



**Special Meeting Agenda
City Council**

12:00 p.m. (Noon) Special Meeting
Tuesday, September 8, 2020
Large Conference Room – City Hall
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call.**
2. **Visitors to Be Heard.**
3. **2019 Audited Annual Comprehensive Financial Audit – Chad Regnier, Williams & Company.**
4. **Background on street naming process – City Engineer Jose Dominguez.**
5. **Briefing on the September 8, 2020 City Council Regular Meeting** – Briefings are intended to be informational only and no deliberation or decision will occur on this item.
6. **Adjourn.**

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

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

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

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

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

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



City of Vermillion Council Agenda

7:00 p.m. Regular Meeting

Tuesday, September 8, 2020

City Council Chambers

25 Center Street

Vermillion, South Dakota 57069

1. Roll Call

2. Pledge of Allegiance

3. Minutes

- a. August 17, 2020 Special Meeting; August 17, 2020 Regular Meeting.

4. Adoption of the Agenda

5. Visitors to be Heard

6. Public Hearings

- a. Special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company on or about September 10, September 17, September 24 and October 1, 2020 on Ratingen Platz, half block of Market Street south of W. Main Street and W. Main Street as it abuts the Platz east to Court Street, excluding the parking spaces closed for the social distancing special event, for Thursdays on the Platz events.
- b. Special permit to exceed allowable sound levels by no more than 50% for Pi Beta Phi Sorority on Cedar Street between Plum Street and Pine Street on September 18, 2020 from 8:00 p.m. to 11:00 p.m. for a street dance.
- c. Community Development Block Grant hearing on Storm Sewer improvements in Highway 50 south ditch.

7. Old Business

- a. Review of Emergency Ordinance 1419 to require signage at the entrance to buildings open to the public that states Face Coverings Expected.
- b. Review of Emergency Resolution encouraging the use of face coverings or face masks and determine continuation of the Emergency Resolution.
- c. COVID-19 issues.

8. New Business

- a. Request to close Market Street from W. Main Street to the southern border of Ratingen Platz and W. Main Street from the west end of Ratingen Platz to the west cross walk of the Main and Court Street intersection on September 10, September 17, September 24, and October 1, 2020 from 4:00 pm to 8:00 pm for Thursdays on the Platz.
- b. Resolution for Community Development Block Grant Sponsorship and Project and Environmental Certifying Officer – HWY 50 Storm Sewer.
- c. Review use of malt beverage markup receipts collected, proposal to use funding during 2021 budget year, and public input on the continuation of the wholesale license fee.
- d. First reading of Ordinance 1420 – 2021 Appropriations budget ordinance.
- e. First reading of Ordinance 1421 – 2020 Revised Appropriations ordinance.
- f. 2019 Audited Comprehensive Annual Financial Report.
- g. Historic Preservation Commission appointments.

- h. Surplus abandon vehicles for Fire Department training.
- i. Developer's Agreement with AMS Building System, LLC Owner of Lot 1 and Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota.
- j. Developer's Agreement with AMS Building System, LLC Owner of Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota.
- k. Agreement to Construct Public Infrastructure by Private Development with AMS Building System, LLC Owner of Lot 1 and Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota.
- l. Professional services agreement with Burns & McDonnell for engineering work on the construction of cells 6 & 7 and closure of cells 2 & 3 at the landfill.

9. **Bid Openings**

- a. Fuel quotes.

10. **City Manager's Report**

11. **Invoices Payable**

12. **Consensus Agenda**

- a. Set a public hearing date of September 21, 2020 for a special permit to exceed permissible sound levels by no more than 50% for the University of South Dakota Music Department in the band shell area of Prentis Park on Sunday, October 11, 2020 from 2:00 p.m. to 5:00 p.m. with a rain date of October 18, 2020 for a free live public concert performance.

13. **Adjourn**

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

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

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

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

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

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

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Vermillion City Council's Values and Vision

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

Unapproved Minutes
Council Special Session
August 17, 2020
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, August 17, 2020 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Hellwege (teleconference), Holland (teleconference), Humphrey (teleconference), Jennewein (teleconference), Letellier (teleconference), Willson (teleconference), Mayor Collier-Wise (teleconference)

Absent: Price, Ward

2. Visitors to be Heard - None

3. Vermillion Chamber & Development Company outside agency funding request for 2021 budget year- Nate Welch

Nate Welch, Executive Director of the Vermillion Area Chamber of Commerce and Development Company, reviewed a summary of the VCDC operations noting that the City contribution of \$265,000 is allocated to administrative expenses. Nate reviewed the results of activities for the last year as well as how the organization is looking forward. Nate answered questions of the City Council on the activities of the VCDC.

4. Briefing on the August 17, 2020 City Council Regular Meeting

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

5. Adjourn

243-20

Alderman Holland moved to adjourn the Council special session at 12:52 p.m. Alderman Willson seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

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

Unapproved Minutes
City Council Regular Session
August 17, 2020
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on August 17, 2020 at 7:00 p.m. by Mayor Collier-Wise.

1. Roll Call

Present: Hellwege (teleconference), Holland (teleconference), Humphrey (teleconference), Jennewein (teleconference), Letellier (teleconference), Price (teleconference), Ward, Willson (teleconference), Mayor Collier-Wise (teleconference)

2. Pledge of Allegiance

3. Minutes

A. Minutes of August 3, 2020 Special Meeting; August 3, 2020 Regular Meeting; August 11, 2020 Special Meeting; August 12, 2020 Special Meeting.

244-20

Alderman Willson moved approval of the August 3, 2020 Special Meeting, August 3, 2020 Regular Meeting, August 11, 2020 Special Meeting, and August 12, 2020 Special Meeting minutes. Alderman Hellwege seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

4. Adoption of Agenda

245-20

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

5. Visitors to be Heard

A. Slam Out Hunger Proclamation

Alderman Jennewein read the Slam Out Hunger Proclamation recognizing August 31, 2020 as "Slam Out Hunger Day" in Vermillion and encouraged community members to bring non-perishable food items and other essential supplies to the Community Connection Center. A representative of Midwest All Pro Wrestling thanked the City Council for the resolution.

6. Public Hearings - None

7. Old Business

A. First reading of Emergency Ordinance No. 1417 requiring the wearing of face coverings or face masks inside of buildings open to the public to slow the spread of COVID-19. (tabled from the August 3, 2020 meeting).

John Prescott, City Manager, reported that the City Council considered Emergency Ordinance No. 1417 at the August 3, 2020 meeting at which time it was tabled. John noted that the proposed ordinance would require the wearing of face masks or face coverings inside of buildings open to the public. John stated that a motion will be needed to remove first reading of Emergency Ordinance No. 1417 from the table before discussion and action on the ordinance. Mayor Collier-Wise noted that the process will be to remove from the table and then take action on the first reading.

246-20

Alderman Holland moved approval of removing from the table first reading of Emergency Ordinance No. 1417 requiring the wearing of face coverings or face masks inside of buildings open to the public. Alderman Ward seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion to deny adopted.

Discussion followed on the ordinance.

247-20

Alderman Willson moved to deny first reading of Emergency Ordinance No. 1417 requiring the wearing of face coverings or face masks inside of buildings open to the public. Alderman Ward seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

B. Second reading of Emergency Ordinance No. 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

John Prescott, City Manager, reported that, 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 No. 1415. John stated that the emergency ordinance amended the special event definition and provided that current license holders could apply for a special event license. John stated that the emergency ordinance is only effective for a sixty-day period and expires on August 24, 2020 at midnight. John reported that expiring Emergency Ordinance No. 1415 and the current Emergency Ordinance No. 1418 under consideration for adoption are related to the COVID-19 pandemic where the need to social distance and utilize outdoor gatherings when possible are encouraged. John stated that Emergency Ordinance No. 1418 again does the same two things as Emergency Ordinance No. 1415 accomplished for 60 days. John stated that 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" and 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. John stated that 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). John noted that this special license issued to a business adjoining the closed parking spaces or alley would allow for alcoholic beverages to be purchased in the business and taken outside. John noted that the license holder is still responsible to make sure the patron does not leave the designated area and will need to keep the sidewalks open for pedestrian traffic. John noted that if second reading is approved there are other items on the agenda that will need to be addressed for setting the fee, closing of parking spaces for special events and issuing special events licenses. Discussion followed.

248-20

Second reading of title to Emergency Ordinance No. 1418 entitled an Ordinance Amending sections 112.01 and 112.18 special events definitions and to expand special licensing to include special on-sale liquor

licenses issued to current license holders of the City of Vermillion for the City of Vermillion, South Dakota.

Mayor Collier-Wise read the title to the above named Ordinance, and Alderman Holland moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Emergency Ordinance No. 1418 entitled An Ordinance Amending sections 112.01 and 112.18 special events definitions and to expand special licensing to include special on-sale liquor licenses issued to current license holders of the City of Vermillion was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 3rd day of August, 2020 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 17th day of August, 2020 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

BE IT RESOLVED and ordained that said Ordinance be adopted to read as follows:

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 the 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

§ 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.
- (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.
- (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

Adoption of the Ordinance was seconded by Alderman Humphrey. Thereafter the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

Motion carried 9 to 0. Mayor Collier-Wise declared that the Ordinance has been adopted and directed publication thereof as required by law.

C. Second reading of Emergency Ordinance No. 1419 to require signage at the entrance to buildings open to the public that states Face Coverings Expected.

John Prescott, City Manager, noted that the City Council has approved a resolution to promote the use of the face coverings or face masks inside of buildings which are open to the public. John noted that the City Council at the August 3, 2020 regular meeting expressed interest in having a signage requirement that buildings open to the public would need to meet to help promote a community culture of wearing a face mask or face covering. John stated that the proposed emergency ordinance will require businesses to have a sign which reads "Face Mask or Face Coverings Are Expected". John noted that the City has been working with the University of South Dakota to promote continuity of signage across the community. John noted that a business does not have to use the templates which will be available on the City's website but will need to provide the same message that face masks or face coverings are expected. John stated that the sign must be at least 8.5" x 11" and placed at the entrance or entrances to the business. John stated that a sample of the template is included with the packet. John stated that the proposed ordinance is an emergency ordinance to provide the City Council with the ability to more quickly implement the requirement to address the ongoing, immediate health issue. John stated that first reading of the emergency ordinance was approved at the meeting on August 11th. John noted that, as with all ordinances, a fine amount needs to be established for violation of an ordinance which is later on the agenda.

Shannon Fairholm, 421 S. University, noted that we are in uncertain times but this ordinance may be overreacting by requiring local business to post a sign or be subject to a fine. Shannon noted that businesses should have the right to choose what they want and asked the Council to reconsider this emergency ordinance.

Veda Church, 826 N. Crawford Road, asked what was the emergency that caused businesses to post signs. Veda felt the sign requirement could be considered a taking. Veda stated that the local businesses know what is best for their business and was against the ordinance.

Matt Fairholm, 421 S. University, questioned the ability of a City Council to "cement a community wide culture" by imposing the requirement of a sign. Matt stated that the ordinance imposed the authority to mandate signage.

Discussion followed on the ordinance noting the need to create an expectation of wearing masks or face covering in the public places to mitigate the spread of COVID 19. Discussion included the public health emergency and the need to protect those in public places. Discussion

followed including changing the wording in the last Whereas section to replace "help cement" with "promote".

249-20

Second reading of title to Emergency Ordinance No. 1419 entitled an Emergency Ordinance Requiring Signage at the entrance to buildings open to the public that states Face Coverings Expected pursuant to City Resolution, for the City of Vermillion, South Dakota.

Mayor Collier-Wise read the title to the above named Ordinance, and Alderman Ward moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Emergency Ordinance No. 1419 entitled an Emergency Ordinance Requiring Signage at the entrance to buildings open to the public that states Face Coverings Expected pursuant to City Resolution, was first read and the Ordinance considered substantially in its present form and content at a special called meeting of the Governing Body on the 11th day of August, 2020 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 17th day of August, 2020 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

BE IT RESOLVED and ordained that said Ordinance be adopted to read as follows:

EMERGENCY ORDINANCE NO. 1419

AN EMERGENCY ORDINANCE TO REQUIRE SIGNAGE AT THE ENTRANCE TO BUILDINGS OPEN TO THE PUBLIC STATING THAT FACE COVERINGS ARE EXPECTED TO HELP 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, which 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 that the use of face masks or face coverings which cover the nose and mouth will slow the spread of COVID-19; and

WHEREAS, working together now will reduce the widespread proliferation of COVID-19 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; and

WHEREAS, the South Dakota Board of Regents announced the requirement of face coverings or face masks for all students, faculty, staff, and visitors in all public indoor spaces on the University of South Dakota campus as classes begin based on their tiered approach to face coverings to address COVID-19; and

WHEREAS, the Vermillion Public School District will be requiring face coverings or face masks for students, faculty, staff, and visitors in school district facilities; and

WHEREAS, the Vermillion City Council has adopted a face covering policy requiring face coverings or face masks for staff and visitors in city owned buildings; and

WHEREAS, the City of Vermillion joins the University of South Dakota and the Vermillion Public School District, in setting a community expectation

that masks will be worn while in indoor public spaces to reduce the spread of COVID-19; and

WHEREAS, the City recognizes that while it may not always be practical or necessary for patrons to wear masks or face coverings in all situations, the City wishes to promote a community-wide culture that emphasizes respect for the health and safety of workers, residents, and visitors by wearing masks or face coverings when in buildings open to the public.

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

1. 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 that are open to the general public will be required to post a sign in a visible location near their entrance(s) no smaller than 8.5" x 11" that indicates that "masks or face coverings are expected pursuant to City Resolution."
2. 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.
3. 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

Adoption of the Ordinance was seconded by Alderman Price. Discussion followed on the proposed ordinance. Thereafter the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-N, Humphrey-N, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

Motion carried 7 to 2. Mayor Collier-Wise declared that the Ordinance has been adopted and directed publication thereof as required by law.

D. Review of Emergency Resolution encouraging the use of face coverings or face masks and determine continuation of the Emergency Resolution

John Prescott, City Manager, reported that at the special City Council meeting held on Tuesday, August 11, 2020, the City Council adopted an Emergency Resolution encouraging the wearing of face coverings or face masks in buildings open to the public. John noted that, as it was an emergency resolution, the City Council was able to adopt it with the resolution becoming effective upon passage. John stated that, as the City Council has done with most other emergency measures, there was discussion that the item would be on each regular City Council meeting agenda for review and continuation. John stated that the resolution has not yet been in effect for a week and that City Hall has received questions seeking clarification and understanding of what the adopted emergency resolution and Emergency Ordinance No. 1419 were and how they worked together.

E. COVID-19 issues

Mayor Collier-Wise stated that this has been requested to be included on the agenda to allow for report on COVID-19 issues.

8. New Business

A. Emergency Resolution to establish a Special Event License fee for current license holders. (This item is related to Emergency Ordinance No. 1418)

James Purdy, Assistant City Manager, reported that, with the adoption of Emergency Ordinance No. 1418, it is anticipated that the current license holders will again want a fee different than the fee currently approved by the City Council. James noted that, with the discussion around the development and adoption of Emergency Ordinance No. 1415, some of the license holders involved at that time proposed that the fee for the special daily license be reduced. James reported that the current cost of a special daily license is a \$15 advertising fee and a \$20 fee per day of operation. James reported that the City Council set the fee at \$100 for the life of Emergency Ordinance No. 1415. James noted that, as the license holders have an annual public hearing on the renewal of their licenses, they are not required to have a public hearing for the issuance of a special daily permit which negates the need for the \$15 advertising fee. James recommended adoption of the emergency resolution establishing the fee at \$100. Discussion followed on the fee with the consensus that the fee be zero for those licenses holders that had been issued a special event license(s) under the Emergency Ordinance No. 1415 and \$100 if they had not previously been issued a special event license.

250-20

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

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

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

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

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

WHEREAS, Ordinance No. 1418 was adopted as an emergency ordinance to be effective for sixty (60) days; and

WHEREAS, Emergency Ordinance No. 1418 provides for a special on-sale liquor license which will need a fee established; and

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof in the Council Chambers of City Hall at 7:00 pm on the 17th day of August, 2020 that rate be changed for special event license be charged and established as follows:

112.18 (E) 1. Special on-sale malt beverage and/or special on-sale wine license the fee shall be twenty dollars (\$20.00) per day (maximum of one hundred dollars \$100.00) plus a fifteen dollar (\$15.00) advertising fee.

112.18 (E) 2. Special off-sale package wine dealers license such license may only sell wine manufactured by a farm winery that is licensed pursuant to SDCL 35-12 the fee shall be twenty dollars (\$20.00) per day (maximum of one hundred dollars \$100.00) plus a fifteen dollar (\$15.00) advertising fee.

112.18 (E) 3. Special on-sale liquor license the fee shall be twenty dollars (\$20.00) per day (maximum of one hundred dollars \$100.00) plus a fifteen dollar (\$15.00) advertising fee.

112.18 (E) 4. For special licenses issued to license holders that were issued a special event license pursuant to emergency ordinance 1415 the license fee for a special events license issued pursuant to emergency ordinance 1418, the fee shall be zero dollars (\$0).

Note: If the same entity is applying for licenses under both Sections 112.18 (E) 1-4 shall only be assessed one advertising fee and the advertising fee is waived if a public hearing is not required.

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

Dated at Vermillion, South Dakota this 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

The motion was seconded by Alderman Humphrey. Discussion followed and the question of the adoption of the Resolution was presented for a roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-N, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

B. Resolution to establish a fine for a violation of Emergency Ordinance No. 1419

John Prescott, City Manager, reported that Section 3 of Emergency Ordinance No. 1419 provides for a fine for those found in violation of the ordinance. John stated that the fine is to be set by resolution in compliance with the general penalty provision in Section 10.99 of the Vermillion City Code. John noted that each day a violation of the ordinance occurs is treated as a separate violation. John noted that not establishing a fine by resolution requires the court or City Attorney to determine the amount of the fine levied should a violation occur. John noted that the most common fine cost for City Code violations is \$56.50 and with court costs of \$72.50, a violation would result in a total cost of \$129. John recommended adoption of the resolution establishing the fine. Discussion followed on the fine amount as well as the enforcement of the ordinance. Jim McCulloch, City Attorney, reviewed process of the fine and court costs. Discussion followed on the resolution.

251-20

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

EMERGENCY RESOLUTION

ESTABLISHING A FINE FOR VIOLATION OF ORDINANCE No. 1419 TO REQUIRE SIGNAGE AT THE ENTRANCE TO BUILDINGS OPEN TO THE PUBLIC STATING THAT FACE COVERINGS ARE EXPECTED TO HELP SLOW THE SPREAD OF COVID 19 (CORONAVIRUS).

WHEREAS, the City Council has adopted an Emergency Ordinance No. 1419 to require signage at the entrance of buildings open to the public stating that face coverings are expected to help slow the spread of the COVID-19 virus; and

WHEREAS, the City of Vermillion joins the University of South Dakota and the Vermillion Public School District, in setting a community expectation that masks will be worn while in indoor public spaces to reduce the spread of COVID-19; and

WHEREAS, the City recognizes that while it may not always be practical or necessary for patrons to wear masks or face coverings in all situations, the City wishes to help cement a community-wide culture that emphasizes respect for the health and safety of workers, residents, and visitors by wearing masks or face coverings when in buildings open to the public; and

WHEREAS, Emergency Ordinance No. 1419 provides that a fine be set by resolution for any violation of the ordinance; and

WHEREAS, Ordinance No. 1419 was adopted as an emergency ordinance to become effective after adoption; this fine resolution shall be considered an emergency to establish the fine for any violation.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof in the Council Chambers of said City at 7:00 p.m., CDT on the 17th day of August, 2020, that the fine for each violation be \$56.50 plus court costs, (Fine \$56.50 plus court costs of \$72.50 for a total \$129.00)

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

The motion was seconded by Alderman Price. Discussion followed and the question of the adoption of the Resolution was presented for a roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-N, Humphrey-N, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-N, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

C. Request from downtown business to close parking spots on Main Street and the alley between 113 E. Main Street (Varsity Pub) and 101 E. Main Street (First Baptist Church) for the downtown Social Distance Expanded Seating Event beginning August 25 and ending October 24, 2020.

