



**Special Meeting Agenda
City Council**

12:00 p.m. (Noon) Special Meeting
Monday, May 18, 2020
Large Conference Room – City Hall
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call.**
2. **Visitors to Be Heard.**
3. **Prentis Plunge, Parks, and Recreation program openings – Jim Goblirsch.**
4. **Briefing on the May 18, 2020 City Council Regular Meeting** – Briefings are intended to be informational only and no deliberation or decision will occur on this item.
5. **Adjourn.**

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

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

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

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

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

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



City of Vermillion Council Agenda

7:00 p.m. Regular Meeting
Monday, May 18, 2020
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. Roll Call

2. Pledge of Allegiance

3. Minutes

- a. May 4, 2020 Special Meeting; May 4, 2020 Regular Meeting.

4. Adoption of the Agenda

5. Visitors to be Heard

6. Public Hearings

- a. Request for a Variance to reduce the required side yard setback from the required 4-feet to approximately 8-inches along the west property line of 221 Lewis Street to allow for an addition to a nonconforming detached garage.

7. Old Business

- a. Review of Ordinance 1413 and determine continuation of the Emergency Ordinance.

8. New Business

- a. First Reading of Emergency Ordinance 1414 to limit occupancy in businesses similar to Ordinance 1413 due to COVID-19.
- b. Café Brule Permit for Consumption of Alcohol in Sidewalk Furniture Use Zone.
- c. Recommendation of BID Board #1 to utilize reserve funds to make up the difference between actual receipts for the first and second quarter 2020 vs. the 5-year average payment amount for the first and second quarter in determining payment amount transferred to the VCDC.
- d. Establish a process to fill vacant Central Ward Council seat.
- e. Mutual Aid agreement with the City of Elk Point.
- f. Resolution pledging Vermillion Now! Second Penny funds to assist with the design and construction administration of Bliss Pointe Phase 2 infrastructure.
- g. Request to close N. Plum Street from E. Cherry Street to SD Highway 50 on Friday, August 21, 2020 from 5:00 am to 4:00 pm for USD's Move-In Day.
- h. Request to close Rose Street from Coyote Village north to the Dakota Dome on Friday, August 21, 2020 from 5:00 am to 4:00 pm for USD's Move-In Day.
- i. Resolution to accept a DENR grant for renovations at the Missouri Valley Recycling Center and authorize the City Manager to sign grant documents.
- j. Professional service agreement with Burns & McDonnell for recycling center building renovations.

9. Bid Openings

10. City Manager's Report

11. Invoices Payable

12. Consensus Agenda

- a. Set a public hearing date of June 1, 2020 for annual malt beverage and SD farm wine renewals.

13. Adjourn

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

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

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

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

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

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Vermillion City Council's Values and Vision

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

Unapproved Minutes
Council Special Session
May 4, 2020
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, May 4, 2020 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Hellwege (teleconference), Holland (teleconference), Humphrey (teleconference), Price (teleconference), Sorensen, Ward (teleconference), Willson (teleconference), President Collier-Wise (teleconference)

2. Visitors to be Heard - None

3. Update on Emergency Ordinances - James Purdy

James Purdy, Assistant City Manager, provided an update on COVID-19 starting with the current statistics for the state and Clay county, the emergency ordinance adopted on March 30, 2020, a review of what other first class cities have done on loosening restrictions, the White House Guidelines, Governor Noem's Executive Order 2020-20 and "Back to Normal" guidelines for local government. James also reported that the city has formed a committee of city employees that has been reviewing options for city buildings regarding protective measures, layout and sanitation.

Tim Tracy with Sanford Health Vermillion reviewed the local numbers but also wanted to bring to light the areas surrounding Clay county that could have an impact. Tim reported on the amount of testing being done noting that the turnaround time has been about 48 hours. Tim reported that the hospital will have enough beds and ventilators to meet current projections. Tim reported that, starting this week, the hospital will be doing elective surgery and preventive procedures that have been postponed due to the COVID-19. Tim stated that testing can be done by drive through as well as lab samples taken by drive through followed with a tele visit. Tim answered questions of the City Council and, in closing, encouraged social distancing, wearing a mask and to give blood.

Jim McCulloch, City Attorney, reviewed Ordinance No. 1413 noting it would not be in compliance with Governor Noem's Executive Order 2020-20 and the Back to Normal guidelines. Jim noted that some cities have lifted their restrictions completely while others have included conditions. Jim reviewed the legal issues to be considered in amending the ordinance and considering including conditions.

The City Council reviewed and discussed the restrictions and conditions included in the Rapid City, Brookings and Aberdeen resolutions. The occupancy percentage was discussed with the Fire Department who noted that the calculations of occupancy do not take into account the six feet social distancing and suggested using 33 percent of the occupancy calculation. The Fire Department also noted that it might take three to five days to make these calculations for each business. The consensus of the City Council was to incorporate the conditions contained in the Brookings resolution with the 33 percent of capacity calculation for review and consideration at tonight's meeting.

4. Briefing on the May 4, 2020 City Council Regular Meeting

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

5. Adjourn

104-20

Alderman Sorensen moved to adjourn the Council special session at 1:29 p.m. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, President Collier-Wise-Y. President Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 4th day of May, 2020.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____
Kelsey Collier-Wise, President

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
May 4, 2020
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, May 4, 2020 at 7:00 p.m. by President Collier-Wise.

1. Roll Call

Present: Hellwege (teleconference), Holland (teleconference), Humphrey (teleconference), Price (teleconference), Sorensen, Ward (teleconference), Willson (teleconference), President Collier-Wise (teleconference)

2. Pledge of Allegiance

3. Minutes

A. Minutes of April 20, 2020 Special Meeting; April 20, 2020 regular meeting

105-20

Alderman Sorensen moved approval of the April 20, 2020 Special Meeting and April 20, 2020 Regular Meeting minutes. Alderman Willson seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, President Collier-Wise-Y. President Collier-Wise declared the motion adopted.

4. Adoption of Agenda

106-20

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

5. Visitors to be Heard

Alderman Humphrey asked City Manager Prescott to report the results of the traffic study conducted on the intersection of Cottage Avenue, Alumni Street and Rice Street. John Prescott, City Manager, reported that, in July last year, the study showed that 2.9% of the vehicles were traveling in excess of 5 mph over the speed limit. John reported that a second test was completed in October of last year which showed 2.6% of the vehicles were traveling in excess of 5 mph over the speed limit.

6. Public Hearings - None

7. Old Business

A. Review of Ordinance No. 1413 and determine continuation of the Emergency Ordinance

John Prescott, City Manager, recapped the process used in adopting the Emergency ordinance at the March 24th and March 30th meetings. John stated that this emergency ordinance placed restrictions on public gathering places and entertainment venues such as bars, restaurants, movie theaters, video lottery casino operations, and similar places of public accommodation, as well as nail and hair salons, barber shops, health clubs, and spas where individuals are in close contact. John noted that the ordinance provided a fine for each violation and at the time of packet preparation, no establishments have been cited for a violation. John noted that Section 6 of the ordinance requires the City Council to review continuation of the restrictions at each regular meeting and any special meeting called to address the ordinance during the 60-day period. John noted that the City Council reviewed and discussed the Ordinance during the April 6, 2020 and April 20, 2020 meetings but did not make any changes. John stated that this is the third opportunity since the adoption of the Ordinance for the governing body to consider the continuation of all or part of the restrictions in the ordinance. John reported that the ordinance provided that the City Council can amend the ordinance with the adoption of a emergency resolution noting any changes. John reported that several first class cities, which have an ordinance similar to Vermillion, have rescinded their ordinance in response to the Governor's plan and Executive Order 2020-20. John noted that it was discussed at the noon meeting to remove the restrictions in the ordinance but to include conditions. John noted that the ordinance would still be available to put back into effect if conditions change during the remaining life of the 60-day ordinance. John stated that the final draft of the resolution was sent out just after 5:00 p.m. today. John reviewed the conditions included in the resolution. Discussion followed on the resolution to include Council members sharing comments that were received from doctors and citizens.

The discussion included when other city services would return with John Prescott stating that the plan is to have the Recycling Center open for citizens to drop off recycling later this week while the Library and City Hall will be closed until a later date. Jim Goblirsch, Director of Parks & Recreation, stated that they are currently holding on programs waiting for direction from the City Council. Jim stated that programs that are housed in the High School will not be held this year as their facilities are closed. Jim stated that the local guard unit is using the Armory in preparing for possible deployment so these programs are on hold. Jim noted that the online registration program requires the fees to be paid at registration and wants to wait until they are sure the program will be held to avoid refunding the fees. Discussion followed on opening playgrounds and other parks facilities with the consensus to take this up in two weeks at the May 18th meeting.

Mayor Collier-Wise reported on comments received from the public and encouraged citizens to practice social distancing and follow the CDC guidelines.

John Prescott, City Manager, recommended removing the following two conditions from the resolution "Hand sanitizer locations shall be readily available for public use at grocery and retail businesses." "Seating at large gatherings shall be reduced to comply with a six-foot minimum distance between attendees." John noted that grocery and retail business were not included in the ordinance and large group is covered in other conditions. Discussion followed on the emergency resolution to amend the emergency ordinance.

107-20

After reading the same once, Alderman Holland moved adoption of the following resolution with removal of the two conditions referred to above:

EMERGENCY RESOLUTION

AMENDING PARTS OF ORDINANCE No. 1413 WHICH ADDRESSES A PUBLIC HEALTH CRISIS BY IMPLEMENTING CERTAIN MEASURES WHICH WERE DEEMED NECESSARY TO SLOW THE COMMUNITY SPREAD OF COVID 19 (CORONAVIRUS)

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, the City Council adopted emergency Ordinance No. 1413 with second reading on March 30, 2020 to implement measures to slow the community spread of the COVID-19 virus; and

WHEREAS, Ordinance No. 1413 became effective upon passage for a maximum of sixty days (March 30, 2020 to May 30, 2020); and

WHEREAS, Ordinance No. 1413 provided that the City Council will have as an agenda item at each regular City Council meeting for the consideration of a resolution to suspend the provisions herein prior to the end of the sixty (60) day period included; and

WHEREAS, Governor Noem issued the 'Back to Normal Plan' on April 28, 2020 which details the expectations for individuals, businesses, schools, health care providers, and local governments to return to business and social interactions while accounting for the inherent uncertainties of this pandemic; and

WHEREAS, Governor Noem's Plan and Executive Order 2020-20 state that every South Dakotan shall follow South Dakota's Back to Normal Plan; and

WHEREAS, Executive Order 2020-20 which was issued on April 28, 2020 stated that local governments within the State shall follow the Plan for their respective jurisdictions.

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 4th day of May 2020, made the following changes to Ordinance No. 1413:

Businesses within the City of Vermillion which are open to the public shall observe guidelines to slow the spread of COVID-19.

Any business identified in Ordinance No. 1413 may re-open to serve patrons on-site pursuant to the conditions in this resolution. The restrictions on business establishments as named in #1, #2, #3, and #4 of Emergency Ordinance 1413 are amended as follows.

- a. Establish a minimum six-foot distance between any tables, chairs, and barstools. This provision does not need to be observed between members of the same household.
- b. Restaurants, bars, and video lottery casino operations shall be limited to a maximum of ten (10) customers or a capacity of thirty-three (33) percent of their maximum posted capacity, whichever is greater.
- c. All businesses will identify their occupancy allowance and post it in a conspicuous location for customers entering the building.
- d. All restaurants and bars shall dispose of, or disinfect, all menus before and after use by each customer. Condiment containers shall be cleaned/disinfected between each group and shall not be shared among multiple groups. Salad bars and self-service buffets shall not be permitted.
- e. Recreation and fitness businesses shall limit customers based on available square footage. A maximum of ten (10) customers or a capacity of thirty-three (33) percent of their posted capacity.
- f. Encourage social distance spacing while waiting for service or entry into a business. Businesses may accomplish this by requiring people to remain in their vehicles.
- g. Install a plexiglass, or similar divider where physically possible between the cashier and the customer.
- h. Require employees to wash hands at regular intervals.
- i. Food service employees must wear a mask when serving dine-in patrons which covers the employee's nose and mouth.
- j. In video lottery casinos operations, machines must be cleaned and disinfected between each customer.
- k. Employees of hair salons, nail salons, spa, and barber shops must wear masks which cover their nose and mouth during customer contact times. Customers must be seated at least six (6) feet apart.

- l. In gyms and fitness facilities, any equipment and/or exercise mats must be cleaned or disinfected between each use. Customers should be separated by at least six feet when using machines or equipment.
- m. Customer seating in theaters and similar businesses shall be reduced for social distancing with certain seats marked as "not available due to social distancing guidelines" to ensure compliance.
- n. Businesses shall publicly post a regular cleaning and disinfecting schedule.
- o. Businesses are encouraged to conduct daily employee screenings for illness.
- p. Businesses are encouraged to post signage outside of their facility that encourages customers to not enter if they are not feeling well or have COVID-19 symptoms.
- q. Businesses are encouraged to develop risk mitigation strategies for restrooms or other areas where social distancing requirements are likely to be compromised.
- r. Certain businesses (e.g. a gym, recreation facility, video lottery casino, etc.) are encouraged to have customers wipe down their equipment/machines before and after use. However, it will still be the responsibility of the business to ensure proper cleaning and disinfecting is occurring.
- s. Businesses, particularly salons, barber shops, and spas are encouraged to provide service on an appointment-only basis to ensure proper social distancing and hygiene practices are met.

The exceptions provided in #5 of Emergency Ordinance No. 1413 remain unchanged.

Ordinance No. 1413 will remain in place until May 30, 2020. The City Council with adoption of a resolution may again implement the suspended restrictions if conditions of the pandemic worsen and action is needed to promote the health and safety of the community.

BE IT FURTHER RESOLVED, that no business is required by the City of Vermillion to open but shall take into account Governor Noem's Back to Normal Plan and Executive Order 2020-20 and their ability to maintain social distancing, proper hygiene, and practices recommended by the Centers for Disease Control which reduce or slow the spread of COVID-19.

BE IT FURTHER RESOLVED, that every citizen, visitor, and property owner is encouraged to continue to do their part to slow the spread of COVID-19 through maintaining social distancing, practicing good social hygiene through frequent and thorough handwashing, staying home and isolated when sick, covering coughs and sneezes, and cleaning and disinfecting frequently touched surfaces.

Dated at Vermillion, South Dakota this 4th day of May, 2020.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
Kelsey Collier-Wise, Council President

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 as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-N, Ward-Y, Willson-Y, President Collier-Wise-Y. President Collier-Wise declared that the Emergency Resolution was adopted and is now effective.

8. New Business

A. Appointment of Mayor

President Collier-Wise asked Vice President Holland to conduct the meeting as she has expressed interest in the Mayor position.

Vice President Holland requested motions for appointment as Mayor until July 2021 as provided in state statute.

108-20

Alderman Willson moved to appoint Kelsey Collier-Wise to fill the vacancy as Mayor until July 2021 pursuant to SDCL 9-8-2. Alderman Ward seconded the motion. Alderman Collier-Wise and Alderman Sorensen had expressed interest in the opening, thus they did not vote as there was a conflict of interest. Discussion followed. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Price-Y, Ward-Y, Willson-Y, Vice President Holland-Y. Vice President Holland declared the motion adopted.

Alderman Collier-Wise stated that she wanted to resign her position as Alderman Central ward.

109-20

Alderman Hellwege moved to accept the resignation of Alderman Collier-Wise as Alderman from the Central ward. Alderman Price seconded the motion. Alderman Collier-Wise abstained from the vote. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Vice President Holland-Y. Vice President Holland declared the motion adopted.

Discussion followed on the process of filling the vacancy in the Central Ward with the consensus that this be an agenda item on the next meeting agenda.

Mike Carlson administered the oath of office to Mayor Kelsey Collier-Wise.

Mayor Collier-Wise reported that there is now a vacancy for President of the City Council and asked for a motion to appoint a President.

110-20

Alderman Hellwege moved to appoint Alderman Holland as President of the City Council. Alderman Ward seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

Mayor Collier-Wise reported that, with the appointment of Alderman Holland to Council President, there is now a vacancy for Vice President of the City Council and asked for a motion to appoint a Vice President.

111-20

Alderman Price moved to appoint Alderman Ward as Vice President of the City Council. Alderman Holland seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

B. Board of Library Trustees appointments

Mayor Collier-Wise thanked those who volunteered to serve and recommended the reappointment of Greg Redlin and the appointment of Alexis Oskolkoff to three year terms on the Library Board.

112-20

Alderman Hellwege moved approval of the reappointment of Greg Redlin and the appointment of Alexis Oskolkoff to three year terms on the Library Board. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

C. Human Relations Commission appointments

Mayor Collier-Wise thanked those who volunteered to serve and recommended the appointment of Brenda Fergen and Gerald Yutrzenka to three-year

terms, Jordan Bonstrom to a one-year term and Codylee Riedmann as a post-secondary student one-year term on the Human Relations Commission.

