



**Special Meeting Agenda
City Council**

12:00 p.m. (Noon) Special Meeting
Monday, July 6, 2020
Large Conference Room – City Hall
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call.**
2. **Visitors to Be Heard.**
3. **Home Rule Charter Committee report – Dr. Mike Card.**
4. **Briefing on the July 6, 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, July 6, 2020

City Council Chambers

25 Center Street

Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. June 15, 2020 Special Meeting; June 15, 2020 Regular Meeting; June 22, 2020 Special Meeting.
4. **Adoption of the Agenda**
5. **Visitors to be Heard**
 - a. Proclamation Recognizing July as Parks and Recreation Month.
6. **Public Hearing**
7. **Old Business**
8. **New Business**
9. **Presentation to Outgoing Council Member**
10. **Adjourn**

NEW CITY COUNCIL

1. **Installation**
 - a. Alderman
2. **Roll Call**
3. **Adoption of the Agenda**
4. **Election of Officers**
 - a. President
 - b. Vice President
5. **Appointment of Administrative Officers**
 - a. Finance Officer
 - b. City Attorney
6. **Other Appointments and Designations**
 - a. City Council Committees and other Committee Assignments.
 - b. Official Newspaper.
 - c. Official Depositories.

- d. Consolidated Board of Equalization.
- e. Determination of Rules of Order.

7. Visitors to be Heard

8. Public Hearings

9. Old Business

10. New Business

- a. Midco Annual Report.
- b. Home Rule Charter Committee report.
- c. Street closure request to temporarily remove parking on Dakota Street from Alumni Street to SD Highway 50 and to close Rose Street from Coyote Village to the Sanford Coyote Sports Center for this year's USD home football games on September 19, October 3, October 17, October 24, and November 21, 2020 from 6:00 a.m. to 6:00 p.m.
- d. Resolution authorizing the execution of contractual documents with the State of South Dakota for the receipt of CARES Act funds to address the COVID-19 public health crisis.
- e. Planning and Zoning Commission appointments.
- f. Resolution to adjust fines for city code violations to compensate for increased court system costs.
- g. Street closure request of Kidder Street from the alley between Court Street and Market Street to Austin Street, and Market Street from the middle of the first block south of Main Street to Bloomingdale Street, and the City Parking lot at the SW corner of Market Street and Kidder Street from 6:00 am on Friday, September 11, 2020 until 6:00 pm on Saturday, September 12, 2020 for the BBQ competition typically associated with Ribs, Rods, & Rock 'n Roll.
- h. Consultant Agreement with Banner Associates, Inc. for the Final Design of the Brooks Industrial Park Regional Detention Pond.
- i. Street closure request for the alley between 113 E Main Street (Varsity Pub) and 101 E Main Street (First Baptist Church) to allow for expanded seating to promote social distancing.
- j. Consideration of Special Event License permits for Varsity Pub, LLC for Varsity Pub for the period of July 7, 2020 to August 24, 2020 with no sales on July 20, August 3, and August 17, 2020 for the hours of 2:00 pm to 11:00 pm.
- k. Agreement to Construct Public Infrastructure by Private Development with JR&R II, LLC Owner of Outlot B, Block 6, Erickson Addition, City of Vermillion, Clay County, South Dakota. (McHenry Street from Princeton Street west approximately 390 feet)

11. Bid Openings

- a. Fuel Quotes.

12. City Managers Report

13. Invoices Payable

14. Consensus Agenda

- a. Set a public hearing date of July 20, 2020 for a site transfer of retail on-sale liquor license for Leo's Sports Bar & Grill, LLC for Leo's Sports Bar at 11 Market Street to include 7 Market Street.

15. 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.

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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
June 15, 2020
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, June 15, 2020 at 12:00 noon at the City Hall large conference room.

Oath of Office Lindsey Jennewein

Mike Carlson, Finance Officer, administered the oath of office to Lindsey Jennewein to fill the vacancy in the Central Ward.

1. Roll Call

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

2. Visitors to be Heard - None

3. USD Student and Faculty plans for Fall return - Kim Grieve and Kurt Hackemer

Kurt Hackemer, Kim Grieve and David Herbster with USD reported on the fall student return plan noting that fall classes will be face to face. Kurt reported that classes will begin on August 19th and will end before Thanksgiving with finals online after Thanksgiving. Kurt reviewed plans for social distancing in classrooms noting everyone on campus will be encouraged to wear a mask, hand sanitizer will be available and cleaning schedules have been increased. Kim Grieves reported on student activities that will change to provide for social distancing along with the process if a student does test positive. David Herbster reported on student athletics noting they are planning for fall sporting events but at present do not know at what seating capacity will be used for the events. Kurt, Kim and David answered questions of the City Council on USD plans for the fall semester. It was noted that USD, the City and VCDC can work together on marketing the need for social distancing and to wear masks. Kurt suggested that City and VCDC representatives be invited to the USD meeting on planning for the student return so all are working together.

4. Briefing on the June 15, 2020 City Council Regular Meeting

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

5. Adjourn

160-20

Alderman Price moved to adjourn the Council special session at 1:04 p.m. Alderman Sorensen seconded the motion. A roll call vote of the Governing Body was as follows: Jennewein-Y, 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 15th 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

Unapproved Minutes
City Council Regular Session
June 15, 2020
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on June 15, 2020 at 7:00 p.m. by Mayor Collier-Wise.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. Minutes of June 1, 2020 Special Session, June 1, 2020 Regular Session

161-20

Alderman Ward moved approval of the June 1, 2020 Special Session and June 1, 2020 Regular Session minutes. Alderman Sorensen seconded the motion.

A roll call vote of the Governing Body was as follows: Jennewein-Y, 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.

4. Adoption of Agenda

162-20

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

5. Visitors to be Heard

A. Juneteenth proclamation

Alderman Hellwege read the proclamation designating June 19, 2020 as Juneteenth Freedom Day in the City of Vermillion to celebrate as a day of remembrance, contemplation and continuing action.

6. Public Hearings

A. Renewal of retail on-off sale malt beverage license and SD Farm Wine for Aramark Educational Services, LLC for Aramark at 1101 N. Dakota Street and Vermillion Cultural Association for Coyote Twin at 10 East Main Street

Mike Carlson, Finance Officer, reported that the Notice of Hearing and the Police Chief's report for the applicants are included in the packet. Mike reported that the applications were from Aramark Educational Services, LLC for Aramark at 1101 N. Dakota Street and Vermillion Cultural Association for Coyote Twin at 10 East Main Street who did not get their applications submitted for the last meeting. Mike recommended renewal of the retail on-off sale malt beverage licenses and SD Farm wine. Discussion followed.

163-20

Alderman Willson moved approval of the renewal of the retail on-off sale malt beverage license and SD Farm Wine for Aramark Educational Services, LLC for Aramark at 1101 N. Dakota Street and Vermillion Cultural Association for Coyote Twin at 10 East Main Street. Alderman Sorensen seconded the motion. A roll call vote of the Governing Body was as follows: Jennewein-Y, 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. Special daily malt beverage and wine license for the Vermillion Area Chamber & Development Company on or about Thursday July 9, July 16, July 23, July 30, August 6, August 13, August 20 and August 27, 2020 on Ratingen Platz, half block of Market Street south of W. Main Street and W. Main Street as it abuts the Platz east to Center Street for Thursdays on the Platz events

Mike Carlson, Finance Officer, reported that an application for a special daily malt beverage and wine license was received from the Vermillion Area Chamber and Development Company for the Thursdays on the Platz events on or about July 9, July 16, July 23, July 30, August 6, August 13, August 20 and August 27, 2020 from 4:00 p.m. to 8:00 p.m. on Ratingen Platz, half block of Market Street south of West Main Street and West Main Street as it abuts the Platz east to the west crosswalk of the Main and Court intersection and to exclude any parking spaces that may be issued another license. Mike noted that there was a change in the east boundary from the original application reducing it from Center Street to Court Street. Mike stated that the notice of hearing and the Police Chief's report are included in the packet. Mike stated that the VCDC has provided the City with a release and indemnification for the events and the certificate of insurance. Mike noted that the events would be expanding this year with the closing extending east to Court Street. Mike noted that the street closing request is later on the agenda. Mike recommended approval of the request and to include the use of the Ratingen Platz for the events. Nate Welch, Executive Director of VCDC, answering questions of the City Council on the event noting they have not committed to conducting the event and if held will be monitoring after each event. Discussion followed.

164-20

Alderman Hellwege moved approval of the special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company on or about July 9, July 16, July 23, July 30, August 6, August 13, August 20 and August 27, 2020 from 4:00 p.m. to 8:00 p.m. on Ratingen Platz, half block of Market Street south of West Main Street and West Main Street as it abuts the Platz east to the west crosswalk of the Main and Court intersection, to include the use of the Ratingen Platz, to exclude any parking spaces that may be issued another license and to provide follow-up reports from the event. Alderman Holland seconded the motion. A roll call vote of the Governing Body was as follows: Jennewein-Y, 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.

7. Old Business

A. Request to close N. Plum Street from E. Cherry Street to SD Highway 50 on Friday, August 14, Saturday, August 15, and Sunday, August 16, 2020 from 6:00 a.m. to 4:00 p.m. for USD's Move-In Day

John Prescott, City Manager, reported that the University of South Dakota has historically been utilizing Plum Street between Highway 50 and East Cherry Street during their Move-In Day. John stated that the traffic control for the move-in requires the assistance of the City and the DOT. John stated that the request from USD is included in the packet. John reported that, in order to mitigate the danger of the local traffic on Plum Street, USD has requested that Plum Street from Cherry Street to Hwy. 50 be closed from 6:00 a.m. to 4:00 p.m. on Friday, August 14, Saturday, August 15, and Sunday, August 16, 2020. John noted that the move-in has expanded from one day to three days this year due to concerns with COVID-19. John noted that the Police, Fire and EMS Departments have been notified of the closure request. John noted that USD could not sign the certificate of insurance naming the City as an additional insured but provided language that they have insurance for the street closure. John noted that the next item on the agenda also is for move-in day with the closing of Rose Street from Coyote Village to the Dakota Dome on Friday, August 14, Saturday, August 15, and Sunday, August 16, 2020 from 5:00 a.m. to 4:00 p.m. John recommended approval of the street closure.

165-20

Alderman Holland moved approval of the request to close North Plum Street from East Cherry Street to SD Highway 50 bypass on Friday, August 14, Saturday, August 15, and Sunday, August 16, 2020 from 6:00 a.m. to 4:00 p.m. for USD Move-in Day noting the hold harmless and indemnification language used by USD. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Jennewein-Y, 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. Request to close Rose Street from Coyote Village north to the Dakota Dome on Friday, August 14, Saturday, August 15, and Sunday, August 16, 2020 from 5:00 a.m. to 4:00 p.m. for USD's Move-In Day

John Prescott, City Manager, reported that the University has requested the closing of Rose Street from Coyote Village to the Dakota Dome during their Move-In Day. John stated that the request for the closure is due to safety concerns with traffic. John reported that, 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 14, Saturday, August 15, and Sunday, August 16, 2020. John noted that the Police, Fire and EMS Departments have been notified of the closure request. John noted that as to insurance this

request is the same as the last agenda item. John recommended approval of the street closure.

166-20

Alderman Holland moved approval of the closing of Rose Street from Coyote Village to the Dakota Dome, on Friday, August 14, Saturday, August 15, and Sunday, August 16, 2020 from 5:00 a.m. to 4:00 p.m. for USD Move-In Day noting the hold harmless and indemnification language used by USD. Alderman Humphrey seconded the motion. A roll call vote of the Governing Body was as follows: Jennewein-Y, 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.

8. New Business

A. MidAmerican Energy annual report

Mark Hoogwerf, representing MidAmerican Energy, reported on local staffing levels, 2019 natural gas prices noting he had no predictions for this winter's fuel prices, emergency leak calls, leaks in the system, and new services installed. Mark answered questions of the City Council on MidAmerican Energy operations within the community.

167-20

Alderman Sorensen moved to acknowledge receipt of the MidAmerican Energy annual report. Alderman Hellwege seconded the motion. A roll call vote of the Governing Body was as follows: Jennewein-Y, 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. Emergency Resolution addressing COVID-19

John Prescott, City Manager, reported that, in March, the City Council conducted special meetings to adopt Emergency Ordinance No. 1413. John noted 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 the ordinance expired on May 30, 2020. John reported that, at the June 1, 2020 meeting, the City Council considered a number of issues related to COVID-19 during the discussion at the second reading of Emergency Ordinance No. 1414. John noted that the City Council did not adopt Emergency Ordinance No. 1414 but requested staff to prepare a resolution that was similar to the language in the two ordinances. John stated that the draft resolution was shared with the business community and posted on the City's website on Monday, June 8th. John noted that two comments

on the resolution had been received by the City staff and provided to the City Council. John reviewed the contents of the emergency resolution. John recommended that the City Council thoughtfully review information related to COVID-19 which changes continually and determine if the Emergency Resolution should be adopted. John also noted that the City Council is also asked to provide staff guidance on the park basketball courts and playground equipment access.

Nate Welch, Executive Director of the VCDC, reported on the meeting held with local businesses regarding the resolution with the proposal that the VCDC create a Revitalize Vermillion Campaign whereby local businesses pledge to follow the CDC, State and local guidelines and the VCDC communicates to the public which businesses have committed. Nate noted that certificates would be provided to the individual businesses completing the pledge.

Collin Lind, with Pizza Ranch, thanked the City Council for working with the businesses on developing the resolution noting that customers are accepting the social distancing and following guidelines.

Discussion followed on the resolution and the proposal from the VCDC on Revitalize Vermillion Campaign as well as who is responsible to keep the public safe. It was noted that the emergency resolution will only apply for 60 days and will need to be reconsidered about the time the students return while the Revitalize Vermillion Campaign will continue.

168-20

Alderman Ward moved approval of the Emergency Resolution with the addition to the last paragraph to include "and support the VCDC in its efforts to bring together businesses to pledge commitment to the Revitalize Vermillion Campaign". Alderman Price seconded the motion. Discussion followed on the resolution and the timeline for the VCDC campaign. A roll call vote of the Governing Body was as follows: Jennewein-N, Hellwege-N, Holland-N, Humphrey-N, Price-Y, Sorensen-N, Ward-Y, Willson-N, Mayor Collier-Wise-N. Mayor Collier-Wise declared the motion failed.

Discussion followed on the need to support the VCDC in the Revitalize Vermillion Campaign with the consensus that a proclamation be brought forward for consideration at the next meeting.

Mayor Collier-Wise asked the Council if there was any action they wanted to take on opening the City park basketball courts and playground equipment.

169-20

Alderman Willson moved approval to open the city parks playground equipment and basketball courts. Alderman Humphrey seconded the motion. Discussion followed. A roll call vote of the Governing Body was as follows: Jennewein-N, Hellwege-N, Holland-Y, Humphrey-Y, Price-N, Sorensen-N, Ward-N, Willson-Y, Mayor Collier-Wise-N. Mayor Collier-Wise declared the motion failed.

C. Request to close Market Street from W. Main Street to the south end of Ratingen Platz, as well as W. Main Street from the west line of the W. Main and Court Streets intersection west through the west side of Ratingen Platz from 4:00 p.m. - 8:00 p.m. on the dates of July 9th, July 16th, July 23rd, August 6th, August 13th, August 20th, and August 27th, 2020 for Thursdays on the Platz hosted by the Vermillion Area Chamber and Development Company

John Prescott, City Manager, indicated that, with the earlier items on the agenda, the Vermillion Thursdays on the Platz group are again planning to hold several events in downtown Vermillion on the Platz. John reported that this summer's events are scheduled for July 9th, July 16th, July 23rd, August 6th, August 13th, August 20th, and August 27th, 2020. John reported that Street, Police, Fire and EMS department have been notified of the event and did not have any concerns. John stated that the closing is from 4:00 p.m. to 8:00 p.m. John noted that the street closing area is larger this year to provide for more social distancing. Discussion followed.

170-20

Alderman Holland moved approval of the street closing request for Market Street from West Main Street to the south end of Ratingen Platz, as well as West Main Street from the west line of the West Main and Court Streets intersection west through the west side of Ratingen Platz from 4:00 p.m. to 8:00 p.m. on the dates of July 9th, July 16th, July 23rd, August 6th, August 13th, August 20th, and August 27th, 2020 for "Thursdays on the Platz" events. Alderman Willson seconded the motion. Discussion followed. A roll call vote of the Governing Body was as follows: Jennewein-Y, 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. First reading of Emergency Ordinance No. 1415 to amend title XI, Chapter 112 amending Section 112.01 Special Event Definitions and 112.18 amending Special Event Licensing to include current license holders

John Prescott, City Manager, stated that special licenses are currently available for malt beverage and wine to civic, charitable, educational, veterans or fraternal organizations. John stated that Leslie Gerrish from the Bean contacted the City stating that she had been brainstorming with

Nate Welch about options for customers to have more areas to social distance as not all customers want to be inside a business at any capacity. John reported that Leslie noted that some towns (outside of SD) have been creative with their outdoor spaces by using parking lots, sidewalks, and streets as extensions of restaurants and bars. John reported on meetings with Leslie, the VCDC and local businesses on June 5th and June 11th as well as numerous other conversations regarding closing parking spaces and special licenses. John noted that the consensus of the group was to request the City Council to amend the ordinance to allow current license holders to apply for a special license for the sale of alcoholic beverages that correspond to the license that they are currently issued. John noted that this would allow special on-sale liquor licenses if the business has a liquor license. John noted that the changes would be done as an emergency ordinance to allow for the implementation prior to mid-July knowing that it will expire in 60 days. John stated that the VCDC will continue to work with the group on a recommendation on emergency ordinance start date, a beginning and ending time for daily alcoholic beverage sales, the type of barricades that will be used (need to meet the DOT safety requirements), a recommendation as to uniform days to allow alcohol sales that are less than the 15 consecutive days to comply with state statute, clean up as the street sweeper cannot access the closed area and beside the barricades, and how many parking spaces will be closed at each location for a report at second reading. John noted that the group also wanted to change the special license fee which is currently \$20 per day plus \$15 for advertising and proposed that an emergency resolution be considered at second reading but wanted input from the Council on the amount. John noted that a special meeting has been scheduled for Monday, June 22nd at noon to address related items if the first reading of Emergency Ordinance No. 1415 is adopted. John stated that the items on the agenda related to this topic may include 2nd reading of Ordinance No. 1415 (if 1st reading is approved), Emergency Resolution adjusting special daily fee for license holders if deemed appropriate by City Council, street closings for parking spaces to be used for outdoor seating areas and special daily licenses from applicant(s).

Jim Waters, owner of Café Brule and Dakota Brick House stated that allowing the closing of parking spaces to expand business seating will allow for increased social distancing that some customers want. Jim reported on the five proposed locations and requested City Council support on the ordinance change as well as additional steps.

Discussion followed on the additional items needed at second reading.

171-20

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Emergency Ordinance No. 1415 entitled An Ordinance Amending sections 112.01 and 112.18 special events definitions and to expand special licensing to include special on-sale liquor licenses issued to current license holders of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 15th day of June, 2020 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Ward. Discussion followed on pedestrian safety, number of parking spaces to be used and number of tables. The question of adoption of the Resolution was put to a roll call vote of the Governing Body as follows: Jennewein-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-N, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported that the Library Board of Directors is meeting this Thursday, June 18th at Noon.

B. John reported that there are five terms on the Planning and Zoning Commission that are expiring at the end of the month. John requested interested citizens to complete an Expression of Interest form for the 5-year terms by Wednesday, July 1st at 5:00 p.m. in anticipation that the City Council will make appointments at the July 6th meeting.

C. John reported that the Census is underway. John asked residents to please take a minute to complete the 2020 Census as it is important to the City of Vermillion and Clay County funding.

D. John reported that the Fire Department, Parks and Recreation Department, and Water Department are offering hydrant parties starting on Tuesday, June 23rd. John noted that the hydrant parties will be every Tuesday through July 28th at four locations: Bluffs Golf Course at 1:00 p.m.; Trinity Lutheran Church at 2:00 p.m.; Hillside Church at 3:00 p.m.; and Armory parking lot at 4:00 p.m. John noted that participants are asked to wear a shoe or sandal, social distancing will be enforced, and please only attend one party which is closest to your neighborhood. John stated that if it is raining on a Tuesday, the event will occur on Wednesday.

E. John reported that City offices will be closed on Friday, July 3rd with the July 4th holiday on Saturday.

F. John reported that the community is invited to a chalk the block between 4 and 8 West main and in front of McVickery Plaza in celebration of Juneteenth day on June 19th. John stated that participants will be encouraged to chalk messages of hope, support, celebration and dedication.

PAYROLL ADDITIONS AND CHANGES

City Council: Lindsey Jennewein \$266.21/biweekly; Communications: Jena Jones \$17.99/hr, Emma Nelsen \$17.51/hr; Golf Clubhouse: Alyssa Hurley \$9.50/hr, Blake Paulson \$9.50/hr, Carson Lee \$9.50/hr; Water: Brian Hamilton \$18.52/hr

11. Invoices Payable

172-20

Alderman Price moved approval of the following invoices:

Adidas America, Inc	merchandise	988.45
Amazon Business	hand sanitizer	39.99
AT&T Mobility	mobile hot spots	433.35
Audrey Larsen	refund registration fees	135.00
Austin Anderson	safety boots reimbursement	100.00
Blackstone Publishing	books	150.00
Border States Elec Supply	supplies	304.70
Brandi Jorgensen	refund rec program fees	52.00
Brittany Peterson	refund registration fees	135.00
Broadcaster Press	advertising	1,711.13
Brunick's Service Inc	fuel	2,752.65
BSN Sports Inc	supplies	243.30
Buhl's Cleaners	mat/mop service	497.04
Bureau Of Administration	telephone	300.36
Callaway Golf	merchandise	416.31
Cask & Cork	merchandise	738.00
CenturyLink	telephone	1,680.97
Chesterman Co	merchandise	1,254.47
City Of Vermillion	landfill vouchers	1,116.00
Clay Rural Water System	water usage	154.60
Clay-Union Electric Corp	electricity	1,561.00
Cutter & Buck	merchandise	758.00
Dakota Beverage	merchandise	15,606.67
Eakes Office Solutions	supplies	1,106.28

Electric Pump, Inc	repairs/maintenance	3,306.53
Farner Bocken Company	merchandise	2,279.00
Global Dist	merchandise	548.00
Gregg Peters	freight	7,142.40
Grey House Publishing	books	112.50
Industrial Chem Labs	supplies	446.86
Jenny Hanson	refund rec program fees	47.00
John A Conkling Dist.	merchandise	9,079.80
Johnson Brothers Of SD	merchandise	22,732.55
Jones Food Center	supplies	249.26
Karsten Mfg Corp	merchandise	2,581.00
Katie Hoyt	refund rec program fees	124.00
Lawson Products Inc	supplies	75.50
Library Ideas	subscription	2,000.00
Loren Fischer Disposal	haul cardboard	1,180.00
Matheson Tri-Gas, Inc	supplies	783.04
Mead Lumber	supplies	112.21
Megan Reeves	refund rec program fees	67.00
Micro Marketing LLC	book	9.99
MidAmerican	gas usage	1,456.72
Midcontinent Communication	internet/cable service	746.57
Midwest Alarm Co	alarm monitoring	432.75
Mr. Golf Car, Inc	repairs	144.45
Netsys+	online advanced protection	36.00
O'Reilly Auto Parts	parts	48.87
Presto-X-Company	inspection/treatment	115.00
Quadient Finance USA, Inc	postage	707.00
Quill	supplies	186.24
Republic National Dist	merchandise	27,743.59
Running Supply, LLC	supplies	30.40
Sara Johnson	refund rec program fees	47.00
SD DENR	landfill operations fee	3,481.88
SD Electrical Commission	license renewals	240.00
Sommer Eisenbeisz	refund registration fees	135.00
Southern Glazer's Of SD	merchandise	18,087.07
Staples Business Credit	supplies	762.64
Stern Oil Co.	fuel	2,867.90
Sturdevants Auto Parts	parts	156.13
Syncb/Amazon	books/dvds/supplies	350.33
Tamara Dohn	refund registration fee	270.00
The Home Depot Pro	supplies	273.06
Titleist-Acushnet Company	merchandise	2,462.41
Tractor Supply Credit Plan	supplies	119.97

United Parcel Service	shipping	12.45
Us Postmaster	postage for utility bills	900.00
Utility Equipment Co.	parts	1,488.12
Valiant Vineyards	merchandise	346.75
Vista Outdoor Sales, LLC	merchandise	1,429.20
Walt's Homestyle Foods, Inc	merchandise	160.40
Waste Management Of WI-MN	waste hauling	1,410.32
Yamaha Motor Finance Corp	golf cars lease	13,245.22
Yankton Medical Clinic	testing	24.00
Steve Donnelly	Bright Energy Rebate	350.00
Kalins Indoor Comfort	Bright Energy Rebate	100.00

Alderman Hellwege seconded the motion. A roll call vote of the Governing Body was as follows: Jennewein-Y, 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

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

173-20

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

13. Adjourn

174-20

Alderman Price moved to adjourn the Council Meeting at 8:56 p.m. Alderman Ward seconded the motion. A roll call vote of the Governing Body was as follows: Jennewein-Y, 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 15th 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

Published once at the approximate cost of _____.