James Purdy, Assistant City Manager, reported that, earlier this year, the City received a request from the Vermillion Chamber of Commerce and Development Company to close approximately 20 parking spots in the downtown business district. James noted that the closure request was in order to provide the space needed for the Social Distance Expanded Seating Event necessitated by the COVID-19 pandemic and the resulting

economic hardship shared by many in the community. James stated that this set of street closings expires on August 24, 2020. James reported that the closures are related to the implementation of Emergency Ordinance No. 1415 to allow for special event daily licenses to existing alcoholic beverage license holders to sell in the closed parking space areas. James reported that some Main Street businesses have requested the continuation of the parking space closures for the Social Distance Expanded Seating Event as well as outside seating space for the Thursday's on the Platz Event and the closure of a portion of the alley between the Baptist Church and the Varsity Pub. Nate Welch, Executive Director of the VCDC, reported that The Bean has requested to close five parking spaces with barricades to use the space for Social Distance Expanded Seating Events but the Dakota Brick House, Carey's and Café Brule do not plan on using the parking spaces daily and, as such, had the barricades removed to allow more parking in the downtown area. Nate noted that Dakota Brick House, Carey's Bar and Café Brule would like to use the former closed parking space areas when Main Street is closed for the Thursday's on the Platz event to serve their customers in these expanded seating areas. Nate noted that fencing or barricades will be used to control that alcoholic beverage sold do not leave their respective areas. Nate noted that these businesses would like to use these parking space areas on August 20th, August 27th, September 10th, September 17th, September 24th and October 1st from 4:00 p.m. to 8:00 p.m. for the expanded seating when Main Street is closed for the Thursday's on the Platz events. Discussion followed on the closure request.

John Prescott, City Manager, summarized the request in that 1) The Bean requested the continued closure of 5 parking spaces starting at the eastern most parking spot in front of R-Pizza and moving west from August 25 to October 24, 2020, 2) The Varsity requested to continue closure of an approximate 18-foot by 42-foot area at the south end of the alley between the First Baptist Church and the Varsity from August 25 to October 24, 2020, 3) Dakota Brick House to close 5 parking spaces starting at the west end of the building moving east during the street closing times for the Thursday's on the Platz, and 4) Café Brule and Carey's Bar for 6 parking spaces starting at the east side of the Carey's Bar building west to Café Brule during the street closing times for the Thursday's on the Platz. John noted that the closure times for the parking spaces in 3 & 4 will correspond with the time of the Thursday's on the Platz request being from 4:00 p.m. to 8:00 p.m. on August 20, August 27th, September 10th, September 17th, September 24th and October 1st to provide increased seating areas for social distancing for the Social Distance Expanded Seating Event. Discussion followed on the request. John recommended that the City Council approve the closure of the requested alley and parking spots as noted for continuation of the downtown Social Distance Expanded Seating Event beginning August 25 and ending October 24, 2020. Discussion followed.

252-20

Alderman Hellwege moved approval of the closing of the parking spaces requested as well as the alley contingent upon proper safety barriers being used while the streets are open for the period of August 25 to October 24, 2020. Alderman Ward seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

D. Consideration of Special Event License permits for Varsity Pub, LLC for the Varsity Pub; Fireworks, Inc. for Dakota Brick House; BeBee Street II, Inc for Carey's Bar; and Café Brule, Inc. for Café Brule for the period of August 25, 2020 to October 24, 2020 with no sales on September 7, September 21, October 5, and October 19, 2020. Hours vary by applicant.

Mike Carlson, Finance Officer, reported that, with the adoption of Emergency Ordinance No. 1418, the establishment of a maximum fee and closing of the parking spaces, as well as the alley, there are several downtown license holders that have made application for a special event license for sales in the closed parking spaces and the closed alley. Mike stated that application was received from the Varsity Pub, LLC for the Varsity Pub for sales in the portion of the closed alley between the Baptist Church and the Varsity Pub for the time period of August 25 to October 24, 2020 for the hours of 2:00 p.m. and 11:00 p.m. Mike stated that, to comply with the no more than 15 consecutive days, the Varsity Pub would not allow sales or consumption in this area on September 7, September 21, October 5, and October 19, 2020. Mike stated that applications were received for special event licenses from Fireworks, Inc. for Dakota Brick House; BeBee Street II, Inc for Carey's Bar; and Café Brule, Inc. for Café Brule for the closed parking spaces on Main Street that adjoin the individual business for the dates of August 27, September 10, September 17, September 24 and October 1, 2020 for the hours that Main Street is closed for the Thursday's on the Platz which are 4:00 p.m. to 8:00 p.m. Mike noted that release and indemnification has been received from all applicants as well as proof of insurance. Mike stated that for sales and consumption the closed parking spaces will need proper barriers or fencing to control that alcoholic beverages do not enter or exit the individual areas. Discussion followed on the special events licenses.

253-20

Alderman Hellwege moved approval of the special event licenses for the Varsity Pub, Inc for the Varsity Pub for the licenses currently issued for the closed portion of the alley between the Baptist Church and the Varsity for the time period of August 25 to October 24, 2020 between the hours of 2:00 p.m. and 11:00 p.m. without sales or consumption in this

area on September 7, September 21, October 5, and October 19, 2020, Fireworks, Inc for Dakota Brick House, Bebee Street II, Inc for Carey's, and Café Brule, Inc for Café Brule, for the licenses currently issued for the closed parking spaces on Main Street that adjoin their licensed premises on August 27, September 10, September 17, September 24 and October 1, 2020 for the hours between 4:00 p.m. to 8:00 p.m. contingent on the closed parking space area be properly fenced or have barriers to control that alcoholic beverages do not enter or exit the individual areas. Alderman Humphrey seconded the motion. Discussion followed. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

E. Recommendation from Business Improvement District #1 Board to utilize reserve funds to make up the difference between actual receipts for the third quarter and fourth quarter 2020 vs. the 5-year average payment for the third and fourth quarter in determining the amount transferred to the VCDC.

John Prescott, City Manager, reported that the Business Improvement District (BID)#1 began collecting a \$2 per night fee on occupied hotel rooms on June 1, 2014. John reported that the Board identified the need to establish a reserve fund in 2017 and proposed the need to the City Council. The City Council approved a recommendation to remit 85% of receipts to the VCDC for tourism and marketing until a reserve fund of \$30,000 was established. John noted that the \$30,000 reserve fund level was achieved in 2018 at which time 98% of the receipts were provided to the VCDC for tourism and marketing. John stated that COVID-19 has significantly impacted hotel stays in Vermillion and around the country in 2020 as well as the dollars that the BID provided to the VCDC for marketing. John noted that at the May 18, 2020 meeting the City Council considered a recommendation from BID Board #1 which had been submitted to them by the VCDC. John noted that the request was to utilize funding from the BID #1 reserve fund to stabilize payments that are used for community marketing. John stated that the City Council agreed with the BID Board recommendation and allowed the use of BID #1 reserve funds to stabilize payments to the VCDC for the first and second quarter of 2020. John reported that BID #1 Board met on July 29, 2020 and noted that \$6,069 of reserve funds were used to make up the difference between actual receipts and the 5-year average for the first and second quarter of 2020. John stated that the BID Board's recommendation for the third and fourth quarter of 2020 was the same as the action taken for the first two quarters of 2020 which was to have the BID #1 reserve fund make up the difference between the net BID receipts available to be remitted to the VCDC and the five-year average for the third and fourth quarter. John noted that third and fourth quarter receipts are not available. The five-year average for third quarter is \$15,171 and fourth quarter is \$12,087.

John reported that the recommendation is to use the BID #1 reserves for the marketing payments to the VCDC for the third and fourth quarter 2020 to equal the five-year quarterly average payment. Discussion followed.

254-20

Alderman Willson moved approval of the recommendation by BID #1 Board to allocate a portion of the BID #1 reserve funds to the VCDC to provide the VCDC with funding equal to the five-year quarterly average for the third and fourth quarter 2020. Alderman Humphrey seconded the motion. Discussion followed. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

F. Grant Offer for Airport Improvement Program (AIP) Project No. 3-46-0056-014-2020 at Harold Davidson Field for the Reconstruction of 2,200-feet of Hangar Area Taxiway

Jose Dominguez, City Engineer, reported that the existing Capital Improvement Plan (CIP) for the airport calls for the reconstruction of the taxiway by the hangars. Jose stated that the grant agreement stipulates how the project will be funded as well as the criteria that must be followed during the development of the plan which is similar to the agreement entered into by the City and FAA in 2017 for the reconstruction of the apron. Jose noted that the State will administer the reimbursements and will also handle any submittals required by the Federal government. Jose stated that, due to the 'multi-year' aspect and the CARES Act adopted by the Federal government since the pandemic, the City will see a large savings on the project. Jose noted that prior to the pandemic the City had budgeted to be reimbursed for 95% of the construction cost or the City's share of the project cost would be \$46,917. Jose reported that in communications with the regional FAA office the FAA will provide 90% of the 2020 & 2021 funding, the CARES Act will provide 10% of the 2020 funding, the City would be responsible for 6.5% of the 2021 funding of \$9,750 and the State FAA would be 3.5% while the State FAA office reported that the CARES Act will provide the 10% funding for each year. Jose noted that the budget for 2021 includes the \$9,750 if it is needed. Jose recommended authorizing the Mayor to sign the grant offer for the taxiway as well as all future documents related to the project. Discussion followed.

255-20

Alderman Ward moved approval of authorizing the Mayor to sign the Grant Offer for Airport Improvement Program (AIP) Project No. 3-46-0056-014-2020 at Harold Davidson Field for the Reconstruction of 2,200-feet of Hangar Area Taxiway as well as all future documents related to this project. Alderman Price seconded the motion. A roll call vote of the

Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

G. Resolution setting the City Council meeting on September 21, 2020 at 7:00 p.m. as the time and place for a hearing on a Special Assessment Roll for nuisance abatement.

Mike Carlson, Finance Officer, reported that, as part of the nuisance abatement process, the City incurred costs for tagging, hiring contractors to mow or remove the snow and remove debris. Mike reported that the State statute provides for the special assessment of these costs and requires that the City Council set a public hearing date, notify the property owners by sending notice and publishing the notice of hearing. The resolution will set a public hearing date of September 21, 2020 and provides for notice to be published and mailed to the property owners. Discussion followed.

256-20

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

RESOLUTION FIXING THE TIME AND PLACE FOR A HEARING
AND NOTICE OF HEARING ON THE SPECIAL ASSESSMENT ROLL
FOR NUISANCE ABATEMENT IN THE CITY OF VERMILLION, SOUTH DAKOTA

WHEREAS, a special assessment roll was filed in the office of the City Finance Officer of the City of Vermillion, Clay County, South Dakota on the 10th day of August, 2020 for the abatement of public nuisance to be levied against the property abutting upon:

NUISANCE ABATEMENT

On various properties as follows:

<u>Nane</u>	<u>Legal</u>	<u>Corrective Action</u>	<u>Amount</u>
Peter Mark &	15860-09251-190-24	snow tagging & removal	

Karin Monzel	Lot 1 Replat of Aud Tract A S 1/2 Lot 2 NW 1/4 19-92-51 Aud Tract 19-92-51 601 Lewis	1-21-2020	130.46
OMA Shree, LLC	15880-09251-182-24 S 150' OF E 234' of W 246' of Lot 1 NW 1/4 18-92-51 MISC 802 E. Cherry St	snow tagging & removal 1-21-2020	109.16
Bhupendra J & Jyotikaben B Patel	15880-09251-182-41 Lot 3 Exc Lot 3A in GOV'T Lot 1 & Exc N 50' of Lot 3 GOV'T Lot 1 NW 1/4 18-92-51 MISC 820 E. Cherry St	snow tagging & removal 1-21-2020	77.21

in the City of Vermillion, Clay County, South Dakota, said special assessment being against the property for the corrective action; and

WHEREAS, said assessment roll, now on file in the office of the City Finance Officer of the City of Vermillion, South Dakota, is open for public inspection and is referred to for further particulars; and

WHEREAS, said assessment roll shows:

1. The name of the owner(s) of each lot to be assessed as shown by the assessment rolls of the Director of Equalization;
2. A description by lot, block, and addition, or by metes and bounds of each parcel of land to be assessed, recognizing divisions by deed of platted lots, and obtaining the legal description of land as of the date of the adoption of the Resolution of Necessity for such improvement;
3. The amount assessed against each lot;
4. The number of installments, the rate of interest deferred installments shall bear, and the whole of such assessment or any installment thereof may be paid at any time, and that all installments paid prior to the respective due dates shall be deemed paid in inverse order of their due date;
5. Whenever the word "lot" appears therein, it shall be construed to include tracts and other parcels of land.

NOW, THEREFORE, IT IS RESOLVED, that the 21st day of September, 2020, at the hour of 7:00 p.m. in the City Hall Council Chambers, 25 Center Street in the City of Vermillion, Clay County, South Dakota, be and the same is hereby fixed as the time and place for hearing upon said assessment roll. Any interested person may appear and show cause as to why the Governing

Body of the said City of Vermillion, South Dakota should not approve and levy said assessments against the respective premises as set forth in said assessment roll, to defray the costs of the nuisance abatement.

BE IT FURTHER RESOLVED, that the Finance Officer of the City of Vermillion, Clay County, South Dakota shall be and is hereby authorized and directed to cause this Resolution and Notice to be published in the official newspaper in the City of Vermillion, South Dakota, one week prior to the date set for such hearing.

BE IT FURTHER RESOLVED, that the Finance Officer of the City of Vermillion, Clay County, South Dakota shall mail a copy of this Resolution and Notice, by first-class mail with postage thereon fully prepaid, addressed to the owner(s) of any property to be assessed for such nuisance abatement at their address as shown by the records of the Director of Equalization. Such mailing shall be done at least one (1) week prior to the date set for said hearing.

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

THE GOVERNING BODY OF THE CITY OF
VERMILLION, CLAY COUNTY, SOUTH DAKOTA

By: _____
Kelsey Collier-Wise, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Humphrey. Discussion followed and the question of the adoption of the Resolution was presented for a roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

H. Resolution to authorize the purchase of landfill bale bags

James Purdy, Assistant City Manager, reported that the landfill baler compresses the solid waste into bales and slides them into polypropylene bags before the baled waste is transported to the landfill cell. James noted that bale bags are used on a daily basis. James stated that the Solid Waste Department would like to purchase a semi-load of bale bags from the bid awarded by the City Council last November. James noted that last year's bid specs were sent to four possible bidders with two bids received. James stated that the low bid was from Global Packaging Solutions, LLC of New York and at the November 4, 2019, the City Council awarded the purchase of landfill bale bags at \$3.20 per delivered bag for up to 17,500 bags total of \$56,000. James noted that staff feels the

price remains attractive, and saves the City from preparing bid specifications and associated bidding costs. James reported that Global Packaging Solutions, Inc. has verified that they are willing to honor their bid price of last November. James recommended approval of the resolution authorizing the purchase of bale bags at \$3.20 per delivered bag up to a maximum of \$56,000. Discussion followed.

257-20

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

RESOLUTION
AUTHORIZING PURCHASE OF
SOLID WASTE BALE BAGS

WHEREAS, SDCL 5-18-18 authorizes a governmental entity to purchase necessary supplies from the lowest responsible bidder from a contract that was competitively solicited and awarded within the previous twelve months with the concurrence of said bidder, and;

WHEREAS, the City of Vermillion on November 4, 2019 awarded Global Packaging Solutions, LLC of New York a bid in the amount of \$3.20 per bag delivered for 17,500 landfill baler bags for a total of \$56,000, and;

WHEREAS, the City has contacted Global Packaging Solutions, LLC and they have agreed to honor their November 2019 bid price and allow the City to purchase up to 17,500 solid waste bale bags in a semi-load for the awarded prices and terms as they have previously provided to the City.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to purchase up to 17,500 solid waste bale bags in a semi-load from Global Packaging Solutions, LLC of Valley Stream, New York at the awarded price of \$3.20 per delivered bag and under the same terms as when the City awarded a bid to this company on November 4, 2019.

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

The motion was seconded by Alderman Price. Discussion followed and the question of the adoption of the Resolution was presented for a roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported that the 2020 Census is underway. John asked that all residents please take a minute to complete the 2020 Census. John noted that the current response rate is 65%. John stated that it is important to the City of Vermillion and Clay County for Federal funding to have an accurate count.

B. John reminded citizens that Thursday's on the Platz will be every Thursday through the end of August with street closings 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 it abuts Ratingen Platz from 4:00 p.m. to 8:00 p.m. John noted that this Thursday Stockwell Engineering will have the Streetscape Plans at the 25% completion level available for viewing and public comment on the proposal.

C. John reported that the Library Board is meeting on Friday, August 21st at noon for their monthly meeting.

D. John reported that City offices will be closed on Monday, September 7th for the Labor Day holiday and due to the holiday the next City Council meeting is on Tuesday, September 8th.

E. John reported that, at the September 8 meeting, the City Council will have first reading of the ordinance to approve the proposed 2021 budget. As part of the process, the City Council will have the annual agenda item to review the use of the malt beverage markup.

PAYROLL ADDITIONS AND CHANGES

Planning Commission: Kate Fitzgerald \$15.00/mtg, Susan Heggstad \$15.00/mtg, Thomas Mrozlo \$15.00/mtg; Finance: Jan Johnson \$18.88/hr, Sara McBride \$15.03/hr; Police Admin: Dallas Schnack \$17.33/hr; Police: Ben Nelsen \$33.90/hr, Joe Ostrem \$29.24/hr; Ambulance: Chase Howe \$2.00/on call-\$3.00/holiday on call, Joel Stroman \$11.60/FTO hr, Landen Van Hulzen \$11.00/hr-\$11.00/training hr-\$16.50/holiday hr

11. Invoices Payable

258-20

Alderman Hellwege moved approval of the following invoices:

A-Ox Welding Supply Co	chemicals	2,151.00
Amazon Business	face masks	1,151.88
At&T Mobility	mobile hot spots	396.84
Breit & Boomsma PC	garnishment	257.75
Broadcaster Press	advertising	1,118.55
Buhls Cleaners	mat/mop service	646.04
Bureau Of Administration	telephone bill	344.35
Cask & Cork	merchandise	329.10
CDW Government, Inc	computer	1,690.51
CenturyLink	telephone	1,594.07
Chamberlain Oil Co	oil	1,539.28
City Of Vermillion	landfill vouchers	644.17
Clay Rural Water System	water usage	144.00
Clay-Union Electric Corp	electricity	1,535.84
Cory Moore	safety boots reimbursement	100.00
Crane Sales & Services	annual inspections	1,152.54
Dakota Beverage	merchandise	10,223.95
Danko Emergency Equipment	supplies	181.42
Dubois Chemicals	soda ash	14,718.00
Echo Electric Supply	supplies	105.18
Farner Bocken Company	merchandise	4,502.06
Global Dist.	merchandise	273.00
Graham Tire Co.	tires	600.00
Gregg Peters	reimbursement-id scanner	8,127.76
Hartington Tree LLC	trees	825.00
Herren-Schempp Building	supplies	573.01
Ingram	books	559.19
John A Conkling Dist.	merchandise	5,549.26
Johnson Brothers Of SD	merchandise	12,144.55
Jones Food Center	supplies	314.48
Karsten Mfg Corp	merchandise	585.19
Lessman Elec. Supply Co	supplies	286.50
Loren Fischer Disposal	haul cardboard	1,250.00
M & M Construction LLC	foam board	190.87
Marian Odland	refund ambulance overpymt	20.00
MidAmerican	gas usage	733.21
Midcontinent Communication	cable/internet service	994.90
Midwest Alarm Co	alarm monitoring	69.00

Mizuno USA, Inc	merchandise	505.10
Quadient Finance USA, Inc	postage for meter/supplies	776.26
Republic National Distr	merchandise	14,450.89
Running Supply, LLC	supplies	399.37
SD DENR	landfill operations fee	4,125.22
SD Dept Of Health	testing	150.00
SD Dept Of Labor	unemployment	1,987.24
Southern Glazer's Of SD	merchandise	7,147.77
Stern Oil Co.	fuel	14,093.31
Sturdevants Auto Parts	parts	134.42
Syncb/Amazon	books/dvds/supplies	118.45
The Home Depot Pro	supplies	161.10
The Walking Billboard	uniform shirts	91.00
Titleist-Acushnet Company	merchandise	219.27
Tractor Supply Credit Plan	supplies	24.99
Twin City Hardware	parts	56.67
Us Postmaster	postage for utility bills	900.00
USPS-POC	postage for meter	700.00
Valiant Vineyards	merchandise	173.90
Vermillion Ace Hardware	supplies	121.63
Waste Management Of WI-MN	waste hauling	1,410.32
Yamaha Motor Finance Corp	golf cars/bev unit lease	6,622.61
Larry Mickalowski	Bright Energy Rebate	25.00

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

12. Consensus Agenda

A. Set a public hearing date of September 8, 2020 for a special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company on or about September 10, September 17, September 24 and October 1, 2020 on Ratingen Platz, half block of Market Street south of Main Street and Main Street as it abuts the Platz east to Court Street, excluding the parking spaces closed for the social distancing special event, for Thursdays on the Platz events

259-20

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

13. Adjourn

260-20

Alderman Ward moved to adjourn the Council Meeting at 8:45 p.m. Alderman Hellwege seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

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

Published once at the approximate cost of _____.