113-20

Alderman Price moved approval of the appointment of Brenda Fergen and Gerald Yutrzenka to three-year terms, Jordan Bonstrom to a one-year term and Codylee Riedmann as a post-secondary student to a one-year term on the Human Relations Commission. Alderman Willson seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

D. Amendment No. 2 on Work Order for Design for Proposal Shared Use Path Repair Options

Jose Dominguez, City Engineer, provided background on the shared use path between 12th Street and the west terminus noting sections of the trail have fallen into the river prompting the closure since 2012. Jose reported that another section of the trail was reopened in 2014 after it was reconstructed farther away from the Vermillion River. Jose reported that in 2018 staff had a few conversations with the property owners regarding the proposed route and required easements regarding the proposed path along the river. Jose noted that in April 2019 staff updated the City Council on all of the conversations with the adjoining property owners and the Council instructed Staff to come up with a different route that would reduce the amount of land acquisitions. Jose reported that these options were presented to the City Council at a November 2019 noon meeting when the Council chose to place the shared use path on the south side of West Broadway Street between the curb and property line and work with Nutrien Ag Solutions to see if it would be possible to place the path along their south and west property lines. Jose noted that this change would require an amendment to the original agreement with Banner Associates. Jose reported that the original agreement with Banner was approved by the City Council on January 15, 2018 and was for the completion of construction plans based on the idea that the shared use path would be constructed along the river with a July 1, 2018 planned completion date. Jose noted that, due to the length of time the conversations with the property owners took, and the fact that the City had not received direction from the DOT regarding an agreement with Banner Associates, the City requested an extension for the project completion. Jose stated that the DOT issued Amendment No. 1 on December 6, 2019, which extended the deadline to December 31, 2024. Jose stated that Amendment No. 2 being proposed will cover the cost of the additional survey needed for the completion of the design. Jose reported that staff will still be contacting the property owners to discuss how the new direction will affect them before Banner Associates starts the final construction plans. Jose reported that the contract will be paid by the

DOT through the Federal Grant received by the City in 2006. Jose reported that the cost for this work order will be \$18,491.92 which is a \$4,200 increase to the original agreement's cost of \$14,291.92. Discussion followed with Jose answering questions on the project and costs.

114-20

Alderman Sorensen moved approval of Amendment No. 2 on work order for Design of Proposal Shared Use Path repair options with Banner Associates for a new total of \$18,491.92. Alderman Hellwege seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

E. Resolution Fixing Time and Place for Hearing and Notice of Hearing on the Special Assessment Roll for Installation of Street Lighting along West Main Street West of Stanford Street

Shane Griese, Utility Manager, reported that on October 21, 2019 the City Council approved a Resolution Adopting the Resolution of Necessity for Installation of Street Lighting along West Main Street west of Stanford Street. Shane reported that the project was bid, work has been completed and the final payment has been authorized. Shane reported that the special assessments roll has been calculated and filed with the Finance Officer on April 27, 2020. Shane stated that, per state statute, the City is required to hold a public hearing to allow the affected property owners to review and discuss any concerns regarding the assessed value. Shane stated that the resolution will set the public hearing date of June 1st. Shane noted that the resolution provided that property owners to be assessed will be notified of the hearing by mail and notice will be published in the Plain Talk. Shane recommended approval of the resolution setting the public hearing date of June 1st that also provides for notice to be mailed and published.

115-20

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

RESOLUTION FIXING THE TIME AND PLACE FOR A HEARING
AND NOTICE OF HEARING ON THE SPECIAL ASSESSMENT ROLL
FOR INSTALLATION OF STREET LIGHTING ALONG WEST MAIN STREET WEST OF
STANFORD STREET

WHEREAS, a special assessment roll was filed in the office of the City Finance Officer of the City of Vermillion, Clay County, South Dakota, on the 27th day of April, 2020, for the installation of street lights along West Main Street West of Stanford Street, in front or abutting lots in the City of Vermillion, Clay County, South Dakota, said special

assessment being against the property abutting upon said improvement;
and

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

WHEREAS, said assessment roll shows as follows:

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

<u>Owner</u>	<u>Description</u>	<u>Parcel ID Number</u>	<u>Total (w/fee)</u>
Bliss, Janice Gayle	1200 W. Main Street Lot 5, Blk 1 Bliss 2nd Addn	15091-00100-050-00	\$767.50
Bunyan's LLC	1201 W. Main Street Lots 1 & 2, Exc Lot H1 Blk 1, Bliss Addn	15090-00100-020-00	1,479.32
Freidel, Joanne R	1310 W. Main Street Lot 4, Blk 1 Bliss 2nd Addn	15091-00100-040-00	1,756.54
Vermillion Area Chamber & Development Company	1317 W. Main Street Lot 12, Blk 6 Pointe Addn	15093-00600-000-00	2,106.10
Gregoire, Troy & Kristine	1324 W. Main Street Lot 3, Blk 1 Bliss 2nd Addn	15091-00100-030-00	1,756.54
Bliss, Kevin	1411 W. Main Street Lot 13, Blk 6 Bliss Pointe Addn	15093-00600-130-00	1,839.21

Heine, Julie 1412 W. Main Street 15091-00100-020-00 927.04
 Lot 2, Blk 1
 Bliss 2nd Addn

Valiant Vineyards Inc 1500 W. Main Street 15091-00100-010-00 216.98
 Lot 1, Blk 1
 Bliss 2nd Addn

Ten Equal Annual Installments at Ten Percent Interest for deferred payments

NOW, THEREFORE, BE IT RESOLVED, that Monday, the 1st day of June, 2020, at the hour of 7:00 p.m. in the City Council Chambers at City Hall located at 25 Center Street, in the City of Vermillion, Clay County, South Dakota, be and the same is hereby fixed as the time and place for hearing upon said assessment roll. Any interested person may appear and show cause why the Governing Body of said City of Vermillion, South Dakota, should not approve and levy said assessments against the respective premises as set forth in said assessment roll, to defray the costs of the construction of said improvement.

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

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

Dated at Vermillion, South Dakota, this 4th day of May, 2020.

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

By: _____
Kelsey Collier-Wise, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Ward. Discussion followed and the question of the adoption of the Resolution was presented for a roll call

vote of the Governing Body. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the Resolution was adopted.

F. Consideration of the 2020-2024 Capital Improvement Plan

John Prescott, City Manager, reported that, at the April 20, 2020 Noon City Council meeting, staff presented a Capital Improvement Plan for City Council discussion and review. John reported that staff has reviewed the plan and corrected minor errors and typos. John stated that, as was discussed during the presentation of the draft, COVID-19 has cancelled or delayed some projects originally approved for the 2020 budget year. John noted that, depending on the economic impact of COVID-19, some projects currently proposed for 2021 may be delayed during adoption of the 2021 budget in September when more complete financial information is available. John noted that the Capital Improvement Plan does not allocate funding for any particular project. John stated that one of the goals of the Capital Improvement Plan (CIP) is to present ideas to the City Council and community about projects that may be undertaken in the next five years. John noted that there is the potential for current projects during 2020 to extend into the 2021 budget. John noted that it may or may not be possible to fund all of the projects included in the CIP in the proposed budget year but requested input from the City Council to identify projects for staff to work toward accomplishing. John stated that the Capital Improvement Plan will then assist the City Council and staff with planning future budgets including applying for grant or loan funding. John reviewed the 2020-2024 Capital Improvement Plan and answered questions. Discussion followed.

116-20

Alderman Price moved the adoption of the 2020-2024 Capital Improvement Plan as presented. Alderman Willson seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

G. Tom Street Lift Station Facility Plan Agreement

Shane Griese, Utility Manager, stated that in 2014 an assessment was performed on the Tom Street Lift Station which was installed in 1975. Shane noted that the assessment was completed at that time as the Bliss Pointe housing development was just getting started and it was unknown what the additional demand of the development would place on the lift station. Shane stated that, due to the age of the lift station and condition of the lift station at that time, the assessment estimated replacement would be required between 2025-2035. Shane noted that at that

time due to the significant cost of the repairs in comparison to the cost of a new lift station, as well as the current layout of the existing lift station, full replacement at a later date was the suggested option. Shane stated that, as the City plans for replacement of the lift station in 2021, we need to have a Facility Plan performed. Shane noted that the Facility Plan will evaluate the current condition and capacity of the lift station as well update information from 2014 to the present. Shane stated that the Facility Plan will meet all state requirements and allow the City to apply for loan and grant funding to assist with the cost of needed improvements. Shane noted that the agreement with Banner Associates has been attached for your review with a cost of \$14,000. Discussion followed

117-20

Alderman Willson moved approval of the professional services agreement with Banner Associates, Inc in an amount not to exceed \$14,000 for the facility plan for the Tom Street lift station. Alderman Hellwege seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-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 Stern Oil on Item 1 and Brunick's Service on Items 2,3 & 4.

Item 1 - 4,350 gal unleaded 10% ethanol: Stern Oil \$1.1888, Brunick's Service \$1.20, Jerry's Service \$1.29; Item 2 - 1,000 gal unleaded regular: Stern Oil \$1.3835, Brunick's Service \$1.35, Jerry's Service \$1.39; Item 3 - 3,000 gal No. 2 Diesel fuel dyed: Stern Oil \$1.223, Brunick's Service \$1.15, Jerry's Service \$1.38; Item 4 - 1,000 gal No. 2 diesel fuel-clear: Stern Oil \$1.503, Brunick's Service \$1.40, Jerry's Service \$1.68.

118-20

Alderman Ward moved approval of the low quote of Stern Oil on Item 1 and Brunick's Service on Items 2,3 & 4. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

10. City Manager's Report

A. John reported that the Emergency Resolution adopted earlier in the meeting to amend the restrictions contained in the Emergency Ordinance No. 1413 are effective upon adoption. John noted that when Ordinance No. 1413 was adopted it provided that changes could be made by emergency resolution to be effective upon adoption.

B. John reported that curbside recycling collection remains paused. John noted that we hope to open the Recycling Center later this week for drop-off. John reported that there are two grass collection roll offs one located on Prentis Street by the baseball field and the other in the Barstow Park parking lot off of Dartmouth Street.

C. John reported that the Historic Preservation Commission meets on Wednesday, May 6th at 9:00 a.m., the Human Relations Commission meets on Thursday, May 7th at 7:00 p.m. and the BID#1 Board meets at on Friday, May 8th at 8:00 a.m. John noted that these meeting will be conducted by Zoom and for more information contact City Hall.

D. John reported that the 2020 Census is underway and asked residents to please take a minute to complete the Census form. John noted that having an accurate count is important to the City of Vermillion and Clay County.

PAYROLL ADDITIONS AND CHANGES

Ambulance: Dylan Hinds \$16.45/hr-\$16.45/training hr-\$24.68/holiday hr;
Communications Center: Derek Ronning \$22.41/hr; Light: Dennis Davis
\$.40/meter, Teresa Gilbertson \$.40/meter, Matt Nelson \$31.94/hr

11. Invoices Payable

119-20

Alderman Hellwege moved approval of the following invoices:

Adidas America, Inc	merchandise	2,593.12
Advanced Weighing Systems	annual support	1,695.00
Apex Equipment, LLC	repairs	867.00
Appeara	shop towels	45.00
Aqua-Pure Inc	chemicals	9,857.60
Aramark Uniform Services	uniform cleaning	563.10
Argus Leader Media #1085	subscription	28.00
Atco International	supplies	157.50
Avera Occupational Medicine	pre-employment testing	127.10
Banner Associates, Inc	professional services	1,418.25
Basin Electric Power Coop	spirit mound sub testing	1,877.45
Bierschbach Eqpt & Supply	repairs	280.35
Black Clover Enterprises	merchandise	1,451.79

Blackstone Publishing	books	150.00
Border States Elec Supply	supplies	54.96
Bound Tree Medical, LLC	supplies	2,292.68
Broadcaster Press	advertising	1,322.50
BSN Sports Inc	soccer goals	2,128.00
Burns & McDonnell	professional services	6,366.75
Butler Machinery Co.	repairs/parts	4,591.77
C & B Operations, LLC	parts	165.86
Callaway Golf	merchandise	2,585.82
Cannon Technologies, Inc	electric load management	9,435.00
Carl Smith	housing rehabilitation grant	1,113.28
Cask & Cork	merchandise	1,316.10
Century Business Products	copier contract/copies	186.20
Chamberlain Oil Co	oil	1,155.60
City Of Vermillion	copies/postage	871.20
City Of Vermillion	utility bills	34,568.91
Clay Co Register Of Deed	filing fee	30.00
Coffee King, Inc	merchandise	62.75
Colonial Life Acc Ins.	insurance	3,032.81
Core & Main LP	supplies	1,834.38
Coyote Chemical Company	supplies	82.00
Coyote Convenience	fuel	13.36
Curt Haakinson	safety boots reimbursement	100.00
D-P Tools	tools	206.72
Dakota Beverage	merchandise	8,745.13
Dakota Pc Warehouse	computers/monitor	1,352.90
Danko Emergency Equipment	wireless headset/name plates	236.02
Delta Dental Plan	insurance	6,264.66
Demco	supplies	88.18
Dennis Martens	maintenance	833.34
DGR Engineering	professional services	370.00
Drew Gortmaker	boots reimbursement	200.00
Dubois Chemicals	soda ash	7,359.00
Echo Electric Supply	supplies	2,129.14
Ed M. Feld Eqpt Co	supplies	165.00
Envisionware, Inc	annual maintenance	671.90
Equipment Blades Inc	parts	344.92
Erickson Solutions Group	IT hardware/software	2,356.24
Farmer Brothers Co.	supplies	76.85
Fast Auto Glass	repairs	527.40
Fastenal Company	safety glasses	43.69
Fedex.	shipping	14.11
Flags Unlimited2	repairs	32.78
Foreman Media	council mtg	100.00
Gale/Cengage Learning Inc	books	62.38

Garys Tree Service, Inc	stump grinding	260.00
Global Dist.	merchandise	247.56
Global Packaging Solutions	baler bags	46,432.00
Graham Tire Co.	tires	795.80
Great Northern Environment	repairs	8,920.00
Gregg Peters	freight	1,056.00
Gregg Peters	rent	937.50
Hach Co	testing	4,434.00
Hansen Locksmithing	repairs	281.00
Heartland Glass Co.	repairs	2,810.00
Heiman Fire Equipment	uniform repairs	2,149.10
Helms & Associates	professional services	3,502.79
Herren-Schempp Building	supplies	311.95
High Point Networks	professional services	488.75
HOA Solutions, Inc	repairs	1,065.00
Holiday Inn Express	lodging	392.00
Hornungs Pro Golf	merchandise	216.61
Hy Vee Food Store	supplies	497.11
Hydro Klean	clean/televise lines	23,649.29
Industrial Chem Labs	degreaser	221.11
Ingram	books	2,734.42
Jacks Uniform & Eqpt	supplies	19.95
Jamie Hall	gym membership reimbursement	247.73
Jay's Plumbing	repairs	809.94
John A Conkling Dist.	merchandise	4,644.65
Johnsen Heating & Cooling	repairs	1,030.20
Johnson Brothers Of SD	merchandise	16,547.05
Jones Food Center	supplies	1,460.35
Karsten Mfg Corp	merchandise	307.98
Kimball Midwest	supplies	51.29
Lessman Elec. Supply Co	Prentis pathway /supplies	16,319.00
Loffler	copier contract/copies	99.17
Louies Carpet Clean, Inc	treatment	614.25
LSC Environmental Products	parts	214.52
Main Street Center	contribution	16,000.00
Mart Auto Body	towing/parts	169.19
Mart Brothers Construction	replace gutters/downspouts	6,831.90
Matheson Tri-Gas, Inc	medical oxygen/cylinder rental	680.22
McCulloch Law Office	professional services	2,107.20
Mead Lumber	supplies	35.96
Medical Waste Transport, Inc	waste hauling	108.76
Menards	supplies	64.94
Merrick Industries	parts	3,250.64
Micro Marketing LLC	books	25.00
Midwest Alarm Co	alarm monitoring	153.00

Midwest Turf & Irrigation	mowers/parts	48,115.51
Midwestern Mechanical, Inc	fire sprinkler inspection	325.00
Minn Municipal Utility Assoc	2nd qtr safety mgmt program	7,353.50
Missouri Valley Maintenance	repairs	940.41
Moore Welding & Mfg	repairs	152.50
Motion Picture Licensing C	license	188.06
NCL Of Wisconsin, Inc	chemicals	2,262.35
Netsys+	repairs/software	3,393.00
Newman Signs, Inc	supplies	687.14
Nike Inc	merchandise	582.06
Nursery Wholesalers Inc	trees	4,210.85
O'Reilly Auto Parts	parts	256.80
PCC, Inc	commission	2,493.88
Pedersen Machine Inc	parts	160.82
Petrochoice	supplies	105.72
Pizza Ranch	fun zone cards	200.00
Premier Safety	testing	555.11
Presto-X-Company	inspection/treatment	62.00
Print Source	signs/supplies	910.20
Property Maintenance Service	junk/debris removal	798.85
Quadient Finance USA, Inc	postage/supplies	746.16
Quadient Leasing USA, Inc	postage meter lease	234.24
Quadient, Inc	ink cartridge	129.05
Quill	supplies	71.63
Racom Corporation	maintenance	411.70
Ramkota Hotel	lodging	183.98
Redi Towing	towing	75.00
Republic National Distributing	merchandise	17,103.92
Running Supply, LLC	supplies	2,878.19
Sanford Health Occupational	testing	228.00
Sanford Health Plan	participation fee	54.00
Sanford Usd Medical Center	supplies	103.82
Sanitation Products Inc	parts	1,515.51
Scott Iverson	safety boots reimbursement	100.00
SD Dept Of Health	testing	228.00
SD Lottery	license renewal	100.00
SD One Call	locates	124.95
SD Public Assurance Alliance	mower/loader coverage	616.25
SD Retirement System	contributions	59,052.16
Service First Fire Sprinkler	fire sprinkler inspection	245.00
Service Master Of Se SD	custodial	3,740.35
Sioux Falls Ford	repairs	189.85
Siouxland Humane Society	fees	37.00
Sooland Bobcat	parts	118.44
Southern Glazer's Of SD	merchandise	5,674.54

Special T's And More	work vest	65.00
Steve's Heating & A/C Inc	a/c & furnace-bluffs	6,394.77
Stuart C. Irby Co.	supplies	4,104.05
Sturdevants Auto Parts	parts/supplies	1,850.67
Swank Movie Licensing USA	license renewal	439.00
Syncb/Amazon	books/dvds	171.15
Taste Of Home Books	books	34.98
The Ups Store #6751	shipping	238.06
Thiesen Designs	sweatshirts/t-shirts	284.70
Tigert Art Gallery	framing	350.00
Todds Electric Service	west main street lights	10,045.60
Tractor Supply Credit Plan	parts	37.98
Truck-Trailer Sales	parts	94.35
Twin City Hardware	parts	572.25
Tyler Technologies	software maintenance	5,475.97
Uline	supplies	566.78
United Laboratories	chemicals	2,747.10
United Way	contributions	767.00
Unum Life Insurance Company	insurance	1,523.28
USA Bluebook	parts	68.12
UV Doctor Lamps, LLC	supplies	792.03
Valiant Vineyards	hand sanitizer/wipes	938.50
Van Diest Supply Co	supplies	1,497.50
Vast Broadband	911 circuit/dialup services	1,415.45
Verizon Wireless	cell phones/ipad access	2,382.24
Vermeer High Plains	supplies	68.86
Vermillion Ace Hardware	supplies	3,568.23
Vermillion Chamber Of Commerce	2nd qtr BBB cont/BID 1st qtr	74,158.60
Vermillion Rotary Club	dues/meals	127.75
Visa/First Bank & Trust	fuel/lodging/supplies	6,327.63
Walmart	supplies	1,036.61
Walt's Homestyle Foods, Inc	merchandise	74.00
Wesco Distribution, Inc	supplies	2,702.84
Yankton Fire & Safety	inspection/repairs	384.50
Yankton Janitorial Supply	toilet paper/gloves	651.80
Yankton Motorsports LLC	repairs	982.98
Zee Medical Service	supplies	72.20
Zerofriction LLC	merchandise	454.63
Ziegler Inc	parts	196.54
Zimco Supply Co	supplies	13,549.50
Jerry's Auto	Bright Energy Rebate	820.80
Kenny Erickson	Bright Energy Rebate	250.00
Nels Sorensen	Bright Energy Rebate	500.00
Kalins Indoor Comfort	Bright Energy Rebate	100.00
John Dimock	Bright Energy Rebate	250.00

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

12. Consensus Agenda - None

13. Adjourn

120-20

Alderman Ward moved to adjourn the Council Meeting at 8:38 p.m. Alderman Sorensen seconded the motion. Alderman Hellwege seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 4th day of May, 2020.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____

Kelsey Collier-Wise, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.