Unapproved Minutes
Council Special Session
June 22, 2020
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was called to order on Monday, June 22, 2020 at 12:00 noon at the Council Chambers by Mayor Collier-Wise.

1. Roll Call

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

Absent: Price

2. Pledge of Allegiance

3. Adoption of Agenda

175-20

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

4. Visitors to be Heard - None

5. Public Hearings

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

John Prescott, City Manager, reported that the Vermillion Chamber of Commerce and Development Company submitted an application for special daily license that was advertised for a public hearing for this meeting.

John stated the VCDC has requested to withdraw the application as the ordinance change to be considered later on the agenda will allow the individual license holders to apply for the special license. John noted that, as such, no action is needed.

6. Old Business

A. Second reading of Emergency Ordinance No. 1415 to amend Title XI, Chapter 112, amending Section 112.01 Special Event Definitions and Section 112.18 to include current license holders as eligible to be issued a Special Daily permit

John Prescott, City Manager, reported that first reading of this emergency ordinance was held on June 15th to amend the definition for special event and to include current license holders as being eligible to be issued a special license. John reported that this ordinance was developed in working with local businesses and the Vermillion Chamber of Commerce and Development Company on the Social Distance Expanded Seating Special Event. John stated that the emergency ordinance will allow for the issuance of special licenses to existing license holders to allow for sales in the closed parking spaces adjoining their business. John stated that, as this is an emergency ordinance, it will be effective for 60 days or from June 25th to August 24th. John noted that the resolution to set the fee for the special license, parking space closing and issuance of the special licenses are later on the agenda. John noted that the ordinance has been listed as an emergency ordinance due to the COVID pandemic to allow for sales to start with the event. Discussion followed.

176-20

Second reading of title to Emergency Ordinance No. 1415 entitled an Emergency Ordinance Amending sections 112.01 and 112.18 special events definitions and to expand special licensing to include special on-sale liquor licenses issued to current license holders for the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Emergency Ordinance No. 1415 entitled an Emergency Ordinance Amending sections 112.01 and 112.18 special events definitions and to expand special licensing to include special on-sale liquor licenses issued to current license holders was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 15th day of June, 2020 and that the title was again read at this meeting, being a special called meeting of the Governing Body on this 22nd day of June, 2020 at

the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

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

EMERGENCY ORDINANCE NO. 1415

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

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

§ 112.01 DEFINITIONS.

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

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

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

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

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

(A) The City Council may grant, after public hearing, a special on-sale malt beverage and/or a special on-sale wine license to a civic, charitable, educational, veterans, or fraternal organization in conjunction with a special event.

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

(C) The City Council may grant a special on-sale malt beverage and/or a special on-sale wine license and/or a special on-sale liquor license to any licensee that corresponds to one or more license(s) currently issued to the licensee in conjunction with a special event pursuant to SDCL 35-4-124.

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

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

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

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

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

Kelsey Collier-Wise, Mayor

ATTEST:

BY _____
Michael Carlson, Finance Officer

Adoption of the Emergency Ordinance was seconded by Alderman Holland. Thereafter, the question of the adoption of the Ordinance was put to a

roll call vote of the Governing Body, and the members voted as follows: Jennewein-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y.

Motion carried 8 to 0. Mayor Collier-Wise declared that the Ordinance has been adopted and directed publication thereof as required by law.

7. New Business

A. Emergency Resolution to establish a Special Event License fee for current license holders

John Prescott, City Manager, reported that, with the adoption of Emergency Ordinance No. 1415 for a special event license that will last for two months, the license holders had requested that the daily fee be reduced from the \$20 per day and \$15 for the publication of the public hearing. John noted that, as all existing licenses are issued after a public hearing, a public hearing would not be required for the issuance of a special license to an existing business thus there would not be a need for the \$15 advertising fee. John noted that most special licenses are for a few days for special events with the longest being the VCDC for the Thursday's on the Platz event which has 8 days but this event is 56 days. John noted that the itinerant merchant license fee is \$25 a day, \$75 for a week and \$200 a month. John noted that the City Council has the latitude to set the fee at their discretion and noted that, when the license holders met, it was suggested not to exceed \$100.00. John noted that this is an emergency resolution that will be effective for 60 days and then expire. Discussion followed on the maximum fee for the special license noting that this was just for the 60-day period. Nate Welch, Executive Director of the VCDC, reported that the business owners will have the extra costs of the barricades as well as tables and chairs. Discussion followed.

177-20

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By: _____
Kelsey Collier-Wise, Mayor

Attest:

By: _____
Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Humphrey. Discussion followed and the question of the adoption of the Resolution was presented for a roll call vote of the Governing Body was as follows: Jennewein-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Sorensen-did not vote, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

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

James Purdy, Assistant City Manager, reported that a request was received from downtown business owners to close parking spaces in conjunction with the Social Distance Expanded Seating special event. James reported that the location was for 5 spaces at Dakota Brick House from the west side of the building going east, R-Pizza and The Bean for 5 parking spaces from the east side of R-Pizza going west, Carey's Bar and Café Brule for 6 spaces starting at the west most parking space in front of Café Brule going east, Old Lumber Company for 1 space to the west of the garage door on the south side of the building including the driveway public right of way and Hartford Steak Co for 3 spaces south of the alley. James noted that the businesses have identified the closure for the parking spaces as necessary to provide the outdoor spaces needed for social distancing. James noted that the barricades will need to meet the national safety standards. James noted the need for ADA compliance, trash control and clean up in these areas. James noted that the closing will be for a 60-day period to correspond with the emergency ordinance.

Leslie Gerrish, with The Bean, wanted to thank the City Council for addressing this issue and allowing the local businesses to think outside the box. Leslie noted that the City and businesses are partnering for this special event, addressing the safety of residents by providing more space to social distance, the barricades will be approved by the City and that the businesses will do cleanup of the area. Leslie encouraged the City Council to support the closing of the parking spaces requested.

Discussion followed on the parking space seating areas regarding the barricades ability to prevent pedestrians from walking into the street and how to control underage in these areas. Nate Welch with the VCDC stated that the goal of the barricades is to have the access point from the sidewalk with the other three sides closed off. Discussion followed.

178-20

Alderman Holland moved approval of closing the parking spaces requested for the Social Distance Expanded Seating Special Event, as presented in the request, to expire with the emergency ordinance. Alderman Hellwege seconded the motion. Discussion followed. A roll call vote of the Governing Body was as follows: Jennewein-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Sorensen-N, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

C. Consideration of Special Event License permits for Prairie River, Inc. dba R-Pizza, Fireworks, Inc. dba as Dakota Brick House, D&D Foods, Inc. dba Hartford Steak Company Tavern, Old Lumber Company, Inc. dba Old Lumber Company, FOE Sunshine Aerie 2421 dba Eagle Club, Café Brule, Inc. dba Café Brule, BeBee St Inc. II dba Carey's Bar. Special event permits are for the period of June 25, 2020 to August 24, 2020 with no sales on July 6, July 20, August 3, and August 17, 2020. Hours vary by applicant but are between 7:00 a.m. and 2:00 a.m.

Mike Carlson, Finance Officer, reported that, with the adoption of Emergency Ordinance No. 1415, the establishment of a maximum fee of \$100 and closing of the parking spaces, there are several downtown license holders that have expressed interest in obtaining a Special license for sales in the closed parking spaces. Mike stated that applications have been received from R-Pizza for 11:00 a.m. to 9:00 p.m. for on-sale malt beverage; Dakota Brick House for 3:00 p.m. to 2:00 a.m. for on-sale malt beverage, wine and liquor; Carey's for 7:00 a.m. to 2:00 a.m. for on-sale malt beverage and liquor; Café Brule for 7:00 a.m. to 9:00 p.m. for on-sale malt beverage and wine; Eagles for 11:00 a.m. to 2:00 a.m. for on-sale liquor; Hartford Steak House for 4:30 p.m. to 9:30 p.m. for on-sale malt beverage and wine and Old Lumber Company for 11:00 a.m. to 2:00 a.m. for on-sale malt beverage and liquor. Mike noted that, as the closed parking spaces will adjoin the business by the sidewalk, the business will need to ensure that the sidewalk remains open for pedestrian crossing. Mike stated that the City Council can establish the hours for these special licenses noting that, as the ending time was different on a number of the requests, as the outside use might impact residences in the area. Mike noted that the request from the Eagles will be to use the concrete area in front of their building as no parking spaces were requested to be closed. Mike noted that the Eagles will need to keep five foot of the sidewalk open. Mike noted that all requests are for June 25th through August 24th and to not exceed the 15 consecutive

day limit on special licenses there will not be alcohol sales or consumption in the closed parking spaces on Monday, July 6, Monday, July 20, Monday, August 3 and Monday, August 17, 2020. Mike noted that they could still offer food sales or allow gathering in these areas on the four Mondays when no alcohol sales or consumption can take place in the outside seating areas. Mike noted that, for special licenses in the past, the City Council has requested plans to control underage access to alcohol, signage that clearly states where alcohol can be consumed, cleanup of the area and other related matters. Mike noted that form was developed to support the special event application and copies have been included in the packet. Mike stated that all businesses have completed the release and indemnification form to release the City from any liability for the special event and will need the certificate of insurance naming the City as additional insured. Mike noted that none of the fees have been collected as it was just established earlier in the meeting. Mike recommended that the City Council review the respective Special Daily requests, consider the ending hours of alcohol sales/consumption, establish barriers to define the designated areas, control measures to keep the sidewalks open for pedestrian flow, document how the joint spaces are to be divided between two licensees, signage and other control measures to prevent alcoholic beverages from leaving the designated area and to prevent under age access to alcoholic beverages. Discussion followed on the ending time for alcoholic beverage sales in the area. Nate Welch with the VCDC noted that maybe ending at midnight might be acceptable but cautioned the City Council that there is a lot of noise on the street as he knows firsthand from living downtown for a period. Discussion followed on the time as well as to who would monitor these areas.

179-20

Alderman Willson moved approval of the special events licenses for R-Pizza, Dakota Brick House, Carey's, Café Brule, Hartford Steak House and Old Lumber Company for the licenses currently issued by the City for the closed parking spaces adjoining their licensed premises that are property enclosed and the Eagles for their seating area for the licensing period of June 25th through August 24th excluding Monday, July 6, Monday, July 20, Monday, August 3 and Monday, August 17, 2020 and with daily operations in the closed parking spaces ending at midnight each day per the applications. Alderman Ward seconded the motion. Discussion followed. A roll call vote of the Governing Body was as follows: Jennewein-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

D. Appointment of Vermillion Housing Authority member

Mayor Collier-Wise reported that there will be one opening on the Vermillion Housing Authority Board at the end of June. Mayor Collier-

Wise reported that the Board is comprised of five citizens appointed by the City Council each serving a five-year term. Mayor Collier-Wise reported that the current Board Member Joan Holter has submitted the expression of Interest form and Mayor Collier-Wise recommended the reappointment.

180-20

Alderman Ward moved approval of the reappointment of Joan Holter to the Vermillion Housing Authority Board for a term expiring in 2025. Alderman Sorensen seconded the motion. A roll call vote of the Governing Body was as follows: Jennewein-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

8. Adjourn

181-20

Alderman Willson moved to adjourn the Council Meeting at 1:03 p.m. Alderman Ward seconded the motion. A roll call vote of the Governing Body was as follows: Jennewein-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

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

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

ATTEST: _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.



PROCLAMATION

DESIGNATION OF JULY AS PARKS AND RECREATION MONTH

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including Vermillion; and

WHEREAS, parks and recreation is vitally important to establishing and maintaining the quality of life in our community, ensuring the health of all citizens, and contributing to the economic and environmental well-being of our community and region; and

WHEREAS, Vermillion's parks and recreation programs build a healthy and active community that aids in the prevention of chronic disease, provides therapeutic recreation services for those who are mentally or physically disabled, and also improves the mental and emotional health of all citizens; and

WHEREAS, our parks and recreation programs increase the community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, Vermillion's parks and natural recreation areas improve our water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the United States House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, the City of Vermillion recognizes the benefits derived from parks and recreation resources.

NOW, THEREFORE, we, the governing body of the City of Vermillion, South Dakota, do hereby proclaim July 2020 as

PARKS AND RECREATION MONTH

and encourage all residents to participate in this observance by being outside and enjoying our local parks and recreation centers.

Dated at Vermillion, South Dakota this 6th day of July, 2020.

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

By _____
Kelsey Collier-Wise, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: July 6, 2020

Subject: Installation of Alderman

Presenter: Mike Carlson

Background: Mike will ask the Alderman Brian Humphrey, Travis Letellier and Steve Ward to together repeat the following oath of office. It should be noted that Kelsey Collier-Wise, person elect, for the Central Ward has provided notice that she did not intend to qualify for the office since being appointed as Mayor. This vacancy can be addressed at the July 20 meeting.

The oath is as follows:

I (state your name) do solemnly swear, or affirm, that I will support the Constitution of the United States and the Constitution of the State of South Dakota and I will faithfully discharge the duties of Alderman of the City of Vermillion, South Dakota according to the best of my ability.

Discussion: None

Financial Consideration: None

Conclusion/Recommendations: None

Kelsey P. Collier-Wise
224 Forest Ave.
Vermillion, SD 57069
collier.wise@gmail.com * 605.624.5354

Vermillion City Council
25 Center St.
Vermillion, SD 57069

July 2, 2020

Dear fellow Council Members,

This letter is to inform you that as person elect, I do not intend to qualify for the office of Alderman for the Central Ward or take the oath of office for that position, and this position may be vacated and filled by appointment.

Sincerely,



Kelsey Collier-Wise



4. Election of Officers; items a & b

Council Agenda Memo

From: James Purdy, Assistant City Manager

Meeting: July 6, 2020

Subject: Election of Council Officers

Presenter: Mayor Kelsey Collier-Wise

Background: In accordance with state statute, the City Council shall elect, from among its members, a President and Vice-President as follows:

9-8-7. President and vice president of council--Election and duties. At the first regular meeting after the annual election in each year and after the qualification of the newly elected aldermen, the council shall elect from among its own members a president and vice president, who shall hold their respective offices for the municipal year. The president of the council in the absence of the mayor shall be the presiding officer of the council, and during the absence of the mayor from the first or second class municipality or his temporary disability shall be acting mayor and possess all the powers of the mayor. In the absence or disability of the mayor and president of the council the vice president shall perform the duties of the mayor and president of the council.

Rich Holland and Steve Ward, respectively, have most recently served as Council President and Vice-President.

Discussion: These positions are necessary to conduct business in the absence of the Mayor. The term for each of these positions are approximately one-year as the term for the appointed Central Ward Council seat as well as the Mayoral seat will expire with the first meeting in July 2021. The section of the policies and procedures, recently adopted by the City Council addressing this subject, is below.

1-2. Organizational Meeting. At the first regular meeting in July, after an election, the newly elected members shall take and subscribe to the oath of office as the first order of business. As the second order of business, the board shall elect a President and Vice-President.

Financial Consideration: None

Conclusion/Recommendations: The City Council is asked to elect a President and Vice President from amongst the City Council members.



5. Appointment of Administrative Officers; items a & b

Council Agenda Memo

From: James Purdy, Assistant City Manager

Meeting: July 6, 2020

Subject: Appointment of Administrative Officers

Presenter: Mayor Kelsey Collier-Wise

Background: Under state statute, the City Finance Officer and City Attorney are appointed by the Governing Body as follows:

9-10-9. Officers and employees appointed by governing body--Others appointed by city manager. The auditor, attorney, library board of trustees, and the treasurer shall be appointed by the governing body and may be removed at any time by such governing body. The auditor and the treasurer shall each appoint all deputies and employees in his office. All other officers and employees, including all members of boards and commissions, except as otherwise provided by law, shall be appointed by the manager and may be removed by him.

The City Council adopted Ordinance 1156 in March 2006 which replaced the reference to auditor and treasurer in City Code with Finance Officer.

Discussion: Mike Carlson and Jim McCulloch have been serving as City Finance Officer and City Attorney, respectively, and are interested in continuing their service.

Financial Consideration: The salary of the City Finance Officer is set by the payroll resolution each January. The City Attorney is paid an hourly rate for his services. The hourly rate for the City Attorney will be the current court-appointed rate of \$97 per hour.

Conclusion/Recommendations: A separate motion should be made for the appointment of the City Finance Officer and City Attorney.



Council Agenda Memo

From: James Purdy, Assistant City Manager

Meeting: July 6, 2020

Subject: City Council Committees and other Committee Assignments

Presenter: Mayor Kelsey Collier-Wise

Background: City Council members are asked to serve on one or more City Council Committees or other assignments to assist with various aspects of the organization and to meet legal requirements. Community members and staff also assist the City in serving on a number of committees or representing the organization.

Discussion: The Mayor reviewed the current City Council committee makeup and is proposing the attached committee makeup at this time. Where City Council action to appoint someone at this time to a Board or Committee is needed, a proposed appointment has been suggested.

There are also a number of Committees or other assignments where City Council members, community members, or staff, represent the City. A complete list of those committees, liaison or representation assignments is attached. Most of the information, with respect to the committees, is informational. By state statute, some of the Committees are appointed by the City Manager.

Financial Consideration: Planning and Zoning Commission and Library Board members receive \$15 per meeting. The City Council member on the Library Board does not receive the \$15 per meeting payment. There is not a meeting payment for the other Committee or Board member assignments.

Conclusion/Recommendations: Vermillion is fortunate to have so many dedicated individuals willing to serve on a broad range of City Committees and/or represent the City. The City Council is asked to review the assignments, as proposed, make any appropriate changes, and adopt the document assigning the individuals to the respective area.

**Vermillion City Council
Committees / Boards / Liaisons – July 6, 2020**

City Council Committees

Labor and Finance – Serve the City Council on items that are sent to the committee. The City Manager works with the committee on union contract negotiations, personnel policies and other labor and finance matters that require a Council working team. Three Labor Unions representing a portion of city employees have three-year agreements that expire at the end of 2021.

Kelsey Collier-Wise, Chair

Richard Holland

Julia Hellwege

Katherine Price

Policies and Procedures – Serve the City Council on policy and procedure items that require a Council work team to develop recommendations for Council consideration. Topics of recent meetings include a variety of topics such as grass/nuisance issues, development of the ordinance establishing the Human Relations Commission, and policies for distributing funds to outside agencies.

Howard Willson, Chair

Julia Hellwege

Steve Ward

Travis Letellier

Surplus Property Appraisal – The committee works with the sale of equipment and property. Before the City can sell property for sealed bids it must be appraised by three real property owners. Typically, City Council members appraise the property after it is declared surplus at a City Council meeting. City staff does the research to develop an estimated value for the committee to consider.

Katherine Price, Chair

Lindsey Jennewein

Julia Hellwege

Brian Humphrey

Utilities – Serve the City Council on Utility items that require a Council work team to develop recommendations for the Council’s consideration. The City Manager works with the committee on utility rate changes (electric, water, wastewater, curbside recycling, and storm water), franchise agreements (natural gas and cable television), long-range plans and other matters related to the utility services.

Steve Ward, Chair

Howard Willson

Rich Holland

Brian Humphrey

City Committees and Boards (appointed by the City Council)

Business Improvement District #1 – The City Council created this five-member Board in the Fall 2013. The Board is comprised of five members appointed by the City Council. Board terms are for three (3) years. One member of the Board must be associated with a hotel. The by-laws also call for the City Council and the Vermillion Chamber of Commerce and Development Company to each appoint an ex-officio member. Current members are: **Amy Christensen (2021), David Herbster (2021), Greg Huckabee (2020), Dan Kenton (2020), and William Marketon (2022)**. **Mike Carlson** serves as the City’s ex-officio member and **Nate Welch** serves as the VCDC’s ex-officio member.

* No appointment is needed at this time. Appointments are made in November

Business Improvement District #2 – The City Council created this five-member Board in the Spring of 2018. On April 16, 2018 the City Council adopted a resolution establishing the boundaries of the Business Improvement District as the Central Business District of Vermillion consisting of property owners, residents, business operators or users of space within the business area to be improved. The resolution specified that the BID #2 Board would be made up of five members who would each serve for three years, except for the initial members at the time of establishment who would serve staggered terms. Recently appointed members are: **Michelle Maloney (2020), Patrick Morrison (2021), Phyllis Packard (2021), Martin Prendergast (2022), and James Waters (2022)**.

* No appointment is needed at this time. Appointments are made in August.

Historic Preservation Commission – The City Council created this seven-member Commission in the summer of 2018. The Ordinance establishing the Commission was adopted on June 18, 2018 and the first members were appointed in August 2018. When available, four of the seven members of the Commission are to be owners in one of the officially designated historic districts within City limits. The City has completed the process to be a Certified Local Government (CLG) by the State Historic Preservation Office and the National Park Service. Current members are: **John Byers (2021), Cyndy Chaney (2022), William Dendinger (2020), Ed Gerrish (2022), Susan Keith Gray (2020), Dietrik Vanderhill (2022), and Jim Wilson (2021)**.

* No appointment needed at this time. Appointments are made in August

Home Rule Charter Committee - The City has been studying home rule charters and appointed a committee to draft a home rule charter which is being presented to the City Council on July 6, 2020. Current members are: **Mike Card, Matt Fairholm, AJ Franken, Stacey Larson, Travis Letellier, and Steve Ward**.

* **Travis Letellier** is proposed as the City Representative.