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: September 8, 2020

Subject: Special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce & Development Company on or about Thursday September 10, September 17, September 24 and October 1, 2020 on Ratingen Platz, half block of Market Street south of Main Street and Main Street as it abuts the Platz east to Court Street, excluding the parking spaces closed for the social distancing event, for Thursday's on the Platz event

Presenter: Mike Carlson

Background: The Vermillion Chamber of Commerce and Development Company has submitted an application for a special daily malt beverage and wine license for the Thursdays on the Platz events on or about Thursday September 10, September 17, September 24 and October 1, 2020. The event will be held at Ratingen Platz on the corner of Market Street and Main Street, half block of Market Street south of Main Street, and Main Street as it abuts the Platz east to Court Street excluding the parking spaces that were included August 17 special event application. The request will extend the Thursdays on the Platz events to October 1 to allow for social distancing during the event. The street closing for the Thursdays on the Platz is later on the agenda.

City ordinance on special daily licenses reads as follows:

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

State Statute for the special daily licenses is as follows:

35-4-124. Special alcoholic beverage licenses issued in conjunction with special events. Any municipality or county may issue:

- (1) A special malt beverage retailers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (16) in addition to any other licenses held by the special events license applicant;
- (2) A special on-sale wine retailers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (12) or chapter 35-12 in addition to any other licenses held by the special events license applicant;
- (3) A special on-sale license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4) or (6) in addition to any other licenses held by the special events license applicant; or
- (4) A special off-sale package wine dealers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(3), (5), (12), (17A), or (19) or chapter 35-12 in addition to any other licenses held by the special events license applicant. A special off-sale package wine dealer's licensee may only sell wine manufactured by a farm winery that is licensed pursuant to chapter 35-12.

Any license issued pursuant to this section may be issued for a period of time established by the municipality or county. However, no period of time may exceed fifteen consecutive days. No public hearing is required for the issuance of a license pursuant to this section if the person applying for the license holds an on-sale alcoholic beverage license or a retail malt beverage license in the municipality or county or holds an operating agreement for a municipal on-sale alcoholic beverage license, and the license is to be used in a publicly-owned facility. The local governing body shall establish rules to regulate and restrict the operation of the special license, including rules limiting the number of licenses that may be issued to any person within any calendar year.

Discussion: The Police Chief's report and notice of public hearing are attached. The Police Chief reported there were no incidents with the events held in the past. As the event will be held on a City street and City property, ordinance allows the City to include "*such conditions and restrictions, as the governing body may deem appropriate and consistent with state law*". The VCDC is requesting the permit to sell beer and wine on City property. The individuals selling the beer and wine may or may not be VCDC staff or Board members. The VCDC has provided a Release and Indemnification releasing the City from liability and certificate of insurance naming the city as an additional insured for the event. The parking spaces that are excluded correspond to the areas that the City Council

approved closing to provide outside seating areas and issued license holders a special daily license for these areas on dates that will correspond with the Thursdays on the Platz request.

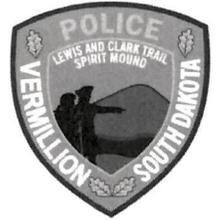
Below are some special conditions required by the City Council in the past for other entities that have used city property to sell alcoholic beverages. Adjustments may be appropriate for the last three conditions, but Staff recommends the City Council consider and attach most of the following conditions:

- Require the applicant identify and utilize a fenced area where alcoholic beverages may be sold and consumed, as well as a plan to monitor the entrances and exits from this area.
- Require a plan for the cleanup and disposal of the cups and other materials after the event.
- Restroom facilities. Some groups have used port-a-potties for a similar event. The duration of the event may minimize the need for specific restroom facilities.
- Hours of sale may be limited. The application indicated the hours are from 4:00 pm to 8:00 pm.

Financial Consideration: The City has received the \$20 per day fee and \$15 advertising fee total \$95.

Conclusion/Recommendations: Administration recommends approval of the special daily malt beverage and wine license for the Vermillion Chamber of Commerce and Development Company on or about Thursday September 10, September 17, September 24 and October 1, 2020 on Ratingen Platz, half block of Market Street south of Main Street and Main Street as it abuts the Platz east to Court Street to exclude the parking spaces closed for other license application, for Thursday's on the Platz events from 4:00 p.m. to 8:00 p.m. Approval recommended only if the City Council is comfortable that the applicant holding the license can properly distribute malt beverages and regulate the event and the applicant is in complete understanding and agreement with regard to any conditions and restrictions the City Council may require after further information is provided at the public hearing. The motion should also address the request to use the Ratingen Platz.

City of Vermillion
Police Department
15 Washington Street
Vermillion, SD 57069
Phone: (605)677-7070
FAX: (605)677-7166
www.vermillionpd.org



August 21, 2020

To: Vermillion City Council

From: Matthew Betzen 
Chief of Police

Subject: Special Daily License (On-Sale) Malt Beverage and Wine License-Thursday on the Platz

The Vermillion Area Chamber and Development Company, Inc is making this application for their extend their annual "Thursday on the Platz" events. The additional dates are September 10th, September 17th, September 24th and October 1st. The events involve alcohol sale on the Ratingen Platz and the ½ block of Market St from Main south.

The applicants are clear of any criminal history that would be cause for concern. This event has historically been well-managed, and I believe this license should be granted.

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 8th day of September, 2020 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following applications for an alcoholic beverage license to operate within the municipality for the licensing period stated below, which has been presented to the City Council and filed in the Finance Officer's Office:

Special Daily License (On-Sale) Malt Beverage and Wine License:

Vermillion Area Chamber and Development Company on or about September 10, September 17, September 24 and October 1, 2020 on Ratingen Platz, half block of Market Street south of Main Street and Main Street as it abuts the Platz east to Court Street, excluding the parking spaces closed for the social distancing special event, for Thursdays on the Platz events.

NOTICE IS FURTHER GIVEN THAT any person, persons, or their attorney may appear and be heard at said scheduled public hearing who are interested in the approval or rejection of any such application.

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

Michael D. Carlson, Finance Officer

Publish: August 28, 2020

Published once at the approximate cost of _____.



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: September 8, 2020

Subject: Special permit to exceed allowable sound levels by no more than 50% for Pi Beta Phi Sorority on or about September 18, 2020 from 8:00 p.m. to 11:00 p.m. on Cedar Street between Plum Street and Pine Streets for a street dance. (Note request for special permit has been withdrawn)

Presenter: Mike Carlson

Background: Morgan Herbster with Pi Beta Phi Sorority has applied for a special permit to exceed allowable noise levels for a street dance on September 18, 2020 from 8:00 p.m. to 11:00 p.m. on a closed portion of Cedar Street between Plum Street and Pine Street. The special permit application was received on August 18 and the notice of public hearing was published on August 28, 2020.

Discussion: A contact was made with the USD Sorority & Fraternity Life regarding the special permit to exceed permissible sound levels for a street dance. USD Sorority and Fraternity Life stated they would review the event with the sorority. Laura with USD Sorority & Fraternity Life reported on August 28 that Pi Beta Phi was going to cancel the street dance event. Morgan with Pi Beta Phi also reported that they were cancelling the event.

As the notice of the public hearing was published, the hearing is included on the agenda.

Financial Consideration: Pi Beta Phi has paid the \$25 fee for the noise permit.

Conclusion/Recommendations: Administration recommends that as the public hearing was advertised, the City Council action will be to report that Pi Beta Phi Sorority has withdrawn the special permit application and close the hearing.



Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: September 8, 2020
Subject: Community Development Block Grant hearing on Storm Sewer improvements in Highway 50 south ditch
Presenter: Jose Dominguez, City Engineer and Leslie Mastroianni, SECOG

Background: City Engineer Jose Dominguez has been working with the State Department of Transportation on a project to improve storm water drainage in the Highway 50 south ditch. The project's end result would install a pipe in the Highway 50 south ditch from Dakota Street west to Over Drive to better drain this area to the Vermillion River. Short Elliot Hendrickson, Inc (SEH) has developed the preliminary engineering report that is required as part of the application for Community Development Block Grant (CDBG) funding. The estimated total cost of the storm drainage improvement project is \$4,149,234. SECOG is assisting the city with a CDBG funding application for \$770,000, including the project on the State Water plan, and an application for a \$500,000 State Revolving Fund (SRF) loan. The CDBG and State Water Plan applications for the project are due in October 1, 2020. The SRF loan application will be due by January 1, 2021.

The estimate project costs are as follows:

Construction	\$3,660,213
Engineering	\$73,000
Legal & Administration	\$30,000
Grant/Loan Administration	\$20,000
Contingency	<u>\$366,021</u>
Total	\$4,149,234

Discussion: A requirement of the CDBG application process is to conduct a public hearing to explain the project and complete a Community Development & Housing Needs Assessment with a public input component. The project was explained in the previous section. Following any public input on the project, the City Council needs to develop a Community Development & Housing Needs Assessment that addresses the following topics:

- Community development and housing needs of low and moderate-income persons.
- Other community development and housing needs.
- Planned or potential activities to address housing and community needs.

Financial Consideration: Funding is estimated as follows:

Community Development Block Grant	\$770,000
SD Dept. of Transportation cost sharing	\$1,160,213
SRF loan 20 year at 2%	\$500,000
City's Storm Water Fund reserves	\$1,719,021

The City is actively looking in to several grant sources to pay for the project. Staff has proposed that this project might be one area where a portion of the CARES Act dollars for wages and benefits reimbursement could be utilized.

Due to financial constraints, the City discussed the possibility of constructing the project in two phases. This would have allowed the City to install the improvements from Over Drive to Princeton Street in 2021, and in 2024 complete the project to Dakota Street. However, in discussions with the DOT, the City was told that it is very likely the City will be responsible for the original \$2,500,000 project, and that the DOT will cover the difference through cost sharing. Completing the project at one time would require the City to spend more money than originally planned, but in the long run would be more cost effective for the City to construct the project at one time (i.e. no cost increases due to inflation, no cost increases due to additional quantities, cost sharing with DOT is possible now and maybe not in the future).

A 3.4% increase in storm water rates was included in the 2021 storm water fee budget and in future years will need to budget the annual debt service.

Conclusion/Recommendations: A requirement for Community Development Block Grant funding is to explain the project to the public. As part of the public hearing, the City Council should receive any public input on the project after it has been presented to the public.

Next, the City Council must conduct a Community Development & Housing Needs Assessment addressing the three topics as noted above. An outline of this has been prepared by staff to start the discussion at the public hearing.

Leslie Mastroianni, SECOG Planner, will join the meeting via Zoom to conduct the hearing and will ask Jose to explain the project. Leslie will review the CDBG process and Mike will assist with the Community Development & Housing Needs Assessment with information attached. A sign-up sheet will be passed around for those present to sign and those joining by Zoom will also be noted on the sheet.

Under new business later on the agenda the City Council will need to adopt the resolution authorizing the CDBG application and designating the project and environmental certifying officer for the project to proceed on the timeline.

**CITY OF VERMILLION
COMMUNITY DEVELOPMENT AND HOUSING NEEDS ASSESSMENT**

COMMUNITY DEVELOPMENT AND HOUSING NEEDS OF LOW-AND MODERATE-INCOME PERSONS.

- Continue with the rental-housing program along with continued improvements in the ordinance to enhance housing opportunities.
- The City Council created the Vermillion Housing Authority to operate as a separate entity to provide rental assistance to low to moderate income persons in the community. The City provides office space and some financial assistance to the Authority.
- The City has adopted the 2018 International Building Code; 2018 International Residential Code; 2018 International Property Maintenance Code, to provide for proper housing construction and ongoing maintenance of the property.
- The City received a grant from the South Dakota Housing and Development Authority to assist with relocation and mobile home improvement costs.
- The City and County have adopted a Joint Jurisdictional Ordinance for the area in the county adjoining the city. The ordinance provides for a variety of housing classifications appropriate for low to moderate income persons.
- The City and County Planning and Zoning Commissions are reviewing for update the Joint Jurisdictional Ordinance which will include input from stakeholders in the area to address all issues in the in this area including housing.

OTHER COMMUNITY DEVELOPMENT AND HOUSING NEEDS.

- Continue the commitment to the water treatment system improvements to provide the needed quality water supply for current and future customers. This will include converting to the AMI metering system to provide for daily meter monitoring and reporting.
- Continue the commitment to the wastewater treatment system improvements to provide for the sanitary sewer treatment needs of the current and future customers. This includes the planning for the upgrade to the Tom Street lift station to meet the growth in the area served by this facility.
- Continue the commitment to electric system improvement to provide the quality and reliable electric service to current and future customers. This will include the converting to the AMI metering system to provide for meter monitoring and reporting. The City in conjunction with Missouri River Energy services offers rebates for energy efficient equipment and appliances.
- Continue to upgrade and extend the hike/bike path system.

- Continue the improvements to the park system for the enjoyment of all citizens.

PLANNED OR POTENTIAL ACTIVITIES TO ADDRESS HOUSING AND COMMUNITY NEEDS

- Continue the partnership with the Vermillion Area Chamber of Commerce/Development Company (VCDC) to encourage industrial development in Vermillion. The City has made contributions and pledged additional funds to the Vermillion NOW!, that was spearheaded by the VCDC, to provide a pool of economic development funds as another tool to assist development in the community.
- Continue to work with the VCDC on the Bliss Pointe development project to provide building sites for single family homes and townhomes.
- Continue to work with developers/builders to facilitate the needed infrastructure is in place as property is developed.

This assessment was prepared at a Vermillion City Council meeting on September 8, 2020.

**CITY OF VERMILLION
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Vermillion will hold a Public Hearing on Tuesday, September 8, 2020, regarding storm sewer improvements in the City of Vermillion. The purpose of the public hearing is to discuss the proposed project and the proposed financing. The public is invited to attend and comment on the project.

The City expects to submit an application to the State of South Dakota for a Community Development Block Grant (CDBG) to make improvements to its storm sewer system. The City expects to apply for approximately \$770,000 of CDBG funds to be used for the proposed project, which will cost approximately \$2,380,000.

Public comments will also be taken during this public hearing on the City of Vermillion's community development and housing needs.

This public hearing will be held at the following time, date and location:

7:00 P.M.
September 8, 2020
Vermillion City Hall (25 Center Street, Vermillion, SD)

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this hearing, please contact the Vermillion Finance Officer at (605) 677-7056. Anyone who is deaf, hard-of-hearing or speech-disabled may utilize Relay South Dakota at (800) 877-1113 (TTY/Voice). Notification 48 hours prior to the hearing will enable the City to make reasonable arrangements to ensure accessibility to this hearing.

Michael Carlson
Vermillion Finance Officer

Published once at the approximate cost of _____.



Council Agenda Memo

From: John Prescott, City Manager

Meeting: September 8, 2020

Subject: Review of Emergency Ordinance 1419 requiring the posting of a sign stating that “Masks Expected” at entrances to buildings open to the public

Presenter: John Prescott

Background: At the special City Council meeting held on Tuesday, August 11, 2020, the City Council approved the first reading of Emergency Ordinance 1419. The second reading of the ordinance was approved at the August 17, 2020 regular meeting. The ordinance requires the posting of a sign at buildings open to the public which states that “Masks are expected per City resolution”. As it was an emergency ordinance, the City Council was able to adopt it with the ordinance becoming effective upon passage.

During adoption of the ordinance as the City Council has done with most other emergency measures, there was discussion that the item would be on each regular City Council meeting agenda for review and continuation. This is the first City Council meeting to discuss the ordinance since it was adopted at the last regular meeting. An Emergency Ordinance or Resolution can be effective for up to 60 days.

Discussion: City Code staff visited a number of businesses on Monday, August 24, 2020 and found good compliance with the sign being displayed. Many businesses already had a sign up prior to City Code staff visiting. The City has not received any calls about a business not having the required sign displayed. No businesses have been cited for not being in compliance with Emergency Ordinance 1419. The signs continue to be available at City Hall, the VCDC office, or can be printed from the City’s website.

Financial Consideration: None

Conclusion/Recommendations: Administration recommends that the City Council thoughtfully review information related to COVID-19 which changes continually and Emergency Ordinance 1419 requiring the posting of a sign stating that face masks or face coverings are expected per City resolution.



Council Agenda Memo

From: John Prescott, City Manager

Meeting: September 8, 2020

Subject: Review of Emergency Resolution encouraging the use of face coverings or face masks in buildings open to the public

Presenter: John Prescott

Background: At the special City Council meeting held on Tuesday, August 11, 2020, the City Council approved an Emergency Resolution encouraging the use of face masks or face coverings in buildings open to the public. The emergency resolution was designed to promote the use of face coverings to slow the spread of the coronavirus. The Emergency Resolution was also designed to provide the language that Emergency Ordinance 1419 would cite. Emergency Ordinance 1419 requires the posting of a sign that states that face masks are expected per city resolution. As it was an Emergency Resolution, the City Council was able to adopt it with the resolution becoming effective upon passage.

During adoption of the resolution as the City Council has done with most other emergency measures, there was discussion that the item would be on each regular City Council meeting agenda for review and continuation. There were no changes to the Emergency Resolution during the August 17, 2020 meeting. An Emergency Ordinance or Resolution can be effective for up to 60 days.

Discussion: Upon adoption, city staff initially received questions seeking clarification and understanding of what the adopted Emergency Resolution and Emergency Ordinance 1419 were and how they worked together. There have been no recent questions or comments about the Emergency Resolution.

Financial Consideration: None

Conclusion/Recommendations: Administration recommends that the City Council thoughtfully review information related to COVID-19 which changes continually and the Emergency Resolution recommending face coverings or face masks in buildings open to the public.

7c

7c COVID-19 Item

John Prescott

From: Cathy Nelson [cathy.nelson31@gmail.com]
Sent: Wednesday, September 2, 2020 3:22 PM
To: John Prescott

Cathy Nelson
907 Jane St

City Council,

I would like to have the basketball courts fully opened. It is frustrating when I take my children to Prentis Park and we either can't play because the two hoops are taken or we have to ask to share the hoops with others that are shooting around. It is also harder now to travel out of town to playgrounds/basketball courts since school has started so it would be nice to have the courts open. Everything else has been opened that was closed for the 60 day emergency ordinance that started at the end of March. We are way past the 60 days. Please fully open the basketball courts.