Council Agenda Memo

From: José Domínguez, City Engineer

Meeting: May 18, 2020

Subject: Request for a variance to reduce the required side yard setback from the required 4-feet to approximately 8-inches along the west property line of 221 Lewis Street to allow for an addition to a nonconforming detached garage

Presenter: José Domínguez

Background: On April 27, 2020, the City received a Petition for Variance from Mr. Dennis Acrea and Mr. Rodger Kelly, owners of 221 Lewis Street with regard to the required side yard setback on the west property line of their property.

The owners are requesting that the Board of Adjustment grant a variance along the west property line so that they may construct an addition to the existing nonconforming detached car garage located in their property. City staff advertised the meeting as required by state statute on May 1, 2020.

Discussion: Currently there is a house, a one car garage, and two sheds located on the property. The one car garage faces north, with a driveway utilizing Lewis Street for access. The existing garage is within 8-inches of the west property line, and it is within 4-feet of the house. Additionally, there is a shed directly south of the garage roughly occupying the area where the owner wants to construct an addition to the existing one car garage.

The Zoning Ordinance, section 155.100 gives the City Council, acting as the Board of Adjustment, the power to hear and decide variances to vary the strict application of the height, area, setback, yard, parking, or density requirements as will not be contrary to the public interest. In this instance, public interest includes the interests of the public at large within the city, not just the neighboring property owners. The burden shall be on the applicant to prove the need for a variance.

The following issues shall be considered:

REQUIREMENTS	STAFF COMMENTS
Unnecessary hardship where an owner cannot reasonably use their property. Convenience, loss of profit, financial limitations, or self-imposed hardships shall not be considered	The existing lot is small and narrow. The current ordinance requires that single-family detached homes in this area have a minimum lot size of 6,500-sf with a minimum width of 65-feet. The property in question is 55-feet wide and encompasses 5,980-sf in area and is on a corner which limits the developable space.
Literal interpretation would deprive applicant rights commonly enjoyed by others	<p>Many houses in Vermillion have a two car garage. Although it may be possible for the owner to construct a two car garage facing east, this would require that most of the rear yard, side yard and the Canby Street front yard be used for the construction of the garage and driveway. Doing this would create a lot with almost no green space.</p> <p>Literal interpretation would more than likely require a variance on yard requirements and another one for a rear yard setback.</p>
Variance requested is the minimum variance needed to alleviate hardship	Reducing the side yard setback from 4-feet to 8-inches would be the minimum variance required. This would allow the owner to replace the existing shed with an addition to the garage.
Granting variance will comply with the general purpose and intent of this chapter, and will not be offensive to adjacent areas or to the public	The variance will not negatively affect the neighborhood. Currently there is a shed in the general location of where the proposed addition to the existing garage would be. The addition to the garage would replace the existing shed.

Other nonconforming uses, or structures, cannot be considered as grounds for the issuance of variance	The existing garage is considered a nonconforming detached garage. The same could be said of the house. These are common in the general vicinity due to zoning/building code changes over the years.
Exceptional and extraordinary circumstances apply to the property that do not apply to other properties in the same zone or vicinity	The small size of the lot and its corner location create a very small buildable area once all of the setbacks are applied.
The Board of Adjustments may attach conditions to a variance to preserve the intent of the zoning regulations and to protect the public interest	Staff would recommend that the variance only applies to the construction of the addition to the garage, and not to the construction of any other addition or structure. Additionally, one of the existing sheds on the property would have to be removed from the lot so that at the end there is only one shed and a two car garage.

Financial Consideration: None that isn't covered by the non-refundable \$150 variance fee already paid by the applicant.

Conclusion/Recommendations: The small size and location of the lot make the construction of a conforming garage very difficult, and possibly offensive to the neighborhood. Staff's strict interpretation of the ordinance would more than likely prohibit the owner from constructing an addition to the garage without requiring variances. The applicant's proposed plan, and the variance needed to execute his plan, are the minimum required to alleviate the hardship. If approved, the variance would allow the applicant to construct an addition to the existing nonconforming garage in the approximate location where there is an existing shed. Staff believe that the garage addition will not be harmful to the neighborhood.

Staff recommend that the Board of Adjustment grant the variance reducing the side yard setback requirement from 4-feet to 8-inches, with the conditions that the variance will only apply to the proposed garage addition, and that one of the existing sheds be permanently removed from the property.

PETITION FOR VARIANCE

TO THE HONORABLE MAYOR AND THE BOARD OF ADJUSTMENT OF THE CITY OF VERMILLION, SOUTH DAKOTA

1. As authorized by § 155.100 of the City of Vermillion Zoning Ordinance (I) (we) (Name & Address):

Dennis Acrea and Rodger Kelly
221 Lewis St. Vermillion, SD

Hereby petition for a variance to vary the strict application of the height, area, setback, yard, and parking or density requirements as will not be contrary to the public interest. Property owned by (Name & Address):

Dennis Acrea and Rodger Kelly
221 Lewis St. Vermillion, SD

2. The legal description of that part of the property under consideration (You may need to have a surveyor draft this description)

Lot 1A BLK 79 & A Portion of VAC Park Ave 5980 sq ft

Parcel Identification Number (PIN): 15280-07900-010-00

3. The proposed variance is to facilitate the construction of:

An extension to an existing one-car garage

4. An unnecessary hardship must be established by the applicant who applies for the variance. For purposes of this subchapter, an unnecessary hardship is a situation where, in the absence of a variance, an owner can make no feasible or reasonable use of the property. Convenience, loss of profit, financial limitations, or self-imposed hardship shall not be considered as grounds for approving a variance by the Board of Adjustment. Please address the following criteria as best as you can. These are the "standards for variance" which will be addressed at the public hearing. (Use additional sheets if necessary).

A. In detail, explain what Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

The home is in the historic Forest Ave district situated on a very tight lot. It was built in 1950 with a one-car garage within inches of the adjacent property line on the West. This is the only feasible and reasonable solution to increasing the garage space for two cars. This makes the garage a 'tandem'. Today's home owner prefers a two-car garage.

B. Explain how the variance requested is the minimum variance that will alleviate the hardship.

This places the extension in direct line with the existing garage which must be along the existing property lines. The extension will replace an existing storage shed of similar dimensions as the extension. This will make it possible to park two cars in a garage on the property for the first time.

C. What have you done to determine Granting of the variance will comply with the general purpose and intent of this chapter, and will not be offensive to adjacent areas or to the public welfare?

I have talked with both neighbors, Dr. Thomas Olson to the South and Mr. Kenneth Green to the West. Both understand the project and are in full support of the extension with other improvements to the vegetation. I have also talked with Farrel Christensen and Eric to determine the requirements for submitting this petition.
the Code Enforcement and Engineering Depts

Over

D. Explain what exceptional and extraordinary circumstances apply to the property that do not apply to other properties in the same zone or vicinity and that result from lot size or shape, topography or other circumstances which are not of the applicant's making.

The original garage which remains was built right on the west property line adjacent to a historic neighborhood that has "an established look and feel". Since the existing garage is fully usable, it makes most sense to keep it.
Also, parking is not allowed on my sides of Canby and Lewis Streets.

E. Explain any potential for conflict with existing properties in the area.

There are none, since both neighbors are in favor of the project, and the land would not be used for any other purpose.

F. Demonstrate the need of the proposed development at this location.

The need is to extend the existing garage from one car to two cars. Additionally, parking on the street is not allowed on my side of both Canby and Lewis streets. This extension will greatly enhance the safety of a second car.

G. What is the availability of alternative building designs? Be specific.

The only other alternative would be a curb cut off Canby with a long and intrusive driveway along the existing driveway of Dr. Olson's. However, this would not be supported by Dr. Olson. This would severely reduce the usability of the back yard and harm the value of the property. The existing garage, driveway and curb cut would have to be removed, making the cost greatly prohibitive.

5. Board of Adjustment, The Zoning Administrator shall set the date, time and place for a public hearing. The Zoning Administrator shall publish the notice, in the legal newspaper of the city once not less than 10 days prior to the public hearing. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the City Council. The Board of Adjustment shall either approve or deny the petition.

6. In order to preserve the intent of these zoning regulations and to protect the public interest, the Board of Adjustment may attach conditions to a variance. A variance shall remain valid only as long as the property owner complies with any terms and conditions of the variance, as attached by the Board of Adjustment.

7. Petitioner & 1st Owner's Signature *Dennis Acra* Phone 612-729-9930 Date 4/26/2020

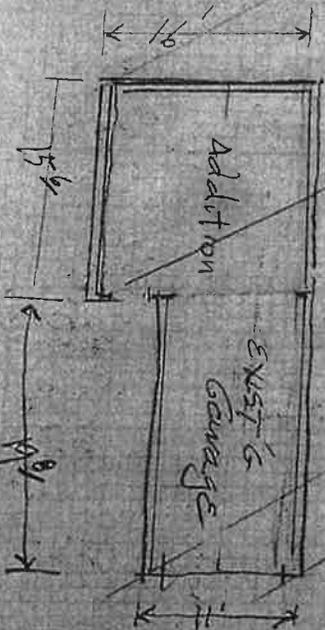
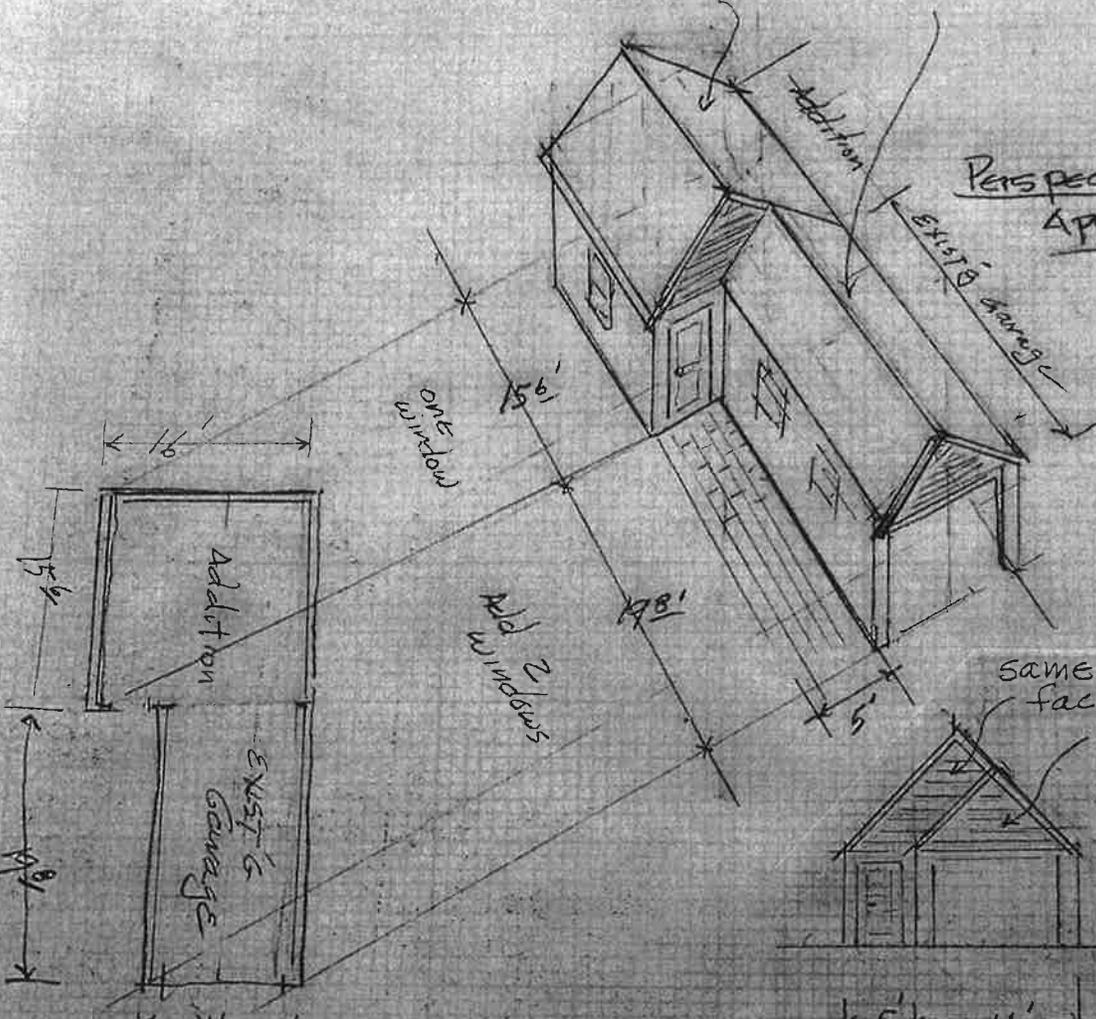
8. Second Owner's Signature *Rodger Kelly* Phone 612-799-9395 Date 4/26/2020
(If different)

Date Fee Received: _____ Fee **\$150.00** PAYABLE TO the City of Vermillion
Check # 4994 Wells Fargo Bank attached

