One concern is potential conflict with the ADA. Proposed items such as 3h and 3i attempt to address these concerns. This attorney has suggested having face masks available for free at city buildings to avoid an argument that someone was denied access due to a fee (cost of a mask). One noted challenge with the ordinance approach is that a fine needs to be established. The fine would be in addition to current court costs of \$72.50. Generally, the fine for violation of an ordinance is set with the second reading of an ordinance.

On a related note, the insurance company's attorney also noted concerns about enforcement. She offered the following comment:

If the City enacts the ordinance with little intention or limited capability to enforce it, that may give rise to the question of whether the City has created a special duty to individuals for which it may be

held liable. “[W]hen the government has enacted a statute or ordinance prohibiting particular conduct, the question arises whether the government may be liable for failing to take steps to ensure that third persons comply with the law.” *See Tipton v. Town of Tabor*, 538 N.W.2d 783, 785 (SD 1995). Generally, the city does not owe a duty to control the conduct of individuals that may violate its ordinances. However, a city may be held liable for failing to enforce its laws when it assumes a special duty to individuals, rather than a public duty. To determine whether a city has assumed a special duty, the following factors are analyzed:

- 1) The city’s actual knowledge of a dangerous situation;
- 2) Reasonable reliance by persons on the city’s representations and conduct;
- 3) An ordinance that sets forth mandatory acts clearly for the protection of a particular class of persons rather than the public as a whole; and
- 4) Failure by the city to use due care to avoid increasing the risk of harm.

Enforcement of such an ordinance may be difficult. As cities the size of Vermillion don’t have a health department, enforcement would likely fall to the Police Department. As the request for an ordinance was received on Thursday, staff time has been spent on drafting the ordinance and compiling the City Council packet. Staff will visit with the Police Chief about enforcing the ordinance prior to the Monday meeting.

The insurance company offered that a resolution might be a better approach. The resolution would not open the City up to a number of potential legal issues. A resolution could strongly encourage retailers to use face masks or face coverings within their businesses. It was suggested that a resolution might be the most appropriate first step.

The insurance company attorney also noted that the Board of Regents has control of their buildings and property. The City should not take action to make the mask or face covering requirement apply to their property. The City Attorney suggested that since the Vermillion Public School District and Clay County have taken action to govern their buildings, the City should avoid including these properties and potentially conflicting language. 3q and 3r address these institutions and properties.

The insurance company representatives also noted that the Governor’s office is not supportive of COVID-19 mandates. This would include the proposed ordinance mandating face mask or face covering usage. The ordinance has the potential to create conflict with the Governor’s Office.

Council Vice President Steve Ward was meeting with business owners at Carey’s on Friday at 1pm to gather comments about a face mask/face covering ordinance. This memo is being compiled prior to the meeting.

Proposed Emergency Ordinance 1417 was compiled based on several documents from around the country. Some documents included a definition of what a mask is, what it is to be made of, how many layers it should have, and other defining language.

Financial Consideration: No substantial immediate costs.

Conclusion/Recommendations: Administration does not disagree with the science or importance of using face masks or face coverings. However, due to the legal recommendations that have been received with regard to adopting an ordinance vs. other options such as a resolution, City Administration does not recommend the adoption of the first reading of proposed Emergency Ordinance 1417.

EMERGENCY ORDINANCE NO. 1417

AN EMERGENCY ORDINANCE TO ADDRESS A PUBLIC HEALTH CRISIS BY REQUIRING THE WEARING OF FACE MASKS OR COVERINGS INSIDE OF PUBLIC BUILDINGS TO SLOW THE SPREAD OF COVID 19 (CORONAVIRUS).

WHEREAS, the City of Vermillion (City) has the authority pursuant to SDCL 9-29-1 and 9-32-1 to enact ordinances for the purpose of promoting the health, safety, morals, and general welfare, of the community; and

WHEREAS, an outbreak of the COVID-19 disease, which is caused by the novel coronavirus, has been confirmed in more than 100 countries, including the United States; and

WHEREAS, COVID-19 is a severe respiratory disease transmitted by person-to-person contact especially among older adults and persons with serious underlying health conditions, can result in serious illness requiring hospitalization, admission to an intensive care unit, and death; and

WHEREAS, the World Health Organization (WHO), the Centers for Disease Control and Prevention (CDC), and the Secretary of the United States Department of Health and Human Services have declared the outbreak of COVID-19 as a public health emergency; and

WHEREAS, Governor Kristi Noem, issued Executive Order 2020-26 which extended the previously declared state of emergency to exist in the State of South Dakota in response to the spread of COVID-19 until December 30, 2020; and

WHEREAS, cases of COVID-19 have been confirmed throughout South Dakota including Clay County; and

WHEREAS, the CDC and health experts have advised the use of masks or face coverings will slow the spread of COVID-19; and

WHEREAS, working together now will reduce the widespread proliferation of COVID-19 now rather than suffering the unfortunate and devastating medical and economic consequences later; and

WHEREAS, the failure to successfully reduce the spread of COVID-19 will likely result in higher numbers of infected individuals and has the potential to overwhelm the capacity of the City's health care providers; and

WHEREAS, it is important that control measures be taken to reduce or slow down the spread of COVID-19 in order to protect the health and safety of the City's residents, especially for seniors and those with underlying health conditions that make them particularly vulnerable to COVID-19.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the City of Vermillion that:

