Special Meeting Agenda
City Council
12:00 p.m. (Noon) Special Meeting
Monday, August 17, 2020
Large Conference Room – City Hall
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call.**

2. **Visitors to Be Heard.**

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

4. **Briefing on the August 17, 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, August 17, 2020
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**

2. **Pledge of Allegiance**

3. **Minutes**
   a. August 3, 2020 Special Meeting; August 3, 2020 Regular Meeting; August 11, 2020 Special Meeting; August 12, 2020 Special Meeting.

4. **Adoption of the Agenda**

5. **Visitors to be Heard**
   a. Slam Out Hunger Proclamation.

6. **Public Hearings**

7. **Old Business**
   a. First reading of Emergency Ordinance 1417 requiring the wearing of face coverings or face masks inside of buildings open to the public to slow the spread of COVID-19. (tabled from the August 3, 2020 meeting).
   b. Second reading of Emergency Ordinance 1418 to amend Title XI, Chapter 112 amending Section 112.01 Special Event Definitions and 112.18 amending Special Event Licensing to include current license holders.
   c. Second reading of Emergency Ordinance 1419 to require signage at the entrance to buildings open to the public that states Face Coverings Expected.
   d. Review of Emergency Resolution encouraging the use of face coverings or face masks and determine continuation of the Emergency Resolution.
   e. COVID-19 issues.

8. **New Business**
   a. Emergency Resolution to establish a Special Event License fee for current license holders. (this item is related to Emergency Ordinance 1418)
   b. Resolution to establish a fine for a violation of Emergency Ordinance 1419.
   c. Request from downtown business to close parking spots on Main Street and the alley between 113 E. Main Street (Varsity Pub) and 101 E. Main Street (First Baptist Church) for the downtown Social Distance Expanded Seating Event beginning August 25 and ending October 24, 2020.
   d. Consideration of Special Event License permits for Varsity Pub, LLC for the Varsity Pub; Fireworks, Inc. for Dakota Brick House; BeBee Street II, Inc for Carey's Bar; and Café Brule, Inc. for Café Brule for the period of August 25, 2020 to October 24, 2020 with no sales on September 7, September 21, October 5, and October 19, 2020. Hours vary by applicant.
   e. Recommendation from Business Improvement District #1 Board to utilize reserve funds to make up the difference between actual receipts for the third quarter and fourth quarter 2020 vs. the 5-year average payment for the third and fourth quarter in determining the amount transferred to the VCDC.

f. Grant Offer for Airport Improvement Program (AIP) Project No. 3-46-0056-014-2020 at Harold Davidson Field for the Reconstruction of 2,200-feet of Hangar Area Taxiway.
g. Resolution setting the City Council meeting on September 21, 2020 at 7:00 pm as the time and place for a hearing on a Special Assessment Roll for nuisance abatement.
h. Resolution to authorize the purchase of landfill bale bags.

9. Bid Openings

10. City Manager's Report

11. Invoices Payable

12. Consensus Agenda

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

13. Adjourn

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

Addressing the Council: Persons addressing the Council shall use the microphone at the podium. Please raise your hand to be recognized, go to the podium and state your name and address.
a. Items Not on the Agenda Members of the public may speak under Visitors to Be Heard on any topic NOT on the agenda. Remarks are limited to 5 minutes and no decision will be made at this time.
b. Agenda Items: Public testimony will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen who wishes may speak one time for 5 minutes on each agenda item. Public testimony will then be closed and the topic will be given to the governing body for possible action. At this point, only City Council members and staff may discuss the current agenda item unless a Council member moves to allow another person to speak and there is unanimous consent from the Council. Questions from Council members, however, may be directed to staff or a member of the public through the presiding officer at any time.

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

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

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Vermillion City Council's Values and Vision

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

Unapproved Minutes
Council Special Session
August 3, 2020
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, August 3, 2020 at 12:00 noon at the City Hall large conference room.

1. Roll Call

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

Absent: Humphrey

2. Visitors to be Heard - None

3. Discussion of possible uses of CARES Act funding – John Prescott

John Prescott, City Manager, reported that the State of South Dakota is providing $200 million of the federal CARES Act funds to cities and counties. The City of Vermillion’s allotment of these funds is $2,470,104 which can be used to reimburse expenditures for COVID related expenses such as personal protective equipment, hand sanitizer, gloves, plastic dividers, etc. and also for wages and benefits for public health and public safety employees which includes Police, Fire, E911 and Ambulance employees. John noted that, as the City has already budgeted for most of these salaries, the reimbursement will leave the City with funds that can be used to benefit the citizens now or into the future. John noted that this is an item that will be discussed during the budget meetings next week but has not been included in the budget. John reviewed his recommendations on possible uses of the funds which included $500,000 to the equipment replacement fund to hold down general fund annual rents and provide funds for a fire truck replacement in 2023; $225,000 transfer to water fund to avoid a water rate increase in 2021; $225,000 to assist with the Highway 50 storm drainage project estimated at $2.5 million that is planned for next year; $50,000 transfer to curbside recycling for lost revenue for the two months it was shut down and funding for a cardboard compactor to assist with collection; retain $500,000 for future COVID expenses that may not be reimbursed which in a year when more is known about the funding, make a decision; transfer $100,000 to the golf course for lost revenue; transfer $100,000 to the BBB sales tax fund as with the reduced tax revenues we are using reserves; use $200,000 for joint replacement project on Dakota Street north of Cherry Street and Main

Street east of Plum Street; use of about $60,000 to convert to LED lights in City buildings and upgrade the audio visual equipment in the City Council Chambers that is ten years old but do not have the cost estimate at this time. Discussion followed on the allocations with John answering questions of the City Council noting that this will be discussed during the budget hearings.

4. Briefing on the August 3, 2020 City Council Regular Meeting

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

5. Adjourn

225-20
Alderman Ward moved to adjourn the Council special session at 1:02 p.m. Alderman Hellwege seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 3rd day of August, 2020.

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

ATTEST:
BY_____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
August 3, 2020
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, August 3, 2020 at 7:00 p.m. by Mayor Collier-Wise.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. Minutes of July 20, 2020 Special Meeting; July 20, 2020 Regular Meeting

226-20
Alderman Price moved approval of the July 20, 2020 Special Meeting and July 20, 2020 Regular Meeting minutes. Alderman Ward seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

4. Adoption of Agenda

227-20
Alderman Willson moved approval of the agenda. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

5. Visitors to be Heard

A. Proclamation Recognizing August 9-15 as American Wind Week

Alderman Hellwege read the proclamation recognizing August 9-15, 2020 as American Wind Week in Vermillion and encourage all residents to participate in this observance by being outside and enjoying the clean air made possible by the City’s renewable energy portfolio, which includes wind energy

6. Public Hearings - None

7. Old Business

A. Second Reading Ordinance 1416 – Amending Title XV, Chapter 155, Section 155.058 (C) and (D), Bliss Pointe Planned Development District, to allow for Single-Family Detached Dwellings, and Motor Vehicle Sales, Displays, and Rentals; and to remove all Multiple-Family Dwelling uses.

Jose Dominguez, City Engineer, reviewed the background of the changes to the Bliss Pointe Planned Development District zoning ordinance. Jose stated that the ordinance presented at the July 20th meeting requested that Area C be amended to allow single-family detached dwellings as a permitted use, and to remove all multiple-family dwelling uses from this area and requested that Area D allow motor vehicle sales, display, and rentals as a permitted use. Jose reported that the City Council decided to keep the proposed changes to Area C as presented, however, the change to Area D was modified to have proposed motor vehicle sales, displays, and rentals as a conditional-use rather than a permitted use as originally proposed. Jose reported that the ordinance, as included in the packet, includes the language change and no comments have been received since the last meeting. Discussion followed on the ordinance.

228-20
Second reading of title to Ordinance No. 1416 entitled an Ordinance Amending Title XV, Chapter 155, Section 155.058 (C) and (D), Bliss Pointe Planned Development District, to allow for Single-Family Detached Dwellings, and Motor Vehicle Sales, Displays, and Rentals as a conditional use; and to remove all Multiple-Family Dwelling uses for the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1416 entitled an Ordinance Amending Title XV, Chapter 155, Section 155.058 (C) and (D), Bliss Pointe Planned Development District, to allow for Single-Family Detached Dwellings, and Motor Vehicle Sales, Displays, and Rentals as conditional use; and to remove all Multiple-Family Dwelling uses 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 20th day of July, 2020 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 3rd day of August, 2020 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

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

ORDINANCE 1416

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDNANCES AMENDING TITLE XV LAND USAGE; CHAPTER 155, ZONING REGULATIONS; SECTIONS 155.058 (C), AND (D), BLISS POINTE PLANNED DEVELOPMENT DISTRICT, TO ALLOW FOR

SINGLE-FAMILY DETACHED DWELLINGS, AND MOTOR VEHICLE SALES, DISPLAYS, AND RENTALS; AND TO REMOVE ALL MULTIPLE-FAMILY DWELLING USES.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the Code of Ordinances Sections 155.058 (C) and (D), Bliss Pointe Planned Development District be amended as follows:

§ 155.058 BLISS POINTE PLANNED DEVELOPMENT DISTRICT.

(A) Area A (low-density, single-family detached residential uses). All city ordinances apply to the Planned Development District identified as Area A except for those modified below.

Permitted Uses	Applicable Standards
Dwelling, single-family detached	§§ 155.070, 155.072, 155.076, 155.077
Day care, group	A safe pickup and drop off area must be provided for the children. All applicable dwelling standards apply.
Neighborhood utility facility	§ 155.070
Public park areas	§ 155.070
Accessory building or use	§§ 155.071, 155.082(A) (see definition)

(B) Area B (low to medium-density, single-family residential uses). All city ordinances apply to the Planned Development District identified as Area A except for those modified below.

Permitted Uses	Applicable Standards
Area A permitted uses	See Area A permitted uses

Conditional Uses	Applicable Standards
Dwelling, single-family attached	§§ 155.070, 155.072, 155.076, 155.077
Dwelling, multiple-family (maximum of 2 dwelling units per lot)	§§ 155.070, 155.072, 155.076, 155.077

(C) Area C (low to medium-density, single-family residential uses medium to high density residential uses). All city ordinances apply to the Planned Development District identified as Area C except for those modified below.

Permitted Uses	Applicable Standards
Dwelling, single-family detached	§§ 155.070, 155.072, 155.076, 155.077
Dwelling, single-family attached	§§ 155.070, 155.072, 155.076, 155.077
Day care center	Adequate and safe playground area with fence 4 feet high.
Neighborhood utility facility	§ 155.070
Public park areas	§ 155.070
Accessory building or use	§§ 155.071, 155.082(A) (see definition)

(D) Area D (light commercial uses). All city ordinances apply to the Planned Development District identified as Area D except for those modified below.

Permitted Uses	Applicable Standards
Retail services and trade	§§ 155.070, 155.072, 155.076, 155.077
Offices, non-commercial, non-construction and non-industrial	§§ 155.070, 155.072, 155.076, 155.077
Personal Service	§§ 155.070, 155.072, 155.076, 155.077
Hospital	§§ 155.070, 155.072, 155.076, 155.077
Day Care Center	§§ 155.070, 155.072, 155.076, 155.077
Accessory Building or Use	§§ 155.070, 155.072, 155.076, 155.077

Conditional Uses	Applicable Standards
Motor vehicle sales, display, and rental	§§ 155.070, 155.072, 155.073, 155.077 Subject to screening of all outdoor storage of parts from view. No more than 10 vehicles displayed outside of any structure within lot.

(E) Lot and yard regulations. All measurements shall be taken from the lot line to the building line (see definitions). Values listed are minimums, unless otherwise stated.

	Lot Area	*Frontage*	*Building Line*	*Front Yard*	*Side Yard*	*Rear Yard*	*Maximum Height*
Dwelling, single-family detached	6,500 square feet	50 feet	65 feet	25 feet See (3)	8 feet See (2)	25 feet See (8)	35 feet
Dwelling, single-family attached, See (4)	2,500 square feet	25 feet	25 feet	25 feet See (3)	0 or 8 feet on non-party wall side	25 feet	35 feet
Dwelling, multiple-family(maximum of 2 dwelling units per lot)	7,500 square feet	50	75	25 feet	8 feet	25 feet	35 feet
Dwelling, multiple-family units (maximum of 32 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)	7,500 square feet	50 feet	60 feet	30 feet See (5)	10 feet See (1)	10 feet	35 feet
Dwelling, multiple-family units (between 33 and 48 bedrooms per lot, number of bedrooms	20,000 square feet	50 feet	70 feet	30 feet See (5)	10 feet See (1)	10 feet	45 feet

per dwelling unit cannot exceed 4)							
Dwelling, multiple-family units (over 48 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)	30,000 square feet	50 feet	85 feet	30 feet See (5)	10 feet See (1)	10 feet	45 feet
Area D uses	NA	101 or more feet	50 feet	25 feet See (2)	5 feet See (2), (6)	5 feet See (7)	45 feet
All other uses	7,500 square feet	50 feet	75 feet	30 feet	10 feet	25 feet	45 feet

Exceptions:

(1) The side yard will be required to be increased by 10 feet when the building is 3 stories in height or more.

(2) There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.

(3) See also adjustments to yard regulations (§ 155.082) for other specific exceptions.

(4) Every two units shall be staggered.