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

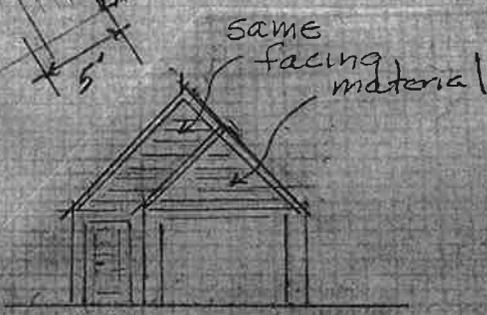
Appropriate Roof vents

Perspective
Approximate



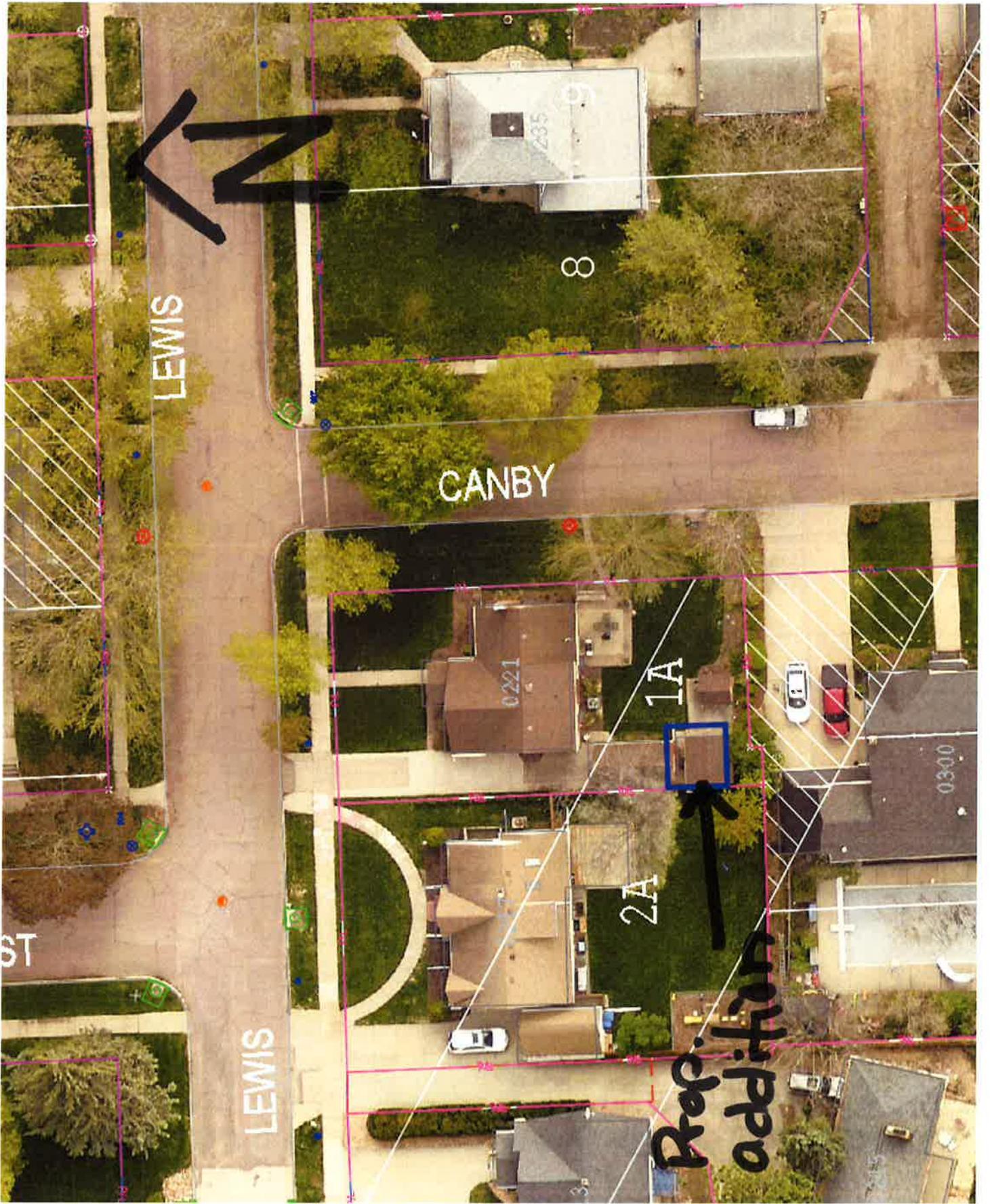
Plan View

APPROX SCALE
1" = 10'



Everything matches
EXISTING structure

Elevation



LEWIS

CANBY

ST

LEWIS

8

1A

2A

0300



Prop. addition



Council Agenda Memo

From: John Prescott, City Manager

Meeting: May 18, 2020

Subject: Review of and possible continuation of Ordinance 1413 – Emergency ordinance to address COVID-19

Presenter: John Prescott

Background: At emergency meetings held on March 24 and March 30, the City Council reviewed, modified, and adopted Ordinance 1413. This emergency ordinance placed restrictions on public gathering places and entertainment venues such as bars, restaurants, movie theaters, video lottery casino operations, and similar places of public accommodation as well as nail and hair salons, barbershops, health clubs, and spas where individuals are in close contact. With the second reading of the Ordinance on March 30, 2020, the City Council set a fine of \$56.50 plus court costs for each violation of the ordinance. Each day is treated as a separate violation of the ordinance. At the time of packet preparation, no establishments have been cited for a violation.

The ordinance became effective on Tuesday, March 30, 2020. Section 6 of the ordinance requires the City Council to review continuation of the restrictions at each regular meeting and any special meeting called to address the ordinance during the 60-day period. The City Council reviewed and discussed the Ordinance during the April 6, 2020 and April 20, 2020 meetings but did not make any changes. At the May 4, 2020 meeting, the City Council adopted a Resolution modifying the original restrictions. The Resolution provided businesses in #1 -#4 of the original ordinance with guidelines on reopening. The Resolution provided guidelines on opening some businesses up to 33% of their capacity. Businesses were not required to open but provided guidelines.

Discussion: Unless a special meeting is called, this is the final opportunity to address Ordinance 1413 before the May 30, 2020 expiration. Per the ordinance, the City Council can amend the ordinance with the adoption of a resolution noting any changes. The details of the resolution can be adjusted to fit the needs of the City Council and community at that time. Since the May 4, 2020 meeting, Administration has received several inquiries seeking clarification and understanding of what the ordinance and adopted resolution stated. Comments on changing the modified restrictions have not been

received. A blank sample resolution is included in the packet. Staff can modify it as directed by the City Council.

The changes provided by the May 4, 2020 Resolution were guided in large part by Governor Noem's Back to Normal plan and Executive Order 2020-20 which were issued on April 28, 2020. Most first class cities, which had an ordinance or legislation similar to Vermillion, have rescinded their restrictions in response to the Governor's plan and Executive Order 2020-20. On May 12, 2020 Brookings adopted an ordinance which would allow 50% occupancy. Rapid City is discussing changes to their ordinance which requires the six-foot distancing at their May 18, 2020 meeting. Staff is not aware of any other first class city that has retained percentage occupancy restrictions.

Financial Consideration: Staff anticipates a significant negative impact on sales tax receipts due to COVID-19. April receipt totals will not be available until the very end of May or early June.

Conclusion/Recommendations: Administration recommends that the City Council thoughtfully review information related to COVID-19, which changes continually.

ORDINANCE NO. 1413

AN EMERGENCY ORDINANCE TO ADDRESS A PUBLIC HEALTH CRISIS BY IMPLEMENTING CERTAIN MEASURES WHICH HAVE BEEN DEEMED NECESSARY TO SLOW THE COMMUNITY 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, or by contact with surfaces contaminated by the virus that in some cases, 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, on March 13, 2020, President Donald Trump declared a national emergency in response to the global pandemic of COVID-19; and

WHEREAS, on the same day, Governor Kristi Noem, issued Executive Order 2020-04 which declared a state of emergency to exist in the State of South Dakota in response to the spread of COVID-19; and

WHEREAS, cases of COVID-19 have been confirmed in South Dakota; and

WHEREAS, the CDC and health experts have recommended social distancing to slow the spread of COVID-19; and

WHEREAS, social distancing is a method of slowing down or stopping the spread of a contagious disease by reducing the probability of contact between infected persons and those not infected in order to minimize disease transmission; and

WHEREAS, in response to the need to implement social distancing, all schools in the state of South Dakota have been closed for at least two weeks; and

WHEREAS, on March 16, 2020, the Trump Administration (White House) issued guidance recommending that social gatherings of more than ten (10) people be avoided and that people avoid eating or drinking at bars, restaurants, and food courts; and

WHEREAS, the guidance issued by the White House further recommended that in states with evidence of community transmission, bars, restaurants, food courts, gyms, and other indoor and outdoor venues where people congregate should be closed; and

WHEREAS, many states and communities across the country have already implemented the White House recommendations by ordering all bars, restaurants, food courts, gyms, and other indoor and outdoor venues where people congregate be closed until the public health emergency is over; and

WHEREAS, Governor Kristi Noem on March 23, 2020 issued an Executive Order that noted that any South Dakota enclosed retail business that promotes public gatherings should suspend or modify business practices as recommended by the CDC, and continue or consider business models that do not involve public gatherings; and

WHEREAS, the failure to successfully implement social distancing 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, while this ordinance cannot become legally effective until after the second reading of an ordinance which must be at least five (5) days after the first reading of an ordinance due to the requirements of state law, the City strongly urges all businesses to start voluntarily complying with these regulations immediately.

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

1. Effective at 9:00 a.m. CDT Monday, March 30, 2020, all restaurants, food courts, coffee houses, bars, breweries, distilleries, wineries, clubs, cafes, and other similar places of public accommodation offering food and beverages for on-site consumption, including any alcohol licensees with on-sale privileges, are closed to on-site/on-sale patrons. These businesses may continue to operate in order to provide take-out, delivery, curbside service, and drive-thru service. Any business continuing to operate in order to provide lawful off-site service should implement procedures to ensure social distancing and operation in compliance with federal and state health guidance in order to prevent the spread of COVID-19.
2. Effective at 9:00 a.m. CDT Monday, March 30, 2020, all recreational facilities, public pools, health clubs, hair and nail salons, barber shops, spas, massage facilities unless providing prescribed, required, or recommended services as directed by a licensed medical provider, athletic facilities, and theaters, including movie theaters, and music or entertainment venues are directed to close and cease operations.

3. Effective at 9:00 a.m. CDT Monday, March 30, 2020, all hookah lounges, cigar bars, vaping lounges or other similar businesses that allow for on-site consumption are directed to cease allowing on-site consumption, but may continue to offer products for sale to consume off-site under the same conditions as bars and restaurants outlined in #1 above.
4. Effective at 9:00 a.m. CDT Monday, March 30, 2020, all arcades, bingo halls, bowling alleys, video lottery casino operations, indoor climbing facilities, skating rinks, trampoline parks, and other similar recreational or entertainment facilities are directed to close and cease operations.
5. The prohibitions and closures in this order do not apply to the following businesses, activities or operations:
 - a. Places of public accommodation that offer food and beverages for off-site consumption, including grocery stores, markets, retail stores that offer food, convenience stores, liquor stores, pharmacies, drug stores, and food pantries, other than any portion of such business which offer on-site consumption which would be subject to the requirements of #1 above.
 - b. Room service in hotels.
 - c. Health care facilities, residential care facilities, congregate care facilities, correctional facilities, and facilities providing medical, therapy, or rehabilitation services as prescribed, required or recommended by a licensed medical provider.
 - d. Crisis shelters, homeless shelters, soup kitchens, or other similar institutions.
 - e. Airport concessionaires.
 - f. Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster.
 - g. Official meetings of the city, schools, county, or state.
 - h. The operations and meetings of any state, federal, or local governments or their courts.
 - i. Educational institutions and their related services under the governance of the Board of Regents or local school boards to the extent permitted by the governing authorities.
 - j. Parks, trails, hike/bike path, and the Bluffs Golf Course.
6. This ordinance shall remain in effect for a period of sixty (60) days, at which time it shall be automatically repealed unless specifically readopted for an additional period of time by the City Council. At each regular City Council meeting during the sixty (60) day period or at a special meeting called for consideration of this ordinance, the City Council will have

as an agenda item consideration of a resolution to suspend the provisions herein prior to the end of the sixty (60) day period. Any restriction contained in this ordinance may be modified at any time by a resolution of the City Council which modification may expand its scope to encompass additional businesses, activities or operations.

7. 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 30th day of March, 2020.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY John E. Powell
John E. (Jack) Powell, Mayor

ATTEST:

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

First Reading: March 24, 2020
Second Reading: March 30, 2020
Effective Date: March 30, 2020



EMERGENCY RESOLUTION

AMENDING PARTS OF ORDINANCE 1413 WHICH ADDRESSES A PUBLIC HEALTH CRISIS BY IMPLEMENTING CERTAIN MEASURES WHICH WERE DEEMED NECESSARY TO SLOW THE COMMUNITY SPREAD OF COVID 19 (CORONAVIRUS)

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, the City Council adopted emergency Ordinance No. 1413 with second reading on March 30, 2020 to implement measures to slow the community spread of the COVID-19 virus; and

WHEREAS, Ordinance No. 1413 became effective upon passage for a maximum of sixty days (March 30, 2020 to May 30, 2020); and

WHEREAS, Ordinance No. 1413 provided that the City Council will have as an agenda item at each regular City Council meeting for the consideration of a resolution to suspend the provisions herein prior to the end of the sixty (60) day period included; and

WHEREAS, Governor Noem issued the 'Back to Normal Plan' on April 28, 2020 which details the expectations for individuals, businesses, schools, health care providers, and local governments to return to business and social interactions while accounting for the inherent uncertainties of this pandemic; and

WHEREAS, Governor Noem's Plan and Executive Order 2020-20 state that every South Dakotan shall follow South Dakota's Back to Normal Plan; and

WHEREAS, Executive Order 2020-20 which was issued on April 28, 2020 stated that local governments within the State shall follow the Plan for their respective jurisdictions.

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 4th day of May 2020, made the following changes to Ordinance 1413:

Businesses within the City of Vermillion which are open to the public shall observe guidelines to slow the spread of COVID-19.

Any business identified in Ordinance 1413 may re-open to serve patrons on-site pursuant to the conditions in this resolution. The restrictions on business establishments as named in #1, #2, #3, and #4 of Emergency Ordinance 1413 are amended as follows.

- a. Establish a minimum six-foot distance between any tables, chairs, and barstools. This provision does not need to be observed between members of the same household.
- b. Restaurants, bars, and video lottery casino operations shall be limited to a maximum of ten (10) customers or a capacity of thirty-three (33) percent of their maximum posted capacity, whichever is greater.

- c. All businesses will identify their occupancy allowance and post it in a conspicuous location for customers entering the building.
- d. All restaurants and bars shall dispose of, or disinfect, all menus before and after use by each customer. Condiment containers shall be cleaned/disinfected between each group and shall not be shared among multiple groups. Salad bars and self-service buffets shall not be permitted.
- e. Recreation and fitness businesses shall limit customers based on available square footage. A maximum of ten (10) customers or a capacity of thirty-three (33) percent of their posted capacity.
- f. Encourage social distance spacing while waiting for service or entry into a business. Businesses may accomplish this by requiring people to remain in their vehicles.
- g. Install a plexiglass, or similar divider where physically possible between the cashier and the customer.
- h. Require employees to wash hands at regular intervals.
- i. Food service employees must wear a mask when serving dine-in patrons which covers the employee's nose and mouth.
- j. In video lottery casinos operations, machines must be cleaned and disinfected between each customer.
- k. Employees of hair salons, nail salons, spa, and barber shops must wear masks which cover their nose and mouth during customer contact times. Customers must be seated at least six (6) feet apart.
- l. In gyms and fitness facilities, any equipment and/or exercise mats must be cleaned or disinfected between each use. Customers should be separated by at least six feet when using machines or equipment.
- m. Customer seating in theaters and similar businesses shall be reduced for social distancing with certain seats marked as "not available due to social distancing guidelines" to ensure compliance.
- n. Businesses shall publicly post a regular cleaning and disinfecting schedule.
- o. Businesses are encouraged to conduct daily employee screenings for illness.
- p. Businesses are encouraged to post signage outside of their facility that encourages customers to not enter if they are not feeling well or have COVID-19 symptoms.
- q. Businesses are encouraged to develop risk mitigation strategies for restrooms or other areas where social distancing requirements are likely to be compromised.
- r. Certain businesses (e.g. a gym, recreation facility, video lottery casino, etc.) are encouraged to have customers wipe down their equipment/machines before and after use. However, it will still be the responsibility of the business to ensure proper cleaning and disinfecting is occurring.
- s. Businesses, particularly salons, barber shops, and spas are encouraged to provide service on an appointment-only basis to ensure proper social distancing and hygiene practices are met.

The exceptions provided in #5 of Emergency Ordinance 1413 remain unchanged.

Ordinance 1413 will remain in place until May 30, 2020. The City Council with adoption of a resolution may again implement the suspended restrictions if conditions of the pandemic worsen and action is needed to promote the health and safety of the community.

BE IT FURTHER RESOLVED, that no business is required by the City of Vermillion to open but shall take into account Governor Noem's Back to Normal Plan and Executive Order 2020-20 and their ability to maintain social distancing, proper hygiene, and practices recommended by the Centers for Disease Control which reduce or slow the spread of COVID-19.

BE IT FURTHER RESOLVED, that every citizen, visitor, and property owner is encouraged to continue to do their part to slow the spread of COVID-19 through maintaining social distancing, practicing good social hygiene through frequent and thorough handwashing, staying home and isolated when sick, covering coughs and sneezes, and cleaning and disinfecting frequently touched surfaces.

Dated at Vermillion, South Dakota this 4th day of May, 2020.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By Kelsey Collier-Wise
Kelsey Collier-Wise, Council President

Attest:

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

Adopted: May 4, 2020

Effective: May 4, 2020

EMERGENCY RESOLUTION

AMENDING PARTS OF ORDINANCE 1413 WHICH ADDRESSES A PUBLIC HEALTH CRISIS BY IMPLEMENTING CERTAIN MEASURES WHICH WERE DEEMED NECESSARY TO SLOW THE COMMUNITY SPREAD OF COVID 19 (CORONAVIRUS)

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, the City Council adopted emergency Ordinance No. 1413 with second reading on March 30, 2020 to implement measures to slow the community spread of the COVID-19 virus; and

WHEREAS, Ordinance No. 1413 became effective upon passage for a maximum of sixty days (March 30, 2020 to May 30, 2020); and

WHEREAS, Ordinance No. 1413 provided that the City Council will have as an agenda item at each regular City Council meeting the consideration of a resolution to suspend the provisions herein prior to the end of the sixty (60) day period included.

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 18th day of May, 2020, to make the following changes to Ordinance 1413: (strike non applicable sections)

Amend section(s) to adjust dates, remove or add the as follows:

Section # ____: _____

Section # ____: _____

That restrictions on _____ be hereby ended on ____ day of May, 2020.

Dated at Vermillion, South Dakota this 18th day of May, 2020.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
Kelsey Collier-Wise, Mayor

Attest:

By _____
Michael D. Carlson, Finance Officer

Adopted: May 18, 2020

Effective:



Council Agenda Memo

From: John Prescott, City Manager
Meeting: May 18, 2020
Subject: First reading of Ordinance 1414 – Emergency Ordinance to address COVID-19
Presenter: John Prescott

Background: As has been discussed with the previous agenda item, the City Council conducted special meetings on March 24 and March 30, to review, modify, and adopt Ordinance 1413. This Emergency Ordinance placed restrictions on public gathering places and entertainment venues such as bars, restaurants, movie theaters, video lottery casino operations, and similar places of public accommodation as well as nail and hair salons, barber shops, health clubs, and spas where individuals are in close contact.