Item 7c is COVID-19 issues. Resident Cathy Nelson has requested the City Council consider this request as part of reviewing COVID-19 issues.



Council Agenda Memo

From: James Purdy, Assistant City Manager

Meeting: September 8, 2020

Subject: Request to close Market Street from W. Main Street to the southern border of Ratingen Platz and W. Main Street from the west end of Ratingen Platz to the west cross walk of the Main and Court Street intersection for Thursdays on the Plat events

Presenter: James Purdy

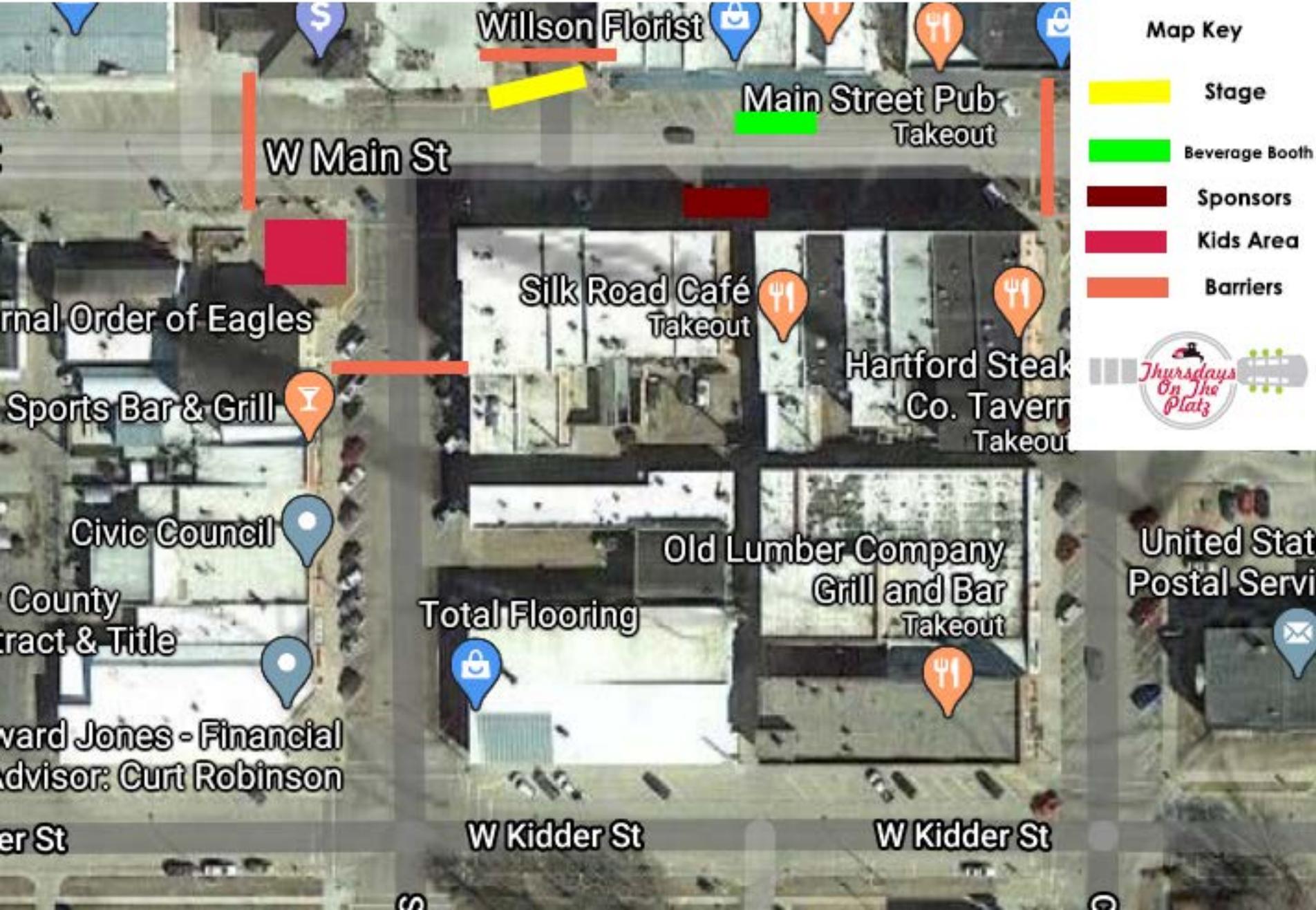
Background: The Vermillion Area Chamber and Development Company (VCDC) has requested the closure of Market Street from W. Main Street to the southern border of Ratingen Platz and W. Main Street from the west end of Ratingen Platz to the west crosswalk of the Main and Court Street intersection for Thursdays on the Platz on September 10, September 17, September 24, and October 1, 2020 from 4:00 pm-8:00 pm.

Discussion: The completed street closure request application and diagram are attached. The Street, Police, Fire, and EMS departments have been notified of the street closure request. They did not have any concerns. Cleanup will be handled by VCDC Staff and Thursdays on the Platz Committee Members.

According to the application, the VCDC will meet with businesses individually to let them know of the events requiring street closure. At this point in the season, there is pretty good awareness of the Thursdays on the Platz events.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends that the City Council approve the temporary closing of Market Street from the southern border of Ratingen Platz to W. Main Street and Main Street from the west end of Ratingen Platz to the west crosswalk of Main and Court Street for Thursdays on the Platz events on September 10, September 17, September 24, and October 1, 2020 from 4:00 pm-8:00 pm.



Willson Florist

Main Street Pub
Takeout

W Main St

Silk Road Café
Takeout

Hartford Steak
Co. Tavern
Takeout

Internal Order of Eagles

Sports Bar & Grill

Civic Council

County
Contract & Title

Edward Jones - Financial
Advisor: Curt Robinson

Total Flooring

Old Lumber Company
Grill and Bar
Takeout

United States
Postal Service

W Kidder St

W Kidder St

Map Key

-  Stage
-  Beverage Booth
-  Sponsors
-  Kids Area
-  Barriers



8. The City Council reserves the right to accept, modify, or deny all Street Closure Requests.

The City reserves the right to modify the street closing after City Council approval if needed due to unforeseen circumstances.

9. The Applicant is required to sign a "Release, Hold Harmless and Indemnification Agreement."

10. Failure to abide by these instructions or requirements may affect your future closure requests.

11. A deposit may be required for future street closure requests if you fail to return traffic barricades in the condition they were issued to you or if public property is damaged due to your event.

I have read and understand these instructions

I agree.

Electronic Signature

Nathan W. Welch

(Section Break)

APPLICATION

Organization Requesting

Vermillion Area Chamber & Development Company

Name of Event & Brief Description of Event

Thursdays on the Platz is a free summertime community event that provides music, local cuisine, and free entertainment for the Vermillion Area community. - Thursdays on the Platz

Expected Participants

150-200

Name of Primary Contact Person

Jason Thiel

Primary Contact Phone Number + 24 Hour Access Phone Number

[REDACTED]

Name of Secondary Contact Person

Tristan Hargens

Secondary Contact Phone Number + 24 Hour Access Phone Number

[REDACTED]

Date(s) of Closure Requested

09/03/20; 09/10/20; 09/17/20; 09/24/20.

Street Closures Times 4:00 pm - 8:00 pm

Street(s) Requested to be Closed 1. Market St. from the southern border of Ratingen Platz and Main St. 2. Main St. between the west end of Ratingen Platz to Court St.

Optional File Upload [TOTP Map 2020.png](#)

Please detail how you have notified or plan to notify those affected by your Street Closure Request: The VCDC team has either contacted those affected by a phone call, email, or by an in-person visit.

Please detail your plans for cleaning up after your event: The Thursdays on the Platz worker base will transport all necessary items at the end of the event into proper storage, and will work with the Vermillion Parks & Rec. department on trash, recycling, and street closures.

(Section Break)

Release, Hold Harmless and Indemnification Agreement

City of Vermillion, South Dakota
I,

Name of Event Organizer Nathan W. Welch

Dated This 8/14/2020 2:15 PM

First Name Nathan

Last Name Welch

Electronic Signature Agreement I agree.

Electronic Signature Nathan W. Welch

(Section Break)

If turned in less than 7 days before the next Council meeting it will be placed on the following Council meeting agenda. Once submitted, Staff will verify that everything has been filled out correctly. Afterwards, you will be contacted to inform you of when your Street Closure Request will come before the City Council. It is highly recommended that you attend this meeting.

Please enter your email





Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: September 8, 2020

Subject: Resolution for Community Development Block Grant Sponsorship and Project and Environmental Certifying Officer- HWY 50 Storm Sewer Project

Presenter: Mike Carlson

Background: City Engineer Jose Dominguez has been working with the State Department of Transportation on a project to improve storm water drainage in the Highway 50 south ditch. The project consists of installing a pipe in the Highway 50 south ditch from Dakota Street west to Over Drive to better drain this area to the Vermillion River. Short Elliot Hendrickson, Inc (SEH) has developed the preliminary engineering report that was required to apply for the Community Development Block Grant (CDBG) application. The project funding was reported during the CDBG public hearing.

Discussion: The public hearing requirement of the CDBG application process was completed earlier in the agenda. The resolution is to authorize the CDBG application and to designate a Project and Environmental Certifying Officer

Financial Consideration: The project funding will consist of the CDBG award, State DOT cost sharing grant, SRF loan, and storm water fund reserves.

Conclusion/Recommendations: Administration recommends approval of the Resolution for Community Development Block Grant Sponsorship and Project and Environmental Certifying Officer for the Storm Sewer improvements in Highway 50 south ditch project.

**RESOLUTION FOR COMMUNITY DEVELOPMENT BLOCK GRANT
SPONSORSHIP AND PROJECT CERTIFYING AND ENVIRONMENTAL
CERTIFYING OFFICER**

WHEREAS, the City of Vermillion has determined the need for the Storm Sewer Improvement project along Highway 50 south ditch; and

WHEREAS, the South Dakota Department of Transportation is planning improvements to SD Highway 50 in 2021 that may include the storm sewer improvements with the state project; and

WHEREAS, financial assistance will be necessary to enable the City to construct the project; and

WHEREAS, the City of Vermillion wishes to request assistance from the Community Development Block Grant (CDBG) Program of the South Dakota Governor's Office of Economic Development; and

WHEREAS, the City is required to designate a Project Certifying Officer for the purpose of signing required documents pertaining to the grant; and

WHEREAS, the City is required to designate an Environmental Certifying Officer for the purpose of signing required environmental documents pertaining to the grant.

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

1. The City of Vermillion hereby authorizes the filing of a Community Development Block Grant application with the South Dakota Governor's Office of Economic Development, including all understandings and assurances contained therein.
2. Be it further resolved that the City of Vermillion hereby authorizes its City Manager to act as Project Certifying Officer and Environmental Certifying Officer in connection with the application and other required forms and to provide such additional information as may be required by the South Dakota Governor's Office of Economic Development. In the City Manager's absence, the Mayor is authorized to act as Project Certifying Officer and Environmental Certifying Officer in connection with the application and other required forms and to provide additional information as may be required by the South Dakota Governor's Office of Economic Development.

Dated at Vermillion, South Dakota this 8th day of September, 2020.

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: John Prescott, City Manager
Meeting: September 8, 2020
Subject: Annual malt beverage markup review
Presenter: John Prescott

Background: During the development of Ordinance 1325 in 2015 which implemented a 5% markup on the wholesale cost of malt beverages plus freight, staff included an annual update to the community in the proposal. Some malt beverage license holders also expressed interest in an annual report to the community and being made aware of the discussion. Section 112.30 of the adopted ordinance is as follows:

The City Council will annually have a regular meeting agenda item with the adoption of the budget ordinance to update the community on the use of previous receipts collected, where future receipts would be utilized, and to gather public input on the continuation of the wholesale license fee. Notice of the annual update time and place will be mailed to all malt beverage license holders in the City.

The malt beverage markup ordinance was revised in April 2017 with Ordinance 1352 which became effective July 1, 2017 to reflect the changes made in state statute by SB 75. These changes were to include the sale of malt beverages by liquor license holders as licenses subject to the malt beverage markup.

All license holders were notified of the September 8, 2020 meeting time with a notice that was mailed the last week of August 2020.

Discussion: In compliance with the malt beverage markup process stated in City Code Section 112.30, all of the proceeds from the collection were placed in the Prentis Park Debt Service fund to repay a portion of the general obligation bond which was issued for park improvements. Based on invoices, the City collected \$64,188.47 during the last six months of 2015, \$116,455.40 during 2016, \$123,293.70 during 2017, \$129,066.79 during 2018 and \$136,195.08 during 2019. For the first eight months of 2020 the markup generated \$99,693.09 up 12.5% over this same period of 2019. The general obligation bond debt service for 2016 was \$199,853.71, for 2017 was \$197,067.50, for 2018 was \$195,817.50, for 2019 was \$194,755.00, for 2020 is \$197,255.00 and for 2021 is \$199,655.00. Invoices from the distributors for August 2020 were recently received and will be sent out to license

holders by September 15th.

Financial Consideration: In compliance with the malt beverage markup ordinance and the proposed budget ordinance, the markup proceeds are being utilized to retire the general obligation bond issued for Prentis Park improvements. Second penny funds are used to make the balance of the annual general obligation debt service.

The initial proposal was to spend \$5.3 million utilizing approximately \$3 million of bond proceeds, \$1 million from the General Fund, \$300,000 from the Lotuswood funds, and \$1 million of Second Penny funds to build the new pool, basketball courts and parking lot. Due to the amount of the pool bid and timing of the respective bids being awarded, the City utilized all of the proposed \$5.3 million of funding to construct Prentis Plunge. The \$98,000 cost for the new basketball courts and the \$168,000 cost for the parking lot which were completed in 2018 came from the 2nd Penny fund. In 2019 \$35,320 was spent for the sidewalk along East Clark Street and for 2020 includes \$27,500 for the Plum Street sidewalk. The proposed budget for 2021 includes \$25,000 for sidewalks along Prentis Street.

Conclusion/Recommendations: Administration recommends review of the information provided, receiving public comment on the malt beverage markup, and continuing the 5% markup on malt beverages for the repayment of the General Obligation bonds issued for Prentis Park improvements.

City of Vermillion
Malt Beverage Mark-up
Funding for Prentis Park Improvements

Monthly	January	February	March	April	May	June	July	August	September	October	November	December	Total
5% Mark-up													
2015													
	8,388.39	7,943.86	9,610.66	11,149.19	10,615.66	10,125.48	9,286.37	11,322.13	10,738.64	10,054.66	9,319.73	7,900.63	116,455.40
% Change							-6.69%	-1.51%	-24.79%	2.87%	3.63%	-18.51%	
2017	7,823.54	8,212.49	7,921.95	9,496.17	11,393.41	10,477.48	9,836.24	12,803.92	12,465.16	13,524.67	10,149.17	9,189.50	123,293.70
% Change	-6.73%	3.38%	-17.57%	-14.83%	7.33%	3.48%	5.92%	13.09%	16.08%	34.51%	8.90%	16.31%	5.87%
\$ Change	-564.85	268.63	-1,688.71	-1,653.02	777.75	352.00	549.87	1,481.79	1,726.52	3,470.01	829.44	1,288.87	6,838.30
2018	9,900.12	8,812.20	9,489.57	10,213.48	13,692.04	10,562.01	11,839.51	12,478.47	\$11,077.58	12,798.09	9,341.94	8,861.78	129,066.79
% Change	26.54%	7.30%	19.79%	7.55%	20.18%	0.81%	20.37%	-2.54%	-11.13%	-5.37%	-7.95%	-3.57%	4.68%
\$ Change	2,076.58	599.71	1,567.62	717.31	2,298.63	84.53	2,003.27	(325.45)	(1,387.58)	(726.58)	(807.23)	(327.72)	5,773.09
2019	10,084.23	8,852.75	9,803.00	13,067.46	11,057.69	11,147.24	13,061.01	12,727.44	\$12,161.82	13,686.14	10,758.91	9,787.39	136,195.08
% Change	1.86%	0.46%	3.30%	27.94%	-19.24%	5.54%	10.32%	2.00%	9.79%	6.94%	15.17%	10.44%	5.52%
\$ Change	184.11	40.55	313.43	2,853.98	(2,634.35)	585.23	1,221.50	248.97	1,084.24	888.05	1,416.97	925.61	7,128.29
YTD Chan	1.86%	1.20%	1.91%	8.83%	1.45%	2.14%	3.44%	3.23%	3.97%	4.32%	5.16%	5.52%	5.52%
2020	9,985.63	9,278.02	12,034.22	10,941.76	14,110.38	16,047.17	13,036.44	14,259.47					99,693.09
% Change	-0.98%	4.80%	22.76%	-16.27%	27.61%	43.96%	-0.19%	12.04%					
\$ Change	(98.60)	425.27	2,231.22	(2,125.70)	3,052.69	4,899.93	(24.57)	1,532.03					9,892.27
%YTD \$	-0.98%	1.73%	8.90%	1.03%	6.59%	13.10%	10.85%	12.53%					



Council Agenda Memo

From: John Prescott, City Manager
Meeting: September 8, 2020
Subject: First reading of Ordinance 1420 – 2021 Appropriations
Presenter John Prescott

Background: SDCL 9-21-2 addresses the need for the City Council to adopt an annual budget:

The governing body of each municipality shall, no later than its first regular meeting in September of each year or within ten days thereafter, introduce the annual appropriation ordinance for the ensuing fiscal year, in which it shall appropriate the sums of money necessary to meet all lawful expenses and liabilities of the municipality. The ordinance shall specify the function and subfunction as prescribed by the Department of Legislative Audit for which the appropriations are made and the amount appropriated for each function and subfunction, which amount shall be appropriated from the proper fund. It is not necessary to appropriate revenue to be expended from an enterprise or trust and agency fund if the fund is not supported or subsidized by revenue derived from the annual appropriated tax levy. However, an annual budget for these funds shall be developed and published no later than December thirty-first of each year.

Discussion: A proposed budget was prepared and presented to the City Council at the August 3, 2020 regular meeting. The City Council reviewed the proposed budget during special meetings on August 11 and 12, 2020. This year there were not many changes to the proposed budget. One of the larger changes which will impact both the 2020 revised budget and the 2021 budget is addressing the use of CARES Act funding. Preliminary ideas on how to utilize the potentially \$2.4 million available have been presented. The use of these funds will be discussed as the end of the 2020 budget year draws to a close in December, there is more “pandemic” sales tax history, and the city has experience drawing down funds from the CARES Act. The bulk of the funding from the CARES Act is anticipated to be received during fiscal 2020.

The 2021 budget includes property tax revenues of \$2,590,000 with the 1.7% increase in revenue plus growth. Due to the financial uncertainty created by COVID-19, sales tax revenues in the 2021 budget are projected to remain at the 2020 level. The BBB fund and receipts for BID #1 from occupied hotel rooms are seeing the biggest negative impact from COVID-19. An anticipated decrease in revenue is projected for both funds.

The budget supports a 2.5% cost of living adjustment for employee and City Council wages. Next year is the final year of the three-year agreements with AFSCME and FOP unions. As discussed during the budget meetings, a 6% increase in health insurance costs is currently contained in the 2021 budget. Staff continues to work with the consultant to finalize the 2021 cost. The health insurance cost for the next year is typically determined during the fourth quarter.

The only utility rate increase included in the budget is for the storm water drainage fee. The storm water drainage fee increase proposal on average is 3.4% which generates an addition collection of \$8,875 for the community. The City Council will consider a resolution on this fee increase later this year. Wastewater rates will be reviewed in April 2021 for any needed adjustment.

The budget includes a number of expenditures that will benefit the community. Two large, visible projects are the downtown Streetscape project and the Highway 50 storm drainage ditch renovation project. Other larger items more noticeable to the public include the purchase of new library materials, construction of rerouted sections of the hike/bike path, funds for street maintenance, funding for the second year of the Vermillion Now3! Pledge, and continued installation of a multi-year plan to upgrade electric and water meters with Advanced Metering Infrastructure. Renovation of the recycling center building is slated to begin late this year and be completed in 2021.

