



**Special Meeting Agenda  
City Council**

12:00 p.m. (Noon) Special Meeting  
October 19, 2020

Large Conference Room – City Hall  
25 Center Street  
Vermillion, South Dakota 57069

1. **Roll Call.**
2. **Visitors to Be Heard.**
3. **Update on the Emerald Ash Borer – Park and Recreation Director Jim Goblirsch.**
4. **Update on the electric vehicle charging station – Assistant City Manager James Purdy.**
5. **Briefing on the October 19, 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](http://www.vermillion.us)

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

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

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

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

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



## City of Vermillion Council Agenda

7:00 p.m. Regular Meeting

Monday, October 19, 2020

City Council Chambers

25 Center Street

Vermillion, South Dakota 57069

### 1. Roll Call

### 2. Pledge of Allegiance

### 3. Minutes

- a. October 5, 2020 Special Meeting; October 5, 2020 Regular Meeting.

### 4. Adoption of the Agenda

### 5. Visitors to be Heard

- a. Extra Mile Day Proclamation.
- b. National Veteran Small Business Week Proclamation.

### 6. Public Hearings

- a. Vacation of the west 12-feet of South Harvard Street right-of-way lying adjacent to Lots 6 and 7, Block 74 and Lots 1, 17, 18, 19 and 20, Block 76, Smith's Addition, City of Vermillion, Clay County, South Dakota. (properties between E. Main Street and Summer Street)
- b. Appeal of Planning and Zoning Commission's decision approving a conditional-use permit for the construction and operation of a motor vehicles sales, display, and rental business at 50 West Cherry Street.

### 7. Old Business

- a. Review of Emergency Resolution encouraging the use of face coverings or face masks and determine continuation of the Emergency Resolution.
- b. COVID-19 issues.
- c. Second reading of Emergency Ordinance 1422 to require signage at the entrance to buildings open to the public that states Face Masks Expected per City Resolution.

### 8. New Business

- a. Resolution to establish a fine for a violation of Emergency Ordinance 1422.
- b. First reading of Ordinance 1423 – An Ordinance amending Title IX: General Regulations; Chapter 90 Health & Safety; Nuisances; Adding a Definition of Nuisance Tree Declared to Section 90.71, and Adding Protocol Language to Sections 90.78 Tree Care and 90.81 Tree Removal to Mitigate the Risk of an Emerald Ash Borer Infestation
- c. First reading of Ordinance 1424 – An Ordinance amending Title XV: Land Usage; Chapter 150 Building Regulations Section 150.38 Building and Development in Flood Plain.
- d. Grant Pre-Application Checklist for projects at Harold Davidson Field Airport.
- e. Appointments to Business Improvement District #2 Board.
- f. Request to close portions of W. Main Street on Thursday, December 3, 2020 from 4:30 pm to 7:30 pm for the 5<sup>th</sup> Annual Vermillion Chamber of Commerce and Development Company's Standstill Parade of Lights

### 9. Bid Openings

- a. Recycling Center Improvements Project Bid Opening.

## **10. City Manager's Report**

## **11. Invoices Payable**

## **12. Consensus Agenda**

## **13. Adjourn**

**Access the City Council Agenda on the web – [www.vermillion.us](http://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  
October 5, 2020  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, October 5, 2020 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Hellwege, Holland, Jennewein, Letellier, Price, Willson, Mayor Collier-Wise (all joined by teleconference)

Absent: Humphrey, Ward

2. Visitors to be Heard - None

3. National Music Museum Update - Matt Collinsworth, Director.

Matt Collinsworth, National Music Museum Director, provided a recap of construction over the past two years at the Center for Preservation, National Music Museum addition and the National Music Museum Carnegie existing space. Matt reviewed the plans for the permanent exhibits for the museum. Matt answered questions of the City Council on the museum project and noted that the new addition is scheduled to open in 2021 and the Carnegie space will open in 2022. Matt offered to provide tours of the museum if the City Council wanted.

4. Brooks Industrial Park storm sewer update - City Engineer Jose Dominguez.

Jose Dominguez, City Engineer, reported that the drainage for the Brooks Industrial Park was planned to be addressed by constructing a regional pond around the wetland on the south side of SD Hwy 50. Jose reported that during the design of the pond it was discovered that prior to reaching the elevation required to store the 100-year storm event the water would flow north under the SD Hwy 50 to the wetland on the north and over a small ridge north to Coyote Street. Jose recommended the regional pond should not be constructed in order to avoid possible flooding on private properties up to a half mile away and that each property owners will be required to construct their own detention ponds to mitigate the storm flows generate by their development. Jose reported that the drainage from East Cherry Street flows by pipe north to the south SD Hwy 50 road ditch but that the existing 36-inch pipe doesn't have the capacity as water in the ditch backs into the pipe that causes water to backup resulting in flooding on Cherry Street. Jose reported

with the drainage improvements planned by the SD DOT and the City for the SD Hwy 50 ditch from Dakota Street west should improve the drainage from the Brooks Industrial Park wetland. Jose stated to improve the drainage from Cherry Street north it is proposed that a 36-inch pipe be constructed parallel to the existing pipe from Duke Street north to the SD Hwy 50 south ditch. Jose asked the City Council for authority to change from the detention pond plan option to the second parallel 36-inch pipe for the drainage in the Brooks Industrial Park. Jose answered questions of the City Council on the drainage project. The consensus of the City Council was to authorize staff to move forward with the change in the Brooks Industrial Park drainage plan to include the second 36-inch pipe.

5. Briefing on the October 5, 2020 City Council Regular Meeting

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

6. Adjourn

300-20

Alderman Holland moved to adjourn the Council special session at 1:06 p.m. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Jennewein-Y, Letellier-Y, Price-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 5<sup>th</sup> day of October, 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  
October 5, 2020  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on October 5, 2020 at 7:00 p.m. by Mayor Collier-Wise.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. Minutes of September 21, 2020 Special Meeting; September 21, 2020, Regular Session

301-20

Alderman Willson moved approval of the September 21, 2020 Special Meeting and September 21, 2020 Regular Session 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

302-20

Alderman Willson moved approval of the agenda. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, 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.

5. Visitors to be Heard

A. Damon Alvey - Vermillion Public School District.

Damon Alvey, Superintendent of Vermillion Public Schools, wanted to thank the City Council for the continued partnership with the Public School for the School Resource Officer who is present in the school. Damon also noted the streets around the schools are cleared of snow by city crews, the Parks and Recreations department provides support as well as the Fire\EMS department. Damon again thanked the city for continued support provided to the schools by the City departments.

B. Public Power Week proclamation.

Alderman Ward read the Public Power Week Proclamation recognizing October 4-10, 2020 as Public Power Week, a week-long celebration of Vermillion Light & Power's year-round service to Vermillion.

6. Public Hearings - None

7. Old Business

A. Review of Emergency Ordinance 1419 to require signage at the entrance to buildings open to the public that states Masks Expected per City Resolution and determine continuation of the Ordinance.

John Prescott, City Manager, reported that, at the special City Council meeting held on Tuesday, August 11, 2020, the City Council approved the first reading of Emergency Ordinance No. 1419 with the second reading of the ordinance approved at the August 17, 2020 regular meeting. John noted that the ordinance requires the posting of a sign at buildings open to the public which states that "Masks are expected per City resolution". John reported 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. John noted that no changes were made to the Emergency Ordinance with it was reviewed at the September 8 and 21 meeting. John noted this would be the final time for review as the Emergency Ordinance expires October 16, 2020. John stated that later on the agenda will be consideration of first reading of a similar Emergency Ordinance No 1422. Mayor Collier-Wise stated that if there is no action we will move on to the next item.

B. 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 approved an Emergency Resolution encouraging the use of face masks or face coverings in buildings open to the public. John noted that the emergency resolution was designed to promote the use of face coverings to slow the spread of the coronavirus. 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 reported 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. John noted that there were no changes to the Emergency Resolution during the last three meetings and he does not have any changes to recommend. John noted this would be the final time to review the emergency resolution as it expires on October 10, 2020. John stated that later on the agenda will be consideration of a similar Emergency Resolution to be effective October

11, 2020. Mayor Collier-Wise stated that if there is no action we will move on to the next item.

C. COVID-19 issues.

Mayor Collier-Wise noted that this item was requested to be on the agenda for discussion on COVID-19 issues as the issue is continuing to evolve and hearing none stated we will move on to the next agenda item.

8. New Business

A. Emergency Resolution encouraging the use of face coverings or face masks.

John Prescott, City Manager, reported at the Special Meeting on August 11, 2020, the City Council adopted an Emergency Resolution encouraging the use of face masks or face coverings inside of buildings open to the public. John noted that an emergency resolutions or ordinances expire after 60 days. John stated the Emergency Resolution encouraging the use of face coverings or face masks was adopted August 11, 2020 will expire after October 10, 2020 and the proposed Emergency Resolution has an effective date of October 11, 2020. John stated that face coverings have been determined to be one of the more effective measures to reduce the spread of the coronavirus along with social distancing and hand washing or sanitizing. John noted the Board of Regents, the Vermillion Public School District, and the City of Vermillion have adopted policies in regard to the use of face coverings in their buildings. John noted that review of the emergency resolution will be included on each future regular meeting agenda. John recommended consideration of the emergency resolution which would continue the practice of encouraging the wearing of face masks or face coverings in buildings open to the public. Discussion followed.

333-20

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

EMERGENCY RESOLUTION CREATING AN EXPECTATION  
OF FACE COVERING WEARING DURING THE COVID-19 PANDEMIC

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 the use of face masks or face coverings over the nose and mouth will slow the spread of COVID-19; 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 is requiring face coverings or face masks for all students, faculty, staff and visitors in all public indoor spaces on the University of South Dakota campus; and

WHEREAS, the Vermillion Public School District is 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 building; and

WHEREAS, there is an expectation in the city of the importance of wearing face coverings or face masks while inside public spaces by all residents, visitors or guests.

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

1. All persons entering a commercial establishment in the City of Vermillion are encouraged to wear a face covering or face mask while inside the establishment.

2. All restaurants, retail stores, salons, grocery stores, establishments selling alcohol, pharmacies, lodging establishments, exercise facilities, establishments offering goods and services, or soliciting patronage from the general public are encouraged to require their employees to wear a face covering or face mask at all times while having face-to-face interactions with the public.

3. It is also understood that there are individuals that due to health or other reasons cannot wear a face mask or face covering and/or other situations where face masks or face coverings cannot be worn and in these instances individuals are encouraged to use other protective measures such as social distancing.

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 October 11, 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 5th day of October, 2020.

THE GOVERNING BODY OF THE  
CITY OF VERMILLION, SOUTH DAKOTA  
By \_\_\_\_\_  
Kelsey Collier-Wise, Mayor

ATTEST:  
By \_\_\_\_\_  
Michael Carlson, Finance Officer

The motion was seconded by Alderman Letellier. 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.

B. First reading of Emergency Ordinance 1422 to require signage at the entrance to buildings open to the public that states Face Masks Expected per City Resolution.

John Prescott, City Manager, reported with the previous agenda item, the City Council considered a resolution to continue to promote the use of the face coverings or face masks inside of buildings which are open to the public. John stated the City Council at the August 11 and 17, 2020 meetings adopted Emergency Ordinance 1419 requiring the posting of a sign at buildings open to the public to help promote a community expectation of wearing a face mask or face covering. John stated that proposed Emergency Ordinance 1422 is very similar to previously adopted Emergency Ordinance 1419 which expires on October 16, 2020. John reported proposed Emergency Ordinance 1422 requires a business to have signage which reads Face Mask or Face Coverings are expected. John noted the signs are available at City Hall and the VCDC office and templates which are available on the City's website. John stated the proposed ordinance is an emergency ordinance to provide the City Council with the ability to more quickly implement and continue the requirement to address the ongoing, immediate health issue and will have a life of 60 days following adoption. John stated if first reading is approved, the second reading of Emergency Ordinance 1422 would be part of the regular meeting agenda on Monday, October 19, 2020. John noted that after second reading the fine for violations of the ordinance will be adopted by resolution. John noted that review of the emergency ordinance will be included on each future agenda. John recommended consideration of first reading of emergency ordinance which would continue the requirement of signage the expectation of wearing a face mask or face covering. Discussion followed.

334-20

Mayor Collier-Wise read the title to the above mentioned Ordinance and Alderman Willson moved adoption of the following Resolution:

#### Resolution

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No 1422 entitled 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), of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 5<sup>th</sup> day of October, 2020 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Hellwege. After discussion the question of adoption of the Resolution was put to a roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-N,

Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

C. Resolution adjusting the Storm water drainage fee.

Mike Carlson, Finance Officer, reported that during the budget process it was proposed to raise the storm drainage fee to provide additional revenues for storm drainage projects. Mike noted that the fee is charged to all properties in the city and is included on the property tax statements. Mike stated that the proposed increase will generate \$8,875 of additional revenue for the storm water fund for 2021. Mike reviewed the budgeted expenditures for 2020 and 2021 for the storm drainage fee. Mike noted that for a residential lot of 10,000 square feet, the fee would go from \$32.25 to \$33.38 per year. Discussion followed.

335-20

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

RESOLUTION TO CHANGE STORM DRAINAGE FEE

WHEREAS, Section 53-135 of the 2008 Revised Ordinances of the City of Vermillion allows the City Council to change the city wide property drainage fee; and

WHEREAS, during the annual budget process it was determined additional revenue would be needed for future storm drainage projects.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof of said City at 7:00 p.m. on the 5<sup>th</sup> day of October, 2020 that the fee be changed as follows:

The unit financial charge shall be \$0.000445.

Dated at Vermillion, South Dakota this 5<sup>th</sup> day of October, 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 Hellwege. 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.

D. Resolution Authorizing the Purchase of Three Mowers for the Bluff Golf Course.

Jose Dominguez, City Engineer, reported that the 2021 equipment replacement fund included the replacement of a 2010 Toro Reelmaster 5210D, a 2013 Toro Reelmaster 5210D, and a 2013 Toro Greensmaster TriFlex 3300. Jose reported that administration would like to take advantage of an attractive National Intergovernmental Purchasing Alliance (National IPA) bid. Jose stated that National IPA, in conjunction with member city Tucson, Arizona, renewed its contract with Toro Company and its participating distributors. Jose stated the total bid for a 2021 Toro Greensmaster 3300 TriFlex is \$35,211, and two 2021 Toro Reelmaster 3555D is \$102,376. Jose stated the Toro Company participating distributor for South Dakota is Midwest Turf & Irrigation of Omaha, Nebraska who has agreed to the National IPA prices. Jose noted that Midwest Turf & Irrigation has agreed to take all three City mowers as trade-ins offering \$5,000 for the 2010 Toro Reelmaster 5210D, \$7,000 for the 2013 Toro Reelmaster 5210D, and \$10,000 for the 2013 Toro Greensmaster TriFlex 3300. Jose recommended approving the resolution to purchase a 2021 Toro Greensmaster 3300 TriFlex for \$35,211, and two 2021 Toro Reelmaster 3555D for \$102,376 from the Toro Company's participating distributor, Midwest Turf & Irrigation, and to trade-in the 2010 Toro Reelmaster 5210D, the 2013 Toro Reelmaster 5210D, and the 2013 Toro Greensmaster TriFlex 3300, for a net price of \$115,587. Discussion followed.

336-20

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

RESOLUTION  
AUTHORIZING THE PURCHASE OF THREE MOWERS FOR THE  
BLUFFS GOLF COURSE

WHEREAS, SDCL 5-18A-37 authorizes a governmental entity to enter into agreements with purchasing agents in any other state for purchases under a joint agreement or contract at the accepted bid price and the concurrence of said bidder; and

WHEREAS, the City of Vermillion has reviewed and determined that the bid awarded by National Intergovernmental Purchasing Alliance (National IPA) for three mowers (one 2021 Toro Greensmaster 3300 TriFlex and two 2021

Toro Reelmaster 3555D) from Midwest Turf & Irrigation of Omaha of \$137,587 offers an advantageous price to the City for said items; and

WHEREAS, the bid offered by Midwest Turf & Irrigation of Omaha also includes trade-in values for the City's 2010 Toro Reelmaster 5210D of \$5,000, \$7,000 for the 2013 Toro Reelmaster 5210D, and \$10,000 for the 2013 Toro Greensmaster TriFlex 3300.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota that the City Manager or the City's Finance Officer is hereby authorized to purchase a new 2021 Toro Greensmaster 3300 TriFlex and two 2021 Toro Reelmaster 3555D mowers from Midwest Turf & Irrigation of Omaha, of Omaha, Nebraska for a price of \$115,587 after trade-in.

Dated at Vermillion, South Dakota this 5<sup>th</sup> day of October, 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-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

## 9. Bid Openings

### A. Fuel Quotes

Mike Carlson, Finance Officer, read the monthly fuel quotes and recommended the low quote of Growmark FS on Item 2 and Stern Oil on Items 1, 3 & 4.

Item 1 - 4,350 gal unleaded 10% ethanol: Growmark FS \$1.692, Stern Oil \$1.649, Jerry's Service \$1.99; Item 2 - 1,000 gal unleaded regular: Growmark FS \$1.777, Stern Oil \$1.792, Jerry's Service \$2.12; Item 3 - 3,000 gal No. 2 Diesel fuel dyed: Growmark FS \$1.40, Stern Oil \$1.3843, Jerry's Service \$1.50; Item 4 - 1,000 gal No. 2 diesel fuel-clear: Growmark FS \$1.67, Stern Oil \$1.6643, Jerry's Service \$2.044.

337-20

Alderman Ward moved approval of the low quote of Growmark FS on Item 2 and Stern Oil on Items 1, 3 & 4. 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.

#### B. Electric Transformers.

Shane Griese, Utilities Manager, reported the Light and Power Department receives bids for electric transformers to either replenish inventory or prepare for specific projects. Shane reported four bids with appropriate bid security were received from three suppliers for the transformers and one bid was received that lacked the proper bid security. Shane noted that transformer bids are evaluated for operating losses over the transformer life cycle as part of determining the low bidder. Shane stated the total base price is the initial cost to acquire the transformers, while the total evaluation price represents the total life cost of the transformers including operating losses. Shane reported the low bid from Irby is for Amorphous core transformers manufactured by Howard. Shane recommended that the bid be rejected as the Amorphous core transformers are not the preferred option for the city as 99% of the existing transformers have silicon steel cores. Shane noted that in addition to this material difference, there have also been some negative experiences with Howard transformers in the past, specifically the doors and rusting. Shane recommended the second lowest responsible bid from RESCO for Silicon steel core transformers manufactured by Ermco. Discussion followed.