(5) More than one building per lot may be constructed.

(6) A side yard of 15 feet shall be required where a lot is adjacent to or abuts a residential district.

(7) A rear yard of 20 feet shall be required where a lot is adjacent or abuts a residential district.

(8) The rear yard may be reduced to 20 feet for lots 9,000 square feet or less.

(F) Property re-division. All future property re-division shall require a re-platting of the affected parcels. The Planned Development District may require an amendment on property re-division.

Dated at Vermillion, South Dakota this 3rd day of August, 2020.

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

ATTEST:

BY_____
Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Hellwege. 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: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

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

B. COVID-19 issues

Mayor Collier-Wise stated that this has been requested to be included on the agenda to allow for report on COVID-19 issues. Mayor Collier-Wise stated that representatives of the VCDC were available if there were questions on the Thursday’s on the Platz event. Alderman Ward reported that he and Nate Welch had a meeting with the downtown businesses about possible street closing to allow for social distancing. Alderman Ward noted for alcoholic beverage license holders they need to have a designated area and there is a state statute that prevents carrying alcoholic beverages into a license business and also the open container statue. Alderman Ward stated that they will continue to review options. Mayor Collier-Wise stated that the first reading of an ordinance to continue to allow license holders to obtain special event licenses is later on the agenda.

8. New Business

A. Face covering requirement for City owned buildings

John Prescott, City Manager, reported that, as the COVID-19 pandemic has evolved, face coverings have been determined to be one of the more effective measures to control the spread of the disease. John noted that, since reopening, City buildings such as City Hall have had entry signage requesting visitors to wear a mask, but the City Council has not adopted a policy to require visitors to a City-owned public building to wear a face mask or face covering. John stated that other safety measures such as hand sanitizing stations, physical distancing markings, and general signage about safe practices are already in place. John stated that USD and the Vermillion Public School District have established practices requiring face masks or face coverings inside of their buildings. John reported that the City Attorney and an attorney for the City's liability insurance company determined that face masks or face coverings could be required for City-owned public buildings. John noted that there may be situations where an individual is not able to wear a face covering, and those will be addressed on an individual basis. John stated that face coverings will also be available at public entrances to buildings to assist those who may not have a face covering immediately available. Discussion followed.

229-20
Alderman Ward moved approval of the adoption of a policy requiring face masks or face coverings adequate to slow the spread of COVID-19 in City-owned public buildings. Alderman Hellwege seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

B. First reading of Emergency Ordinance 1417 requiring the wearing of face coverings or face masks inside of public buildings to slow the spread of COVID-19.

John Prescott, City Manager, stated that, as noted with the last agenda item, face coverings have been determined to be one of the more effective measures to control the spread of the coronavirus. John noted that social distancing and hand washing or sanitizing are also very effective measures which the City has tried to promote. John noted that the Board of Regents and Vermillion Public School District have adopted policies in regard to the use of face coverings on their properties. John noted that from the discussion at the noon meeting the City Council would like to consider a face mask or face covering resolution for the city and an ordinance to require signage that face masks or face covering are expected. John noted that in talking to the City Attorney it was his opinion that the City Council cannot act on a resolution for face masks or face coverings or first reading on a signage ordinance tonight as it was not on the published agenda

Mayor Collier-Wise thanked staff for drafting the ordinance and for the input from the City Attorney and city insurance carrier. Mayor Collier-Wise noted from the noon discussion it is was the consensus that instead of the ordinance an emergency resolution be prepared that states that face masks or face covering are expected in the City of Vermillion. Mayor Collier-Wise noted that the consensus was that an emergency ordinance be prepared to require signage that states that face masks or face coverings are expected within the city and that emergency ordinance No. 1417 be tabled. Discussion followed on the timing of the emergency resolution for the expectation of wearing of face masks or face coverings and the emergency ordinance to require signage that face masks or face coverings are expected be considered at the August 11th special budget meeting. Discussion included contacting the VCDC about the sign requirement and encouraging the placement of the signage to create a consistent message that face masks and face coverings are expected.

230-20
Alderman Willson moved to table consideration of proposed Ordinance No. 1417 until consideration of the emergency resolution for face masks or face coverings are expected and emergency ordinance to require signage for face masks or face coverings are expected. Alderman Hellwege seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

C. Combined election agreement with Clay County for Home Rule Charter

Mike Carlson, Finance Officer, reported that, at the July 20th meeting, the City Council approved submitting the Home Rule Charter to a vote at the November 3rd general election contingent upon County approval of a joint election. Mike reported that State statute provides for combining elections and encourages entities to enter into agreements as to the duties and responsibilities. Mike stated that contact was made with the County Auditor about combining the Home Rule Charter election with the November 3rd general election which would require an agreement between the County and City. Mike reported that the County Commission approved the combined election agreement at their July 28th meeting with the cost to the city being $2,800. Mike recommended approval of the combined election agreement. Discussion followed on the combined election agreement.

231-20
Alderman Price moved approval of the combined election agreement with Clay County for City Home Rule Charter election to be combined with the November 3rd general election at a cost of $2,800. Alderman Holland seconded the motion. A roll call vote of the Governing Body was as

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

D. Developer's agreement with Nutrien Ag Solutions, Inc. Owner of Heikes Tract 2, SE ¼, SE ¼, Exc. Heikes Addn, 7-92-51, City of Vermillion, Clay County, South Dakota

Jose Dominguez, City Engineer, reported that Nutrien Ag Solutions (Nutrien) is finalizing the plans to begin construction of a large ag retail facility at the northwest corner of the intersection of 317th Street and North Crawford Road. Jose stated that the new construction will have access off 317th Street and in the future, once the improvements are completed on North Crawford Road, Nutrien would be able to have additional access points off North Crawford Road. Jose noted that City ordinance requires that the property owner construct sidewalks, grading, curb and gutter, street surfacing, street lights, water and sewer improvements on all streets abutting a property to be developed. Jose stated that the lot in question fronts 317th Street and North Crawford Road (or 465th Street). Jose reported that the developer's agreement will require that the owner do the following: 1) Complete the construction of North Crawford Road (or 465th Street), water mains and sanitary sewer mains when the City Council requests the completion, or when a future development would utilize the street, 2) Will not remonstrate against any assessments required for construction of any of the mentioned improvements. Jose reported that the agreement has been reviewed by the City Attorney.

232-20
Alderman Hellwege moved approval of the developer's agreement with Nutrien Ag Solutions, Inc. Owner of Heikes Tract 2, SE ¼, SE ¼, Exc. Heikes Addn, 7-92-51, City of Vermillion, Clay County, South Dakota and authorized the Mayor to sign. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

E. Presentation of the proposed 2021 budget

John Prescott, City Manager, stated that the 2021 Proposed Budget was included in the binder delivered to those who wanted a hard copy and the electronic version will be sent on Tuesday as there were some issues with the size of the file. John stated that the budget utilizes conservative fiscal principals to develop a plan of action for 2021 and will serve as the starting point for the City Council. John stated that the proposed budget will be reviewed during budget sessions scheduled for 6:00 p.m. on August 11th and 12th in the Council Chambers on second floor of City

Hall. John reviewed some of the major items included in the budget noting the CARES Act funding will need to be finalized.

F. First reading of Emergency Ordinance 1418 to amend Title XI, Chapter 112 amending Section 112.01 Special Event Definitions and 112.18 amending Special Event Licensing to include current license holders

John Prescott, City Manager, reported at the June 15, 2020 regular meeting and a special meeting on June 22, 2020, the City Council completed two readings and adopted Emergency Ordinance No. 1415. John stated that the emergency ordinance amended the special event definition and provided that current license holders could apply for a special event license. John stated that the emergency ordinance is only for a sixty-day period and expires on August 24, 2020 at midnight. John stated that the request was made to consider first reading of the ordinance to allow for it to continue for another sixty-days to provide the option of the license holders to obtain special licenses to expand into the closed parking spaces. John noted that with second reading there are several other issues that will need to be addressed: 1) establishing the special daily fee, 2) closing of parking spaces to be used for outdoor seating areas, 3) license holders will need to make application for the special daily licenses, 4) Council will need to set hours of operation and, as the license can be for only 15 consecutive days, will need to determine what days to be closed to sales and, with this sixty-day period covering Dakota Days, how to address the issue for the parade. Discussion followed noting that currently it is not known which license holders will want to apply for the special license.

233-20
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. 1418 entitled An Ordinance Amending sections 112.01 and 112.18 special events definitions and to expand special licensing to include special on-sale liquor licenses issued to current license holders of the City of Vermillion, 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 3rd day of August, 2020 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

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

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

9. Bid Openings

A. Fuel Quotes

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

Item 1 - 4,350 gal unleaded 10% ethanol: Stern Oil $1.6236, Brunick's Service $1.62; Item 2 – 1,000 gal unleaded regular: Stern Oil $1.7660, Brunick's Service $1.82; Item 3 – 3,000 gal No. 2 Diesel fuel dyed: Stern Oil $1.4715, Brunick's Service $1.53; Item 4 - 1,000 gal No. 2 diesel fuel-clear: Stern Oil $1.7673, Brunick's Service $1.85.

234-20
Alderman Price moved approval of the low quote of Brunick's Service on Item 1 and Stern Oil on Items 2, 3 & 4. Alderman Humphrey seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

10. City Manager's Report

A. John reported that the 2020 Census is underway. John asked that all residents please take a minute to complete the 2020 Census. John noted that the current response rate is 64%. John stated that it is important to the City of Vermillion and Clay County for Federal funding to have an accurate count.

B. John reminded citizens that Thursdays on the Platz will be every Thursday through the end of August with street closings of West Main Street from the west line of the intersection of Court Street west to the west line of Ratingen Platz and Market Street as it abuts Ratingen Platz from 4:00 p.m. to 8:00 p.m.

C. John reported that the Business Improvement District Board #2 is meeting on Tuesday, August 4th at 10:00 a.m. at City Hall as they continue to work with the consultant on developing a Streetscape plan.

D. John reported that the Historic Preservation Commission meets on Wednesday, August 5th at 9:00 a.m. at City Hall for their monthly meeting.

E. John reported that the Pro Am golf tournament is this Friday, Saturday and Sunday at the Bluffs. John stated that there is a community meal outdoors on Thursday evening with golf events.

PAYROLL ADDITIONS AND CHANGES

Ambulance: Isabelle Lehman $11.00/hr-$11.00/training hr-$16.50/holiday hr, Kayla Kloucek $11.00/hr-$11.00/training hr-$16.50/holiday hr, Ben Kulesa $11.00/hr-$11.00/training hr-$16.50/holiday hr, Ryne Whisler $11.00/hr-$11.00/training hr-$16.50/holiday hr; Recreation: Jane Struckman-Johnson $9.50/hr, Parker Goblirsch $30.00/game, Alexis Malimaneck $30.00/game, Madison Trieber $30.00/game, Kennedy Goblirsch $30.00/game, Payton Halverson $30.00/game, Alisha Leber $30.00/game, Drew Thelen $30.00/game, Dylan Thelen $30.00/game; Golf Maintenance: Jacob Alvine $9.50/hr

11. Invoices Payable

235-20
Alderman Willson moved approval of the following invoices:

4Imprint	promotion materials	1,326.88
A-1 Portable Toilets	portable toilet rental	450.00
Adidas America, Inc	merchandise	623.80
Aladtec, Inc	software subscription	2,426.00
Altec Industries, Inc	parts	1,689.79
Amazon Business	supplies	270.98
Appeara	shop towels	45.00
Aramark	uniform shirts	147.81
Aramark Uniform Services	uniform cleaning	563.10
Argus Leader Media #1085	subscription	28.00
Avera Occupational Medicine	testing	126.10
AWWA	membership/dues	214.00
Banner Associates, Inc	professional services	4,710.55
Beth Samenus	mileage reimbursement	84.73
Bierschbach Eqpt & Supply	parts	751.53
Blackburn Manufacturing Co	supplies	253.64
Blackstone Publishing	books	50.00
Border States Elec Supply	supplies	1,340.85
Bound Tree Medical, LLC	supplies	1,795.47
Brunicks Service Inc	propane	185.00
BSN Sports	recreation supplies	1,393.51
Burns & McDonnell	professional services	20,731.50
Butler Machinery Co.	repairs/parts	8,962.67
Callaway Golf	merchandise	378.66

Cannon Technologies, Inc	gateway modem/parts	3,861.72
Carroll Construction Supply	diamond blades	579.95
Cask & Cork	merchandise	649.50
Centralsquare Technologies	software maintenance	21,456.25
Century Business Products	copier contract/copies	219.89
Certified Laboratories	supplies	768.21
Chesterman Co	merchandise	941.72
City Of Sioux Falls	testing	29.00
City Of Vermillion	postage/copies	1,163.63
City Of Vermillion	utility bills	47,237.91
Coffee King, Inc	supplies	62.75
Colonial Life Acc Ins.	insurance	3,033.29
Continental Research Corp	supplies	459.87
Core & Main LP	supplies	295.29
Coyote Convenience	fuel	7.87
Creighton University	training registration	1,095.00
D-P Tools	supplies	239.03
Dakota Beverage	merchandise	5,910.90
Dakota Pc Warehouse	ipads/toner/adapter	647.89
Dakota Pump Incorp	parts	1,909.56
Dale Husby	safety glasses reimbursement	73.90
Deadperfect	merchandise	169.19
Delta Dental Plan	insurance	6,301.68
Demco	face shields/cleaner/decals	125.52
Dennis Martens	maintenance	833.34
DGR Engineering	professional services	277.50
Diamond Mowers	parts	230.69
Ebsco	subscription	41.50
Echo Electric Supply	supplies	177.49
Electric Pump, Inc	repairs	1,110.00
Envisionware, Inc	software subscription	875.00
Erickson Solutions Group	professional services	996.35
Far From Normal	supplies	44.07
Farmer Brothers Co.	supplies	268.39
Farner Bocken Company	merchandise	2,390.12
Fast Auto Glass	repairs	668.52
Forman Media	council meeting/repairs	113.00
Global Dist.	merchandise	273.00
Global Equipment Company	wire shelving	170.10
Graham Tire Co.	tires	759.01
Graymont (Wi) LLC	chemicals	8,333.13
Gregg Peters	rent	937.50
Hauger Lawn Service	mowing	132.00