Human Relations Commission - The City Council created this seven-member Commission in the summer of 2018. The Ordinance establishing the Commission was adopted on June 18, 2018 and the first members were appointed in August 2018. One member of the Commission is to be a student enrolled in a post-secondary educational institution. This term of office of office is for one-year while the remaining terms of office are for three years. Current members are: **Jordan Bonstrom (2021), Shannon Cole (2022), Brenda Fergen (2023), Wendy Hess (2022), Calvin Peterson (2021), Codylee Riedmann (2021), and Gerry Yutrzenka (2023).**

- * No appointment needed at this time. Appointments are made in May

Joint Powers – The Joint Powers board was created through a Joint Powers agreement with Clay County, Yankton County, City of Yankton and the City of Vermillion. The City is represented by an elected official, Vermillion citizen, and the City Manager. The Finance Officer also serves as a staff liaison. The Vermillion citizen representative position is currently vacant. Expression of Interest forms are being requested from the community.

- * **Lindsey Jennewein** is proposed as the City Council representative.

Library Board – The City Council appoints all of the library board members by the state statute and the City Council is allowed one voting member on the board. Terms are for three years and expire in May. With the exception of the City Council representative, Library Board members are paid \$15 per meeting. Current members are: **Katy Beem (2021), Alexis Oskolkoff (2023), Greg Redlin (2023), Gabrielle Strouse (2022), and Eric Young.**

- * **Travis Letellier** is proposed as the City Council Representative. The citizen members of the Library Board are appointed in May as needed.

Planning and Zoning Commission – Established by City Code, this nine-member Commission makes recommendations on zoning changes, special use permits, transportation plans, and land uses in the community and Joint Jurisdictional Area. Members are appointed for five-year terms and receive \$15 compensation per meeting they attend. Current members and when their terms expire are: **Matt Fairholm (2022), Kate Fitzgerald (2022), Don Forseth (2020), Bob Iverson (2022), Keith Gestring (2022), Ted Muenster (2020), Doug Tuve (2020), and Jim Wilson (2020).** (Note one position is vacant due to a resignation)

- * Appointments are an item later on this agenda under New Business.

Public Safety Center Board – Established by the joint use agreement for the public safety center. The board is to resolve any dispute between the City and County. The Mayor, Chief of Police, County Commission Chair, Sheriff, county appointment **Robert Fuller (2022)**, city appointment **Bruce Plate (2020)**, joint city/county appointment **Dave Thiesse (2021)** serve on the committee. Appointments are made at the end of the year in conformance with the agreement.

- * An appointment will be made in December.

Tree Board – Per City Code Section 90.72. Establishment of the Tree Board is part of the Tree City USA program. The Board also address special concerns related to trees as needed.

Aaron Baedke	-	Resident at Large (2020)
Joan Doss	-	Resident at Large (2021)
James Goblirsch	-	Park Supervisor
Rich Holland	-	City Council Member
Pete Jahn	-	Street Superintendent

- * **Rich Holland** is proposed as Council Representative. Resident at Large appointments are made in September.

Vermillion Housing Authority – The VHA administers the Department of Housing and Urban renewal (HUD) Section 8 housing and voucher program. State Statute requires the City Council to appoint the Authority. The VHA receives their funding through HUD federal dollars. Board member terms are for five years and expire in June. The Authority hires an executive director, currently Dave Thiesse. Current members are: **Elizabeth Abbott (2023), Cindy Benzel (2024), Craig Develder (2022), Joan Holter (2025), and Maria Trowbridge (2021).**

- * No appointment is needed at this time. Annual appointments are made in June.

City Liaison/Representatives (appointed by the City Council)

Clay County – City liaison is the **Mayor**.

Clay County Fair Board – The City is allowed one voting member on the Fair Board. The Fair Board leases the fairgrounds and runs the county fair. **Mike Carlson** currently serves as the City representative.

Clay County Health Liaison – **Matt Callahan** is the City appointee that coordinates shots and other health related issues with the County Health Nurse.

Clay County Park Board – **Travis Taggart** is the City representative.

Missouri River Energy Services – The City purchases supplemental electric power through MRES. **John Prescott** is the primary City representative and **Shane Griese** is the alternate.

SECOG – (Southeastern Council of Governments) – The City pays dues for this agency to assist the City with grant applications, SRF loan applications and other services they provide to the City in its work with the State. **John Prescott** is primary City representative while **Kelsey Collier-Wise** is the alternate.

Dakota Hospital Foundation – As part of the grant made by the City to the hospital for construction of the new hospital in 1993, a non-voting position was provided the City on the hospital board. **John Prescott** was appointed in 2013 as a voting board member. He also serves as the City representative.

University of South Dakota – City liaison is the **Mayor**

Vermillion Chamber of Commerce & Development Company – Article III, Section 1 of the VCDC bylaws read: “Two directors representing the City of Vermillion shall be appointed by the mayor subject to Board approval”. The City Manager and a member of the City Council have traditionally represented the City.

- * **Kelsey Collier-Wise** and **John Prescott** are proposed as City representatives.

Vermillion NOW!3 – In May 2019, the City Council authorized a total contribution of \$550,000 to this economic development and community betterment initiative with \$60,000 from the BBB fund and earmarking \$50,000 of 2nd Penny funds annually from 2020 through the 2024 budgets. The Vermillion NOW Advisory Governance Council is comprised of donors who contribute \$10,000, or more, for each of the five years of the campaign.

- * **Kelsey Collier-Wise** is proposed as the City Representative.

Vermillion Public Transit – The City Council has had a member on the advisory board for Vermillion Public Transit for the last several years.

- * **Brian Humphrey** is proposed as the City Council representative.

National Music Museum – Recently, the City Council has had a member serve on the National Music Museum Board.

- * **Kelsey Collier-Wise** is proposed as the City Council representative.

City Committee (appointed by the City Manager)

Golf Course Advisory Committee – Current members and groups they represent

Keith Thomas	-	At-Large
Kenny Beringer	-	Senior Men’s League
David Carr	-	Men’s League & Junior Program
Pat Steckelberg	-	Senior Women’s League
Ann Jensen	-	Ladies League
Jonie Hook	-	Neighborhood Representative
Steve Ward	-	City Liaison



Council Agenda Memo

From: James Purdy, Assistant City Manager

Meeting: July 6, 2020

Subject: Official Newspaper

Presenter: Mike Carlson, Finance Officer

Background: State statute requires the designation of an official newspaper as follows:

9-12-6. Designation of official newspapers. Each municipality shall designate at a meeting of its governing body an official newspaper or newspapers for a period of time, not to be less than twelve months, specified by the governing body in a resolution. The newspaper shall be published in the municipality. However, if there is no newspaper published in the municipality, then a newspaper published outside of the municipality may be used if the newspaper serves the municipality.

Discussion: The Vermillion Plain Talk has previously been designated as the official newspaper. As the Plain Talk is the only local newspaper per the state statute which meets all of the definitions of a legal newspaper per SDCL Chapters 9 and 17, the City Council must designate it as the official newspaper.

Financial Consideration: It is a requirement of state law to publish public notices, minutes, etc. in the official newspaper. The publication of the minutes and notices for the finance office, alone, cost \$10,358 last year.

Conclusion/Recommendations: Administration recommends adoption of a motion to designate the Vermillion Plain Talk as the official newspaper.



Council Agenda Memo

From: James Purdy, Assistant City Manager

Meeting: July 6, 2020

Subject: Designation of Official Depositories

Presenter: Mike Carlson, Finance Officer

Background: State statute requires the City Council to designate the official depositories of city funds. An official depository can be added at any time by the City Council. With the reorganizational meeting, the City Council has historically designated the official depositories. The governing state statute is:

9-22-6. Designation of depositories for municipal funds. The governing body shall designate the depository or depositories in which the funds belonging to the municipality shall be deposited. Such depository or depositories shall be a bank or banks within the State of South Dakota, unless otherwise specifically provided by law.

Discussion: The City Council previously designated the following as official depositories:

CorTrust Bank
First Bank & Trust
First Dakota National Bank
Bank of the West
South Dakota Public Funds Investment Trust
Wells Fargo
U.S. Bank (Trustee on City Hall bonds)

No changes in the most recent official depositories is proposed.

Financial Consideration: None

Conclusion/Recommendations: Administration recommends that the City Council designate the above listed financial institutions as official depositories for city funds.



Council Agenda Memo

From: James Purdy, Assistant City Manager

Meeting: July 6, 2020

Subject: Consolidated Board of Equalization

Presenter: Mike Carlson, Finance Officer

Background: The County, City, and School District have adopted a resolution that provides for the consolidated board of equalization under the following state statute:

10-11-66. Consolidated board of equalization authorized--Membership. In lieu of the local board of equalization and county board of equalization established and governed pursuant to §§10- 11-13 to 10-11-31, inclusive, the governing boards of any county, municipality, school, and township may agree by resolution to consolidate the local board of equalization with the county board of equalization no later than the second Tuesday of November. The resolution shall state the number of members from each governing board that will sit as a consolidated board of equalization. Membership of the consolidated board of equalization shall include members of school and municipal governing boards and the county commission. Membership of the consolidated board may also include members of township governing boards. All governmental responsibilities and expenses associated with equalization of property under the provisions of chapters 10-3 and 10-11 shall be shared as mutually agreed upon by the governing bodies. Governing bodies not exercising this option shall continue to hear appeals as prescribed in §§10-11-13 to 10-11-31, inclusive.

Discussion: While the three entities have adopted a resolution to consolidate the Board of Equalization, the County has asked that the City reaffirm its intent to continue the consolidated board. If we did not have a consolidated board, the City board (made up of the City Council and one school board member) would need to meet on all appeals within the City. If the citizen or the County Assessor did not like the City board decision, the citizen would need to attend the County board meeting.

Financial Consideration: There are none to the City.

Conclusion/Recommendations: Administration recommends the City Council continue the Consolidated Board of Equalization through passage of a motion indicating this desire to continue the consolidated board.



Council Agenda Memo

From: James Purdy, Assistant City Manager

Meeting: July 6, 2020

Subject: Determination of Rules of Order

Presenter: John Prescott, City Manager

Background: The City Council is obligated to identify “commonly accepted rules of procedure” for the conduct of its meetings. Robert’s Rules of Order is identified in the City Council’s “Rules and Procedures” manual as the proper guide for the conduct of meetings. The 9th Edition of Robert’s Rules of Order has been the version used by the City Council for several years.

Discussion: The 9th Edition of Robert’s Rules of Order appears to work well. There are newer versions of Robert’s Rules of Order available. The City Council has some familiarity with this version, which makes its continuation seem reasonable.

Financial Consideration: None

Conclusion/Recommendations: Administration recommends the City Council identify the 9th Edition of Robert’s Rules of Order as its commonly accepted rules of procedure for the conduct of meetings.

Administration also recommends the City Council re-affirm the “Rules and Procedures” manual drafted in March 2006 and updated in 2008 to reflect new City Code numbering system as the primary policy manual. A copy of the Rules and Procedures document is available to any Council member as needed.



Council Agenda Memo

From: John Prescott, City Manager
Meeting: July 6, 2020
Subject: Annual MIDCO Report
Presenter: Aaron Kietzmann, MIDCO Regional Manager and
Shawn Doherty, MIDCO Lead Technician

Background: The City Council adopted Ordinance No. 1345 on September 19, 2016. This ordinance provided for the renewal of the City of Vermillion cable television franchise agreement with MIDCO. Section 8 of the agreement provides for a periodical presentation from MIDCO to brief the City Council on the status of the system and franchise. Midco representatives last presented to the City Council in April 2019.

The City has similar language in the natural gas franchise with MidAmerican Energy providing for an annual presentation to the City Council. The MidAmerican Energy annual presentation was held at the June 15, 2020 meeting.

Discussion: This is an opportunity for the City Council to ask MIDCO questions about their operations in the area. As per the conditions of the franchise renewal in September 2016, the proposed franchise was for 10 years, there are no system improvement payments included, and the cable franchise fee is set at 5% of gross revenue. Relevant questions for the MIDCO representatives might include changes in the system that have taken place or are planned in the next year, statistics on responding to customer requests for service, or other items the City Council deems to be in the interest of the community.

Financial Consideration: Revenue from the cable franchise fee is placed into the General Fund. The City received \$87,969 in franchise fee revenue in 2019. Franchise fee revenue was \$93,217 in 2018 and \$100,858 in 2017.

Conclusion/Recommendations: Administration recommends providing MIDCO representatives an opportunity to present information on their services in Vermillion. No action is required.



Council Agenda Memo

From: John Prescott, City Manager
Meeting: July 6, 2020
Subject: Home Rule Charter Committee report
Presenter: Dr. Mike Card, Committee Chair

Background: Last year a home rule study committee was appointed to review the idea of whether or not it made sense for Vermillion to consider appointing a Home Rule Charter Committee to bring a home rule charter forward for voter consideration. At the January 20, 2020 Noon City Council meeting the Home Rule Study Committee presented their recommendation to move forward with the process. The City Council approved appointing a five-member Home Rule Charter Committee at the February 3, 2020 meeting. The City Council approved a charge for the Home Rule Charter Committee at the February 18, 2020 meeting. The Home Rule Charter Committee was appointed at the March 2, 2020. Committee members are Mike Card, Matt Fairholm, AJ Franken, Stacy Larson, Travis Letellier, and Council member Steve Ward.

Discussion: The Home Rule Charter Committee has met approximately every other Monday for the last couple of months to develop a home rule charter. A draft of the home rule charter has been provided to the City Attorney for review. The City Attorney will be meeting with the Committee to review the document. The same report of the Committee is being presented at the Noon meeting and the evening meeting. City staff will place the draft of the home rule charter on the City's website for review. The Home Rule Charter Committee is working to offer a couple of Zoom presentations to explain the charter and take public questions. The schedule of those presentations has not yet been established. The City Council will be asked at the July 20, 2020 meeting to consider a motion to place the question of adopting a home rule charter on the November 3, 2020 general election ballot.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends the City Council accept the report of the Home Rule Charter Committee.

**CITY OF VERMILLION
HOME RULE CHARTER**
25 Center St.
Vermillion, South Dakota 57069

*** DRAFT ***

INDEX

Preamble

Article I. Powers of the City

- 1.01 Powers of the City
- 1.02 Construction
- 1.03 Form of Government
- 1.04 Intergovernmental Relations
- 1.05 Limitations
- 1.06 New Taxes

Article II. City Council

- 2.01 General Powers and Duties
- 2.02 Composition, Eligibility, Election, and Terms
- 2.03 Mayor
- 2.04 Compensation-Expenses
- 2.05 Prohibitions
- 2.06 Vacancies; Forfeiture of Office; Filling of Vacancies
- 2.07 Judge of Qualifications
- 2.08 Independent Audit
- 2.09 Meeting Procedures
- 2.10 Action Requiring an Ordinance
- 2.11 Ordinances and Resolutions in General
- 2.12 Emergency Ordinances
- 2.13 Authenticating and Recording
- 2.14 Codes of Technical Regulations

Article III. City Manager

- 3.01 Appointment and Qualifications
- 3.02 Compensation and Review
- 3.03 Term and Removal
- 3.04 Powers and Duties of the City Manager
- 3.05 Acting City Manager

Article IV. Departments, Offices, and Agencies

- 4.01 General Provisions
- 4.02 Supervision
- 4.03 City Attorney
- 4.04 Finance Office; Finance Officer

Article V. Financial Procedures

- 5.01 Fiscal Year
- 5.02 Submission of Budget and Budget Message
- 5.03 Budget
- 5.04 City Council Action on Budget
- 5.05 Appropriation and Revenue Ordinances
- 5.06 Amendments after Budget Adoption
- 5.07 Lapse of Appropriations
- 5.08 Administration of Budget
- 5.09 Overspending of Appropriations Prohibited Indebtedness
- 5.10 Special Assessments
- 5.11 Public Records

Article VI. Elections

- 6.01 City Elections
- 6.02 Initiative and Referendum

Article VII. General Provisions

- 7.01 Conflicts of Interest
- 7.02 Prohibitions

Article VIII. Charter Amendments

- 8.01 Proposal of Amendment
- 8.02 Election
- 8.03 Adoption of Amendment

Article IX. Transition / Separability Provision

- 9.01 Officers and employees
- 9.02 Pending Matters
- 9.03 State and Municipal Laws
- 9.04 Separability
- 9.05 Effective Date

PREAMBLE

We, the citizens of the City of Vermillion, South Dakota, in order to establish a home rule municipal government that will provide for the public welfare and establish a more representative and effective city government, hereby adopt this Charter in accordance with the home rule power granted in Article IX, Section 2 of the South Dakota Constitution and the procedural requirements of SDCL Chapter 6-12.

ARTICLE I. POWERS OF THE CITY

Section 1.01 General Powers

The City shall have all powers possible for a city to have under the Constitutions of this State and of the United States. It is the intention of this Charter to confer upon the City every power it may have under law, as fully and completely as though the power was specifically mentioned.

Section 1.02 Construction

This Charter shall be construed liberally in favor of the City and the specific mention of particular municipal powers in other sections of this Charter does not limit the powers of the City to those so mentioned.

Section 1.03 Form of Government

The municipal government provided by this Charter shall be known as “Council Manager Government.” Pursuant to its provisions and subject only to the limitations imposed by the State Constitution, the statutes of this State, and by this Charter, all powers of the City shall be vested in an elective council, hereinafter referred to as the “City Council,” which shall enact local legislation, adopt budgets, determine policies, and employ the City Manager, who in turn shall be held responsible to the City Council for the execution of the laws and the administration of the government of the City.

Section 1.04 Intergovernmental Relations

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one (1) or more states or any State division or agency, or the United States or any of its agencies, or any township, county, school district, municipality, or public entity in accordance with South Dakota Codified Law (SDCL) Chapter 1-24.

The City retains and reserves its right to Joint Exercise of Governmental Powers as set forth in SDCL Title 1. Further, the City adopts and ratifies each and every contract and agreement entered into by virtue of that power under any prior City organization or form of government.

Section 1.05 Limitations

Except to the extent otherwise authorized to any city pursuant to SDCL Title 9, nothing in this Charter shall be construed to permit the City to do any of the following:

1. Levy a personal or corporate income tax.
2. Permit increased gaming beyond that which is permitted by State law.
3. Do any other act prohibited by the South Dakota Constitution, South Dakota Codified Law, or Administrative Rule.

Section 1.06 New Taxes

Any new form or type of taxation, which is approved by the City Council, is subject to the referendum provisions of SDCL Chapter 9-20.

The City Council shall have the power to impose any non-ad valorem tax by ordinance adopted by a majority vote of its full number not prohibited by SDCL 6-12-14 or SDCL 6-12-15. "Non-ad valorem tax" shall mean any tax other than an ad valorem personal or real property tax.

ARTICLE II. CITY COUNCIL

Section 2.01 General Powers and Duties

All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the ~~DRAFT~~ City by law. The Council shall act as a part-time policymaking and legislative body, leaving management and administrative issues which are hereafter assigned to a City Manager.

Section 2.02 Composition, Eligibility, Election, and Terms

a. Composition. There shall be a City Council composed of the Mayor elected at large and eight (8) Council members, two (2) Council members elected from and by the voters of each of four (4) City wards.

b. Eligibility. Only registered voters of the City shall be eligible to hold the office of Council member or Mayor. No person is eligible to be nominated, elected, or appointed as a Mayor or as a Council member unless such person is also a citizen of the United States, and, if a Council member, a resident of the ward for which such person is to hold office. In addition to any other qualifications prescribed by law, the Mayor and each Council member shall meet the conditions of this Charter while in office, and shall reside within the City limits and in the ward, as applicable, while in office. Any member of the City Council ceasing to possess any of the qualifications specified in this section, or convicted of a felony while in office, shall immediately forfeit such position.

c. Terms. The terms of Council members and Mayor shall be according to ordinance not to exceed five (5) years. The Mayor and Council members shall hold office until successors are elected and qualified.

d. Continuation of Terms in Office. The present City Council and Mayor, upon the successful adoption of this Charter by the voters of the City of Vermillion, shall continue in office for the remainder of their respective terms and may seek reelection if not prohibited by the terms of this Charter. This paragraph will be deleted from the Charter five (5) years after the Charter is enacted.

e. Powers and Duties. The City Council by resolution shall establish the powers and the duties of the City Council and of the Mayor in addition to those assigned by this Charter.

Section 2.03 Mayor

The Mayor shall be recognized as the official head of the City government for all ceremonial purposes and by the governor for purposes of military law and those provided by SDCL 9-10-7. The Mayor shall have the powers and duties of a Council member, including the power to vote, and, in addition, shall preside at the meetings of the City Council, represent the City in intergovernmental relationships, appoint--with the advice and consent of the City Council--the members of citizen advisory boards, committees, and commissions, and perform other duties specified by the City Council. The City Council shall elect from among its members a President and Vice President who shall act as Mayor during the absence or the disability of the Mayor and / or President. The Mayor or the Mayor's designee may, when authorized by the City Council, sign any official document including but not limited to ordinances, resolutions, conveyances, grant agreements, official plats, contracts, bonds, or the like. The Mayor or the Mayor's designee will sign all proclamations.

The Mayor shall have such further authority and perform such further duties as may be prescribed by ordinance or resolution not inconsistent with the provisions of this section, but in no case shall the Mayor have the right of veto.

Section 2.04 Compensation-Expenses

The City Council, by resolution approved by at least five (5) Council members, shall determine the annual salary of the Mayor and Council members. The Mayor and Council members shall be reimbursed for necessary expenses incurred in the performance of their duties of office.

Section 2.05 Prohibitions

a. Holding Other Office. Except where authorized by law, no Council member shall hold any other elected public office during the term for which the member was elected to the City Council. No Council member shall hold any other City office or City employment during the terms for which the member was elected to the City Council. No former Council member shall hold any compensated appointive office or employment with the City until the earlier of one year after the

expiration of the term for which the member was elected to the City Council or one year after vacating their position on the City Council. Nothing in this section shall be construed to prohibit the City Council from selecting any current or former City Council member to represent the City on the governing board of any regional or intergovernmental agency or from completing an unexpired term of the Mayor.

b. Appointments and Removals. The City Council or any of its Council members shall not in any manner control or demand the employment or removal of any City administrative officer or employee whom the City Manager or any subordinate of the City Manager is empowered to employ. However, City Council may express its views and fully and freely discuss with the City Manager anything pertaining to employment and removal of such officers and employees in executive session.

c. Interference with Administration. Except for the purpose of inquiries and investigations as provided by this Charter, the City Council and its Council members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its Council members shall give orders to any such officer or employee, either publicly or privately.

Section 2.06 Vacancies; Forfeiture of Office; Filling of Vacancies

a. Vacancies. The office of a Council member or Mayor shall become vacant upon the person's death, resignation, removal from office, or forfeiture of office in any manner authorized by law.

b. Recall. The power of recall of the Mayor or Council members shall be allowed as set forth in SDCL Title 9.

c. Forfeiture of Office. The Mayor or a Council member shall forfeit that office if the Mayor or Council member:

1. Lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by law.
2. Violates any expressed prohibition of this Charter.
3. Fails to maintain residency within the City limits, or in the case of Council members elected by ward, fails to maintain residency within that ward.
4. Is convicted of a felony.
5. Fails to attend at least fifty (50) percent of the regular meetings of the City Council during a fiscal year, or three (3) consecutive regular meetings of the City Council, without being excused by the City Council.

d. Filling of Vacancies. If a vacancy exists in the office of Mayor or City Council, the remaining members shall appoint a replacement to serve until the next municipal election, or if City ordinance provides, the vacancy is to be filled by special election for the remainder of the unexpired term as provided in SDCL 9-13-14.1 and SDCL 9-13-14.2. If the appointment is for a City Council member, the replacement shall be a person from the same ward. The election shall be conducted as provided in Article VI.