1. All persons entering a commercial establishment in the City of Vermillion must wear a face covering or mask while inside the establishment.
2. All restaurants, retail stores, salons, grocery stores, establishments selling alcohol, pharmacies, lodging establishments, exercise facilities, establishments offering goods and services, or soliciting patronage from the general public must require their employees to wear a face covering at all times while having face-to-face interactions with the public.
3. Face coverings or masks are not required in the following circumstances:
 - a. In personal vehicles or at home;
 - b. When an individual is alone in enclosed spaces such as a private office or only with other household members;
 - c. During outdoor physical activity, provided that the active person maintains a minimum of six (6) feet from other people who are not members of the same household;
 - d. While eating, drinking, or smoking;
 - e. When wearing a face covering causes or aggravates a health condition;
 - f. When wearing a face covering would prevent the receipt of personal services, medical or dental services, or is needed for identification purposes;
 - g. When a person is 12 years of age or younger;
 - h. When a medical or behavioral condition or disability (including but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove the face covering without assistance);
 - i. Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
 - j. Would be at risk from wearing a face covering at work as determined by state or federal regulations or workplace safety guidelines;
 - k. An individual has found that a face covering is impeding visibility to operate equipment or a vehicle;
 - l. At a religious ceremony or service;
 - m. For public safety employees and/or emergency responders and/or field employees engaged in essential functions, when wearing the face covering would interfere with or limit their ability to carry out their duties or functions;
 - n. For individuals complying with the directions of public safety employees;
 - o. At a public meeting held pursuant to the open meeting law if social distancing is maintained;
 - p. The facilities for the proceedings of any state or federal courts;
 - q. County facilities under the governance of Clay County;
 - r. Educational institutions and their related services under the governance of the Board of Regents or Vermillion school district.
 - s. Federal buildings or facilities.

Anyone who declines to wear a face covering for these stated reasons should not be required to produce documentation or any other proof of a condition.

4. 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. At each regular City Council meeting during the sixty (60) day period or at a special meeting called for consideration of this ordinance, the City Council will have as an agenda item consideration of a resolution to suspend the provisions herein prior to the end of the sixty (60) day period. Any restriction contained in this ordinance may be modified at any time by a resolution of the City Council.
5. Any violation of this ordinance is subject to a fine set by resolution in compliance with the general penalty provision in Section 10.99 of the City of Vermillion Municipal Code. Each day a violation of this ordinance is allowed to occur is considered a separate offense.

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 immediately upon passage.

Dated at Vermillion, South Dakota this 17th day of August, 2020.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Kelsey Collier-Wise, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

First Reading: August 3, 2020
Second Reading: August 17, 2020
Effective Date: After adoption or specified date



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: August 3, 2020

Subject: Combined Election Agreement

Presenter: Mike Carlson

Background: State statute provides for an election to adopt a home rule charter. At the July 20 meeting, the City Council approved submitting the Home Rule Charter to a vote at the November 3rd general election contingent upon county approval of a joint election.

6-12-7. Time of election on charter proposal by commission.

When a commission has been selected or appointed to draft a proposed charter or an amendment to a charter, an election on the question must be held within one year after initiation of the proposed action.

6-12-8. Special election on home rule charter--Exception.

A special election shall be called on any question involving a home rule charter unless another election is scheduled within one hundred twenty days of the initiation of the action.

Discussion: State statute provides for combining elections and encourages entities to enter into agreements as to the duties and responsibilities of each. Previously, the City entered into a joint election agreement with the County to combine the City election with the primary election. With the latest agreement being in December 2019 to combine the city election at a cost of \$2,800. (Note there was no city election thus no cost.) After the July 20 meeting Staff contacted County Auditor Crum about an agreement to allow the city to combine our Home Rule election with the November 3rd general election. The County Commission approved the attached agreement at the July 28th meeting with the cost to the city being \$2,800. If the City were to hold its own election using County equipment, the cost would be considerably higher due to the programming of the equipment and the ordering of ballots. The cost for the day care registration referendum and malt beverage markup initiated election in June 2015, where paper ballots were used, was \$3,516. Attached is the proposed combined election agreement for the November 3, 2020 general election. Combining the City election with the general election should increase voter turnout.

Financial Consideration: The combined election will cost the City \$2,800, which is less than conducting a separate election. Staff have noted a better voter turnout with combined

elections since residents only need to go to the polls once to vote in the general and city election.

Conclusion/Recommendations: Administration recommends that the City Council authorize the Mayor to sign the Combined Election Agreement for the November 3, 2020 home rule election to be combined with the General Election.

**COMBINED ELECTION AGREEMENT
FOR NOVEMBER 3, 2020 ELECTION**

This agreement is entered into between Clay County, and the City of Vermillion; political subdivisions of the State of South Dakota, for the purpose of conducting a combined election as provided under the provisions of SDCL 9-13-37 and 12-2-5.

EFFECTIVE DATE: This agreement shall become effective on the date that all parties have signed the agreement.

PURPOSE: It is the purpose of this agreement for the parties to conduct their individually required election in one combined election. The combined elections will be held on November 3, 2020. Elections are being combined to save tax dollars on the cost of individually conducted elections and to encourage a better voter turnout for all entities.

COST SHARING: The parties to this agreement shall share the costs of the combined election as set forth herein.

The City Finance Officer will certify the City ballot question language to be included on the ballot to the County Auditor by 5:00 P.M. on August 3, 2020.

The cost for a combined election will be \$2,800 for the City of Vermillion. These costs include joint legal notices, election worker salaries, election materials such as ballots, poll books, programming costs and all other related expenses.