Heine Electric & Irrigation	well #3 maintenance	11,073.45
Helms & Associates	professional services	4,696.70
Herc-U-Lift	repairs	1,250.86
Herren-Schempp Building	supplies	16.32
Hillyard/Sioux Falls	disinfectant	115.80
Hy Vee Food Store	supplies	575.95
Industrial Chem Labs	degreaser	456.61
Ingram	books	1,671.37
Interstate Power Systems	repairs	717.44
John A Conkling Dist.	merchandise	4,258.55
Johnson Brothers Of SD	merchandise	10,325.54
Johnson Controls	repairs/parts	1,215.48
Jones Food Center	supplies	190.83
Kalins Indoor Comfort	furnace & a/c	10,434.00
Knife River Midwest, LLC	asphalt	2,104.17
Larry's Htg & Cooling, Inc	repairs	359.43
Leisure Lawn Care	repairs	599.10
Lessman Elec. Supply Co	supplies	1,009.00
Loffler	toner	222.00
Marks Machinery	parts	354.75
Mart Auto Body	towing	150.00
Matheson Tri-Gas, Inc	medical oxygen	514.35
McCulloch Law Office	professional services	1,842.80
Mead Lumber	supplies	108.52
Medical Waste Transport, Inc	haul medical waste	213.41
Medline Industries, Inc	forehead thermometer/supplies	644.60
Merrick Industries	parts	148.53
Mh Equipment Company	repairs	197.09
Michael Todd & Co.	mini light bars	733.11
Micro Marketing LLC	books	84.96
Midwest Alarm Co	alarm monitoring	482.00
Midwest Turf & Irrigation	parts	688.89
Midwest Wheel Companies	parts	855.28
Minn Municipal Utility Assoc	3rd qtr safety mgmt program	6,737.50
Missouri River Energy Service	infrared inspections	2,662.13
Missouri Valley Maintenance	repairs	993.91
Mobotrex Mobility & Traffic	repair/recertify	428.00
Moore Welding & Mfg	supplies	50.00
Mr. Golf Car, Inc	repairs	134.00
National Registry Of EMT	paramedic emblems	210.00
NBS Calibrations	scale calibration/balance	495.00
NCL Of Wisconsin, Inc	chemicals	365.30
Nebraska Journal-Leader	advertising	39.95

Netsys+	professional services	635.00
Nike Inc	merchandise	124.26
Northwestern University Center	online training course	4,000.00
O'Reilly Auto Parts	parts	341.74
Overhead Door Of Sioux City	repairs	239.63
Pizza Ranch	meals	309.13
Plain Talk Publishers	subscription	26.00
Powerphone, Inc	online training	258.00
Pressing Matters	notary stamp/envelopes	110.00
Presto-X-Company	inspection/treatment	115.00
Pride Neon Inc	flag pole winch	877.56
Print Source	supplies/advertising	1,143.50
Prochem Dynamics	supplies	175.04
Property Maintenance Service	mowing	303.75
QT Pod	network access/support	945.00
Quadient Leasing USA, Inc	postage meter lease	234.24
Quality Telecommunications	telephone	208.20
Quill	supplies	329.56
Racom Corporation	maintenance	411.70
Recorded Books, Inc	books	746.93
Redi Towing	towing	75.00
Register Of Deeds	filing fee	30.00
Republic National Distributing	merchandise	7,279.85
Riverside Technologies, Inc	docking station	99.00
Rockmount Research & Alloy	blades	135.69
Running Supply, LLC	supplies	1,637.29
Sanford Health Plan	participation fee	54.00
Sanford USD Medical Center	supplies	253.90
Sanitation Products Inc	parts	879.42
Schaeffer Mfg. Co	supplies	934.40
SD Golf Association	handicap	5,823.00
SD Retirement System	contributions	60,223.36
Service Master Of Se SD	custodial	3,619.70
Siouxland Humane Society	fees	37.00
Skarshaug Testing Lab.	testing	2,230.18
South Dakota 811	locates	480.90
South Dakota Open	bronze sponsorship	500.00
Southern Glazer's Of SD	merchandise	2,803.58
Staples Business Credit	supplies	647.53
Stockwell Engineers, Inc	downtown streetscape	22,762.13
Stryker Sales Corporation	maintenance agreement	7,577.51
Stuart C. Irby Co.	supplies	387.50
Sturdevants Auto Parts	parts	1,172.24

Syncb/Amazon	books/dvds/supplies	1,021.89
Teleflex LLC	supplies	662.50
Testamerica Laboratories	testing	1,617.50
Thiesen Designs	softball t-shirts	396.90
Titleist-Acushnet Company	merchandise	7,630.09
Todds Electric Service	install load mgmt	153.03
Topkote Inc	chip sealing	112,762.00
Turner Plumbing	repairs	88.78
Two Way Solutions	headset/supplies	642.98
United Laboratories	chemicals	450.00
United Way	contributions	752.00
Unum Life Insurance Company	insurance	1,525.68
USA Bluebook	supplies	128.60
Valiant Vineyards	merchandise	99.30
Van Diest Supply Co	chemicals	1,159.00
Vast Broadband	911 circuit/dialup service	1,395.45
Verizon Wireless	cell phones/ipad access	2,415.86
Vermeer High Plains	parts	684.35
Vermillion Ace Hardware	supplies	2,687.28
Vermillion Chamber Of Commerce	bid 2nd quarter	13,117.00
Vermillion Concrete	concrete work	30,755.78
Vermillion Cultural Association	contribution	4,000.00
Vermillion Food Pantry	contribution	5,500.00
Vermillion Ford	repairs	252.89
Visa/First Bank & Trust	fuel/supplies	5,718.32
Vista Outdoor Sales, LLC	merchandise	210.00
Wal-Mart Community	supplies	1,391.52
Walt's Homestyle Foods, Inc	merchandise	268.60
Wesco Distribution, Inc	supplies	902.60
Wieman Construction	Prof service-ditching	3,367.35
Yamaha Motor Finance Corp	golf cars/beverage unit lease	6,622.61
Yankton Janitorial Supply	supplies	385.40
Zimco Supply Co	chemicals	21,071.50
Teresa Johnson	Bright Energy Rebate	250.00
Craig Develder	Bright Energy Rebate	350.00
Bill Bultsma	Bright Energy Rebate	500.00

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

12. Consensus Agenda - None

13. Adjourn

236-20
Alderman Ward moved to adjourn the Council Meeting at 8:05 p.m. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

Dated at Vermillion, South Dakota this 3rd day of August, 2020.

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

ATTEST:
BY_____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.

Unapproved Minutes
Council Special Session
August 11, 2020
Tuesday 6:00 p.m.

The special session of the City Council, City of Vermillion, South Dakota was held on Tuesday, August 11, 2020 at 6:00 p.m. at the City Hall large conference room by Mayor Collier-Wise.

1. Roll Call

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

2. Pledge of Allegiance

3. Adoption of Agenda

237-20
Alderman Price moved approval of the agenda. Alderman Willson seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

4. Visitors to be Heard - None

5. New Business

A. Emergency Resolution Encouraging Face Covering to be Worn in Public Buildings

John Prescott, City Manager, reported that face coverings have been determined to be one of the more effective measures to reduce the spread of the coronavirus. John noted that, 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. John stated that, at the last meeting, the City Council considered, but did not adopt, an ordinance requiring face coverings or face masks in buildings open to the public and staff was directed to prepare a resolution which would encourage the use of face masks or face coverings in buildings open to the public. John reported that two resolutions were included in the packet. John noted the end result of both resolutions is to encourage the wearing of face coverings or face masks. John noted that one version of the resolution includes

the various exceptions that were provided when the ordinance to require face coverings or face masks was considered and 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. John stated that a resolution does not necessitate the establishment of a fine for not adhering to the guidance provided. John noted that, 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. John stated that this is an emergency resolution that will have a 60-day life unless changed by City Council action and, as such, continuation of the resolution will be included on each agenda during the 60-day life of the emergency resolution. John recommended adoption of the shorter resolution as it does not include all the exceptions but encourages the use of face coverings. Discussion followed on the two options with the suggestion to remove one of the WHEREAS paragraphs.

238-20
After reading the same once, Alderman Holland moved adoption of the following:

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, which especially among older adults and persons with serious underlying health conditions, can result in serious illness requiring hospitalization, admission to an intensive care unit, and death; and

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

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

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

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

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

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

WHEREAS, the South Dakota Board of Regents 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 mask at all times while having face-to-face interactions with the public.

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

BE IT FURTHER RESOLVED, that, pursuant to SDCL 9-19-13, this resolution is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective 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
By_____
Kelsey Collier-Wise, Mayor

ATTEST:
_____
Michael Carlson, Finance Officer

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

B. First Reading of Emergency Ordinance 1419 to Require Signage at the entrance to buildings open to the public that states Face Coverings Expected

John Prescott, City Manager, noted that, 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. John noted that the City Council at the August 3, 2020 regular meeting expressed interest in having a signage requirement that buildings open to the public would need to meet to help promote a community culture of wearing a face mask or face covering. John stated that the proposed ordinance will require businesses to have a sign which reads “Face Mask or Face Coverings Are Expected”. John noted that the City has been working with the University of South Dakota to promote continuity of signage across the community. John noted that a business does not have to use

the templates which will be available on the City's website but will need to provide the same message that face masks or face coverings are expected. John stated that the sign must be at least 8.5" x 11" and placed at the entrance or entrances to the business. John stated that a sample of the template is included with the packet. John stated that the proposed ordinance is an emergency ordinance to provide the City Council with the ability to more quickly implement the requirement to address the ongoing, immediate health issue. John stated that an emergency ordinance would have a life of 60-days. John noted that, if adopted, the second reading of Emergency Ordinance No. 1419 would be part of the regular meeting agenda on Monday, August 17, 2020 and could be effective immediately following adoption. John noted that, as with all ordinances, a fine amount needs to be established for violation of an ordinance which is usually set with the second reading of an ordinance. Discussion followed on the wording for the sign to be in a visible location near the entrance(s) with the wording "masks or face coverings are expected pursuant to City Resolution."

239-20
Mayor Collier-Wise read the title to the above mentioned Ordinance and Alderman Willson moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1419 entitled an Emergency Ordinance Requiring Signage at the entrance to buildings open to the public that states Face Coverings Expected pursuant to City Resolution, 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 as amended at this meeting being a special called meeting of the Governing Body of the City on this 11th day of August, 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 Holland. After discussion, the question of adoption of the Resolution was put to a roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

6. Budget Workshop – 2021 Budget

John Prescott, City Manager, provided an overview of the budget noting that the budget presented should serve as the starting point for the process of developing the 2021 budget. John noted that overall this is a relatively flat budget as to growth but will address some large projects. John reported that for the property tax revenues the State regulated inflationary increase is 1.7% plus growth so the budgeted property tax revenue increased $113,000. John stated that the sales tax

revenues budgeted for 2020 and 2021 were kept the same as the effect of the pandemic are unknown. John stated that the proposed budget supports a wage adjustment of 2.5% as was approved in the union agreement and that no changes are proposed in the number of benefited employees. John noted that proposed budget included a 6% health insurance increase with the actual premiums not known until later this year. John stated that no rate increases were currently projected for electric, water and wastewater utilities for 2021 but that water will need to be reviewed for possible use of additional funds to prevent an increase in 2021. John stated that in October we will receive notice of any electric purchase of power rate increases and wastewater rates are reviewed in April of each year. John noted that storm water fee would increase 3.3% or an estimated revenue increase of about $8,875 for the community in 2021. John reported that the information was presented on the use of the CARES Act funds at the August 3rd noon meeting and that some direction will be needed on the use of these funds across the organization. John reported that the individual departments will be covering the items in their budget that were revised for 2020 and the 2021 budget items. John stated that he has included a memo on the funding proposed for the outside agencies noting that their funding is in the general fund and BBB sales tax fund which were kept the same due to the uncertainty with sales tax. John stated that the VCDC is scheduled to make their presentation at the Monday noon meeting.