Section 2.07 Judge of Qualifications

The City Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. It shall determine its own rules of procedure, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the City Council members elected thereto, may expel a member. The City Council shall have the power to set additional standards of conduct for its members beyond those specified in the Charter and may provide for such penalties as it deems appropriate, including forfeiture of office. In order to exercise these powers, the City Council shall have power to subpoena witnesses, administer oaths, and require the production of evidence. A Council member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in the official newspaper of the City at least seven (7) days in advance of the hearing. Decisions made by the City Council under this section may be subject to judicial review.

Section 2.08 Independent Audit

The City Council shall provide for an independent annual audit of all City accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The City Council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding five (5) years subject to the approval of the Department of Legislative Audit. If the State Department of Legislative Audit makes such an audit, the City Council may accept it as satisfying the requirements of this section.

Section 2.09 Meeting Procedure

a. Meetings. The City Council shall meet regularly at such times and places as the City Council may prescribe by ordinance. Special meetings may be held on the call of the Mayor, Acting Mayor, or by the City Manager upon the request of three (3) or more Council members with notice given in accordance with State open meeting laws. Except as allowed by State law, all meetings shall be public. The City Council may discuss in a closed or executive session any matter which is permitted by SDCL 1-25-2 or State or Federal Constitution. The general subject matter for consideration will be expressed in the motion calling for such closed session and the final action on such motion will not be taken by the Council until the matter is placed on a meeting agenda.

b. Rules and Minutes. The City Council shall, by resolution, determine its own rules and order of business, and the rules shall provide that citizens of the City shall have a reasonable opportunity to be heard at any regular City Council meeting. The rules established by the City Council for this procedure may include a provision which permits the City Council to set reasonable time limits to be adhered to by persons appearing before the City Council. City Council shall provide for written minutes to be taken of all meetings, except executive sessions authorized by this Charter and law, and such minutes shall be a public record.

c. Voting. For the final adoption of all ordinances, voting shall be by roll call called by the City Finance Officer or person serving in that capacity and shall be recorded in the minutes. The ayes and nays shall be recorded in the minutes. A majority of the Council members shall constitute a quorum to do business, but a smaller number may adjourn from time to time and may compel the attendance of absentees. Each Council member and Mayor shall have an equal vote. All actions of the Council shall be by a majority of those present, unless otherwise provided by State statute, this Charter, or ordinance.

Section 2.10 Ordinances and Resolutions in General

City ordinances and resolutions shall be introduced, published, enacted, and recorded. All ordinances shall be codified as provided in State law; however, the City Council may by ordinance amend such requirements. Every ordinance, with the exception of emergency ordinances, shall become effective upon adoption and twenty (20) days after publication in the official newspaper of the City, subject to referendum provisions of SDCL chapter 9-20.

The reading aloud of a title and caption of the ordinance shall suffice as a reading.

Section 2.11 Action Requiring an Ordinance

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

- a. Adopt or amend an administrative code or establish or abolish any City department, office, or agency.
- b. Establish a rule or regulation enforced by fine or other penalty.
- c. Levy taxes.
- d. Grant, renew, or extend a franchise.
- e. Amend or repeal any ordinance previously adopted unless said ordinance already permits its amendment by resolution.
- f. Regulate land use and development.

Acts other than those referred to in the preceding sentence may be taken either by ordinance or by resolution.

Section 2.12 Emergency Ordinances and Resolutions

To meet a public emergency affecting life, safety, health, property, or the public peace, the City Council may adopt one or more emergency ordinances and / or resolutions, but such ordinances and resolutions may not levy taxes; grant, renew, or extend a franchise; or authorize the borrowing of money except as provided in Section 5.06(b). An emergency ordinance or resolution shall be introduced in the form and manner generally prescribed and used, except that it shall be plainly designated as an emergency ordinance or resolution and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance or resolution may be adopted with or without amendment or rejected at the meeting at which it is introduced. A majority vote of the Council members present shall be required for adoption. After its adoption, the ordinance or resolution shall be published and printed as prescribed for other adopted ordinances or resolutions. It shall become effective upon adoption or at such later time as it may specify.

Every emergency ordinance except one made pursuant to Section 5.06(b) shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance enacted in the manner specified in this section if the emergency still exists. An emergency ordinance may be repealed in full or in part by adoption of a repealing ordinance or resolution.

Section 2.13 Authentication and Recording of Ordinances and Resolutions

a. Authentication and Recording. The City Finance Officer shall authenticate by signing and shall maintain in full in a properly indexed record kept for that purpose, all ordinances adopted by the City Council. Ordinances and resolutions shall be open for public inspection. Ordinances shall be numbered consecutively in the order in which adopted. The City Finance Officer shall attest the signature of the Mayor or the Mayor's designee signing such ordinances.

b. Codification. Ordinances shall be deemed to be of a permanent or continuing nature which affect the residents of the City at large. Within three (3) years after the adoption of this Charter and from time to time thereafter, the City Council shall provide for the preparation of a general codification of all City ordinances. A copy of this Charter shall be placed within the code book. The general codification shall be adopted by the Council by ordinance and shall be published promptly in the official record together with this Charter and any amendments thereto, and other rules and regulations as the City Council may specify. This compilation shall be known and cited officially as the Vermillion City Code of Ordinances. Copies of the Code shall be furnished to City officers, placed in libraries and public offices and in other means of public reference for free public reference and made available for purchase by the public at a reasonable price to cover the reproduction costs.

Section 2.14 Codes of Technical Regulations

The City Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally, except that:

- a. The requirements of 2.13 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations and its adopting ordinance.
- b. A copy of each adopted code of technical regulations and its adopting ordinance shall be authenticated and recorded by the City Finance Officer pursuant to Section 2.13.

ARTICLE III. CITY MANAGER

Section 3.01 Appointment and Qualifications

The City Council shall employ, by affirmative vote of five (5) Council members, a City Manager. The City Manager shall be chosen by the City Council solely on the basis of executive and administrative qualifications and professional employment experience as a City Manager, Assistant City Manager, or other relevant senior-level employment in municipal government or comparable management experience and need not, when appointed, be a resident of the City of Vermillion; each City Manager must become a resident of the City of Vermillion within a reasonable period of time to be determined by the City Council at the time of appointment.

Section 3.02 Compensation and Review

The City Council and the City Manager will develop an agreement covering the terms and conditions of employment. The City Council shall fix the compensation to be received by the City Manager, and the compensation may be amended from time to time in accordance with the City Manager's experience, qualifications, and performance. The City Manager shall be evaluated at least once a year by the City Council.

Section 3.03 Term and Removal

The City Manager shall serve at the pleasure of the City Council and have no fixed term of office. The City Council shall have the sole authority to terminate the City Manager's employment by affirmative vote of five (5) Council members. In the event a City Manager does not resign, and at least fifteen (15) calendar days before exercising its power of termination, the City Manager shall be furnished with a formal statement in the form of resolution approved by the affirmative vote of five (5) or more Council members which shall set forth the City Council's intention to remove the City Manager and the reasons therefore. Upon passage of such resolution, the City Council may suspend the Manager from duty, but the Manager's pay shall continue until the termination becomes effective. The City Manager shall have seven (7) calendar days in which to reply thereto in writing. The City Manager may request and shall be afforded a public hearing, and the City Council shall set a time for a public hearing upon the question of the City Manager's termination. After the public hearing, if one is requested, the City

Council, by the affirmative vote of five (5) of its total membership, may adopt a final resolution of termination.

Terms and conditions in the City Manager's employment agreement may provide additional protections in addition to those provided in this section.

Section 3.04 Powers and Duties of City Manager

The City Manager shall be the chief administrative and executive officer of the City, responsible to the City Council for the administration of all affairs of the City. The City Manager shall:

a. Appoint, and, when deemed necessary for the welfare of the City, suspend or remove City employees and appointed administrative personnel and officers provided for by or under this Charter. The City Manager may authorize any administrative employee or officer subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that employee or officer's department, office, or agency. The City Manager shall promulgate such operating procedures deemed appropriate and necessary for the exercise of this authority.

b. Direct and supervise the administration of all departments including utilities and other City enterprises, offices, and agencies of the City, except as otherwise provided by law or this Charter.

c. Unless excused by City Council, attend all City Council meetings. The City Manager shall, except when the City Council may be considering suspension or removal of the City Manager, have the right to take part in discussion but shall not vote.

d. Prepare and introduce ordinances and resolutions.

e. Prepare and accept items for inclusion in the official agenda of all City Council meetings and meetings of boards and commissions as established by this Charter or City Council.

f. See that all laws, provisions of this Charter, and acts of the City Council, subject to enforcement by the City Manager or by employees or officers subject to the City Manager's direction and supervision, are faithfully executed and enforced.

g. Submit annual five-year capital program updates prior to the annual budget preparation, on a date specified by the City Council and in such form as the City Manager deems desirable or the City Council may require.

h. Prepare and submit the annual budget on or before August 1st to the City Council, and administer the budget as adopted by the City Council.

i. Make reports as the City Council may require concerning the operations of City departments, offices, and agencies subject to the City Manager's direction and supervision.

j. Keep the City Council fully advised as to the financial condition and future needs of the City.

k. Sign all warrants for the payment of money, and the same shall be countersigned by the City Finance Officer, but no warrant shall be issued until the claim therefore has been approved by the City Council, except as may be otherwise provided by State statute, ordinance, or resolution.

l. Make recommendations to the City Council concerning the affairs of the City.

m. Provide staff support services for the Mayor and Council members within the scope of this Charter, ordinances, or resolutions.

n. May sign and execute, for and on behalf of the City, contracts and agreements approved by the City Council, and when the City Manager is not available the Acting City Manager.

o. Serve as purchasing officer for the City.

p. Give notice of City Council meetings to its members and the public.

q. Shall not be a voting member of the City Council.

r. Shall have such further powers and duties as may be prescribed by motion, ordinance, or resolution.

Section 3.05 Acting City Manager

The City Manager shall, within thirty (30) days of taking office and at appropriate subsequent times, designate by letter filed with the City Finance Officer, an alternate to perform the duties of the City Manager in the case of absence or disability of the City Manager. During the absence or disability of the City Manager, the City Council may revoke such designation and appoint another person to serve as Acting City Manager until the City Manager shall return or disability shall cease. The Acting City Manager shall be a qualified administrative officer of the City at the time of the designation.

ARTICLE IV. DEPARTMENTS, OFFICES, AND AGENCIES

Section 4.01 General Provisions

The City Manager may, through budgetary processes, establish or consolidate offices and departments and may divide and subdivide the administration of any department, except those specifically established by this Charter. The City Manager shall prescribe the function of all departments, offices, and agencies, except that no function assigned by this Charter to a particular department, office, or agency may be discontinued, altered, or reassigned unless this Charter specifically so provides.

Section 4.02 Supervision

All departments, utilities, enterprise activities, offices, and agencies under the direction and supervision of the City Manager shall be administered by an officer or employee appointed by the City Manager and subject to the direction and supervision of the City Manager. The City Manager, in the absence of a department head, may serve as the head of one (1) or more departments, offices, or agencies, or may appoint one person as the head of two (2) or more such departments, offices, or agencies. Personnel rules shall be prepared by the City Manager and presented to the City Council for approval; provided, however, that a rule or regulation which involves the expenditure or commitment of public funds must have the approval of the City Council.

Section 4.03 City Attorney

There shall be a legal officer of the City appointed by the City Council. The City Council may contract with an attorney or with a firm of attorneys who may designate one (1) member of said firm to serve as City Attorney. The City Attorney shall serve at the pleasure of the City Council and as such shall have no property right to continued employment. The City Attorney shall serve as the chief legal advisor to the Council, City Manager, and all City departments, utilities, other enterprise activities, offices, and agencies. The City Attorney shall represent the City in all litigation and legal proceedings as directed by City Council and City Manager, or monitor all legal proceedings involving the City; review and provide opinions as requested by the City Council or City Manager on contracts, legal instruments, and ordinances of the City; and shall perform any other duties prescribed by State law, by this Charter, or by ordinance. The City Attorney shall receive compensation as may be determined by the City Council. The City Attorney may select additional attorneys to act for the City Attorney and the City in its representation and litigation. Additionally, the City Council may, by resolution, provide for other attorneys to represent the City.

Section 4.04 Finance Department; Finance Officer

There shall be established and maintained a Department of Finance for the custody and disbursement of City funds and monies. The City Council shall appoint an officer to the City who shall have the title of City Finance Officer. The City Finance Officer shall serve at the pleasure of the City Council. The City Finance Officer shall be the chief administrative officer of the Department of Finance.

a. The City Finance Officer shall render a complete and composite statement of receipts, deposits, and disbursements as the City Council shall require; assist the City Manager with budget preparation; assist all departments with their budgetary functions and maintain a general accounting system; audit and adjust all claims against the municipality; draw and countersign all warrants and the same shall be signed by the City Manager but no warrant shall be issued until the claim therefore has been approved by the City Council or authorized by State statute; invest cash balances of the municipality; maintain special assessment records; and supervise municipal elections. The City Finance Officer shall appoint and remove the employees of said

department, subject to the review of the City Manager, and perform other duties as may be requested by the City Manager and / or required by the City Council.

b. The City Finance Officer shall keep the minutes of the City Council's proceedings and perform such other duties as are assigned by this Charter, the City Council, State law, ordinance, or resolution.

c. The City Finance Officer shall submit to the City Council and make available to the public a complete annual report of the finances and administrative activities of the City as of the end of each fiscal year.

ARTICLE V. FINANCIAL PROCEDURES

Section 5.01 Fiscal Year

The fiscal year of the City shall begin on the first day of January and end on the last day of December.

Section 5.02 Submission of Budget and Budget Message

On or before August 1st, the City Manager shall submit to the City Council a proposed budget for the ensuing fiscal year and an accompanying budget message.

Section 5.03 Budget

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax request, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding two fiscal years. It shall indicate in separate sections:

a. The proposed expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit, program, purpose, or activity, and the method of financing such expenditures.

b. The proposed capital expenditures during the ensuing fiscal year, detailed for each fund by organization unit when practicable, and the proposed method of financing each such capital expenditure.

For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus the fund balance carried forward, exclusive of reserves.

Section 5.04 City Council Action on Budget

The City Council may schedule budget hearings at appropriate times and may direct changes in the City Manager's proposed budget. The City Council shall adopt the final budget for the next fiscal year on or before the 30th day of September of the fiscal year currently ending. If the City Council fails to adopt the budget by this date, the budget proposed by the City Manager shall go into effect.

Section 5.05 Appropriation and Revenue Ordinances

To enact and implement the budget of the ensuing fiscal year, the City Council:

a. Shall, no later than its first regular meeting in September of each year or within ten (10) days thereafter, introduce the annual appropriation ordinance for the ensuing fiscal year, in which it shall appropriate the sums of money necessary to meet all lawful expenses and liabilities of the municipality. The ordinance shall specify the function and subfunctions as prescribed by the Department of Legislative Audit for which the appropriations are made and the amount appropriated for each function and subfunction, which amount shall be appropriated from the proper fund. It is not necessary to appropriate revenue to be expended from an enterprise or trust and agency fund if the fund is not supported or subsidized by revenue derived from the annual appropriated tax levy. However, an annual budget for these funds shall be developed and included as information only in the annual appropriation ordinance.

b. Shall adopt any other ordinances or resolutions required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources.

Section 5.06 Amendments after Budget Adoption

a. Supplemental Appropriations. If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget or in reserve, the City Council by ordinance may make supplemental appropriations for the year up to the amount of such excess and / or reserves.

b. Emergency Appropriations. To meet a public emergency affecting life, health, property, or the public peace, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the City Council may, by such emergency ordinance, authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency special appropriation was made.

c. Reduction of Appropriations. If at any time during the fiscal year it appears probable to the City Manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the City Manager shall report to the City Council indicating the recommended remedial steps to be taken. The City Council shall

then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce one or more appropriations.

d. Transfer of Appropriations. At any time during the fiscal year the City Council may, by ordinance, transfer part or all of the unencumbered appropriation balance from one department or major organizational unit to the appropriation for other departments or major organizational units. The City Manager may transfer part or all of any unencumbered appropriation balances among programs within a department or organizational unit.

e. Limitation; Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount required by law to be appropriated, or by more than the amount of the unencumbered balance thereof. The emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 5.07 Lapse of Appropriations

Every appropriation, except an appropriation for a capital program expenditure, shall lapse at the first City Council meeting in February from the past fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital program expenditure shall continue in force until expended, revised, or repealed; the purpose of any such appropriation shall be deemed abandoned if five (5) years pass without any disbursement from, or encumbrance of, the appropriation.

Section 5.08 Administration of Budget

The City Council may develop policies and the City Manager shall promulgate procedures for administering the budget.

Section 5.09 Overspending of Appropriations Prohibited

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Manager or the City Manager's designee first certifies that there is sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payments made illegal. A violation of this provision may be cause for removal of any employee or officer who knowingly authorized or made such payment or incurred such obligation. Such employee or officer may also be liable to the City for any amount so paid. Except where prohibited by law, however, nothing in this Charter shall be construed to prevent the making of improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, but only if such action is approved by resolution.

Section 5.10 Special Assessments

The City Council shall have the authority and power to levy and collect special assessments upon property for nuisance abatement and / or benefits incurring to such property as a consequence of any municipal public work, service, or improvement, and to provide for the payment of all or any part of the cost of the work, service, or improvement out of the proceeds of such special assessments.

Section 5.11 Public Records

Copies of the budget and appropriation and revenue ordinances shall be public records and shall be made available to the public for inspection at suitable places in the City.

ARTICLE VI. ELECTIONS

Section 6.01 City Elections

a. Regular Elections. The regular City election shall be held at the time established by State law or as established by ordinance of the City Council. The City Council shall be responsible for selection of places for holding such elections.

b. Registered Voter Defined. All citizens legally registered under the Constitution and laws of the State of South Dakota to vote in the City shall be registered voters of the City within the meaning of this Charter.

c. Conduct of Elections. The provisions of the general election laws of the State of South Dakota shall apply to elections held under this Charter or as set forth in any ordinance adopted by the City Council. All elections provided for by this Charter shall be conducted by the election authorities established by law. Candidates shall run for office without party designation. For the conduct of City elections, the City Council shall follow State law, State election administrative rules, and this Charter. The election authorities may adopt further regulations consistent with law, this Charter, and the ordinances of the City Council. Such ordinances and regulations pertaining to elections shall be publicized in the manner of City ordinances generally.

Section 6.02 Initiative and Referendum

The powers of initiative and referendum are hereby reserved to the electors of the City. The provisions of the election law of the State of South Dakota, as they currently exist or may hereafter be amended or superseded, shall govern the exercise of the powers of initiative and referendum under this Charter.

ARTICLE VII. GENERAL PROVISIONS

Section 7.01 Conflicts of Interest

The use of public office for private gain is prohibited. The City Council shall implement this prohibition by ordinance or resolution. Rules or regulations to this end shall include but not be limited to: acting in an official capacity on matters which the official has a private financial

interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official; the use of confidential information; and appearances by City officials before other City agencies on behalf of private interests. The appearance of impropriety shall be avoided. Municipal officials shall be, at a minimum, restricted from conflict of interest to the same extent that State public officials are bound by State law; provided, however, that the City Council may adopt an ordinance or resolution setting a stricter standard.

Section 7.02 Prohibitions

a. Activities Prohibited.

1. No person shall be appointed to, or removed from, or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of race, sex, age, disability, religion, country of origin, political affiliation, or other distinguishing characteristic not related to job performance as may be defined by ordinance, resolution, or agreement passed by City Council.
2. No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification, or appointment under the provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules, and regulations.
3. No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or in connection with any test, appointment, proposed appointment, or proposed promotion.
4. No person shall knowingly or willfully solicit or assist in soliciting any assessment, subscription, or contribution for any political party or political purpose to be used in conjunction with any City election from any City employee.
5. No City officer or employee shall knowingly or willfully make, solicit, or receive any contribution to the campaign funds of any political party or committee to be used in a City election or to campaign funds to be used in support of or in opposition to any candidate for election to City office or City ballot issue. Further, no City employee shall knowingly or willfully participate in any aspect of any political campaign on behalf of or in opposition to any candidate for City office. This section shall not be construed to limit any person's right to exercise rights as a citizen to express opinions or to cast a vote nor shall it be construed to prohibit any person from active participation in political campaigns at any other level of government.

b. Penalties. Any violation of this section may be sufficient cause for the reprimand, suspension, demotion, or termination of the employment of any City employee found to be in violation of this section. The City Council may establish by ordinance such further penalties as it may deem appropriate.

ARTICLE VIII. CHARTER AMENDMENT

Section 8.01 Proposal of Amendment

Amendments to this Charter may be framed and proposed:

a. In the manner provided by State law.

b. By ordinance of the City Council containing the full text of the proposed amendment (except Sections 1.04, 1.05, 2.01, 2.02, 2.03, and Article III cannot be so amended by this ordinance method) and effective upon adoption.

c. By report of a Charter Commission created by ordinance.

d. By the voters of the City, when any fifteen (15) qualified voters initiate proceedings to amend the Charter by filing with the City Finance Officer an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed Charter amendment. Promptly after the affidavit of the petitioners' committee is filed, the City Finance Officer shall issue the appropriate petition blanks to the petitioners' committee. The petitions shall contain throughout their circulation the full text of the proposed Charter amendment and must be signed by registered voters of the City in the number of at least ten (10) percent of those voting in the last preceding gubernatorial election.

Section 8.02 Election

Upon delivery to the City election authorities of the report of a Charter Commission pursuant to section 8.01(c) or delivery by the City Finance Officer of an adopted ordinance proposing an amendment pursuant to section 8.01(b) or a petition finally determined sufficient to propose an amendment pursuant to section 8.01(d), the election authorities shall submit the proposed amendment to the voters of the City at an election. Such election shall be announced by a notice containing the complete text of the proposed amendment and published in the official newspaper of the City at least thirty (30) days prior to the date of the election. If the amendment is proposed by petition, the amendment may be withdrawn at any time prior to the thirtieth day preceding the day scheduled for the election by filing with the City Finance Officer a request for withdrawal signed by at least two-thirds of the members of the petitioners' committee. The election shall be held not less than sixty (60) and not more than one hundred twenty (120) days after the adoption of the ordinance or report or the final determination of sufficiency of the petition proposing the amendment. If no regular election is to be held within that period, the City

Council shall provide for a special election on the proposed amendment; otherwise, the holding of a special election shall be as specified in State election law.

Section 8.03 Adoption of Amendment

If a majority of those voting upon a proposed Charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment or, if no time is therein fixed, thirty (30) days after the official canvas certifying its adoption.