If the City of Vermillion would cancel the city election, the only cost to be paid by the city would be to reimburse the county for costs incurred but not more than the amount listed above.

Clay County will pay all costs associated with the election, and the city agrees to reimburse the county for its share of the costs as determined in this agreement.

ABSENTEE BALLOTS: Absentee ballots shall be available at the office of the county auditor for voters who wish to vote absentee.

CANVASSING OF THE VOTE: Each entity shall canvass the votes of their election at the next meeting following the election or by November 9, 2020, whichever comes first. Poll books will be opened by the County Canvassing Board, canvassed, resealed and passed on to the city. Poll books will be returned to County Auditor when the City has completed its canvass.

The Clay County Auditor, and the City Finance Officer are hereby empowered and directed to cooperate in any manner that will accomplish the purpose and intent of this agreement in order to facilitate this election in the most efficient and economical manner.

Carri R. Crum, Clay County Auditor
Date: _____

Chairman
Clay County Commissioners

Michael D. Carlson, Finance Officer
Date: _____

Mayor
City of Vermillion



Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: August 3, 2020

Subject: Developer's Agreement with Nutrien Ag Solutions, Inc. Owner of Heikes Tract 2, SE ¼, SE ¼, Exc. Heikes Addn, 7-92-51, City of Vermillion, Clay County, South Dakota

Presenter: Jose Dominguez

Background: Nutrien Ag Solutions (Nutrien) is finalizing the plans to begin construction of a large ag retail facility at the northwest corner of the intersection of 317th Street and North Crawford Road. The property is currently vacant and is zoned HI Heavy Industrial, which allows for this type of use as a conditional-use. A conditional-use permit was approved by the Planning and Zoning Commission on December 17, 2019.

The new construction will have access off 317th Street. In the future, once the improvements are completed on North Crawford Road, Nutrien would be able to have additional access points off North Crawford Road.

Discussion: City ordinance requires that the property owner construct sidewalks, grading, curb and gutter, street surfacing, street lights, water and sewer improvements on all streets abutting a property to be developed. The lot in question fronts 317th Street and North Crawford Road (or 465th Street). The agreement will require that the owner do the following:

- Complete the construction of North Crawford Road (or 465th Street), water mains and sanitary sewer mains when the City Council requests the completion, or when a future development would utilize the street.
- Will not remonstrate against any assessments required for construction of any of the above mentioned improvements.

This agreement has been reviewed by the City Attorney.

Financial Consideration: The City will incur the filing fee.

8. New Business; item d

Conclusion/Recommendations: Administration recommends that the City Council authorize the Mayor to sign the Developer's Agreement with Nutrien Ag Solutions, Inc.

Prepared by:

The City of Vermillion
25 Center Street
Vermillion, SD 57069
605-677-7050

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into as of the ____ day of _____, 2020 by and between the City of Vermillion, South Dakota ("City"), and Nutrien Ag Solutions, Inc., a Delaware corporation ("Nutrien"). The City and Nutrien are sometimes individually or collectively referred to herein as a "party" or the "parties".

WHEREAS, Nutrien intends to develop that certain parcel of real property presently described as: Heikes Tract 2, SE ¼ SE ¼ Exc Heikes Addn, 7-92-51, City of Vermillion, Clay County, South Dakota, Parcel number 15880-09251-074-03 (the "Property").

WHEREAS, City Ordinance requires parties developing real property within the City to share in the cost of construction of certain sidewalks, grading, curb and gutter, street surfacing, streetlights, and if utilized by a developing party, water and sewer improvements (individually and collectively, "Public Improvements"), all in accordance with City of Vermillion standard specifications along all streets or alleys abutting the property to be developed.

WHEREAS, the development of the Property and other adjacent properties will eventually necessitate construction of certain Public Improvements, more particularly described below, for the shared use and enjoyment of the developers and users thereof (the "Project Public Improvements")

WHEREAS, Nutrien wishes to begin construction before the Project Public Improvements are in place.

WHEREAS, the City and Nutrien wish to enter into this Agreement to memorialize their understandings with respect to future construction of the Project Public Improvements and responsibility for the cost thereof, including cost sharing, all as more particularly described below.

NOW, THEREFORE, in consideration of the foregoing premises, and good and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

A. GENERAL:

1. At such time as other parties (other than Nutrien) commence development of real property adjacent to the Property which will utilize the Project Public Improvements, or the City Council determines that installation of all or any portion of the Project Public Improvements is otherwise necessary, the City will give Nutrien notice thereof, and the City will work together with Nutrien to design and the City shall then construct the Project Public Improvements or such portion thereof as the parties may determine in their reasonable judgment. All plans and specifications shall be approved by the City prior to construction, and the City shall be responsible for construction of all Project Public Improvements described in this Agreement.

2. The cost of construction of the Project Public Improvements will be shared by the property owners in the manner permitted in SDCL Chs. 9-43, 9-47, and 9-48 (referred to herein as the "Applicable Chapters").

3. Immediately prior to commencement of construction of the Project Public Improvements, Nutrien shall provide to the City of Vermillion a **PERFORMANCE BOND**, for Nutrien's estimated share of the cost of the Project Public Improvements for which it is responsible pursuant to this Agreement.

4. This **AGREEMENT** shall be binding on the parties, their successors and assigns and will be recorded in the office of the Register of Deeds of Clay County, South Dakota.