The Council started the review of the 2021 proposed budget, as well as revisions to the 2020 budget, by reviewing the following sections of the budget with the City Manager and department heads: Policy & Administration: Code Compliance; Special Funds: 911 Fund; Public Safety & Security: Police Administration and Investigation, Police Patrol, Fire and Rescue, EMS/Ambulance, Emergency Management, Human Development and Leisure: Public Library, Special Funds: Library Fund; Utility Fund: Joint Powers Landfill, Joint Powers Recycling, Curbside Recycling; Enterprise Funds: Liquor Store; Special Funds: Second Penny sales tax, BID #1, Debt Service Funds: Special Assessments, TIF District No. 5, TIF District No. 6, City Hall Debt Service, Prentis Park Debt Service; Internal Service Fund: Unemployment, Copy/Fax/Postage, Custodial; Maintenance & Transportation: City Hall Maintenance; Policy & Administration: General Government, Finance; Outside Organizations Request: General Fund – Community Services, BBB Fund.

John reviewed the outside agency requests and what funding was included in the proposed budget.

City Council discussion followed on outside agency funding with the consensus to include the funding listed in the proposed budget noting that the VCDC will make their presentation at the August 17th noon meeting.

7. Adjourn

240-20
Alderman Ward moved to adjourn the Council Meeting at 8:15 p.m. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 11th day of August, 2020.

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

ATTEST:
BY_____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.

Unapproved Minutes
Council Special Session
August 12, 2020
Wednesday 6:00 p.m.

The special session of the City Council, City of Vermillion, South Dakota was held on Wednesday, August 12, 2020 at 6:00 p.m. at the City Hall large conference room by Mayor Collier-Wise.

1. Roll Call

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

2. Pledge of Allegiance

3. Adoption of Agenda

241-20
Alderman Price moved approval of the agenda. Alderman Hellwege seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

4. Visitors to be Heard – None

5. New Business - None

6. Budget Workshop – 2021 Proposed

The Council continued the review of the 2021 proposed budget and 2020 revised budget by reviewing the following sections of the budget with the City Manager and Department Heads: Utility Fund: Water, Wastewater, Electric; Maintenance & Transportation: Service Center, Mechanic’s Garage, Street Department, Snow Removal, Sweeping & Mowing, Carpentry; Policy & Administration: Engineering/Planning and Zoning; Maintenance & Transportation: Old Library Maintenance, Old Landfill Maintenance, Airport; Special Funds: Storm Water Collection; Capital Projects Fund: Special Assessment Projects, Airport Improvements, Bike Path, Prentis Park Improvements: Internal Service Funds: Equipment Replacement Fund; Human Development and Leisure: Parks and Forestry, Recreation, Prentis Plunge Swimming Pool, National Guard Armory, Mosquito Control; Special Funds: Parks Capital Improvement; Enterprise Funds: Bluffs Clubhouse, Bluffs Maintenance; Capital Projects Fund: Prentis Park.

John Prescott, City Manager, noted that, at the August 3rd noon meeting, information had been presented about use of the CARES Act funding and he recommended that in October the City Council can approve the needed budget adjustment.

Mayor Collier-Wise thanked the Council members for their time in reviewing the 2021 budget noting that the presentation from the VCDC will be August 17th at noon and then budget ordinance can be prepared for Council consideration in September.

7. Adjourn

242-20
Alderman Ward moved to adjourn the Council Meeting at 7:06 p.m. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 12th day of August, 2020.

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

ATTEST:
BY_____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.

PROCLAMATION

SLAM OUT HUNGER DAY

WHEREAS, hunger affects millions of people nationwide, including in Vermillion and Clay County; and

WHEREAS, Midwest All Pro Wrestling and their sponsors are working to address hunger through an effort labeled Slam Out Hunger; and

WHEREAS, Midwest All Pro Wrestling encourages citizens to bring non-perishable food and other essential supplies such as toilet paper, shampoo, and soap to the Community Connections Center food drive on August 31, 2020; and

WHEREAS, Midwest All Pro Wrestling's Slam Out Hunger event is one example of how we can all work together to make a difference in the lives of those in our community.

NOW, THEREFORE, BE IT RESOLVED we, the governing body of the City of Vermillion, South Dakota, do hereby proclaim August 31, 2020 as

SLAM OUT HUNGER DAY

in the City of Vermillion, and we encourage community members to bring non-perishable food items and other essential supplies to the Community Connection Center.

Dated at Vermillion, South Dakota this 17th day of August, 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: John Prescott, City Manager

Meeting: August 17, 2020

Subject: First reading of proposed Emergency Ordinance 1417 to require the wearing of face masks or face coverings inside of buildings open to the public (tabled from the August 3, 2020 meeting)

Presenter: John Prescott

Background: The City Council considered Emergency Ordinance 1417 at the August 3, 2020 meeting. The proposed ordinance would require the wearing of face masks or face coverings inside of buildings open to the public. The Mayor had requested the ordinance be drafted and presented for discussion at the August 3, 2020 meeting. Following discussion, the first reading of Emergency Ordinance 1417 was tabled at the August 3, 2020 meeting.

Discussion: As discussed and reviewed at the last meeting, the City Attorney and an attorney for the City's public liability insurance carrier expressed reluctance from a legal perspective for the City Council to adopt this ordinance.

Following discussion on August 3, 2020, the City Council directed staff to prepare a resolution which would encourage the wearing of a face mask or face covering in buildings open to the public. A resolution which encourages the use of a face mask or face covering inside of buildings open to the public was approved at the special City Council meeting on August 11, 2020. On August 3, 2020 the City Council also directed staff to prepare an Emergency Ordinance to require businesses open to the public to post signage stating that "Face Masks or Face Coverings are Expected". The first reading of this ordinance which was titled as Emergency Ordinance 1419 was approved at the August 11, 2020 special meeting. The second reading of Emergency Ordinance 1419 is later on this agenda. Staff understood that the adoption of a signage ordinance and a resolution were taking the place of Emergency Ordinance 1417. If that remains the intent of the City Council, there is no longer a need to adopt Emergency Ordinance 1417.

Financial Consideration: None.

Conclusion/Recommendations: If the policy directions of the City Council are met with the August 11th Emergency Resolution and Emergency Ordinance 1419, Administration recommends not approving Emergency Ordinance 1417.

Note – the City Council should remove Emergency Ordinance 1417 from the table before having discussion on the item.

EMERGENCY ORDINANCE NO. 1417

AN EMERGENCY ORDINANCE TO ADDRESS A PUBLIC HEALTH CRISIS BY REQUIRING THE WEARING OF FACE MASKS OR COVERINGS INSIDE OF PUBLIC BUILDINGS TO 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 the use of masks or face coverings 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.

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

DRAFT

1. All persons entering a commercial establishment in the City of Vermillion must wear a face covering or 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 must require their employees to wear a face covering at all times while having face-to-face interactions with the public.

3. Face coverings or masks are not required in the following circumstances:
   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 medical or behavioral condition or disability prevents the use (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.

   Anyone who declines to wear a face covering for these stated reasons should not be required to produce documentation or any other proof of a condition.

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4. This ordinance shall remain in effect for a period of sixty (60) days, at which time it shall be automatically repealed unless specifically readopted for an additional period of time by the City Council. At each regular City Council meeting during the sixty (60) day period or at a special meeting called for consideration of this ordinance, the City Council will have as an agenda item consideration of a resolution to suspend the provisions herein prior to the end of the sixty (60) day period. Any restriction contained in this ordinance may be modified at any time by a resolution of the City Council.

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

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

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

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY_____
Kelsey Collier-Wise, Mayor

ATTEST:

BY_____
Michael D. Carlson, Finance Officer

First Reading:
Second Reading:
Effective Date:

DRAFT

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: August 17, 2020

Subject: Second Reading of Emergency Ordinance 1418 – an Ordinance to amend the special event definition and expand special licensing to current license holders

Presenter: John Prescott

Background: State statutes governing special daily licenses were changed in 2010 to allow on-sale wine, on-sale liquor, off-sale package wine dealers selling wine manufactured by SD Farm wineries, special off-sale package malt beverage licenses and that the special licenses could be issued to current license holders. In 2010, the City Council's Policies and Procedures Committee studied the license change options. The Committee recommended and the City Council adopted an ordinance that modified the definition of a special event and provided for the issuance of special on-sale malt beverage, special on-sale wine, and special off-sale package wine dealers license for wine manufactured by a farm winery (Valiant Vineyards is a farm winery) licenses. At that time, the committee and the City Council discussed but did not change the ordinance to allow a special on-sale liquor license or that current license holders could be issued a special license of any type. Special licenses were limited to civic, charitable, educational, veterans, or fraternal organization in conjunction with a special event.

At the June 15, 2020 regular meeting and a special meeting on June 22, 2020, the City Council completed two readings and adopted Emergency Ordinance 1415. This emergency ordinance amended the special event definition and provided that current license holders could apply for a special event license. This emergency ordinance expires on August 24, 2020 at midnight. At the August 3, 2020 regular meeting, the City Council approved first reading of Emergency Ordinance 1418. This emergency ordinance continues the opportunities provided in the expiring emergency ordinance for an additional 60 days,

Discussion: To continue the current practice found in a couple of downtown locations this summer, a change in the special event license is again needed as state statute requires a license holder to have a designated area in which they are responsible for sales and consumption. Outside of the property of a license holder's establishment, a special daily

license is needed. In the June meetings with the license holders, they wanted the ability for customers to purchase alcohol inside the business and then go outside as well as to allow for on-sale liquor sales. For a patron to be able to purchase inside the business and then walk outside to the parking area the licenses would need to be in the same name. There is also a statute that only allows a license to sell on the property that is owned or leased by the licensee, however there is an exception if the licensee is issued a special license.

> 35-1-5.6. Consumption of alcoholic beverages on on-sale premises from which beverage not purchased as misdemeanor--Exceptions.
>
> It is a Class 2 misdemeanor for any person to consume any alcoholic beverage upon the premises of a licensed on-sale dealer if the alcoholic beverage was not purchased from the on-sale dealer. However, this provision does not apply to any passenger aboard a vehicle operated by a licensed carrier. A person may consume any alcoholic beverage upon the premises of a licensed on-sale dealer if the beverage is purchased from a licensee who has been issued a temporary license pursuant to § 35-4-124 for a special event occurring on the premises of the licensed on-sale dealer.
>
> 35-2-6.3. Ownership or lease of premises required of licensees--Ownership of business.
>
> Any manufacturer, wholesaler, or retailer licensee under this title shall be the owner or actual lessee of the premises where the business is conducted and the sole owner of the business operated under the license. However, this section does not apply to a special event licensee issued a temporary license pursuant to § 35-4-124.

Expiring emergency ordinance 1415 and the current emergency ordinance 1418 under consideration for adoption are related to the COVID-19 pandemic where the need to social distance and utilize outdoor gatherings when possible are encouraged. Emergency Ordinance 1418 again does the same two things as Emergency Ordinance 1415 accomplished for 60 days. The first change is to amend the definition of “Special Event” to remove 112.01 (4) “The event is conducted without the intention of commercial or personal gain or profit”. The second change is to 112.18(C) to provide that current license holders could be issued special licenses that correspond to the license(s) they are currently issued to include on-sale liquor. The special license(s) for current license holders can be issued without a public hearing as a public hearing was held when the business was issued their existing license(s). This special license issued to a business adjoining the closed parking spaces would allow for alcoholic beverages to be purchased in the business and taken outside. The license holder is still responsible to make sure the patron doesn’t leave the designated area and will need to keep the sidewalks open for pedestrian traffic.

The same issue will again exist with regard to the fee. Currently the special daily license is $20 per day and there is an advertising fee of $15. If a public hearing is not required, there would be a savings of $15. The City Council set the fee at $100 for the life of Emergency Ordinance 1415.

The license fee is set by resolution so a change would require an emergency resolution. This is item 8a under New Business. To be issued a special license for city property requires proof of liability insurance and a release and indemnification from liability. There may be some cost for the liquor liability insurance. The emergency ordinance provides that it can be modified at any time by a resolution. This provides the City Council the ability to make changes, as needed, through adoption of a resolution versus the lengthier process of adopting a modifying ordinance.

At the June 22, 2020 meeting, the City Council approved seven different special event licenses. Only three of these approved special event permits completed the paperwork to utilize the outdoor space for alcohol sales for the first 60 days. An additional special event permit license was approved at the July 9, 2020 meeting and is operational.

With this change, there are several issues to resolve.

- Emergency Resolution adjusting special daily fee for license holders if deemed appropriate by City Council (item 8a under New Business)
- Closing of parking spaces or alley space to be used for outdoor seating areas. (item 8c under New Business)
- Special daily licenses from applicant(s). This item would address hours and days of operation, clean-up, restrooms, etc. Hours were set at 7am to midnight with the previous approvals. (item 8d under New Business)
- Identification of the days when alcohol would not be served in the outdoor areas. The State limits special event licenses to 15 days. The approach last time was to not have alcohol service available in the special event license space every other Monday. This item can be addressed as part of 8d under New Business.

Another unique feature to consider in adopting this ordinance is that a 60-day timeframe would include Dakota Days. What that event might look like in October 2020 is unknown at this point in time. With the sidewalk furniture zones, the City Council has approved alcohol sales but not on Dakota Days weekend.

Financial Consideration: The only cost is publication of the ordinance.

Conclusion/Recommendations: Administration recommends approval of the second reading of Emergency Ordinance 1418 to assist local businesses with additional space for customers to practice social distancing to help prevent the spread of COVID-19.