ARTICLE IX. TRANSITION / SEPARABILITY PROVISION

Section 9.01 Officers and Employees

Rights and Privileges Preserved. Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption.

a. Continuation of Office or Employment. Except as specifically provided by this Charter, if at the time this Charter or any amendment thereof takes full effect, a City officer or employees holds any office or position which is or can be abolished by or under this Charter, that officer or employee shall continue in such office or position until the taking effect of some specific provision under this Charter directing that officer or employee vacate the office or position.

b. Personnel System. An employee holding a City position at the time this Charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the provisions of Article IV.

Section 9.02 Pending Matters

All rights, claims, actions, orders, contracts, and legal administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on, or dealt with by the City department, office, board, or agency appropriate under this Charter.

Section 9.03 State and Municipal Laws

All City ordinances, resolutions, policies, and regulations which are in force when this Charter becomes effective shall continue. To the extent that the Constitution and laws of the State of South Dakota permit, all laws relating to or affecting this City or its agencies, officers, or employees, which are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

References to specific State law refer to how they exist at the time of adoption of this Charter or may hereafter be amended or superseded.

Section 9.04 Separability

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 9.05 Effective Date

If a majority of those voting upon this proposed Charter vote in favor of it, the Charter shall become effective after the official canvas certifying its adoption.



Council Agenda Memo

From: James Purdy, Assistant City Manager

Meeting: July 6, 2020

Subject: Street closure request to temporarily remove parking on Dakota Street from Alumni Street to SD Highway 50 and to close Rose Street from Coyote Village to the Sanford Coyote Sports Center for the 2020 USD home football games on September 19, October 3, October 17, October 24, and November 21, 2020 from 6:00 a.m. to 6:00 p.m.

Presenter: John Prescott, City Manager

Background: USD has submitted a request to remove parking on Dakota Street from Alumni Street north to South Dakota Highway 50, and to close Rose Street from Coyote Village to the Sanford Coyote Sports Center for all five 2020 USD home football games.

Discussion: The street closing requests and parking removal will provide pedestrians safe accessibility to and from the games in the Dome as well as the tailgating areas in and around the Dome parking lot before and after the game. The street closure application and diagram are attached.

USD also wants to ensure there are no cars parked along the north end of Dakota Street to provide for a safer crossing area for pedestrians before, during, and after the football games. The only exception to the no parking along this portion of Dakota Street would be the buses for the visiting teams. The visiting teams would park their buses on the east side of Dakota Street across from the Wagner Alumni Center for football games.

The closings are requested for the five 2020 home USD football games on September 19, October 3, October 17, October 24, and November 21, 2020. The time of the closures will be from 6:00 a.m. to 6:00 p.m. on each of the aforementioned dates. Rose Street has been closed for USD events for the last several years. This will be the fifth year that parking would be removed on Dakota Street for the football games. The City has not received any complaints or concerns about how this closure has been handled during past years. USD will provide set up and removal of the barricades as they have done in past years for these events. They will also handle signage indicating the areas that are closed.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends that the City Council approve the closure of Rose Street as well as the removal of street parking on both the east and west sides of Dakota Street north of Alumni Street to Highway 50 from 6:00 a.m. to 6:00 p.m. on the five stated dates for the 2020 USD home football games.

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 Cameron D Wilson

(Section Break)

APPLICATION

Organization Requesting University of South Dakota Athletics

Name of Event & Brief Description of Event 5 home football games in 2020

Expected Participants 7500

Name of Primary Contact Person Cameron Wilson

Primary Contact Phone Number + 24 Hour Access Phone Number

██████████

Name of Secondary Contact Person Corey Jenkins

Secondary Contact Phone Number + 24 Hour Access Phone Number

██████████

Date(s) of Closure Requested Sept. 19, Oct. 3, Oct. 17, Oct. 24, Nov. 21

Street Closures Times	6am-6pm
Street(s) Requested to be Closed	North Dakota Street parking (east and west sides of street) from Alumni Street to the Highway 50 by-pass. Road would remain open for thru traffic, but parking along both sides of the street would be barricaded off by UPD.
Optional File Upload	2019TailgateNation_Map.pdf
Please detail how you have notified or plan to notify those affected by your Street Closure Request:	I've spoken with the Holiday Inn Express and have received the okay from the manager, Amanda Whittecar, to move forward with this plan again for the five home football Saturdays this fall.
Please detail your plans for cleaning up after your event:	USD will be responsible for all clean up.
(Section Break)	
Release, Hold Harmless and Indemnification Agreement	
City of Vermillion, South Dakota I,	
Name of Event Organizer	University of South Dakota Athletics
Dated This	6/16/2020 2:30 PM
First Name	Cameron
Last Name	Wilson
Electronic Signature Agreement	I agree.
Electronic Signature	Cameron D Wilson
(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	cameron.wilson@usd.edu

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 Cameron D Wilson

(Section Break)

APPLICATION

Organization Requesting University of South Dakota Athletics

Name of Event & Brief Description of Event 5 home football games in 2020

Expected Participants 7500

Name of Primary Contact Person Cameron Wilson

Primary Contact Phone Number + 24 Hour Access Phone Number

██████████

Name of Secondary Contact Person Corey Jenkins

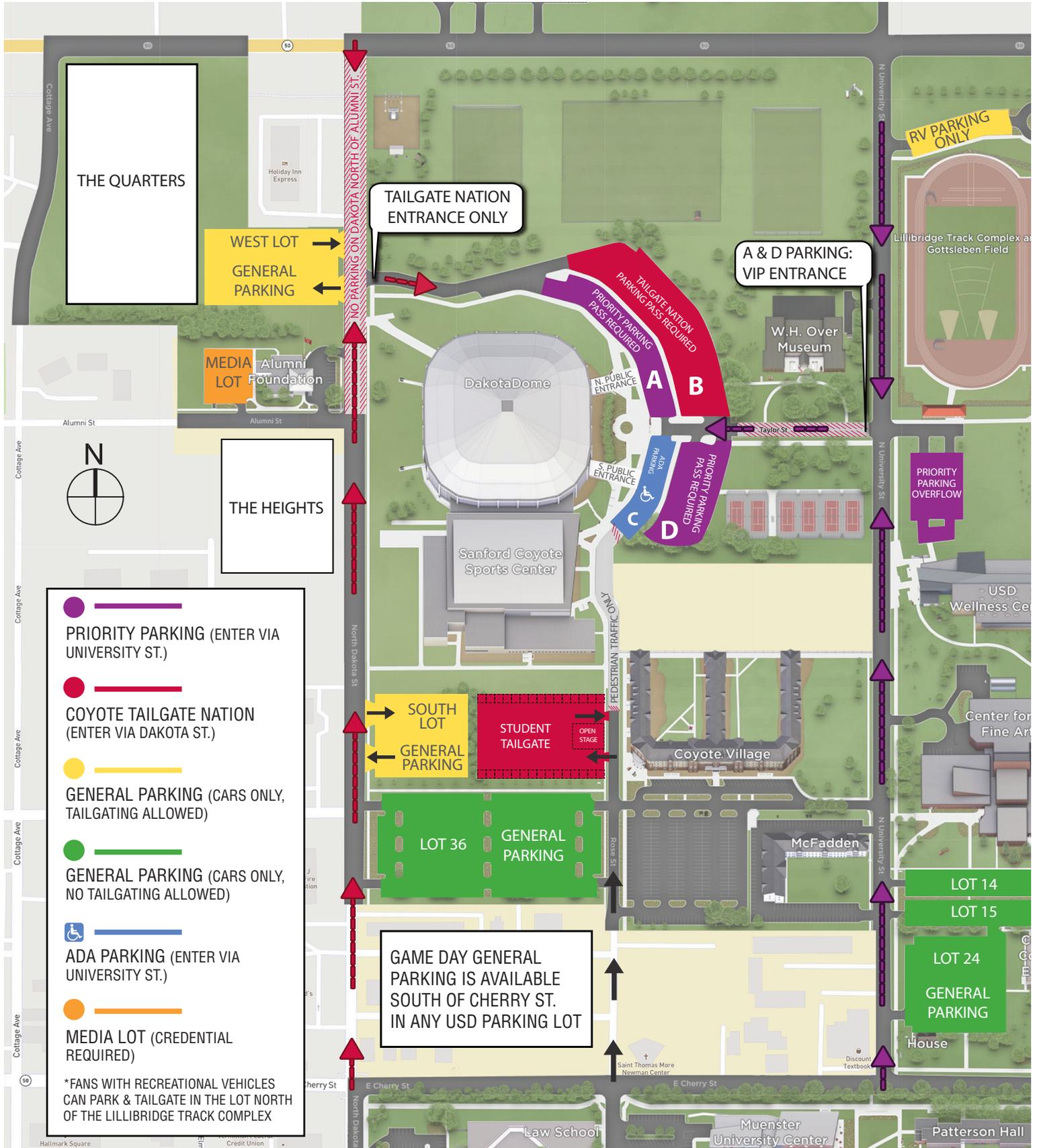
Secondary Contact Phone Number + 24 Hour Access Phone Number

██████████

Date(s) of Closure Requested Sept. 19, Oct. 3, Oct. 17, Oct. 24, Nov. 21

Street Closures Times	6am-6pm
Street(s) Requested to be Closed	Rose Street from Coyote Village to the Sanford Coyote Sports Center
Optional File Upload	2019TailgateNation_Map.pdf
Please detail how you have notified or plan to notify those affected by your Street Closure Request:	Student services and Dean of Students, Dr. Kim Grieve, have been notified, as well as University Police Department through meetings and emails.
Please detail your plans for cleaning up after your event:	USD will be responsible for all clean up.
(Section Break)	
Release, Hold Harmless and Indemnification Agreement	
City of Vermillion, South Dakota I,	
Name of Event Organizer	University of South Dakota Athletics
Dated This	6/16/2020 2:45 PM
First Name	Cameron
Last Name	Wilson
Electronic Signature Agreement	I agree.
Electronic Signature	Cameron D Wilson
(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	cameron.wilson@usd.edu

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THE QUARTERS

WEST LOT
GENERAL PARKING

TAILGATE NATION
ENTRANCE ONLY

A & D PARKING:
VIP ENTRANCE

RV PARKING
ONLY

MEDIA
LOT

THE HEIGHTS

DakotaDome

Sanford Coyote
Sports Center

W.H. Over
Museum



TAILGATE NATION
PRIORITY PARKING
PASS REQUIRED
A B
C D
PRIORITY PARKING
PASS REQUIRED

- PRIORITY PARKING (ENTER VIA UNIVERSITY ST.)
 - COYOTE TAILGATE NATION (ENTER VIA DAKOTA ST.)
 - GENERAL PARKING (CARS ONLY, TAILGATING ALLOWED)
 - GENERAL PARKING (CARS ONLY, NO TAILGATING ALLOWED)
 - ♿ ADA PARKING (ENTER VIA UNIVERSITY ST.)
 - MEDIA LOT (CREDENTIAL REQUIRED)
- *FANS WITH RECREATIONAL VEHICLES CAN PARK & TAILGATE IN THE LOT NORTH OF THE LILLIBRIDGE TRACK COMPLEX

SOUTH
LOT
GENERAL
PARKING

STUDENT
TAILGATE

LOT 36
GENERAL
PARKING

GAME DAY GENERAL
PARKING IS AVAILABLE
SOUTH OF CHERRY ST.
IN ANY USD PARKING LOT

Coyote Village

McFadden

LOT 14
LOT 15

LOT 24
GENERAL
PARKING

House

Law School

Muenster
University Center

Patterson Hall

Lillibridge Track Complex at
Gottselben Field

USD
Wellness Cen

Center for
Fine Art

Discount
Textbook

Saint Thomas More
Newman Center

Cherry St

E Cherry St

E Cherry St

Cottage Ave
Cottage Ave

N University St
N University St

North Dakota St
North Dakota St
North Dakota St
North Dakota St
North Dakota St
North Dakota St
North Dakota St
North Dakota St

Alumni St
Alumni St
Alumni St
Alumni St
Alumni St
Alumni St
Alumni St
Alumni St

Taylor St

PEDESTRIAN TRAFFIC

Rose St

College Ave
College Ave

Hallmark Square
Credit Union



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: July 6, 2020

Subject: Resolution authorizing the execution of contractual documents with the State of South Dakota for the receipt of CARES Act funds to address the COVID-19 public health crisis

Presenter: Mike Carlson

Background: The Coronavirus Aid, Relief, and Economic Security (CARES) Act created a Coronavirus Relief Fund for the purpose of providing financial resources to state and local governments to respond to the COVID-19 public health emergency. South Dakota has received \$1.25 billion from the United States Department of Treasury for expenses related to the Coronavirus. Governor Noem has directed that Coronavirus Relief Funds be made available to cities and counties to support reimbursement of allowable expenditures related to the public health emergency. On June 22, 2020, the Governor created the Local Government COVID Recovery Fund allocating \$200 million to city and county governments from the State of South Dakota's overall federal allocation. Consistent with U.S. Treasury guidance, the \$200 million allocation was divided on a statewide basis into two categories: funds available for all cities (based on the percentage of South Dakota's population living in cities and towns); and funds available for all counties (based on the percentage of South Dakota's remaining population). Cities and counties then received an allocation from their respective category in proportion to their share of the state's overall population.

The City of Vermillion allocation of the Coronavirus Aid Relief and Economic Security (CARES) Act is \$2,470,104 for reimbursement of qualifying expenditures.

Discussion: To participate in the CARES reimbursement program, the State has required that the City Council adopt a resolution authorizing the execution of contractual documents with the State of South Dakota for the receipt of CARES Act funds to address the COVID-19 public health crisis. This resolution along with a reimbursement agreement and a risk assessment questionnaire need to be filed with the South Dakota Bureau of Finance and Management as part of the registration process. Following acceptance of the documents required for the registration process, the city will be provided access to request reimbursements.

Financial Consideration: The State has provided a list of frequently asked questions (FAQ) to address expenses that qualify for reimbursement noting the guidelines at the federal level are evolving and the state will update the FAQ with new information. The information provided that will allow for reimbursement of necessary expenditures incurred due to the public health emergency with respect to COVID-19 incurred between March 1, 2020 until December 30, 2020. The State has contracted with the Planning Districts to assist cities and counties with the Local Government COVID Recovery Fund registration and reimbursement process. SECOG will serve as our point-of-contact regarding the Local Government COVID Recovery Fund. From the FAQ costs qualifying for reimbursement include Police and Emergency Communications wages and benefits as well as other qualified COVID expenditures.

Conclusion/Recommendations: Administration recommends approval of the Resolution authorizing the execution of contractual documents with the State of South Dakota for the receipt of CARES Act funds to address the COVID-19 public health crisis.

**A RESOLUTION AUTHORIZING THE EXECUTION OF
CONTRACTUAL DOCUMENTS WITH THE STATE OF
SOUTH DAKOTA FOR THE RECEIPT OF CARES ACT
FUNDS TO ADDRESS THE
COVID-19 PUBLIC HEALTH CRISIS**

WHEREAS, pursuant to section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020) (the “CARES Act”), the State of South Dakota has received federal funds that may only be used to cover costs that: (a) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); (b) were not accounted for in the budget most recently approved as of March 27, 2020, for the State of South Dakota; and (c) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; and

WHEREAS, the City of Vermillion acknowledges that the State of South Dakota, in its sole discretion, may retain full use of these funds for the purposes delineated in the CARES Act; and

WHEREAS, the City of Vermillion acknowledges that in order to provide financial assistance to counties and municipalities in South Dakota, the State of South Dakota, in its sole discretion, may allocate CARES Act Funds Act on a statewide basis to reimburse counties and municipalities as delineated herein; and

WHEREAS, the City of Vermillion seeks funding to reimburse eligible expenditures incurred due to the public health emergency with respect to COVID-19; and

WHEREAS, the City of Vermillion acknowledges that any request for reimbursement of expenditures will only be for expenditures that were not accounted for in the budget for the City of Vermillion most recently approved as of March 27, 2020; and

WHEREAS, the City of Vermillion acknowledges that it will only seek reimbursement for costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Vermillion that the City Manager of the City of Vermillion may execute any and all documents as required by the State in order to receive CARES Act funds.

BE IT FURTHER RESOLVED that any request for reimbursement will be only for those costs authorized by the State that: (1) Are necessary expenditures incurred due to the public health emergency with respect to COVID-19; (2) Were not accounted for in the City budget most recently approved as of March 27, 2020; and (3) Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

IT IS FURTHER RESOLVED that the City will not request reimbursement from the State under the CARES Act for costs for which the City previously received reimbursement, or for which the City has a reimbursement request pending before another source.

Approved and adopted this 6th day of July, 2020.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
Kelsey Collier-Wise, Mayor
City of Vermillion, South Dakota

ATTEST:

Michael D. Carlson,
Finance Officer
City of Vermillion, South Dakota



Council Agenda Memo

From: John Prescott, City Manager

Meeting: July 6, 2020

Subject: Appointments to fill Planning and Zoning Commission terms

Presenter: Mayor Kelsey Collier-Wise

Background: By State Statute the City Council is charged with appointing members of the Planning and Zoning Commission.

11-4-11. Appointment of planning and zoning commission--Same as city planning and zoning commission. In order to avail itself of the powers conferred by this chapter, the governing body shall appoint a commission to be known as the planning and zoning commission to recommend the boundaries of the zoning districts and appropriate regulations to be enforced therein.

The Planning and Zoning Commission is comprised of nine citizens. The board terms are for five (5) years and expire in June. Five terms expired with the end of June 2020. The openings were advertised on the City's website, at City Council meetings, social media, and through the VCDC's Monday Messenger.

Discussion: Current members Ted Muenster and Mike Manning each indicated that they will not serve another term or have recently resigned. The other current members of the Planning and Zoning Commission and term expiration year are: Matt Fairholm (2022), Kate Fitzgerald (2022), Don Forseth (2020), Keith Gestring (2022), Bob Iverson (2022), Doug Tuve (2020), and Jim Wilson (2020).

Eleven Expression of Interest forms were received and are attached. Five individuals can be appointed to serve a term that expires in June 2025.

Financial Consideration: Each member of the Planning and Zoning Commission is paid \$15 per meeting attended.

Conclusion/Recommendations: Administration recommends consideration of the eleven Expression of Interest forms and appointing five individuals to the Planning and Zoning Commission to fulfill terms that will expire in June 2025.

From: noreply@civicplus.com
To: [Vermillion](#); [John Prescott](#); [James Purdy](#)
Subject: Online Form Submittal: Citizen Board/Commission Expression of Interest Form
Date: Monday, June 15, 2020 2:05:23 PM

Citizen Board/Commission Expression of Interest Form

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

Name	Michele Davidson
Number of years you have lived in/around Vermillion	1.5
Address	[REDACTED]
City	Vermillion
State	SD
Zip Code	57069
Phone Number	[REDACTED]
Email Address	Micheleak79@gmail.com
Occupation	General Manager
Employer	Red Roof Inn
Business Address	[REDACTED]
Prior elected or appointed offices held (if any)	VCDC Board of Directors- current
Present and past community volunteer activities	Polar plunge Special Olympics Ribs Rods and Rock N Roll
Why are you interested in serving on this Board/Commission?	I love the city of Vermillion and want to be a part of its growth and development.
Do you have any	I've run several successful businesses and am great with people and building relationships.

unique skills or experience which would be beneficial to the City to know in selecting someone to serve?

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

Electronic Signature Agreement I agree.

Electronic Signature Michele A Davidson

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From: noreply@civicplus.com
To: [Vermillion](#); [John Prescott](#); [James Purdy](#)
Subject: Online Form Submittal: Citizen Board/Commission Expression of Interest Form
Date: Monday, June 29, 2020 9:48:01 AM

Citizen Board/Commission Expression of Interest Form

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

Planning & Zoning Commission

Name	Donald E. Forseth
Number of years you have lived in/around Vermillion	53
Address	[REDACTED]
City	Vermillion
State	SD
Zip Code	57069
Phone Number	[REDACTED]
Email Address	[REDACTED]
Occupation	Retired Telecommunications Engineer
Employer	State of South Dakota
Business Address	8 N YALE ST
Prior elected or appointed offices held (if any)	Alderman (3 terms), Planning Commissioner, City Manager search Committee, Fire Chief search and interview Committee
Present and past community volunteer activities	Fire Fighter & fire instructor (45 years), Vermillion/Clay County Ambulance Department / EMS Instructor (10 years)
Why are you interested in serving on this Board/Commission?	To continue to help keep Vermillion moving forward in issues of land use and zoning . The Community has made great strides, especially in the last 10 years and we need to make decisions which will further our growth and development.
Do you have any	My service on various boards and agencies has taught me much

unique skills or experience which would be beneficial to the City to know in selecting someone to serve?

about how the city works. My technical/engineering background helps me understand our infrastructure and details of its upkeep and growth.

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

Our modification and renewal our our agreement with Clay County for extra-territorial jurisdiction. I helped create the current agreement but its is obviously time for its update.

Electronic Signature Agreement

I agree.

Electronic Signature

Donald E. Forseth

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From: noreply@civicplus.com
To: [Vermillion](#); [John Prescott](#); [James Purdy](#)
Subject: Online Form Submittal: Citizen Board/Commission Expression of Interest Form
Date: Thursday, June 18, 2020 4:30:37 PM

Citizen Board/Commission Expression of Interest Form

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

Planning & Zoning Commission

Name	Susan Heggestad
Number of years you have lived in/around Vermillion	20+
Address	[REDACTED]
City	Vermillion
State	South Dakota
Zip Code	57069
Phone Number	[REDACTED]
Email Address	[REDACTED]
Occupation	Teaching Artist
Employer	WITCC; Farmers Insurance, Sara Bye Agency
Business Address	5 Market Street, Vermillion
Prior elected or appointed offices held (if any)	Vermillion Area Arts Council, Board Member 2005-06, 2010-11; 2012-14 and 2019-20 (President) Vermillion Cultural Association, Board member 2016-17 (Secretary) South Dakotans for the Arts - Community Action Network, Board member, 2014
Present and past community volunteer activities	Vermillion Area Arts Council (various committees) since 2005; Artblock curriculum developer and instructional volunteer 2008-13; Sanford Arts Vermillion volunteer 2012-14; UCC Prayer Team leader 20
Why are you interested in serving on this	I believe there is a great need for artists and creatives to take initiative in positions of leadership and civic engagement. I also

Board/Commission? believe that Vermillion is the arts & culture capital of our state, and that this should be reflected in the make-up of our city council, commissions, and civic organizations. Artists can speak to issues of equity, sustainability, and human-centered design. They also have strategies for calling attention to what's often invisible to the public; getting them to care in the process.

Do you have any unique skills or experience which would be beneficial to the City to know in selecting someone to serve? In my years living in Vermillion I've had the chance to work with many organizations and entities. I'm keenly interested in bringing various groups together to reduce overlapping efforts, but also, in amplifying things that need the community's attention. I believe my experience as a visual artist, teaching artist, and arts advocate may provide a much needed new perspective to the Planning & Zoning commission.

Are there any particular projects, programs or goals you would like to see achieved while serving on the Board/Commission? I notice there is distinct lack of attention to our status as an arts & culture center in the 2035 Comprehensive Plan. While the arts are not central to all in the community, they certainly play an important role in the character of our community and in what appeals to many who visit and move here. I am very interested in bringing an arts advocate's perspective to future discussions of planning, and especially in advocating for the inclusion of artists/creatives in more city departments and commissions.

Electronic Signature Agreement I agree.