B. GRADING, CURB AND GUTTER, STORM SEWER, STREET SURFACING, STREET LIGHTS:

1. Grading, curb and gutter, storm sewer, street surfacing, and street light improvements (collectively, the "Street Improvements") will be installed by the City along 465th Street (also known as North Crawford Road) when additional development that would utilize the street is constructed, or when required by the City Council, whichever is sooner.
2. The costs associated with the Street Improvements will be assessed to the property owners after the Street Improvements are installed. If the City Council requires that the construction of these improvements take place prior to Nutrien's schedule, a Resolution of Necessity will be required before these improvements can be made. The costs associated with the Street Improvements will be assessed, on an equitable basis, to all property owners benefiting from the Street Improvements as provided for under the Applicable Chapters.
3. **Nutrien agrees that this Agreement will run with the land as a restrictive covenant thereon and is binding on the current and future owners, their successors and assigns that they will not remonstrate against the proposed improvements on Heikes Tract 2, SE ¼ SE ¼ Exc. Heikes Addn., 7-92-51, City of Vermillion, Clay County, South Dakota.**

C. WATER IMPROVEMENTS:

1. Water improvements (defined as: public improvements constructed by the City along or adjacent to Crawford Road providing access to municipal potable water supply systems for property owners wishing to utilize such systems in conjunction with their development of real property) (collectively, the "Water Improvements") will be installed by the City along 465th Street (also known as North Crawford Road) when additional development that would utilize constructed, or when required by the City Council, whichever is sooner.
2. Fees and costs associated with the Water Improvements will be assessed to Nutrien only in the event Nutrien installs one or more water taps to connect improvements on its Property to the Water Improvements. In such event, the tap fees and connection costs shall be based upon the then-current tap fees in effect. If the City Council requires that the construction of these improvements take place prior to Nutrien's schedule, a Resolution of Necessity will be required before these improvements can be made. The costs associated with the Water Improvements will be assessed to the property owners as provided in the Applicable Chapters. If Nutrien does not connect its development to the Water Improvements, it shall have no responsibility for bearing the cost of any portion of the Water Improvements.
3. **Nutrien agrees that this agreement will run with the land as a restrictive covenant thereon and is binding on the current and future owners, their successors and assigns that they will not remonstrate against the proposed improvements on Heikes Tract 2, SE ¼ SE ¼ Exc. Heikes Addn., 7-92-51, City of Vermillion, Clay County, South Dakota.**

D. SANITARY SEWER IMPROVEMENTS:

1. Sanitary sewer improvements (defined as: public improvements constructed by the City along or adjacent to Crawford Road providing access to municipal sewer and waste management systems for property owners wishing to utilize such systems in conjunction with their development of real property) (collectively, the "Sewer Improvements") will be installed by the City along 465th Street (also known as North Crawford Road) when additional development that would utilize constructed, or when required by the City Council, whichever is sooner.

2. Fees and costs associated with the Sewer Improvements will be assessed to Nutrien only in the event Nutrien installs one or more sewer lines and taps to connect improvements located on its Property to the Sewer Improvements. In such event, the tap fees and connection costs for which Nutrien is responsible will be based upon the then-current sewer tap fees in effect. If the City Council requires that the construction of these improvements take place prior to Nutrien's schedule, a Resolution of Necessity will be required before these improvements can be made. The costs associated with the Sewer Improvements will be assessed to the property owners as provided in the Applicable Chapters. If Nutrien does not connect its development to the Sewer Improvements, it shall have no responsibility for bearing the cost of any portion of the Sewer Improvements.

3. **Nutrien agrees that this agreement will run with the land as a restrictive covenant thereon and is binding on the current and future owners, their successors and assigns that they will not remonstrate against the proposed improvements on Heikes Tract 2, SE ¼ SE ¼ Exc. Heikes Addn., 7-92-51, City of Vermillion, Clay County, South Dakota.**

E. **MISCELLANEOUS.**

1. Entire Agreement; Modification. This Agreement embodies the entire agreement and understanding between the parties hereto, and supersedes any prior oral or written agreements, relating to this transaction. This Agreement may not be amended, modified or supplemented except in a writing executed by both Nutrien and the City. No term of this Agreement shall be waived unless done so in writing by the party benefited by such term.

2. Governing Law. This Agreement shall be construed under and governed by the laws of the State or Commonwealth in which the Real Property is located.

3. Severability. If any term of this Agreement or any application thereof shall be invalid or unenforceable, the remainder of this Agreement and any other application of such term shall not be affected thereby.

4. Time of the Essence. Time is of the essence under this Agreement.

5. Construction. The rule of strict construction shall not apply to this Agreement. This Agreement shall not be interpreted in favor of or against either Nutrien or the City merely because of their respective efforts in preparing it.

6. **WAIVER OF RIGHT TO JURY TRIAL. NUTRIEN AND THE CITY HEREBY EXPRESSLY WAIVE ANY RIGHT TO TRIAL BY JURY OF ANY CLAIM, DEMAND, ACTION, CAUSE OF ACTION, OR PROCEEDING ARISING UNDER OR WITH RESPECT TO THIS AGREEMENT, OR IN ANY WAY CONNECTED WITH, OR RELATED TO, OR INCIDENTAL TO, THE DEALINGS OF THE PARTIES HERETO WITH RESPECT TO THIS AGREEMENT OR THE TRANSACTIONS RELATED HERETO OR THERETO, IN EACH CASE WHETHER NOW EXISTING OR HEREAFTER ARISING, AND IRRESPECTIVE OF WHETHER SOUNDING IN CONTRACT, TORT, OR OTHERWISE. TO THE EXTENT THEY MAY LEGALLY DO SO, NUTRIEN AND THE CITY HEREBY AGREE THAT ANY CLAIM, DEMAND, ACTION, CAUSE OF ACTION, OR PROCEEDING SHALL BE DECIDED BY A COURT TRIAL WITHOUT A JURY AND THAT ANY PARTY HERETO MAY FILE AN ORIGINAL COUNTERPART OR A COPY OF THIS SECTION 15.8 WITH ANY COURT AS WRITTEN EVIDENCE OF THE CONSENT OF THE OTHER PARTY OR PARTIES HERETO TO WAIVER OF ITS OR THEIR RIGHT TO TRIAL BY JURY.**

7. Binding Effect. This Agreement shall inure to the benefit of and shall bind the respective heirs, executors, administrators, successors and assigns of Nutrien and the City.

8. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be an original, but all of which together shall constitute one instrument.

DATED THIS: _____ (DATE COUNCIL APPROVED AGREEMENT)

[SIGNATURE PAGES FOLLOW]

FOR THE CITY OF VERMILLION

By: _____

KELSEY COLLIER-WISE, MAYOR

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF _____)

On the _____ day of _____, before me, the undersigned Officer, personally appeared Kelsey Collier-Wise, who acknowledged herself as Mayor of the City of Vermillion, and that she as Mayor being authorized so to do executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by herself as Mayor.

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

Notary Public

My Commission Expires: _____



Council Agenda Memo

From: John Prescott, City Manager
Meeting: August 3, 2020
Subject: Presentation of the Proposed 2021 Budget
Presenter John Prescott

Background: Each year, the City staff prepares a proposed budget for the next fiscal year. The proposed budget documents for 2021 will be presented at the City Council meeting on Monday evening. This will provide the City Council time to review the document prior to the review meetings. The actual discussion and presentation of the respective departmental budgets will take place on August 11 and 12, 2020 in the City Council Chambers at City Hall starting at 6:00 pm.

Discussion: The COVID-19 pandemic has created a higher level of uncertainty in preparing this budget proposal in comparison to other years. The budget utilizes conservative fiscal principals such as no projected increase in sales tax receipts for 2021 to develop a plan of action for the budget year. Use of the CARES Act funding is not yet budgeted as City Council discussion on this funding hasn't been completed. The first penny of sales tax, along with the General Fund, is utilized primarily for operating costs while the second penny funds capital expenses pursuant to the locally adopted ordinance. Several key projects will make a long-term difference for the community. Funding for a downtown infrastructure project, continued park improvements, street repairs, and hike/bike path replacement are a few key projects for the upcoming budget year.

The budget was prepared with the assistance of all Departments Heads and many staff members from across the organization. Mike Carlson, James Purdy, and Marty Washington were very instrumental in the development of the proposed 2021 budget.

Financial Consideration: The budget that the City Council ultimately adopts will determine the revenue streams and expenditures for 2021.

Conclusion/Recommendations: The City Council is asked to review the budget document, make any needed changes during the budget hearings, and ultimately adopt a budget for 2021 in September. No action is needed at this time.



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: August 3, 2020

Subject: First Reading of Ordinance 1418 – Emergency Ordinance 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 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 that current license holders could be issued a special license of any type. Special licenses were limited to civic, charitable, educational, veterans, or fraternal organization in conjunction with a special event.

At the June 15, 2020 regular meeting and a special meeting on June 22, 2020, the City Council completed two readings and adopted Emergency Ordinance 1415. This emergency ordinance amended the special event definition and provided that current license holders could apply for a special event license. The emergency ordinance expires on August 24, 2020 at midnight.

Discussion: To continue the current practice found in a couple of downtown locations this summer, a change in the special event license is again needed as state statute requires a license holder to have a designated area in which they are responsible for sales and consumption. Outside of the property of a license holder's establishment, a special daily license is needed. In the June meetings with the license holders, they wanted the ability for customers to purchase alcohol 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 inside 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.

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.

The June change was done as an emergency ordinance as the situation is related to the COVID-19 pandemic where the need to social distance and utilize outdoor gatherings when possible are encouraged. The emergency ordinance process also allowed for a faster implementation of the changes. The state statutes are as follows:

The proposed emergency ordinance again does two things. The first change is to amend the definition of "Special Event" to remove 112.01 (4) "The event is conducted without the intention of commercial or personal gain or profit". The second change is to 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.

The same issue will again exist with regard to the fee. Currently the special daily license is \$20 per day and there is an advertising fee of \$15. If a public hearing is not required, there would be a savings of \$15. To be issued a special license for city property requires proof of liability insurance and a release and indemnification from liability. There may be some

cost for the liquor liability insurance. The license fee is set by resolution thus a change would require an emergency resolution at second reading. The City Council in June set the fee for these special event licenses at \$100. 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.

At the June 22, 2020 meeting, the City Council approved seven different special event licenses. To date, only three of these approved special event permits have completed the paperwork to utilize the outdoor space for alcohol sales. An additional special event permit license was approved at the July 9, 2020 meeting and is operational. At this point, the City has not received any inquiries from businesses about extending the proposal. Staff is anticipating that the issue will arise later in the month as expiration of the practice approaches.

There will again be several issues to resolve. As with previous request, most of the items are addressed with a second reading of the ordinance.