EMERGENCY ORDINANCE NO. 1418

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

WHEREAS, the City Council adopted Emergency Ordinance No. 1415 effective on June 25, 2020 to provide for current license holders to be issued special daily licenses in conjunction with special events which will be expiring on August 24, 2020, and

WHEREAS, the special daily licenses were issued in conjunction with the Vermillion Chamber of Commerce's "Social Distance Expanded Seating" special event, and

WHEREAS, the University of South Dakota will be welcoming students back into the city during the month of August for the fall semester, and

WHEREAS, the Vermillion Chamber of Commerce to promote safety through social distancing requests on behalf of its members to continue the "Social Distance Expanded Seating" special event, and

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

§ 112.01 DEFINITIONS.

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

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

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

(1) a location for which premises do not have an existing malt beverage and/or wine license,

(2) The event is

(a) for the advancement of charitable, educational or community objectives,
(b) in conjunction with activities of state, national or international significance, or
(c) as designated by the City Council as an event of municipal significance.

(3) The event is open to the public with, or without, payment of admission. A limitation on number of tickets sold or issued for admission where applicable must be related to size of venue and not a desire to have a private party, and

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

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

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

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

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

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

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

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

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY_____
Kelsey Collier-Wise, Mayor

ATTEST:

BY_____
Michael Carlson, Finance Officer

First Reading:	August 3, 2020
Second Reading:	August 17, 2020
Publish:	August 28, 2020
Effective:	August 25, 2020

Council Agenda Memo

From: John Prescott, City Manager

Meeting: August 17, 2020

Subject: Second reading of 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: As part of the special City Council meeting on Tuesday, August 11, 2020, the City Council approved the first reading of Emergency Ordinance 1419. The emergency ordinance requires that businesses have a sign which reads Face Masks or Face Coverings are expected. The attached copy of the Emergency Ordinance contains the changes in language that the City Council made prior to approval of the first reading.

Discussion: 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 are available on the City's website. A sample of the template is included with the packet. A business would only 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.

This 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. 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 for non-compliance. A resolution to establish a fine is later on this agenda. 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 second reading of Emergency Ordinance 1419 to help promote the community culture of face covering / face mask wearing inside of buildings open to the public. A roll call vote is required with the second reading of any ordinance.

MASKS EXPECTED

BY CITY RESOLUTION

OUT OF RESPECT FOR YOUR HEALTH AND OTHERS.

CITY OF Vermillion SOUTH DAKOTA

EMERGENCY ORDINANCE NO. 1419

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

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

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

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

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

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

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

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

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

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

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

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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 buildings; and

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

WHEREAS, the City recognizes that while it may not always be practical or necessary for patrons to wear masks or face coverings in all situations, the City wishes to 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 in a visible location near their entrance(s) no smaller than 8.5" x 11" that indicates that "masks or face coverings are expected pursuant to City Resolution."

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

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

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

DRAFT

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

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY_____
Kelsey Collier-Wise, Mayor

ATTEST:

BY_____
Michael D. Carlson, Finance Officer

First Reading: August 11, 2020
Second Reading: August 17, 2020
Effective Date: August 17, 2020

DRAFT

Council Agenda Memo

From: John Prescott, City Manager

Meeting: August 17, 2020

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

Presenter: John Prescott

Background: At the special City Council meeting held on Tuesday, August 11, 2020, the City Council adopted an Emergency Resolution encouraging the wearing of face coverings or face masks in buildings open to the public. As it was an emergency resolution, the City Council was able to adopt it with the resolution becoming effective upon passage.

During adoption of the resolution as the City Council has done with most other emergency measures, there was discussion that the item would be on each regular City Council meeting agenda for review and continuation. An Emergency Ordinance or Resolution can be effective for up to 60 days.

Discussion: The resolution has not yet been in effect for a week. City Hall has received questions seeking clarification and understanding of what the adopted emergency resolution and Emergency Ordinance 1419 were and how they worked together. The second reading of Emergency Ordinance 1419 was the previous agenda item. Signs have been printed which reflect the intent of the Emergency Resolution and what Emergency Ordinance 1419 would require. The signs are available at City Hall or can be printed from the City's website.

Financial Consideration: None

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

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, which especially among older adults and persons with serious underlying health conditions, can result in serious illness requiring hospitalization, admission to an intensive care unit, and death; and

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

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

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

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

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

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

WHEREAS, the South Dakota Board of Regents 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

Kelsey Collier-Wise, Mayor

ATTEST:

Michael O Carlson

Michael Carlson, Finance Officer

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

Council Agenda Memo

From: James Purdy, Assistant City Manager

Meeting: August 17, 2020

Subject: Resolution adopting a fee for current license holders issued a special daily permit as part of Emergency Ordinance 1418

Presenter: James Purdy

Background: If Emergency Ordinance 1418 is adopted, it is anticipated that the current license holders will again want a fee different than the fee currently approved by the City Council. With the discussion around the development and adoption of Emergency Ordinance 1415, some of the license holders involved at that time proposed that the fee for the special daily license be reduced. The current cost of a special daily license is a $15 advertising fee and a $20 fee per day of operation. The City Council set the fee at $100 for the life of Emergency Ordinance 1415.

Discussion: As the license holders have an annual public hearing on the renewal of their licenses, they are not required to have a public hearing for the issuance of a special daily permit. This negates the need for the $15 advertising fee.

As noted above the fee for current special daily permit is $20 per day. This fee has been for non-profits setting up for temporary events. With this arrangement, the current license holders are again looking to set up for extended periods of time of up to nearly 60 days. It has been suggested that a longer term or group pricing option be made available. As noted with the first emergency ordinance addressing this situation, there is some precedent for this type of setup. With itinerant merchants, the City offers three levels of pricing. The options are $25 a day, $75 a week or $200 a month. If adopted earlier on this agenda, Emergency Ordinance 1418 would be in effect for 60 days. With the adoption of Emergency Ordinance 1415 which provided for the initial 60 days of this type of arrangement, the City Council set the fee for current license holders at $100. The proposed resolution again establishes a fee of $100 for the current license holders utilizing this option for the life of Emergency Ordinance 1418.

Financial Consideration: Revenue collected from Special Daily permits is added to the General Fund.

<u>Conclusion/Recommendations:</u> Administration recommends approval of the Resolution adopting a fee of $100 for the issuance of a Special Daily permit to license holders as part of Emergency Ordinance 1418.

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

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

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

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

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

WHEREAS, Emergency Ordinance 1418 provides for a special on-sale liquor license which will need a fee established; and

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof in the Council Chambers of City Hall at 7:00 pm on the 17th day of August, 2020 that 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 August 25, 2020. This resolution shall remain in effect for a period of

sixty (60) days, at which time it shall be automatically repealed unless specifically readopted for an additional period of time by the City Council.

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

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

By: _____
Kelsey Collier-Wise, Mayor

Attest:

By: _____
Michael D. Carlson, Finance Officer

Adopted: August 17, 2020
Effective: August 25, 2020
Expires: October 24, 2020

Council Agenda Memo

From: John Prescott, City Manager

Meeting: August 17, 2020

Subject: Resolution adopting a fine for a violation of Emergency Ordinance 1419

Presenter: John Prescott

Background: Section 3 of Emergency Ordinance 1419 provides for a fine for those found in violation of the ordinance. The fine is to be set by resolution in compliance with the general penalty provision in Section 10.99 of the Vermillion City Code. Each day a violation of the ordinance occurs is treated as a separate violation. If the City Council does not adopt Emergency Ordinance 1419, this agenda item is not needed.

Discussion: The State establishes the parameters for fines in SDCL 9-19-3 and 22-6-2(2). Not establishing a fine by resolution requires the court or City Attorney to determine the amount of the fine levied should a violation occur. The most common fine cost for City Code violations is $56.50. With court costs of $72.50, a violation would result in a total cost of $129.

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

Conclusion/Recommendations: Administration recommends approval of the Resolution adopting a fine for the violation of Emergency Ordinance 1419.

EMERGENCY RESOLUTION

ESTABLISHING A FINE FOR VIOLATION OF ORDINANCE 1419 TO REQUIRE SIGNAGE AT THE ENTRANCE TO BUILDINGS OPEN TO THE PUBLIC STATING THAT FACE COVERINGS ARE EXPECTED TO HELP SLOW THE SPREAD OF COVID 19 (CORONAVIRUS).

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

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

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

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

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

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

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

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
Kelsey Collier-Wise, Mayor

Attest:

By _____
Michael D, Carlson, Finance Officer

Adopted: August 17, 2020
Effective: August 17, 2020

Council Agenda Memo

From: James Purdy, Assistant City Manager

Meeting: June 22, 2020

Subject: Request from downtown businesses to close parking spots located on Main Street and a portion of the alley between 113 E. Main Street and 101 E. Main Street for the downtown Social Distance Expanded Seating Event beginning August 25 and ending October 24, 2020

Presenter: James Purdy

Background: Earlier this year, the City received a request from several downtown businesses to close 20 parking spots in the downtown business district beginning June 25 and ending August 24, 2020. The parking stalls were located on Main Street, Kidder Street, and Court Street. The closure request was in order to provide the space needed for the Social Distance Expanded Seating Event necessitated by the COVID-19 pandemic and the resulting economic hardship shared by many in the community. This set of street closings expire on August 24, 2020.

A smaller group of the original requests would like to continue the closure for another 60 days. The closures are related to the implementation of Emergency Ordinance 1418. Businesses on Main Street have requested the continuation of the following parking stall closures:

1) Dakota Brickhouse has requested the continued closure of 5 spots starting at the west end of the building and moving east.
2) R-Pizza and The Bean have requested the continued closure of 5 spots starting at the eastern most parking spot in front of R-Pizza and moving west (2 of those spots are located in front of the theatre).
3) Café Brule have requested the continued closure of some parking spots. The exact number has not yet been defined by the applicant as the area to be closed is smaller as Carey's is not part of the second round of closures.

The Varsity Pub has requested the continued closure of the south end of the alley between their establishment and the First Baptist church. The area is approximately 18 feet by 42 feet.

Discussion: The businesses have utilized the closed parking spaces or alley space to varying degrees to provide the outdoor space needed for the event. Unless something is changing, the barrier and fencing plan from the participating businesses submitted with the first round of approvals will be utilized for the second round. The plans are designed to help ensure the safety of patrons utilizing the public right-of-way for dining or drinking from the street traffic, and to prevent alcohol sales or consumption from taking place outside of the designated areas. The barriers must meet MUTCD, FHWA, and AASHTO standards.

One area shared by two businesses may be divided into two separate areas due to there being two different license holders. The businesses will be required to provide trash receptacles, furniture, ADA access points, and restroom access. The businesses will also need to continue to clean the areas, as the street sweeper will not be able to access these areas.

The Police, Fire, Street, and EMS Departments were notified of the original closure request and did not have any safety concerns as long as appropriate barriers were utilized. The partial alley and parking stall closures have not resulted in additional calls for service during the initial 60-day period. City staff received one complaint about the closure of parking stalls for the initial 60-day closure of the Main Street parking stalls.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends that the City Council approve the closure of the requested alley and parking spots as noted in the memo for continuation of the downtown Social Distance Expanded Seating Event beginning August 25 and ending October 24, 2020.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: August 17, 2020

Subject: Consideration of Special Event License permits for Varsity Pub, LLC for the Varsity Pub at 113 E Main Street, Fireworks, Inc. for the Dakota Brick House at 15 W Main Street and Café Brule, Inc. for Café Brule at 24 W Main Street. Special event permits are for the period of August 25, 2020 to October 24, 2020 with no sales on September 7, September 21, October 5, and October 19, 2020. Hours vary be applicant.

Presenter: Mike Carlson, Finance Officer

Background: In anticipation of the adoption of Emergency Ordinance 1418, the closing of parking spaces and a portion of an alley, and establishing a license fee earlier in the meeting, contact was made with license holders that had received special licenses that will be expiring on August 24. There were four special event licenses issued earlier this summer to Fireworks Inc for Dakota Brick House, Café Brule, Inc for Café Brule, BeBee Street II, Inc for Carey's Bar, and Varsity Pub, LLC for the Varsity Pub. These license holders were sent notice that the 60-day period of the special event license would be ending on August 24 and that on the August 17 agenda would be second reading of an emergency ordinance that will provide for another 60-day period and that an application is needed for the new period. There were three license holders that requested information on making an application for the special events license provided for by Emergency Ordinance 1418. The special licenses would be for the special event licenses for the period of August 25 to October 24 with the exclusion of September 7, September 21, October 5, and October 19, 2020. At the time of preparing this memo, applications have been received from Fireworks, Inc. for the Dakota Brick House at 15 W Main Street, Café Brule, Inc. for Café Brule at 24 W Main Street, and Varsity Pub, LLC for the Varsity Pub at 113 E Main Street. Copies of the applications are attached.

Discussion: Included earlier on this agenda is second reading of emergency ordinance 1418, the request to close parking spaces and a portion of the alley, and also a resolution establishing the fee for the license. Approval of second reading of emergency ordinance 1418, the closure of the public right-of-way, and setting the fee are needed to facilitate the special event. If any of these items are not approved the special license applications will not be needed.

The current special events licenses will be expiring at midnight on August 24, and staff has not been aware of any issues during this time period. Staff developed the attached Support for Special Event Alcoholic Beverage application to try and gather additional information for the City Council to consider. 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 is also required. From the applications received the hours listed were 3:00 p.m. to 2:00 a.m., 7:00 a.m. to 9:00 p.m. and 2:00 p.m. to 11:00 p.m. The City Council will also need to set the time that consumption will be allowed in the closed areas. With the previous special event licenses, the end time was set at midnight.