At the May 4, 2020 meeting, the City Council adopted a Resolution modifying the original restrictions. The Resolution provided businesses in #1, #2, #3, and #4 of the original ordinance with guidelines on reopening. The Resolution provided for opening some businesses up to 33% of their capacity. Businesses were not required to open but provided guidelines.

Discussion: With the expiration of Ordinance 1413 on May 30, 2020, interest was expressed in a new Emergency Ordinance which would continue to provide for a gradual removal of restrictions with a focus on social distancing to continue to slow the spread of COVID-19. Proposed ordinance 1414 is very similar to the Resolution that was adopted on May 4, 2020. Changes between the proposed ordinance and the May 4th resolution include:

- providing for a 50% occupancy vs. the current 33%. The percentage could still be adjusted to be more lenient at the second reading but could not be more stringent than the number used during the first reading of the ordinance.
- the wearing of masks by the general public when social distancing can't be maintained is recommended with the proposed ordinance.
- item 2b is clarified to state that the six-foot distance between customers is to be maintained. This was a common question that was received.

- some of the businesses that were in Ordinance 1413 that was modified with the May 4th Resolution which do not exist in Vermillion have been left out of the proposed ordinance (for example: airport concessionaires)

Brookings has adopted an ordinance very similar to proposed ordinance 1414. Rapid City will be considering similar measures at their meeting on May 18, 2020. All of the cities which did have an Ordinance or restrictions similar to Emergency Ordinance 1413 have let the ordinance expire or taken action to lift the restrictions. These changes were largely brought about by Governor Noem's Back to Normal plan and Executive Order 2020-20 which was issued on April 28, 2020.

If this ordinance reflects how the City Council and community want to move forward, first reading could take place this evening. A second reading could take place at the next meeting on June 1, 2020 which would be within days of Ordinance 1413 expiring. Another option for continuity is to have a second reading at a special meeting at the end of May to avoid any break in regulations.

Financial Consideration: A negative sales tax impact is anticipated. The largest impact is going to be felt beginning with the April sales tax numbers which will begin to emerge late this month to the first half of June. Without information on the sales of each business or the length of time that the ordinance remains in place, this is difficult to determine.

Conclusion/Recommendations: Administration recommends that the City Council thoughtfully review information related to COVID-19, which changes continually.

First reading of proposed Ordinance 1414 would continue the approach taken with Ordinance 1413 and the May 4, 2020 Resolution of providing the opportunity and guidance in lifting restrictions in a consistent manner that is intended to safeguard employees, customers, and the public.

PROPOSED EMERGENCY ORDINANCE NO. 1414

AN EMERGENCY ORDINANCE TO CONTINUE ADDRESSING A PUBLIC HEALTH CRISIS BY CONTINUING THE IMPLEMENTATION OF CERTAIN MEASURES WHICH HAVE BEEN DEEMED NECESSARY TO CONTINUE TO SLOW THE COMMUNITY 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 to do what may be necessary or expedient for the promotion of health or the suppression of diseases; 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, or by contact with surfaces contaminated by the virus that in some cases, 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 possibly death; and

WHEREAS, the City Council adopted Emergency Ordinance No. 1413 with second reading on March 30, 2020 to implement measures to slow the community spread of the COVID-19 virus; and

WHEREAS, Ordinance No. 1413 became effective upon passage for a maximum of sixty days (March 30, 2020 to May 30, 2020); and

WHEREAS, Ordinance No. 1413 was amended according to its terms by a resolution adopted May 4, 2020 in response to Governor Noem's Plan and Executive Order 2020-20 that stated every South Dakotan shall follow South Dakota's Back to Normal Plan; and

WHEREAS, this Ordinance is consistent with the Governor's Executive Order 2020-20, and Section 3 thereof, in particular, which provide for South Dakota's "Back to Normal Plan," and

WHEREAS, social distancing is a method of slowing the spread of a contagious disease by reducing the probability of contact between infected persons and those not infected in order to minimize disease transmission; and

WHEREAS, the failure to successfully implement social distancing may result in higher numbers of infected individuals and the potential to strain the capacity of the City's health care providers; and

WHEREAS, it is important that control measures continue to 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, based on the number of cases in Clay County; the City Council believes that some of the social distancing restrictions can be modified to enable businesses to resume more typical operations without causing the number of COVID-19 cases in the City to rise to a level which will negatively impact public health and

WHEREAS, these revised measures and restrictions are intended to replace and supersede the measures and restrictions set forth in Emergency Ordinance 1413 as amended by the resolution adopted on May 4, 2020.

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

1. Any Business identified in Emergency Ordinance 1413 as revised can continue to remain open to serve patrons on-site pursuant to the conditions established in this ordinance. These businesses include:
 - a. Restaurants, food courts, coffee houses, bars, breweries, distilleries, wineries, clubs, cafes, and other similar places of public accommodation offering food and beverages for on-site consumption, including any alcohol licensees with on-sale privileges.
 - b. All recreational facilities, public pools, health clubs, hair and nail salons, barber shops, spas, tattoo parlors, massage facilities unless providing prescribed, required, or recommended services as directed by a licensed medical provider, athletic facilities, and theaters, including movie theaters, and music or entertainment venues.
 - c. All hookah lounges, cigar bars, vaping lounges or other similar businesses.
 - d. All arcades, bingo halls, bowling alleys, video lottery casino operations, indoor climbing facilities, skating rinks, trampoline parks, and other similar recreational or entertainment facilities.

2. Any businesses within the City of Vermillion identified in #1 above, which are open to the public, shall observe the following guidelines to slow the spread of COVID-19.
 - a. Establish a minimum six-foot distance between any tables, chairs, and barstools. This provision does not need to be observed between members of the same household.
 - b. Restaurants, bars, and video lottery casino operations shall be limited to a maximum of ten (10) customers or a capacity of fifty (50) percent of their maximum posted capacity, whichever is greater but shall still maintain the minimum six-foot distance between customers.
 - c. All businesses will identify their occupancy allowance and post it in a conspicuous location for customers entering the building.
 - d. All restaurants and bars shall dispose of, or disinfect, all menus before and after use by each customer. Condiment containers shall be cleaned/disinfected between each group and shall not be shared among multiple groups. Salad bars and self-service buffets shall not be permitted.

- e. Recreation and fitness businesses shall limit customers based on available square footage. A maximum of ten (10) customers or a capacity of fifty (50) percent of their posted capacity.
 - f. Encourage social distance spacing while waiting for service or entry into a business. Businesses may accomplish this by requiring people to remain in their vehicles.
 - g. Install a Plexiglas or similar divider where physically possible between the cashier and the customer.
 - h. Require employees to wash hands at regular intervals.
 - i. Food service employees must wear a mask when serving dine-in patrons which covers the employee's nose and mouth.
 - j. In video lottery casinos operations, machines must be cleaned and disinfected between each customer.
 - k. Employees of hair salons, nail salons, spa, and barber shops must wear masks which cover their nose and mouth during customer contact times. Customers must be seated at least six (6) feet apart.
 - l. In gyms and fitness facilities, any equipment and/or exercise mats must be cleaned or disinfected between each use. Customers should be separated by at least six feet when using machines or equipment.
 - m. Customer seating in theaters and similar businesses shall be reduced for social distancing with certain seats marked as "not available due to social distancing guidelines" to ensure compliance.
 - n. Businesses shall publicly post a regular cleaning and disinfecting schedule.
 - o. Businesses are encouraged to conduct daily employee screenings for illness.
 - p. Businesses are encouraged to post signage outside of their facility that encourages customers to not enter if they are not feeling well or have COVID-19 symptoms.
 - q. Businesses are encouraged to develop risk mitigation strategies for restrooms or other areas where social distancing requirements are likely to be compromised.
 - r. Certain businesses (e.g., gym, recreation facility, video lottery casino, etc.) are encouraged to have customers wipe down their equipment/machines before and after use. However, it will still be the responsibility of the business to ensure proper cleaning and disinfecting is occurring.
 - s. Businesses, particularly salons, barber shops, and spas, are encouraged to provide service on an appointment-only basis to ensure proper social distancing and hygiene practices are met.
3. In addition to the specific requirements listed above, businesses shall operate in a manner consistent with CDC guidelines and any applicable state regulations and Executive Orders issued by the Governor.
 4. The restrictions in this order do not apply to the following businesses, activities or operations:
 - a. Places of public accommodation that offer food and beverages for off-site consumption, including grocery stores, markets, retail stores that offer food, convenience stores, liquor stores, pharmacies, drug stores, and food pantries, other than any portion of such business which offer on-site consumption.

- b. Health care facilities, residential care facilities, congregate care facilities, correctional facilities, and facilities providing medical, therapy, or rehabilitation services as prescribed, required or recommended by a licensed medical provider.
 - c. Crisis shelters, homeless shelters, soup kitchens, or other similar institutions.
 - d. Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster.
 - e. Official meetings of the city, schools, county, or state.
 - f. The operations and meetings of any state, federal, or local governments or their courts.
 - g. Educational institutions and their related services under the governance of the Board of Regents or the local school board to the extent permitted by the governing authorities.
 - h. Parks, trails, hike/bike path, and the Bluffs Golf Course.
5. The City encourages all members of the public within the City of Vermillion to continue to follow CDC guidelines, social distancing practices, recommended hygiene, and to utilize face masks outside the home when social distancing spacing can't be maintained.
 6. This ordinance shall remain in effect for a period of sixty (60) days, at which time it shall be automatically repealed unless specifically readopted for an additional period of time by the City Council. At each regular City Council meeting during the sixty (60) day period or at a special meeting called for consideration of this ordinance, the City Council will have as an agenda item consideration of a resolution to suspend the provisions herein prior to the end of the sixty (60) day period. Any restriction contained in this ordinance may be modified at any time by a resolution of the City Council. Modification may expand its scope to encompass additional businesses, activities or operations or greater restrictions.
 7. 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 1th day of June, 2020.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Kelsey Collier-Wise, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

First Reading: May 18, 2020

Second Reading:
Effective Date:



Council Agenda Memo

From: John Prescott, City Manager

Meeting: May 18, 2020

Subject: Permit for Consumption for Café Brule Sidewalk Furniture Use Zone

Presenter: John Prescott

Background: Jim Waters submitted a completed Furniture Zone Use permit for Café Brule at 24 W. Main Street. Their plan is to set up six tables parallel to the Market Street side of the building. Each table would seat two people. The sidewalk permit expires on November 1, 2020. Per code, Administration can approve the sidewalk furniture zone use permit for food consumption once all of the documents are submitted. No problems are anticipated as they are proposing the previously approved area. The area has not been approved for the sale and consumption of alcohol as City Code requires the City Council to make this decision.

City Code 118.05 provides that the City Council may permit the consumption of alcoholic beverage within the Furniture Use Zone.

118.05. Any furniture zone limited lease granted by the City Council pursuant to this chapter shall convey to the adjoining business the right to use a designated portion of the sidewalk or furniture zone only for those purposes set forth in the lease. The limited lease may contain such restrictions and conditions as deemed necessary by the city and may not be assigned or sublet at any time during its term. The city shall have the right to terminate the limited lease for violation of any material term or condition thereof. Required compliance with all city ordinances and state statutes regarding the sale and service of alcoholic beverages shall be deemed to be a material condition of the limited lease. Compliance with city noise ordinances shall be deemed a material condition of the limited lease. The limited lease term shall not include those dates and times specified for special events approved by the City Council which includes the area of the furniture zone limited lease at the election of the event sponsor.

Discussion: Café Brule has submitted an alcohol sale plan. The plan is very similar to those of previous years and has been reviewed by the Police Department. The physical dimensions of the area and the number of tables limit the number of individuals who would be within the area where alcohol could be served. Café Brule would like to have alcohol available for patrons that want to have a drink with their meal. Since 2013, the

City Council has approved the same seasonal sale and consumption of alcoholic beverages for the same Café Brule Furniture Zone Use permit area during the hours outlined in ordinance. The Police Chief reported no incidents with the previous use of the sidewalk in prior years.

An ordinance was adopted in 2015 modifying the sale hours to be 7:00 a.m. to 10:00 p.m. Prior to 2015 the sale hours for alcohol in this type of setting were noon to 10:00 pm.

In completing the application for a sidewalk use permit, the applicant has addressed many of the special conditions of other uses of city property involving alcohol. An insurance certificate naming the City as an additional insured, cleanup plan, etc. are part of the sidewalk use permit process. The sidewalk furniture use zone application documents received to date are attached for background.

Financial Consideration: Café Brule has paid the annual \$35 fee for the furniture zone permit.

Conclusion/Recommendations: Administration would recommend approval of the request to use the sidewalk abutting Café Brule on Market Street for the sale and consumption of alcohol as part of their Furniture Zone Use Permit during the time provided by ordinance.

In previous years, the City Council has placed the condition that alcohol sales would not take place during Dakota Days weekend in the Furniture Zone Use area as part of the approval.

City Use
Date Received:
Approved:

City of Vermillion

Remit to:
 City Administration
 City Hall
 25 Center St.
 Vermillion, SD 57069

605-677-7050

Application for Furniture Zone Use Permit

I, Monica L. Iverson as Owner Partner Officer for and in behalf of
 (FIRST NAME, MIDDLE, AND LAST)

Cafe Brule Inc. hereby make application for use of the public sidewalks at
 (INDIVIDUAL OR BUSINESS TRADE NAME)

Market St. pursuant to Chapter 96 of the Revised Ordinances of Vermillion, SD.
 (REQUESTED LOCATION)

Business Address: <u>24 W. Main St.</u>	Business Phone Number: <u>605-624-2945</u>	Business/Trade Name: <u>Cafe Brulé</u>
	Business Email: <u>cafebrule@hotmail.com</u>	Legal Name of Entity: <u>Cafe Brulé Inc.</u>
Owner/Partner Name/Contact Information: <u>Monica Iverson 605-624-2945 / 605-677-8404</u>		
Owner/Partner Name/Contact Information: <u>James Waters 605-624-2945 / 605-670-7827</u>		

Do you hold a license to serve on-sale alcohol and intend to serve it on the sidewalk?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Do you hold a license to serve food and intend to serve it on the sidewalk?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Do you acknowledge receipt of and agree to the provisions of the furniture zone? (see attached)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Do you agree that violating the provisions of the furniture zone may lead to suspension/revocation?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

What types of fixtures (furniture, etc.) do you plan to use in your furniture zone?		
Item(s)	Number	Description/Dimensions/Shape/Size
Tables	6	wrought iron 28x28
Chairs	12	wrought iron arm chair
Planters		
Rope Stanchions/Bollards	4	Wrough Iron removable fencing + 2 gates
Menu Sign/Stand		
Other (specify)		Awning

Required submissions (please attach):

- A description and schematic drawing showing the dimensions of the site and the typical placement of all objects on an 8.5" x 11" sheet.
 - Show dimensions of site and adjacent building
 - Show all objects listed above
 - Show existing objects.
 - Show delineation of site.
- Proof of required insurance.
- Payment of \$35 permit/application fee.
- Crowd Management Plan (for alcohol)
- Additional submissions as required.

Statement of Application and Hold Harmless. I, Monica L Iverson state that I, the above-named applicant, have filled out this application for permission to use the public right-of-way in the Vermillion Central Business District, and that the contents of the application and all other information supplied by me is true to the best of my knowledge, information, or belief. I agree to comply with all City Ordinances relevant to the proposed furniture zone used. I agree to assume all responsibility and liability for the use of the public right-of-way granted by this permit, and further agree to hold harmless the City of Vermillion, its employees or agents from any and all incidents or claims that may arise from use of the public-right-of-way. I also understand that the City of Vermillion may approve this permit conditionally and modify the conditions by giving written notice to me at any time in accordance with City Ordinances.

Monica Iverson
 Print Name

Monica L. Iverson
 Applicant's Signature

5/4/10
 Date

Café Brule Alcohol Sale Plan

Any lease or permit which includes the sale or consumption of alcohol shall adhere to these additional provisions which shall be deemed to be material conditions of any limited lease:

- (A) Compliance with the rules, regulations, and conditions of the alcohol license including documentation that the license holder derives more than 50% of its gross receipts from the sale of prepared food for consumption on the licensed premises.

I certify that Café Brule derives more than 50% of gross receipts from the sale of prepared food for consumption on the licensed premise.

I agree to provide documentation, if requested, that Café Brule derives more than 50% of its gross receipts from the sale or prepared food for consumption on the licensed premise or forfeit the Furniture Use Permit.

- (B) Containers for the dispensing of alcoholic beverages must be maintained inside the licensed facility and not in the furniture zone use area. No taps, kegs, cooler, or other alcoholic beverage storage devices are allowed on the furniture zone use area.

I agree that no containers for the dispensing of alcoholic beverages will be maintained in the furniture zone area.

- (C) All alcoholic beverages served by the permitted establishment must be consumed in the furniture zone or inside the facility and disposed of on site. Patrons and staff loitering with alcohol on the designated pedestrian pathway is a prohibited activity. Exception: The transport of alcoholic beverages by patrons or staff directly from the indoor premises to the furniture zone use area or to the licensed facility is not prohibited.

I agree to have Café Brule take steps to make patrons aware that all alcoholic beverages must be consumed within the furniture zone area or inside Café Brule. Café Brule will post signs and have servers remind patrons of the appropriate area to consume alcoholic beverages.

- (D) The limited lease holder shall have in place a security and crowd management plan for the designated use area approved by the Police Department.

The security and crowd management plan for the Furniture Zone area for Café Brule is:

Constant supervision by Management
and employees Surveillance cameras
in area.