Bids: Border States total base bid \$59,514.00, total evaluation price \$108,530.40; RESCO total base bid \$48,843.00, total evaluation price \$104,567.60; Irby amorphous core total base bid \$62,856.00, total evaluation price \$103,639.40; Irby silicon core total base bid \$60,036.00, total evaluation price \$111,888.40; WESCO not read as lacked the required bid security.

338-20

Alderman Ward moved to reject the bid of Irby for Amorphous core transformers manufactured by Howard as the silicon steel cores are the preferred option and to some negative experiences with the Howard transformer doors and accept the low responsible bid from RESCO for Silicon steel core transformers manufactured by Ermco with an initial purchase price of \$48,843.00 and a total evaluated bid of \$104,567.60. 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.

### C. Recycling Center Improvements Project Bid Opening.

Jose Dominguez, City Engineer, reported the Recycling Center, located at 840 N Crawford Road, functions as the collection point for all recyclable materials generated in the Vermillion area. Jose noted the existing building was built in 1972 by a private company as a warehouse and was not originally designed to function as a recycling center. Jose reported in early 2019, the City hired Burns & McDonnell to complete an evaluation of the current building and make recommendations for safety and efficiency improvements which would better serve the public and the employees working at the facility. Jose stated early in 2020, the City requested from the Solid Waste Management Program administered by the SD DENR a grant to cover a recycling center renovation project totaling \$686,500 that included preliminary engineering, final engineering, and construction costs. Jose reported the SD DENR awarded the City a grant covering 50% of the cost, not to exceed \$343,000. Jose noted in May 2020, the City Council entered into an agreement with Burns & McDonnell to complete a set of plans and specifications to complete the improvements at the Recycling Center. Jose reported the plans and specifications asked for bids on a base bid and three bid alternates. Jose noted two of the bid alternates provide for repair to parts of the metal siding, while the third bid alternate replaces the floor under the new fire rated wall. Jose reported the City opened bids on this project on September 30, 2020 with two bids received. Jose noted as the low bid was in excess of the engineer's estimate of \$560,000 staff is currently working with the low bidder to see if it is possible to modify the project to lower the construction cost. Jose stated due to the short timeframe between the bid opening and the City Council meeting, staff has not been able to engage in extensive discussions with the low bidder yet. Jose recommended that the City Council table the decision to award the bid on the project to allow more extensive discussions on the project. Discussion followed.

Bids: Sunkota Construction, Inc., Sioux Falls, base bid \$592,000.00, alternate bid \$29,100.00; Peska Construction, Inc., Sioux Falls, base bid \$712,346.00, alternate bid \$32,220.00.

339-20

Alderman Hellwege moved to table action on the Recycling Center Improvements Project Bids until the October 19 meeting. 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.

### 10. City Manager's Report

A. John reported a permit to exceed permissible sound levels was issued for a free USD and VHS concert in Prentis Park on Sunday, October 11 from 2:00 p.m. to 5:00 p.m. with a rain date of October 18 at the same times.

B. John reported City offices will be closed on Monday, October 12 for Native American Day.

C. John reported the Annual Household Hazardous Waste collection will be at the Missouri Valley Recycling Center on Friday, October 16 from 2:00 p.m. to 6:00 p.m. with the cost being \$10 per vehicle.

D. John reported there are two terms on Business Improvement District #2 that are expiring. John asked interested individuals to complete an Expression of Interest form by 5:00 p.m. on Thursday, October 15 in anticipate the City Council will make the appointments at the October 19 City Council meeting.

E. John reported the Historic Preservation Commission meets on Wednesday, October 7 at 9:00 a.m.

F. John reported on the November 3<sup>rd</sup> General Election ballot is a section labeled Municipal Question. John stated the question is in regard to the adoption of a Home Rule charter for the City of Vermillion. John noted a Yes vote is to adopt the Charter and a No vote is to not adopt the Charter. John reported a copy of the entire proposed Home Rule Charter for the City of Vermillion is available on the City's website under latest headlines.

G. Upon request John noted that Census deadline date is being resolved by the courts but encouraged residents that have not completed the Census to do so now.

PAYROLL ADDITIONS AND CHANGES

Library: Amanda Raiche \$20.29/hr, Wendy Nilson \$23.12/hr; Wastewater: Kyle Hoisington \$22.99; Landfill: Jordyn Mockler \$14.36

11. Invoices Payable

340-20

Alderman Willson moved approval of the following invoices:

A&A Refrigeration	repairs	231.12
A-1 Portable Toilets	portable toilet rental	700.00
A-Ox Welding Supply Co	carbon dioxide	3,085.50
ABI Attachments, Inc	water trailer/motor/pump	5,477.71
ADAPCO, Inc	supplies	2,304.00

Amazon Business	supplies	229.35
American Public Work Assoc	membership dues	700.00
APPEARA	towels	90.68
Aqua-Pure Inc	chemicals	10,464.00
Aramark Uniform Services	uniform cleaning	984.33
Argus Leader Media #1085	subscription	28.00
ASTECH	refund hydrant deposit	547.08
Automatic Building Control	annual inspection	459.00
Avera Occupational Medicine	testing	63.55
Banner Associates, Inc	professional services	2,214.50
Basin Electric Power Coop	repairs	610.50
Beacon Athletics	ballfield supplies	1,186.00
Bierschbach Eqpt & Supply	supplies	716.20
Blackstone Publishing	books	150.00
Border States Elec Supply	supplies	543.96
Bound Tree Medical, LLC	supplies	169.68
Breit & Boomsma PC	garnishment	411.10
Broadcaster Press	advertising	205.00
Burns & McDonnell	professional services	59,046.71
Cask & Cork	merchandise	396.00
Century Business Products	copier contract/copies	208.86
Chamberlain Oil Co	supplies	462.72
Chesterman Co	merchandise	142.56
City Of Vermillion	copies/postage	995.75
City Of Vermillion	utility bills	43,656.07
Civicplus	website setup fee/hosting	5,200.00
Coast To Coast Solutions	supplies	259.92
Colonial Life Acc Ins.	insurance	3,033.29
Concrete Materials	washed chips	20,018.60
Core & Main LP	supplies	12,695.37
Crouch Recreation	bleachers	7,750.00
Dakota Beverage	merchandise	10,381.67
Dakota Pc Warehouse	supplies	158.90
Delta Dental Plan	insurance	6,224.32
DEMCO	supplies	1,080.66
Dennis Martens	maintenance	833.34
DETCO	chemicals	750.93
DGR Engineering	professional services	185.00
Dubois Chemicals	soda ash	29,101.50
Echo Electric Supply	parts	2,102.17
Ed M. Feld Eqpt Co	supplies	668.42
Elite Medical Equipment	ambulance equipment	9,255.00
Energy Laboratories	testing	1,188.50

Engraver's Edge	nametags	32.85
Erickson Solutions Group	computer/prof services	5,439.78
Evan Rolling	meals/mileage reimbursement	278.72
Evident, Inc	supplies	85.50
Farmer Brothers Co.	supplies	184.00
Farner Bocken Company	merchandise	755.39
Fast Auto Glass	repairs	390.47
FedEx.	shipping	13.59
Foreman Media	council mtg	100.00
Global Dist.	merchandise	485.00
Graymont (WI) LLC	chemicals	8,076.85
Gregg Peters	rent/freight	2,526.30
Hartington Tree LLC	stump removal	812.00
Hauger Lawn Service	mowing	132.00
Heartland Humane Society	professional services	330.00
Heiman Fire Equipment	parts	1,395.05
Herren-Schempp Building	supplies	33.90
High Point Networks	repairs	510.00
Houston Engineering Inc	professional services	1,259.25
Hy Vee Food Store	merchandise	71.19
IMS Alliance	name tags	50.00
In Control, Inc	professional services	144.00
Industrial Chem Labs	lift station degreaser	464.38
Ingram	books	2,780.18
International Code Council	manuals	317.60
Jacks Uniform & Eqpt	uniform	1,145.35
Jay's Plumbing	repairs	8,745.95
John A Conkling Dist.	merchandise	5,143.35
John Henry Foster	parts	316.77
Johnsen Heating & Cooling	geo system	22,704.12
Johnson Brothers Of SD	merchandise	13,236.51
Johnson Electric	underground reimbursement	669.20
Johnson Feed, Inc	repairs	2,355.46
Johnstone Supply	filters	414.46
Jones Food Center	supplies	317.60
Kairoi, Inc	maintenance agreement	250.00
Karsten Mfg Corp	merchandise	1,176.47
Key Contracting, Inc	manhole work	42,326.65
Leisure Lawn Care	fertilize/weed control	57.00
Locators And Supplies, Inc	marking paint	52.45
Loffler	printer/copies	4,837.00
M & M Construction LLC	Prentis park grading	2,800.00
Mart Auto Body	towing	1,300.00

Matheson Tri-Gas, Inc	medical oxygen	637.95
McCulloch Law Office	professional services	2,216.90
Mead Lumber	supplies	41.88
Medical Waste Transport, Inc	haul medical waste	213.41
Medline Industries, Inc	protective gloves	951.95
Menards	supplies	852.20
Meredith Books	books	33.91
Micro Marketing LLC	books	347.92
Midwest Alarm Co	alarm monitoring	81.00
Midwest Ready Mix & Equip	rock/rebar	1,398.25
Midwest Turf & Irrigation	parts	1,494.99
MRES	oil sampling	629.00
Missouri Valley Maintenance	repairs	675.21
Mizuno USA	merchandise	73.86
Mobotrex Mobility & Traffic	parts	838.00
Moore Welding & Mfg	parts	113.15
MSC Industrial Supply Co	supplies	412.46
Mr Golf	repairs	226.55
NCL Of Wisconsin, Inc	chemicals	908.98
Netsys+	subscription renewal/repairs	836.50
Noridian	refund amb overpayment	1,421.58
North American Rescue	protective vests	11,278.76
O'Reilly Auto Parts	parts	11.66
PCC, Inc	commission	3,509.59
Phelps	uniforms	2,560.50
Pizza Ranch	fun zone cards/pizza	734.23
Positive Promotions	promotional supplies	983.72
Pressing Matters	notary stamp	31.00
Presto-X-Company	inspection/treatment	180.00
Print Source	supplies	602.50
Prochem Dynamics	supplies	301.45
Property Maintenance Service	mowing	178.88
Pump N Pak	distilled water	3.78
Quill	supplies	61.40
Racom Corporation	maintenance	411.70
Ragnasoft, Inc	subscription	1,225.00
Recorded Books, Inc	books	425.60
Redi Towing	towing	225.00
Republic National Dist	merchandise	16,104.42
Riekes Equipment Co.	forklift	26,914.54
Riverside Technologies, Inc	computers	4,676.00
Running Supply, LLC	supplies	1,621.57
Rusty Jensen	reimbursement	142.95

Sanford Health Occupational	pre-employment testing	852.00
Sanford Health Plan	participation fee	54.00
Sanford USD Medical Center	supplies	306.31
Sanitation Products Inc	parts	845.25
Schaeffer Mfg. Co	supplies	939.20
SD Assoc. Of Rural Wtr Sys	annual dues	1,225.00
SD Dept Of Health	testing	150.00
SD Dept Of Transportation	bike path	514.29
SD Federal Property Agency	supplies	450.00
SD Retirement System	contributions	60,616.58
Security Shredding Service	shredding	35.00
SEH, Inc	HWY 50 drainage	27,680.52
Service Master Of Se SD	custodial	3,740.35
Siouxland Concrete Co	pea rock	77.68
Sooland Bobcat	part	10.77
Southern Glazer's Of Sd	merchandise	10,957.95
Staples Business Credit	supplies	610.81
Stockwell Engineers, Inc	downtown streetscape	43,756.93
Stuart C. Irby Co.	supplies	362.50
Sturdevants Auto Parts	parts	1,205.36
Syncb/Amazon	books/dvds/supplies	774.68
Tapco	supplies	835.40
Taste Of Home Books	books	35.98
Todd Halverson	safety boots reimbursement	100.00
Tractor Supply Credit Plan	supplies	43.98
True Fabrications	merchandise	71.76
Two Way Solutions	pager/chargers	1,913.89
United Accounts Inc	garnishment	623.38
United Laboratories	supplies	1,908.00
United Way	contributions	737.00
Unum Life Insurance Company	insurance	1,509.68
USA Bluebook	repairs	528.40
Utility Equipment Co.	water meters	7,697.64
Vast Broadband	dialup service/911 circuit	1,415.45
Verizon Wireless	gateway modem/cell phones	2,622.69
Vermeer High Plains	radio detection locator	6,029.86
Vermillion Ace Hardware	supplies/parts	681.26
VCDC	sponsorship-Platz	200.00
Vermillion Concrete	concrete work	200.50
Vermillion Rotary Club	dues/meals	56.25
Vermillion Youth Football	registration fees	5,594.45
Visa/First Bank & Trust	fuel/supplies/repairs	2,605.97
Vista Outdoor Sales, LLC	merchandise	728.61

Wahltek	text capture enabler	2,270.00
Wal-Mart Community	supplies	743.39
Walt's Homestyle Foods, Inc	merchandise	374.60
Wesco Distribution, Inc	supplies	6,140.06
Williams & Co.	2019 audit - final	4,200.00
Yankton Janitorial Supply	supplies	39.78
Zee Medical Service	supplies	50.95
Ziegler Inc	parts	73.26
Zimco Supply Co	supplies	6,640.00
Rich Walker	Bright Energy Rebate	350.00
Kalins Indoor Comfort	Bright Energy Rebate	100.00
Patrick Morrison	Bright Energy Rebate	250.00
MASABA	Bright Energy Rebate	1,581.12

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.

12. Consensus Agenda - None

13. Adjourn

341-20

Alderman Ward moved to adjourn the Council Meeting at 7:41 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 5<sup>th</sup> day of October, 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 \_\_\_\_\_.



# PROCLAMATION

RECOGNIZING NOVEMBER 1, 2020 AS EXTRA MILE DAY

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**WHEREAS**, Vermillion, South Dakota is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

**WHEREAS**, Vermillion is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

**WHEREAS**, Vermillion is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

**WHEREAS**, Vermillion acknowledges the mission of Extra Mile America to create 500 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2020.

**NOW, THEREFORE, BE IT RESOLVED** the governing body of the City of Vermillion, South Dakota, do hereby proclaim November 1, 2020 as

## EXTRA MILE DAY

and encourage each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

Dated at Vermillion, South Dakota this 19<sup>th</sup> day of October, 2020.

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

By \_\_\_\_\_  
Kelsey Collier-Wise, Mayor

ATTEST:

By \_\_\_\_\_  
Michael D. Carlson, Finance Officer



# PROCLAMATION

RECOGNIZING NOVEMBER 2-6 AS NATIONAL VETERAN SMALL BUSINESS WEEK

**WHEREAS**, nearly one out of ten small businesses across the United States is veteran owned -- from Main Street store fronts to virtual high-tech startups that advance America, veteran owned small businesses are a pillar of our economy and contribute to the foundation of our nation; and

**WHEREAS**, veteran small business owners have energy, skills, and discipline further developed by their military service, a selfless commitment to our country and communities, and a focused passion for what they do; and

**WHEREAS**, when we resolve ourselves to create thriving communities, jobs, and economic growth in America, we must support and consider the contributions made by our veteran entrepreneurs; and

**WHEREAS**, National Veterans Small Business Week highlights the programs and services available to veteran entrepreneurs through the U.S. Small Business Administration and resource partners; and

**WHEREAS**, the City of Vermillion supports and joins in this national effort to help America's veteran owned small businesses do what they do best -- grow their business, create jobs, and ensure that our communities remain vibrant.

**NOW, THEREFORE, BE IT RESOLVED** that we, the governing body of the City of Vermillion, South Dakota, do hereby proclaim November 2 - 6, 2020 as

## NATIONAL VETERANS SMALL BUSINESS WEEK

Dated at Vermillion, South Dakota this 19<sup>th</sup> day of October, 2020.

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

By \_\_\_\_\_  
Kelsey Collier-Wise, Mayor

ATTEST:

By \_\_\_\_\_  
Michael D. Carlson, Finance Officer

## *Council Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** October 19, 2020

**Subject:** Vacation of the west 12-feet of South Harvard Street right-of-way lying adjacent to Lots 6 and 7, Block 74 and Lots 1, 17, 18, 19 and 20, Block 76, Smith's Addition, City of Vermillion, Clay County, South Dakota

**Presenter:** Jose Dominguez

**Background:** The City received petitions to vacate the west 12-feet of the South Harvard Street right-of-way between East Main Street and Summer Street from all of the adjacent property owners. There are seven individual property owners owning property along this portion of the street. All seven property owners submitted petitions to the City for the vacation of the west 12-feet of the South Harvard Street right-of-way.

The request to vacate the portion of South Harvard Street was commenced by the owner of 221 E. Main Street. The owner wants to construct a retaining wall along his South Harvard Street sidewalk to increase the usable yard space on their property. They have been discussing vacating a portion of South Harvard Street since 2019.

The utility providers were contacted by the owner seeking the vacation of the portion of the street. The utilities have agreed with the vacation as long as a utility easement for their use is maintained at the intersection between the previously vacated alleyway and South Harvard Street. The easement would be 20-foot-long by 12-foot-wide.

**Discussion:** There are two statutes that direct municipalities how to vacate street/alley right-of-way. One of the statutes is used when the street/alley has not been used for more than 20-years (SDCL 9-45-10). The street is currently open and has been used during the last 20-years.

The second statute, SDCL 9-45-9, is used when the street has been used in the last 20-years. This statute requires a public hearing where the City Council will hear all evidence and testimony of the parties interested in vacating the street. After the hearing, the City Council may declare the street vacated via adoption of a resolution passed by 2/3 of all of the members of the City Council. For the Vermillion City Council to pass the resolution approving the vacation, six members need to vote in favor of the vacation.

When vacating a street in use, Staff considers the following impacts: access to properties, fire protection, and general traffic.

Access to Properties	Access to properties will not be impacted by the vacation.
Fire Protection	Fire protection will not be negatively impacted by the vacation.
General Traffic	Traffic (vehicular or pedestrian) will not be negatively impacted by the vacation.