Financial Consideration: The City Council must adopt an ordinance to provide for 2021 operations. Placing the 2021 Appropriations Ordinance on the first reading will comply with State law and is another step in providing for the 2021 operations

Conclusion/Recommendations: Administration recommends approval of the first reading of Ordinance 1420 establishing 2021 Appropriations.

PROPOSED ORDINANCE NO. 1420
 2021 APPROPRIATION ORDINANCE

AN ORDINANCE ADOPTING the 2021 Appropriations Ordinance for the
 City of Vermillion, South Dakota.

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

	<u>2021 Budget</u>	
GENERAL FUND		
<u>REVENUES:</u>		
General Property Taxes	2,590,600	
Sales Tax	1,990,200	
Penalties & Interest	4,000	
Licenses & Permits	163,850	
Cable TV Franchise	84,000	
State Intergovernmental	726,150	
County Intergovernmental	127,000	
Charges for Goods & Services	789,300	
Fines & Forfeits	49,275	
Miscellaneous Revenues	324,720	
TOTAL GENERAL FUND REVENUES	6,849,095	6,849,095
<u>EXPENDITURES:</u>		
<u>Policy & Administration:</u>		
General Government	599,162	
Finance Office	217,661	
Engineering	343,573	
Planning & Zoning	650	
Code Compliance	281,691	
Community Promotion	58,000	
Total Policy & Administration	1,500,737	1,500,737
<u>Public Safety & Security:</u>		
Police Administration & Invest.	615,770	
Police Patrol	1,570,385	
Fire & Rescue	378,038	
Emergency Management	2,200	
Ambulance	575,729	
Total Public Safety & Security	3,142,122	3,142,122
<u>Maintenance & Transportation:</u>		
Municipal Garage	144,661	
Municipal Service Center	28,600	
Street Department	710,868	
Snow Removal	85,484	
Sweeping & Mowing	127,527	
Carpentry	19,421	
City Hall Maintenance	91,400	
Old Landfill Maintenance	22,000	
Airport	78,580	
Total Maintenance & Transportation	1,308,541	1,308,541

Human Development & Leisure Services:

Library	676,999	
Parks & Forestry	384,513	
Swimming Pool	246,924	
Recreation	234,672	
Mosquito Control	20,917	
National Guard Armory Center	54,181	
Total Human Development & Leisure		1,618,206
TOTAL GENERAL FUND EXPENDITURES		<u>7,569,606</u>

GENERAL FUND NEEDS (720,511)

Transfer to 911 Fund - Communications	(326,792)	
Transfer to Prentis Park Debt Service	(140,000)	
Reserved for STIP Projects	(327,180)	
Transfer to Capital Projects STIP	(78,250)	
Transfer from Electric Fund	803,117	
Transfer from Water Fund	2,306	
Transfer from Sewer Fund	1,402	
Transfer from Liquor Fund	194,200	
Transfer from Library Fine & Gift	5,000	
Transfer from Utilities Engineering Fees	136,387	
Transfer from BID #1	1,200	
Appropriation from Reserve	449,121	
GENERAL FUND BALANCE		<u>0</u>

SPECIAL REVENUE FUNDS

SECOND CENT SALES TAX FUND

Revenues	2,130,500	
Expenditures - Second Cent Sales Tax	2,623,000	
Transfer to Bike Path Capital Projects	(217,410)	
Transfer to Airport Capital Projects	(9,750)	
Transfer to City Hall Debt Service Fund	(331,800)	
Transfer to Prentis Park GO Debt Service	(80,355)	
Transfer to Prentis Park Capital Project	(25,000)	
Appropriation from Reserve	1,156,815	
SECOND CENT SALES TAX FUND BALANCE		<u>0</u>

PARKS IMPROVEMENT FUND

Revenues-Recreation Fees	8,010	
Expenditures - Parks Improvements	8,010	
PARKS IMPROVEMENT FUND BALANCE		<u>0</u>

BBB SALES TAX FUND

Revenues	321,800	
Expenditures	378,000	
Appropriation from Reserve	56,200	
BBB SALES TAX FUND BALANCE		<u>0</u>

911 FUND -COMMUNICATIONS

Revenues	326,792
Expenditures	653,584
Transfer from General Fund	326,792
911FUND FUND BALANCE	<u><u>0</u></u>

BUSINESS IMPROVEMENT DISTRICT #1

Revenues	60,000
Expenditures	58,800
Transfer to General Fund	1,200
Business Improvement District #1 Fund Balance	<u><u>0</u></u>

STORMWATER MAINTENANCE FUND

Revenues - Stormwater Fees	2,137,425
Expenditures:	2,618,113
Appropriation from Reserve	480,688
STORMWATER FEE FUND BALANCE	<u><u>0</u></u>

LIBRARY FINE AND GIFT FUND

Revenues- Library Fine & Gifts	19,550
Expenditures - Library	11,500
Transfer to General Fund	5,000
Appropriation to Reserve	(3,050)
LIBRARY FINE AND GIFT FUND BALANCE	<u><u>0</u></u>

SPECIAL REVENUE - TIF District No. 5

Revenues	86,028
Expenditures	86,028
SPECIAL REVENUE - TIF 5 FUND BALANCE	<u><u>0</u></u>

DEBT SERVICE FUNDS

DEBT SERVICE--SPECIAL ASSESSMENT FUND

Revenues	33,255
Expenditures	7,682
Appropriation to Reserve	(25,573)
DS SPECIAL ASSESSMENT FUND BALANCE	<u><u>0</u></u>

DEBT SERVICE-- TIF District No. 6

Revenues	271,000
Expenditures	271,000
DEBT SERVICE - TIF 6 FUND BALANCE	<u><u>0</u></u>

DEBT SERVICE - CITY HALL

Revenues	5,400
Expenditures	337,200
Transfer from Second Cent Sales Tax Fund	331,800
DEBT SERVICE - CITY HALL FUND BALANCE	<u><u>0</u></u>

DEBT SERVICE - PRENTIS PARK GO BOND

Revenues	0
Expenditures	200,355
Transfer from Second Penny Sales Tax Fund	80,355
Transfer from General Fund Malt Beverage	140,000
Appropriation to Reserve	(20,000)
DEBT SERVICE - PRENTIS PARK BOND FUND BALANCE	<u><u>0</u></u>

CAPITAL PROJECTS FUNDS

Revenues	0
Expenditures	78,250
Transfer from GF STIP	78,250
CP AIRPORT FUND BALANCE	<u><u>0</u></u>

CAPITAL PROJECTS FUND - AIRPORT

Revenues	925,250
Expenditures	935,000
Transfer from Second Cent Sales Tax Fund	9,750
CP AIRPORT FUND BALANCE	<u><u>0</u></u>

CAPITAL PROJECTS FUND - BIKE PATH

Revenues	82,590
Expenditures	300,000
Transfer from Second Cent Sales Tax Fund	217,410
CP BIKE PATH FUND BALANCE	<u><u>0</u></u>

CAPITAL PROJECTS FUND - PRENTIS PARK

Revenues	0
Expenditures	25,000
Transfer from Second Cent Sales Tax	25,000
CP PRENTIS PARK FUND BALANCE	<u><u>0</u></u>

INTERNAL SERVICE FUNDS (Information Only)

	Unemployment Fund	Copier - Fax- Postage Fund	Custodial Fund	Equipment Replacement Fund
<u>Revenues</u>				
Internal Dept Charges	-	14,575	86,904	568,549
Interest on Investments	125	-	-	10,000
Other Revenues	-	-	-	89,500
Total Revenues	<u>125</u>	<u>14,575</u>	<u>86,904</u>	<u>668,049</u>
<u>Expenditures</u>				
Personnel	-	-	41,322	-
Operating Expenses	125	14,300	44,762	-
Capital	-	-	0	410,437
Total Expenditures	<u>125</u>	<u>14,300</u>	<u>86,084</u>	<u>410,437</u>
(To) From Reserve	-	(275)	(820)	(257,612)
Fund Balance	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

UTILITY AND ENTERPRISE FUNDS (Information Only)

	Electric Fund	Water Fund	Wastewater Fund	Joint Powers Fund	Liquor Fund	Golf Course Fund	Curbside Recycling Fund
<u>Revenues</u>							
Sales	5,919,000	1,603,000	1,747,000	2,001,280	1,780,000	784,710	132,000
Surcharge	895,900	282,500	360,600				
Other Revenue	955,100	47,900	10,300	59,500		54,100	300
Interest	67,300	9,550	17,450	20,200	2,000	4,500	500
Grants	-	-	-	500,000	-	-	-
Total Revenues	<u>7,837,300</u>	<u>1,942,950</u>	<u>2,135,350</u>	<u>2,580,980</u>	<u>1,782,000</u>	<u>843,310</u>	<u>132,800</u>
<u>Expenditures</u>							
Personnel	1,018,760	684,819	511,521	631,488		425,139	117,290
Operating Expenses	3,624,063	583,503	765,563	1,560,568	1,500,825	464,585	12,613
Capital	918,840	168,360	53,400	2,759,000	10,000	40,800	
Debt Service		186,475	302,486	139,848			2,113
Debt Service Surcha	681,358	235,669	291,014				-
Total Expenditures	<u>6,243,021</u>	<u>1,858,826</u>	<u>1,923,984</u>	<u>5,090,904</u>	<u>1,510,825</u>	<u>930,524</u>	<u>132,016</u>
Transfers Out	(884,950)	(33,583)	(28,679)	-	(194,200)	-	-
Transfers In	4,000						
Bond Proceeds	-	-	-	1,500,000	-	-	-
(To) From Reserve	(713,329)	(50,541)	(182,687)	1,009,924	(76,975)	87,214	(784)
Fund Balance	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

The City Manager is directed to certify the following dollar amount of tax levies in ordinance to the Clay County Auditor:

General Fund \$2,590,000
 General Obligation Bond 0

and to levy taxes for Tax Incremental Financing Districts No. 5 and No. 6

Dated at Vermillion, South Dakota this 21th day of September, 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: September 8, 2020
Second Reading: September 21, 2020
Publish: October 2, 2020
Effective: October 22, 2020



Council Agenda Memo

From: John Prescott, City Manager

Meeting: September 8, 2020

Subject: First Reading of Ordinance 1421 – 2020 Revised Appropriations

Presenter: John Prescott

Background: In order for the City Council to make changes to the 2020 budget, adopted in September 2019, a revised or supplemental appropriations ordinance is required. The proposed changes to the 2020 budget were presented to the City Council during the budget meetings held on August 11 and 12, 2020.

Discussion: The revised appropriations ordinance includes changes and adjustments made to the 2020 budget based upon actual financial information obtained thus far in 2020.

Revenues and expenses are different in some instances versus what was anticipated last September. The impact of COVID-19 on the 2020 budget led to reduced Prentis Plunge revenues and expenses, reduced recreation program revenues as well as staffing expenses, the CARES Act revenues from the state included in the General Fund and Special Revenue 911 fund. BBB Sales tax receipts revised down based upon receipts to date in 2020. The BID #1 revenues were adjusted down and the City Council accepted the BID #1 board recommendation of using some of the reserve funds to keep the quarterly marketing payments equal to the five-year average. The water fund collection expenses were revised for the cost of replacing the water main under the Vermillion River along Dakota Street. Curbside recycling revenues were reduced as collections was stopped for over two months due to COVID-19. The Vermillion River hike/bike trail repairs were delayed in working with the DOT, with the project having been moved from 2020 to 2021.

The net result is that the 2020 General Fund revenues and expenses are proposed to be revised from \$8,250,058 to \$9,288,828. The 2020 revised budget is projected to add over \$1,475,000 to the general fund reserve primarily due to the CARES Act funding. As reported during the proposed budget review meetings, the City Council will be asked to amend the 2020 budget to allocate the one time funds to city projects.

Financial Consideration: For the revisions to become effective, the City Council will need to adopt the revised 2020 appropriations ordinance.

Conclusion/Recommendations: Administration recommends that the City Council approve the first reading of Ordinance 1421 which is for 2020 Revised Appropriations.

PROPOSED ORDINANCE NO. 1421
 2020 REVISED APPROPRIATION ORDINANCE

AN ORDINANCE ADOPTING the 2020 Revised Appropriations Ordinance for the City of Vermillion, South Dakota.

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

	<u>2020 Revised Budget</u>	
GENERAL FUND		
<u>REVENUES:</u>		
General Property Taxes	2,477,600	
Sales Tax	1,990,200	
Penalties & Interest	4,000	
Licenses & Permits	183,850	
Cable TV Franchise	85,000	
State & Federal Intergovernmental	2,376,775	
County Intergovernmental	124,000	
Charges for Goods & Services	553,900	
Fines & Forfeits	47,275	
Miscellaneous Revenues	300,709	
TOTAL GENERAL FUND REVENUES	8,143,309	8,143,309
<u>EXPENDITURES:</u>		
<u>Policy & Administration:</u>		
General Government	586,217	
Finance Office	195,206	
Engineering	333,479	
Planning & Zoning	650	
Code Compliance	266,759	
Community Promotion	71,103	
Total Policy & Administration	1,453,414	1,453,414
<u>Public Safety & Security:</u>		
Police Administration & Invest.	602,831	
Police Patrol	1,556,338	
Fire & Rescue	374,525	
Emergency Management	2,200	
Ambulance	553,779	
Total Public Safety & Security	3,089,673	3,089,673
<u>Maintenance & Transportation:</u>		
Municipal Garage	143,187	
Municipal Service Center	29,100	
Street Department	716,352	
Snow Removal	83,697	
Sweeping & Mowing	119,508	
Carpentry	19,762	
City Hall Maintenance	92,150	
Old Landfill Maintenance	17,000	
Airport	74,165	
Total Maintenance & Transportation	1,294,921	1,294,921

Human Development & Leisure Services:

Library	675,862	
Parks & Forestry	363,998	
Swimming Pool	16,102	
Recreation	203,934	
Mosquito Control	20,414	
National Guard Armory Center	55,700	
Total Human Development & Leisure		1,336,010
TOTAL GENERAL FUND EXPENDITURES		<u>7,174,018</u>

GENERAL FUND NEEDS 969,291

Transfer to 911 Fund - Communications	(94,553)	
Transfer to Prentis Park Debt Service	(138,000)	
Reserved for STIP Projects	(289,839)	
Transfer to Capital Projects STIP	(115,591)	
Transfer from Electric Fund	803,117	
Transfer from Water Fund	2,306	
Transfer from Sewer Fund	1,402	
Transfer from Liquor Fund	194,200	
Transfer from Library Fine & Gift	5,000	
Transfer from Capital Projects	2,307	
Transfer from Utilities Engineering Fees	136,387	
Transfer from BID #1	800	
Appropriation to Reserve	(1,476,827)	
GENERAL FUND BALANCE		<u><u>0</u></u>

SPECIAL REVENUE FUNDS

SECOND CENT SALES TAX FUND

Revenues	2,067,100	
Expenditures - Second Cent Sales Tax	1,262,271	
Transfer to Bike Path Capital Projects	(38,000)	
Transfer to Airport Capital Projects	(2,500)	
Transfer to City Hall Debt Service Fund	(331,930)	
Transfer to Prentis Park GO Debt Service	(79,955)	
Transfer to Prentis Park Capital Project	(27,500)	
Appropriation to Reserve	(324,944)	
SECOND CENT SALES TAX FUND BALANCE		<u><u>0</u></u>

PARKS IMPROVEMENT FUND

Revenues-Recreation Fees	12,000	
Expenditures - Parks Improvements	12,000	
PARKS IMPROVEMENT FUND BALANCE		<u><u>0</u></u>

BBB SALES TAX FUND

Revenues	278,100	
Expenditures	366,000	
Appropriation from Reserve	87,900	
BBB SALES TAX FUND BALANCE		<u><u>0</u></u>

911 FUND -COMMUNICATIONS

Revenues	559,753
Expenditures	654,306
Transfer from General Fund	94,553
911FUND FUND BALANCE	<u><u>0</u></u>

BUSINESS IMPROVEMENT DISTRICT #1

Revenues	40,000
Expenditures	49,752
Transfer to General Fund	800
Appropriation from Reserve	10,552
Business Improvement District #1 Fund Balance	<u><u>0</u></u>

STORMWATER MAINTENANCE FUND

Revenues - Stormwater Fees	319,650
Expenditures:	196,000
Appropriation to Reserve	(123,650)
STORMWATER FEE FUND BALANCE	<u><u>0</u></u>

LIBRARY FINE AND GIFT FUND

Revenues- Library Fine & Gifts	16,550
Expenditures - Library	9,500
Transfer to General Fund	5,000
Appropriation to Reserve	(2,050)
LIBRARY FINE AND GIFT FUND BALANCE	<u><u>0</u></u>

SPECIAL REVENUE - TIF District No. 5

Revenues	84,590
Expenditures	84,590
SPECIAL REVENUE - TIF 5 FUND BALANCE	<u><u>0</u></u>

DEBT SERVICE FUNDS

DEBT SERVICE--SPECIAL ASSESSMENT FUND

Revenues	64,681
Expenditures	8,149
Transfer to Capital Projects	(96,625)
Appropriation from Reserve	40,093
DS SPECIAL ASSESSMENT FUND BALANCE	<u><u>0</u></u>

DEBT SERVICE-- TIF District No. 6

Revenues	215,750
Expenditures	223,387
Appropriation from Reserve	7,637
DEBT SERVICE - TIF 6 FUND BALANCE	<u><u>0</u></u>

DEBT SERVICE - CITY HALL

Revenues	5,400
Expenditures	337,330
Transfer from Second Cent Sales Tax Fund	331,930
DEBT SERVICE - CITY HALL FUND BALANCE	<u><u>0</u></u>

DEBT SERVICE - PRENTIS PARK GO BOND

Revenues	0
Expenditures	197,955
Transfer from Second Penny Sales Tax Fund	79,955
Transfer from General Fund Malt Beverage	138,000
Appropriation to Reserve	(20,000)
DEBT SERVICE - PRENTIS PARK BOND FUND BALANCE	<u><u>0</u></u>

CAPITAL PROJECTS FUNDS

CAPITAL PROJECTS FUND

Revenues	0
Expenditures	125,637
Transfer from Debt Service	96,625
Transfer from GF STIP	115,591
Transfer to General Fund	(2,307)
Appropriation to Reserve	(84,272)
CP AIRPORT FUND BALANCE	<u><u>0</u></u>

CAPITAL PROJECTS FUND - AIRPORT

Revenues	47,500
Expenditures	50,000
Transfer from Second Cent Sales Tax Fund	2,500
CP AIRPORT FUND BALANCE	<u><u>0</u></u>

CAPITAL PROJECTS FUND - BIKE PATH

Revenues	0
Expenditures	27,500
Transfer from Second Cent Sales Tax Fund	27,500
CP BIKE PATH FUND BALANCE	<u><u>0</u></u>

CAPITAL PROJECTS FUND - PRENTIS PARK

Revenues	0
Expenditures	38,000
Transfer from Second Cent Sales Tax	38,000
CP PRENTIS PARK FUND BALANCE	<u><u>0</u></u>

INTERNAL SERVICE FUNDS (Information Only)

	Unemployment Fund	Copier - Fax- Postage Fund	Custodial Fund	Equipment Replacement Fund
<u>Revenues</u>				
Internal Dept Charges	-	14,575	84,251	590,680
Interest on Investments	240	-	-	15,000
Other Revenues	-	-	-	138,500
Total Revenues	<u>240</u>	<u>14,575</u>	<u>84,251</u>	<u>744,180</u>
<u>Expenditures</u>				
Personnel	-	-	39,831	-
Operating Expenses	240	14,300	44,142	-
Capital	-	-	0	731,920
Total Expenditures	<u>240</u>	<u>14,300</u>	<u>83,973</u>	<u>731,920</u>
(To) From Reserve	-	(275)	(278)	(12,260)
Fund Balance	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

UTILITY AND ENTERPRISE FUNDS (Information Only)

	Electric Fund	Water Fund	Wastewater Fund	Joint Powers Fund	Liquor Fund	Golf Course Fund	Curbside Recycling Fund
<u>Revenues</u>							
Sales	5,738,700	1,566,500	1,713,000	1,901,150	1,953,000	632,510	104,000
Surcharge	868,600	282,500	353,600	-	-	-	-
Other Revenue	960,100	56,900	14,000	89,000	-	54,100	300
Interest	103,050	16,000	25,700	30,400	2,800	9,100	750
Grants	-	-	-	343,000	-	-	-
Total Revenues	<u>7,670,450</u>	<u>1,921,900</u>	<u>2,106,300</u>	<u>2,363,550</u>	<u>1,955,800</u>	<u>695,710</u>	<u>105,050</u>
<u>Expenditures</u>							
Personnel	984,131	645,146	506,140	617,577	-	407,987	111,192
Operating Expenses	3,559,391	645,427	717,522	1,543,423	1,647,925	470,274	19,956
Capital	535,320	280,980	41,300	885,350	6,000	15,400	-
Debt Service	-	186,476	301,006	161,025	-	-	2,113
Debt Service Surcha	684,248	235,669	291,014	-	-	-	-
Total Expenditures	<u>5,763,090</u>	<u>1,993,698</u>	<u>1,856,982</u>	<u>3,207,375</u>	<u>1,653,925</u>	<u>893,661</u>	<u>133,261</u>
Transfers Out	(884,950)	(34,583)	(28,679)	-	(194,200)	-	-
Transfers In	5,000	-	-	-	-	-	-
Bond Proceeds	-	-	-	-	-	-	-
(To) From Reserve	(1,027,410)	106,381	(220,639)	843,825	(107,675)	197,951	28,211
Fund Balance	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Dated at Vermillion, South Dakota this 21th day of September, 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: September 8, 2020
Second Reading: September 21, 2020
Publish: October 2, 2020
Effective: October 22, 2020



Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: September 8, 2020
Subject: 2019 Audited Annual Comprehensive Financial Report
Presenter: Mike Carlson

Background: The 2019 unaudited annual report was presented to the City Council in March of 2020. Since then, Williams & Company P.C. has completed and submitted the final audit, which will be presented at the Tuesday Noon meeting. As the Department of Legislative Audit has oversight over all City audits, a copy of the report has been submitted to their office as well.