(E) Any time more than 10 people occupy a furniture zone leased area serving alcohol, the limited lease area shall be staffed such that the furniture zone use area is supervised.

I agree to have a Cafe Brule staff member present at all times there are more than ten people in the furniture zone area.

(F) The hours of operation for the sale and consumption of alcoholic beverages in the furniture zone lease areas shall be 7:00 a.m. to 10:00 p.m. The city has the right to limit use of the furniture zone area for alcoholic beverage sales and consumption on specific days.

I agree that alcohol will not be sold and will prohibit the consumption of alcohol in the furniture zone area outside of 7:00 a.m. to 10:00 pm.

I understand that the City of Vermillion may prohibit the sale of alcohol on specific days. The City will provide at least 48 hours notice of the prohibition of alcohol sales on specific days. I understand there is a strong chance that this may occur the weekend of Dakota Days.

(G) A furniture zone limited lease area must be separated from the pedestrian walkway with a physical divider. The divider will be selected by the applicant and approved as part of the lease.

I agree to have and maintain a physical divider separating the pedestrian walkway from the furniture zone area.

James P. Watson
Signature of Applicant

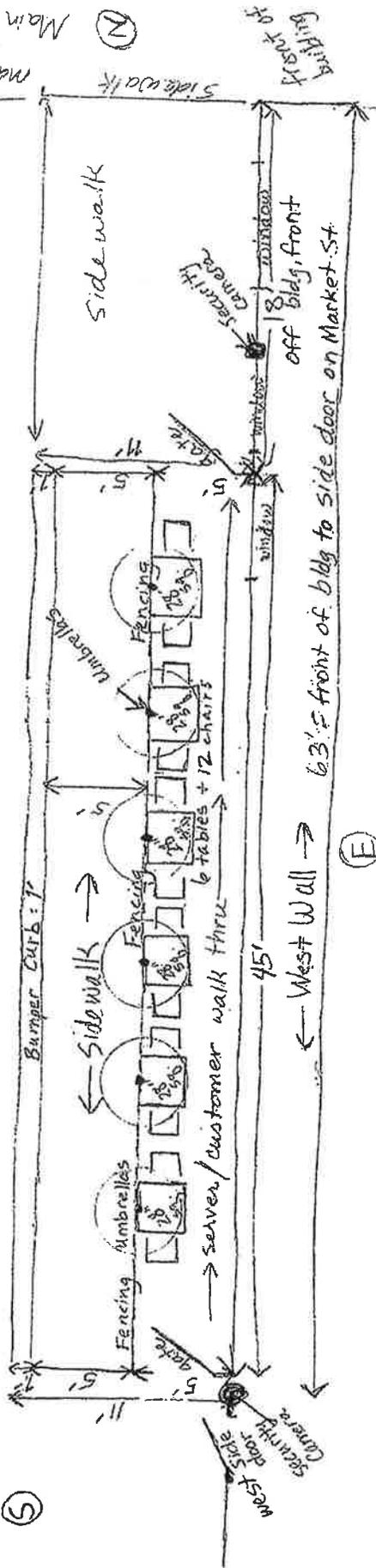
Date 5/1/20

Market St.

(N)

- Fencing: Secured to Umbrellas
- Umbrellas: Secured to sidewalk/concrete. (capped hole for winter)
- Replaced with awning
- Fencing: 30"-38" h (wrought iron=black) 1.5g=1ft
- Tables: 29" h (wrought iron black) + chairs
- Umbrellas = 9" h
- 4 Topiaries (planters/portable)

Café Brulé Sidewalk Seating Proposal 624-2624



Café Brulé

Main Street Front
Café Brulé

Main St.
Main St.
Side walk
Front of building

West Wall →
← West Wall →

(S)

(E)



Council Agenda Memo

From: John Prescott, City Manager
Meeting May 18, 2020
Subject: BID #1 Board recommendation to utilize reserve funds
Presenter: John Prescott

Background: Business Improvement District #1 met on Friday, May 8, 2020 to consider a request from the Vermillion Chamber of Commerce and Development Company to utilize funding from the BID reserve fund to stabilize payments. BID #1 began collecting a \$2 per night fee on occupied hotel rooms on June 1, 2014. In 2017, the Board identified the need to establish a reserve fund. The Board proposed and the City Council approved a recommendation to remit 85% of receipts to the VCDC for tourism until a reserve fund of \$30,000 was established. The \$30,000 reserve fund level was achieved in 2018.

Discussion: First quarter 2020 BID receipts were down in comparison to first quarter 2019. The decrease is not solely due to COVID-19 as the impact in our area began more in the mid-March time frame. The absence of the farm show in January likely had an impact. While the exact amount is unknown, second quarter BID receipts will likely be down substantially as a number of events such as the high school and USD graduations, 2020 Special Olympic games, summer campus events and camps, and the Summit League conference track championship have been postponed or canceled for the year.

The BID Board's recommendation was to have the BID reserve fund make up the difference between the net BID receipts collected for remittance to the VCDC vs. the average for that quarter paid to the VCDC. The Board suggested using the five-year average for the first and second quarter to determine the average net BID payment to the VCDC. The Board recommendation was to make up the difference only for the first and second quarter of 2020. The BID Board will take another look at this issue during their June or July meeting.

The 2015 – 2019 average history is calculated based on the amount actually paid quarterly to the VCDC from the amount collected from lodging establishments. Per State Statutes, the City does receive a 2% fee for collection and processing based on the

amount collected. The amount going to the VCDC is calculated after the 2% is deducted. The numbers have been rounded off to whole dollar amounts:

	5-year average	2020 collection	Difference
January to March	\$9,377	\$7,909	\$1,468
April to June	\$13,117		

The Board did note in their discussion that rebuilding the reserve will impact the dollars going to the VCDC in the future. This will be discussed in more detail at their next meeting which is take place in either June or July.

Financial Consideration: As noted the reserve fund currently has a balance of \$30,000. There is sufficient funding to make payments to account for the difference for the first and second quarter between the amount collected for payment to the VCDC and the 5-year average.

Conclusion/Recommendations: The BID Board #1 recommendation is to allocate a portion of the BID #1 reserve funds to the VCDC to provide the VCDC with funding equal to the five-year quarterly net average payment. The recommendation is to utilize the reserve fund for only the first and second quarter 2020. The payment from the reserve fund for the first quarter is \$1,468.

Unapproved Minutes
City of Vermillion
Business Improvement District No. 1 Board
May 8, 2020
Friday – 8:00 a.m.

The meeting of the City of Vermillion Business Improvement District No. 1 Board was called to order on Friday, May 8, 2020 at 8:00 a.m. by Chairman David Herbster as a teleconference.

1. Roll Call

Present: Amy Christensen, David Herbster, Greg Huckabee, Bill Marketon

Also Present: Nathan Welch, John Prescott, Mike Carlson

Absent: Dan Kenton

2. Minutes

A. Minutes of February 13, 2020

4-20

Greg Huckabee moved approval of the February 13, 2020 minutes. Amy Christensen seconded the motion. A roll call vote was as follows: Christensen – Y, Huckabee – Y, Marketon – Y, Chairman Herbster – Y. Chairman Herbster declared the motion adopted.

3. Adoption of Agenda

5-20

Greg Huckabee moved approval of the agenda. Amy Christensen seconded the motion. A roll call vote was as follows: Christensen – Y, Huckabee – Y, Marketon – Y, Chairman Herbster – Y. Chairman Herbster declared the motion adopted.

4. Visitors to be Heard - None

5. Old Business - None

6. New Business

A. Report on 2019 BID receipts

Mike Carlson, Finance Officer, reported that BID receipts for 2020 are down for the first quarter by \$3,650 compared to the first quarter 2019. Mike noted that January was down \$1,122 of which some can be attributed to no farm show, February was down \$156 and March was down \$2,372 that would be related to COVID-19. Discussion followed on the occupancy with Bill Marketon stated that April and May will not be good months.

B. Report on upcoming events

The Board reviewed items that have been cancelled noting that local establishments are opening back up and that the University announced that facilities will be opening for students for the fall semester. The discussion noted that at present it is unknown what the new normal will be and when.

C. VCDC request to utilize BID #1 reserve funds.

Nate Welch, Executive Director of the VCDC, reported that with the BID revenues down the amounts provided to the VCDC will be impacted at a time when operations are ramping up. Nate noted that the BID receipts are leveraged with other funds in the tourism budget. Nate was concerned that if the BID receipts are down that he will need to reduce the tourism staff and activities and it may cost more to start building up the tourism programs in the future. Nate requested that the BID Board recommend to the City Council the use of the BID reserve of \$30,000 to bridge the gap between revenues being generated and of the average payment to the VCDC to keep the tourism program funded. Discussion followed on the funding and also how to replenish the reserve in the future. Nate reported that he is in the process of reviewing the VCDC budget for discussions with the VCDC board noting that member fees and Vermillion Now collections have been stable. Discussion followed on options as it is unknown how long this will continue with the suggestions that maybe something can be done for the first two quarters and then the board can look at it again later in the year when some of the unknowns may be filled in.

6-20

David Herbster moved that the BID Board recommend to the City Council the use of BID reserve funds to make up the difference between the actual net BID funds collected and the five-year average of net BID funds paid to the VCDC for the first and second quarter 2020 noting the need for the BID Board to review this before the end of the third quarter. Bill Marketon seconded the motion. Discussion followed noting the need to continue to review the funding for the VCDC. Christensen – Y, Huckabee – Y, Marketon – Y, Chairman Herbster – Y. Chairman Herbster declared the motion adopted.

7. Adjourn

7-20

Greg Huckabee moved to adjourn the meeting at 9:09 a.m. Amy Christensen seconded the motion. Christensen – Y, Huckabee – Y, Marketon – Y, Chairman Herbster – Y. Chairman Herbster declared the motion adopted.

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

City of Vermillion
Business Improvement District Board

David Herbster, Chairman

Attest:

Amy Christensen, Secretary

City of Vermillion
 BID #1 Payments to VCDC by Quarter
 For 2015-2019
 BID Board proposal to use BID #1 reserve
 to make up shortfall in payments to
 VCDC for First and Second Quarter 2020

	<u>First Q</u>	<u>Second Q</u>	<u>Third Q</u>	<u>Fourth Q</u>	<u>Total</u>
2015	10,115	13,882	14,894	11,519	50,410
2016	8,274	11,830	13,394	10,980	44,478
2017	8,806	12,434	13,807	10,579	45,626
2018	8,206	12,611	15,966	14,128	50,911
2019	<u>11,486</u>	<u>14,827</u>	<u>17,793</u>	<u>13,230</u>	<u>57,336</u>
5 yr average	9,377	13,117	15,171	12,087	49,752
2020 BID 98% paid to VCDC		7,909			
BID #1 Reserve funds to VCDC		1,468			

The BID Board recommended and the City Council approved that 85% of the BID receipts would be provided to the VCDC for Tourism and Marketing until the BID reserve reached \$30,000 at which time the VCDC would received 98% of the BID receipts as the City is allocated 2% for accounting. The \$30,000 reserve was reached in the third quarter 2018. The BID reserve funds were to be allocated to special needs as recommended by the BID Board with the approval of the City Council.



Council Agenda Memo

From: John Prescott, City Manager
Meeting: May 18, 2020
Subject: Central Ward Council vacancy
Presenter: John Prescott

Background: The City Council accepted the resignation of Central Ward Council member Kelsey Collier-Wise at the May 4, 2020 meeting after her appointment as Mayor. State Statute 9-13-14.1 provides direction on how the vacancy is filled.

9-13-14.1. Filling of vacancy on municipal governing body--Appointment or special election. If a vacancy exists on a municipal governing body, the remaining members shall appoint a replacement to serve until the next annual municipal election, or the vacancy may be filled by special election for the remainder of the unexpired term as provided in §9-13-14.2. In the aldermanic form of municipal government, the appointment shall be a person from the same ward of the municipality. If electing a person to fill the remainder of the unexpired term at an annual municipal election, the vacancy shall have occurred prior to the publication required by § 9-13-6.

As noted in the materials with the appointment of a Mayor, the City of Vermillion has never adopted an ordinance providing for a special election of an unexpired term. The option available to the City Council is to appoint an individual to serve as a Central Ward Council member. As the vacated term of office is expiring with the July 6, 2020 meeting, an appointment made prior to that date would continue until another person qualifies for this Central Ward Council seat.

Kelsey Collier-Wise filed a nominating petition for the Central ward seat in March. She did not have any opposition for this Council seat. While Kelsey has resigned from the current term of Central Ward seat, she is the person elected to fill the Central Ward seat starting with the July 6, 2020 meeting. If Kelsey fails to qualify for the Central ward seat by taking the oath of office within 10 days of the July 6 meeting, the City Council can then make an appointment. The City Attorney has suggested that a written notice stating the intent not to qualify for the Central Ward seat be provided to the City Council at the July 6, 2020 meeting. The City Council still has to wait through the ten-day period but the intent is clearly known. This would provide an opportunity for the City Council to make an appointment at the July 20, 2020 meeting.

The State Statute reads as follows:

9-13-28. Notice to persons elected--Time allowed for qualification. The finance officer, within two days after the result of the election is declared, shall notify each person elected to office of the person's election. If a person does not qualify by filing an oath or affirmation of office in the usual form provided by law within ten days after the first meeting of the month next succeeding the election, the office becomes vacant.

One option available to the City Council is to appoint an individual for this Central Ward seat at one of the June 2020 meetings. The individual would be able to serve through the qualifying period for the person elected. The individual would still need to be reappointed at the July 20, 2020 meeting and would serve until a special election in 2021 as noted below. This option would potentially have someone in place when the City Council has their reorganizational meeting on July 6, 2020. The relevant state statute is:

9-13-14.3 Elected official to hold office until vacancy filled. If for any reason a municipality fails to elect any person to succeed an elected official whose term has expired or an elected official fails to file a nominating petition or qualify, the office is deemed vacant. The elected official whose term has expired shall continue to act in an official capacity until the vacancy is filled by election or appointment pursuant to §9-13-14.1 or 9-13-14.2.

Due to the qualifying language in statutes, the timing of this situation, and the vacated term of office having a person elected who won't be serving the Central Ward seat, an individual will need to be appointed either before or after but not during the July 6, 2020 meeting. The same person could be appointed by the current City Council and the City Council that is seated on July 20, 2020. In this instance, the person is technically being appointed to serve a portion of two different City Council terms.

While Vermillion doesn't typically have an annual municipal election, staff has verified with the Secretary of State that there would be an election on the next possible annual municipal election date of June 1, 2021. The person elected in June 2021 would serve from the first meeting in July 2021 until the end of the original term in July 2024.

Discussion: There is no set process for the City Council to use to fill the vacancy. Staff would suggest having interested individuals complete an Expression of Interest form, cover letter of interest, a resume, and/or other materials deemed appropriate to assist the City Council in appointing an individual to fill a Central Ward Council seat.

With respect to timing of the appointment, the State Statute does not offer any guidance. The Statutes addressing the vacancy in the Office of Mayor referenced that as soon as practicable, the City Council should address that office. The same guidance is not provided for a Council member vacancy.

City staff anticipates that once a process is created with regard to materials to submit and the timeline that the opening will be announced via the City's website, Twitter,

Facebook, and at City Council meetings as possible. The City will also seek to promote the opening via the VCDC's Monday Messenger and newspaper. A legal notice is not required as the vacancy is to be filled via an appointment vs an election.

Financial Consideration: No new cost. The annual salary for all Council members has been included in the 2020 budget.

Conclusion/Recommendations: Administration recommends the City Council establish a process to fill the vacant Central ward seat.



Council Agenda Memo

From: James Purdy, Assistant City Manager

Meeting: May 18, 2020

Subject: Resolution Adopting a Mutual Aid Agreement with the City of Elk Point

Presenter: John Prescott, City Manager

Background: The neighboring cities of Elk Point and Vermillion have long provided informal aid to each other during regular business and times of emergencies. Due to the current COVID-19 pandemic, officials with the City of Elk Point approached officials with City of Vermillion with a request to enter into a formal/written agreement for mutual aid in the event of an emergency situation.

Discussion: This Resolution and the accompanying Mutual Aid Agreement establish protocols for requesting, providing, and compensation related to providing assistance for an emergency situation. This agreement should help clarify before and after details that the “requesting” and “responding” municipalities have to address. The attorneys for both cities have reviewed the mutual aid agreement which the City Council of Elk Point approved at their May 4, 2020 meeting. A copy of the agreement signed by officials with the City of Elk Point has been included in the packet.

Financial Consideration: The proposed mutual aid agreement should make it easier to determine which costs the City would be responsible for paying the other municipality, or could receive from the other municipality.

Conclusion/Recommendations: Administration recommends approval of the Resolution Adopting a Mutual Aid Agreement with the City of Elk Point.

MUTUAL AID AGREEMENT

This Mutual Aid Agreement is made the _____ day of _____, 20__, by and between the City of Elk Point and the City of Vermillion in the State of South Dakota.

WHEREAS, SDCL 1-24-3 and SDCL 34-48A-19 provide that cities may by agreement jointly or cooperatively exercise powers which cities are authorized to exercise, and

WHEREAS, the purpose of this agreement is to allow the cities of Elk Point and Vermillion to jointly and cooperatively exercise powers and share resources in order to preserve public health, safety and welfare and to establish protocol and uniform method of obtaining assistance and reimbursement during emergencies, and

WHEREAS, the governing body of each party has duly adopted a resolution authorizing and approving this agreement,

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. **Services.** If a city which is a party to this agreement is rendered unable to preserve the public health, safety and welfare of the citizens within its jurisdiction, or does not have all the resources or equipment necessary to carry out its duties pertaining to them, another city which is a party to this agreement may contribute such necessary resources, equipment or services.