**Financial Consideration:** The City will record the vacation at a cost of \$30.00.

**Conclusion/Recommendations:** Administration recommends the vacation of the west 12 feet of South Harvard Street lying adjacent to Lots 6 and 7, Block 74 and Lots 1, 17, 18, 19 and 20, Block 76, Smith’s Addition, City of Vermillion, Clay County, South Dakota, and maintaining a 20-foot-long and 12-foot-wide utility easement at the previous intersection between the now vacated east-west alley and South Harvard Street.

**RESOLUTION VACATING THE WEST 12 FEET OF THE SOUTH HARVARD STREET  
RIGHT-OF-WAY LYING ADJACENT TO LOTS 6 and 7, BLOCK 74 and LOTS 1, 17, 18, 19  
and 20, BLOCK 76, SMITH'S ADDITION, CITY OF VERMILLION, CLAY COUNTY, SOUTH  
DAKOTA**

**WHEREAS**, the City of Vermillion has received a petition for the vacation of the west 12 feet of South Harvard Street lying adjacent to Lots 6 and 7, Block 74 and Lots 1, 17, 18, 19 and 20, Block 76, Smith's Addition, City of Vermillion, Clay County, South Dakota, which petition has consent in writing from all adjoining property owners; and

**WHEREAS**, notice of the public hearing has been published for two successive weeks in the official newspaper designated by the City; and

**WHEREAS**, utilities have been notified and have requested that the existing 20-foot utility easement created through the resolution adopted on February 18, 2020 which vacated the alleyway lying between Lots 1 through 6 and Lot 7, Block 74, Smiths Addition, City of Vermillion, Clay County, South Dakota, be reserved and maintained throughout the above-described portion of South Harvard Street being vacated; and

**WHEREAS**, the property owners on each side of the street have acknowledged the reservation and maintenance of the mentioned 20-foot-long by 12-foot-wide easement for location, construction, installation, maintenance, reconstruction, repair and operation of utilities along and across the above-described street area being vacated; and

**WHEREAS**, if a future petition is received requesting the remainder of the mentioned street right-of-way be vacated, and if said petition is approved, 28 feet of the right-of way will revert to the west property owners and 40 feet will revert to the east property owners; and

**WHEREAS**, SDCL 9-45-9 provides authority for the City Council to vacate streets, alleys or public grounds that have been in use.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Vermillion that the west 12 feet of South Harvard Street lying adjacent to Lots 6 and 7, Block 74 and Lots 1, 17, 18, 19 and 20, Block 76, Smiths Addition, City of Vermillion, Clay County, South Dakota is hereby vacated and a 20-foot-long by 12-foot-wide utility easement is reserved and maintained on the vacated street area.

Dated at Vermillion, South Dakota this 19<sup>th</sup> day of October 2020.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

By \_\_\_\_\_  
Kelsey Collier-Wise, Mayor

ATTEST:

By \_\_\_\_\_  
Michael D. Carlson, Finance Officer



PETITION TO VACATE ALLEYWAY

The undersigned owners hereby request the Governing Board of the City of Vermillion, South Dakota, to vacate, pursuant to SDCL 9-45-7, a portion of a used right-of-way described as:

The west 12-feet of the South Harvard Street right-of-way between East Main Street and Summer Street lying directly adjacent to Block 74, Smiths Addition, City of Vermillion, Clay County, South Dakota.

Owners further state that they are the owners of all abutting and affected property to the portion of the street that the owners request the City to vacate, namely:

Lots 4, 5, 6, and N 1/2 of Vac Alley Adj, Block 74; and, E 1/2 N 1/2 of Lot 7 & S 1/2 Vac Alley Adj, Block 74; and, E 1/2 S 1/2 of Lot 7, Block 74; and, Lots 1 & 2, Block 76; and, Lot 20, Block 76; and, Lot 19, Block 76; and, Lots 17 & 18, Block 76; all in Smiths Addition, City of Vermillion, Clay County, South Dakota.

Owners further state that the street whose portion of right-of-way they are requesting to be vacated is being used as a street.

The owners further state that to their best information and belief, the public interest will be better served if the portion of the street is vacated.

OWNERS:

Lots 4, 5 & 6; and, N 1/2 Vac Alley Adj, Block 74, Smiths Addition, City of Vermillion, Clay County, South Dakota.

[Signature] acting as the owner for 221 E. Main Street.

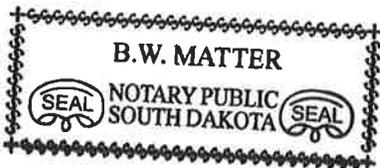
[Signature] acting as the owner for 221 E. Main Street.

STATE OF SOUTH DAKOTA )
:SS
COUNTY OF CLAY )

Carson Merkuu and Courtney Merkuu acting as the owner(s) of 221 E. Main Street, Vermillion, SD, petitioner(s), depose(s) and say(s) that she/he/they has/have read the above petition and know the contents thereof and that the same is true of her/his/their own knowledge.

Subscribed and sworn to before me this 11th day of September, 2020

[Signature]



Notary Public - South Dakota

My Commission Expires: 03/26/26

PETITION TO VACATE ALLEYWAY

The undersigned owners hereby request the Governing Board of the City of Vermillion, South Dakota, to vacate, pursuant to SDCL 9-45-7, a portion of a used right-of-way described as:

The west 12-feet of the South Harvard Street right-of-way between East Main Street and Summer Street lying directly adjacent to Block 74, Smiths Addition, City of Vermillion, Clay County, South Dakota.

Owners further state that they are the owners of all abutting and affected property to the portion of the street that the owners request the City to vacate, namely:

Lots 4, 5, 6, and N 1/2 of Vac Alley Adj, Block 74; and, E 1/2 N 1/2 of Lot 7 & S 1/2 Vac Alley Adj, Block 74; and, E 1/2 S 1/2 of Lot 7, Block 74; and, Lots 1 & 2, Block 76; and, Lot 20, Block 76; and, Lot 19, Block 76; and, Lots 17 & 18, Block 76; all in Smiths Addition, City of Vermillion, Clay County, South Dakota.

Owners further state that the street whose portion of right-of-way they are requesting to be vacated is being used as a street.

The owners further state that to their best information and belief, the public interest will be better served if the portion of the street is vacated.

OWNERS:

E 1/2 N 1/2 of Lot 7 & S 1/2 Vac Alley Adj, Block 74, Smiths Addition, City of Vermillion, Clay County, South Dakota.

Linda K. Matter acting as the \_\_\_\_\_ for 17 S Harvard Street.

Carl A. Matter acting as the \_\_\_\_\_ for 17 S Harvard Street.

STATE OF South Dakota )
:SS
COUNTY OF Beadle )

Linda K. Matter and Carl A. Matter acting as the owner(s) of 17 S Harvard Street, Vermillion, SD, petitioner(s), depose(s) and say(s) that she/he/they has/have read the above petition and know the contents thereof and that the same is true of her/his/their own knowledge.

Subscribed and sworn to before me this 14th day of July, 2020

Ron J. Volesky
Ron J. Volesky

Seal

Notary Public: Ron J. Volesky

My Commission Expires: 3-7-2023

PETITION TO VACATE ALLEYWAY

The undersigned owners hereby request the Governing Board of the City of Vermillion, South Dakota, to vacate, pursuant to SDCL 9-45-7, a portion of a used right-of-way described as:

The west 12-feet of the South Harvard Street right-of-way between East Main Street and Summer Street lying directly adjacent to Block 74, Smiths Addition, City of Vermillion, Clay County, South Dakota.

Owners further state that they are the owners of all abutting and affected property to the portion of the street that the owners request the City to vacate, namely:

Lots 4, 5, 6, and N 1/2 of Vac Alley Adj, Block 74; and, E 1/2 N 1/2 of Lot 7 & S 1/2 Vac Alley Adj, Block 74; and, E 1/2 S 1/2 of Lot 7, Block 74; and, Lots 1 & 2, Block 76; and, Lot 20, Block 76; and, Lot 19, Block 76; and, Lots 17 & 18, Block 76; all in Smiths Addition, City of Vermillion, Clay County, South Dakota.

Owners further state that the street whose portion of right-of-way they are requesting to be vacated is being used as a street.

The owners further state that to their best information and belief, the public interest will be better served if the portion of the street is vacated.

OWNERS:

E 1/2 S 1/2 of Lot 7, Block 74, Smiths Addition, City of Vermillion, Clay County, South Dakota.

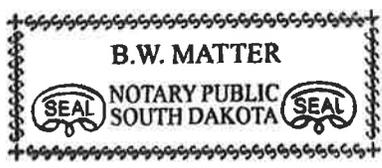
Terry Bernard acting as the owner for 23 S Harvard Street.

\_\_\_\_\_ acting as the \_\_\_\_\_ for 23 S Harvard Street.

STATE OF South Dakota )
COUNTY OF Clay ) :SS

Terry Bernard and \_\_\_\_\_ acting as the owner(s) of 23 S Harvard Street, Vermillion, SD, petitioner(s), depose(s) and say(s) that she/he/they has/have read the above petition and know the contents thereof and that the same is true of her/his/their own knowledge.

Subscribed and sworn to before me this 19th day of July, 2020



[Signature]
Notary Public
My Commission Expires 03/26/26

My Commission Expires: 03/26/26

**PETITION TO VACATE ALLEYWAY**

The undersigned owners hereby request the Governing Board of the City of Vermillion, South Dakota, to vacate, pursuant to SDCL 9-45-7, a portion of a used right-of-way described as:

**The west 12-feet of the South Harvard Street right-of-way between East Main Street and Summer Street lying directly adjacent to Block 74, Smiths Addition, City of Vermillion, Clay County, South Dakota.**

Owners further state that they are the owners of all abutting and affected property to the portion of the street that the owners request the City to vacate, namely:

**Lots 4, 5, 6, and N ½ of Vac Alley Adj, Block 74; and, E ½ N ½ of Lot 7 & S ½ Vac Alley Adj, Block 74; and, E ½ S ½ of Lot 7, Block 74; and, Lots 1 & 2, Block 76; and, Lot 20, Block 76; and, Lot 19, Block 76; and, Lots 17 & 18, Block 76; all in Smiths Addition, City of Vermillion, Clay County, South Dakota.**

Owners further state that the street whose portion of right-of-way they are requesting to be vacated is being used as a street.

The owners further state that to their best information and belief, the public interest will be better served if the portion of the street is vacated.

OWNERS:

Lots 1 & 2, Block 76, Smiths Addition, City of Vermillion, Clay County, South Dakota.

Travis Loef acting as the Owner for 303 E Main Street.

M.K.M. Loef acting as the owner for 303 E Main Street.

STATE OF South Dakota )  
:SS  
COUNTY OF Minnehaha )

Travis Loef and Meghan McCawley Loef acting as the owner(s) of 303 E Main Street, Vermillion, SD, petitioner(s), depose(s) and say(s) that she/he/they has/have read the above petition and know the contents thereof and that the same is true of her/his/their own knowledge.

Subscribed and sworn to before me this 21 day of July, 2020

Rebecca Carpenter

Notary Public

My Commission Expires: 5-16-23



PETITION TO VACATE ALLEYWAY

The undersigned owners hereby request the Governing Board of the City of Vermillion, South Dakota, to vacate, pursuant to SDCL 9-45-7, a portion of a used right-of-way described as:

The west 12-feet of the South Harvard Street right-of-way between East Main Street and Summer Street lying directly adjacent to Block 74, Smiths Addition, City of Vermillion, Clay County, South Dakota.

Owners further state that they are the owners of all abutting and affected property to the portion of the street that the owners request the City to vacate, namely:

Lots 4, 5, 6, and N 1/2 of Vac Alley Adj, Block 74; and, E 1/2 N 1/2 of Lot 7 & S 1/2 Vac Alley Adj, Block 74; and, E 1/2 S 1/2 of Lot 7, Block 74; and, Lots 1 & 2, Block 76; and, Lot 20, Block 76; and, Lot 19, Block 76; and, Lots 17 & 18, Block 76; all in Smiths Addition, City of Vermillion, Clay County, South Dakota.

Owners further state that the street whose portion of right-of-way they are requesting to be vacated is being used as a street.

The owners further state that to their best information and belief, the public interest will be better served if the portion of the street is vacated.

OWNERS:

Lot 20, Block 76, Smiths Addition, City of Vermillion, Clay County, South Dakota.

Mark Ebach acting as the owner for 14 S Harvard Street.

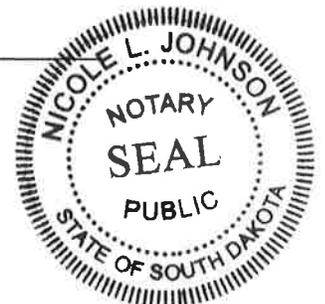
M Ebach acting as the owner for 14 S Harvard Street.

STATE OF South Dakota )
:SS
COUNTY OF Pennington )

Mark Ebach and acting as the owner(s) of 14 S Harvard Street, Vermillion, SD, petitioner(s), depose(s) and say(s) that she/he/they has/have read the above petition and know the contents thereof and that the same is true of her/his/their own knowledge.

Subscribed and sworn to before me this 9 day of July, 2020

Nicole R Johnson
Notary Public



My Commission Expires: 05/19/23

PETITION TO VACATE ALLEYWAY

The undersigned owners hereby request the Governing Board of the City of Vermillion, South Dakota, to vacate, pursuant to SDCL 9-45-7, a portion of a used right-of-way described as:

The west 12-feet of the South Harvard Street right-of-way between East Main Street and Summer Street lying directly adjacent to Block 74, Smiths Addition, City of Vermillion, Clay County, South Dakota.

Owners further state that they are the owners of all abutting and affected property to the portion of the street that the owners request the City to vacate, namely:

Lots 4, 5, 6, and N 1/2 of Vac Alley Adj, Block 74; and, E 1/2 N 1/2 of Lot 7 & S 1/2 Vac Alley Adj, Block 74; and, E 1/2 S 1/2 of Lot 7, Block 74; and, Lots 1 & 2, Block 76; and, Lot 20, Block 76; and, Lot 19, Block 76; and, Lots 17 & 18, Block 76; all in Smiths Addition, City of Vermillion, Clay County, South Dakota.

Owners further state that the street whose portion of right-of-way they are requesting to be vacated is being used as a street.

The owners further state that to their best information and belief, the public interest will be better served if the portion of the street is vacated.

OWNERS:

Lot 19, Block 76, Smiths Addition, City of Vermillion, Clay County, South Dakota.

merrigan Properties LLC

Nick Merrigan acting as the owner for 20 S Harvard Street.

\_\_\_\_\_ acting as the \_\_\_\_\_ for 20 S Harvard Street.

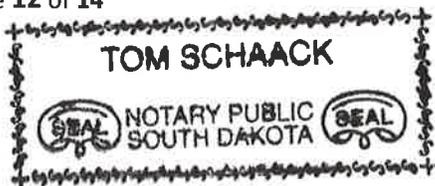
STATE OF South Dakota )

COUNTY OF Clay ) :SS

Nick Merrigan and \_\_\_\_\_ acting as the owner(s) of 20 S Harvard Street, Vermillion, SD, petitioner(s), depose(s) and say(s) that she/he/they has/have read the above petition and know the contents thereof and that the same is true of her/his/their own knowledge.

Subscribed and sworn to before me this 4th day of August 2020

Tom Schaack
Notary Public



My Commission Expires:

10/25/2025

PETITION TO VACATE ALLEYWAY

The undersigned owners hereby request the Governing Board of the City of Vermillion, South Dakota, to vacate, pursuant to SDCL 9-45-7, a portion of a used right-of-way described as:

The west 12-feet of the South Harvard Street right-of-way between East Main Street and Summer Street lying directly adjacent to Block 74, Smiths Addition, City of Vermillion, Clay County, South Dakota.

Owners further state that they are the owners of all abutting and affected property to the portion of the street that the owners request the City to vacate, namely:

Lots 4, 5, 6, and N 1/2 of Vac Alley Adj, Block 74; and, E 1/2 N 1/2 of Lot 7 & S 1/2 Vac Alley Adj, Block 74; and, E 1/2 S 1/2 of Lot 7, Block 74; and, Lots 1 & 2, Block 76; and, Lot 20, Block 76; and, Lot 19, Block 76; and, Lots 17 & 18, Block 76; all in Smiths Addition, City of Vermillion, Clay County, South Dakota.

Owners further state that the street whose portion of right-of-way they are requesting to be vacated is being used as a street.

The owners further state that to their best information and belief, the public interest will be better served if the portion of the street is vacated.

OWNERS:

Lots 17 & 18, Block 76, Smiths Addition, City of Vermillion, Clay County, South Dakota.

[Signature] acting as the Owner for 24 S Harvard Street.

[Signature] acting as the Owner for 24 S Harvard Street.

STATE OF California )
:SS
COUNTY OF San Mateo )

Ashlin Marshwood and Evan Seite acting as the owner(s) of 24 S Harvard Street, Vermillion, SD, petitioner(s), depose(s) and say(s) that she/he/they has/have read the above petition and know the contents thereof and that the same is true of her/his/their own knowledge.

Subscribed and sworn to before me this 29 day of Aug, 2020

Maribel Sanchez Aguilera  
Notary Public



My Commission Expires: 12/13/2023

## *Council Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** October 19, 2020

**Subject:** Appeal of Planning and Zoning Commission's Decision approving a Conditional-Use Permit for the Construction and Operation of a Motor Vehicles Sales, Display, and Rental Business at 50 West Cherry Street

**Presenter:** Jose Dominguez

**Background:** The City received an application for a Conditional-Use Permit (CUP) from AMS Building Systems on September 15, 2020. The CUP was for the construction and operation of a motor vehicles sales, display, and rental business at 50 West Cherry Street. The application was presented to the Planning and Zoning Commission (Commission) at their September 28, 2020 meeting by the applicant. The request for a CUP was approved by the Commission with the condition that no more than 10 vehicles may be displayed at any time outside of the building(s). The Commission vote was 7-0 as one member was absent and another member abstained as the individual joined the meeting toward the end of the discussion on this item.

At a later time, but within the allowable five working day window for an appeal, the City received an appeal from Mr. Troy Gregoire (the appeal is included in packet). Mr. Gregoire is the owner of 50 West Cherry Street, and was being represented at the meeting by AMS Building Systems. The appeal asks that the condition placed by the Commission be removed.

