



**Special Meeting Agenda  
City Council**

12:00 p.m. (Noon) Special Meeting  
Monday, July 20, 2020  
Large Conference Room – City Hall  
25 Center Street  
Vermillion, South Dakota 57069

1. **Roll Call.**
2. **Visitors to Be Heard.**
3. **Vermillion Chamber of Commerce and Development Company update – Nate Welch.**
4. **Briefing on the July 20, 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](http://www.vermillion.us)**

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

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

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

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

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



## City of Vermillion Council Agenda

7:00 p.m. Regular Meeting  
Monday, July 20, 2020  
City Council Chambers  
25 Center Street  
Vermillion, South Dakota 57069

### 1. Roll Call

### 2. Pledge of Allegiance

### 3. Minutes

- a. July 6, 2020 Special Meeting; July 6, 2020 Regular Meeting; July 9, 2020 Special Meeting.

### 4. Adoption of the Agenda

### 5. Visitors to be Heard

### 6. Public Hearings

- a. First 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.
- b. Site transfer of retail on-sale liquor license for Leo's Sports Bar & Grill, LLC for Leo's Sports Bar at 11 Market Street to include 7 Market Street.

### 7. Old Business

- a. COVID-19 issues.

### 8. New Business

- a. Appointment of a Central Ward City Council member.
- b. Accept the Home Rule Charter and determine an election date.
- c. Request to close N. Pine Street from E. Cedar Street to the south end of the Alpha Phi property on Saturday, August 15, 2020 from 8:00 am to 3:00 pm (change in date from August 20, 2020).
- d. Joint Powers Board Vermillion citizen appointment.

### 9. Bid Openings

### 10. City Manager's Report

### 11. Invoices Payable

### 12. Consensus Agenda

### 13. Adjourn

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

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

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

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

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

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

### ***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  
July 6, 2020  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, July 6, 2020 at 12:00 noon at the City Hall large conference room.

1. Roll Call

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

2. Visitors to be Heard - None

3. Home Rule Charter Committee report - Dr. Mike Card

Dr. Mike Card, Chairman of the Home Rule Charter Committee reported that the committee members are Matthew Fairholm, Travis Letellier, Stacey Larson, AJ Franken and Steve Ward serving as the liaison to the Council. Dr. Card noted that City staff John Prescott, James Purdy and Mike Carlson provided content to the committee. Dr. Card noted that the review of the Home Rule option started with the Home Rule Study Committee that recommended from their review of Home Rule charters and contacts with Home Rule cities that the City Council proceed with the Home Rule Charter process. Dr. Card reviewed the difference between the current Dillion's Rule Charter that provides that cities have only the authority specifically granted by the State Legislature while with a Home Rule Charter cities are authorized by the Constitution to engage in activities that are not specifically authorized, but not to engage in activities that are prohibited by State law or the charter itself. Dr. Card reported on the benefits and criticisms of Home Rule charters from contacts with other Home Rule Charter communities. Dr. Card reported that the committee developed a draft charter that the Home Rule Charter Committee unanimously recommended be forwarded to the City Council at their June 22nd meeting. Discussion followed with Dr. Card and other committee members answering questions of the City Council on the draft Home Rule Charter.

John Prescott, City Manager, reported that the committee report is on the agenda for tonight and, as the Council cannot act upon a committee report at the meeting it is received, any action to move forward with the Home Rule Charter will be on the July 20th meeting. John noted that, if approved, the Home Rule Charter would need to be voted upon by the

citizens which would take Council action to place the question on the November general election ballot.

Mayor Collier-Wise thanked the committee for their work on the Home Rule Charter.

4. Briefing on the July 6, 2020 City Council Regular Meeting City Council Regular Meeting

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

5. Adjourn

182-20

Alderman Ward moved to adjourn the Council special session at 12:35 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, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 6th day of July, 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  
July 6, 2020  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, July 6, 2020 at 7:00 p.m. by Mayor Collier-Wise.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. Minutes of June 15, 2020 Special Meeting; June 15, 2020 Regular Meeting; June 22, 2020 Special Meeting

183-20

Alderman Sorensen moved approval of the June 15, 2020 Special Meeting, June 15, 2020 Regular Meeting and June 22, 2020 Special Meeting minutes. Alderman Hellwege seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

4. Adoption of Agenda

184-20

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

5. Visitors to be Heard - None

A. Proclamation Recognizing July as Parks and Recreation Month

Alderman Ward read the proclamation recognizing July 2020 as "Parks and Recreation Month" in Vermillion and encouraged all residents to participate in this observance by being outside and enjoying our local parks and recreation facilities.

6. Public Hearings - None

7. Old Business - None

8. New Business - None

9. Presentation to Outgoing Council Member

Alderman Price read a Proclamation recognizing Tom Sorensen for his service as Alderman for the City of Vermillion. Alderman Sorensen thanked the Mayor, Council members and City employees and encouraged citizens to participate in local government.

10. Adjourn

185-20

Alderman Sorensen moved to adjourn the Council Meeting at 7:17 p.m. Alderman Willson seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 6<sup>th</sup> day of July, 2020.