Discussion: The completed audit has been submitted to the South Dakota Department of Legislative Audit. A copy of the letter from the Department of Legislative Audit accepting the 2019 audit report is attached. In addition to the printed copies of the annual report, an electronic copy will be placed on the City web site under the Finance Department heading.

Chad Regnier with Williams & Company PC will be at the Tuesday, September 8 Noon meeting to present the annual report.

Financial Consideration: An annual audit is a requirement of bond resolutions and federal grants. The audit fee was included in a five-year contract with the second year being 2019. The annual fee is \$26,500, plus \$1,700 for additional time testing and reviewing pension balances, and note disclosure for a total of \$28,200.

Conclusion/Recommendations: Administration recommends the City Council accept the audited comprehensive annual report for 2019.



427 SOUTH CHAPELLE
C/O 500 EAST CAPITOL
PIERRE, SD 57501-5070
(605) 773-3595

RUSSELL A. OLSON
AUDITOR GENERAL

September 1, 2020

Michael D. Carlson, Finance Officer
City of Vermillion
25 Center Street
Vermillion, SD 57069

We have reviewed and accepted your audit report on the:

City of Vermillion
(For the Year Ended December 31, 2019)

Our review was limited to the report and did not include a review of the working papers.

It is our understanding that the Plain Talk is the official newspaper for the City of Vermillion. If this is not the case, please inform me of the name of the current official newspaper.

Please present a copy of this letter to the governing board to indicate our acceptance of the audit report.

Yours very truly,

Russell A. Olson
Auditor General

RAO:sld

cc: Williams & Company, P.C.
Certified Public Accountants
PO Box 1010
Le Mars, IA 51031



Council Agenda Memo

From: John Prescott, City Manager
Meeting: September 8, 2020
Subject: Appointments to Historic Preservation Commission
Presenter: Kelsey Collier-Wise, Mayor

Background: The City Council created the Historic Preservation Commission in June 2018 with the adoption of Ordinance 1376. The ordinance became effective on July 19, 2018. The first seven commissioners were appointed to staggered terms in August 2018. The term of two of the original members are expiring in September. Over the last month the opening has been advertised at a City Council meeting, social media, and the City's website.

The ordinance establishing the Commission provides for a seven-member board that resides within the City. Four members of the board are to be property owners in one of the designated historic districts. Currently, Johnny Beyers, Susan Keith Gray, Ed Gerrish, and Dietrik Vanderhill meet this criteria. When available, two members who have expertise in the disciplines of history, architectural history, architecture, architecture, planning, urban planning, American studies, American civilization, cultural geography, cultural anthropology, or related fields should serve. To assist the City Council in evaluating if an applicant meets one of the disciplines, individuals completing an expression of interest form are asked to comment on their background to meet one of the disciplines.

Terms of appointment are for three years. The current members of the Commission and the year of their term expiration are: William Dendinger (2020), Susan Keith Gray (2020), Johnny Beyers (2021), Jim Wilson (2021), Cyndy Chaney (2022), Ed Gerrish (2022), and Dietrik Vanderhill (2022).

Discussion: The two members with expiring terms are the only individuals to submit an Expression of Interest form to serve on the Historic Preservation Commission. As noted, Susan Keith Gray is a property owner in a historic district.

Financial Consideration: None. Commission members are not paid.

Conclusion/Recommendations: Administration recommends appointing two individuals to terms expiring in August 2023 on the Historic Preservation Commission.

From: noreply@civicplus.com
To: [Vermillion](#); [John Prescott](#); [James Purdy](#)
Subject: Online Form Submittal: Citizen Board/Commission Expression of Interest Form
Date: Tuesday, August 18, 2020 8:58:14 PM

Citizen Board/Commission Expression of Interest Form

Select the Board/Commission on which you are interested in serving. Historic Preservation Commission

Name william dendinger

Number of years you have lived in/around Vermillion 50 years

Address

Phone Number

Email Address 303dendinger@gmail.com

Occupation retired

Employer not employed at this time

Business Address 1549 crestview drive

Prior elected or appointed offices held (if any) *Field not completed.*

Present and past community volunteer activities Vermillion Food Pantry

Why are you interested in serving on this Board/Commission? my interest in preserving the history of Vermillion

Do you have any unique skills or experience which would be beneficial to the City to know in selecting someone to serve? *Field not completed.*

The ordinance establishing the Historic Preservation Commission contains the section listed below. So the City Council can evaluate the qualifications of each candidate, please advise about your background in any of the categories listed in section C. Please contact the City Manager's Office (605-677-7050) if you have any questions.

Have lived in Vermillion for 50 years and have an interest in the history of the area

Are there any particular projects, programs or goals you would like to see achieved while serving on the Board/Commission?

continued preservation of historic sites

Electronic Signature Agreement

I agree.

Electronic Signature

william J. dendinger

Date:

8/18/2020

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

From: noreply@civicplus.com
To: [Vermillion](#); [John Prescott](#); [James Purdy](#)
Subject: Online Form Submittal: Citizen Board/Commission Expression of Interest Form
Date: Tuesday, August 18, 2020 10:14:10 AM

Citizen Board/Commission Expression of Interest Form

Select the Board/Commission on which you are interested in serving. Historic Preservation Commission

Name	Susan Keith Gray
Number of years you have lived in/around Vermillion	25
Address	[REDACTED]
Phone Number	[REDACTED]
Email Address	[REDACTED]
Occupation	Professor
Employer	USD
Business Address	College of Fine Arts, 414 E. Clark Street
Prior elected or appointed offices held (if any)	Historic Preservation Commission, Chair
Present and past community volunteer activities	University Historic District Association- founding member and chair; Vermillion Historic Preservation commission- founding member and chair
Why are you interested in serving on this Board/Commission?	As a resident in a 100-yr old house, I have grown to appreciate the history of Vermillion. I strongly advocate for the preservation of cultural and architectural components of our charming community for social, economic and environmental reasons.
Do you have any unique skills or experience which would be beneficial to the City to know in selecting someone to	Resident of the University Historic District in a historically-contributing property. Experience as chair of the neighborhood association as well as the city commission.

serve?

The ordinance establishing the Historic Preservation Commission contains the section listed below. So the City Council can evaluate the qualifications of each candidate, please advise about your background in any of the categories listed in section C. Please contact the City Manager's Office (605-677-7050) if you have any questions.

community involvement in historic preservation--no formal training.

Are there any particular projects, programs or goals you would like to see achieved while serving on the Board/Commission?

1) continuation of recognition and protection of existing historical properties; 2) respecting the environmental impact of preserving and utilizing historic properties; 3) using existing historical structures to provide safe, affordable housing for low-income residents.

Electronic Signature Agreement

I agree.

Electronic Signature

Susan Keith Gray

Date:

8/18/2020

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



Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: September 8, 2020
Subject: Declaration of Surplus Vehicles for Fire Department training
Presenter: Mike Carlson

Background: When a vehicle is placed in the impound lot, a notice is sent to the registered owner that the vehicle can be claimed by paying the fine, towing fee, and impound fee. If the vehicle is not claimed within 60 days, ownership of the vehicle reverts to the City. An auction is normally held each spring to empty the impound lot of abandon vehicles, sell abandon bicycles and other surplus city property but due to COVID-19 an auction was not held. For the past few years, some of the abandon vehicles are have been surplused to the Fire Department to use for training and when they are done with the vehicles they are sold as scrap metal.

The state statutes that apply to surplus property are as follows:

6-13-1. Determination of surplus property. The governing board of a political subdivision may sell, trade, destroy, or otherwise dispose of any land, structures, equipment, or other property which the governing board has, by appropriate motion, determined is no longer necessary, useful, or suitable for the purpose for which it was acquired. No motion is required to sell, trade, destroy, or otherwise dispose of consumable supplies, printed text, or subscriptions.

Discussion: The Fire Department is planning training and would like to use some abandon vehicles for that training. The Police and Fire Department have reviewed the abandon vehicles in the impound lot. The Police Chief has provided a memo listing ten vehicles that title has reverted to the City that will need to be declared surplus and authorized to be used by the Fire Department for training and when done sold as scrap metal.

Financial Consideration: The proceeds from sale of the scrap vehicles will go into the general fund.

Conclusion/Recommendations: Administration recommends the City Council declare the ten vehicles as surplus to be used by the fire department for training and when done will be sold as scrap metal.

City of Vermillion
Police Department
15 Washington Street
Vermillion, SD 57069
Phone: (605)677-7070
FAX: (605)677-7166
www.vermillionpd.org



Date: August 18, 2020

To: Mike Carlson, Finance Officer

Subject: Surplus vehicles in City impound

The following list of abandoned vehicles will need to be declared surplus and authorized to be used for fire department training and when they are done will be sold for scrap:

Abandon Vehicles:

1	2004	Pontiac	Montana	White	19BF70	1GMDX13E94D197724
2	1996	Buick	Park Avenue	Blue	27B644	1G4CW52K2TH618946
3	1997	Ford	Explorer	Red	1AB809	1FMDU35P0VUA20208
4	2010	Chrysler		Black	JM9231	2C3CASCV44H290159
5	2003	Dodge	Intrepid	Beige	8C6003	2B3HD46R03H505638
6	2003	Pontiac	Grand Prix	Silver	12D506	1G2NF52E63C271355
7	2003	Chevy	Impala	Tan	19AK01	2G1WF52EX39427641
8	1996	Infiniti	130	Bronze	7D2371	JNKCA21D8TT008422
9	2000	Mercury	Marquis	Gold	6E4371	2MEFM75W8YX719710
10	2004	Dodge	Grand Caravan	Blue	WR856	1D4GP24R54B527642



Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: September 8, 2020

Subject: Developer's Agreement with AMS Building Systems, LLC Owner of Owner of Lots 1 and 2, Block 7, Brooks Industrial Park Addition, City of Vermillion, Clay County, South Dakota

Presenter: Jose Dominguez

Background: AMS Building Systems, LLC (AMS) purchased several acres west of Commerce Street. The land purchased was split into two large lots (Lot 1 and Lot 2) and will be separated by a future east/west street. Currently, AMS is constructing a building on the north lot (Lot 1), and planning to construct a building for an unnamed company on the south lot (Lot 2).

However, prior to any construction occurring AMS has to either complete all of the infrastructure fronting the lots, or enter into a developer's agreement with the City.

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 lots in question are corner lots fronting Commerce Street, and the unnamed east/west road. This agreement addressed the improvements on the east/west road. Later on the meeting agenda, the City Council will consider the agreement for Commerce Street. This agreement will require that the owner do the following:

- Complete the construction of unnamed east/west road, water mains and sanitary sewer mains when the City Council requests the completion, or when a future development that would utilize the street needs the improvements.
- Will not remonstrate against any assessments required for construction of any of the above mentioned improvements.

Construction of the utilities along this street will require that they are completed on other streets first. Due to this, the agreement limits the type of construction on the west half of the lots to something that does not require utility services.

This agreement has been reviewed by the City Attorney.

Financial Consideration: The City will incur the filing fee.

Conclusion/Recommendations: Administration recommends that the City Council authorize the Mayor to sign the Developer's Agreement with AMS Building Systems, LLC.

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

DEVELOPMENT AGREEMENT

The City of Vermillion, South Dakota, and AMS Building Systems LLC, owners, witnesseth:

In consideration of the mutual covenants herein contained and the benefits to be derived therefrom, the parties agree as follows:

The property owners, their successors or assigns, intend to develop two lots presently described as:

Lot 1 and Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota.

GENERAL:

1. City Ordinance requires the property owners to construct sidewalks, grading, curb and gutter, street surfacing, streetlights, water and sewer improvements, in accordance with City of Vermillion standard specifications along all streets or alleys abutting the property to be developed. All plans and specifications shall be approved by the City prior to construction.
2. The property owners, their successors or assigns, desire to begin construction before all the improvements listed above, are in place.
3. The property owners, their successors or assigns, shall provide to the City of Vermillion a **PERFORMANCE BOND** for the improvements described in this agreement.
4. This **AGREEMENT** and **PERFORMANCE BOND** 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.

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

1. Grading, curb and gutter, storm sewer, street surfacing, and street light improvements along a street running east to west between Lot 1 and Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota, shall be completed when requested by the City Council, or when additional development that would utilize the street is constructed, whichever is sooner.
2. Principal use buildings and accessory use buildings may be constructed on the lots described; provided, however, only accessory use buildings incidental to principal use buildings already constructed on the lots described may be erected on the west 339.78 feet of Lot 1 and Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota, until the grading, curb and gutter, storm sewer, street surfacing, and street light improvements along a street running east to west between Lot 1 and Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota, are completed. The words 'accessory use' and 'principal use' are defined in the City's Zoning Regulations adopted on December 2, 2019.

3. If the City Council requires that the construction of these improvements take place prior to the owners schedule a Resolution of Necessity will be required before these improvements can be made. The costs will be assessed to the property owners after improvements are installed. **The property owners of Lot 1 and Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota acknowledge 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 Lot 1 and Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota.**

WATER IMPROVEMENTS:

1. Water improvements will be constructed along the street running east to west between Lot 1 and Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota, shall be completed when requested by the City Council, or when additional development that would utilize the water improvements is constructed, whichever is sooner.
2. Principal use buildings and accessory use buildings may be constructed on the lots described; provided, however, only accessory use buildings incidental to principal use buildings already constructed on the lots described may be erected on the west 339.78 feet of Lot 1 and Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota, until the water improvements along a street running east to west between Lot 1 and Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota, are completed. The words 'accessory use' and 'principal use' are defined in the City's Zoning Regulations adopted on December 2, 2019.
3. If the City Council requires that the construction of these improvements take place prior to the owners schedule a Resolution of Necessity will be required before these improvements can be made. The costs will be assessed to the property owners after improvements are installed. **The property owners of Lot 1 and Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota acknowledge 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 Lot 1 and Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota.**

SANITARY SEWER IMPROVEMENTS:

1. Sanitary sewer improvements will be constructed along the street running east to west between Lot 1 and Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota, shall be completed when requested by the City Council, or when additional development that would utilize the sanitary sewer improvements is constructed, whichever is sooner.
2. Principal use buildings and accessory use buildings may be constructed on the lots described; provided, however, only accessory use buildings incidental to principal use buildings already constructed on the lots described may be erected on the west 339.78 feet of Lot 1 and Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota, until the sanitary sewer improvements along a street running east to west between Lot 1 and Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota, are completed. The words 'accessory use' and 'principal use' are defined in the City's Zoning Regulations adopted on December 2, 2019.
3. If the City Council requires that the construction of these improvements take place prior to the owners schedule a Resolution of Necessity will be required before these improvements can be made. The costs will be assessed to the property owners after improvements are installed. **The property owners of Lot 1 and Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota acknowledge 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 Lot 1 and Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota.**

DATED THIS: _____ (DATE COUNCIL APPROVED AGREEMENT)

[SIGNATURE PAGES FOLLOWS]

FOR THE CITY OF VERMILLION

By: _____

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF _____)

On the _____ day of _____, before me, the undersigned Officer, personally appeared Kelsey Collier-, 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: _____

**BOND
TO ASSUME PERFORMANCE
BY
OWNERS**

KNOW ALL MEN BY THESE PRESENTS, that we, AMS Building Systems, LLC, are held and firmly bound unto the City of Vermillion, a municipal corporation of Clay County, South Dakota (the "City") in a sum or sums which are equal to the total share of the costs of the improvements hereinafter described in the agreement, which are required and may or may not be assessed pursuant to South Dakota law against the following described real property of the owners, viz.:

Lot 1 and Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota.

The improvements contemplated by this agreement are those street improvements (including sidewalk, grading, curb and gutter, street lights and street surfacing), water improvements, and sanitary sewer improvements which the City requires to be constructed in accordance with plans and specifications approved by the City.

The condition of this obligation is that if the owners, or their successors in interest, shall promptly install said improvements, or any of them from time to time when required by the City or promptly pay the assessments for the cost or any constructed or installed by the City, then this obligation is to be void; otherwise, to remain in effect.

This bond is given pursuant to the subdivision ordinance of the City of Vermillion and in consideration of the City's consent that the owners may proceed with the development of the property without first having installed all of said improvements and shall constitute and be a lien upon the property.

Dated this 21 day of August, 2020

[SIGNATURE PAGE FOLLOWS]

OWNER: AMS BUILDING SYSTEMS, LLC.