**Discussion:** The City's current process for conditional uses follows the Code of Ordinances Section 155.095. This section sets the Commission as the body that grants CUPs. In order for the Commission to grant a CUP, they review the request and base their decision on a criteria delineated in the ordinance. The Commission's decision can be appealed to the City Council by anyone feeling aggrieved by the conditions placed or the decision reached.

As mentioned previously, and as can be deduced by the name of the permit, the Commission may place conditions on the use. These conditions should be "appropriate and necessary to ensure compliance with the Comprehensive Plan and protect health,

safety, and general welfare...”. For the CUP being appealed, the Commission placed the condition that no more the 10 vehicles could be displayed outside of a building(s) at any time.

The location where the CUP was requested is in the Cottage Place Planned Development District. Planned development districts (PDD) are created by the developer with his input, guidance, and approval of the City to “provide flexibility from conventional zoning regulations”. The Cottage Place PDD was divided into four areas. Each of those areas have different permitted uses and conditional uses. The requested use would be located in Area A, which allows, as a conditional use, the construction of a motor vehicle sales, display, and rental business.

Mr. Gregoire is requesting that the City Council amend the Commission’s decision by removing the condition placed. Mr. Gregoire’s arguments are:

1. Between 40 and 50 vehicles have been displayed on the 4-H grounds (directly west of 50 West Cherry Street) for the past 30 years; and
2. The location where this is being proposed along Cherry Street is within the established “auto row” area; and
3. The property is zoned for commercial use; and
4. Mr. Gregoire would like the capacity to grow his current business (Quality Motors); and
5. The current location used by Quality Motors is filled to capacity and this location would allow Mr. Gregoire to grow his inventory; and
6. Quality Motors sales rely on exposure; and
7. The cap of 10 vehicles is acceptable for a residential neighborhood.

Mr. Gregoire also explains that the original plan for Area A of the Cottage Place PDD was to have a strip mall with apartments on the second story. Due to the large number of apartments constructed recently, it did not seem prudent to construct apartments at this time.

Cottage Place PDD is divided into four areas: Area A was intended to be for mixed commercial and residential uses (one building with two uses would be allowed), Area B was for the same uses as Area A and also apartments, Area C was intended only for storage units, and Area D only for any residential use. The fact that Area A and B can have residential uses intermingled with commercial uses makes it difficult to place uses directly adjacent to each other. This is the reason why the requested use is found as a conditional use and not a permitted use. The conditional use aspect allows the Commission to place conditions on the use to safeguard the adjacent uses from any negative impact.

It should also be said that the area where the proposed use is to be located is not zoned commercial. As mentioned several times, this area is within the Cottage Place PDD. Although most of the uses are commercial uses, they are classified differently within the permitted or conditional category. For example, “motor vehicle sales, display, and rental” is a permitted use in our General Business zoning district and as a conditional-use within the Cottage Place PDD. Additionally, residential uses are not allowed in the General Business zoning district, and they are allowed in the Cottage Place PDD.

The Commission’s intent was to minimize the number of vehicles being displayed on this section of the Cherry Street corridor in order to protect the adjoining residential uses. Again, there are existing residential uses adjacent to the proposed location, and there could be additional residential uses within Cottage Place PDD. This limitation is similar to the one placed on the Bliss Pointe PDD by the City Council when amending the Bliss Pointe PDD.

**Financial Consideration:** Other than publication costs for the hearing notices, there are no financial considerations.

**Conclusion/Recommendations:** Administration recommends maintaining the Commission’s decision to allow the construction and operation of a motor vehicles sales, display, and rental business at 50 West Cherry Street with the condition that no more than 10 vehicles may be displayed at any time outside of the building(s).

To: Distinguished Board Members,

10/5/20

The dispute that I have with the decision that the board made (with regards to lot 1 block 1 cottage place).

There has been 40-50 Cars on the other side/ fence for 30+ years.( 4-H lot for Vermillion ford)

Cherry st. has an area established as Auto row in that area.

The property is Zoned Commercial.

Troy would like to have the capacity to grow.

Quality Motors existing lot is filled to capacity on frontage and would like to increase his inventory

10 Cars were ok in a residential neighborhood. Now Quality Motors will have more exposure for sales on Cherry St.

Troy had an original plan for the frontage on the Planned Development District to build a strip mall for lease to other businesses but as we can all see that many of the strip malls are sitting empty. The strip mall would have had apts above them but due to the 7-800 new apts that have been built recently, I didn't see it being a wise business decision to follow through with that idea at this time.

Quality Motors sales rely on exposure.

Thank you for your time.

Sincerely,



Troy Gregoire

**CITY OF VERMILLION  
PLANNING and ZONING COMMISSION DECISION**

TO: Mr. Troy Gregoire  
401 W. Cherry Street  
Vermillion, South Dakota 57069

FROM: City of Vermillion  
Jose Dominguez, City Engineer  
25 Center Street  
Vermillion, South Dakota 57069

The City of Vermillion Planning and Zoning Commission held a public hearing on September 28, 2020 at 5:30 p.m. in the Council Chambers of the Vermillion City Hall on an application for a conditional use permit submitted by AMS Building Systems, LLC on behalf of Mr. Troy Gregoire for the premises located in Lot 1, Block 1, Cottage Place Addition, City of Vermillion, Clay County, South Dakota. The conditional use permit application proposes to construct, and operate, a motor vehicle sales, display, and rental business.

The Vermillion Planning and Zoning Commission meeting minutes (unapproved) and the packet materials used by board members and staff at the meeting are attached hereto and made part of the hearing record. It was determined at the meeting that the goals and objectives of the adopted 2035 Comprehensive Plan for the City of Vermillion, and that the City of Vermillion zoning regulations governing conditional use permits to locate the proposed use are met, specifically:

1. *Ensure that the ingress and egress to the property is as required by Section 154.14(E).* City Ordinance 154.14 limits the width of a driveway in the business zoning districts to 36 feet.

The applicant is proposing to utilize the existing entrance from West Cherry Street to the development. This access is approximately 25 feet wide.

2. *Review and, if necessary, place conditions to ensure automotive and pedestrian safety, traffic flow and control, and access in case of fire or catastrophe within the development.* The internal roads in the development are at no point narrower than 24 feet. These roads are wide enough for two-way vehicular traffic and emergency vehicle access.
3. *Ensure that off-street parking and loading areas are as required by Sections 155.072 and 155.073.* City Ordinances 155.072 and 155.073 does not have a 'motor vehicle sales' use. The closest use is a 'retail sales establishment'. When situations like this arise, City of Vermillion customarily requires that the applicant provide a parking spot for each of the employees and some customers. Once the business is operational, property inspection to ensure that there is enough parking for the use is conducted.

The applicant is proposing to have four off-street parking spots in front of the building. This is sufficient.

4. *Ensure that refuse areas are provided for within the development.* The applicant will place the dumpster next to the building.

5. *Ensure that developments have appropriate fire protection (fire hydrants, fire suppression systems, etc...)* There is an existing fire hydrant approximately 200 feet east of the proposed building location. No additional fire suppression systems are required by ordinance.
6. *Ensure that screening and buffering with reference to type, dimensions and character complies with Section 155.077 or any other requirements within the zoning district where the development will occur.* City Ordinance 155.077, and the PDD, require that outside storage of parts be screened. The applicant will not be storing parts outside, so no screening is necessary. Additionally, the ordinance requires that commercial uses be screened/buffered from residential uses. At this point there are no residential uses adjacent to the proposed business, so no screening/buffering is required. There is a possibility that a residential use may be constructed in the future to the south of the proposed business.
7. *Ensure that the proposed exterior lighting complies with Section 155.077.* The City ordinance section 155.077 requires that any business within 150 feet of residential use, or zoned areas follow lighting standards that would decrease the effects of light pollution. The closest distance to any residential use exceeds 150 feet.
8. *Ensure that all of the setbacks are being met for the development as set within the respective zoning districts.* The property is bounded on the west, east, and south by existing developments. The property abuts West Cherry Street on the north. As such, City ordinance requires a 15 foot front yard setback from the north property line, a 10 foot rear yard setback from the south property line, and five foot side yard setbacks from the east and west property lines.

All of the setbacks are being met.

9. *Review and, if necessary, place conditions to ensure general compatibility with adjoining properties and other properties in the zoning district in which such use is to be located.* The proposed use is adjacent to residential uses to the east (approximately 200 feet), the county's 4-H grounds to the west, residential uses to the south (175 feet), and businesses to the north (225 feet). Some of those businesses to the north are similar uses to the proposed business. Additionally, the 4-H grounds have been used in past years to display vehicles for the car dealerships on the north side of West Cherry Street.

The proposed use will not be detrimental to the neighboring properties. This is especially true since the proposed use will be at least 200 feet away from any residential use, and the other adjacent uses are similar in nature.

10. *Review, and if necessary, place conditions to ensure that the conditional use meets the goals and objectives of the most recently adopted comprehensive plan.* No conditions are necessary to ensure that the conditional use meets the goals and objectives found in the comprehensive plan.

Now, therefore, it is the decision of the City of Vermillion Planning and Zoning Commission, after considering the 2035 Comprehensive Plan, and the City of Vermillion zoning regulations, to grant the conditional use permit for the construction, and operation of a motor vehicle sales, display, and rental business in Lot 1, Block 1, Cottage Place Addition, City of Vermillion, Clay County, South Dakota, with the condition that no more than 10 vehicles may be displayed at any time outside of the building(s).

Aye: Fairholm, Fitzgerald, Forseth, Mrozla, Tuve, Wilson, Iverson.

Nay: None.

Abstain: None.

Dated this 28<sup>th</sup> day of September, 2020.

CITY OF VERMILLION  
PLANNING COMMISSION

BY:   
Robert Iverson, Chairman

ATTEST

  
Jose Dominguez  
Clerk, Planning Commission



## *Planning & Zoning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** September 28, 2020

**Subject:** Request for a Conditional Use Permit to construct, and operate, motor vehicle sales, display, and rental at Lot 1, Block 1, Cottage Place Addition, City of Vermillion, Clay County, South Dakota

**Presenter:** Jose Dominguez

**Background:** The City received an application from AMS Building Systems, LLC on behalf of Mr. Troy Gregoire, the owner, for a Conditional Use permit (CUP) to construct, and operate, a motor vehicle sales, display, and rental business within the property owned by the applicant at 50 West Cherry Street. The building would occupy the western third of the lot fronting Cherry Street.

The proposed use would be located within the Cottage Place Planned Development District. Motor vehicle sales, display, and rentals are allowed within the district; however, a CUP is required.

The applicants submitted documents supporting their request for the approval of the CUP.

**Discussion:** There are three items that guide the City through the decision making process regarding a CUP. These are the Vermillion 2035 Comprehensive Plan, the City's Code of Ordinances, and SDCL 11-4-4.1.

Statute 11-4-4.1 states that "The approving authority shall consider the stated criteria (in the ordinance), the objectives of the comprehensive plan, and the purpose of the zoning ordinance and its relevant zoning districts when making a decision to approve or disapprove a conditional use request." This statute requires that the City consider the City's ordinance and comprehensive plan when making a decision regarding conditional uses.

The City's current process for conditional uses follows the Code of Ordinances section 155.095. The City's ordinance sets the Planning and Zoning Commission as the body that

grants CUPs. The City Council acts as the body of appeal if the applicant feels aggrieved by the decision or conditions set by the Planning and Zoning Commission.

The Planning and Zoning Commission may place conditions that “are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect health, safety, and general welfare...” Unless otherwise specified in the ordinance, the Planning and Zoning Commission reviews each permit for the following items:

<b>CRITERIA</b>	<b>STAFF COMMENTS AND RECOMMENDATIONS</b>
Ensure that the ingress and egress to the property is as required by Section 154.14 (E)	<p>The applicant is proposing to utilize the existing entrance from West Cherry Street to the development. This access is approximately 25-foot wide.</p> <p>City Ordinance 154.14 states that driveways in business districts cannot exceed 36-feet in width.</p>
Review and, if necessary, place conditions to ensure automotive and pedestrian safety, traffic flow and control, and access in case of fire or catastrophe within the development.	The internal roads in the development are at no point narrower than 24-feet. These roads are wide enough for two way vehicular traffic.
Ensure that off-street parking and loading areas are as required by Sections 155.072 and 155.073.	<p>The applicant is proposing to have four off-street parking spots in front of the building.</p> <p>City Ordinance Sections 155.072 and 155.073 does not have a ‘motor vehicle sales’ use. The closest use is a ‘retail sales establishment’. When situations like this arise Staff requires that the applicant provide a parking spot for each of the employees and some customers. Once the business is operational, Staff inspects the property to ensure that there is enough parking for the use.</p>
Ensure that refuse areas are provided for within the development.	The applicant will place the dumpster next to the building.
Ensure that developments have appropriate fire protection (fire hydrants, fire suppression systems, etc...)	There is an existing fire hydrant approximately 200-feet east of the proposed building location. No additional fire suppression systems are required by ordinance.

<p>Ensure that screening and buffering within reference to type, dimensions and character complies with Section 155.077 or any requirements within the zoning district where the development will occur.</p>	<p>The applicant is not considering installing any buffers or screens.</p> <p>The PDD requires that outside storage of parts be screened. The applicant will not be storing parts outside, so no screening is required. Additionally, the PDD requires that commercial uses be screened/buffered from residential uses. At this point there are not residential uses adjacent to the proposed business, so no screening/buffering is required. There is a possibility that a residential use may be constructed in the future to the south of the proposed business.</p>
<p>Ensure that the proposed exterior lighting complies with Section 155.077.</p>	<p>The City ordinance section 155.077 requires that any business within 150-feet of residential uses, or zoned areas follow lighting standards that would decrease the effects of light pollution.</p>
<p>Ensure that all of the setbacks are being met for the development as set within the respective zoning districts.</p>	<p>The property is bounded on the west, east, and south by existing developments. The property abuts West Cherry Street on the north. As such, City ordinance requires a 15-foot front yard setback from the north property line, a 10-foot rear yard setback from the south property line, and 5-foot side yard setbacks from the east and west property lines.</p> <p>All of the setbacks are being met.</p>
<p>Review and, if necessary, place conditions to ensure general compatibility with adjoining properties and other property in the zoning district in which such use is to be located.</p>	<p>The proposed use is adjacent to residential uses to the east (approximately 200-feet), the county's 4-H grounds to the west, residential uses to the south (175-feet), and businesses to the north (225-feet). Some of those businesses to the north are similar uses to proposed business. Additionally, the 4-H grounds have been used in past years to display vehicles for the car dealerships on the north side of West Cherry Street.</p> <p>Staff believes that the proposed use will not be detrimental to the neighboring properties. This is especially true since the proposed use will be at least 200-feet away from any residential use, and the other adjacent uses are similar in nature.</p>

<p>Review and, if necessary, place conditions to ensure that the conditional use meets the goals and objectives of the most recently adopted comprehensive plan.</p>	<p>Staff believes that no additional conditions need to be placed to ensure that the CUP meets the goals and objectives of the 2035 Comprehensive Plan.</p>
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**Compliance with Comprehensive Plan:** The City’s Comprehensive Plan has several sections that address development within the community. Following are some goals and objectives that may apply in this instance:

- Provide attractive, inviting, quality retail shopping, and commercial services that are convenient to existing and future Vermillion residents and visitors. (pg. 14)
- Provide a wide range of goods and services for Vermillion residents and visitors. (pg. 14)
- Business retention and expansion (pg. 39)
- Visitor and tourism development (pg. 39)
- Maintain neighborhoods that are safe, healthy, livable, and compatible with adjacent land uses (pg. 13 and pg. 48)
- Continue to encourage a high standard of property maintenance (pg. 48)

**Conclusion/Recommendations:** The Commission is asked to take public comment and either grant, grant with conditions, or deny the conditional use permit application. Staff recommends granting the conditional use with no conditions as the proposed use fits within the existing zoning district, and that no issues are expected regarding health, safety, and general welfare.

**From:** noreply@civicplus.com  
**Sent:** Tuesday, September 15, 2020 10:25 AM  
**To:** Marty Washington; Jose Dominguez; James Purdy  
**Subject:** Online Form Submittal: Petition for Conditional Use Permit

## Petition for Conditional Use Permit

THE PLANNING COMMISSION REQUEST THE FOLLOWING:

(1) APPLICANT MUST COMPLETE THE ENTIRE APPLICATION, OTHERWISE APPLICATION WILL NOT BE PRESENTED TO THE PLANNING COMMISSION FOR CONSIDERATION.

(2) APPLICANT MUST EITHER CHECK A BOX OR ANSWER EACH QUESTION. IF THE ANSWER TO THE QUESTION IS NOT KNOWN, WRITE 'UNKNOWN' AS THE ANSWER TO THE QUESTION.

### 1. Petitioner Information

Name	Troy Gregoire
Email Address	sales@qmotor.com
Address	401 W. Cherry
City	Vermillion
State	SD
Zip Code	57069
Phone Number	16056245585
Fax Number	<i>Field not completed.</i>

(Section Break)

2. What is the proposed use? motor vehicle sales, display and rental

### 3. Information on Property Applying for Conditional-Use Permit

Address of Property	50 W. cherry St
Legal Description	lot 1,blk 1, cottage place addn
Current Zoning District	PDD - Planned Development District

If you selected PDD - Planned Development District, enter the name of the district. Otherwise enter 'N/A.'

Cottage place PDD

(Section Break)

#### 4. Information on Adjoining Properties

Describe the neighborhood where the Conditional-Use Permit is being sought.

Rental twin homes, Auto sales are across the street/ manufacturing/pharmacy

Adjacent uses to proposed conditional-use (check all that apply):

NORTH	Commercial
EAST	Single-Family Detached
SOUTH	Multi-Family
WEST	Commercial

(Section Break)

#### 5. Standards for Conditional Use Permit

*Please address the following criteria. These standards will be addressed at the public hearing.*

- A. How will the property and structures be accessed from the street? Through an existing shared use approach
- B. Where will the access points from the street be located? from the existing shared use approach
- C. How wide will the access points be? the existing approach is 40 feet wide
- D. How will the traffic (both vehicles and pedestrians) flow within the property? both directions
- E. Where will the off-street parking and loading areas be located? With in the PDD

F. How many off-street parking stalls and loading areas are being proposed?	4
G. Where will refuse and service areas be located on the property?	against the building
H. What is the availability of utilities in the area? Will they need to be installed or modified to service the property?	Utilities within the PDD will be extended
I. Is screening and/or buffering being proposed? If so, what will it be, and where will it be constructed?	Parts not to be stored out side.
J. Are any signs proposed for the property? If so, describe the signs being proposed (size and lighting).	Not at this time
K. Will the signs be compatible with neighboring properties?	n/a
L. How will the signs affect the surrounding areas?	n/a
M. Are there any required yards and other open spaces?	15' front, 10' rear, and 5' side
N. What is the general compatibility with the adjoining properties and other properties in the zoning district in which such use is to be located?	similar
Upload any plans or diagrams	<a href="#">Troy Gregoire Shop 9-1-20.pdf</a>

Acknowledgement of Fees I acknowledge.