Electronic Signature Susan M Heggstad

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From: noreply@civicplus.com
To: [Vermillion](#); [John Prescott](#); [James Purdy](#)
Subject: Online Form Submittal: Citizen Board/Commission Expression of Interest Form
Date: Monday, June 15, 2020 6:02:28 PM

Citizen Board/Commission Expression of Interest Form

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

Planning & Zoning Commission

Name	Thomas Mrozla
Number of years you have lived in/around Vermillion	2
Address	[REDACTED]
City	Vermillion
State	SD
Zip Code	57069
Phone Number	[REDACTED]
Email Address	[REDACTED]
Occupation	Assistant Professor
Employer	USD
Business Address	<i>Field not completed.</i>
Prior elected or appointed offices held (if any)	N/A
Present and past community volunteer activities	I haven't been involved in the community as often as I would like. I see this as an opportunity to volunteer my time for Vermillion.
Why are you interested in serving on this Board/Commission?	Above all, I want to help Vermillion to grow, improve quality of life, and to listen to community members voice their input and concerns. I am interested in serving on the Planning and Zoning Commission so I can help advance the efforts put forth by many people to make Vermillion a place to work, live, or start a business. Over the past two years my civic pride for Vermillion

has grown to a point where I am invested in the success of the community. I would also like to amplify the voices of disadvantaged groups in Vermillion to help create opportunity for and facilitate discussion on how to improve living conditions. Working closely to preserve the academic and rural character of the city while maintaining inclusivity and safety is important to me as well. There are many opportunities for Vermillion to grow including the amenities to offer to community members. To expand, I think there are opportunities to offer community members access to year-around facilities beyond what is currently available. Lastly, upholding the standards of rental property is important to retain members of the community who might otherwise see Vermillion as a stepping stone. Moreover, I would like to see a reduction in the amount of community members who are taken advantage of by property managers and general contractors. Putting property managers and contractors to the task, can help establish growth and accountability within Vermillion. Vermillion can be a place where individuals and families can form a long term plan and put down roots. I would like to work with the City of Vermillion, the VCDC, and the community to explore these areas.

To accompany these areas, I would like to see Vermillion become more green in the interest of the environment while growing off of the accomplishments already made. Reducing waste and the carbon footprint can increase the quality of life in our community.

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

I have been an assistant professor in the Criminal Justice Studies program at the University of South Dakota. This position, along with being an aware community member of Vermillion, has given me the perspective of the strengths and weaknesses of the community. I have experience in quantitative analysis. which could help build progressive and informative projects.

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

One opportunity of serving on the Planning and Zoning Commission is to achieve a more refined understanding of the needs of of the Vermillion community. With the support of the city, this can be accomplished through a survey and/or focus group of community members. I think it is important to oversample minority citizens whose voices are heard less often. I would like to lead a more inclusive task force of community members to objectively evaluate the needs of Vermillion in terms of growth and retention. In addition, I would like to partner with the education system in Vermillion to create an early childhood education opportunity where families and educational providers in Vermillion could come together to offer bonding opportunities to families in the fall and winter months. While not specific to planning and zoning, I believe this can help accomplish goals set forth by this commission. These goals include strengthened

bonds between family and community, growth, and retention. These are just a couple of ideas to help Vermillion achieve its goals.

Electronic Signature
Agreement

I agree.

Electronic Signature

Thomas J. Mrozla

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From: noreply@civicplus.com
To: [Vermillion](#); [John Prescott](#); [James Purdy](#)
Subject: Online Form Submittal: Citizen Board/Commission Expression of Interest Form
Date: Thursday, June 25, 2020 4:14:20 PM

Citizen Board/Commission Expression of Interest Form

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

Planning & Zoning Commission

Name	Anthony Nelson
Number of years you have lived in/around Vermillion	46
Address	[REDACTED]
City	Vermillion
State	SD
Zip Code	57069
Phone Number	[REDACTED]
Email Address	[REDACTED]
Occupation	Retired
Employer	NA
Business Address	<i>Field not completed.</i>
Prior elected or appointed offices held (if any)	<i>Field not completed.</i>
Present and past community volunteer activities	Chamber Retail committee 1970's, American Lutheran Church Church and society committee 1980-1984, Lutherans Outdoor Board of Directors 1988-1994. BSA 1994-Present (Assistant SM, SM {Wood Badge Trained 1998}, Committee Advancement, District Commissioner, Unit Commissioner (Awarded the Silver Beaver Award). Many request for other service but chose to limit myself to one or two at a time.
Why are you interested in serving on this	Having lived in my current home with a rental in the basement for 40 years I have seen many new city zoning changes and have

Board/Commission? questioned the depth of regulation/rules we live by in Vermillion compared to other SD Towns. I have also had to travel to Yankton for employment for the better part of my career due to lack of the kind of jobs I was qualified for. I was employed in a small manufacturing shop in Vermillion from 1984-1992 and we all felt like second class citizens when it came to the type of work we did. We need more industries like Masaba for example. We also need to be more accommodating to the local Ag industry. I want to give voice to some of those issues.

Do you have any unique skills or experience which would be beneficial to the City to know in selecting someone to serve? I was employed as a Manufacturing Engineer for 26 years. I have been trained in the role of a board and what it means to be one cell of the corporate mind (board). I updated the constitution to our church after it merged. I authored the SPCP (Spill Prevention and Countermeasure Plan) for the Gehl Co in 1994. Also was a manager/director for the Hazmat reporting for Gehl. I also know how to read mechanical and architectural prints.

Are there any particular projects, programs or goals you would like to see achieved while serving on the Board/Commission? What ever I can do working with the City, VCDC to expand manufacturing and industrial jobs to expand the work force opportunities.

Electronic Signature Agreement I agree.

Electronic Signature Anthony A Nelson

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From: noreply@civicplus.com
To: [Vermillion](#); [John Prescott](#); [James Purdy](#)
Subject: Online Form Submittal: Citizen Board/Commission Expression of Interest Form
Date: Tuesday, June 30, 2020 12:32:27 AM

Citizen Board/Commission Expression of Interest Form

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

Planning & Zoning Commission

Name	Andrew Paulsen
Number of years you have lived in/around Vermillion	2
Address	[REDACTED]
City	VERMILLION
State	sd
Zip Code	57069
Phone Number	[REDACTED]
Email Address	[REDACTED]
Occupation	Police Sergeant
Employer	University of South Dakota
Business Address	414 E. Clark Street, Davidson Building, Vermillion, SD 57069
Prior elected or appointed offices held (if any)	None
Present and past community volunteer activities	None in Vermillion - active volunteer with the American Red Cross
Why are you interested in serving on this Board/Commission?	I have worked in Vermillion since 2003. I have worked that entire time as an employee at USD. I think of Vermillion as my home and my wife and I moved here in 2018 from Centerville. I have always been interested in local government and sought to participate in it as I can. I was able to obtain a Masters in Public Administration in 2014 from the University of South Dakota.

While that degree covers many aspects, it is focus on the administrative side of government. I thoroughly enjoy working through the administrative process and this board is an area which will help guide the future of Vermillion. I want to be involved and help my community be joining this board.

I believe the community geographically centrally located; partially between Sioux City and Sioux Falls, with a further draw towards Yankton. The needs and goals of the community is where this board will be asked to explore, both administration and in an advisory capacity. Having been involved in law enforcement in this community for 13 years, I have seen how growth and change can affect a community. I would be honored to be able to provide that perspective to the board as Vermillion continues to move forward.

Local government is the most important aspect of a citizen's day to day life. I want to assist in ensuring that Vermillion has an engaged and involved advisory board looking to provide that assistance.

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

As previously mentioned, I have an MPA. I also have had the privilege of serving my country for the past 17 years as a member of the US Army Reserves. I have had a variety of tasks and jobs during four overseas deployments. During one of those deployments my primary task was administering a contract for the US government. The contract was a service contract providing for the needs of the military resources in the theater I was assigned to. I had a responsibility to ensure the contract was meeting the needs of the military while working actively to save the taxpayer when possible. It was a challenge, but thoroughly enjoyable. I had to be diligent, forward thinking, and observant of a variety of issues. Considering second, third, and fourth order effects of a plan or process was key. I was commended for my performance in managing that contract during that tour of duty overseas. I hope to find a way to assist my community in a similar fashion.

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

If I were selected to be on this board, I would like to see what growth can be brought to the community. Currently Vermillion is considered one of the lowest income cities in the states based on residents per capita income. How can the city encourage growth which will lift up the citizenry without losing its small town appeal? Can it? Looking at other communities in the state and seeing how they have grown and risen to the challenge would be an area to start. How can the city assist in making sure the growth is realistic, beneficial for the whole community, and embrace the future is the area I would like to look into. Secondly, how does the city keep its current largest employer - the University - engaged in this growth, which if done intelligently - results in a mutual benefit for both parties? Can it be done? If

so, should it be done? Those are the areas I would be interested in exploring if selected for this board.

Electronic Signature
Agreement

I agree.

Electronic Signature

Andrew J. Paulsen

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

From: noreply@civicplus.com
To: [Vermillion](#); [John Prescott](#); [James Purdy](#)
Subject: Online Form Submittal: Citizen Board/Commission Expression of Interest Form
Date: Thursday, June 18, 2020 5:00:22 PM

Citizen Board/Commission Expression of Interest Form

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

Name	Douglas Tuve
Number of years you have lived in/around Vermillion	15
Address	[REDACTED]
City	Vermillion
State	SD
Zip Code	57069
Phone Number	[REDACTED]
Email Address	[REDACTED]
Occupation	Retired
Employer	<i>Field not completed.</i>
Business Address	<i>Field not completed.</i>
Prior elected or appointed offices held (if any)	Planning and Zoning Commission
Present and past community volunteer activities	Rotary board, Planning and Zoning, Mason Board, USD Trustee, Meals on wheels, Church trustee, Church deacon
Why are you interested in serving on this Board/Commission?	It is important that our city grow in a way that meets the needs and aspirations of our citizens and maximizes our resources.
Do you have any	Previous service on Planning and Zoning Commission, previous construction experience.

unique skills or experience which would be beneficial to the City to know in selecting someone to serve?

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

Continuing updating of city planning to meet the needs of our citizens and future generations.

Electronic Signature Agreement

I agree.

Electronic Signature

Douglas E Tuve

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

From: noreply@civicplus.com
To: [Vermillion](#); [John Prescott](#); [James Purdy](#)
Subject: Online Form Submittal: Citizen Board/Commission Expression of Interest Form
Date: Tuesday, June 2, 2020 12:26:19 PM

Citizen Board/Commission Expression of Interest Form

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

Planning & Zoning Commission

Name	Matthew Wilmes
Number of years you have lived in/around Vermillion	5
Address	[REDACTED]
City	Vermillion
State	SD
Zip Code	57069
Phone Number	[REDACTED]
Email Address	[REDACTED]
Occupation	Operations Manager
Employer	Americold Logistics
Business Address	2900 Murray St Sioux City Ia, 51111
Prior elected or appointed offices held (if any)	President of the Clay County EMT Association (appointed)-current-2021
Present and past community volunteer activities	Volunteer Firefighter and On-Call EMT
Why are you interested in serving on this Board/Commission?	I have extensive business experience management, start up, and code enforcement of design including reading drafting and AutoCAD experience.
Do you have any	Currently, managing one of the largest repack protein operations with a 7 figure revenue budget monthly. I've been in a leadership

unique skills or experience which would be beneficial to the City to know in selecting someone to serve?

role almost everywhere I've gone. I'm a big believer in progressive leadership and being proactive rather than reactive to help companies grow and achieve revenue growth.

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

In particular for the planning and zoning commission I'd like to see the board have a more welcoming presence to a higher diversity of businesses. This would have to be in coordination with the council and VCDC and most certainly not an overnight fix. I think a lot of the mindset around Vermillion with USD is once they graduate the students move away and that's just the way it's always been. While I won't create some make believe fairy tale that creates a situation where most would stay. I do think there is vast amounts of growth in the job sector, that would lead to a larger amount of students staying and planting roots in Vermillion. The best way and I think the easiest way as well, to grow and expand Vermillion so that we can offer a higher quality of life and life experiences is by starting to retain talent. That talent needs places to work and grow personally. Therefore, in closing, I would like to see the commission work with other entities to help bridge this gap and grown Vermillion.

Electronic Signature Agreement

I agree.

Electronic Signature

Matthew J Wilmes

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

From: noreply@civicplus.com
To: [Vermillion](#); [John Prescott](#); [James Purdy](#)
Subject: Online Form Submittal: Citizen Board/Commission Expression of Interest Form
Date: Wednesday, April 8, 2020 1:07:04 PM

Citizen Board/Commission Expression of Interest Form

Board/Commission on which you are interested in serving: Planning and Zoning Commission

Name Jim Wilson

Number of years you have lived in/around Vermillion 40

Address

City Vermillion

State SD

Zip Code 57069

Phone Number

Email Address

Occupation Retired

Employer *Field not completed.*

Business Address *Field not completed.*

Prior elected or appointed offices held (if any) Vermillion Planning and Zoning Commission
Vermillion Historic Preservation Commission
Clay County Historic Preservation Commission

Present and past community volunteer activities Vermillion Cultural Association, Board Member
Vermillion Area Arts Council, Past President
Chamber of Commerce

Why are you interested in serving on this Board/Commission? Have enjoyed serving on the Commission and believe that planning for the future of Vermillion is essential to having a livable community.

Do you have any unique skills or Familiarity with the planning processing Vermillion and a huge number of communities based on my experience as the state historic architect.

experience which would be beneficial to the City to know in selecting someone to serve?

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

Continued maintenance of the Comprehensive Plan. Increase public awareness of what we do.

Electronic Signature Agreement

I agree.

Electronic Signature

James P. Wilson

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

From: noreply@civicplus.com
To: [Vermillion](#); [John Prescott](#); [James Purdy](#)
Subject: Online Form Submittal: Citizen Board/Commission Expression of Interest Form
Date: Thursday, June 25, 2020 4:49:47 PM

Citizen Board/Commission Expression of Interest Form

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

Name	Marc Guilford
Number of years you have lived in/around Vermillion	5
Address	[REDACTED]
City	Vermillion
State	SD
Zip Code	57069
Phone Number	[REDACTED]
Email Address	[REDACTED]
Occupation	Attorney
Employer	Tennessee Department of Health
Business Address	665 Mainstream Drive, 2nd floor, Nashville TN 37243
Prior elected or appointed offices held (if any)	None.
Present and past community volunteer activities	None recently.
Why are you interested in serving on this Board/Commission?	I am looking to get more involved in the community.
Do you have any	My legal education and experience could be of some small benefit, but I do not have experience in municipal or zoning law.

unique skills or experience which would be beneficial to the City to know in selecting someone to serve?

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

Nothing specific - just to help Vermillion continue growing & being a great place to live and work.

Electronic Signature Agreement

Field not completed.

Electronic Signature

Marc R Guilford

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

From: noreply@civicplus.com
To: [Vermillion](#); [John Prescott](#); [James Purdy](#)
Subject: Online Form Submittal: Citizen Board/Commission Expression of Interest Form
Date: Wednesday, July 1, 2020 8:01:37 AM

Citizen Board/Commission Expression of Interest Form

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

Name	Keith Mockler
Number of years you have lived in/around Vermillion	31
Address	[REDACTED]
City	Vermillion
State	SD
Zip Code	57069
Phone Number	[REDACTED]
Email Address	[REDACTED]
Occupation	Sales Manager/ Agronomist
Employer	Bayer Crop Science
Business Address	[REDACTED] Vermillion,SD 57069
Prior elected or appointed offices held (if any)	St Thomas School Board , Madison,SD
Present and past community volunteer activities	Cemetery Board, South Dakota Corn Growers industry rep , Vermillion Booster Club,
Why are you interested in serving on this Board/Commission?	The future of Vermillion is very important to me and feel I can bring expertise in business development and future expansion to Vermillion with business and community friendly planning and zoning.
Do you have any	I have managed multi million dollar budgets and construction

unique skills or experience which would be beneficial to the City to know in selecting someone to serve?

projects thru my employment with Bayer Crop Science and have been thru the zoning process in Vermillion as well as the county with the farm i operate with my wife and brother.

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

I would like to work with the future expatiation plans for Vermillion and work on the Joint Jurisdiction plans with The County and Vermillion

Electronic Signature Agreement

I agree.

Electronic Signature

Keith B Mockler

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



Council Agenda Memo

From: James Purdy, Assistant City Manager
Meeting: July 6, 2020
Subject: Resolution adjusting fines for City Code violations
Presenter: John Prescott

Background: The State of South Dakota raised court system costs for municipal offenses from \$62.50 to \$72.50 effective July 1, 2020. The City Attorney and staff learned of the increase in late June. The City establishes a fine schedule for city ordinance violations. The Vermillion Code of Ordinances Section 10.99 “General Penalty” is:

Municipalities are authorized to provide for the punishment of each violation of an ordinance, resolution, or regulation with a fine in an amount set by resolution and not to exceed the maximum amount allowed by state law or by imprisonment not exceeding 30 days or by both the fine and imprisonment.

Statutory reference: *Maximum penalty, see SDCL § 9-19-3 and 22-6-2(2)*

The current maximum penalty is \$500. The court system costs are deducted from the fine established by the City.

Discussion: Most City violations are written for alcohol and drug offenses, animal offenses, and vehicle offenses. In some instances, there are similar state offenses that an individual or business can be cited for instead of the City violation. The City does not set the fine for state offenses.

A proposed fine schedule is attached. Staff is proposing to increase the overall fine by \$10, to account for the increase in court system costs. This will maintain the same level of revenue to the City for city code violations.

Financial Consideration: Revenue from fines are placed in the General Fund.

Conclusion/Recommendations: Administration recommends adoption of the Resolution establishing a new City fine schedule to account for the increase in court system costs.

**RESOLUTION OF CITY OF VERMILLION
CITY FINE SCHEDULE**

WHEREAS, the City of Vermillion is authorized, under Section 10.99 of the City of Vermillion Code of Ordinances, to set fines for City offenses by resolution; and

WHEREAS, the State of South Dakota has raised court system costs for municipal offenses from \$62.50 to \$72.50 effective July 1, 2020; and

WHEREAS, court costs are deducted from the fine established by the City; and

WHEREAS, increasing the fine established by the City by ten dollars (\$10) will be revenue neutral for the City but account for the increased court system costs charged by the State of South Dakota as of July 1, 2020; and

WHEREAS, the City wishes to update the fine schedule in accordance with the State court cost, as necessary.

NOW, THEREFORE, BE IT RESOLVED, the Governing Body of the City of Vermillion hereby adopts the mentioned fine schedule attached hereto and incorporated by reference herein.

Dated at Vermillion, South Dakota this 6th day of July, 2020.

THE GOVERNING BODY OF THE
CITY OF VERMILLION, SOUTH DAKOTA

Kelsey Collier-Wise, Mayor

ATTEST:

Michael Carlson, Finance Officer

Adopted: July 6, 2020

Published: July 17, 2020

Effective Date: August 6, 2020



Council Agenda Memo

From: John Prescott City Manager

Meeting: July 6, 2020

Subject: Street closure request of Kidder Street from the alley between Court Street and Market Street west to Austin Street, and Market Street from the middle of the first block south of Main Street south to Bloomingdale Street and closure of the City Parking at the southwest corner of Market Street and Kidder Street from September 11, 2020 at 6:00 am until September 12, 2020 at 6:00 pm for the BBQ competition typically associated with Ribs, Rods, & Rock 'n Roll

Presenter: John Prescott

Background: The Ribs, Rods, & Rock 'n Roll organization is requesting a temporary street closure beginning on Friday, September 11, 2020 at 6:00 am until Saturday, September 12 at 6:00 pm for the BBQ competition typically associated with Ribs, Rods, & Rock 'n Roll. Due to the COVID-19 pandemic, there are currently no plans for the traditional Ribs, Rods, & Rock 'n Roll Event that the community enjoys each year. The organization would still like to host the BBQ competition typically associated with the event with some proposed changes. The biggest change is that the area will be closed to the public. Staff's understanding is that the judging will take place inside of Old Lumber Company in another area also closed to the public. There will be no people's choice award. The event will consist of organization's staff and volunteers, approximately 30 judges, and up to 30 teams consisting of 2-4 people. In visiting with an event organizer, it was learned that having the barbeque event this year on this weekend, will help Vermillion maintain this weekend in future years when Ribs, Rods, and Rock 'N Roll will hopefully again be able to have public participation. Staying in the barbeque competition rotation is important to the future success of the event.

Discussion: The closures are being requested so that the teams can cook inside and around their vehicles and not worry about traffic. Volunteers will clean up trash, and the organizers will visit affected businesses and put up flyers. A representative from the organization was asked to be present in order to answer any questions.

The street closing request and a map of the requested street closings are both attached. At this time, the organization is not requesting the noise permit and special daily malt beverage and wine license typically considered in concert with the Ribs, Rods, and Rock 'n Roll event. The Police, Fire, and EMS Departments have been notified of the closure

request and have found no safety concerns.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends that the City Council thoughtfully review information related to this closure and make a determination.



CLOSED SEPT. 11 AT 6:00 A.M. TO SEPT 12 AT 6:00 P.M.

STREET CLOSURE PLAN

RIBS, RODS AND ROCK & ROLL	1.0
CITY OF VERMILLION, SD 57069	SCALE: NTS JULY 2020



From: noreply@civicplus.com
To: [Marty Washington](#); [John Prescott](#); [James Purdy](#)
Subject: Online Form Submittal: Street Closure Request Form
Date: Monday, June 29, 2020 2:12:06 PM

Street Closure Request Form

INSTRUCTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I have read and understand these instructions

I agree.

Electronic Signature Jennifer French

(Section Break)

APPLICATION

Organization Requesting Jennifer French

Name of Event & Brief Description of Event KCBS BBQ competition for Ribs, Rods & Rock 'n Roll

Expected Participants 200

Name of Primary Contact Person Jennifer French

Primary Contact Phone Number + 24 Hour Access Phone Number

[REDACTED]

Name of Secondary Contact Person Chad Smidt

Secondary Contact Phone Number + 24 Hour Access Phone Number

[REDACTED]

Date(s) of Closure Requested Friday Sept 11 - Saturday Sept 12

Street Closures Times Friday Sept 11 6am - Saturday 6pm

Street(s) Requested to be Closed Kidder and Market St and city parking

Optional File Upload *Field not completed.*

Please detail how you have notified or plan to notify those affected by your Street Closure Request: We walk around and leave flyers

Please detail your plans for cleaning up after your event: We have volunteers lined up for garbage clean up

(Section Break)

Release, Hold Harmless and Indemnification Agreement

City of Vermillion, South Dakota
I,

Name of Event Organizer Ribs, Rods & Rock 'n Roll

Dated This 6/29/2020 1:45 PM

First Name Jennifer

Last Name French

Electronic Signature Agreement I agree.

Electronic Signature Jennifer French

(Section Break)

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

Please enter your email 



Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: July 6, 2020

Subject: Consultant Agreement with Banner Associates, Inc. for the Final Design of the Brooks Industrial Park Regional Pond

Presenter: Jose Dominguez

Background: In 2015 the City entered into agreements with two different consultants to complete final drainage reports on two different locations. The plan was to eventually construct two separate regional detention ponds to facilitate development. The locations chosen were Erickson Addition (area between Carr Street and Princeton Street north of Bower Street), and Brooks Industrial Park (area between North Plum Street and Commerce Street north of East Duke Street). The regional pond at Erickson Addition was constructed in 2017 and is being used by O'Reilly, Casey's, the VCDC, and soon Running's.