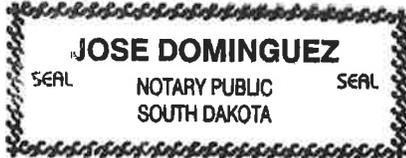
By: Nick Slattery AMS Building Systems
Owner / Partner

STATE OF SD)
COUNTY OF Clay) :SS

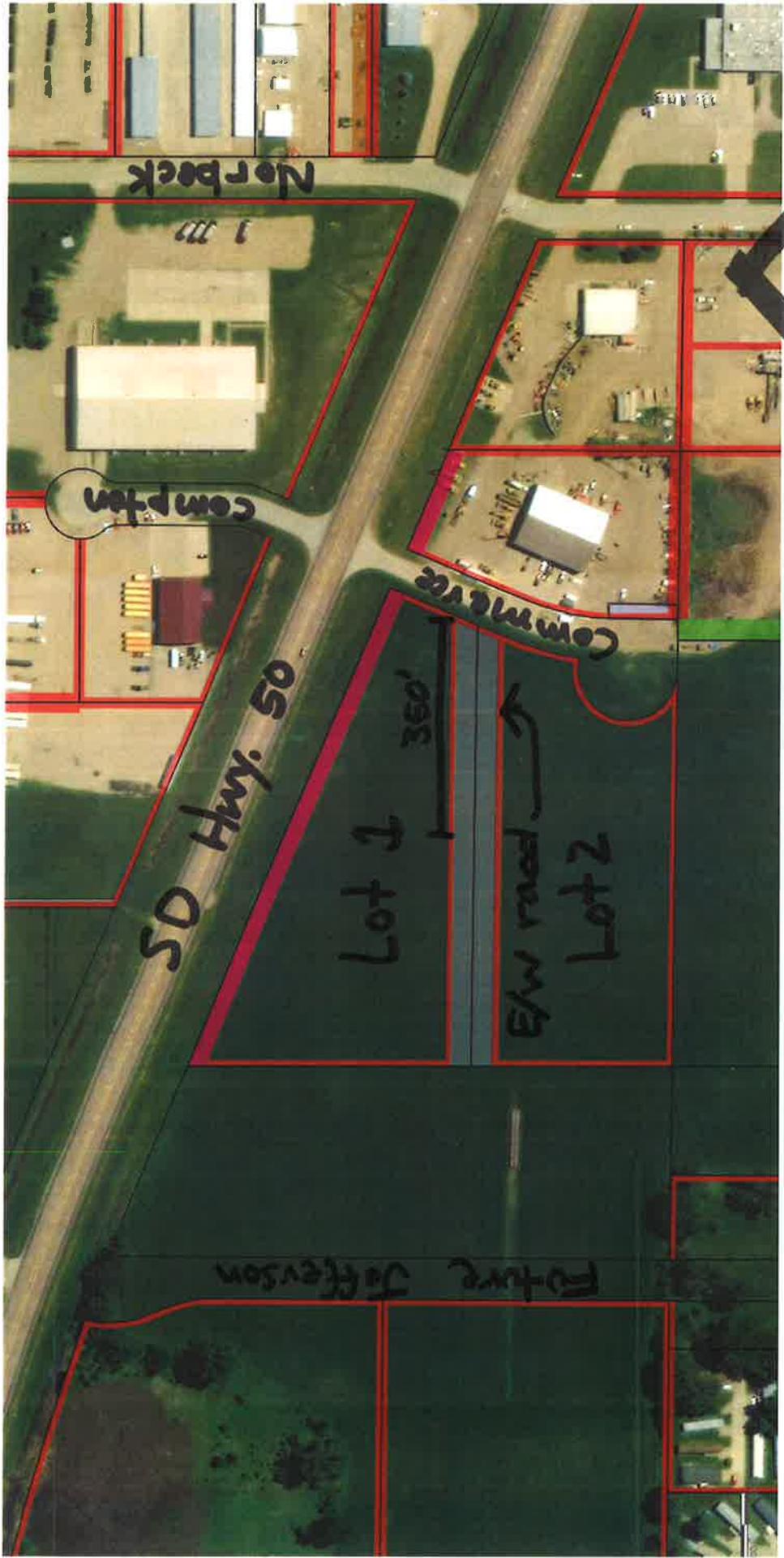
On this 21 day of August 2020 before the undersigned officer, personally appeared Nick Slattery, known to me to be the owner/partner of AMS Building Systems, LLC, or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that as a representing said company as owner/partner, he executed the same for the purposes therein contained.

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

[Signature]
Notary Public



My Commission Expires: Sept 9, 2021





Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: September 8, 2020

Subject: Developer's Agreement with AMS Building Systems, LLC Owner of Owner of Lot 2, Block 7, Brooks Industrial Park Addition, City of Vermillion, Clay County, South Dakota

Presenter: Jose Dominguez

Background: AMS Building Systems, LLC (AMS) purchased several acres west of Commerce Street. The land purchased was split into two large lots (Lots 1 and 2) and will be separated by a future east/west street. Currently, AMS is constructing a building on the north lot (Lot 1) and are planning to construct a building for an unnamed company on the south lot (Lot 2).

However, prior to any construction occurring on the south lot, AMS has to either complete all of the infrastructure fronting the lot, or enter into a developer's agreement with the City. The proposed agreement has been reviewed by the City Attorney.

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 Commerce Street, and the unnamed east/west road. The agreement for the east/west road was earlier on the agenda. This agreement will require that the owner do the following:

- Complete the construction of Commerce Street, water mains and sanitary sewer mains within two years, when the City Council requests the completion, or when a future development would utilize the street needs the improvements.
- Will not remonstrate against any assessments required for construction of any of the above mentioned improvements.

Financial Consideration: The City will incur the filing fee.

Conclusion/Recommendations: Administration recommends that the City Council authorize the Mayor to sign the Developer's Agreement with AMS Building Systems, LLC.

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

DEVELOPOMENT AGREEMENT

The City of Vermillion, South Dakota, and AMS Building Systems LLC, owners, witnesseth:

In consideration of the mutual covenants herein contained and the benefits to be derived therefrom, the parties agree as follows:

The property owners, their successors or assigns, intend to develop a lots presently described as:

Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota.

GENERAL:

1. City Ordinance requires the property owners to construct sidewalks, grading, curb and gutter, street surfacing, streetlights, water and sewer improvements, in accordance with City of Vermillion standard specifications along all streets or alleys abutting the property to be developed. All plans and specifications shall be approved by the City prior to construction.
2. The property owners, their successors or assigns, desire to begin construction before all the improvements listed above, are in place.
3. The property owners, their successors or assigns, shall provide to the City of Vermillion a **PERFORMANCE BOND** for the improvements described in this agreement.
4. This **AGREEMENT** and **PERFORMANCE BOND** 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.

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

1. Grading, curb and gutter, storm sewer, street surfacing, and street light improvements along Commerce Street, shall be completed two (2) years from when this agreement is signed, when requested by the City Council, or when additional development that would utilize the street is constructed, whichever is sooner.
2. If the City Council requires that the construction of these improvements take place prior to the owners schedule a Resolution of Necessity will be required before these improvements can be made. The costs will be assessed to the property owners after improvements are installed. **The property owners of Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota acknowledge 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 Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota.**

DATED THIS: _____ (DATE COUNCIL APPROVED AGREEMENT)

[SIGNATURE PAGES FOLLOWS]

OWNER: AMS BUILDING SYSTEMS, LLC.

By: [Signature] Partner/owner
7-24-20

STATE OF SD)
COUNTY OF Clay :SS

On this 24th day of July, 2020 before the undersigned officer, personally appeared Nick Skatney known to me to be the member of AMS Building Systems, LLC, or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that as a representing said company as Secretary he executed the same for the purposes therein contained.

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

[Signature]
Notary Public

My Commission Expires: 5-15-25

**BOND
TO ASSUME PERFORMANCE
BY
OWNERS**

KNOW ALL MEN BY THESE PRESENTS, that we, AMS Building Systems, LLC, are held and firmly bound unto the City of Vermillion, a municipal corporation of Clay County, South Dakota (the "City") in a sum or sums which are equal to the total share of the costs of the improvements hereinafter described in the agreement, which are required and may or may not be assessed pursuant to South Dakota law against the following described real property of the owners, viz.:

Lot 1 and Lot 2, Block 7, Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota.

The improvements contemplated by this agreement are those street improvements (including sidewalk, grading, curb and gutter, street lights and street surfacing), which the City requires to be constructed in accordance with plans and specifications approved by the City.

The condition of this obligation is that if the owners, or their successors in interest, shall promptly install said improvements, or any of them from time to time when required by the City or promptly pay the assessments for the cost or any constructed or installed by the City, then this obligation is to be void; otherwise, to remain in effect.

This bond is given pursuant to the subdivision ordinance of the City of Vermillion and in consideration of the City's consent that the owners may proceed with the development of the property without first having installed all of said improvements and shall constitute and be a lien upon the property.

Dated this 24 day of July, 2020

[SIGNATURE PAGE FOLLOWS]



Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: September 8, 2020

Subject: Agreement to Construct Public Infrastructure by Private Development with AMS Building Systems, L.L.C. Owner of Lot 1 and Lot 2, Block 7, Brooks Industrial Addition, City of Vermillion, Clay County, South Dakota

Presenter: Jose Dominguez

Background: AMS Building Systems, LLC (AMS) is in the process of constructing a building at the southwest corner of SD Hwy. 50 and Commerce Street. As part of this project AMS asked the City to construct a public street and all associated public utilities along the still unnamed east/west road intersecting with Commerce Street. Besides providing access to the rest of AMS' property, the new east/west road will also provide access to property owned by the VCDC.

Construction of the east/west road will only require grading, subgrade stabilization, and paving. All of the necessary utilities will be installed as part of this project for the east 350-feet of the east/west road.

Discussion: When a public infrastructure project is requested by the public or developer, the City provides three options: (1) project is completed by the City and assessed to the developer (construction cost and an 8% fiscal fee); or, (2) the project is completed by the City with the plans being done by a consultant (construction cost and cost of consultant); or, (3) the project is completed entirely by the developer. The first time that the City encountered use of option #3 was in 2011 with the construction of East Clark Street (from roughly Anderson Street east to North Norbeck Street). Prior to 2011, Walmart constructed portions of Princeton Street. The process that Walmart proposed, and followed, included most if not all aspects of the current policy.

The current policy was originally adopted by the Engineering Department in 2011 to outline the steps required of a private developer to complete public improvements. This policy was put together to ensure that the projects were completed to City standards, and that requirements made of one developer were as similar as possible to other developers. The policy was amended in 2015, and again in 2019. The revision in 2015 clarified

financial responsibilities between the contractor, developer and the City, while the revision in 2019 further clarified what the developer's agreement would require.

AMS would like to take advantage of the of the opportunity to complete the street project as part of their building construction. This gives them more flexibility with scheduling and also with some of the expenses associated with public infrastructure construction. Additionally, AMS is only planning on constructing the east 350-feet of the east-west street. The agreement sets the following:

- AMS will be the main point of contact between the City and any contractors, or other property owners.
- The City will pay AMS for all oversized items (e.g. extra width of concrete road, extra pavement thickness, subgrade stabilization, additional gravel, additional excavation, etc...).
- Payments for oversized items, or City portions, will be based on the City's measurements.
- Payments will be made to AMS, upon submission of all required documentation.
- AMS is responsible to pay contractors responsible for construction of project.
- The City will require a copy of the contract between AMS and any contractors (the contract shall include cost based on bid items and a project completion date).
- AMS will guarantee the project for one year commencing on the day final payment is made.
- The City will need a copy of all of the payments between AMS and any contractor.
- The City will need lien waivers from all suppliers prior to final payment being issued by the City.
- The City will require insurance meeting City minimums.
- The City will require a payment/performance bond in the amount of the engineer's estimate, or the contractor's cost, whichever is greater.

Financial Consideration: The City will incur the filing fee. The 2021 budget will include \$78,250 for the payment of all oversized items and construction testing. The budget may have to be adjusted once the project is bid by AMS.

Conclusion/Recommendations: Administration recommends that the City Council authorize the Mayor to sign the Agreement to Construct Public Infrastructure by Private Development with AMS Building Systems, LLC.

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

AGREEMENT TO CONSTRUCT PUBLIC INFRASTRUCTURE BY PRIVATE DEVELOPMENT

The City of Vermillion, South Dakota, (the "City") and AMS Building System, LLC (collectively with its successors or assigns, the "Owner"), witnesseth:

In consideration of the mutual covenants herein contained and the benefits to be derived therefrom, the parties agree as follows:

The Owner intends to develop the land presently described as:

Lot 1 and 2, Block 7, Brooks Industrial Park Addition, City of Vermillion, Clay County, South Dakota.

GENERAL:

1. The following items will only be required if the street improvements (including sidewalk, grading, curb and gutter, street lights and street surfacing), water improvements, and sanitary sewer improvements (collectively, the "Improvements") along the presently unnamed street running west from Commerce Street for 350' abutting Lots 1 and 2, Block 7, Brooks Industrial Park Addition, City of Vermillion, Clay County, South Dakota are constructed by the Owner, successors or assigns.
2. Owner will serve as the main point of contact between the City and any contractors, or other property owners involved with the construction of any Improvements.

PAYMENTS OF OVERSIZED ITEMS:

1. The City will be responsible for reimbursing the Owner for the cost of Oversized Items when the Improvements are completed. "Oversized Items" include any required construction processes in excess of standard processes, including but not limited to so called "soil cement" base stabilization, and any portion of the Improvements required by the city that are sized larger than as needed to adequately service the Property and are intended to benefit future development. Based on the final plans and construction contract, Owner and City shall agree on the list of Oversized Items and the costs associated with the same prior to the commencement of construction.
2. Payment will be based on the quantities measured by the City.
3. Payment will be made to the Owner promptly upon submission by Owner of all required documentation related to the Improvements and Oversized Items.
4. The Owner is responsible to submit any documentation required by the City in order to make a payment.
5. The payment by the City shall be a reimbursement to the Owner. The Owner will be responsible to pay all contractors prior to requesting a reimbursement from the City.

COPY OF CONTRACT BETWEEN OWNER AND CONTRACTOR(S):

1. The City will require a copy of the contract between the Owner and the contractor(s) hired by the Owner to complete the required street improvements, water improvements, and sanitary sewer improvements.
 - a. The contract(s) shall include the following items:
 - i. Cost based on bid items. Bid items shall be the same as those used in the engineer's estimate.
 - ii. Project completion date
 - iii. Guarantee for work.
 1. The Owner shall guarantee all the materials used and all the work done under this project (sidewalk, grading, curb and gutter, street lights, street surfacing, water, and sanitary sewer improvements). Any defects in the completed work, or any part of it, or any failure of the work to fully perform or endure the service for which it was intended, which in the opinion of the City, are attributable to the use of the materials, skill or workmanship not in compliance with the specifications, drawings and instructions. And the Owner, shall at their own expense, at such time and in such manner as the City shall direct, repair or take up and reconstruct any such defective work, in full compliance with the original specifications.
 2. The guarantee shall cover the contract as to workmanship and materials for a period of one (1) year commencing on the day final payment is made.
 - iv. A copy of payments between from Owner(s) to contractor(s)
 - v. A copy of all lien waivers will be required by the City prior to final approval for the Improvements being issued by the City.

INSURANCE AND BONDS:

1. The City will require a copy of the insurance of any contractor working on the project. The insurance shall meet the City's requirements.
2. The Owner shall submit payment/performance bond in the amount of the engineer's estimate, or the contractor's cost, whichever is greater.

Dated this 1st of July, 2020.

[SIGNATURE PAGES FOLLOW]

OWNER: AMS BUILDING SYSTEMS, LLC.

By: [Signature] 7-24-20
Nick Slattery, Secretary/Partner

STATE OF SD)
) :SS
COUNTY OF Clay)

On this 24 day of July, 2020 before the undersigned officer, personally appeared Nick Slattery, known to me to be the Secretary/Partner of AMS Building Systems, LLC, or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that as a representing said company as Secretary/Partner, he executed the same for the purposes therein contained.

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

[Signature] 7-24-20
Notary Public

My Commission Expires: 5-15-25

FOR THE CITY OF VERMILLION

By: _____
Kelsey Collier-Wise, Mayor

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF CLAY)

On the _____ day of _____, 2020 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: Mike Carlson, Finance Officer

Meeting: September 8, 2020

Subject: Professional services agreement with Burns & McDonnell for engineering service for construction of landfill cells 6 & 7 and closure of cells 2 & 3

Presenter: Jose Dominguez, City Engineer

Background: The landfill consulting engineer, Burns & McDonnell, have projected that landfill cell 5 will be at a capacity that will require landfill cell 6 to be in service by March 2022. As the landfill cells are filled they are sloped which requires the next cell for support to hold the compacted garbage up. As cells are filled they will also need to be closed which requires the placement of a clay cap with black dirt on top. The black dirt is then seeded to prevent erosion. Currently the landfill has four open cells and one closed cell. Due to the estimated cost to complete the opening and closing of cells and related improvements, it will be necessary to apply for grant and SRF loan funding. The first step for grant/loan funding is to apply to have the project included on the State Water Facilities Plan. The current estimate for the project is \$2,600,000. This cost is proposed to be funded from \$500,000 of grant funds, a \$1,500,000 SRF loan, and \$600,000 of landfill reserves.

Discussion: The project would consist of the excavation of cells 6 and 7 along with the leachate collection system for cell 6, and closing of cells 2 and 3. The project will include, as an alternate, the completion of the cell 7 leachate collection system. The application for the State Water Facilities Plan is due by October 1, 2020. The application requires an engineer's preliminary estimate along with a project narrative that is provided by the engineering firm. The application for grant/loan funding is due by January 1, 2021 and will require detailed information on the project. The City Attorney has reviewed the contract.

Financial Consideration: The professional services contract for this portion of the project is \$98,000. The Joint Powers landfill fund has budgeted for these services.

Conclusion/Recommendations: Administration recommends approval of the professional services contract with Burns & McDonnell Engineering Company, Inc for the design of cells 6 & 7 construction and closure of cells 2 & 3 in the amount not to exceed \$98,000.

AUTHORIZATION NO. 10
For
PROFESSIONAL SERVICES
To
BURNS & McDONNELL ENGINEERING COMPANY, INC.

Design for Cells 6-7 Construction and Cells 2-3 Closure

In accordance with the AGREEMENT for PROFESSIONAL CONSULTING SERVICES dated December 16, 2014 between the City of Vermillion (hereinafter called CLIENT) and Burns & McDonnell Engineering Company, Inc. (hereinafter called CONSULTANT), CLIENT hereby authorizes CONSULTANT to proceed with the following services:

I. SCOPE

CLIENT intends to complete a landfill expansion construction of Cell 6 with completion of Cell 7 as a bid alternate, and complete closure construction of existing Cells 2 and 3 (Project) at the Vermillion Landfill (Landfill). The Scope of Services to be provided by CONSULTANT, in connection with this Authorization, includes the following:

Task 1 – Kick-off Meeting

CONSULTANT will facilitate a project kickoff meeting with CLIENT staff at the Landfill to confirm project scope, schedule, and deliverables. CONSULTANT will prepare meeting minutes on the discussion and decisions from this meeting.

Task 2 – Survey & Geotechnical Investigation

CONSULTANT will retain a subconsultant to survey existing conditions relative to the construction limits for the Project. CONSULTANT will also retain a geotechnical subconsultant to perform clay liner verification sampling and testing as required for material conformance evaluation. Geotechnical subconsultant will obtain three (3) representative samples of clay soil within the limits of Cells 6-7. Laboratory testing includes generating proctor curves, Atterberg limits, grain size distribution, soil classification, and composite sample permeability testing for different density and moisture ranges. CONSULTANT will analyze the geotechnical testing results and prepare a summary memorandum of the testing results.

Task 3 – Draft Design Drawings and Specifications

CONSULTANT will provide funding application assistance to CLIENT including preparation of the engineering report for the State Water Facilities Plan application due by October 1, 2020 and the project narrative for a Solid Waste Management Program grant application.

CONSULTANT will prepare and submit to CLIENT 90% draft design drawings and specifications for the proposed Project.

The anticipated 90% draft design drawings include the following groups of plan sheets:

- G – Title, General Notes, Abbreviations, and Existing Conditions
- B – Summary of Quantities
- C – Grading, Site Plans, Cross Sections
- D - Construction Details
- E – Electrical and Control Plans and Details

- G – Erosion Control Sheets and Storm Water Pollution Prevention Plan

It is anticipated that the following specifications will be prepared as part of this Project:

- Contractual front-end documents (City standard documents)
- DIV 1 - General project requirements
- DIV 2-33 - Project technical specifications
 - Geotextile
 - Concrete
 - Pump
 - Site Preparation and Earthwork
 - Subgrade Preparation
 - Low Permeability Clay Liner
 - Seeding
 - Utilities (HDPE piping, valves, fittings)

CONSULTANT will provide PDF drawings to CLIENT for review. CONSULTANT has assumed up to two weeks for CLIENT review prior to holding a 90% design review meeting. CONSULTANT will prepare a meeting agenda and meeting minutes for the design review meeting, and applicable comments will be incorporated into the final design.