2. **Duties of Requesting City.** A city requesting assistance of another city shall determine the amount and type of service needed. The request may be oral or in writing.

3. **Duty of Responding City.** A responding city will provide the requested services unless doing so would, in the sole discretion of the responding city, leave inadequate resources to preserve the public health, safety and welfare of the citizens of the responding city. The

responding city will promptly notify the requesting city if it is unwilling or unable to provide services to the requesting city.

4. **Supervision.** The requesting city will designate a person in charge who will supervise the members of its city and will provide direction and assignments to the members of the responding city. The responding city shall follow the directions of the person in charge to the best of its ability.

5. **Liability.** The parties to this agreement waive any and claim for injury or damage which may result from its act or omissions in performance of this agreement.

6. **Equipment.** Each city will reasonably keep its equipment at minimum standards of repair. In the event the responding city provides equipment to the requesting city, the requesting city will maintain and return the equipment to the responding city in the same condition as received, ordinary wear and tear excepted. The responding city reserves the right to operate its own equipment.

7. **Insurance.** Each city shall provide workers compensation coverage for its own employees/workers and maintain its own liability and property insurance.

8. **Reimbursement.** A responding city shall be reimbursed by the requesting city for actual expenses incurred by it, which shall include but not limited to salary and benefits, expenses, materials, supplies and equipment rental. The responding city shall send an itemized invoice of the expenses actually incurred to the requesting city within 90 days after providing the services.

9. **Declaration of emergency.** In the event that a state of emergency is declared by the Governor of South Dakota which impacts the services which are being provided under this agreement, the protocol and delegation of duties provided for herein shall be superceded by the

provisions of SDCL ch. 34-48A to the extent there is any inconsistency or ambiguity.

10. **Administration.** The City Administrator of Elk Point, or his/her designee, and the City Manager of Vermillion, or his/her designee, shall be deemed the joint administrators of this agreement.

11. **Duration of Agreement.** This agreement shall remain in effect until such time as a resolution of either city's governing body terminating it is provided to the other City's administrative representative with a copy of the resolution.

IN WITNESS WHEREOF, the undersigned Cities of the State of South Dakota, acting in pursuant to the authority granted by SDCL 1-24-3 and SDCL 34-48A-19, have executed this Agreement as of the _____ day of _____, 20____, and said Agreement being in full force and effect thereafter.

CITY OF VERMILLION

BY _____
(Mayor)

APPROVED

(City Manager)

(Finance Officer)

CITY OF ELK POINT

BY Deb McCreary
(Mayor)

APPROVED

(City Administrator)

Erika Hammett
(Finance Officer)

RESOLUTION
ADOPTION OF MUTUAL AID AGREEMENT WITH THE CITY OF ELK POINT

A mutual aid agreement between the City of Vermillion and the City of Elk Point enabling the continuation of essential services in the event of an emergency.

WHEREAS, the essential services of water, wastewater, street, and light and power must continue for the good of the community despite an emergency; and,

WHEREAS, an emergency can be any event that hinders several employees the ability to work; and,

WHEREAS, this agreement shall stay in effect until the City Council deems it unnecessary.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof that the mutual aid agreement is adopted.

Dated at Vermillion, South Dakota this 18th day of May 2020.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
Kelsey Collier-Wise, Mayor

Attest:

By _____
Michael D. Carlson, Finance Officer

Adopted: May 18, 2020
Effective: June 18, 2020



Council Agenda Memo

From: John Prescott, City Manager

Meeting May 18, 2020

Subject: Resolution pledging Vermillion Now! funds toward engineering design of Bliss Pointe Phase 2 infrastructure

Presenter: John Prescott

Background: The Vermillion Chamber of Commerce and Development Company developed a conceptual plan for the design of the second phase of the Bliss Pointe housing development. The VCDC then solicited proposals from engineering firms and received three proposals to design the infrastructure and layout of the second phase. Banner Associates was hired at a cost of \$63,984 to complete the engineering design, plan development, solicitation of bids, and bid opening work. Phase 2 of Bliss Pointe is the undeveloped portion of ground between Stanford Street and Joplin Street and north of Rockwell Trail. Phase two includes land zoned as Area B and Area C in the Bliss Pointe Planned Development District zoning.

Discussion: The VCDC has requested a Resolution pledging any remaining Vermillion Now! Second Penny contributions from the first two Vermillion Now! campaigns for the engineering work of Bliss Pointe Phase 2. If needed, the Resolution is also written to use a portion of the City's 2020 pledge to Vermillion Now! 3 funds to make up the difference. The City obligated \$50,000 of Second Penny funds with the 2020 budget to the Vermillion Now 3! Campaign. The City pledged a total of \$250,000 in Second Penny funds in equal \$50,000 installments over five budget years beginning with 2020.

With the April 20, 2020 adoption of a Resolution to utilize the remaining funds from the first two Vermillion Now! campaigns to help construct a street through what is currently Lot 4A in Erickson Addition, there may not be sufficient funding left from the first two Vermillion Now! campaigns to fund the engineering design of Bliss Pointe Phase 2. There were \$189,922 of Second Penny funds from the first two Vermillion Now! campaigns which were not obligated prior to the adoption of the Resolution at the April 20 meeting. While the preliminary cost of the street is not yet known, as it is still in the design phase, and the exact cost will not be determined for several months, the estimated

cost of the street is \$140,000. The Resolution adopted on April 20, 2020 stated that the City would provide Vermillion Now! funds for the cost of the street minus \$25,000. If the estimated cost of \$140,000 to construct the street is correct, that amount minus the \$25,000 provided by another source would result in only using \$115,000 of the available Second Penny funds remaining from the first two Vermillion Now! campaigns. Subtracting the \$115,000 from the unused Second Penny fund balance of \$189,922 from the first two Vermillion Now! campaigns would leave \$74,922 for the Bliss Pointe Phase 2 engineering. This amount would be adequate per the Banner proposal to pay the cost of the engineering and design work for Bliss Pointe Phase 2. If the estimated cost of the street construction is too low, funds pledged to Vermillion Now!3 would be utilized per the proposed resolution.

The proposed resolution would provide unobligated Second Penny funds from the original Vermillion Now! campaign, the Vermillion Now! 2 campaign, and if necessary the Vermillion Now! 3 campaign in an amount not to exceed \$63,984.

Financial Consideration: As the original Vermillion Now! and Vermillion Now! 2 campaigns have ended, all of the funding allocated from Second Penny funds for this cause have been reserved. The total amount of available funding remaining from the first two Vermillion Now! campaigns is \$189,922. The funding would come from Second Penny reserves. The City has set aside \$50,000 of Second Penny funds in the 2020 budget for the Vermillion Now! 3 campaign. When the City Council was looking at budget cuts or pauses due to the financial impact of COVID-19, commitments to projects such as Vermillion Now! 3 or the National Music Museum were not included. It is estimated that the engineering work on Bliss Pointe Phase 2 will be completed this year and the expenditure will be part of the 2020 budget.

Conclusion/Recommendations: Administration recommends adoption of the Resolution committing unused Vermillion Now! and Vermillion Now! 2 funds and if needed Vermillion Now! 3 funds to the engineering design of Bliss Pointe Phase 2 in an amount not to exceed \$63,984.

**RESOLUTION
PLEDGING VERMILLION NOW CAMPAIGN
FUNDS FOR BLISS POINTE PHASE 2 ENGINEERING**

WHEREAS, the City of Vermillion pledged \$280,000 of Second Penny funds to the original Vermillion Now! campaign in 2009 and \$250,000 of Second Penny sales tax funds to the Vermillion Now! 2 campaign in 2014 of which \$189,922 has not been utilized for a project; and

WHEREAS, the City of Vermillion (City) has obligated \$50,000 in the 2020 budget as the first annual payment toward a \$250,000 pledge of Second Penny capital improvements to the Vermillion Now! 3 campaign; and

WHEREAS, development of Phase 2 of Bliss Pointe will provide needed housing lots for the construction of new homes and complete the housing development; and

WHEREAS, the Vermillion Area Chamber of Commerce and Development Company (VCDC) has hired Banner Associates to complete engineering design work for the development of Phase 2 of the Bliss Pointe housing development; and

WHEREAS, engineering services to design the layout and all of the infrastructure improvements needed for the development of Bliss Pointe is an eligible Second Penny cost; and

WHEREAS, the VCDC has requested that the City provide reimbursement from the Vermillion Now! Campaign Second Penny sales tax funds for the engineering services to design the layout and all of the infrastructure improvements needed for Bliss Pointe Phase 2 in an amount not to exceed \$63,984; and

WHEREAS, the City Council on April 20, 2020 approved a similar resolution pledging the amount reimbursed to the VCDC for street construction will not exceed the \$189,922 currently available from the original Vermillion Now! and Vermillion Now! 2 pledges of Second Penny funds; and

WHEREAS, if sufficient funding is not remaining from the original Vermillion Now! or Vermillion Now! 2 funds after reimbursement to the VCDC for the street construction cost as provided for in the April 20, 2020 adopted resolution, funding from the \$50,000 that the 2020 Second Penny budget allocated for Vermillion Now! 3 shall be used; and

WHEREAS, it is understood that all payments from the City to the VCDC will be on a reimbursement basis upon submission of supporting contract documents, invoices, and records of payments.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Vermillion agrees to reimburse the VCDC, as developer of the Bliss Pointe Phase 2 housing development, for engineering services to design the layout and all of the infrastructure improvements from any remaining Second Penny funds from the original Vermillion Now! campaign, the Vermillion Now! 2 campaign and up to \$50,000 of 2020 Vermillion Now! 3 campaign Second Penny sales

tax funds upon submission of the proper documentation but in a total amount not to exceed \$63,984, contingent upon the availability of funds at the time of the reimbursement request.

Dated at Vermillion, South Dakota, this 18th day of May, 2020.

THE GOVERNING BODY OF THE CITY OF
VERMILLION, SOUTH DAKOTA

Kelsey Collier-Wise, Mayor

ATTEST:

Michael D. Carlson, Finance Officer



Council Agenda Memo

From: James Purdy, Assistant City Manager

Meeting: May 18, 2020

Subject: Request from USD for temporary street closing of N. Plum Street from E. Cherry Street to Highway 50 for Move-In Day on August 21, 2020

Presenter: John Prescott, City Manager

Background: The University of South Dakota has requested to close N. Plum Street, between SD Highway 50 and East Cherry Street, during their Move-In Day event. This year, Move-In Day is Friday, August 21, 2020. The traffic control for the move-in requires the assistance of the City and the DOT. During Move-In Day, N. Plum Street between E. Cherry Street and SD Highway 50 would be closed to the public.

Discussion: The request for the closure is due to safety concerns with traffic on Plum Street. In order to mitigate the potential danger of the local traffic on N. Plum Street during the event, USD has requested that N. Plum Street, from Cherry Street to Highway 50 be closed from 5:00 a.m. to 4:00 p.m. on Friday, August 21, 2020. All property owners directly surrounding the potential street closure area who would be affected by closing N. Plum Street for Move-In Day will be contacted per the application that was submitted. This is the same Move-In Day street closure request that USD has submitted for several years.

Completion of a release, hold harmless and indemnification agreement is important to the City when an activity or special event is going to take place on public property. In past conversations with USD, they are unable to enter into the agreement requested. USD suggested the following language be part of the street closure consideration:

As permitted in accordance with applicable state law, and with respect to any claim or action arising out of the activities described or performed under this Agreement, the parties mutually agree that each will remain responsible for any and all liabilities, claims, damages, charges and expenses (collectively referred to as "liability") incurred by reason of the negligence or willful misconduct of its employees, governing board members, faculty, agents or assigns arising from the activities under this Agreement; and that neither party shall by this Agreement transfer such liability to the other.

The City Attorney accepts this language in lieu of completing the indemnification agreement.

The Police, Fire, and EMS Departments have been notified of the street closure request and have identified no safety concerns. Traffic Solutions will provide barricade set up and removal for the event, and the USD Police Department will further assist in picking up any cones and/or barricades at the event's conclusion.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends that the City Council approve the temporary closing of N. Plum Street from E. Cherry Street to Highway 50 on Friday, August 21, 2020 for USD's Move-In Day from 5:00 a.m. to 4:00 p.m., with the stipulation that all traffic control devices for the closure be acquired, installed, and removed by the USD Police Department. It is also recommended that the City Council note the hold harmless and indemnification language presented by the University as part of the motion.

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 Bryant M Jackson

(Section Break)

APPLICATION

Organization Requesting University of South Dakota

Name of Event & Brief Description of Event USD Fall 2020 Move In Day

Expected Participants 2000

Name of Primary Contact Person Bryant Jackson

Primary Contact Phone Number + 24 Hour Access Phone Number

Name of Secondary Contact Person Jef Rice

Secondary Contact Phone Number + 24 Hour Access Phone Number

Date(s) of Closure Requested 08/21/2020

Street Closures Times	5AM til 4PM
Street(s) Requested to be Closed	North Plum Street from East Cherry Street to the Highway 50 Bypass
Optional File Upload	<i>Field not completed.</i>
Please detail how you have notified or plan to notify those affected by your Street Closure Request:	Contact will be made in person with each affected property owner/vendor.
Please detail your plans for cleaning up after your event:	USD will pick up cones. Traffic Solutions INC (TSI) will provide barricade set up and removal.

(Section Break)

Release, Hold Harmless and Indemnification Agreement

City of Vermillion, South Dakota
I,

Name of Event Organizer	Bryant Jackson
Dated This	5/6/2020 8:45 AM
First Name	Bryant
Last Name	Jackson
Electronic Signature Agreement	I agree.
Electronic Signature	Bryant M Jackson

(Section Break)

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

Please enter your email [REDACTED]

Council Agenda Memo

From: James Purdy, Assistant City Manager

Meeting: May 18, 2020

Subject: Request to close Rose Street from Coyote Village to the Dakota Dome on Friday, August 21, 2020 from 5:00 am to 4:00 pm for USD's Move-In Day

Presenter: John Prescott, City Manager

Background: In addition to utilizing North Plum Street between SD Highway 50 and Cherry Street, the University of South Dakota has also requested to close Rose Street, between Coyote Village and the Dakota Dome, during the Move-In Day event on Friday, August 21, 2020. The traffic control for the move-in requires the assistance of the City and the DOT.

Discussion: The request for the closure of Rose Street is due to safety concerns with traffic. In order to remove the danger of the local traffic on Rose Street, USD has requested that Rose Street, from Coyote Village to the Dakota Dome, be closed from 5:00 a.m. to 4:00 p.m. on Friday, August 21, 2020. This closure does not directly impact a property owner's ability to access their property. This is the same closure request USD has submitted for several years for the Move-In Day event.

The Police, Fire, and EMS Departments have all been notified of the closure request and have found no safety concerns. The USD Police Department will pick up any cones and/or barricades at the event's conclusion.

As noted with the previous agenda item, USD is unable to enter into the standard release, hold harmless and indemnification agreement. USD has suggested the following language be part of the street closure consideration:

As permitted in accordance with applicable state law, and with respect to any claim or action arising out of the activities described or performed under this Agreement, the parties mutually agree that each will remain responsible for any and all liabilities, claims, damages, charges and expenses (collectively referred to as "liability") incurred by reason of the negligence or willful misconduct of its employees, governing board members, faculty, agents or assigns arising from the activities under this Agreement; and that neither party shall by this Agreement transfer such liability to the other.

The City Attorney accepts this language in lieu of completing the standard indemnification agreement.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends that the City Council approve of the temporary closing of Rose Street from 5:00 a.m. to 4:00 p.m., from Coyote Village to the Dakota Dome, on Friday, August 21, 2020 for USD's Move-In Day event with the stipulation that all traffic control devices for the closure be acquired, installed, and removed by University Police Department. It is also recommended that the City Council note the hold harmless and indemnification language presented by the University as part of the motion.

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 Bryant M Jackson

(Section Break)

APPLICATION

Organization Requesting University of South Dakota

Name of Event & Brief Description of Event USD Fall 2020 Move In Day

Expected Participants 2000

Name of Primary Contact Person Bryant Jackson

Primary Contact Phone Number + 24 Hour Access Phone Number

Name of Secondary Contact Person Jef Rice

Secondary Contact Phone Number + 24 Hour Access Phone Number

Date(s) of Closure Requested 08/21/2020

Street Closures Times	5AM til 4PM
Street(s) Requested to be Closed	Rose Street from Coyote Village (USD housing) to the Dakota Dome
Optional File Upload	<i>Field not completed.</i>
Please detail how you have notified or plan to notify those affected by your Street Closure Request:	Affected parties will be notified by UPD.
Please detail your plans for cleaning up after your event:	USD Police Department will pick up any cones and/or barricades.

(Section Break)

Release, Hold Harmless and Indemnification Agreement

City of Vermillion, South Dakota
I,

Name of Event Organizer	Bryant Jackson
Dated This	5/5/2020 8:45 AM
First Name	Bryant
Last Name	Jackson
Electronic Signature Agreement	I agree.
Electronic Signature	Bryant M Jackson

(Section Break)

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

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



Council Agenda Memo

From: John Prescott, City Manager
Meeting: May 18, 2020
Subject: DENR grant to renovate the recycling center
Presenter: John Prescott

Background: Last December the City Council approved the submission of a grant application to DENR to fund 50% of the Phase I renovations of the Missouri Valley Recycling Center building on N. Crawford Road. The building was built as a warehouse by a private company in 1972. It has served the community as the recycling center for the last 25 years with very limited renovations. An evaluation of the building in 2019 identified the need for significant improvements to continue the current use and to provide a safe and more efficient environment for both staff and the public. The needed improvements were divided into two phases of work. A memo provided to the Joint Powers Board in September 2019 identifying the needed improvements is attached.

