City of Vermillion Council Agenda
6:00 p.m. Special Meeting
Tuesday, August 11, 2020
Large Conference Room, City Hall
25 Center St.
Vermillion, SD 57069
(The City Council will be conducting an additional budget session on Wednesday, August 12, 2020 at 6:00 p.m. A separate agenda will be posted.)

1. Roll Call

2. Pledge of Allegiance

3. Adoption of the Agenda

4. Visitors to be Heard

5. New Business

a. Emergency Resolution Encouraging Face Covering to be Worn in Public Buildings.
b. First Reading of Emergency Ordinance 1419 to Require Signage at the entrance to buildings open to the public that states Face Coverings Expected.

6. Budget Workshop – 2020 Proposed

a. Introduction and Overview
b. Policy & Administration
    1. Code Compliance
c. Special Funds
    1. 911 Fund
d. Public Safety & Security
    1. Police Administration and Investigation
    2. Police Patrol
    3. Fire and Rescue
    4. EMS/Ambulance
    5. Emergency Management
e. Human Development and Leisure
    1. Public Library
f. Special Funds
    1. Library Fund
g. Utility Fund
    1. Joint Powers Landfill
    2. Joint Powers Recycling
    3. Curbside Recycling
h. Enterprise Funds
    1. Liquor Store
i. Special Funds
    1. 2nd Penny
    2. BID No. 1
j. Debt Service Funds
    1. Special Assessments, TIF District No. 5, TIF District No. 6, City Hall Debt, Prentis Park Debt

k. Internal Service Fund
    1. Unemployment
    2. Copy/Fax/Postage
    3. Custodial
l. Maintenance & Transportation
    1. City Hall Maintenance
m. Policy & Administration
    1. General Government
    2. Finance
n. Outside Organizations Request
    1. General Fund – Community Services
    2. BBB Fund
o. Wrap-up of Budget Items

7. Adjourn

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Council Agenda Memo

From: John Prescott, City Manager

Meeting: August 11, 2020

Subject: Resolution promoting the wearing of face masks or face coverings inside of buildings open to the public

Presenter: John Prescott

Background: Face coverings have been determined to be one of the more effective measures to reduce the spread of the coronavirus. Social distancing and hand washing or sanitizing are also very effective measures to help control the spread. Over the last couple of weeks, the Board of Regents, the Vermillion Public School District, and the City of Vermillion have adopted policies in regard to the use of face coverings in their buildings. At the last meeting, the City Council considered, but did not adopt, an ordinance requiring face covering or face mask in buildings open to the public. Staff was directed to prepare a resolution which would encourage the use of face masks or face coverings in buildings open to the public.

Discussion: Two resolutions are attached for adoption consideration. The end result of both resolutions is to encourage the wearing of face coverings or face masks. One version of the resolution includes the various exceptions that were provided when the ordinance to require face coverings or face masks was considered. The other version of the resolution does not list all of the exceptions, but notes that there are situations where a face mask or face covering cannot be utilized and encourages individuals in these instances to use other protective measures.

A resolution does not necessitate the establishment of a fine for not adhering to the guidance provided. During the discussion on the ordinance requiring a face covering or face mask, the attorney for the City's liability insurance company offered that a resolution would be a better approach than an ordinance.

The Board of Regents will be reviewing the campus face mask/face covering requirement after 30 days. The School Board will also be reviewing their requirement on a regular basis. If the resolution is adopted, City staff will place continuation of the resolution on each agenda during the 60-day life of the emergency resolution.

Financial Consideration: None.

Conclusion/Recommendations: Adoption of a resolution promoting the use of face masks or face coverings in buildings open to the public appears to be the best compromise of legal concerns and health recommendation that have been discussed over the last couple of weeks. Administration recommends adoption of the resolution which best meets the policy directives of the City Council.