Financial Consideration: The special license fee was previously set at $100 and will be addressed earlier on the agenda.

Conclusion/Recommendations: Administration recommends the City Council review the respective Special Event applications, including hours of operation (that were 7:00 a.m. to midnight in the past) and 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.

SD LF UNIF - 0673 V8

Date Received _____ License No. _____

Date Issued _____

Uniform Alcoholic Beverage License Application

A. Owner Name and Address

Diane Wirth
139 Prentis #3
Vermilion SD 57069

Owner's Telephone #: 541-515-3637

B. Business Name and Address

Varsity Pub, LLC
113 E. Main Street
Vermillion, SD 57069

Business Telephone #: Same as owners

Place of business is located in a municipality? ☑ Yes ☐ No

County: Clay

Do you own or lease this property? ☐ Own ☑ Lease

Are real property taxes paid to date? ☑ Yes ☐ No

C. Indicate the class of license being applied for (submit separate application for each class of license).

- ☐ Retail (on-sale) Liquor
- ☐ Retail (on-sale) Liquor - Restaurant
- ☐ Convention Center (on-sale) Liquor
- ☐ Package (off-sale) Liquor
- ☑ Retail (on-off sale) Wine and Cider
- ☑ Retail (on-off sale) Malt Beverage & SD Farm Wine
- ☐ Package Delivery
- ☐ Hunting Preserve
- ☐ Other _____

Is this license in active use? ☑ Yes ☐ No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses?

☐ Yes ☑ No **If Yes, please list on the back page.**

D. Legal description of licensed premise:

Alley between Baptist Church & Varsity

video lottery machines 2

Have you ever been convicted of a felony? ☐ Yes ☑ No

E. State Sales Tax Number 1026-2249-57

F. New license ☐ Transfer? ($150) ☐ Re-issuance ☑

H. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 8/14/20 Print Name Diane Wirth Signature Diane Wirth

I. APPROVAL OF LOCAL GOVERNING BODY – Notice of hearing was published on _____. Public hearing on the application was held _____, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held ☐

Amount of fee collected with application $_____

Amount of fee retained $_____

Forwarded with application $_____

For Local Government Use

(Seal) _____
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From: _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY:

APPROVAL_____ **REVIEW**_____

Please complete the reverse side if applicable

Company supplement information
(For corporate/partnership/LP/LLC applicants)

Name of corporation/partnership/LP LLC Varsity Pub, LLC

Address of office and principal place of business of corporation/partnership/LP/LLC 113 East Main Vermillion SD 57069

Are all managing officers of this corporation/partnership/LP/LLC of good moral character having never been convicted of a felony? ☐ Yes ☑ No

Name, title of office, occupation and address of each of the officers/owners of the corporation, partnership, LP or LLC:

Name	Office	Address	Occupation
Diane Wirth	owner/manager	139 Prentis #3	retail manager

Name of any officers, directors, partners or stockholders of applicant having a financial interest or capital stock in any other alcoholic beverage license:

Name	Type of License, License Number, Financial Interest Held, and Address of Business Location

Where and with whom are all company records kept, such as charter, by-laws, minutes, accounts, notes payable, and notes and accounts receivable, etc?

Diane Wirth 139 Prentis #3 Vermillion, SD 57069

With signature the applicant agrees to the following:

That the applicant company will comply with all provisions of ARSD chapter No. 64:75:02 of the Department of Revenue, relating to the transfer of stock and prior approval of the transfer of such stock by the Secretary of Revenue and violation of any of the provisions of said regulation or failure to comply therewith, whether by the undersigned corporation, partnership/LP/LLC or by any stockholder thereof, or by anyone interested in said company, shall constitute cause for revocation or suspension of any license issued pursuant to and in reliance on this application, or for refusal to renew such license upon expiration thereof.

We the undersigned officers and directors of the applicant company acknowledge that the within supplement application form is true and correct in every respect and that there exists no financial arrangement concerning this or any other alcoholic beverage license than that expressly set forth above. If company stock is to be transferred we ask for approval of such voluntary stock transfer.

Signature of Authorized Officer/Director/Partner **Date**

Diane Wirth 8/14/20

CITY OF Vermillion SOUTH DAKOTA

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 Street
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 RW-21036
Special Event Name Social Distancing Bump
Date beginning 8/24/20 Ending date 10/23/20
(Note license period cannot exceed 15 consecutive days.)
Hours of alcoholic beverage sales 2-11
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. Area is fenced in with locked gate so all customers will have to pass through front door.

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 8/14/20 Print Name Diane Wirth Signature Diane Wirth

CITY OF VERMILLION
25 CENTER STREET
VERMILLION, SD 57069
COUNTY OF CLAY
STATE OF SOUTH DAKOTA

RELEASE AND INDEMNIFICATION

The Varsity Pub, LLC (legal name) _____(Business Name) do hereby release and forever discharge the City of Vermillion, South Dakota, its agents and employees from all claims, causes of action, and demands whatsoever, the undersigned now has or hereafter may have resulting from expanded customer service area being provided from closed parking spaces and portion of alley understanding that all sidewalks shall remain open for pedestrian traffic.

Varsity Pub, LLC (Business Name) do hereby agree to indemnify and hold harmless the City of Vermillion, its agents and employees from all claims, causes of action, and demands whatsoever that may result from the City closing parking spaces and portion of alley and allowing the use for expanded service areas has resulting from the City closing parking spaces.

Dated this 17 day of August, 2020

Diane Wirth
Signed

Diane Wirth
Printed name

CITY OF
Vermillion
SOUTH DAKOTA

SUPPORT FOR SPECIAL EVENT ALCOHOLIC BEVERAGE APPLICATION

Please attach to the Uniform Alcoholic Beverage Application

Applicant Owner/Organization/Business Name Cafe Brule
Address, City State Zip 24 W Main
Is the applicant a civic, charitable, educational, veterans or fraternal organization? Yes __ No X

Contact Name James P Waters
Phone Number 605-670-7827 email jazzwaters@hotmail
Application is for: X on-sale malt beverage, X on-sale wine,
__ on-sale liquor, __ off-sale package wine
If the owner/business has an alcoholic beverage license the license number is RW-19269 RB-19268
Special Event Name Social Distance Expanded Seating
Date beginning Aug 25 Ending date 60 days
(Note license period cannot exceed 15 consecutive days.)
Hours of alcoholic beverage sales 11am 7am - 9pm
Location of special event See Map
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. People will be IDd. We have cameras to monitor area

Is a street closing request has been submitted? Yes__ No X
Is a permit to exceed permissible sound levels also being submitted? Yes__ No X
Location of restrooms for users of the special permit area. Inside Cafe Brule
Who will be responsible for cleanup and trash removal in the special permit area? Cafe Brule Staff

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

Date 8/13/2020 Print Name James P Waters Signature [signature]

Date Received _____
Date Issued _____

License No. _____

Uniform Alcoholic Beverage License Application

A. Owner Name and Address

James Waters
804 E Lewis ST, Vermillion

B. Business Name and Address

Fireworks Inc. DBA Dakota Brick House
15 W Main ST, Vermillion SD

Owner's Telephone #: _____

Business Telephone #: _____

Place of business is located in a municipality? ☐ Yes ☐ No

County: _____

Do you own or lease this property? ☐ Own ☐ Lease

Are real property taxes paid to date? ☐ Yes ☐ No

C. Indicate the class of license being applied for (submit separate application for each class of license).

- ☒ Retail (on-sale) Liquor
- ☒ Retail (on-sale) Liquor - Restaurant
- ☐ Convention Center (on-sale) Liquor
- ☐ Package (off-sale) Liquor
- ☒ Retail (on-off sale) Wine and Cider
- ☒ Retail (on-off sale) Malt Beverage & SD Farm Wine
- ☐ Package Delivery
- ☐ Hunting Preserve
- ☐ Other _____

Is this license in active use? ☒ Yes ☐ No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses?
☒ Yes ☐ No **If Yes, please list on the back page.**

D. Legal description of licensed premise:

video lottery machines _____

Have you ever been convicted of a felony? ☐ Yes ☒ No

E. State Sales Tax Number 1031 – 0333

F. New license ☐ Transfer? ($150) ☐ Re-issuance ☐

H. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date _____ Print Name James P Waters Signature J P Waters

I. APPROVAL OF LOCAL GOVERNING BODY – Notice of hearing was published on _____. Public hearing on the application was held _____, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held ☒
Amount of fee collected with application $_____
Amount of fee retained $_____
Forwarded with application $_____

For Local Government Use

(Seal) _____
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From: _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY:

APPROVAL_____ **REVIEW**_____

Please complete the reverse side if applicable

Company supplement information
(For corporate/partnership/LP/LLC applicants)

Name of corporation/partnership/LP LLC Cafe Brule Inc

Address of office and principal place of business of corporation/partnership/LP/LLC 24 W Main

Are all managing officers of this corporation/partnership/LP/LLC of good moral character having never been convicted of a felony? ☐ Yes ☐ No

Name, title of office, occupation and address of each of the officers/owners of the corporation, partnership, LP or LLC:

Name	Office	Address	Occupation
Monica Iverson	President	1119 Hawthorne	Owner
James Waters	VP	804 E Lewis ST	Owner

Name of any officers, directors, partners or stockholders of applicant having a financial interest or capital stock in any other alcoholic beverage license:

Name	Type of License, License Number, Financial Interest Held, and Address of Business Location
Monica Iverson 50%	24 W Main / Retail On or Off sale
James Waters 50%	24 W Main \ Wine + Malt Bev

Where and with whom are all company records kept, such as charter, by-laws, minutes, accounts, notes payable, and notes and accounts receivable, etc?

24 W Main ST

With signature the applicant agrees to the following:

That the applicant company will comply with all provisions of ARSD chapter No. 64:75:02 of the Department of Revenue, relating to the transfer of stock and prior approval of the transfer of such stock by the Secretary of Revenue and violation of any of the provisions of said regulation or failure to comply therewith, whether by the undersigned corporation, partnership/LP/LLC or by any stockholder thereof, or by anyone interested in said company, shall constitute cause for revocation or suspension of any license issued pursuant to and in reliance on this application, or for refusal to renew such license upon expiration thereof.

We the undersigned officers and directors of the applicant company acknowledge that the within supplement application form is true and correct in every respect and that there exists no financial arrangement concerning this or any other alcoholic beverage license than that expressly set forth above. If company stock is to be transferred we ask for approval of such voluntary stock transfer.

Signature of Authorized Officer/Director/Partner **Date**

8/13/2020

CITY OF VERMILLION
25 CENTER STREET
VERMILLION, SD 57069
COUNTY OF CLAY
STATE OF SOUTH DAKOTA

RELEASE AND INDEMNIFICATION

The Cafe Brule Inc (legal name) _____(Business Name) do hereby release and forever discharge the City of Vermillion, South Dakota, its agents and employees from all claims, causes of action, and demands whatsoever, the undersigned now has or hereafter may have resulting from expanded customer service area being provided from closed parking spaces understanding that all sidewalks shall remain open for pedestrian traffic.

Cafe Brule _____(Business Name) do hereby agree to indemnify and hold harmless the City of Vermillion, its agents and employees from all claims, causes of action, and demands whatsoever that may result from the City closing parking spaces and allowing the use for expanded service areas has resulting from the City closing parking spaces.