Discussion: The estimated cost of Phase I improvements was identified at just over \$686,500. At their March 2020 meeting, the South Dakota Department of Environment & Natural Resources (DENR) approved a maximum grant from the Solid Waste Management Program for renovations at the Missouri Valley Recycling Center in an amount of \$343,000. The grant is a 50% match with the not to exceed grant amount of the \$343,000. A resolution has been prepared to accept the SD DENR grant award and authorize the City Manager to sign grant documents. Burns and McDonnell who completed the initial review and worked with staff to develop a project that would be affordable to undertake has submitted an agreement for engineering services related to the project. This is the next item on the agenda for City Council consideration.

Financial Consideration: The 2020 Joint Powers recycling budget includes the 50% needed to match the grant award of \$343,000.

Conclusion/Recommendations: Administration recommends adopting a resolution to accept the DENR grant award to begin renovation of the Missouri Valley Recycling Center and authorize the City Manager to sign the grant documents.

To: Joint Powers Board

From: John Prescott, Vermillion City Manager

Date: September 26, 2019

Missouri Valley Recycling Center Renovation

Project Summary: The Missouri Valley Recycling center building remains largely unchanged from when it was built by a private company as a warehouse in 1972. The structure needs significant improvements to continue its current use and to provide a safe and more efficient environment for both staff and the public. Burns & McDonnell Engineering Company completed an evaluation of the building earlier this year. Some of the findings of the report are outlined below:

Exterior Work:

- Damaged brick should be repaired or replaced, and the gutters should be extended to the end of the building. Soot stains observed along the brick facade soffit area should be removed/cleaned.
- The man door on the south side of the building, near the public drop-off area, does not have flashing or drip guards allowing water intrusion.
- An area along the northern wall near the east side of the building showed indications of water intrusion as there was an ice build-up along the interior wall. The cause of this leak is likely from an ice dam on the roof in that area, and the City of Vermillion will need to address this issue.

Interior Work (office and lobby):

- All ceiling tiles, ceiling insulation, and light fixtures in the interior of the building need to be replaced. The walls and other surfaces need to be cleaned and repainted, and a new epoxy floor covering should be installed throughout.
- The restrooms need to be completely overhauled and do not meet ADA accessibility guidelines.
- One of the current boilers is inoperable and needs to be replaced.
- The air conditioning units in the offices and breakroom do not provide adequate cooling in the summer. The air conditioning unit in the breakroom draws in air from the processing area, which is a safety concern due to poor ventilation and the emissions from the equipment in the processing area.

Interior Work (processing and cold storage area):

- Lighting and ventilation need to be improved.
- Barriers should be installed to prevent damage to the building structure, siding, and walls.
- Continual movement of loose materials and heavy equipment through the area where the public can enter through the doorways with little to no visibility presents serious safety concerns. The public drop-off area must be separated from the rest of the operations.
- The north-south wall separating the cold storage area and the processing area does not meet code requirements as a fire-rated barrier wall. The roll-up doors and man doors do not have fire rated doors or automatic closures. All wall openings must have fire rated doors.
- The building does not currently have a fire sprinkler system.

Site Pavement and Traffic Flow:

- The scale on the south end of the building is nearing the end of its useful life but will not be replaced at this time due to budgetary restraints.

Proposed Project:

The initial cost estimate to complete all of the improvements was significant. Vermillion City staff worked with the consultant to develop a more modest, phased plan. The first phase of the proposal is designed to address health and safety issues for the public and staff at the building. The proposal includes:

- Separating the public drop-off area from the work area where machinery is operated.
- Constructing the required fire rated wall between processing and cold storage areas of the building.
- A fire detection and smoke/heat removal system.
- Reconstructing and sealing the office wall to keep processing area exhaust from entering the office area.
- Construct a single-person, ADA accessible restroom

Estimated project cost: \$468,350. We intend to apply for a 50% recycling grant from the DENR at their January 2020 meeting. The balance would be funded by Joint Powers. If a grant is awarded, it is anticipated that bidding and construction would take place in 2020.

**RESOLUTION ACCEPTING THE DENR GRANT AWARD TO RENOVATE
THE MISSOURI VALLEY RECYCLING CENTER AND
AUTHORIZE THE CITY MANAGER TO SIGN
THE GRANT DOCUMENTS**

WHEREAS, the City of Vermillion is a member of the Joint Powers agreement which operates the Vermillion Landfill, Missouri Valley Recycling Center, and an integrated solid waste system to serve the solid waste disposal and recycling needs of the residents of Clay and Yankton Counties along with other areas of the region; and

WHEREAS, the City of Vermillion is the member that is responsible for the operation of the Vermillion Landfill and Missouri Valley Recycling Center; and

WHEREAS, the Missouri Valley Recycling Center at 840 N. Crawford Road has served as the drop-off point and processing center of recyclable materials provided by businesses and citizens in the region for twenty-five (25) years; and

WHEREAS, it has been determined that there is a need for significant renovations to the Missouri Valley Recycling Center building to provide a safe and efficient environment for both the staff and the public to drop-off and process recyclable materials; and

WHEREAS, the Joint Powers Board recommended, and the Vermillion City Council approved, an application to apply for DENR grant funding assistance for the renovation project; and

WHEREAS, the 2020 budget adopted by the Vermillion City Council included funding for renovations to the Missouri Valley Recycling Center if a 50% grant was awarded by DENR.

NOW, THEREFORE, BE IT RESOLVED that the grant award of 50% funding up to a maximum grant amount of \$343,000 from the Solid Waste Management Program, awarded by the Board of Water and Natural Resources is accepted, and the City Manager is authorized to execute the grant documents as needed on behalf of the City of Vermillion.

Dated at Vermillion, South Dakota this 18th day of May, 2020.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Kelsey Collier-Wise, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Council Agenda Memo

From: John Prescott, City Manager

Meeting: May 18, 2020

Subject: Professional Services Agreement with Burns McDonnell for the Recycling Center building renovations

Presenter: John Prescott

Background: The Recycling Center, located at 840 N Crawford Road, functions as the collection point for all recyclable materials generated in Vermillion. As the previous agenda item noted, 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.

Discussion: The City submitted an application and was awarded a 50% DENR grant to fund improvements at the recycling center. Assuming the City Council accepted the grant agreement with the previous agenda item, the next step in the process is to hire the consultant for the completion of the design, bidding process, and construction administration. Burns & McDonnell has submitted the attached professional services agreement to perform the needed functions. Burns & McDonnell was selected via a competitive process to perform the building evaluation, make recommendations, develop probable construction costs, and provide conceptual drawings that could be utilized for the grant application. The next step of the process utilizes the work that Burns & McDonnell performed in the first phase to take it through construction.

Financial Consideration: The City has money budgeted in the 2020 Joint Powers recycling fund to pay for the consultant fees as part of the project cost. The \$145,900 proposed fee is less than what was anticipated in developing the original project budget. The professional services fee is an eligible project cost for grant funding.

Conclusion/Recommendations: Administration recommends allowing the City Manager to enter into an agreement, on behalf of the City, with Burns McDonnell for professional services to complete the design, bidding, and construction administration of the improvements to take place at the Recycling Center.

AUTHORIZATION NO. 9
For
PROFESSIONAL SERVICES
To
BURNS & McDONNELL ENGINEERING COMPANY, INC.

Recycling Center Improvements Phase 1 Design and Construction Administration

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

I. SCOPE

This Authorization includes the design and construction administration for the improvements to the Missouri Valley Recycling Center (Recycling Center) as identified in Option 2, Phase 1 of the Recycling Center Evaluation Final Report dated August 15, 2019 (Report). Option 2, Phase 1 improvements are shown on Figure 3.1 of the Report, and generally include:

- Entire Office Area remodel, new separation wall between Office Area and Processing Area, new HVAC system, and new ADA restroom.
- Relocation of the Public Drop-Off Area to existing CMU wall area.
- Replace existing wall between the Cold Storage Area and Processing Area with a new fire rated wall and doors.
- New fire detection system and smoke and heat removal system in the Cold Storage Area.

The Scope of Services of this Authorization are as follows:

Task 1 – Kick-off Meeting

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

Task 2 – Building Scan

CONSULTANT will perform a three-dimensional scan of the facility to obtain current information on facility structures and layout. The three-dimensional scan will be used as the basis for development of the building design model.

Task 3 – 60% Draft Design Drawings

CONSULTANT will prepare and submit to CLIENT 60% draft design drawings for the proposed improvements to the Recycling Center. The anticipated 60% draft design drawings include:

Architectural:

- Phasing Plan
- Demolition Plan
- Building Floor Plan
- Enlarged Office Area Floor Plan
- Exterior Building Elevations
- Wall Sections
- Architectural Details

Structural:

- Structural Framing Plan
- Structural Details

Mechanical:

- Mechanical Plan
- Plumbing Plan
- Mechanical/Plumbing Schedules
- Mechanical/Plumbing Details

Electrical:

- Electrical Plan
- Enlarged Office Area Lighting and Power Plan
- Electrical One-Line
- Electrical Details

Fire Protection:

- Fire Protection Plan
- Fire Protection Details

CONSULTANT will provide PDF drawings to CLIENT for review. CONSULTANT has assumed one week for CLIENT review prior to holding a 60% design review meeting. CONSULTANT will prepare a meeting agenda and meeting minutes for the design review meeting, and applicable comments will be incorporated into the design.

Task 4 – 90% Draft Design Drawings and Specifications

CONSULTANT will prepare 90% construction drawings and specifications for the Recycling Center improvements.

All drawings indicated in 60% draft design will be brought to 90% completion. Additional drawing sheets to be added include plan notes and/or specification sheets and additional detail sheets needed for final design.

CONSULTANT will prepare 90% project specifications which will include:

- Contractual Front-End Documents
- General Requirements
- Technical Specifications

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

Task 5 – IFB Documents and Bid Administration

CONSULTANT will prepare and submit electronic Issued for Bid (IFB) drawings and specifications to CLIENT for posting on CLIENT's bidding website. CONSULTANT will provide bid administration services including facilitating a pre-bid meeting, answering bidders' questions, issuing required addenda, reviewing final bid tabulation, and preparing a bid recommendation letter to CLIENT.

Task 6 – Construction Administration

CONSULTANT will provide construction administration support for the construction of the Recycling Center Phase 1 Improvements. Support will include shop drawing and submittal review, pay application

review, and construction documentation. CONSULTANT has included a total of 16 site visits based on one site visit per week during an assumed 16-week construction schedule to observe and document construction progress. CONSULTANT has included facilitating a total of 16 progress meetings in this scope of services including substantial and final completion walk-throughs. CONSULTANT will prepare meeting minutes for all meetings and walk-throughs.

Assumptions

The following additional assumptions have been made for this Authorization:

- CLIENT will provide available information and data pertinent to CONSULTANT completing the scope of services.
- CONSULTANT will not perform surveying, geotechnical testing, or evaluation or testing of the existing building structure as part of this scope of services.
- CONSULTANT has assumed addressing one round of CLIENT review comments per design submittal.
- CONSULTANT has assumed CLIENT will document daily construction progress.

II. TIME OF SERVICE

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

- Task 1 – within two weeks of Notice to Proceed (NTP)
- Task 2 – within three weeks of NTP
- Task 3 – within seven weeks of NTP
- Task 4 – within 10 weeks of NTP
- Task 5 – within 13 weeks of NTP
- Task 6 – assumed 16-week construction schedule

III. COMPENSATION

CLIENT shall compensate CONSULTANT for providing the services set forth herein in accordance with the terms of the existing Agreement and the attached rate sheet. The compensation for this Authorization is up to \$145,900.00, not to be exceeded without written authorization of the CLIENT. Services will be performed on a time and materials basis based on the attached rate sheet and actual expenses incurred. An estimate of the costs by Task is presented below.

Task 1:	Kick-off Meeting	\$1,220.00
Task 2:	Building Scan	\$7,070.00
Task 3-4:	60% & 90% Draft Documents	\$93,340.00
Task 5:	IFB Documents / Bid Administration	\$5,070.00
Task 6:	Construction Administration	\$39,200.00
	Total:	\$145,900.00

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

AUTHORIZATION NO. 9

Recycling Center Improvements Phase 1 Design and Construction Administration

AUTHORIZED BY:

City of Vermillion, South Dakota

By: _____

Date: _____

ACCEPTED BY:

BURNS & McDONNELL ENGINEERING COMPANY, INC.

By:  _____

Title: Department Manager

Schedule of Hourly Professional Service Billing Rates

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

NOTES:

1. Position classifications listed above refer to the firm's internal classification system for employee compensation. For example, "Associate", "Senior", etc., refer to such positions as "Associate Engineer", "Senior Architect", etc.
2. For any nonexempt personnel in positions marked with an asterisk (*), overtime will be billed at 1.5 times the hourly labor billing rates shown.
3. Project time spent by corporate officers will be billed at the Level 17 rate plus 25 percent.
4. For outside expenses incurred by Burns & McDonnell, such as authorized travel and subsistence, and for services rendered by others such as subcontractors, the client shall pay the cost to Burns & McDonnell plus 10%.
5. Monthly invoices will be submitted for payment covering services and expenses during the preceding month. Invoices are due upon receipt. A late payment charge of 1.5% per month will be added to all amounts not paid within 30 days of the invoice date.
6. The services of contract/agency and/or any personnel of a Burns & McDonnell subsidiary or affiliate shall be billed to Owner according to the rate sheet as if such personnel is a direct employee of Burns & McDonnell.
7. The rates shown above are effective for services through December 31, 2020, and are subject to revision

CITY OF VERMILLION
 INVOICES PAYABLE-MAY 18, 2020

1 A-OX WELDING SUPPLY CO	CHEMICALS	2,551.50
2 AT&T MOBILITY	MOBILE HOT SPOTS	526.86
3 BROADCASTER PRESS	ADVERTISING	1,188.63
4 BUHLS CLEANERS	MAT/MOP SERVICE	488.70
5 BUREAU OF ADMINISTRATION	TELEPHONE	264.28
6 CASK & CORK	MERCHANDISE	246.00
7 CCP INDUSTRIES INC.	SUPPLIES	151.95
8 CENTURYLINK	TELEPHONE	1,585.97
9 CITY OF VERMILLION	LANDFILL VOUCHERS	1,320.00
10 CLAY RURAL WATER SYSTEM	WATER USAGE	165.20
11 CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,239.28
12 CORE & MAIN LP	PARTS	613.54
13 DAKOTA BEVERAGE	MERCHANDISE	13,017.95
14 DAKOTA LOCK & KEY	REPAIRS	70.00
15 DEPT OF ENVIRONMENT & NAT.	SWMP LOAN PAYMENT	14,338.54
16 DEPT OF REVENUE	MALT BEVERAGE LICENSES	300.00
17 EBSCO	SUBSCRIPTION	2,647.28
18 ENERGY LABORATORIES	TESTING	1,174.00
19 FEDEX.	SHIPPING	13.92
20 GLOBAL DIST.	MERCHANDISE	312.00
21 GRAYMONT (WI) LLC	CHEMICALS	4,190.85
22 GREGG PETERS	MANAGERS FEE	6,000.00
23 INFO USA MARKETING INC	BOOKS/DIRECTORY	415.00
24 INGRAM	BOOKS	229.59
25 JOHN A CONKLING DIST.	MERCHANDISE	5,924.65
26 JOHNSON BROTHERS OF SD	MERCHANDISE	21,469.17
27 JONES FOOD CENTER	SUPPLIES	419.85
28 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	1,150.00
29 MIDAMERICAN	GAS USAGE	2,159.82
30 MIDCONTINENT COMMUNICATION	INTERNET/CABLE SERVICE	746.57
31 MIDWEST ALARM CO	ALARM MONITORING	69.00
32 QUILL	SUPPLIES	53.88
33 REPUBLIC NATIONAL DIST	MERCHANDISE	18,319.14
34 RUNNING SUPPLY, LLC	SUPPLIES	214.15
35 SANFORD VERMILLION SPORTS	ONLINE REGISTRATION	628.10
36 SD DENR	LANDFILL OPERATIONS FEE	3,741.76
37 SOUTHERN GLAZER'S OF SD	MERCHANDISE	8,424.24
38 STAPLES BUSINESS CREDIT	SUPPLIES	1,416.98
39 STERN OIL CO.	FUEL	9,990.39
40 STURDEVANTS AUTO PARTS	PARTS	405.51
41 SYNCB/AMAZON	BOOKS/DVDS	324.99
42 THE UPS STORE #6751	SHIPPING	12.28
43 TITLEIST-ACUSHNET COMPANY	MERCHANDISE	1,563.11
44 TRACTOR SUPPLY CREDIT PLAN	SUPPLIES	137.98

45 TRUE FABRICATIONS	MERCHANDISE	178.38
46 UNITED PARCEL SERVICE	SHIPPING	13.70
47 US BANK ST. PAUL	DEBT SERVICE PAYMENTS	58,792.50
48 US POSTMASTER	POSTAGE FOR UTILITY BILLS	900.00
49 VALIANT VINEYARDS	SANITIZING GEL/WIPES	193.00
50 VERMILLION ACE HARDWARE	SUPPLIES	120.93
51 WASTE MANAGEMENT OF WI-MN	WASTE HAULING	1,406.95
52 ZIMCO SUPPLY CO	VICON SPREADER/GRASS SEED	1,835.00
53 ELIZABETH SMITH	BRIGHT ENERGY REBATE	350.00
54 ADAM RILEY	BRIGHT ENERGY REBATE	50.00
	GRAND TOTAL	\$194,063.07