The report for Brooks Industrial Park was completed but design of the improvements was not since there were no anticipated developments needing the infrastructure improvements.

Discussion: Over the years the VCDC has received several inquiries about developing the land within Brooks Industrial Park. Recently the VCDC and the City have been approached by a local developer with the intent to construct a street and a couple of structures for businesses. The City and the VCDC are still working with the developer on the details, but the developer would like to start construction on the buildings and street later this year. The City Council will be asked at a future meeting to consider a developer's agreement for infrastructure in the area.

Regarding drainage, the lack of drainage improvements can hinder possible development. Constructing a regional detention pond ahead of development makes the land more marketable for development, and it ensures that drainage requirements are met for a large area of the community.

Through the agreement being considered, Banner Associates, Inc. (Banner) will be required to complete a topographical survey of the area, design the pond, and determine if any wetlands need to be mitigated. In order to not hinder the developer's project, the topographical survey has been completed by Banner. The City will have to pay for this

expense whether the agreement is signed or not. This data can be used by the City in the future on the design of the regional pond, street design in the area (Jefferson Street and the unnamed east/west street), and the design of the utilities to service this area.

Staff plans to have Banner complete the final design of the regional detention pond in December 2020. Due to other large City projects that will be utilizing the same source of funds (SD Hwy. 50 Drainage Improvements, and the drainage portion of the Downtown Streetscape project), Staff is proposing that the pond project be let out for construction at the beginning of 2022.

Financial Consideration: The agreement with Banner will be an hourly, not to exceed, contract for \$58,000. The project would be paid out of the Stormwater Collection System Maintenance Fund. The budget will be revised during the 2020 budget review to include the \$58,000 agreement cost. At this point the City will have to pay \$8,000 for the topographical survey that has been completed.

Conclusion/Recommendations: Administration recommends that the City Council allow the City Manager to sign the agreement with Banner Associates Inc. for the work needed to complete the final design of the Brooks Industrial Park Regional Pond. The agreement is for \$58,000.

SHORT FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES

THIS IS AN AGREEMENT effective as of June 17, 2020 (“Effective Date”) between the City of Vermillion (“Owner”) and Banner Associates, Inc. (“Engineer”).

Owner’s Project, of which Engineer’s services under this Agreement are a part, is generally identified as follows: Brooks Industrial Park Regional Detention Pond (“Project”).

Engineer’s services under this Agreement are generally identified as follows:

- See Appendix A – Scope of Services

Owner and Engineer further agree as follows:

1.01 Basic Agreement and Period of Service

- A. Engineer shall provide or furnish the Services set forth in this Agreement. If authorized by Owner, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth above (“Additional Services”).
- B. Engineer shall complete its Services within the following specific time period:
 - 1. Complete final design and permitting by December 31, 2020.
 - 2. Complete environmental permitting prior to construction commencement in 2022.
- C. If no specific time period is indicated, Engineer shall complete its Services within a reasonable period of time.
- D. If, through no fault of Engineer, such periods of time or dates are changed, or the orderly and continuous progress of Engineer’s Services is impaired, or Engineer’s Services are delayed or suspended, then the time for completion of Engineer’s Services, and the rates and amounts of Engineer’s compensation, shall be adjusted equitably.

2.01 Payment Procedures

- A. *Invoices:* Engineer shall prepare invoices in accordance with its standard invoicing practices and submit the invoices to Owner on a monthly basis. Invoices are due and payable within 30 days of receipt. If Owner fails to make any payment due Engineer for Services, Additional Services, and expenses ~~within 30 days after receipt of Engineer’s invoice, then (1) the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day, and (2) in addition~~ Engineer may, after giving seven days written notice to Owner, suspend Services under this Agreement until Engineer has been paid in full all amounts due for Services, Additional Services, expenses, and other related charges. Owner waives any and all claims against Engineer for any such suspension.

- B. *Payment:* As compensation for Engineer providing or furnishing Services and Additional Services, Owner shall pay Engineer as set forth in Paragraphs 2.01, 2.02 (Services), and 2.03 (Additional Services). If Owner disputes an invoice, either as to amount or entitlement, then Owner shall promptly advise Engineer in writing of the specific basis for doing so, may withhold only that portion so disputed, and must pay the undisputed portion.

2.02 *Basis of Payment—Hourly Rates Plus Reimbursable Expenses*

- A. Owner shall pay Engineer for Services as follows:
1. An amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class, plus reimbursement of expenses incurred in connection with providing the Services and Engineer's consultants' charges, if any.
 2. Engineer's Standard Hourly Rates are attached as Appendix C.
 3. The total compensation for Services and reimbursable expenses shall not exceed \$58,000 plus applicable taxes.

2.03 *Additional Services:* For Additional Services, Owner shall pay Engineer an amount equal to the cumulative hours charged in providing the Additional Services by each class of Engineer's employees, times standard hourly rates for each applicable billing class; plus reimbursement of expenses incurred in connection with providing the Additional Services and Engineer's consultants' charges, if any. Engineer's standard hourly rates are attached as Appendix C.

3.01 *Termination*

- A. The obligation to continue performance under this Agreement may be terminated:
1. For cause,
 - a. By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement's terms through no fault of the terminating party. Failure to pay Engineer for its services is a substantial failure to perform and a basis for termination.
 - b. By Engineer:
 - 1) upon seven days written notice if Owner demands that Engineer furnish or perform services contrary to Engineer's responsibilities as a licensed professional; or
 - 2) upon seven days written notice if the Engineer's Services are delayed for more than 90 days for reasons beyond Engineer's control, or as the result of the presence at the Site of undisclosed Constituents of Concern, as set forth in Paragraph 5.01.I.
 - c. Engineer shall have no liability to Owner on account of a termination for cause by Engineer.

- d. Notwithstanding the foregoing, this Agreement will not terminate as a result of a substantial failure under Paragraph 3.01.A.1.a if the party receiving such notice begins, within seven days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.

2. For convenience, by Owner effective upon Engineer's receipt of written notice from Owner.

- B. In the event of any termination under Paragraph 3.01, Engineer will be entitled to invoice Owner and to receive full payment for all Services and Additional Services performed or furnished in accordance with this Agreement, plus reimbursement of expenses incurred through the effective date of termination in connection with providing the Services and Additional Services, and Engineer's consultants' charges, if any.

4.01 *Successors, Assigns, and Beneficiaries*

- A. Owner and Engineer are hereby bound and the successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by Paragraph 4.01.B the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.
- B. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, money that is due or may become due) in this Agreement without the written consent of the other party, except to the extent that any assignment, subletting, or transfer is mandated by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.
- C. Unless expressly provided otherwise, nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Owner or Engineer to any Constructor, other third-party individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Owner and Engineer and not for the benefit of any other party.

5.01 *General Considerations*

- A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with any services performed or furnished by Engineer. Subject to the foregoing standard of care, Engineer and its consultants may use or rely upon design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers, and the publishers of technical standards.

- B. Engineer shall not at any time supervise, direct, control, or have authority over any Constructor's work, nor shall Engineer have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any Constructor, or the safety precautions and programs incident thereto, for security or safety at the Project site, nor for any failure of a Constructor to comply with laws and regulations applicable to such Constructor's furnishing and performing of its work. Engineer shall not be responsible for the acts or omissions of any Constructor.
- C. Engineer neither guarantees the performance of any Constructor nor assumes responsibility for any Constructor's failure to furnish and perform its work.
- D. Engineer's opinions (if any) of probable construction cost are to be made on the basis of Engineer's experience, qualifications, and general familiarity with the construction industry. However, because Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market conditions, Engineer cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from opinions of probable construction cost prepared by Engineer. If Owner requires greater assurance as to probable construction cost, then Owner agrees to obtain an independent cost estimate.
- E. Engineer shall not be responsible for any decision made regarding the construction contract requirements, or any application, interpretation, clarification, or modification of the construction contract documents other than those made by Engineer or its consultants.
- F. All documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed. Owner shall have a limited license to use the documents on the Project, extensions of the Project, and for related uses of the Owner, subject to receipt by Engineer of full payment due and owing for all Services and Additional Services relating to preparation of the documents and subject to the following limitations:
 - 1. Owner acknowledges that such documents are not intended or represented to be suitable for use on the Project unless completed by Engineer, or for use or reuse by Owner or others on extensions of the Project, on any other project, or for any other use or purpose, without written verification or adaptation by Engineer;
 - 2. Any such use or reuse, or any modification of the documents, without written verification, completion, or adaptation by Engineer, as appropriate for the specific purpose intended, will be at Owner's sole risk and without liability or legal exposure to Engineer or to its officers, directors, members, partners, agents, employees, and consultants;
 - ~~3. Owner shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and consultants from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from any use, reuse, or modification of the documents without written verification, completion, or adaptation by Engineer; and~~
 - 4. Such limited license to Owner shall not create any rights in third parties.

- G. Owner and Engineer may transmit, and shall accept, Project-related correspondence, documents, text, data, drawings, information, and graphics, in electronic media or digital format, either directly, or through access to a secure Project website, in accordance with a mutually agreeable protocol.
- H. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, members, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to this Agreement or the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$1,000,000 or the total amount of compensation received by Engineer, whichever is greater.
- I. The parties acknowledge that Engineer's Services do not include any services related to unknown or undisclosed Constituents of Concern. If Engineer or any other party encounters, uncovers, or reveals an unknown or undisclosed Constituent of Concern, then Engineer may, at its option and without liability for consequential or any other damages, suspend performance of Services on the portion of the Project affected thereby until such portion of the Project is no longer affected, or terminate this Agreement for cause if it is not practical to continue providing Services.
- J. Owner and Engineer agree to negotiate each dispute between them in good faith during the 30 days after notice of dispute. If negotiations are unsuccessful in resolving the dispute, then the dispute shall be mediated. If mediation is unsuccessful, then the parties may exercise their rights at law.
- K. This Agreement is to be governed by the law of the state in which the Project is located.
- L. Engineer's Services and Additional Services do not include: (1) serving as a "municipal advisor" for purposes of the registration requirements of Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (2010) or the municipal advisor registration rules issued by the Securities and Exchange Commission; (2) advising Owner, or any municipal entity or other person or entity, regarding municipal financial products or the issuance of municipal securities, including advice with respect to the structure, timing, terms, or other similar matters concerning such products or issuances; (3) providing surety bonding or insurance-related advice, recommendations, counseling, or research, or enforcement of construction insurance or surety bonding requirements; or (4) providing legal advice or representation.

6.01 *Total Agreement*

- A. This Agreement (including any expressly incorporated attachments), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

7.01 *Definitions*

- A. *Constructor*—Any person or entity (not including the Engineer, its employees, agents, representatives, and consultants), performing or supporting construction activities relating to the Project, including but not limited to contractors, subcontractors, suppliers, Owner's work forces, utility companies, construction managers, testing firms, shippers, and truckers, and the employees, agents, and representatives of any or all of them.

- B. *Constituent of Concern*—Asbestos, petroleum, radioactive material, polychlorinated biphenyls (PCBs), hazardous waste, and any substance, product, waste, or other material of any nature whatsoever that is or becomes listed, regulated, or addressed pursuant to (a) the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§9601 et seq. (“CERCLA”); (b) the Hazardous Materials Transportation Act, 49 U.S.C. §§5101 et seq.; (c) the Resource Conservation and Recovery Act, 42 U.S.C. §§6901 et seq. (“RCRA”); (d) the Toxic Substances Control Act, 15 U.S.C. §§2601 et seq.; (e) the Clean Water Act, 33 U.S.C. §§1251 et seq.; (f) the Clean Air Act, 42 U.S.C. §§7401 et seq.; or (g) any other federal, State, or local statute, law, rule, regulation, ordinance, resolution, code, order, or decree regulating, relating to, or imposing liability or standards of conduct concerning, any hazardous, toxic, or dangerous waste, substance, or material.

8.01 *Attachments*: Appendix A: Scope of Services

Appendix B: Project Map

Appendix C: Engineer’s Standard Hourly Rates

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

Owner: City of Vermillion, SD

Engineer: Banner Associates, Inc.

By: _____

By: Pat Carey, PE

Print name: John Prescott

Print name: Pat Carey, PE

Title: City Administrator

Title: Sr. Vice President

Date Signed: _____

Date Signed: June 17, 2020

Engineer License or Firm's Certificate No. (if required):

C-136

State of: South Dakota

Address for Owner's receipt of notices:

Address for Engineer's receipt of notices:

25 Center Street
Vermillion, SD 57069

409 22nd Avenue South
Brookings, SD 57006

Appendix A – Scope of Services

Banner proposed the following scope for the project.

Land Surveying

- Complete a topographic survey of the project area as shown in the project area figure.
- Complete South Dakota One Call.
- Prepare drop inlet and manhole sheets identifying pipe sizes, flowlines, and depths.
- Complete a boundary/legal survey of the area as shown in the project area figure.

Estimated Fee = \$ 8,000

Drainage Study Amendment

Banner is in receipt of the drainage study prepared by SEH. We understand the City would like to pursue an alternative where only one regional detention pond exists, and it will be in the location of the jurisdictional wetland. Banner will review the report and update the watershed model via XPSWMM software. Banner will amend the report with an alternative to construct 1 pond if feasible. Assumptions include:

- Detention requirements for this area require the capture of the 100-year event and allows a release at the 5-year developed flow as per the 2013 City of Vermillion Master Drainage Plan.
- No negative impacts to existing Highway 50 drainage ditch.
- Evaluate options that do not disturb Wetland in Lot 1.
- Allow for grading for a future bike trail into or around the detention area.
- Minimize the use of future developable property where the detention pond is sited.

Estimated Fee = \$ 15,800

Wetland Delineation/Mitigation/Permitting

Banner will conduct a preapplication coordination meeting with USACE by conference call to confirm any requirements for the application. A Section 404 permit application will be completed for the proposed activities. Wetland 1 is a jurisdictional wetland and the proposed detention basin will have permanent impacts to this aquatic feature. The areas that will be permanently converted from a wetland due to fill or other activities will be calculated. If the acreage is above 0.1 acre, then mitigation will be required. Mitigation credits required is calculated utilizing a Hydrogeomorphic (HGM) Approach. HGM would be required and mitigation credits would need to be purchased from a mitigation bank.

Banner assumes Nationwide 43- Stormwater Management Facilities- applies to this project and an individual permit is not required. Banner assumes areas of impact will be less than 0.1 acre. If during coordination with USACE the impacts are above 0.1 acre, Banner will be able to complete HGM and coordinate the purchase of mitigation credits from a bank.

Estimated Fee = \$ 7,200

Design Engineering

Banner will prepare a set of construction plans that the City will use for bidding and construction of the project. Banner assumes one pond will be constructed and plans will be assembled for that pond and control structure. Banner understands the City would like to prepare the construction plans by the end of 2020 so the project can be placed on the shelf for bidding in the late 2021 and construction in 2022. The final construction documents will include:

- Title sheet/Construction Notes/Construction Details/Typical Sections/Vermillion standard plates (where applicable)
- Removal Plan
- Erosion Control Plan/SWPPP
- Site Layout Plan
- Storm Sewer Plan
- Grading Plan
- Technical Specifications.

Banner assumes the City will prepare the final project manual including the front-end documents. Technical specifications will be in MasterSpec format. Banner assumes meetings at kick-off, 30% and 90% via zoom. Banner will prepare an engineer's estimate prior to bidding.

Estimated Fee = \$ 27,000

Exclusions include:

- Survey of FFE or LAG elevations of the buildings/structures within the project area figure
- Geotechnical investigation
- Utility or environmental permitting other than that listed above
- DENR permitting
- Impacts to downstream storm sewers
- Storm sewer system design for Brooks Industrial Park
- Bidding, Construction Administration and Construction Staking
- Individual lot grading and building pad elevation recommendations
- Hazardous Materials
- Landscaping and Irrigation plans
- Platting

APPENDIX B Project Limits

Legend



PROJECT AREA

FUTURE JEFFERSON STREET

FUTURE UNNAMED STREET

1000 ft



Google Earth

© 2020 Google

This is **Appendix C, Engineer's Standard Hourly Rates**, referred to in and part of the Short Form of Agreement between Owner and Engineer for Professional Services dated June 17, 2020.

Engineer's Standard Hourly Rates

A. Standard Hourly Rates:

1. Standard Hourly Rates are set forth in this Appendix C and include salaries and wages paid to personnel in each billing class plus the cost of customary and statutory benefits, general and administrative overhead, non-project operating costs, and operating margin or profit.
2. The Standard Hourly Rates apply only as specified in Paragraphs 2.01, 2.02, and 2.03 are subject to annual review and adjustment.

B. Schedule of Hourly Rates:

Schedule of Labor Rates and Expenses
Banner Associates, Inc.
January 2020



Banner Associates, Inc.
 409 22nd Ave So, Box 298
 Brookings, SD 57006
 Tel 605.692.6342
 Toll Free 855.323.6342
www.bannerassociates.com

SCHEDULE OF LABOR RATES AND EXPENSES

January, 2020

Administrative	\$55.00 to \$145.00/Hour
Surveying/Geomatics	\$75.00 to \$130.00/Hour
Engineering Technician.....	\$65.00 to \$105.00/Hour
Engineering Intern.....	\$65.00 to \$105.00/Hour
Project Engineer	\$105.00 to \$145.00/Hour
Project Manager	\$130.00 to \$210.00/Hour

1. Meals at State Rates.
2. Lodging at actual cost.
3. Reimbursables:

Mileage.....	\$0.55/Mile
Photocopy	0.08/Copy
Black & White 11x17 Laser Prints.....	0.15/Sheet
4. All other direct project expenses at actual cost of materials.

Rates are subject to change annually.



Council Agenda Memo

From: James Purdy, Assistant City Manager

Meeting: July 6, 2020

Subject: Street closure request for a portion of the alley between 13 E Main Street (Varsity Pub) and 101 E Main Street (First Baptist Church) to allow for expanded seating to promote social distancing beginning July 7 and ending August 24, 2020

Presenter: John Prescott, City Manager

Background: City staff received a request from Varsity Pub, LLC to close the alley between the Varsity Pub and the First Baptist Church for the expanded social distance seating event beginning July 7, 2020 and ending August 24, 2020. This closure request is in order to provide the space needed for the social distance expanded seating event necessitated by the COVID-19 pandemic and the resulting economic hardship shared by many businesses in the community. The following businesses have submitted similar street closing requests that have been approved: Dakota Brickhouse, R-Pizza, The Bean, Carey's Bar, Café Brule, and Old Lumber Company.

Discussion: Varsity Pub, LLC has identified the partial closure of this alley as necessary to provide the outdoor space needed for the event. The City requires a fencing plan from the business in order to ensure the safety of patrons utilizing the public right-of-way and to prevent alcohol from leaving the designated area. A fencing plan has been provided to the City, and Varsity Pub, LLC will be utilizing their dumpster as a traffic barrier, which should adequately block street traffic. Varsity Pub LLC will be required to provide trash receptacles, furniture, and restroom access. Varsity Pub, LLC will also need to clean the area. At this time, no plan has been provided to the City regarding these items. On their application, Varsity Pub, LLC indicated they would approach the First Baptist Church and ask for their comments on using the alley.

The Police, Fire, Street, and EMS Departments have been notified of the closure request and have found no safety concerns.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends that the City Council thoughtfully review information related to the closure of the alley between 13 E Main Street (Varsity Pub) and 101 E Main Street (First Baptist Church) to allow for expanded seating to promote social distancing beginning July 7, 2020 and ending August 24, 2020 as part of the downtown Social Distance Expanded Seating Event beginning June 25, 2020 and ending August 24, 2020.

E. Main



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 Diane Wirth

(Section Break)

APPLICATION

Organization Requesting Varsity Pub LLC

Name of Event & Brief Description of Event Bump out to help with social distancing during this Pandemic

Expected Participants Customers

Name of Primary Contact Person Diane Wirth

Primary Contact Phone Number + 24 Hour Access Phone Number

[REDACTED]

Name of Secondary Contact Person same as above

Secondary Contact Phone Number + 24 Hour Access Phone Number

[REDACTED]

Date(s) of Closure Requested Now through August

Street Closures Times	7 AM to 12AM
Street(s) Requested to be Closed	Alley between Varsity and Baptist Church will ask them for permission
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:	I will personally talk to them
Please detail your plans for cleaning up after your event:	We will clean everyday durint and after closure
(Section Break)	
Release, Hold Harmless and Indemnification Agreement	
City of Vermillion, South Dakota I,	
Name of Event Organizer	Varsity Pub LLC
Dated This	6/30/2020 8:30 PM
First Name	Diane
Last Name	Wirth
Electronic Signature Agreement	I agree.
Electronic Signature	Diane Wirth
(Section Break)	
<p>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.</p>	
Please enter your email	dianewirth2@gmail.com



SUPPORT FOR SPECIAL EVENT
ALCOHOLIC BEVERAGE APPLICATION

Please attach to the Uniform Alcoholic Beverage Application

Applicant Owner/Organization/Business Name Varsity Pub, LLC

Address, City State Zip 113 East Main, Vermillion S Dak.

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

Contact Name Diane Wirth

Phone Number 541-515-3637 email dianewirth2@gmail.com

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

If the owner/business has an alcoholic beverage license the license number is RB-21172

Special Event Name Social Distance Expand Seating RW-21036

Date beginning July 7th Ending date August 24th

(Note license period cannot exceed 15 consecutive days.)

Hours of alcoholic beverage sales 2 pm - 11 pm

Location of special event Alley between Baptist Church & Varsity

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

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

Area and curbing will be mandatory.

Is a street closing request has been submitted? Yes No

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

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

Who will be responsible for cleanup and trash removal in the special permit area? employees of Varsity Pub, LLC

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

Date _____ Print Name Diane Wirth Signature Diane Wirth

Mike Carlson

From: Diane Wirth <dianewirth2@gmail.com>
Sent: Wednesday, July 1, 2020 11:28 AM
To: Mike Carlson
Subject: bump out area and monitoring
Attachments: alley bumpout.PNG

The bump out area will be fenced directly out from the end of the deck about 9 feet to the church lawn then 11 feet along the church lawn and then back 9 feet to the other end of the deck. It is approximately 9 feet wide by 11 feet long. This way the customer can not access it by the back, front or sides of the business, they will have to come through the front door so they can be carded and monitored. If it is successful and there becomes a need we will have a bartender/monitor stationed in the area.

My insurance agent/company will email a certificate of insurance liability by 1:00 today.

Thank you
Diane Wirth

104 E Main St
Vermillion, South Dakota
Google
Street View



Help improve Google Maps

No thanks [Show question](#)

By continuing, you agree Google uses your answers. [account](#)



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: July 6, 2020

Subject: Consideration of Special Event License permits for Varsity Pub, LLC for Varsity Pub for the period of July 7, 2020 to August 24, 2020 for the hours of 2:00 pm to 11:00 pm with no sales on July 20, August 3, and August 17, 2020

Presenter: Mike Carlson, Finance Officer

Background: With the adoption of Emergency Ordinance 1415 at the June 22, 2020 special meeting, a number special event licenses for the period of June 25 to August 24 with the exclusion of July 6, July 20, August 3, and August 17, 2020 were approved for downtown establishments. When approving the special licenses, the City Council set the ending time at midnight. Since that meeting, the Varsity Pub, LLC for the Varsity Pub at 113 E Main has requested to close the alley west of their business to be used for the Social Distance Expanded Seating special event license. Previous on the agenda is the street closing request for the alley.