Task 4 – Final Design and Bid Administration

CONSULTANT will prepare final Issued for Bid (IFB) drawings and specifications incorporating applicable comments from CLIENT's 90% design review. CONSULTANT will submit three (3) copies of the IFB drawings and specifications to the South Dakota Department of Environment and Natural Resources (DENR) for review. CONSULTANT will address DENR's review comments and incorporate changes into an amended IFB set. CONSULTANT will submit the IFB documents electronically to CLIENT for posting on CLIENT's bidding website. CONSULTANT will provide bid administration services including facilitating a pre-bid meeting, answering bidders' questions, issuing required addenda, reviewing final bid tabulation, and preparing a bid recommendation letter to CLIENT.

CONSULTANT has assumed a total of 16 hours for responding to DENR review comments.

Assumptions

The following additional assumptions have been made for this Authorization:

- CLIENT will provide the following AutoCAD drawings (.dwg files) for the Landfill:
 - Most recent existing conditions drawing
 - Permitted cell boundaries
 - Permitted cell base grade contours
 - Permitted cell final grade contours
- CONSULTANT has assumed addressing one round of CLIENT review comments per design submittal.

II. TIME OF SERVICE

CONSULTANT will proceed with providing the services set forth herein after a signed authorization has been received from the CLIENT. The anticipated schedule for completion of the above tasks is as

follows:

- Task 1 – within two weeks of Notice to Proceed (NTP)
- Task 2 – within four weeks of NTP
- Task 3 – within 12 weeks of NTP
- Task 4 – within 21 weeks of NTP
 - Assuming 2 weeks for City Review, 4 weeks for DENR Review, and 3 weeks for bid letting

III. COMPENSATION

CLIENT shall compensate CONSULTANT for providing the services set forth herein in accordance with the terms of the existing Agreement and the attached rate sheet. The compensation for this Authorization is up to \$98,000.00, not to be exceeded without written authorization of the CLIENT. Services will be performed on a time and materials basis based on the attached rate sheet and actual expenses incurred. An estimate of the costs by Task is presented below.

Task 1:	Kick-off Meeting	\$1,500.00
Task 2:	Survey & Geotechnical Investigation ¹	\$14,500.00
Task 3:	90% Draft Documents	\$66,000.00
Task 4:	Final Design / Bid Administration	\$16,000.00
Total:		\$98,000.00

1. Task 2 includes the cost of the survey subconsultant and the cost of the geotechnical subconsultant.

CONSULTANT has developed this scope of services, schedule, and budget using best available information at the time of this submission. However, the uncertainty surrounding these circumstances and potential disruptions to providing our services caused by the global outbreak and spread of COVID-19 (“coronavirus”) may have an impact on the Project (i.e. scope of services, schedule, and budget). If potential disruptions occur prior to initiating services or during performance of these services, CONSULTANT will notify the CLIENT of the potential impacts and work with the CLIENT to mutually agree on a path forward.

AUTHORIZATION NO. 10
Design for Cells 6-7 Construction and Cells 2-3 Closure

AUTHORIZED BY:
City of Vermillion, South Dakota

By: _____

Date: _____

ACCEPTED BY:
BURNS & McDONNELL ENGINEERING COMPANY, INC.

By:  _____

Title: _____

Schedule of Hourly Professional Service Billing Rates

<u>Position Classification</u>	<u>Classification Level</u>	<u>Hourly Billing Rate</u>
General Office *	5	\$64.00
Technician *	6	\$78.00
Assistant *	7	\$90.00
	8	\$123.00
	9	\$147.00
Staff *	10	\$170.00
	11	\$183.00
Senior	12	\$204.00
	13	\$228.00
Associate	14	\$237.00
	15	\$241.00
	16	\$246.00
	17	\$250.00

NOTES:

1. Position classifications listed above refer to the firm's internal classification system for employee compensation. For example, "Associate", "Senior", etc., refer to such positions as "Associate Engineer", "Senior Architect", etc.
2. For any nonexempt personnel in positions marked with an asterisk (*), overtime will be billed at 1.5 times the hourly labor billing rates shown.
3. For expenses incurred by Burns & McDonnell, and for services rendered by others such as subconsultants, the client shall pay the cost to Burns & McDonnell plus 10% to defray costs for subconsultant contract administration.
4. The services of contract/agency and/or any personnel of a Burns & McDonnell subsidiary or affiliate shall be billed to Owner according to the rate sheet as if such personnel is a direct employee of Burns & McDonnell.
5. The rates shown above are effective for services through December 31, 2020, and are subject to revision

CITY OF VERMILLION
 INVOICES PAYABLE-SEPTEMBER 8, 2020

1	3D SPECIALTIES INC	SUPPLIES	1,379.20
2	A&A SALES ASSOCIATES	WORK SHIRTS	530.81
3	A-1 PORTABLE TOILETS	PORTABLE TOILET RENTAL	876.50
4	ACE REFRIGERATION CO	REPAIRS	349.60
5	ALTEC INDUSTRIES, INC	REPAIRS	312.28
6	AM CONSERVATION GROUP, INC	LED LIGHT BULBS	17,672.07
7	AMAZON BUSINESS	SUPPLIES	1,567.32
8	AMERICAN LEGAL PUBLISHING	SUBSCRIPTION	375.00
9	APPEARA	SHOP TOWELS	45.00
10	ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	284.40
11	ARGUS LEADER MEDIA #1085	SUBSCRIPTION	28.00
12	AVERA OCCUPATIONAL MEDICINE	TESTING	220.65
13	AWE ACQUISITION, INC	CHILDREN'S WORKSTATION	2,895.00
14	BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	6,087.40
15	BARKLEY ASPHALT	ASPHALT	267.30
16	BASIN ELECTRIC POWER COOP	REPAIRS	1,403.89
17	BAUER BUILT TIRE & SERVICE	TIRES	787.96
18	BEN'S BREWING CO	MERCHANDISE	44.00
19	BETH SAMENUS	REFUND LIFE INS PREMIUM	7.90
20	BIERSCHBACH EQPT & SUPPLY	SUPPLIES	210.00
21	BLACKBURN MANUFACTURING CO	SUPPLIES	187.28
22	BLACKSTONE PUBLISHING	BOOKS	250.00
23	BOUND TREE MEDICAL, LLC	SUPPLIES	4,839.65
24	BOYER TRUCKS	PARTS	229.19
25	BROADCASTER PRESS	ADVERTISING	152.00
26	BROCK WHITE CO	SUPPLIES	402.93
27	BRUNICKS SERVICE INC	PROPANE	38.55
28	BURNS & MCDONNELL	PROFESSIONAL SERVICES	28,650.87
29	BUTLER MACHINERY CO.	REPAIRS	6,695.69
30	CANNON TECHNOLOGIES, INC	SUPPLIES	32,827.68
31	CARROLL CONSTRUCTION SUPPLY	SUPPLIES	3,316.29
32	CASK & CORK	MERCHANDISE	1,582.10
33	CENTURY BUSINESS PRODUCTS	COPIER CONTRACT/COPIES	199.63
34	CHESTERMAN CO	MERCHANDISE	2,519.93
35	CITY OF VERMILLION	COPIES/POSTAGE	1,242.27
36	CITY OF VERMILLION	UTILITY BILLS	44,604.10
37	CIVIL AIR PATROL MAGAZINE	ADVERTISING	195.00
38	CLAY CO REGISTER OF DEED	FILING FEE	120.00
39	CNA SURETY DIRECT BILL	NOTARY PUBLIC	50.00
40	COFFEE KING, INC	SUPPLIES	125.50
41	COLONIAL LIFE ACC INS.	INSURANCE	3,033.29
42	CONCRETE MATERIALS	GOLF SAND	1,123.25
43	CONVERGINT TECHNOLOGIES LLC	ALARM MONITORING	360.00
44	CORE & MAIN LP	SUPPLIES	3,653.91

45 CORNHUSKER INTERNATIONAL TRUCK	BATTERIES	593.00
46 D-P TOOLS	SUPPLIES	84.95
47 DAKOTA BEVERAGE	MERCHANDISE	20,314.09
48 DAKOTA PC WAREHOUSE	TONER/SUPPLIES	240.85
49 DAKOTA TRAFFIC SERVICES LLC	PAVEMENT MARKINGS	22,240.00
50 DANKO EMERGENCY EQUIPMENT	FIRE FIGHTER VEHICLE LIGHTING	3,323.50
51 DEADPERFECT	MERCHANDISE	1,020.35
52 DELTA DENTAL PLAN	INSURANCE	6,187.30
53 DEMCO	SUPPLIES	370.29
54 DENNIS MARTENS	MAINTENANCE	833.34
55 DGR ENGINEERING	PROFESSIONAL SERVICES	2,154.50
56 DIAMOND MOWERS	PARTS	285.04
57 DIAMOND VOGEL PAINTS	WHITE TRAFFIC PAINT	2,606.31
58 DUBOIS CHEMICALS	SODA ASH	7,359.00
59 EAKES OFFICE SOLUTIONS	FOAM DISPENSER/SANITIZER	742.22
60 ECHO ELECTRIC SUPPLY	SUPPLIES	3,545.95
61 ELECTRONIC ENGINEERING	REPAIRS	150.90
62 ELLIOTT EQUIPMENT CO	REPAIRS	1,081.55
63 ENERGY LABORATORIES	TESTING	1,570.00
64 ENVIRONMENTAL SPECIALTY SOLUTIONS	PROFESSIONAL SERVICES	33,853.84
65 ERICKSON SOLUTIONS GROUP	PROFESSIONAL SERVICES	8,596.35
66 EVAN ROLLING	BOOTS REIMBURSEMENT	157.62
67 FARNER BOCKEN COMPANY	MERCHANDISE	959.16
68 FEDEX.	SHIPPING	20.15
69 FLAGSHOOTER, INC	REPAIRS	100.00
70 FLASHBAY INC	SUPPLIES	459.50
71 FOREMAN MEDIA	COUNCIL MTGS	100.00
72 FOUR WINDS INTERACTIVE	MAINTENANCE	411.57
73 FRED BALLEWEG	SAFETY BOOTS REIMBURSEMENT	100.00
74 GALE/CENGAGE LEARNING INC	BOOKS	19.49
75 GLOBAL DIST.	MERCHANDISE	149.56
76 GLOBAL EQUIPMENT COMPANY	CUSTOMER SERVICE PARTITIONS	1,349.91
77 GOVERNMENT FINANCE OFFICERS ASSOC	BOOKS	249.00
78 GRAHAM TIRE	TIRES	694.48
79 GRAHAM TIRE CO.	TIRES	924.10
80 GRAINGER	SUPPLIES	38.02
81 GRAYMONT (WI) LLC	CHEMICALS	8,331.46
82 GREGG PETERS	ADVERTISING	500.00
83 GREGG PETERS	RENT	937.50
84 HACH CO	CHEMICALS	8,288.25
85 HAUGER LAWN SERVICE	MOWING/WEEDS	157.00
86 HERREN-SCHEMPP BUILDING	SUPPLIES	122.22
87 HOUSTON ENGINEERING INC	PROFESSIONAL SERVICES	4,922.46
88 HY VEE FOOD STORE	BAKERY/SUPPLIES	262.15
89 ID CARDS UNLIMITED	PATRON ID CARDS	372.95
90 IN CONTROL, INC	CONTROL EQUIPMENT WW	4,196.37
91 INDUSTRIAL CHEM LABS	SUPPLIES	458.93

92 INGRAM	BOOKS	2,659.54
93 INTERSTATE ALL BATTERY CENTER	BATTERIES	85.20
94 ISTATE TRUCK CENTER	PARTS	98.72
95 JAMI SANDBULTE	REFUND PARKING TKT OVERPMT	5.00
96 JAY'S PLUMBING	REPAIRS	204.00
97 JOHN A CONKLING DIST.	MERCHANDISE	10,008.60
98 JOHNSEN HEATING & COOLING	REPAIRS	326.53
99 JOHNSON BROTHERS OF SD	MERCHANDISE	22,707.61
100 JOHNSON CONTROLS	SERVICE AGREEMENT	1,811.78
101 JONES FOOD CENTER	SUPPLIES	1,336.39
102 KENNY WAPNIARSKI	SAFETY BOOTS REIMBURSEMENT	95.00
103 KIMBALL MIDWEST	SUPPLIES	307.29
104 KNIFE RIVER MIDWEST, LLC	ASPHALT	1,627.56
105 LAWSON PRODUCTS INC	SUPPLIES	627.32
106 LIBRARY IDEAS	BOOKS	455.27
107 LOCATORS AND SUPPLIES, INC	RAIN UNIFORMS/SUPPLIES	442.89
108 LOFFLER	COPIER CONTRACT/COPIES	1,740.25
109 LONGS PROPANE INC	PROPANE	60.00
110 MALLOY ELECTRIC	SUPPLIES	114.57
111 MARIA KOENEN	REFUND PARKING TCKT OVERPMT	5.00
112 MARKS MACHINERY	SUPPLIES	223.50
113 MART AUTO BODY	TOWING	340.00
114 MATHESON TRI-GAS, INC	CARBON DIOXIDE/CYLINDER RENTAL	682.81
115 MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	3,659.00
116 MEAD LUMBER	SUPPLIES	55.84
117 MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	231.71
118 MICHAEL FREDERICK	BOOKS	48.00
119 MICRO MARKETING LLC	BOOKS	39.99
120 MICROFILM IMAGING SYSTEMS	SERVICE AGREEMENT	371.00
121 MIDWEST ALARM CO	ANNUAL INSPECTION	350.00
122 MIDWEST READY MIX & EQUIPMENT	FLOWABLE FILL/RED ROCK	1,344.00
123 MIDWEST TURF & IRRIGATION	PARTS	1,413.36
124 MIDWEST WHEEL COMPANIES	PARTS	22.20
125 MISSOURI RIVER ENERGY SERVICE	INFRARED INSPECTIONS	1,093.75
126 MISSOURI VALLEY MAINTENANCE	REPAIRS	629.20
127 MOORE WELDING & MFG	REPAIRS	92.50
128 MR. GOLF CAR, INC	REPAIRS	108.50
129 MSC INDUSTRIAL SUPPLY CO	SUPPLIES	194.00
130 NALCO CHEMICAL CO	CHEMICALS	275.25
131 NCL OF WISCONSIN, INC	SUPPLIES	1,356.01
132 NETSYS+	REPAIRS/PROFESSIONAL SERVICES	1,824.50
133 O'REILLY AUTO PARTS	PARTS	13.86
134 PCC, INC	COMMISSION	2,655.45
135 PIZZA RANCH	FUN ZONE CARDS/PIZZAS	202.79
136 PRESTO-X-COMPANY	INSPECTION/TREATMENT	53.00
137 PRINT SOURCE	ADVERTISING-SCHOOL CALENDAR	260.00
138 PROCHEM DYNAMICS	SUPPLIES	190.76

139	PROPERTY MAINTENANCE SERVICE	DEBRIS REMOVAL/MOWING	217.50
140	PUMP N PAK	SUPPLIES	12.44
141	QUADIENT FINANCE USA	POSTAGE FOR METER	707.00
142	QUILL	SUPPLIES	419.67
143	RACOM CORPORATION	MAINTENANCE CONTRACT	411.70
144	RECORDED BOOKS, INC	BOOKS	311.21
145	REDI TOWING	TOWING	300.00
146	REFLECTIVE APPAREL FACTORY	WORK SHIRTS	333.73
147	REPUBLIC NATIONAL DISTRIBUTING	MERCHANDISE	23,815.59
148	RIBS, RODS & ROCK N' ROLL	CONTRIBUTION	2,000.00
149	RS PLUMBING SERVICES	REPAIRS	408.62
150	RUNNING SUPPLY, LLC	SUPPLIES	1,100.13
151	SANFORD HEALTH OCCUPATIONAL	TESTING	449.00
152	SANFORD HEALTH PLAN	PARTICIPATION FEE	54.00
153	SANFORD USD MEDICAL CENTER	SUPPLIES	156.40
154	SANITATION PRODUCTS INC	PARTS	431.90
155	SD DEPT OF HEALTH	TESTING	225.00
156	SD DEPT OF PUBLIC SAFETY	TELETYPE SERVICE	3,090.00
157	SD PUBLIC ASSURANCE ALLIANCE	PROPERTY COVERAGE	152.80
158	SD RETIREMENT SYSTEM	CONTRIBUTIONS	60,100.42
159	SD SECRETARY OF STATE	NOTARY BOND FILING FEE	30.00
160	SD SOLID WASTE MANAGEMENT ASSOC	MEMBERSHIP	400.00
161	SD STATE HISTORICAL SOCIETY	MEMBERSHIP	40.00
162	SEH, INC	PROFESSIONAL SERVICES	3,908.81
163	SERVICE MASTER OF SE SOUTH DAKOTA	CUSTODIAL	3,740.35
164	SILVER STAR INDUSTRIES	TOPPER/INSTALLATION	3,312.04
165	SOOLAND BOBCAT	PARTS	1,095.42
166	SOUTHERN GLAZER'S OF SD	MERCHANDISE	12,266.06
167	STAPLES BUSINESS CREDIT	SUPPLIES	784.83
168	STEWART OIL-TIRE CO	REPAIRS	30.00
169	STOCKWELL ENGINEERS, INC	PROFESSIONAL SERVICES	23,700.98
170	STOREY KENWORTHY	SUPPLIES	1,283.46
171	STRYKER SALES CORPORATION	SUPPLIES	373.89
172	STUART C. IRBY CO.	PARTS	3,924.25
173	STURDEVANTS AUTO PARTS	PARTS	1,111.44
174	SYNCB/AMAZON	SUPPLIES/BOOKS/DVDS	840.03
175	TASTE OF HOME BOOKS	BOOK	35.98
176	TESTAMERICA LABORATORIES	TESTING	1,962.00
177	THE UPS STORE #6751	SHIPPING	140.83
178	THOMAS L PRICE INC	EVALUATION/SCREENING	350.00
179	TITLEIST-ACUSHNET COMPANY	MERCHANDISE	5,260.03
180	TRIVIEW COMMUNICATIONS	HANDSET CORD	8.00
181	TURNER PLUMBING	REPAIRS	288.36
182	UNITED PARCEL SERVICE	SHIPPING	36.29
183	UNITED WAY	CONTRIBUTIONS	737.00
184	UNUM LIFE INSURANCE COMPANY	INSURANCE	1,511.07
185	USA BLUEBOOK	SUPPLIES	2,962.72

186 VAST BROADBAND	911 CIRCUIT/DIALUP SERVICE	1,415.45
187 VERIZON WIRELESS	CELL PHONES/IPAD ACCESS	2,322.44
188 VERMILLION ACE HARDWARE	SUPPLIES	965.25
189 VERMILLION CONCRETE	CONCRETE WORK	29,723.17
190 VISA/FIRST BANK & TRUST	FUEL/SUPPLIES	3,735.84
191 WAL-MART COMMUNITY	SUPPLIES	884.61
192 WALT'S HOMESTYLE FOODS, INC	MERCHANDISE	717.40
193 WESCO DISTRIBUTION, INC	SUPPLIES	3,558.13
194 YANKTON MOTORSPORTS LLC	PARTS	625.05
195 YEAGER DIESEL	REPAIRS	967.76
196 ZEE MEDICAL SERVICE	SUPPLIES	237.70
197 ZIEGLER INC	PARTS	194.13
198 ZIMCO SUPPLY CO	SUPPLIES	7,703.00
199 ROBERT NELSON	BRIGHT ENERGY REBATE	250.00
200 DAN GRAVES	BRIGHT ENERGY REBATE	250.00
201 KAREN HANSEN	BRIGHT ENERGY REBATE	250.00
202 MASABA INC	BRIGHT ENERGY REBATE	2,042.28
203 DAWNA ANDERSEN	BRIGHT ENERGY REBATE	25.00
204 TACO JOHN'S	BRIGHT ENERGY REBATE	658.20
	GRAND TOTAL	\$606,984.43