- Emergency Resolution adjusting special daily fee for license holders if deemed appropriate by City Council
- Street closings for parking spaces to be used for outdoor seating areas. Last time the VCDC coordinated the request for all of the spaces.
- Special daily licenses from applicant(s). This item would address hours and days of operation, clean-up, restrooms, etc. Hours were set at 7am to midnight with the previous adoption.
- Identification of the days when alcohol would not be served in the outdoor areas. The State limits special event licenses to 15 days. The approach last time was to not have alcohol service available in the special event license space every other Monday.

Another unique feature to consider in adopting this ordinance is that a 60 day timeframe would include Dakota Day. With the sidewalk furniture zones, the City Council has approved alcohol sales but not on Dakota Days weekend.

Financial Consideration: There would be no cost at first reading.

Conclusion/Recommendations: Administration recommends that the City Council thoughtfully review the first reading of proposed Ordinance 1418 to assist local business with additional space for customers to practice social distancing to help prevent the spread of COVID-19.

EMERGENCY ORDINANCE NO. 1418

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.

WHEREAS, the City Council adopted Emergency Ordinance No. 1415 effective on June 25, 2020 to provide for current license holders to be issued special daily licenses in conjunction with special events which will be expiring on August 24, 2020, and

WHEREAS, the special daily licenses were issued in conjunction with the Vermillion Chamber of Commerce’s “Social Distance Expanded Seating” special event, and

WHEREAS, the University of South Dakota will be welcoming students back into the city during the month of August for fall semester, and

WHEREAS, the Vermillion Chamber of Commerce to promote safety through social distancing requests on behalf of its members to continue the “Social Distance Expanded Seating” special event, and

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 dealer’s 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 August 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 17th day of August, 2020.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Kelsey Collier-Wise, Mayor

ATTEST:

BY _____
Michael Carlson, Finance Officer

First Reading: August 3, 2020
Second Reading: August 17, 2020
Publish: August 28, 2020
Effective: August 25, 2020

CITY OF VERMILLION
 INVOICES PAYABLE-AUGUST 3, 2020

1 4IMPRINT	PROMOTION MATERIALS	1,326.88
2 A-1 PORTABLE TOILETS	PORTABLE TOILET RENTAL	450.00
3 ADIDAS AMERICA, INC	MERCHANDISE	623.80
4 ALADTEC, INC	SOFTWARE SUBSCRIPTION	2,426.00
5 ALTEC INDUSTRIES, INC	PARTS	1,689.79
6 AMAZON BUSINESS	SUPPLIES	270.98
7 APPEARA	SHOP TOWELS	45.00
8 ARAMARK	UNIFORM SHIRTS	147.81
9 ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	563.10
10 ARGUS LEADER MEDIA #1085	SUBSCRIPTION	28.00
11 AVERA OCCUPATIONAL MEDICINE	TESTING	126.10
12 AWWA	MEMBERSHIP/DUES	214.00
13 BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	4,710.55
14 BETH SAMENUS	MILEAGE REIMBURSEMENT	84.73
15 BIRSCHBACH EQPT & SUPPLY	PARTS	751.53
16 BLACKBURN MANUFACTURING CO	SUPPLIES	253.64
17 BLACKSTONE PUBLISHING	BOOKS	50.00
18 BORDER STATES ELEC SUPPLY	SUPPLIES	1,340.85
19 BOUND TREE MEDICAL, LLC	SUPPLIES	1,795.47
20 BRUNICKS SERVICE INC	PROPANE	185.00
21 BSN SPORTS	RECREATION SUPPLIES	1,393.51
22 BURNS & MCDONNELL	PROFESSIONAL SERVICES	20,731.50
23 BUTLER MACHINERY CO.	REPAIRS/PARTS	8,962.67
24 CALLAWAY GOLF	MERCHANDISE	378.66
25 CANNON TECHNOLOGIES, INC	GATEWAY MODEM/PARTS	3,861.72
26 CARROLL CONSTRUCTION SUPPLY	DIAMOND BLADES	579.95
27 CASK & CORK	MERCHANDISE	649.50
28 CENTRALSQUARE TECHNOLOGIES	SOFTWARE MAINTENANCE	21,456.25
29 CENTURY BUSINESS PRODUCTS	COPIER CONTRACT/COPIES	219.89
30 CERTIFIED LABORATORIES	SUPPLIES	768.21
31 CHESTERMAN CO	MERCHANDISE	941.72
32 CITY OF SIOUX FALLS	TESTING	29.00
33 CITY OF VERMILLION	POSTAGE/COPIES	1,163.63
34 CITY OF VERMILLION	UTILITY BILLS	47,237.91
35 COFFEE KING, INC	SUPPLIES	62.75
36 COLONIAL LIFE ACC INS.	INSURANCE	3,033.29
37 CONTINENTAL RESEARCH CORP	SUPPLIES	459.87
38 CORE & MAIN LP	SUPPLIES	295.29
39 COYOTE CONVENIENCE	FUEL	7.87
40 CREIGHTON UNIVERSITY	TRAINING REGISTRATION	1,095.00
41 D-P TOOLS	SUPPLIES	239.03
42 DAKOTA BEVERAGE	MERCHANDISE	5,910.90
43 DAKOTA PC WAREHOUSE	IPADS/TONER/ADAPTER	647.89
44 DAKOTA PUMP INCORP	PARTS	1,909.56