Electronic Signature Agreement I agree.

Electronic Signature Nick Slattery AMS Building Systems

Once submitted, Staff will verify that everything has been filled out correctly. Afterwards, you will be contacted to inform you of when your Petition for Conditional Use Permit will come before the Planning Commission. It is highly recommended that you attend this meeting.

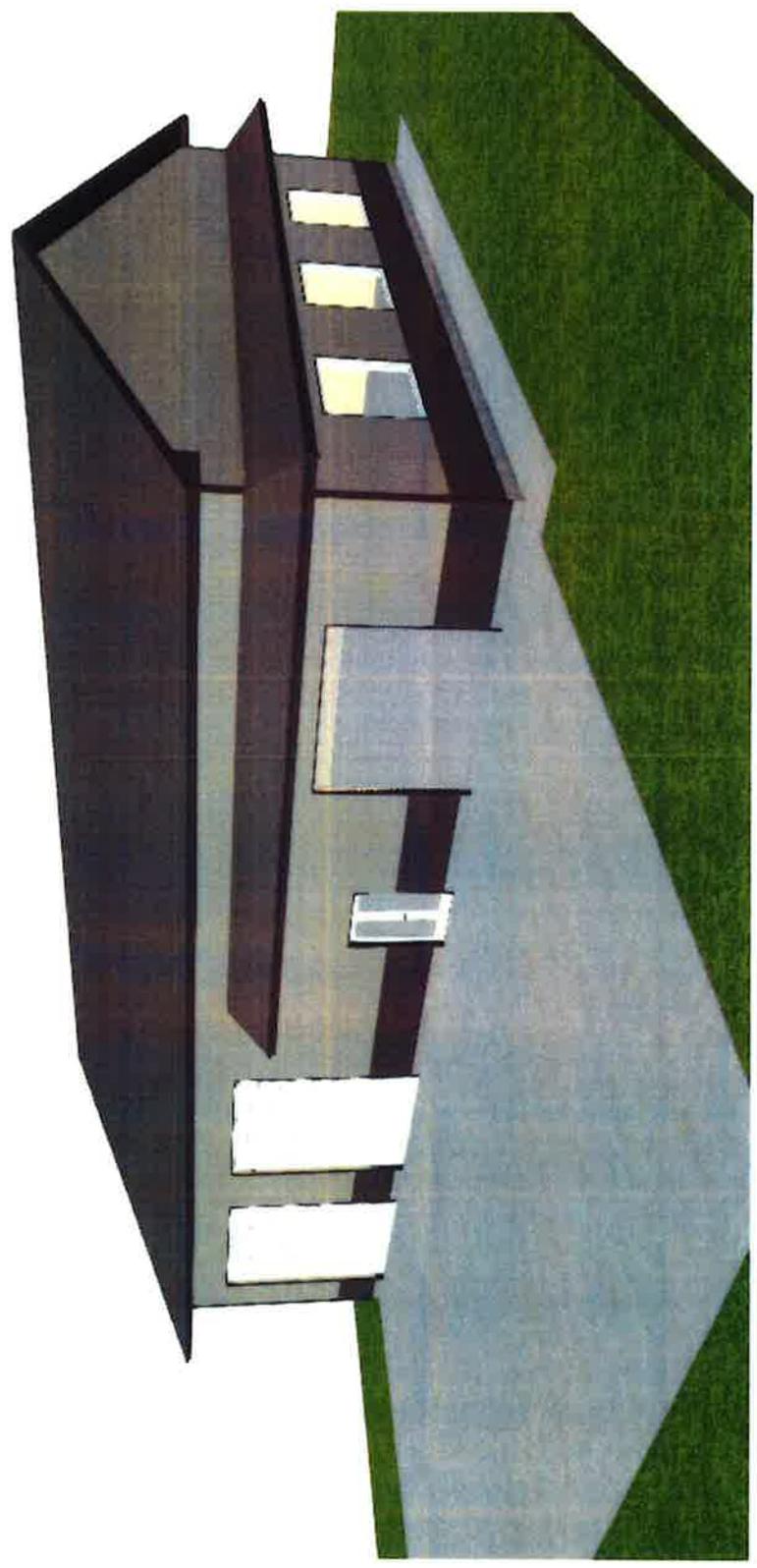
Email not displaying correctly? [View it in your browser.](#)



DATE: 8-28-22  
DRAWN BY: B. JAMES  
GABLE OPTION

GREGOIRE SHOP

1401 E Hwy. 50 N Vermillion, SD  
(605) 670-9715  
brama.ams@gmail.com



NOT FOR CONSTRUCTION



1401 E. Hwy. 50 #1 Vermillion, SD  
brerna.ams@gmail.com  
(603) 670-9715

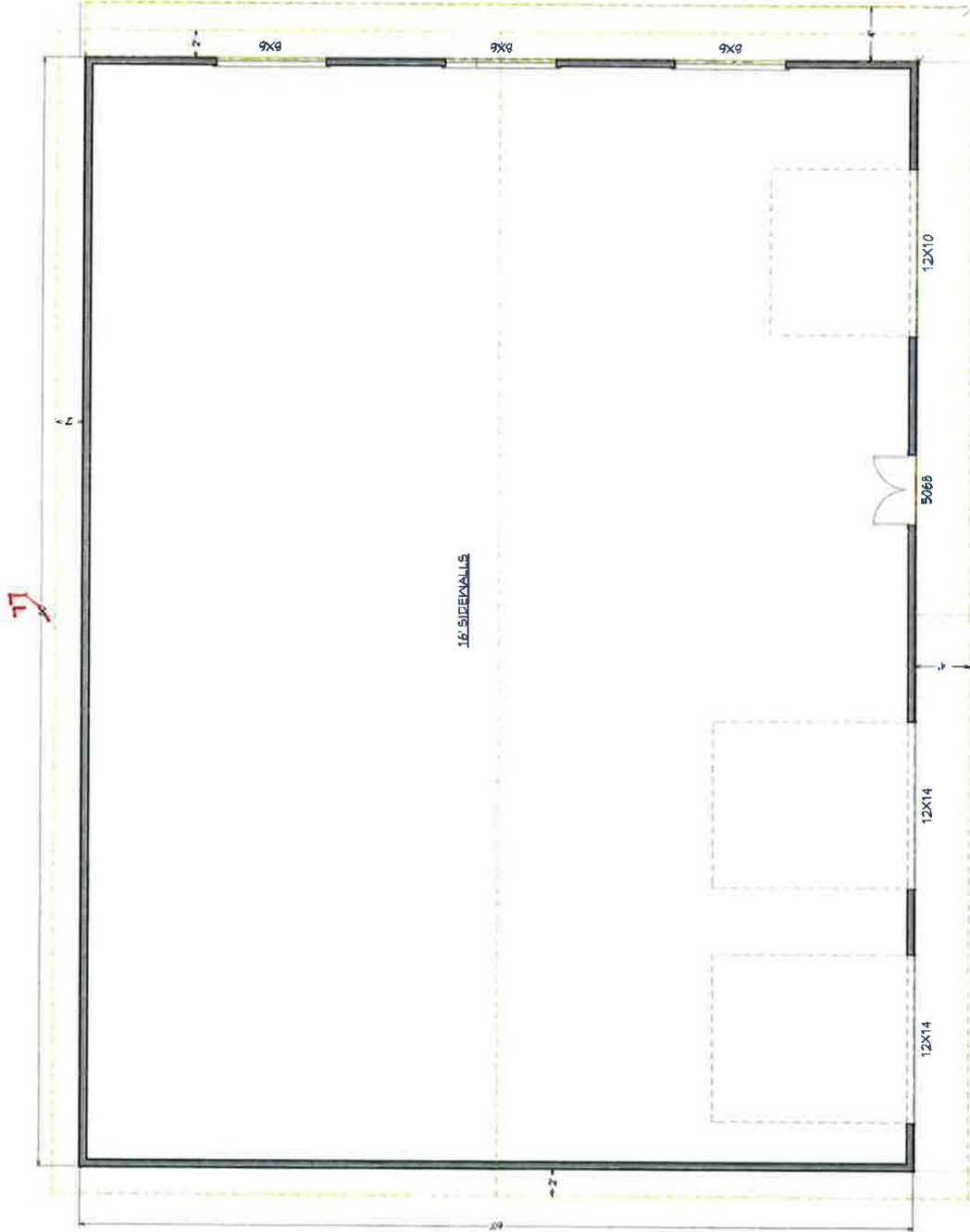
# GREGOIRE SHOP

DESIGN BY: BERNER

DATE: 6/26/22

REVISIONS:

2



NOT FOR CONSTRUCTION



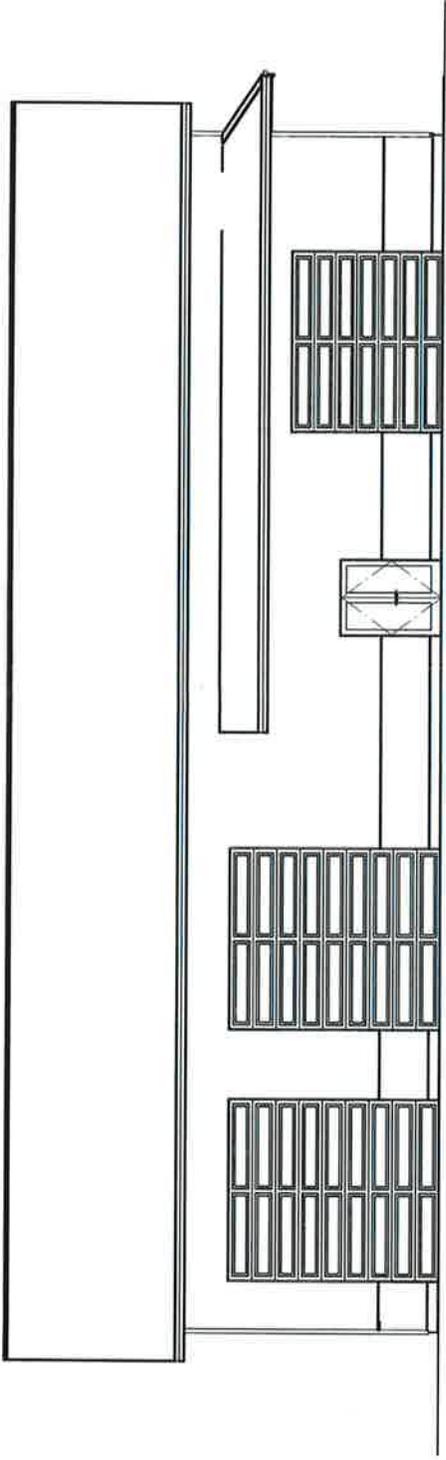
1401 E. Hwy 50 #1 Vermillion, SD  
(605) 670-9715  
bruna.ams@gmail.com

# GREGOIRE SHOP

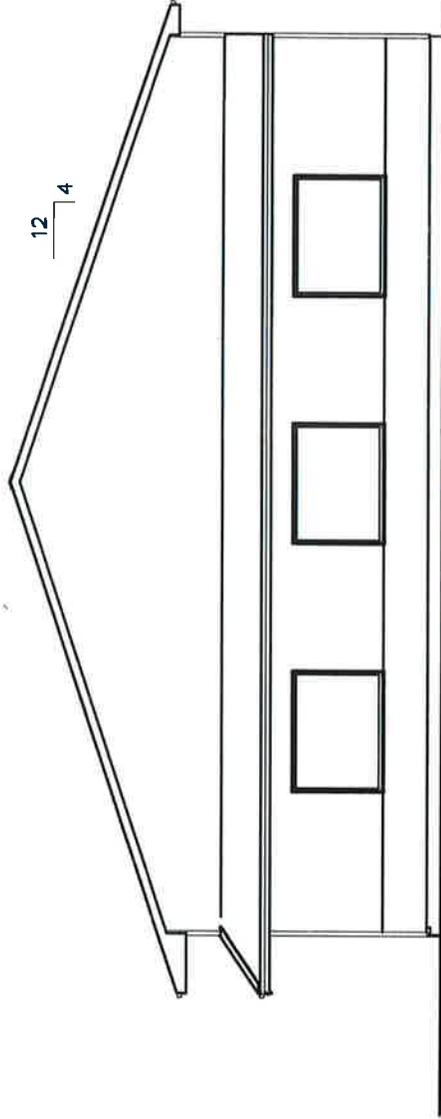
ORIGIN: Greg Bruna

DATE: 8-28-22

3

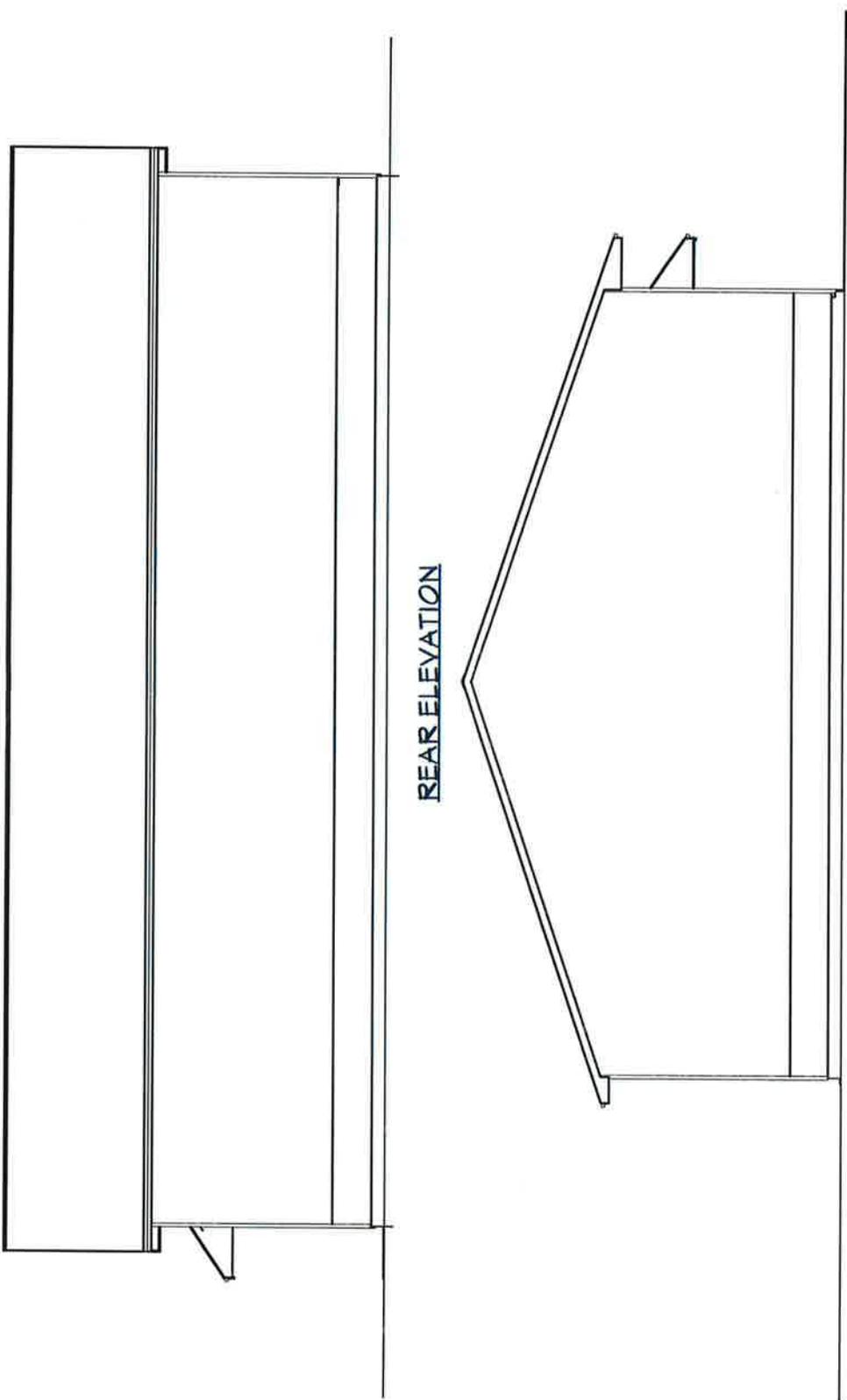


FRONT ELEVATION



RIGHT ELEVATION

NOT FOR CONSTRUCTION



REAR ELEVATION

LEFT ELEVATION

NOT FOR CONSTRUCTION



Unapproved Minutes  
Vermillion Planning Commission  
Monday, September 28, 2020 Planning and Zoning Commission Regular Meeting

The Vermillion Planning and Zoning Commission was called to order in the Upstairs Large Conference Room at City Hall (and through teleconference) on September 28, 2020 at 5:30 p.m.

1. Roll Call

**Planning and Zoning Commissioners Present:** Fairholm (in person), Fitzgerald (teleconference, 5:35 p.m.), Forseth (in person, 5:35 p.m.), Heggstad (teleconference, 5:45 p.m.), Mrozla (in person), Tuve (in person), Wilson (in person), Iverson (in person)

**Planning and Zoning Commissioners Absent:** Gestring.

**City Staff present:** José Domínguez, City Engineer (in person); James Purdy, Assistant City Manager (teleconference)

2. Minutes

a. September 14, 2020 Joint Meeting.

Moved by Fairholm to adopt both minutes as printed, seconded by Mrozla. Motion carried 5-0, (Fairholm - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

3. Declaration of Conflict of Interest

None

4. Adoption of the Agenda

Moved by Wilson to adopt the agenda as printed, seconded by Tuve. Motion carried 5-0, (Fairholm - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

5. Visitors to be Heard

None

6. Public Hearings

a. Request for a Conditional Use Permit to construct, and operate, motor vehicles sales, display, and rental at Lot 1, Block 1, Cottage Place Addition, City of Vermillion, Clay County, South Dakota.