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

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

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

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

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

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

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

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

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

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

WHEREAS, the South Dakota Board of Regents announced the requirement of face coverings or face masks for all students, facility, staff and visitors in all public indoor spaces on the University of South Dakota campus; and

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

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

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

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

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

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

3. The City recognizes that some situations may exist where wearing a face covering or mask is difficult, impractical, or not necessary. Some of those situations may include:
   a. In personal vehicles or at home;
   b. When an individual is alone in enclosed spaces such as a private office or only with other household members;
   c. During outdoor physical activity, provided that the active person maintains a minimum of six (6) feet from other people who are not members of the same household;
   d. While eating, drinking, or smoking;
   e. When wearing a face covering causes or aggravates a health condition;
   f. When wearing a face covering would prevent the receipt of personal services, medical or dental services, or is needed for identification purposes;
   g. When a person is 12 years of age or younger;
   h. When a person has a medical or behavioral condition or disability (including but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove the face covering without assistance);
   i. Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
   j. Would be at risk from wearing a face covering at work as determined by state or federal regulations or workplace safety guidelines;
   k. An individual has found that a face covering is impeding visibility to operate equipment or a vehicle;
   l. At a religious ceremony or service;
   m. For public safety employees and/or emergency responders and/or field employees engaged in essential functions, when wearing the face covering would interfere with or limit their ability to carry out their duties or functions;
   n. For individuals complying with the directions of public safety employees;
   o. At a public meeting held pursuant to the open meeting law if social distancing is maintained;
   p. The facilities for the proceedings of any state or federal courts;

q. County facilities under the governance of Clay County;
r. Educational institutions and their related services under the governance of the Board of Regents or Vermillion school district.
s. Federal buildings or facilities.

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 immediately upon passage. 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 11th day of August, 2020.

THE GOVERNING BODY OF THE
CITY OF VERMILLION, SOUTH DAKOTA

_____
Kelsey Collier-Wise, Mayor

ATTEST:

_____
Michael Carlson, Finance Officer

Adopted: August 11, 2020
Published: August 21, 2020
Effective Date: August 11, 2020

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

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

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

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

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

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

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

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

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

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

WHEREAS, the South Dakota Board of Regents announced the requirement of face coverings or face masks for all students, facility, staff and visitors in all public indoor spaces on the University of South Dakota campus; and

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED, that, pursuant to SDCL 9-19-13, this resolution is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective immediately upon passage. 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 11th day of August, 2020.

THE GOVERNING BODY OF THE
CITY OF VERMILLION, SOUTH DAKOTA

_____
Kelsey Collier-Wise, Mayor

ATTEST:

_____
Michael Carlson, Finance Officer

Adopted: August 11, 2020
Published: August 21, 2020
Effective Date: August 11, 2020

Council Agenda Memo

From: John Prescott, City Manager

Meeting: August 11, 2020

Subject: First reading of proposed Emergency Ordinance 1419 to require signage that the wearing of face masks or face coverings is expected inside of buildings open to the public

Presenter: John Prescott

Background: With the last agenda item, the City Council was considering a resolution to promote the use of the face coverings or face masks inside of buildings which are open to the public. The City Council at the August 3, 2020 regular meeting expressed interest in having a signage requirement that buildings open to the public would need to meet to help promote a community culture of wearing a face mask or face covering.

Discussion: The proposed signage requirement is that businesses have a sign which reads Face Mask or Face Coverings are expected. The City has been working with the University of South Dakota to promote continuity of signage across the community. A business does not have to use the templates which will be available on the City's website. A business would need to provide the same message that face masks or face coverings are expected. The sign must be at least 8.5" x 11" and placed at the entrance or entrances to the business. A sample of the template is included with the packet.

The proposed ordinance is an emergency ordinance to provide the City Council with the ability to more quickly implement the requirement to address the ongoing, immediate health issue. An emergency ordinance would have a life of 60 days. If adopted, the second reading of Emergency Ordinance 1419 would be part of the regular meeting agenda on Monday, August 17, 2020. City staff would place the continuation of the signage requirement on each regular meeting agenda during the 60 days to provide the opportunity to discuss continuing the requirement.