45 DALE HUSBY	SAFETY GLASSES REIMBURSEMENT	73.90
46 DEADPERFECT	MERCHANDISE	169.19
47 DELTA DENTAL PLAN	INSURANCE	6,301.68
48 DEMCO	FACE SHIELDS/CLEANER/DECALS	125.52
49 DENNIS MARTENS	MAINTENANCE	833.34
50 DGR ENGINEERING	PROFESSIONAL SERVICES	277.50
51 DIAMOND MOWERS	PARTS	230.69
52 EBSCO	SUBSCRIPTION	41.50
53 ECHO ELECTRIC SUPPLY	SUPPLIES	177.49
54 ELECTRIC PUMP, INC	REPAIRS	1,110.00
55 ENVISIONWARE, INC	SOFTWARE SUBSCRIPTION	875.00
56 ERICKSON SOLUTIONS GROUP	PROFESSIONAL SERVICES	996.35
57 FAR FROM NORMAL	SUPPLIES	44.07
58 FARMER BROTHERS CO.	SUPPLIES	268.39
59 FARNER BOCKEN COMPANY	MERCHANDISE	2,390.12
60 FAST AUTO GLASS	REPAIRS	668.52
61 FORMAN MEDIA	COUNCIL MEETING/REPAIRS	113.00
62 GLOBAL DIST.	MERCHANDISE	273.00
63 GLOBAL EQUIPMENT COMPANY	WIRE SHELVING	170.10
64 GRAHAM TIRE CO.	TIRES	759.01
65 GRAYMONT (WI) LLC	CHEMICALS	8,333.13
66 GREGG PETERS	RENT	937.50
67 HAUGER LAWN SERVICE	MOWING	132.00
68 HEINE ELECTRIC & IRRIGATION	WELL #3 MAINTENANCE	11,073.45
69 HELMS & ASSOCIATES	PROFESSIONAL SERVICES	4,696.70
70 HERC-U-LIFT	REPAIRS	1,250.86
71 HERREN-SCHEMPP BUILDING	SUPPLIES	16.32
72 HILLYARD/SIOUX FALLS	DISINFECTANT	115.80
73 HY VEE FOOD STORE	SUPPLIES	575.95
74 INDUSTRIAL CHEM LABS	DEGREASER	456.61
75 INGRAM	BOOKS	1,671.37
76 INTERSTATE POWER SYSTEMS	REPAIRS	717.44
77 JOHN A CONKLING DIST.	MERCHANDISE	4,258.55
78 JOHNSON BROTHERS OF SD	MERCHANDISE	10,325.54
79 JOHNSON CONTROLS	REPAIRS/PARTS	1,215.48
80 JONES FOOD CENTER	SUPPLIES	190.83
81 KALINS INDOOR COMFORT	FURNACE & A/C	10,434.00
82 KNIFE RIVER MIDWEST, LLC	ASPHALT	2,104.17
83 LARRY'S HTG & COOLING, INC	REPAIRS	359.43
84 LEISURE LAWN CARE	REPAIRS	599.10
85 LESSMAN ELEC. SUPPLY CO	SUPPLIES	1,009.00
86 LOFFLER	TONER	222.00
87 MARKS MACHINERY	PARTS	354.75
88 MART AUTO BODY	TOWING	150.00
89 MATHESON TRI-GAS, INC	MEDICAL OXYGEN	514.35
90 MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,842.80
91 MEAD LUMBER	SUPPLIES	108.52

92 MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	213.41
93 MEDLINE INDUSTRIES, INC	FOREHEAD THERMOMETER/SUPPLIES	644.60
94 MERRICK INDUSTRIES	PARTS	148.53
95 MH EQUIPMENT COMPANY	REPAIRS	197.09
96 MICHAEL TODD & CO.	MINI LIGHT BARS	733.11
97 MICRO MARKETING LLC	BOOKS	84.96
98 MIDWEST ALARM CO	ALARM MONITORING	482.00
99 MIDWEST TURF & IRRIGATION	PARTS	688.89
100 MIDWEST WHEEL COMPANIES	PARTS	855.28
101 MINN MUNICIPAL UTILITY ASSOC	3RD QTR SAFETY MGMT PROGRAM	6,737.50
102 MISSOURI RIVER ENERGY SERVICE	INFRARED INSPECTIONS	2,662.13
103 MISSOURI VALLEY MAINTENANCE	REPAIRS	993.91
104 MOBOTREX MOBILITY & TRAFFIC	REPAIR/RECERTIFY	428.00
105 MOORE WELDING & MFG	SUPPLIES	50.00
106 MR. GOLF CAR, INC	REPAIRS	134.00
107 NATIONAL REGISTRY OF EMERG MEDICAL	PARAMEDIC EMBLEMS	210.00
108 NBS CALIBRATIONS	SCALE CALIBRATION/BALANCE	495.00
109 NCL OF WISCONSIN, INC	CHEMICALS	365.30
110 NEBRASKA JOURNAL-LEADER	ADVERTISING	39.95
111 NETSYS+	PROFESSIONAL SERVICES	635.00
112 NIKE INC	MERCHANDISE	124.26
113 NORTHWESTERN UNIVERSITY CENTER	ONLINE TRAINING COURSE	4,000.00
114 O'REILLY AUTO PARTS	PARTS	341.74
115 OVERHEAD DOOR OF SIOUX CITY	REPAIRS	239.63
116 PIZZA RANCH	MEALS	309.13
117 PLAIN TALK PUBLISHERS	SUBSCRIPTION	26.00
118 POWERPHONE, INC	ONLINE TRAINING	258.00
119 PRESSING MATTERS	NOTARY STAMP/ENVELOPES	110.00
120 PRESTO-X-COMPANY	INSPECTION/TREATMENT	115.00
121 PRIDE NEON INC	FLAG POLE WINCH	877.56
122 PRINT SOURCE	SUPPLIES/ADVERTISING	1,143.50
123 PROCHEM DYNAMICS	SUPPLIES	175.04
124 PROPERTY MAINTENANCE SERVICE	MOWING	303.75
125 QT POD	NETWORK ACCESS/SUPPORT	945.00
126 QUADIENT LEASING USA, INC	POSTAGE METER LEASE	234.24
127 QUALITY TELECOMMUNICATIONS	TELEPHONE	208.20
128 QUILL	SUPPLIES	329.56
129 RACOM CORPORATION	MAINTENANCE	411.70
130 RECORDED BOOKS, INC	BOOKS	746.93
131 REDI TOWING	TOWING	75.00
132 REGISTER OF DEEDS	FILING FEE	30.00
133 REPUBLIC NATIONAL DISTRIBUTING	MERCHANDISE	7,279.85
134 RIVERSIDE TECHNOLOGIES, INC	DOCKING STATION	99.00
135 ROCKMOUNT RESEARCH & ALLOY	BLADES	135.69
136 RUNNING SUPPLY, LLC	SUPPLIES	1,637.29
137 SANFORD HEALTH PLAN	PARTICIPATION FEE	54.00
138 SANFORD USD MEDICAL CENTER	SUPPLIES	253.90