Jose Dominguez, City Engineer, stated that the City received an application from AMS Building Systems, LLC, on behalf of the owner, Mr. Troy Gregoire to construct, and operate, a motor vehicles sales, display, and rental business within the property owned by Mr. Gregoire (50 West Main Street). The use would occupy the west portion of the lot. Dominguez stated that the use would be located within the Cottage Place PDD, and that the proposed use is allowed as a conditional use within the district.

Dominguez stated that SDCL 11-4-4.1 requires that the City consider the City's zoning ordinance and comprehensive plan when making a decision regarding conditional uses. Section 155.095 of the City's Code of

Ordinances lays out the process that needs to be followed by the City when considering a conditional use permit.

Dominguez recommended that the Commission take public comment and either grant, grant with conditions, or deny the conditional use permit application. Dominguez recommended granting the conditional use with no conditions, as the proposed use fits within the existing zoning district; the proposed use matches with the future uses proposed in the City's comprehensive plan Future Land Use map; and because no issues are expected regarding health, safety, and general welfare. Dominguez also stated that Mr. Nick Slattery (AMS Building Systems, LLC) is at the meeting on behalf of the owner to answer any questions.

Iverson opened the floor for public comment.

Fairholm asked Mr. Slattery if the proposed use would be similar to what Mr. Gregoire was planning on operating on the West Main Street lot by Bliss Pointe. Mr. Slattery stated that the use would be similar, and that Mr. Gregoire is planning on selling specialty vehicles (antique vehicles, foreign vehicles, etc...).

Fairholm asked Dominguez if the Cottage Place PDD had similar restrictions on the number of vehicles that can be displayed outside as was recently adopted in the zoning amendments for Bliss Pointe. Dominguez responded that the Cottage Place PDD had no restrictions on the number of vehicles that can be displayed outside. Discussion followed.

Fairholm moved to grant the conditional use permit with the condition that no more than 10 vehicles may be on display outside at any time, seconded by Wilson. Motion carried 7-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

- b. Recommendation on creation of Tax Increment District #7 for Outlot A, Bliss Pointe Addition, City of Vermillion, Clay County, South Dakota.

Jose Dominguez, City Engineer, reported that the Vermillion Chamber and Development Company has been going through great lengths to develop land suitable for residential development. To assist the VCDC with the development costs, it was proposed that the City create a tax incremental district. The Commission is required to hold a public hearing and notice was sent to the School Board, the County Commission, and the Vermillion Basin Water Development District. Dominguez reviewed a map of the proposed district. Discussion followed.

Forseth moved to recommend approval of the creation of Tax Increment District #7 for Outlot A, Bliss Pointe Addition, to the City Council, seconded by Tuve. Motion carried 7-0 (one abstained) (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Heggstad - Abstained (was not at meeting for a portion of the discussion item), Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

7. Old Business

None

8. New Business

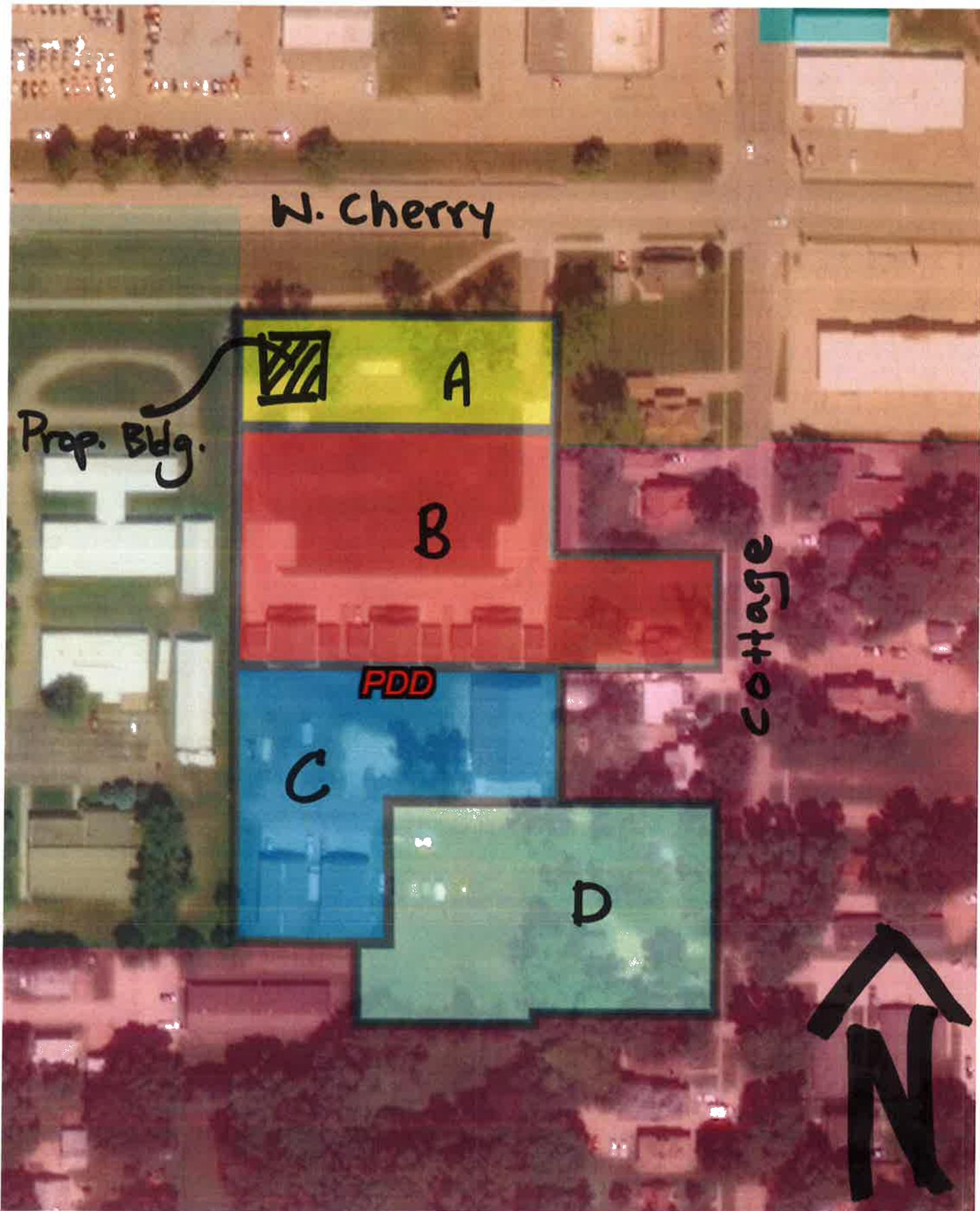
None

9. Staff Report

Dominguez reported on McHenry Street and Roosevelt Street construction.

10. Adjourn

Moved by Forseth to adjourn, seconded by Fairholm. Motion carried 8-0 (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Heggestad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes). Iverson declared the meeting adjourned at 5:56 p.m.



W. Cherry

Prop. Bldg.



A

B

PDD

C

D

cottage



## *Council Agenda Memo*

**From:** John Prescott, City Manager

**Meeting:** October 19, 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 last City Council meeting on October 5, 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 became effective on October 11, 2020. The October 5 Emergency Resolution was very similar to the August 11 Emergency Resolution. The 60-day expiration date for the August 11 Emergency Resolution was October 10, 2020. Both emergency resolutions were designed to promote the use of face coverings to slow the spread of the coronavirus. The Emergency Resolutions were also designed to provide the language that Emergency Ordinance 1419 or Emergency Ordinance 1422 would cite upon adoption. Emergency Ordinance 1419 required and Emergency Ordinance 1422 on this agenda for second reading also would require the posting of a sign that states that face masks are expected per city resolution.

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 consideration of continuation. This is the first opportunity to review the Emergency Resolution since it was adopted on October 5.

**Discussion:** City staff has not received any questions about the Emergency Resolution. This is likely due to the fact that the current Emergency Resolution is very similar to the previous document that was in place for 60 days.

**Financial Consideration:** None

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

**EMERGENCY RESOLUTION CREATING AN EXPECTATION  
OF FACE COVERING WEARING DURING THE COVID-19 PANDEMIC**

**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 the use of face masks or face coverings over the nose and mouth will slow the spread of COVID-19; 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 is requiring face coverings or face masks for all students, faculty, staff and visitors in all public indoor spaces on the University of South Dakota campus; and

**WHEREAS**, the Vermillion Public School District is 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 building; and

**WHEREAS**, there is an expectation in the city of the importance of wearing face coverings or face masks while inside public spaces by all residents, visitors or guests.

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

1. All persons entering a commercial establishment in the City of Vermillion are encouraged to wear a face covering or face mask while inside the establishment.
2. All restaurants, retail stores, salons, grocery stores, establishments selling alcohol, pharmacies, lodging establishments, exercise facilities, establishments offering goods and services, or soliciting patronage from the general public are encouraged to require their employees to wear a face covering or face mask at all times while having face-to-face interactions with the public.
3. It is also understood that there are individuals that due to health or other reasons cannot wear a face mask or face covering and/or other situations where face masks or face coverings cannot be worn and in these instances individuals are encouraged to use other protective measures such as social distancing.

**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 October 11, 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 5<sup>th</sup> day of October, 2020.

THE GOVERNING BODY OF THE  
CITY OF VERMILLION, SOUTH DAKOTA

By Kelsey Collier Wise  
Kelsey Collier-Wise, Mayor

ATTEST:

By Michael Carlson  
Michael Carlson, Finance Officer

Adopted: October 5, 2020  
Published: October 16, 2020  
Effective Date: October 11, 2020



## *Council Agenda Memo*

**From:** John Prescott, City Manager

**Meeting:** October 19, 2020

**Subject:** Second reading of Emergency Ordinance 1422 to require signage that the wearing of face masks or face coverings is expected inside of buildings open to the public

**Presenter:** John Prescott

**Background:** At the October 5, 2020 meeting, the City Council approved an Emergency Resolution to promote the use of the face coverings or face masks inside of buildings which are open to the public. The City Council also approved the first reading of Emergency Ordinance 1422 requiring the posting of a sign at buildings open to the public stating that Face Masks are expected per City resolution. Emergency Ordinances or resolutions are only valid for a maximum of 60 days.

**Discussion:** Emergency Ordinance 1422 is very similar to previously adopted Emergency Ordinance 1419 which expired on October 16, 2020. Emergency Ordinance 1422 requires a business to have signage which reads Face Mask or Face Coverings are expected. With Emergency Ordinance 1419, the City worked with the University of South Dakota to develop and promote continuity of signage across the community. The signs are available at City Hall and the VCDC office. A business does not have to use the templates which are available on the City's website. A business would need to provide the same message that face masks or face coverings are expected. The sign must be at least 8.5" x 11" and placed at the entrance or entrances to the business.

The ordinance is an emergency ordinance to provide the City Council with the ability to more quickly implement and continue the requirement to address the ongoing, immediate health issue. As noted, an emergency ordinance would have a life of 60 days. Emergency Ordinance 1422 is drafted to become effective upon adoption as the previous Emergency Ordinance 1419 which addressed the same goal has expired. The only change to Emergency Ordinance 1422 since the first reading was removal of wording about classes beginning in the WHEREAS paragraph about the South Dakota Board of Regents policy as it relates to face coverings.

As with all ordinances, a fine needs to be established. A resolution to establish a fine if Emergency Ordinance 1422 is adopted is item a under New Business. The fine for a violation of Emergency Ordinance 1419 was \$56.50 plus current court costs of \$72.50 for a total of \$129.00. No citations were issued for a violation of Emergency Ordinance 1419.

Enforcement of the sign ordinance will continue to be the responsibility of the Code Compliance staff. These employees handle other signage related matters for the City.

**Financial Consideration:** None.

**Conclusion/Recommendations:** Administration recommends approval of the second reading of Emergency Ordinance 1422 to help continue to promote the community culture of face covering / face mask wearing inside of buildings open to the public.

## **EMERGENCY ORDINANCE NO. 1422**

**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 is currently requiring face coverings or face masks for all students, faculty, staff, and visitors in all public indoor spaces on the University of South Dakota campus based on their tiered approach to face coverings to address COVID-19; and

**WHEREAS**, the Vermillion Public School District is 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 building; 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 19<sup>th</sup> day of October, 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: October 5, 2020  
Second Reading: October 19, 2020  
Effective Date: October 19, 2020

## *Council Agenda Memo*

**From:** John Prescott, City Manager

**Meeting:** October 19, 2020

**Subject:** Resolution establishing a fine for a violation of Emergency Ordinance 1422

**Presenter:** John Prescott

**Background:** Section 3 of Emergency Ordinance 1422 provides for a fine for those found in violation of the ordinance. The fine is to be set by resolution in compliance with the general penalty provision in Section 10.99 of the Vermillion City Code. Each day a violation of the ordinance occurs is treated as a separate violation. If the City Council does not adopt Emergency Ordinance 1422, this agenda item is not needed.

**Discussion:** The State establishes the parameters for fines in SDCL 9-19-3 and 22-6-2(2). Not establishing a fine by resolution requires the court or City Attorney to determine the amount of the fine levied should a violation occur. The most common fine cost for City Code violations is \$56.50. With court costs of \$72.50, a violation would result in a total cost of \$129. This was the fine set for Emergency Ordinance 1419 which had the same goal as Emergency Ordinance 1422. A citation for failure to comply with Emergency Ordinance 1419 was never issued as buildings open to the public were very good about posting the sign.

**Financial Consideration:** Any fines collected for a violation would be added to the General Fund.

**Conclusion/Recommendations:** Administration recommends approval of the Resolution establishing a fine for the violation of Emergency Ordinance 1422.

**EMERGENCY RESOLUTION**

**ESTABLISHING A FINE FOR VIOLATION OF ORDINANCE 1422 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, 1422 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 supporting 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 promote a community-wide expectation 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. 1422 provides that a fine be set by resolution for any violation of the ordinance; and

**WHEREAS**, Ordinance No. 1422 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 19<sup>th</sup> day of October, 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 19<sup>th</sup> day of October, 2020.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

By \_\_\_\_\_  
Kelsey Collier-Wise, Mayor

Attest:

By \_\_\_\_\_  
Michael D. Carlson, Finance Officer

Adopted: October 19, 2020  
Effective: October 19, 2020

## *Council Agenda Memo*

**From:** Jim Goblirsch, Parks and Recreation Director

**Meeting:** October 19, 2020

**Subject:** First reading of Ordinance 1423 amending Title IX: General Regulations; Chapter 90 Health & Safety: Nuisances; Amending Definition of Nuisance Tree in Section 90.71, and Adding Protocol Language to Sections 90.78 Tree Care and 90.81 Tree Removal to Mitigate the Risk of an Emerald Ash Borer Infestation

**Presenter:** Jim Goblirsch

**Background:** The emerald ash borer (EAB) is a significant threat to the urban and rural forests of South Dakota. First discovered in 2002 in southeastern Michigan, this Asian beetle has destroyed millions of ash trees in 22 states and two Canadian provinces. In May of 2018, the South Dakota Department of Agriculture Resource Conservation & Forestry Division released information stating that emerald ash borer was detected in Minnehaha County and most recently (May 2020) in northern Lincoln County.

The Emerald Ash Borer is an insect that bores under the bark of all species of ash trees, feasting on the tree's cambium layer, thereby cutting off the tree's nutrient supply which ultimately causes the tree's decline. The emerald ash borer is a poor flier which limits its speed of invasive spread; the most common way EAB is spread is by moving ash firewood from infested areas to non-infested areas.

A 2013 City of Vermillion tree survey estimated there to be 2400 ash trees within city limits. Staff estimates that there are 570 ash trees in the city boulevards, parks, and right-of-ways.

State of South Dakota Forest Entomologist, Dr. John Ball, suggests that communities generally prepare for the arrival of the EAB, however a sense of urgency should only take place when the insect has been identified within a 30-mile radius of the area.

**Discussion:** In April of 2017, South Dakota Department of Agriculture Resource Conservation & Forestry Division released the "Emerald Ash Borer Readiness Plan for South Dakota Communities" to use as guideline to prepare for EAB. In the document it is suggested that communities update tree codes/ordinances to reduce the risk of EAB

infestation, develop management tactics to contain an infestation, and speed the administration process once EAB has been detected in a community.

Over the past two years, other South Dakota First Class communities such as Sioux Falls, Yankton, and Mitchell have implemented changes or updates to their community's tree codes/ordinances to expedite protocols if/when EAB is identified within a 30-mile radius of their community. The plan at this point is to have the City Council consider the first reading of the ordinance at this time. The second reading of the ordinance would be at a later date when the EAB is within the 30-mile radius. The proposed ordinance does not list a second reading date or effective date as the borer is not yet within the 30-mile radius.

In cooperation with the State of South Dakota Department of Agriculture, the City of Vermillion has set EAB traps the last three years to monitor for activity. The setting of traps has shown to be the best avenue of early detection.

These proposed ordinance changes are divided into three sections:

- 90.71 – Amending definition of Nuisance Tree
- 90.78 – Add language regarding treatment methods of street/public trees
- 90.81 – Add language regarding transportation of ash wood

In 2018 and 2019, City staff and City of Vermillion Tree Board members met multiple occasions discussing ways that the City could mitigate the impact of EAB infestation.

**Financial Consideration:** There is limited to no financial considerations that need to be taken into consideration with this first reading of these proposed changes.

**Conclusion/Recommendations:** Administration recommends approval of the first reading of Ordinance 1423 to establish EAB protocols.

**PROPOSED ORDINANCE NO. 1423**

**AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS; CHAPTER 90 HEALTH & SAFETY NUISANCES; AMENDING THE DEFINITION OF NUISANCE TREE IN SECTION 90.71 DEFINITIONS, AND ADDING PROTOCOL LANGUAGE TO SECTIONS 90.78 TREE CARE AND 90.81 TREE REMOVAL TO MITIGATE THE RISK OF AN EMERALD ASH BORER INFESTATION.**

**BE IT ORDAINED**, by the Governing Body of the City of Vermillion, South Dakota that the Code of Ordinances Title IX be amended to amend a definition in Section 90.71 and add language to Sections 90.78 and 90.81 follows:

**§ 90.71 DEFINITIONS.**

The following definition shall be amended and have the meaning set forth below:

***NUISANCE TREE.*** Any tree that is not valued where it is growing and is usually of vigorous growth; especially one that tends to overgrow or choke out more desirable plants or dead, diseased, or insect-infected trees or other woody plants identified by the City Tree Specialist or City designee.