Dated this 13 day of Aug, 2020

_____
Signed

James P Waters
Printed name

CITY OF
Vermillion
SOUTH DAKOTA

SUPPORT FOR SPECIAL EVENT
ALCOHOLIC BEVERAGE APPLICATION

Please attach to the Uniform Alcoholic Beverage Application

Applicant Owner/Organization/Business Name Fireworks Inc / dba Dakota Brick House
Address, City State Zip 15 W Main ST Vermillion SD
Is the applicant a civic, charitable, educational, veterans or fraternal organization? Yes __ No X

Contact Name James P Waters
Phone Number 605-670-7827 email jazzwaters@hotmail
Application is for: X on-sale malt beverage, X on-sale wine,
X on-sale liquor, __ off-sale package wine RW23204 RB 23203
If the owner/business has an alcoholic beverage license the license number is RL6028
Special Event Name Social Distance Ex panded Seating
Date beginning _____ Ending date _____
(Note license period cannot exceed 15 consecutive days.)
Hours of alcoholic beverage sales 3pm - 2am
Location of special event See Map
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. People will be IDd. We have cameras to monter area

Is a street closing request has been submitted? Yes__ No X
Is a permit to exceed permissible sound levels also being submitted? Yes__ No X
Location of restrooms for users of the special permit area. Inside Dakota Brickhouse
Who will be responsible for cleanup and trash removal in the special permit area? Dakota Brickhouse Staff

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

Date 8/13/20 Print Name James P Waters Signature [signature]

Date Received _____ License No. _____
Date Issued _____

Uniform Alcoholic Beverage License Application

A. Owner Name and Address

James Waters
804 E Lewis, Vermillion SD

Owner's Telephone #: _____

C. Indicate the class of license being applied for (submit separate application for each class of license).

- [ ] Retail (on-sale) Liquor
- [ ] Retail (on-sale) Liquor - Restaurant
- [ ] Convention Center (on-sale) Liquor
- [ ] Package (off-sale) Liquor
- [X] Retail (on-off sale) Wine and Cider
- [X] Retail (on-off sale) Malt Beverage & SD Farm Wine
- [ ] Package Delivery
- [ ] Hunting Preserve
- [ ] Other _____

Is this license in active use? [ ] Yes [ ] No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses?
[X] Yes [ ] No **If Yes, please list on the back page.**

B. Business Name and Address

Cafe Brale
24 W Main ST, Vermillion SD

Business Telephone #: 605-624-2945
Place of business is located in a municipality? [X] Yes [ ] No
County: Clay
Do you own or lease this property? [X] Own [ ] Lease

Are real property taxes paid to date? [X] Yes [ ] No

D. Legal description of licensed premise:

video lottery machines 0

Have you ever been convicted of a felony? [ ] Yes [X] No

E. State Sales Tax Number 1023-6295-ST

F. New license [X] Transfer? ($150) [ ] Re-issuance [ ]

H. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date _____ Print Name James P Waters Signature J. P Waters

I. APPROVAL OF LOCAL GOVERNING BODY – Notice of hearing was published on _____. Public hearing on the application was held _____, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held [X]
Amount of fee collected with application $_____
Amount of fee retained $_____
Forwarded with application $ _____

For Local Government Use

(Seal) _____
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From: _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY:

APPROVAL_____ **REVIEW**_____

Please complete the reverse side if applicable

Company supplement information
(For corporate/partnership/LP/LLC applicants)

Name of corporation/partnership/LP LLC Fire Works Inc dba Dakota Brick House

Address of office and principal place of business of corporation/partnership/LP/LLC 24 W Main

Are all managing officers of this corporation/partnership/LP/LLC of good moral character having never been convicted of a felony? ☐ Yes ☐ No

Name, title of office, occupation and address of each of the officers/owners of the corporation, partnership, LP or LLC:

Name	Office	Address	Occupation
Monica Iversen	President	1119 Hawthorne ST	Owner
James Waters	VP	804 E Lewis ST	Owner

Name of any officers, directors, partners or stockholders of applicant having a financial interest or capital stock in any other alcoholic beverage license:

Name	Type of License, License Number, Financial Interest Held, and Address of Business Location
Monica Iversen 50%	On off Wine + Malt Beverage + Double Liquor
James Water 50%	15 W Main ST

Where and with whom are all company records kept, such as charter, by-laws, minutes, accounts, notes payable, and notes and accounts receivable, etc?

24 W Main ST, Vermillion SD 57069

With signature the applicant agrees to the following:

That the applicant company will comply with all provisions of ARSD chapter No. 64:75:02 of the Department of Revenue, relating to the transfer of stock and prior approval of the transfer of such stock by the Secretary of Revenue and violation of any of the provisions of said regulation or failure to comply therewith, whether by the undersigned corporation, partnership/LP/LLC or by any stockholder thereof, or by anyone interested in said company, shall constitute cause for revocation or suspension of any license issued pursuant to and in reliance on this application, or for refusal to renew such license upon expiration thereof.

We the undersigned officers and directors of the applicant company acknowledge that the within supplement application form is true and correct in every respect and that there exists no financial arrangement concerning this or any other alcoholic beverage license than that expressly set forth above. If company stock is to be transferred we ask for approval of such voluntary stock transfer.

Signature of Authorized Officer/Director/Partner **Date**

8/13/2020

CITY OF VERMILLION
25 CENTER STREET
VERMILLION, SD 57069
COUNTY OF CLAY
STATE OF SOUTH DAKOTA

RELEASE AND INDEMNIFICATION

The Fireworks Inc (legal name) Dba Dakota Brick House (Business Name) do hereby release and forever discharge the City of Vermillion, South Dakota, its agents and employees from all claims, causes of action, and demands whatsoever, the undersigned now has or hereafter may have resulting from expanded customer service area being provided from closed parking spaces understanding that all sidewalks shall remain open for pedestrian traffic.

Dakota Brick House (Business Name) do hereby agree to indemnify and hold harmless the City of Vermillion, its agents and employees from all claims, causes of action, and demands whatsoever that may result from the City closing parking spaces and allowing the use for expanded service areas has resulting from the City closing parking spaces.

Dated this 13 day of Aug, 2020

Signed

James P Waters
Printed name

Council Agenda Memo

From: John Prescott, City Manager

Meeting August 17, 2020

Subject: BID #1 Board recommendation to utilize reserve funds

Presenter: John Prescott

Background: Business Improvement District (BID)#1 began collecting a $2 per night fee on occupied hotel rooms on June 1, 2014. In 2017, the Board identified the need to establish a reserve fund. The Board proposed and the City Council approved a recommendation to remit 85% of receipts to the VCDC for tourism until a reserve fund of $30,000 was established. The $30,000 reserve fund level was achieved in 2018. COVID-19 has significantly impacted hotel stays in Vermillion and around the country in 2020. At the May 18, 2020 meeting the City Council considered a recommendation from BID Board #1 which had been submitted to them by the Vermillion Area Chamber and Development Company. The VCDC was requesting to utilize funding from the BID #1 reserve fund to stabilize payments that are used for community marketing. At the May 18, 2020 meeting, the City Council agreed with the BID Board recommendation and allowed the use of BID #1 reserve funds to stabilize payments to the VCDC for the first and second quarter of 2020.

Discussion: BID #1 Board met on July 29, 2020. The BID Board noted that $6,069 of reserve funds were used to make up the difference between actual receipts and the 5-year average for the first and second quarter of 2020. The BID Board's recommendation for the third and fourth quarter of 2020 was the same as the action taken for the first two quarters of 2020. The recommendation was to have the BID #1 reserve fund make up the difference between the net BID receipts collected for remittance to the VCDC vs. the average for that quarter paid to the VCDC. The Board again suggested using the five-year average for the third and fourth quarter to determine the average net BID payment to the VCDC for the third and fourth quarter of 2020.

Third quarter 2020 BID receipts are not yet available. The receipts for the month of August are not due until September 20, 2020. All of the information reviewed by the BID Board indicates that receipts will be down for the third quarter and the trend is anticipated

to continue into the fourth quarter of 2020. June 2020 BID receipts were down 39% in comparison to June 2019. June 2020 BID receipts were $3,690.

The 2015 – 2019 average history is calculated based on the amount actually paid quarterly to the VCDC from the amount collected from lodging establishments. Per State Statutes, the City does receive a 2% fee for collection and processing based on the amount collected. The amount going to the VCDC is calculated after the 2% is deducted. The numbers have been rounded off to whole dollar amounts:

	5-year average
July - September	$15,171
October - December	$12,087

The Board has at both meetings during their discussion noted that rebuilding the reserve fund will impact the dollars going to the VCDC in the future. No decision has been made on when to begin rebuilding the reserve fund. The policy question is the amount to which the City Council is comfortable with this reserve fund being reduced. The Board had a discussion on capping the maximum amount of reserve funds to be utilized but ultimately did not include a cap on their motion to recommend.

Financial Consideration: As noted the reserve fund began the year with a balance of $30,000. For the first six months of the year, $6,069 has been utilized to make up the difference between actual collections and the five-year average. There is sufficient funding to make payments to account for the difference for the third and fourth quarter between the amount collected for payment to the VCDC and the 5-year average.

Conclusion/Recommendations: The BID Board #1 recommendation is to allocate a portion of the BID #1 reserve funds to the VCDC to provide the VCDC with funding equal to the five-year quarterly net average payment. The recommendation is to utilize the reserve fund for the third and fourth quarter 2020.

Unapproved Minutes
City of Vermillion
Business Improvement District No. 1 Board
July 29, 2020
Wednesday – 4:00 p.m.

The meeting of the City of Vermillion Business Improvement District No. 1 Board was called to order on Wednesday, July 29, 2020 at 4:00 p.m. by Chairman David Herbster as a teleconference.

1. Roll Call

Present: Amy Christensen (teleconference), David Herbster (teleconference), Greg Huckabee, Bill Marketon

Absent: Dan Kenton

Also Present: Nathan Welch, John Prescott, Mike Carlson

2. Minutes

A. Minutes of May 8, 2020

8-20
Greg Huckabee moved approval of the May 8, 2020 minutes. Amy Christensen seconded the motion. A roll call vote was as follows: Christensen – Y, Huckabee – Y, Marketon – Y, Chairman Herbster – Y. Chairman Herbster declared the motion adopted.

3. Adoption of Agenda

9-20
Greg Huckabee moved approval of the agenda. Bill Marketon seconded the motion. A roll call vote was as follows: Christensen – Y, Huckabee – Y, Marketon – Y, Chairman Herbster – Y. Chairman Herbster declared the motion adopted.

4. Visitors to be Heard - None

5. Old Business - None

6. New Business

A. Report on 2019 BID receipts

Mike Carlson, Finance Officer, reported that BID receipts for 2020 are down for the first two quarters by $10,090 comparted to 2019. Mike reported that based upon the BID Board recommendation as approved by the City Council payments to the VCDC for marketing for the

first two quarters included using reserves to bring the quarterly marketing payment to the five-year quarterly average. Mike noted that $1,468 of reserves were used for the first quarter and $4,601 of reserves were used for the second quarter for the marketing payment to the VCDC to bring the marketing payment up to the five-year average. Mike reviewed the monthly occupancy percentages that were below 2019 noting that June BID receipts were about 60% of 2019. Discussion followed on the occupancy with Bill Marketon stated his occupancy is down compared to last year and that he is marketing to construction and other areas with discounts to fill rooms. Discussion followed on the occupancy

B. Report on upcoming events

David Herbster reported on Summit League push back of fall sports start and that more information will be available in the next few weeks. David reported student move in is August 14-15-16. Nate Welch, Executive Director of the VCDC, reported the Ribs, Rods & Rock n Roll will be holding the competition only with the competitors and judges without spectators this year, the Thursday's on the Platz events are being held with lower turnouts, the Octoberfest event has been cancelled, the golf Pro Am well be next week at the Bluffs and at present have not heard about the status of the Dakota Wine Festival. Discussion followed on area events including USD move in, Dakota Days and other events.

C. VCDC utilization of BID # 1 reserve funds.

Mike Carlson reported that at the May meeting the BID Board recommended that the City Council use BID reserves to bring the quarterly marketing payments to the VCDC to the five-year average of funding. Mike noted that for the first quarter this was $1,468 and second quarter $4,601 so $6,069 of the reserve has been used. Mike noted that if room occupancy would range from 65% in July to 85% in December to continue the use of reserves in third and fourth quarters is estimated to use $4,600 of the reserve. Mike noted that if the occupancy was less the reserves used would be higher. Nate Welch, Executive Director of the VCDC, thanked the BID Board for the additional funding and requested it be continued for the third and fourth quarters of this year. Nate noted the funding has allowed the marketing to continue and evolve with smaller events that promote the community and the continued marketing to stay ahead of the curve. Nate noted that there has been a pull back on events but video promotions and web site have increased. Discussion followed with Bill asking if there could be a cap on the amount to know how long the reserve will last.

10-20
Greg Huckabee moved to recommended to the City Council to continue to use BID reserve funds to make the quarterly marketing payments to the VCDC at the five-year average as was done for the first and second quarters. Amy Christensen seconded the motion. Bill Marketon stated he would not approve as he would like to see a cap on the amount. Christensen – Y, Huckabee – Y, Marketon – N, Chairman Herbster – Y. Chairman Herbster declared the motion adopted. John Prescott, City Manager, reported the recommendation would be presented to the City Council at the August 17 meeting.

D. Review of Budget for 2021

Mike Carlson, Finance Officer, reported that the budgeted revenues for 2021 were estimated at the high of $60,000 which is somewhat of an unknown at this time. Mike stated as to the payment to the VCDC two options were put together one providing 98% to the VCDC and the second providing 85% to the VCDC with 13% going to rebuild the reserve as was done in the past to build the reserve to $30,000. Discussion followed on the continuing the 98% to the VCDC for 2021 and look to rebuild the reserve in 2022. Nate noted that the VCDC wants to continue to market the community and would be willing to provide quarterly updates. Nate noted they would need to continue to change with who we market too.

11-20
Greg Huckabee moved to recommend to the City Council a budget for 2021 of revenues of $60,000 and expenses of 98% to the VCDC for marketing and 2% to the city for collecting. Amy Christensen seconded the motion. Christensen – Y, Huckabee – Y, Marketon – Y, Chairman Herbster – Y. Chairman Herbster declared the motion adopted

7. Adjourn

12-20
Greg Huckabee moved to adjourn the meeting at 4:53 p.m. Bill Marketon seconded the motion. Christensen – Y, Huckabee – Y, Marketon – Y, Chairman Herbster – Y. Chairman Herbster declared the motion adopted.

Dated at Vermillion, South Dakota this 29th day of July, 2020.

City of Vermillion
Business Improvement District Board

_____
David Herbster, Chairman

Attest:

_____
Amy Christensen, Secretary

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

	First Q	Second Q	Third Q	Fourth Q	Total
2015	10,115	13,882	14,894	11,519	50,410
2016	8,274	11,830	13,394	10,980	44,478
2017	8,806	12,434	13,807	10,579	45,626
2018	8,206	12,611	15,966	14,128	50,911
2019	11,486	14,827	17,793	13,230	57,336
5 yr average	9,377	13,117	15,171	12,087	49,752
2020 BID 98% paid to VCDC	7,909	8516			
BID #1 Reserve funds to VCDC	1,468	4,601			

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

The BID Boards recommendation at the May 2020 meeting was to use reserve funds to make up the difference between the average of the prior five year quarterly payments thus the reserve used for first quarter was $1,468 and second quarter will be $4,601.