As with all ordinances, a fine needs to be established. Generally, the fine for violation of an ordinance is set with the second reading of an ordinance. The fine would be in addition to current court costs of $72.50.

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

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends approval of the first reading of Emergency Ordinance 1419 to help promote the community culture of face covering / face mask wearing inside of buildings open to the public.

EMERGENCY ORDINANCE NO. 1419

AN EMERGENCY ORDINANCE TO REQUIRE SIGNAGE AT THE ENTRANCE TO BUILDINGS OPEN TO THE PUBLIC STATING THAT FACE COVERINGS ARE EXPECTED TO HELP SLOW THE SPREAD OF COVID 19 (CORONAVIRUS).

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

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

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

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

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

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

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

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

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

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

DRAFT

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

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

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

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

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

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

1. All restaurants, retail stores, salons, grocery stores, establishments selling alcohol, pharmacies, lodging establishments, exercise facilities, establishments offering goods and services, or soliciting patronage from the general public that are open to the general public will be required to post a sign at their entrance no smaller than 8.5" x 11" that indicates that "masks or face coverings are expected pursuant to Emergency Ordinance 1419."

2. This ordinance shall remain in effect for a period of sixty (60) days, at which time it shall be automatically repealed unless specifically readopted for an additional period of time by the City Council. Any restriction contained in this ordinance may be modified at any time by a resolution of the City Council.

3. Any violation of this ordinance is subject to a fine set by resolution in compliance with the general penalty provision in Section 10.99 of the City of Vermillion Municipal Code. Each day a violation of this ordinance is allowed to occur is considered a separate offense.

BE IT FURTHER ORDAINED, that, pursuant to SDCL 9-19-13, this ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective immediately upon passage.

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

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

DRAFT

BY_____
Kelsey Collier-Wise, Mayor

ATTEST:

BY_____
Michael D. Carlson, Finance Officer

First Reading: August 11, 2020
Second Reading: August 17, 2020
Effective Date: After adoption or specified date

DRAFT

City of Vermillion Council Agenda
6:00 p.m. Special Meeting
Wednesday, August 12, 2020
Large Conference Room, City Hall
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1. **Roll Call**

2. **Pledge of Allegiance**

3. **Adoption of the Agenda**

4. **Visitors to be Heard**

5. **New Business**

6. **Budget Workshop -2020 Proposed**
   a. Utility Fund
      1. Water
      2. Wastewater
      3. Electric
   b. Maintenance & Transportation
      1. Service Center
      2. Mechanic's Garage
      3. Street Department
      4. Snow Removal
      5. Sweeping & Mowing
      6. Carpentry
   c. Policy & Administration
      1. Engineering/Planning and Zoning
   d. Maintenance & Transportation
      1. Old Library Maintenance
      2. Old Landfill Maintenance
      3. Airport
   e. Special Funds
      1. Storm Water Collection
   f. Capital Projects Fund
      1. Special Assessment Projects, Airport Improvements, Bike Path, Prentis Park Improvements
   g. Internal Service Funds
      1. Equipment Replacement Fund
   h. Human Development and Leisure
      1. Parks and Forestry
      2. Recreation
      3. Prentis Plunge Swimming Pool
      4. National Guard Armory
      5. Mosquito Control

i. Special Funds
    1. Parks Capital Improvement
j. Enterprise Funds
    1. Bluffs Clubhouse
    2. Bluffs Maintenance
k. Capital Projects Fund
    1. Prentis Park
l. Wrap-up of Budget Items

7. Adjourn

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MASKS EXPECTED

BY CITY RESOLUTION

OUT OF RESPECT FOR YOUR HEALTH AND OTHERS.

CITY OF Vermillion SOUTH DAKOTA