139	SANITATION PRODUCTS INC	PARTS	879.42
140	SCHAEFFER MFG. CO	SUPPLIES	934.40
141	SD GOLF ASSOCIATION	HANDICAP	5,823.00
142	SD RETIREMENT SYSTEM	CONTRIBUTIONS	60,223.36
143	SERVICE MASTER OF SE SOUTH DAKOTA	CUSTODIAL	3,619.70
144	SIOUXLAND HUMANE SOCIETY	FEES	37.00
145	SKARSHAUG TESTING LAB.	TESTING	2,230.18
146	SOUTH DAKOTA 811	LOCATES	480.90
147	SOUTH DAKOTA OPEN	BRONZE SPONSORSHIP	500.00
148	SOUTHERN GLAZER'S OF SD	MERCHANDISE	2,803.58
149	STAPLES BUSINESS CREDIT	SUPPLIES	647.53
150	STOCKWELL ENGINEERS, INC	DOWNTOWN STREETSCAPE	22,762.13
151	STRYKER SALES CORPORATION	MAINTENANCE AGREEMENT	7,577.51
152	STUART C. IRBY CO.	SUPPLIES	387.50
153	STURDEVANTS AUTO PARTS	PARTS	1,172.24
154	SYNCB/AMAZON	BOOKS/DVDS/SUPPLIES	1,021.89
155	TELEFLEX LLC	SUPPLIES	662.50
156	TESTAMERICA LABORATORIES	TESTING	1,617.50
157	THIESEN DESIGNS	SOFTBALL T-SHIRTS	396.90
158	TITLEIST-ACUSHNET COMPANY	MERCHANDISE	7,630.09
159	TODDS ELECTRIC SERVICE	INSTALL LOAD MGMT	153.03
160	TOPKOTE INC	CHIP SEALING	112,762.00
161	TURNER PLUMBING	REPAIRS	88.78
162	TWO WAY SOLUTIONS	HEADSET/SUPPLIES	642.98
163	UNITED LABORATORIES	CHEMICALS	450.00
164	UNITED WAY	CONTRIBUTIONS	752.00
165	UNUM LIFE INSURANCE COMPANY	INSURANCE	1,525.68
166	USA BLUEBOOK	SUPPLIES	128.60
167	VALIANT VINEYARDS	MERCHANDISE	99.30
168	VAN DIEST SUPPLY CO	CHEMICALS	1,159.00
169	VAST BROADBAND	911 CIRCUIT/DIALUP SERVICE	1,395.45
170	VERIZON WIRELESS	CELL PHONES/IPAD ACCESS	2,415.86
171	VERMEER HIGH PLAINS	PARTS	684.35
172	VERMILLION ACE HARDWARE	SUPPLIES	2,687.28
173	VERMILLION CHAMBER OF COMMERCE	BID 2ND QUARTER	13,117.00
174	VERMILLION CONCRETE	CONCRETE WORK	30,755.78
175	VERMILLION CULTURAL ASSOCIATION	CONTRIBUTION	4,000.00
176	VERMILLION FOOD PANTRY	CONTRIBUTION	5,500.00
177	VERMILLION FORD	REPAIRS	252.89
178	VISA/FIRST BANK & TRUST	FUEL/SUPPLIES	5,718.32
179	VISTA OUTDOOR SALES, LLC	MERCHANDISE	210.00
180	WAL-MART COMMUNITY	SUPPLIES	1,391.52
181	WALT'S HOMESTYLE FOODS, INC	MERCHANDISE	268.60
182	WESCO DISTRIBUTION, INC	SUPPLIES	902.60
183	WIEMAN CONSTRUCTION	PROFESSIONAL SERVICE-DITCHING	3,367.35
184	YAMAHA MOTOR FINANCE CORP	GOLF CARS/BEVERAGE UNIT LEASE	6,622.61
185	YANKTON JANITORIAL SUPPLY	SUPPLIES	385.40

186 ZIMCO SUPPLY CO	CHEMICALS	21,071.50
187 TERESA JOHNSON	BRIGHT ENERGY REBATE	250.00
188 CRAIG DEVELDER	BRIGHT ENERGY REBATE	350.00
189 BILL BULTSMA	BRIGHT ENERGY REBATE	500.00
	GRAND TOTAL	\$596,960.66