Council Agenda Memo

From Jose Dominguez, City Engineer

Meeting: August 17, 2020

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

Presenter: Jose Dominguez

Background: The existing Capital Improvement Plan (CIP) for the airport calls for the reconstruction of the taxilane by the hangars.

The grant agreement stipulates how the project will be funded as well as the criteria that must be followed during the development of the plan. This is similar to the agreement entered into by the City and FAA in 2017 for the reconstruction of the apron. Similar to that agreement, the State will administer the reimbursements and will also handle any submittals required by the Federal government.

Discussion: Originally this project was schedule to be completed in 2019. Due to construction scheduling, and cash flow with the Federal funding sources, the City was instructed by the FAA that the project would become a 'multi-year' project. This meant that the City would be able to award the project in 2020 to secure the prices, but that it would be constructed in 2021 when all of the funding was secured.

Due to the size, the 55-page grant offer document is not included with the memo. However, the grant document offer is available for review at City Hall or staff will email it out.

Financial Consideration: There is no cost to the City at this point. However, due to the 'multi-year' aspect, and the CARES Act adopted by the Federal government since the pandemic, the City will see a large savings on the project. Prior to the pandemic the City had budgeted to be reimbursed for 95% of the construction cost. This meant that the City's share of the project cost would be $46,917. With the CARES Act, the Federal government will cover 100% of the cost for the 2020 Federal fiscal year. This means that the City would be responsible for 6.5% of the cost for the 2021 Federal fiscal year, or $9,750.

In the future, the FAA will be sending a formal amendment to this AIP. This amendment will state the financial obligations for the 2021 fiscal year. This amendment would have to be reviewed by the City.

Conclusion/Recommendations: Administration recommends allowing the Mayor to sign the Grant Offer for Airport Improvement Program (AIP) Project No. 3-46-0056-014-2020 at Harold Davidson Field (for the Reconstruction of 2,200-feet of Hangar Area Taxiway).

Additionally, the FAA has requested that the City Council allow the Mayor or Council President to sign all future documents related to AIP 3-46-0056-014-2020 (i.e. the amendment for the 2021 fiscal year). This would expedite the process with the State, and FAA, to receive future reimbursements associated with this project, and complete the reconstruction of the taxiway without any delays.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: August 17, 2020

Subject: Resolution Fixing the Time and Place for a Hearing and Notice of Hearing on the Special Assessment Roll for Nuisance Abatement

Presenter: Mike Carlson

Background: As part of the nuisance abatement process, the City incurred costs for grass and weed tagging, snow tagging, the hiring contractors to mow or remove snow, and also the removal of debris. The following state statute provided for the special assessment of these costs:

> 21-10-6. Abatement of nuisance--Notice required--Taxing cost of abatement--Civil action. A public nuisance may be abated without civil action by any public body or officer as authorized by law. Any municipality, county, or township may defray the cost of abating a public nuisance by taxing the cost thereof by special assessment against the real property on which the nuisance occurred. If the nuisance abated is an unsafe or dilapidated building, junk, trash, debris, or similar nuisance arising from the condition of the property, the municipality, county, or township may commence a civil action against the owner of the real property for its costs of abatement in lieu of taxing the cost by special assessment.
>
> Any private person may also abate a public nuisance which is specially injurious to such person or any private nuisance injurious to such person by removing or if necessary destroying that which constitutes the nuisance without committing a breach of the peace or doing unnecessary injury. If a private nuisance results from a mere omission of the wrongdoer, and cannot be abated without entering upon the wrongdoer's land, reasonable notice shall be given to the wrongdoer before entering to abate it.

Discussion: The special assessment process provides that the Governing Body: (1) set a public hearing; and (2) notify the property owners of the hearing by both sending notice and publishing the notice of the hearing. The notice calls for the public hearing to be held on September 21, 2020. Following the public hearing on September 21, the City Council will be asked to adopt a resolution approving the special assessment roll with any adjustments in the amounts.

Financial Consideration: The cost will be postage and the publication of the notice.

Conclusion/Recommendations: Administration recommends the adoption of the resolution that sets the public hearing date of September 21, 2020 for special assessment roll for nuisance abatement.

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

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

NUISANCE ABATEMENT

On various properties as follows:

Name	Legal	Corrective Action	Amount
Peter Mark & Karin Monzel	15860-09251-190-24 Lot 1 Replat of Aud Tract A S 1/2 Lot 2 NW 1/4 19-92-51 Aud Tract 19-92-51 601 Lewis	snow tagging & removal 1-18-2020	130.46
OMA Shree, LLC	15880-09251-182-24 S 150' OF E 234' of W 246' of Lot 1 NW 1/4 18-92-51 MISC 802 E. Cherry St	snow tagging & removal 1-18-2020	109.16
Bhupendra J & Jyotikaben B Patel	15880-09251-182-41 Lot 3 Exc Lot 3A in GOV'T Lot 1 & Exc N 50' of Lot 3 GOV'T Lot 1 NW 1/4 18-92-51 MISC 820 E. Cherry St	snow tagging & removal 1-18-2020	77.21

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

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

WHEREAS, said assessment roll shows:

1. The name of the owner(s) of each lot to be assessed as shown by the assessment rolls of the Director of Equalization;

2. A description by lot, block, and addition, or by metes and bounds of each parcel of land to be assessed, recognizing divisions by deed of platted lots, and obtaining the legal description of land as of the date of the adoption of the Resolution of Necessity for such improvement;

3. The amount assessed against each lot;

4. The number of installments, the rate of interest deferred installments shall bear, and the whole of such assessment or any installment thereof may be paid at any time, and that all installments paid prior to the respective due dates shall be deemed paid in inverse order of their due date;

5. Whenever the word "lot" appears therein, it shall be construed to include tracts and other parcels of land.

NOW, THEREFORE, IT IS RESOLVED, that the 21st day of September, 2020**,** at the hour of 7:00 p.m. in the City Hall Council Chambers 25 Center Street in the City of Vermillion, Clay County, South Dakota, be and the same is hereby fixed as the time and place for hearing upon said assessment roll. Any interested person may appear and show cause as to why the Governing Body of the said City of Vermillion, South Dakota should not approve and levy said assessments against the respective premises as set forth in said assessment roll, to defray the costs of the nuisance abatement.

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

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

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

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

_____
Kelsey Collier-Wise, Mayor

ATTEST:

_____
Michael D. Carlson, Finance Officer
(SEAL)

Publish: September 11, 2020

Council Agenda Memo

From: James Purdy, Assistant City Manager

Meeting: August 17, 2020

Subject: Resolution authorizing the purchase of landfill bale bags

Presenter: James Purdy

Background: The landfill baler compresses the solid waste into bales and slides them into polypropylene bags before the baled waste is transported to the landfill cell. Bale bags are used on a daily basis. The bags are capable of containing up to a 2,800-pound bale.

The Solid Waste Department would like to purchase a semi-load of bale bags from the bid awarded by the City Council last November. Last year's bid specs were sent to four possible bidders. Two bids were received. The low bid was from Global Packaging Solutions, LLC of New York. At the November 4, 2019, the City Council awarded the purchase of landfill bale bags at $3.20 per delivered bag for up to 17,500 bags total of $56,000. A semi-load can contain up to 17,500 bags that should handle 9-10 months of baled solid waste. Due to the way pallets of bags are packaged and shipped, the quantity can vary per load. The City received 14,510 bags with the November order for a total cost of $46,432.

Discussion: Staff feels the price remains attractive, and saves the City from preparing bid specifications and associated bidding costs. Global Packaging Solutions, Inc. has verified that they are willing to honor their bid price of last November. The City by state bid law can utilize the bid price for one year after award.

Financial Consideration: The cost of the semi-load of bale bags to the Joint Powers Landfill fund is determined by the number of bags shipped. The price is $3.20 per delivered bag. A full 17,500 bags would be $56,000. The 2020 Joint Powers Landfill budget includes funding for landfill bale bags.

Conclusion/Recommendations: Administration recommends purchasing landfill bale bags from the bid awarded by the City of Vermillion in November 2019 at $3.20 per delivered bag up to a maximum amount of $56,000.

RESOLUTION
AUTHORIZING PURCHASE OF
SOLID WASTE BALE BAGS

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

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

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

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

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

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By_____
Kelsey Collier-Wise, Mayor

ATTEST:

By_____
Michael D. Carlson, Finance Officer

CITY OF VERMILLION
INVOICES PAYABLE-AUGUST 17, 2020

1	A-OX WELDING SUPPLY CO	CHEMICALS	2,151.00
2	AMAZON BUSINESS	FACE MASKS	1,151.88
3	AT&T MOBILITY	MOBILE HOT SPOTS	396.84
4	BREIT & BOOMSMA PC	GARNISHMENT	257.75
5	BROADCASTER PRESS	ADVERTISING	1,118.55
6	BUHLS CLEANERS	MAT/MOP SERVICE	646.04
7	BUREAU OF ADMINISTRATION	TELEPHONE BILL	344.35
8	CASK & CORK	MERCHANDISE	329.10
9	CDW GOVERNMENT, INC	COMPUTER	1,690.51
10	CENTURYLINK	TELEPHONE	1,594.07
11	CHAMBERLAIN OIL CO	OIL	1,539.28
12	CITY OF VERMILLION	LANDFILL VOUCHERS	644.17
13	CLAY RURAL WATER SYSTEM	WATER USAGE	144.00
14	CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,535.84
15	CORY MOORE	SAFETY BOOTS REIMBURSEMENT	100.00
16	CRANE SALES & SERVICES	ANNUAL INSPECTIONS	1,152.54
17	DAKOTA BEVERAGE	MERCHANDISE	10,223.95
18	DANKO EMERGENCY EQUIPMENT	SUPPLIES	181.42
19	DUBOIS CHEMICALS	SODA ASH	14,718.00
20	ECHO ELECTRIC SUPPLY	SUPPLIES	105.18
21	FARNER BOCKEN COMPANY	MERCHANDISE	4,502.06
22	GLOBAL DIST.	MERCHANDISE	273.00
23	GRAHAM TIRE CO.	TIRES	600.00
24	GREGG PETERS	REIMBURSEMENT-ID SCANNER	8,127.76
25	HARTINGTON TREE LLC	TREES	825.00
26	HERREN-SCHEMPP BUILDING	SUPPLIES	573.01
27	INGRAM	BOOKS	559.19
28	JOHN A CONKLING DIST.	MERCHANDISE	5,549.26
29	JOHNSON BROTHERS OF SD	MERCHANDISE	12,144.55
30	JONES FOOD CENTER	SUPPLIES	314.48
31	KARSTEN MFG CORP	MERCHANDISE	585.19
32	LESSMAN ELEC. SUPPLY CO	SUPPLIES	286.50
33	LOREN FISCHER DISPOSAL	HAUL CARDBOARD	1,250.00
34	M & M CONSTRUCTION LLC	FOAM BOARD	190.87
35	MARIAN ODLAND	REFUND AMBULANCE OVERPAYMENT	20.00
36	MIDAMERICAN	GAS USAGE	733.21
37	MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	994.90
38	MIDWEST ALARM CO	ALARM MONITORING	69.00
39	MIZUNO USA, INC	MERCHANDISE	505.10
40	QUADIENT FINANCE USA, INC	POSTAGE FOR METER/SUPPLIES	776.26
41	REPUBLIC NATIONAL DISTRIBUTING	MERCHANDISE	14,450.89
42	RUNNING SUPPLY, LLC	SUPPLIES	399.37
43	SD DENR	LANDFILL OPERATIONS FEE	4,125.22
44	SD DEPT OF HEALTH	TESTING	150.00

45	SD DEPT OF LABOR	UNEMPLOYMENT	1,987.24
46	SOUTHERN GLAZER'S OF SD	MERCHANDISE	7,147.77
47	STERN OIL CO.	FUEL	14,093.31
48	STURDEVANTS AUTO PARTS	PARTS	134.42
49	SYNCB/AMAZON	BOOKS/DVDS/SUPPLIES	118.45
50	THE HOME DEPOT PRO	SUPPLIES	161.10
51	THE WALKING BILLBOARD	UNIFORM SHIRTS	91.00
52	TITLEIST-ACUSHNET COMPANY	MERCHANDISE	219.27
53	TRACTOR SUPPLY CREDIT PLAN	SUPPLIES	24.99
54	TWIN CITY HARDWARE	PARTS	56.67
55	US POSTMASTER	POSTAGE FOR UTILITY BILLS	900.00
56	USPS-POC	POSTAGE FOR METER	700.00
57	VALIANT VINEYARDS	MERCHANDISE	173.90
58	VERMILLION ACE HARDWARE	SUPPLIES	121.63
59	WASTE MANAGEMENT OF WI-MN	WASTE HAULING	1,410.32
60	YAMAHA MOTOR FINANCE CORP	GOLF CARS/BEVERAGE UNIT LEASE	6,622.61
61	LARRY MICKALOWSKI	BRIGHT ENERGY REBATE	25.00
		GRAND TOTAL	$132,016.97