**§ 90.78 TREE CARE.**

(F) Citizens wishing to treat insect infested street trees must follow procedures which may include an application outlined by the City Tree Specialist or City designee. Individuals that do not follow these procedures may be subject to penalties. See § 10.99

**§ 90.81 TREE REMOVAL.**

(D) No person shall transport raw wood from any variation of *Genus Fraxinus*, commonly known as ash, from Memorial Day to Labor Day without a permit from the City Tree Specialist or designee.

Dated at Vermillion, South Dakota this XX day of XX, 202X.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

BY \_\_\_\_\_  
Kelsey Collier-Wise, Mayor

ATTEST:

BY \_\_\_\_\_  
Michael D. Carlson, Finance Officer

First Reading: October 19, 2020  
Second Reading: To be determined  
Published: To be determined  
Effective: To be determined

## *Council Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** October 19, 2020

**Subject:** First Reading of Ordinance 1424 – An ordinance amending title XV: Land Usage; Chapter 150 Building Regulations Section 150.38 Building and Development in Flood Plain.

**Presenter:** Jose Dominguez

**Background:** The Federal Emergency Management Agency (FEMA) has been updating the Flood Insurance Rate Maps (FIRM) throughout the country. This is a process that FEMA does periodically. The last time that the FIRM maps were updated for the City was in 2010. As part of the updates FEMA also reviews the City's ordinance regulating construction within the flood plain. The changes to the ordinance allow the City to continue being eligible for the National Flood Insurance Program (NFIP).

**Discussion:** As stated above, in order to be eligible in the NFIP, the City will have to amend Chapter 150, Section 150.38. This section of the Code of Ordinance deals with building and developments within the flood plain. This amended ordinance will require additional items to be submitted to the City when any man-made change occurs within the flood plain. In addition, it will require a separate permit to be filed with the City for any construction inside the flood plain.

Besides changes to the ordinance, the City's FIRM maps have also changed. The changes are minor as the great majority of the City is not within the flood plain. However, some areas that might have exhibited minor flooding due to the Vermillion River or wetlands, have increased in size (e.g. area around intersection between Broadway and Luxemburg Streets, 8<sup>th</sup> Street, and parts of Broadway Street). The increases are mainly due to a change on how FEMA calculates flood plains and to a better level of accuracy in surveying technology.

**Financial Consideration:** The only cost to the City will be publication costs.

**Conclusion/Recommendations:** Administration recommends the approval of the first reading of Ordinance 1424.

**PROPOSED ORDINANCE 1424**

**AN ORDINANCE AMENDING TITLE XV: LAND USAGE; CHAPTER 150 BUILDING REGULATIONS SECTION 150.38 BUILDING AND DEVELOPMENT IN FLOOD PLAIN.**

**BE IT ORDAINED**, by the Governing Body of the City of Vermillion, South Dakota that Title XV: Land Usage; Chapter 150 Building Regulations, Section 150.38(F) and (G) (13) shall be amended, added, or deleted by the City as follows. All other portions of Section 150.38 Building and Development in Flood Plain shall remain the same.

(F) Generally. ~~The Building Inspector shall review all building permits for construction or development in the flood plain and hazard areas as denoted on the Federal Emergency Management Agency's Flood Insurance Rate Map with effective date August 5, 2010, City of Vermillion, South Dakota, according to the following criteria and requirements. The City Engineer or designee is hereby appointed the Floodplain Administrator to implement the provisions of this ordinance and other appropriate sections of the NFIP Regulations and 44 CFR pertaining to floodplain management. The flood plain and special flood hazard areas are denoted on a Flood Insurance Rate Map with effective date of December 30, 2020 for the City of Vermillion, South Dakota, according to the following criteria and requirements.~~

(G) Criteria and requirements.

(13) When the City Manager or designee has designated areas of special flood hazards (A Zones) by the publication of a community's FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community shall:

(a) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the FIRM; and

(b) Require the application of standards in paragraphs (G)(1), (G)(2), (G)(3), (G)(4), and (G)(5) to development within Zone A on the FIRM.

Dated at Vermillion, South Dakota this 2<sup>nd</sup> day of November, 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: October 19, 2020

Second Reading: November 2, 2020  
Published: November 13, 2020  
Effective: December 3, 2020

DRAFT

## *Council Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** October 19, 2020

**Subject:** Grant Pre-Application Checklist for Projects at Harold Davidson Field Airport

**Presenter:** Jose Dominguez

**Background:** The latest Capital Improvement Plan for the airport shows that the hangar taxi lane will be reconstructed as part of a multi-year grant in 2021. In addition, the pavement maintenance will also be completed.

**Discussion:** The FAA started using a grant pre-application process in 2014, which was designed to ease the grant application process. The grant pre-application document provides some basic information about the project to the FAA. This helps make the FAA aware of any possible issues in advance.

**Financial Consideration:** There is no financial consideration to discuss.

**Conclusion/Recommendations:** Administration recommends authorizing the Mayor to sign the Pre-Application Checklist.



**FAA  
Dakota-Minnesota Airports District Office**

# Airport Grant PreApplication Checklist

(COMPLETE ONE CHECKLIST PER GRANT)

**Airport Name:** Harold Davidson Field

**Date Prepared:** 10/07/2020

**SAM CAGE code #:** 1UZA9

**SAM Expiration Date:** 10/07/2021

**Project Description:** No New Project for 2021 fiscal year; FAA is authorized to use 2021 entitlements for a multi-year grant linked to 2020 grant (Hangar Taxilane Improvements)  
The City will also be participating in the 2021 SDDOT Pavement Maintenance project

**We do not plan on having a project this fiscal year.**  
**The FAA is authorized to:**  
 **Carry our entitlements into the next fiscal year.** *(If checked, sign below, and return to ADO.)*  
 **Transfer the entitlements. Transfer of Entitlements Form Attached.**

**Items Required with PreApplication**

No.	Document	Yes	No	N/A	Comments Attached
1.	Project Schedule (NOTE FAA DUE DATES)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2.	Standard Form 424, Form 5100-100 (parts II-IV for airport development grants), Form 5100-101 (parts II-IV for planning grants) (Includes project cost breakdown and sketch)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Project Narrative and Justification (for Planning or Environmental Projects include Scope of Work)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Environmental Documentation (Is the complete environmental documentation matching the potential application project description included?) (Attached or previously submitted to ADO)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5.	Construction Safety Phasing Plan/Airspace	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6.	Exhibit A (SOP available) (attached or previously submitted to ADO)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	Title Certificate or Long Term Lease Agreement (at the request of ADO)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Note:** If you cannot complete any of the above documents with this submittal, explain in the space provided on page 2 and provide the expected submittal date, but no later than the date specified in the Federal Register.

Kelsey Collier-Wise, Mayor

Sponsor's Designated Official Representative (Official with authority to sign Grant Agreement) (Type or Print)

\_\_\_\_\_ Date: \_\_\_\_\_

Sponsor's Designated Official Representative (Signature)

The purpose of this checklist is to identify some of the requirements and considerations associated with requesting Airport Improvement Program (AIP) funds. Airport Sponsors should read and consider each of the items carefully.

**Some of the items can be answered by simply checking the "Yes" and "No" boxes while others require providing additional information as part of the airport's request for AIP funds.**

## **Common Key Requirements or Considerations**

### **Clear Approaches** Per 49 USC § 47107(a)(9).

The sponsor must take appropriate action to ensure that terminal airspace required to protect instrument and visual operations to the airport (including operations at established minimum flight altitudes) will be cleared and protected by mitigating existing, and preventing future, airport hazards. (see 5010-Airport Master Record)

### **Bid Protest Procedures.**

The sponsor requirements for bid protests and appeals is contained in 49 CFR § 18.36(b)(12)

### **Reimbursable Agreement.**

The cost for reimbursable agreements between the sponsor and a federal agency is allowable if the cost is necessary for the project and the other federal agencies statutes allow this action. For instance, 49 USC § 106(l)(16) allows the FAA to enter into reimbursable agreements in order to carry out the functions of the FAA. An example of this is a reimbursable agreement between a sponsor and the FAA Air Traffic Organization (ATO) for the purpose of having the ATO relocate an FAA-owned navigational aid that is required by an AIP funded project.

### **Non-Fed Coordination.**

If any type of NAVAID (PAPI, PLASI, VASI, MALS, MALSR, ILS, etc.) is to be installed or relocated as part of the project, the FAA Non-Fed Coordinator must be notified and appropriate airspace studies completed. The airspace studies must be completed before the work can be included in a Federal aid project. These studies can take up to a year to complete.

### **Required Forms** (as applicable).

Agreement for Transfer of Entitlements (FAA Form 5100-110); NAVAID Forms (PAPIs, AWOS, REILs); Modification of Airport Design Standards, Buy American Approval, Certificate of Economic Necessity, SRE Calculation, and necessary attachments. Please contact your Program Manager if you cannot find the above forms on the Airports web site.

### **ADDITIONAL INFORMATION:**

All checklist items previously submitted with the 2020 Grant.

Capital Improvement Plan is attached for reference.

# Helms & ASSOCIATES

CIVIL ENGINEERS & LAND SURVEYORS

221 Brown County Hwy 19  
P.O. Box 111  
Aberdeen, SD 57402

Phone: (605) 225-1212 Fax: (605) 225-3189  
Email: operations@helmsengineering.com

**HAROLD DAVIDSON FIELD (VERMILLION)**  
**CAPITAL IMPROVEMENT PLAN**  
**JUNE, 2020**

**PROJECT TO BE VALIDATED**

YEAR	PROJECT DESCRIPTION	ESTIMATED COST
2021	PAVEMENT MAINTENANCE	\$ 30,000.00
	MULTI-YEAR	\$ 150,000.00
	<b>TOTAL</b>	<b>\$ 180,000.00</b>

**CAPITAL IMPROVEMENT PLAN**

2022	NO PROJECT	\$ -
	<b>TOTAL</b>	<b>\$ -</b>
2023	DESIGN REVENUE PRODUCING HANGAR (60' X 80')	\$ 60,000.00
	<b>TOTAL</b>	<b>\$ 60,000.00</b>
2024	CONSTRUCT REVENUE PRODUCING HANGAR	\$ 600,000.00
	<b>TOTAL</b>	<b>\$ 600,000.00</b>
2025-2026 NPIAS	DESIGN & CONSTRUCT PARTIAL PARALLEL TAXIWAY RECONSTRUCTION (±2,500')	\$ 500,000.00
	<b>TOTAL</b>	<b>\$ 500,000.00</b>
2027-2031 NPIAS	AWOS III	\$ 400,000.00
	LAND ACQUISITION (APPROX. 60 ACRES)	\$ 50,000.00
	DESIGN AND CONSTRUCT TURF X-WIND RUNWAY (120' X 3,300')	\$ 340,000.00
	EA/JUSTIFICATION FOR RUNWAY EXTENSION	\$ 80,000.00
	LAND ACQUISITION FOR RUNWAY EXTENSION	\$ 250,000.00
	RUNWAY EXTENSION (75' X 800')	\$ 1,500,000.00
	TAXIWAY LIGHTING & REILS	\$ 200,000.00
	ENVIRONMENTAL ASSESSMENT FOR LAND ACQUISITION (RPZS AND TURF X-WIND)	\$ 80,000.00
	REHABILITATE ACCESS ROAD AND PARKING LOT	\$ 250,000.00
<b>TOTAL</b>	<b>\$ 3,150,000.00</b>	

## *Council Agenda Memo*

**From:** James Purdy, Assistant City Manager  
**Meeting:** October 19, 2020  
**Subject:** Appointments to Business Improvement District #2 Board  
**Presenter:** Mayor Kelsey Collier-Wise

**Background:** By State Statute, the Mayor with the approval of the governing body is charged with appointing members of a Business Improvement District Board.

9-55-5. Appointment of business improvement board--Designation of boundaries of district--Duties of board--Proposal of more than one district as part of same development plan. The mayor shall, with the approval of the governing body, appoint a business improvement board consisting of property owners, residents, business operators or users of space within the business area to be improved. The governing body shall, by resolution, designate the boundaries of the business area prior to the time of the appointment of the board. The board shall make recommendations to the governing body for the establishment of a plan or plans for improvements in the business area. If the improvements to be included in one business area offer benefits that cannot be equitably assessed together under this chapter, more than one business improvement district as part of the same development plan for that business area may be proposed. The board may make recommendations to the municipality as to the use of any revenue collected pursuant to § 9-55-2.

On April 16, 2018 the City Council adopted a resolution establishing the boundaries of a proposed Business Improvement District in the Central Business District of Vermillion and created the BID #2 Board. The resolution specified that the BID #2 Board would be made up of five members who would each serve for three years, except for the initial members at the time of establishment. Two of those members shall serve for a one-year term, two members for a two-year term, and one member for a three-year term. At the May 21, 2018 City Council meeting five individuals were appointed to the BID #2 Board: Michelle Maloney, Patrick Morrison, Dr. Paul Roob, Phyllis Packard, and James Waters. Dr. Roob changed his mind and declined the appointment. The City Council then appointed Martin Prendergast to a term on the Business Improvement District #2 Board. Michelle Maloney was reappointed to a three-year term in August 2019. The appointments of Patrick Morrison and Phyllis Packard expired in May 2020, and are the seats to be filled with these appointments.

**Discussion:** Due to the pandemic, the BID #2 meetings have been largely conducted via videoconference, and staff was unaware the terms expired. Patrick Morrison has expressed interest in continuing to serve. Patrick has been very active with Business Improvement

District Board #2. Phyllis Packard reported to City Staff that she would like someone else to have the opportunity to serve on the board. Two expression of interest forms were received for the two seats. Expression of interest forms for BID #2 from Patrick Morrison and Bekki Engquist-Shroeder, a downtown business owner, are attached. The openings on this BID Board were announced at the October 5 Council meeting and advertised on the City's website and social media.

**Financial Consideration:** None at this time.

**Conclusion/Recommendations:** Administration recommends appointing two individuals to a three-year term to the Business Improvement District #2 Board.

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Vermillion](#); [John Prescott](#); [James Purdy](#)  
**Subject:** Online Form Submittal: Citizen Board/Commission Expression of Interest Form  
**Date:** Tuesday, October 6, 2020 3:14:37 PM

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## Citizen Board/Commission Expression of Interest Form

Select the Board/Commission on which you are interested in serving. Business Improvement District No. 2

Name	Bekki Engquist-Schroeder
Number of years you have lived in/around Vermillion	12
Address	[REDACTED], Vermillion, SD 57069
Phone Number	[REDACTED]
Email Address	[REDACTED]
Occupation	Stylist
Employer	Self
Business Address	25 West Main Street, Vermillion, SD 57069
Prior elected or appointed offices held (if any)	<i>Field not completed.</i>
Present and past community volunteer activities	DVAT Chair, VN!3 Leadership Team
Why are you interested in serving on this Board/Commission?	I have a vested interest as I own a building downtown, run 2 businesses in Vermillion, and would like to see this project come to fruition in a long-lasting, cost conscious way.
Do you have any unique skills or experience which would be beneficial to the City to know in selecting someone to serve?	I was asked to apply to this BID due to my involvement with the Downtown businesses and sincere interest in making Vermillion and even better place to live. I do understand business, the flow of traffic and pedestrians from being in business for 7 years on Main Street and 2 before that on Austin Street.

---

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

The Downtown Streetscape would be my main point of interest though I have always enjoyed Vermillion as a whole. I would love to see something completed and done with small business in mind.

---

Electronic Signature Agreement

I agree.

---

Electronic Signature

Rebecca Engquist-Schroeder

---

Date:

9/30/1981

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

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Vermillion](#); [John Prescott](#); [James Purdy](#)  
**Subject:** Online Form Submittal: Citizen Board/Commission Expression of Interest Form  
**Date:** Thursday, October 8, 2020 10:49:01 AM

---

## Citizen Board/Commission Expression of Interest Form

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

Business Improvement District No. 2

Name	Patrick Morrison
Number of years you have lived in/around Vermillion	7
Address	[REDACTED]
Phone Number	[REDACTED]
Email Address	[REDACTED]
Occupation	Associate Director
Employer	USD
Business Address	414 E Clark Street, ID Weeks Room 102
Prior elected or appointed offices held (if any)	BID Board #2
Present and past community volunteer activities	Welcome Table (Corp Team Member), Clay Co Historic Preservation Commission, Vermillion Rotary Club
Why are you interested in serving on this Board/Commission?	I have served on the BID Board #2 since its inception, and since 2015 on its previous iteration. I believe my five years working on this project would be beneficial as we enter the final stages of the project.
Do you have any unique skills or experience which would be beneficial to the City to know in selecting someone to	I have first-hand knowledge of the project, which I think would be valuable to the community as we move forward. I also have close ties to the university community, which deserves a seat at the table given the importance of a vibrant downtown to the future of USD.

serve?

---

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

My main goal is to see the planning stages of the downtown improvement plan through to the end, followed by the implementation of the plan if the city council decides to move forward with the project.

---

Electronic Signature Agreement

I agree.

---

Electronic Signature

Patrick J Morrison

---

Date:

10/8/2020

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

## *Council Agenda Memo*

**From:** James Purdy, Assistant City Manager

**Meeting:** October 19, 2020

**Subject:** Request to close W. Main Street from the west line of the intersection of Court Street through Ratingen Platz and Market Street from the intersection of W. Main Street through Ratingen Platz on Thursday, December 3, 2020 from 4:30 pm to 7:30 pm for the 5<sup>th</sup> Annual Vermillion Area Chamber and Development Company's Standstill Parade of Lights

**Presenter:** James Purdy

**Background:** The Vermillion Area Chamber and Development Company (VCDC) is planning this year's Standstill Parade of Lights, which is scheduled to take place on Thursday, December 3, 2020. The "stand still" parade will take place on W. Main Street between Court Street and Ratingen Platz. The public will be encouraged to walk up and down W. Main Street to view the different parade entries. The annual tree lighting will take place at Ratingen Platz. The street closure request for this year's event states that the closure is requested from 4:30 pm to 7:30 pm. After some discussion with City Staff, the applicant requested the closure time be moved to 4:00 pm in order to allow VCDC staff and volunteers more time to help clear the area and set up for the parade.