Discussion: Included in the packet is a street closing request which indicates a portion of the alley public right-of-way to be closed. The closure of the public right-of-way is needed to facilitate the event. If a street closure area is not approved the special license applications will not be needed. An email from Diane Wirth indicates that a bump out area will be fenced off directly from the end of the deck about 9 feet west toward the church then 11 feet north from this point and then back 9 feet to the other end of the deck. The email indicates that Varsity customers will need to access this area from the business to allow for carding and if needed The Varsity will have someone stationed in the area. A map showing the alley and deck is included in the packet along with the email.

State law allows the sale of alcohol between 7:00 am and 2:00 am all seven days of the week. The application from the Varsity indicated sales hours would be 2pm to 11pm. At the June 22, 2020 meeting the City Council set the ending time for the special event operations at midnight. At that meeting, the emergency ordinance set the 60-day period as June 25 through August 24, 2020 and as the special licensing period cannot exceed 15 days the dates of Monday, July 6, Monday, July 20, Monday, August 3 and Monday, August 17, 2020 were to be excluded.

Staff developed the attached Support for Special Event Alcoholic Beverage application to try to gather a lot of this information for the City Council to consider. The Varsity has provided a release and indemnification form releasing the city from any liability for the special event and a certificate of insurance naming the city as an additional insured. I have asked Diane Wirth if she has contacted the church to make sure there are no conflicts with the expanded area with any church activities (at the time of writing this memo this item has not been answered).

Financial Consideration: The Varsity Pub, LLC has paid the \$100 special license fee.

Conclusion/Recommendations: Administration recommends the City Council review the respective Special Daily request from the Varsity Pub, LLC including hours of operation, and since the alley is shared with the church, reassurance that there is not a conflict with church activities.

If the special license is approved it should be contingent upon establishing barriers or fencing to define the designated areas, and other control measures to prevent alcoholic beverages from leaving the designated area and to prevent under age access to alcoholic beverages.



Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: July 6, 2020

Subject: Agreement to Construct Public Infrastructure by Private Development with JR&R II, L.L.C. Owner of Outlot B, Block 6, Erickson Addition, City of Vermillion, Clay County, South Dakota

Presenter: Jose Dominguez

Background: JR&R II, L.L.C. (JR&R) is in the process of constructing a Runnings store off Bower Street west of Princeton Street. As part of this project JR&R asked the City and the Vermillion Chamber and Development Company (VCDC) to construct a public street that would provide access to Runnings off of Princeton Street. This new road would also provide access to other property owned by the VCDC.

This new street will be called McHenry Street and will provide access to four lots. Three of the lots are currently owned by the VCDC. Construction of McHenry Street will only require grading and paving. All of the utility are already available through other locations. In the event that additional utilities are required by a different, and new, developer that cost would be the developer's responsibility.

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

The current policy was originally adopted by the Engineering Department in 2011. The policy was adopted to dictate the steps necessary by a private developer to complete public improvements. This policy was put together to ensure that the projects were completed to City standards, and that requirements made of one developer were as

similar as possible to other developers. The policy was amended in 2015, and again in 2019. The revision in 2015 clarified financial responsibilities between the contractor, developer and the City. While the revision in 2019 further clarified what the developer's agreement would require.

Through conversations with JR&R it was agreed that they would like to complete the entire project (construction of McHenry) on their own due to timing issues. First, if the City would assess the cost of the project, due to meeting requirements construction would have started in late summer/early fall of 2020. This would have more than likely pushed the completion of the construction to April/May of 2021. This schedule would have not worked for JR&R. Second, JR&R wanted to have more control over the costs of the project. When a project is assessed the developer has no say on the costs. Having the project completed by the developer gives control over the contractors, and costs, to the developer. These issues required that an agreement be drafted between the City and JR&R that set out all of the expectations from the City, as well as the expectations from JR&R. The agreement sets the following:

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

Financial Consideration: The City will incur the filing fee. This project has already been privately bid by JR&R. The bid received for the construction of McHenry Street was for

\$242,648.35. Assuming that no change orders or additional quantities, are needed the City would be responsible for \$24,912.96. This amount includes all of the oversized items (cement stabilization, geogrid, geotextile fabric, and the cost for 1-inch of concrete pavement). The City's budget will be revised during the 2020 budget review session to account for the \$24,912.96.

Conclusion/Recommendations: Administration recommends that the City Council authorize the Mayor to sign the Agreement to Construct Public Infrastructure by Private Development with JR&R II, L.L.C.

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

AGREEMENT TO CONSTRUCT PUBLIC INFRASTRUCTURE BY PRIVATE DEVELOPMENT

The City of Vermillion, South Dakota, (the “City”) and JR&R II, LLC (collectively with its successors or assigns, the “Owner”), witnesseth:

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

The Owner intends to develop the land presently described as:

Outlot B, Block 6, Erickson Addition, City of Vermillion, Clay County, South Dakota.

GENERAL:

1. The following items will only be required if the street improvements (including sidewalk, grading, curb and gutter, street lights and street surfacing) (collectively, the “Improvements”) along McHenry Street abutting Lots 3B, 4C, Lot 6B and Outlot B, Block 6, Erickson Addition, City of Vermillion, Clay County, South Dakota are constructed by the Owner, successors or assigns.
2. Owner will serve as the main point of contact between the City and any contractors, or other property owners involved with the construction of any Improvements.

PAYMENTS OF OVERSIZED ITEMS:

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

COPY OF CONTRACT BETWEEN OWNER AND CONTRACTOR(S):

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

INSURANCE AND BONDS:

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

Dated this 1st day of July, 2020.

[SIGNATURE PAGES FOLLOW]

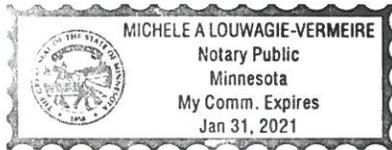
OWNER: JR&R II, LLC.

By: *Dan Herrmann*
Dan Herrmann, Chief Financial Officer

STATE OF MIN)
 :SS
COUNTY OF Lyon)

On this 1 day of July, 2020 before the undersigned officer, personally appeared Dan Herrmann, known to me to be the Chief Financial Officer of JR&R II, LLC, or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that as a representing said company as Chief Operating Officer, he executed the same for the purposes therein contained.

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



Michele A Louwagie-Vermeire
Notary Public

My Commission Expires: Jan 31, 2021

FOR THE CITY OF VERMILLION

By: _____
Kelsey Collier-Wise, Mayor

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF CLAY)

On the _____ day of _____, 2020 before me, the undersigned Officer, personally appeared Kelsey Collier-Wise, who acknowledged herself as Mayor of the City of Vermillion, and that she as Mayor being authorized so to do executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by herself as Mayor.

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

Notary Public

My Commission Expires: _____

CITY OF VERMILLION
 INVOICES PAYABLE-JULY 6, 2020

1 A-1 PORTABLE TOILETS	PORTABLE TOILET RENTAL	825.00
2 ADIDAS AMERICA, INC	MERCHANDISE	1,112.83
3 ALTEC INDUSTRIES, INC	REPAIRS	1,329.00
4 AMAZON BUSINESS	SUPPLIES	1,221.85
5 AMERICAN LEGAL PUBLISHING	ONLINE CODE UPDATES/DISC	501.35
6 A-OX WELDING SUPPLY CO	CHEMICALS	1,884.00
7 APPEARA	SHOP TOWELS	45.00
8 ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	1,048.60
9 ARGUS LEADER MEDIA #1085	SUBSCRIPTION	28.00
10 ARIZONA MANUFACTURING & EMBROIDERY	MERCHANDISE	497.10
11 AVERA OCCUPATIONAL MEDICINE	TESTING	151.10
12 BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	4,869.00
13 BASIN ELECTRIC POWER COOP	PROFESSIONAL SERVICES	11,960.10
14 BIG STATE INDUSTRIAL SUPPLY	DISINFECTANT FOGGER	178.80
15 BLACKSTONE PUBLISHING	BOOKS	10.01
16 BORDER STATES ELEC SUPPLY	PARTS	1,039.93
17 BOUND TREE MEDICAL, LLC	MEDICAL SUPPLIES	2,547.93
18 BOYER TRUCKS	PARTS	519.20
19 BREIT & BOOMSMA PC	GARNISHMENT	2,295.46
20 BROADCASTER PRESS	ADVERTISING	100.00
21 BRUNICK'S SERVICE INC	PROPANE/FUEL	1,561.75
22 BUSCH SYSTEMS INTERNATIONAL	RECYCLING BINS	7,322.43
23 BUTLER MACHINERY CO.	PARTS	487.93
24 C & B OPERATIONS, LLC	PARTS	132.32
25 C & H GOLF BALL	MERCHANDISE	2,160.00
26 CALLAWAY GOLF	MERCHANDISE	541.34
27 CARDIS FENCE & IRON CO	PARTS	373.00
28 CASK & CORK	MERCHANDISE	1,132.50
29 CENTRALSQUARE TECHNOLOGIES	SOFTWARE	4,501.00
30 CENTURY BUSINESS PRODUCTS	COPIER CONTRACT/COPIES	186.94
31 CHARGEPOINT	CHARGE STATION LEASE	2,750.00
32 CHESTERMAN CO	MERCHANDISE	1,651.55
33 CITY OF VERMILLION	COPIES/POSTAGE	1,180.88
34 CITY OF VERMILLION	UTILITY BILLS	36,444.34
35 CLAY COUNTY AUDITOR	EMERGENCY MGMT	1,200.00
36 CLAY-UNION ELECTRIC CORP	ELECTRIC BUYOUT	2,942.18
37 COLONIAL LIFE ACC INS.	INSURANCE	3,073.65
38 CORE & MAIN LP	WIRE	360.00
39 CORNHUSKER INTERNATIONAL TRUCKS	SUPPLIES	60.00
40 CROUCH RECREATION	SUPPLIES	3,275.00
41 DAKOTA BEVERAGE	MERCHANDISE	15,791.93
42 DAKOTA PC WAREHOUSE	IPAD/CASE/CARTRIDGE	409.96
43 DANKO EMERGENCY EQUIPMENT	PARTS	539.37
44 DELTA DENTAL PLAN	INSURANCE	6,218.08
45 DEMCO	SUPPLIES	348.35
46 DENNIS MARTENS	MAINTENANCE	833.34
47 DGR ENGINEERING	PROFESSIONAL SERVICES	370.00
48 DIAMOND VOGEL PAINTS	WHITE TRAFFIC PAINT	1,264.50
49 DIVISION OF MOTOR VEHICLE	TITLE/PLATES	45.00

50 DUBOIS CHEMICALS	SODA ASH	7,359.00
51 EAKES OFFICE SOLUTIONS	FOAM SANITIZER/DISPENSERS	2,884.02
52 ECHO ELECTRIC SUPPLY	SUPPLIES	1,100.56
53 ELLIOTT EQUIPMENT CO	PARTS	406.30
54 EPG COMPANIES, INC	PARTS	620.90
55 ERICKSON SOLUTIONS GROUP	COMPUTERS/SOFTWARE	4,394.62
56 FARNER BOCKEN COMPANY	MERCHANDISE	2,345.68
57 FAST AUTO GLASS	REPAIRS	378.57
58 FEDEX.	SHIPPING	26.87
59 FESTIVE MEDIA	MEDICAL SUPPLIES	430.00
60 FOREMAN MEDIA	MAY/JUNE COUNCIL MTGS	200.00
61 FOSS SECURITY, INC	CAMERA SYSTEM	5,450.00
62 GALE/CENGAGE LEARNING INC	BOOK	24.69
63 GLOBAL DIST.	MERCHANDISE	301.90
64 GOVERNMENT FINANCE OFFICERS ASSN	2019 ANNUAL REPORT	460.00
65 GRAHAM TIRE	TIRE	112.94
66 GRAYMONT (WI) LLC	CHEMICALS	8,284.56
67 GREGG PETERS	RENT	937.50
68 HANSEN LOCKSMITHING	REPAIRS	57.00
69 HARTINGTON TREE LLC	STUMP GRINDING	696.00
70 HAUGER LAWN SERVICE	LAWN SERVICE	132.00
71 HEIMAN FIRE EQUIPMENT	REPAIRS	526.75
72 HERREN-SCHEMPP BUILDING	SUPPLIES	149.63
73 HY VEE FOOD STORE	SUPPLIES	65.79
74 ICMA	MEMBERSHIP	402.85
75 INGRAM	BOOKS	1,635.26
76 JACKS UNIFORM & EQPT	SUPPLIES	71.99
77 JAYMAR	COMPUTER PAPER	958.50
78 JAY'S PLUMBING	REPAIRS	871.29
79 JERRY'S CHEVROLET BUICK GMC	REPAIRS	121.87
80 JIM BALLEWEG	SAFETY GLASSES REIMBURSEMENT	125.90
81 JO-ANN STORES, LLC	SUBSCRIPTION	900.00
82 JOHN A CONKLING DIST.	MERCHANDISE	7,061.77
83 JOHNSEN HEATING & COOLING	GEOHERMAL HEAT PUMP/REPAIRS	15,533.60
84 JOHNSON BROTHERS OF SD	MERCHANDISE	12,540.75
85 JOHNSON ELECTRIC	INSTALL LOAD MGMT	350.00
86 JOHNSTONE SUPPLY	SUPPLIES	243.43
87 JONES FOOD CENTER	SUPPLIES	746.23
88 KALINS INDOOR COMFORT	REPAIRS	93.53
89 KAREN VANDER STOEP	REFUND PARKING TCKT OVERPMT	45.00
90 KARSTEN MFG CORP	MERCHANDISE	246.18
91 KNIFE RIVER MIDWEST, LLC	SUPPLIES	258.33
92 L & L MACHINE SHOP	REPAIRS	371.23
93 LAMB MOTOR COMPANY	(3) 2020 FORD F150	83,814.00
94 LAYNES WORLD	COUNCIL NAME PLATES	24.00
95 LEISURE LAWN CARE	SPRINKLER REPAIRS/TREATMENT	101.75
96 LOCATORS AND SUPPLIES, INC	RED MARKING PAINT	155.79
97 M & M CONSTRUCTION LLC	PRENTIS PARK SIDEWALK-PHASE 3	24,449.87
98 MALLOY ELECTRIC	PARTS	753.79
99 MARKS MACHINERY	PARTS	178.00
100 MART AUTO BODY	TOWING	75.00
101 MATHESON TRI-GAS, INC	MEDICAL OXYGEN	523.54

102 MC2, INC	SUPPLIES	2,648.42
103 MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,800.00
104 MEAD LUMBER	SUPPLIES	59.08
105 MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	213.41
106 MEGAN CUSTIS	REFUND REC PROGRAM FEES	47.00
107 MENARDS	SUPPLIES	169.72
108 MICRO MARKETING LLC	BOOKS	60.99
109 MIDWEST TURF & IRRIGATION	PARTS	591.97
110 MISSOURI VALLEY MAINTENANCE	REPAIRS	623.20
111 MOBOTREX MOBILITY & TRAFFIC	PARTS	214.00
112 MOORE WELDING & MFG	REPAIRS	27.50
113 MR. GOLF CAR, INC	REPAIRS	144.45
114 MSC INDUSTRIAL SUPPLY CO	SUPPLIES	373.29
115 NATIONAL OUTDOOR FURNITURE	BIKE RACKS/TRASH RECEPTACLES	5,895.00
116 NCL OF WISCONSIN, INC	SUPPLIES	1,376.55
117 NETSYS+	REPAIRS/ONLINE ADVANCED PROTECTION	2,438.25
118 NEWMAN SIGNS, INC	SUPPLIES	2,035.44
119 NIKE INC	MERCHANDISE	461.78
120 NORTHERN SAFETY CO. INC	KOOLDOWN BANDANAS	107.67
121 ODEYS INC	FIELD DRAG W/ WEIGHTS	409.95
122 OFFICE OF WEIGHTS & MEASUREMENT	INSPECTION	103.00
123 O'REILLY AUTO PARTS	PARTS	58.51
124 PCC, INC	COMMISSION	1,995.19
125 PHELPS	FACE MASKS	476.45
126 POWERPHONE, INC	RECERTIFICATION	258.00
127 PRESTO-X-COMPANY	INSPECTION/TREATMENT	62.00
128 PRINT SOURCE	SUPPLIES	217.00
129 PROPERTY MAINTENANCE SERVICE	MOWING	798.75
130 QT POD	AIRPORT FUEL SYSTEM	14,745.00
131 QUILL	TONER/SUPPLIES	424.63
132 R&R REPAIR LLC	BALER REPAIRS	76,367.49
133 RACOM CORPORATION	MAINTENANCE CONTRACT	411.70
134 RECORDED BOOKS, INC	BOOKS	354.40
135 RED BIRD STUDIO	BOOKS	44.95
136 REDI TOWING	TOWING	225.00
137 REPUBLIC NATIONAL DISTRIBUTING	MERCHANDISE	13,864.07
138 RICCHIO INC.	SUPPLIES	271.17
139 ROB PICKENS	SAFETY BOOTS REIMBURSEMENT	100.00
140 RUNNING SUPPLY, LLC	SUPPLIES	758.38
141 RUSTY JENSEN	REIMBURSEMENTS	362.37
142 SAFE LIFE DEFENSE	BODY ARMOR	1,042.20
143 SANFORD HEALTH PLAN	PARTICIPATION FEE	54.00
144 SANFORD USD MEDICAL CENTER	SUPPLIES	289.48
145 SANITATION PRODUCTS INC	PARTS	348.04
146 SCHAEFFER MFG. CO	SUPPLIES	700.80
147 SD DEPT OF HEALTH	TESTING	89.00
148 SD LICENSED BEVERAGE DEALERS	TAM BOOKLETS	300.00
149 SD RETIREMENT SYSTEM	CONTRIBUTIONS	60,456.20
150 SD STATE HISTORICAL SOCIETY	BOOKS	70.28
151 SEH, INC	PROFESSIONAL SERVICES	13,241.01
152 SENSUS METERING SYSTEMS	SOFTWARE SUPPORT	1,715.95
153 SERVICE MASTER OF SE SOUTH DAKOTA	CUSTODIAL	3,740.35

154 SIOUX EQUIPMENT	REPAIRS	3,780.66
155 SIRCHIE	SUPPLIES	80.34
156 SOUTHERN GLAZER'S OF SD	MERCHANDISE	5,458.48
157 STEWART OIL-TIRE CO	REPAIRS	36.95
158 STOCKWELL ENGINEERS, INC	DOWNTOWN STREETSCAPE	2,584.70
159 STUART C. IRBY CO.	SUPPLIES	639.60
160 STURDEVANTS AUTO PARTS	PARTS	445.95
161 SYNCB/AMAZON	BOOKS/DVDS/SUPPLIES	353.13
162 TASTE OF HOME BOOKS	BOOKS	45.93
163 TAYLOR MADE	MERCHANDISE	378.66
164 THIESEN DESIGNS	WORK SWEATSHIRTS/T-SHIRTS	54.00
165 TITLEIST-ACUSHNET COMPANY	MERCHANDISE	4,133.81
166 TRACTOR SUPPLY CREDIT PLAN	SUPPLIES	47.94
167 TRITECH SOFTWARE SYSTEMS	MAINTENANCE	15,566.00
168 TURNER PLUMBING	REPAIRS	136.70
169 TWIN CITY HARDWARE	PARTS	72.11
170 TWO WAY SOLUTIONS	REPAIRS	15.99
171 TYLER TECHNOLOGIES	SOFTWARE MAINTENANCE	1,312.50
172 ULINE	SUPPLIES	264.15
173 UNITED ACCOUNTS INC	GARNISHMENT	1,806.49
174 UNITED LABORATORIES	SUPPLIES	1,942.20
175 UNITED WAY	CONTRIBUTIONS	767.00
176 UNUM LIFE INSURANCE COMPANY	INSURANCE	1,520.88
177 USA BLUEBOOK	SUPPLIES	216.91
178 USD	REFUND DUPLICATE LF PAYMENT	627.81
179 UTILITY EQUIPMENT CO.	METERS	3,925.64
180 VALIANT VINEYARDS	HAND SANITIZER	52.15
181 VAN DIEST SUPPLY CO	SUPPLIES	276.70
182 VAST BROADBAND	911 CIRCUIT/DIALUP SERVICE	1,435.45
183 VERIZON WIRELESS	CELL PHONES/IPAD ACCESS	2,429.69
184 VERMEER HIGH PLAINS	PARTS	700.03
185 VERMILLION ACE HARDWARE	SUPPLIES	5,451.63
186 VERMILLION CHAMBER OF COMMERCE	VERMILLION BUCKS	200.00
187 VISA/FIRST BANK & TRUST	FUEL/SUPPLIES	10,176.70
188 WAL-MART COMMUNITY	SUPPLIES	1,455.68
189 WALT'S HOMESTYLE FOODS, INC	MERCHANDISE	266.30
190 WESCO DISTRIBUTION, INC	PARTS	2,517.25
191 WILLIAMS & CO.	2019 AUDIT	10,000.00
192 YANKTON COUNTY OBSERVER	SUBSCRIPTION	35.00
193 ZEE MEDICAL SERVICE	SUPPLIES	424.50
194 ZIMCO SUPPLY CO	SUPPLIES	14,326.50
195 DENNIS ZIMMERMAN	BRIGHT ENERGY REBATE	25.00
	GRAND TOTAL	\$628,950.48

1. Organization sponsoring raffle/lottery: Wal Mart
2. Person to contact: Greta Mabry
3. Phone number: 605 857 3431 4. Email address: gjfarre.s03734.us@wal-mart.com
6. Date(s) ticket(s) will be sold: 6-21-20 - 7-17-20
7. Cost per ticket(s): \$1.
8. Date(s) drawing(s) will be held: 7-18-20
9. Who is eligible to purchase ticket(s)? everyone
10. Will prize winner(s) be selected at random? Yes No
11. Description and approximate value of grand prize:
4 baskets at \$25.00 each
12. What will the proceeds be used for?
CMN Childrens Miracle Network

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

4 assorted gift baskets purchased with donations.
Tickets are \$1 each. Each basket worth \$25.


Applicant's Signature Sandra Garcia

6-21-20
Date

APPROVED BY:


City Manager

06-22-2020
Date

1. Organization sponsoring raffle/lottery: Walmart
2. Person to contact: Greta Mabry
3. Phone number: 605-857-3431 4. Email address: gjfarre.s03734.us @ wal-mart.com
6. Date(s) ticket(s) will be sold: 6-21-2020 + 7-~~17~~¹⁶-2020
7. Cost per ticket(s): \$1.00
8. Date(s) drawing(s) will be held: 7-~~18~~¹⁶-2020
9. Who is eligible to purchase ticket(s)? Employees Only
10. Will prize winner(s) be selected at random? Yes No
11. Description and approximate value of grand prize:
\$100⁰⁰ gift card
12. What will the proceeds be used for?
Children's Miracle Network

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

\$100 gift card purchased with donation -
\$1 tickets available to employees only.

Deb Bontje
Applicant's Signature Deb Bontje

6-21-2020
Date

APPROVED BY:

John Prescott
City Manager

06-22-2020
Date