**Discussion:** The VCDC indicated they have contacted downtown businesses to make them aware of the street closing. The VCDC staff will walk the parade route after the event to ensure that the street is clean and free from any debris. The request has been reviewed by the Fire-EMS and Police Departments. These City Departments have no concerns with the street closure request. The City will assist with putting up signs and cones forecasting the 4:00 closure and will help to clear remaining vehicles until 5:00.

**Financial Consideration:** None.

**Conclusion/Recommendations:** Administration recommends approval of the W. Main Street closure from Court Street to Ratingen Platz and Market Street from W. Main Street to the south end of Ratingen Platz from 4:00 pm to 7:30 pm on December 3, 2020 for the 5<sup>th</sup> Annual Vermillion Area Chamber and Development Company's Standstill Parade of Lights.

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Marty Washington](#); [John Prescott](#); [James Purdy](#)  
**Subject:** Online Form Submittal: Street Closure Request Form  
**Date:** Tuesday, October 13, 2020 3:09:15 PM

---

## Street Closure Request Form

### INSTRUCTIONS

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1. All Street Closure Applications must be received 7 days before the next City Council meeting.

*Every street closure request is considered by the City Council. Complete Street Closure Applications must be received by Staff 7 days prior to City Council meetings to ensure the Application is placed on to the agenda. City Council meetings occur on the first and third Monday of each month, unless the meeting day is a holiday, in which case the Council meeting occurs the following day.*

---
2. If your event will generate excessive noise or will be serving alcohol additional permits are required.

*This application only covers Street Closures. A Permit to Exceed Allowable Noise Levels and/or a Special Daily Malt Beverage and/or Wine License are required separately. These permits are required 30 days before an event so please plan accordingly.*

---
3. If your event occurs after business hours or over the weekend, you may be required to set up and take down barricades.

*In order to reduce overtime costs, we may ask that you meet with City Staff during work hours where you will receive the traffic barricades and instructions on how to set them up properly. After your event you will be asked to place the barricades in an agreed upon location where City Staff will pick them up at a later time.*

---
4. Please request the minimum street closure needed for your event.

*Street closures can make for fun events for those involved but can be an inconvenience for others. Please be considerate and request the smallest closure needed to hold your event.*

---
5. You are required to notify all properties that your closure will affect.

*In order to help those affected by your Street Closure Request plan ahead, you must notify all properties affected by your closure either in writing or verbally 24 hours in advance of the City Council meeting when your request will be considered.*

---
6. Communicating with City Staff before you submit an application is encouraged.

*If you have any questions about the Street Closure Request process or need help filling out the Application, please call us at (605) 677-7050. Additionally, a phone number must be provided that can be accessible 24 hours prior to and for the duration of the event.*

---
7. You are responsible for cleaning up after your event and any damage that may be caused.

*On the Application we will ask for your plans to clean up after the event.*

---

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

5th Annual Standstill Parade of Lights - the annual Standstill Parade of Lights helps celebrate and bring in the festive holiday spirit into Vermillion with an annual float competition, an appearance by Santa, and the lighting of the town tree.

Expected Participants

200-250

Name of Primary Contact Person

Tristan Hargens

Primary Contact Phone Number + 24 Hour Access Phone Number

[REDACTED]

Name of Secondary Contact Person

Jason Thiel

Secondary Contact Phone Number + 24 Hour Access Phone Number

[REDACTED]

Date(s) of Closure

Thursday, December 3rd, 2020

## Requested

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Street Closures Times 4:30 pm - 7:30 pm

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Street(s) Requested to be Closed Main Street from just past Market St. to just past Court St. at the corner of Red Steakhouse; and inclusion of the Ratingen Platz.

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Optional File Upload [Parade of Lights Street Closure Map\\_2020.png](#)

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Please detail how you have notified or plan to notify those affected by your Street Closure Request: Upon approval of the street closure, our event planning team will contact all businesses affected through the means of a phone call, in-person visit, or an email.

---

Please detail your plans for cleaning up after your event: After the conclusion of the event, our event planning team and volunteers will clear all debris, street closures, and floats from enclosed area to ensure that when the closure time is up, the streets can be used again. We will also work with the Parks & Rec. department to help provide areas for trash and recycling.

---

(Section Break)

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## Release, Hold Harmless and Indemnification Agreement

---

City of Vermillion, South Dakota  
I,

---

Name of Event Organizer Nathan W. Welch

---

Dated This 10/13/2020 3:15 PM

---

First Name Nathan

---

Last Name Welch

---

Electronic Signature Agreement I agree.

---

Electronic Signature Nathan W. Welch

---

(Section Break)

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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 [vcdc@vermillionchamber.com](mailto:vcdc@vermillionchamber.com)

email

---

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

## *Council Agenda Memo*

**From:** Jose Dominguez, City Engineer  
**Meeting:** October 19, 2020  
**Subject:** Recycling Center Improvements Project Bid Opening  
**Presenter:** Jose Dominguez

**Background:** The Recycling Center, located at 840 N Crawford Road, functions as the collection point for all recyclable materials generated in Vermillion. The existing building was not originally designed to function as a recycling center. Staff have been examining ways to improve the building for several years. In early 2019, the City hired Burns & McDonnell to complete an evaluation of the current building and make recommendations for safety and efficiency improvements which would better serve the public and employees working at the facility.

In May 2020, the City Council entered into an agreement with Burns & McDonnell to complete a set of plans and specifications to complete the improvements at the Recycling Center.

This bid opening was presented to the City Council at the October 5, 2020 meeting. At that meeting, the City Council tabled the award of the project until the October 19, 2020 meeting to allow Staff additional time to discuss with the low bidder, Sunkota Construction, Inc, of Sioux Falls, ways to lower the construction cost. This was due to the fact that the low bid was higher than the estimated project cost.

**Discussion:** As stated at the October 5<sup>th</sup> meeting, the City received two bids. These bids are shown on the following table:

<b>Company</b>	<b>Base Bid</b>	<b>Alternate Bids</b>
Sunkota Construction, Inc., Sioux Falls	\$592,000.00	\$29,100.00
Peska Construction, Inc., Sioux Falls	\$712,346.00	\$32,220.00

The latest engineer's estimate was \$560,000. However, funding for the project was dependent on a SD DENR grant awarded in early 2020. The grant received by the City was for 50% of the cost of the total project, not to exceed \$343,000. The total project

included preliminary engineering, final engineering, and construction cost. At that time the sum of all of these costs was \$686,650, of which \$491,150 was considered construction costs. The low bid of \$592,000 was \$100,850 higher than the original construction cost used when the grant was awarded.

State statute 5-18B-5 allows for the City to negotiate with the lowest responsive and responsible bidder if their bid is higher than the final estimated project cost. Based on discussions with the low bidder, it was agreed that the following items would be removed:

- High speed fabric door between storage and work areas; and,
- Plywood wainscoting and crash rails in offices; and,
- Handrails from rooftop around smoke hatches.

Additionally, it was agreed on the following:

- Use steel curbs for smoke hatches rather than aluminum curbs; and,
- The City would haul all of the demolition material to landfill.

These changes would lower the cost by \$30,800. This would bring the cost of the project down to \$561,200. Additional savings may still be achieved during construction. These changes would amount to a savings of approximately \$1,500.

**Financial Consideration:** The City will have to revise the 2021 Joint Powers recycling fund to pay for the improvements. Early in 2020, the City requested from the Solid Waste Management Program administered by the SD DENR a grant to cover a project totaling \$686,500. This amount included preliminary engineering, final engineering, and construction costs. SD DENR awarded the City a grant covering 50% of the cost, not to exceed \$343,000. Based on the low bid, the City would be utilizing the full grant of \$343,000, and City funds totaling \$399,500 to cover construction costs and engineering costs. With the removals, the City will need to amend the budget by \$70,050 to have \$399,500 available for the project and remaining engineering costs.

**Conclusion/Recommendations:** Administration recommends awarding the project to Sunkota Construction, Inc., from Sioux Falls, for \$561,200.

210 - CONTRACT  
RECYCLING CENTER IMPROVEMENTS

THIS AGREEMENT entered into this 19<sup>th</sup> day of October 2020 by and between the City of Vermillion, South Dakota, acting by and through the City Council of said City hereinafter called the City, and Sunkota Construction, Inc. of Sioux Falls, SD, hereinafter called the Contractor.

WITNESSETH:

WHEREAS the City Council of Vermillion, South Dakota has heretofore caused to be prepared certain drawings, specifications, and proposal blank for furnishing equipment and materials for said City under terms and conditions therein fully stated and set forth; and

WHEREAS the Contractor is required to return to the City a signed copy of the contract within 20-days of signing of the Contract by the Mayor along with the required bonds and insurance.

WHEREAS said drawings, specifications, and proposal of the Contractor accurately and fully describe the terms and conditions upon which the Contractor has offered to furnish all equipment and material awarded the Contractor;

NOW, THEREFORE, IT IS AGREED: That the City hereby accepts the proposal of the Contractor at the prices set out hereinafter:

ITEM	DESCRIPTION	UNIT	QUAN	UNIT PRICE	TOTAL PRICE
1	Mobilization	LS	1	\$6,000.00	\$6,000.00
2	General Requirements	LS	1	\$65,000.00	\$65,000.00
3	Site Civil Improvements	LS	1	\$8,000.00	\$8,000.00
4	General Building Demolition (excluding electrical and mechanical demotion)	LS	1	\$15,000.00	\$15,000.00
5	General Building Construction	LS	1	\$272,200.00	\$272,200.00
6	Mechanical and Plumbing (including mechanical/plumbing demolition)	LS	1	\$85,000.00	\$85,000.00
7	Electrical (including electrical demolition)	LS	1	\$75,000.00	\$75,000.00
8	Fire Alarm System	LS	1	\$35,000.00	\$35,000.00
	<b>TOTAL AMOUNT</b>				<b>\$561,200.00</b>

Project completion – Must be completed by March 5, 2021.

IN ADDITION, IT IS FURTHER AGREED: That said drawings, specifications, proposal and addenda are hereby incorporated as parts of this contract as fully as though set out herein verbatis.

This contract is executed in DUPLICATE by the parties hereto as of the date first herein written.

CITY OF VERMILLION  
CLAY COUNTY, STATE OF SOUTH DAKOTA

\_\_\_\_\_  
Kelsey Collier-Wise, Mayor

DATE SIGNED: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Michael D. Carlson, Finance Officer

Sunkota Construction, Inc.  
CONTRACTOR

\_\_\_\_\_  
DATE SIGNED: \_\_\_\_\_



**SUNKOTA**  
CONSTRUCTION

3412 N Potsdam Ave | Sioux Falls, SD 57104  
605-338-9110 | sunkotaconstruction.com

To: Luke A. Rodig, PE  
Senior Civil Engineer  
Burns & McDonnell  
6909 S. Lyncrest Place, Suite 120  
Sioux Falls, SD 57108

RE: City of Vermillion Recycling Center Improvements Value Engineering Contractor Suggestions for Consideration

Mr. Rodig,

Below you will find items for consideration as value engineering options for the above referenced project. We have reviewed the project documents with our team and with A/E and have found the following items to be considered for reduction in contract value.

1. Removal of high-speed fabric door opening 111D and powder coat finish on 111C & 111E DEDUCT \$15,000.
2. Removal of plywood wainscoting & crash rails around perimeter of offices in room 111. DEDUCT \$2,500
3. Remove handrails from rooftop around smoke hatches. DEDUCT \$10,000
4. Steel curbs for smoke hatches vs aluminum. DEDUCT \$300
5. City to truck the construction debris from site to landfill. DEDUCT \$3,000
6. Reduce quantity of heat detectors in Bale Storage Area 115. DEDUCT \$1,348
7. Change duct insulation in office to liner vs wrap. \$ TBD.
8. Remove economizer from the furnace – DEDUCT \$825
9. Change EF-1 to a standard bathroom fan with a wall Louver – DEDUCT \$350
10. Change ERV-1 from a plate to an energy wheel recovery wheel – DEDUCT \$500

Please review these items with your A/E Team. These items are suggested VE and have not been reviewed against local or standard code compliance. Should you have any questions feel free to contact us at Sunkota Construction. Thank you for the opportunity to present these to you and the City of Vermillion.

Respectfully,

Chris Rans

CITY OF VERMILLION  
 INVOICES PAYABLE-OCTOBER 19, 2020

1 A&A REFRIGERATION	REPAIRS	2,340.16
2 AT&T MOBILITY	MOBILE HOT SPOTS	457.80
3 BROADCASTER PRESS	ADVERTISING	546.66
4 BUHL'S CLEANERS	MAT/MOP SERVICE	584.04
5 BUREAU OF ADMINISTRATION	TELEPHONE	406.07
6 CASK & CORK	MERCHANDISE	900.00
7 CENTURYLINK	TELEPHONE	1,634.07
8 CITY OF VERMILLION	LANDFILL VOUCHERS	348.00
9 CLAY COUNTY AUDITOR	COMBINED ELECTION AGREEMENT	2,800.00
10 CLAY RURAL WATER SYSTEM	WATER USAGE	112.20
11 CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,515.28
12 CLEVELAND GOLF	MERCHANDISE	403.74
13 DAKOTA BEVERAGE	MERCHANDISE	11,439.10
14 DAKOTA PC WAREHOUSE	REPAIRS	94.99
15 DETCO	SUPPLIES	492.54
16 ECHO ELECTRIC SUPPLY	SUPPLIES	505.97
17 FASTENAL COMPANY	PARTS	578.46
18 GLOBAL DIST	MERCHANDISE	647.06
19 GOVERNMENT FINANCE OFFICERS ASSOC	MEMBERSHIP	190.00
20 GRAHAM TIRE	REPAIRS	170.00
21 GRAYMONT (WI) LLC	CHEMICALS	4,152.33
22 GREGG PETERS	MANAGERS FEE & 3RD QTR PROFITS	42,449.99
23 JOHN A CONKLING DIST.	MERCHANDISE	5,104.80
24 JOHNSON BROTHERS OF SD	MERCHANDISE	19,978.97
25 JONES FOOD CENTER	SUPPLIES	421.04
26 LAMB MOTOR COMPANY	2- FORD EXPLORERS	71,714.00
27 LAWSON PRODUCTS INC	SUPPLIES	196.06
28 LESSMAN ELEC. SUPPLY CO	SUPPLIES	1,697.34
29 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	1,150.00
30 M & M CONSTRUCTION LLC	CONCRETE PAD-BARSTOW PARK	3,000.00
31 MATHESON TRI-GAS, INC	CYLINDER RENTAL	87.70
32 MIDAMERICAN	GAS USAGE	996.80
33 MIDCONTINENT COMMUNICATION	GATEWAY MODEMS/INTERNET/CABLE SERVICE	942.57
34 MIZUNO USA, INC	MERCHANDISE	76.84
35 O'REILLY AUTO PARTS	PARTS	33.47
36 PATRICIA MCDANIEL	BOOKS	25.00
37 QUADIENT FINANCE USA, INC	SUPPLIES	12.46
38 REDI TOWING	TOWING	225.00
39 REGISTER OF DEEDS	FILING FEES	150.00
39 REPUBLIC NATIONAL DISTRIBUTING	MERCHANDISE	11,231.48
40 RUNNING SUPPLY, LLC	SUPPLIES	6.77
41 SD DENR	LANDFILL OPERATIONS FEE	3,787.46
42 SD HUMANITIES COUNCIL	PROFESSIONAL SERVICES	25.00
43 SD PUBLIC ASSURANCE ALLIANCE	LIABILITY & VEHICLE INSURANCE	163,793.70
44 SOOLAND BOBCAT	PARTS	379.08
45 SOUTHERN GLAZER'S OF SD	MERCHANDISE	6,675.81
46 STERN OIL CO.	FUEL	9,579.80
47 STURDEVANTS AUTO PARTS	PARTS	97.61
48 SYNCB/AMAZON	BOOKS/DVDS/SUPPLIES	431.37

49 TRUE FABRICATIONS	MERCHANDISE	82.41
50 US POSTMASTER	POSTAGE FOR UTILITY BILLS	900.00
51 USPS-POC	POSTAGE FOR METER	700.00
52 VALIANT VINEYARDS	MERCHANDISE	286.80
53 VERMILLION ACE HARDWARE	SUPPLIES	38.12
54 VERMILLION AREA COMMUNITY	ROUND UP PROGRAM	240.49
55 VERMILLION FORD	REPAIRS	127.05
56 WASTE MANAGEMENT OF WI-MN	WASTE HAULING	1,663.69
57 WIN-911 SOFTWARE	SOFTWARE MAINTENANCE	495.00
58 BILL MANGER	BRIGHT ENERGY REBATE	250.00
59 LARRY MICKALOWSKI	BRIGHT ENERGY REBATE	15.00
60 JOHN PRESCOTT	BRIGHT ENERGY REBATE	250.00
	GRAND TOTAL	\$379,637.15

1. Organization sponsoring raffle/lottery: Family Law & Child Advocacy (University of South Dakota Knudson School of Law)
2. Person to contact: M. Ian Hause
3. Phone number: (970) 231-8199 4. Email address: Marcus.Hause@coyotes.usd.edu
6. Date(s) ticket(s) will be sold: November 17-19, 2020
7. Cost per ticket(s): \$ 1 for each ticket, OR \$ 5 (for 6); \$ 10 (for 13); \$ 20 (for 30)
8. Date(s) drawing(s) will be held: November 20, 2020
9. Who is eligible to purchase ticket(s)? Law Students, staff, & Faculty.
10. Will prize winner(s) be selected at random?  Yes  No

11. Description and approximate value of grand prize:

4 individual themed baskets that contain different related items  
↳ each basket will cost between \$40-\$60; (equal cost) ~~at \$20~~

12. What will the proceeds be used for?

Proceeds will be donated to active deployed military personnel  
(goodie bags) → OR (if not applicable) to the Alzheimer's Association (Sioux Falls)

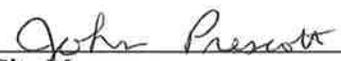
In the space below, please provide a brief, general summary of the event. Be sure to include information such as the location and reason for the event.

The student org., Family Law & Child Advocacy at USD Law plans on having 4 separate themed baskets w/ prizes inside that can be won by a raffle. Participants will have three days to purchase tickets, and drop them in the designated basket for the prize they hope to win. FLCA will randomly select a winner for each basket the following day after the last day to purchase tickets. Proceeds will be donated to charitable causes.

  
Applicant's Signature

10/14/2020  
Date

APPROVED BY:

  
City Manager

10-15-2020  
Date