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

ATTEST:

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

NEW CITY COUNCIL

1. Installation

A. Alderman

Mike Carlson, Finance Officer, administered the Oath of Office to Alderman elect Brian Humphrey, Travis Letellier and Steve Ward. Mike noted that Kelsey Collier-Wise was Alderman elect for the Central Ward but has provided notice that she did not intend to qualify for the office of Alderman since being appointed as Mayor. Mike noted that this vacancy in Central Ward will be addressed at the July 20th meeting.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on July 6, 2020 at 7:20 p.m. by Mayor Collier-Wise.

2. Roll Call

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

### 3. Adoption of Agenda

186-20

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

### 4. Election of Officers

#### A. President

Mayor Collier-Wise opened nominations for President of the Council

187-20

Alderman Hellwege nominated Alderman Holland for President of the Council. Alderman Ward seconded the nomination. Mayor Collier-Wise, hearing no other nominations, called for the vote on Alderman Holland for President. 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. Vice President

Mayor Collier-Wise opened nominations for Vice President of the Council

188-20

Alderman Hellwege nominated Alderman Ward for Vice President of the Council. Alderman Price seconded the nomination. Mayor Collier-Wise, hearing no other nominations, called for the vote on for Alderman Ward for Vice President. 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. Appointment of Administrative Officers

#### A. Finance Officer

President Holland, as Mayor Collier-Wise lost computer connection, recommended the appointment of Mike Carlson as Finance Officer and James McCulloch as City Attorney.

189-20

Alderman Price moved approval of the appointment of Mike Carlson as Finance Officer and James McCulloch as City Attorney. 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. City Attorney

City Attorney appointment was included in item A above.

6. Other Appointments and Designations

A. City Council Committees and Other Committee Assignments

Mayor Collier-Wise read the recommendation for appointments to the City Council standing committees of Labor and Finance, Policies and Procedures, Utilities and Surplus Property Appraisal as well as other City Council representation on boards.

190-20

Alderman Ward moved approval of the following City Council Committee appointments: Labor and Finance - Collier-Wise/Chair, Holland, Hellwege and Price; Policies and Procedures - Willson/Chair, Hellwege, Letellier and Ward; Utilities - Ward/Chair, Willson, Humphrey and Holland; Surplus Property Appraisal - Price/Chair, Jennewein, Holland and Humphrey and appointments to other City Boards: Home Rule Charter Committee - Letellier, Joint Powers - Jennewein; Library Board - Letellier; Tree Board - Holland; Other City liaison/representatives: Clay County - Mayor Collier-Wise; Clay County Fair Board - Mike Carlson; Clay County Health Liaison - Matt Callahan; Clay County Park Board - Travis Taggart; Missouri River Energy Services - John Prescott and Shane Griesse as alternate; SECOG - John Prescott and Mayor Collier-Wise as alternate; Dakota Hospital Foundation - John Prescott; University of South Dakota - Mayor Collier-Wise, Vermillion Chamber of Commerce & Development Company - Mayor Collier-Wise and John Prescott and Vermillion NOW!3 - Mayor Collier-Wise, Vermillion Public Transit - Brian Humphrey and National Music Museum - Mayor Collier-Wise. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

B. Official Newspaper

Mike Carlson, Finance Officer, reported that State law requires the designation of an official newspaper, which has been the Vermillion Plain Talk. Mike noted that the designation may not be for a period of less than twelve months and recommended the designation of the Vermillion Plain Talk as the official newspaper.

191-20

Alderman Price moved approval of the designation of the Vermillion Plain Talk as the official newspaper. 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.

#### C. Official Depositories

Mike Carlson, Finance Officer, reported that State law requires the designation of official depositories of the City funds and requested designation for the following: CorTrust Bank, First Bank & Trust, First Dakota National Bank, Bank of the West, S.D. Public Funds Investment Trust, Wells Fargo and US Bank.

192-20

Alderman Price moved approval of the designation of the following as official depositories: CorTrust Bank, First Bank & Trust, First Dakota National Bank, Bank of the West, S.D. Public Funds Investment Trust, Wells Fargo and US Bank. 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. Consolidated Board of Equalization

Mike Carlson, Finance Officer, reported that the County, School, and City have adopted a resolution to consolidate the Board of Equalization and the County requests that the entities reaffirm their intent.

193-20

Alderman Ward moved approval of the consolidation of the Board of Equalization with the County and School. 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. Determination of Rules of Order

John Prescott, City Manager, stated that the City Council Rules and Procedures call for the City Council to designate an edition of Robert's Rules of Order. John stated that the City is currently using the 9th edition and has copies of this version available. John reported that the City Council developed a Rules and Procedures Manual in 2006 that was updated in 2008 and 2014. John noted that it would be a good time to adopt the rules and procedures again.

194-20

Alderman Humphrey moved approval of the determination of Robert's Rules of Order 9th Edition as the rules of order for City Council meetings and to re-affirm the City Council Rules and Procedures dated March 2006 as updated in 2008 and 2014. 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.

#### 7. Visitors to be Heard

Alderman Ward asked about opening the parks playground equipment and basketball courts. Jim McCulloch, City Attorney, noted that, as this item was not on the agenda, no action should be taken. Discussion followed.

#### 8. Public Hearings - None

#### 7. Old Business - None

#### 8. New Business

#### A. Midco Annual Report

Brian McFadden representing Midco, reviewed the number of employees assigned to this area, number of residential services and businesses services, wait time for new service and maintenance and changes made due to COVID-19. Brian answered questions of the City Council on the franchise noting that he would need to get back to the Council on the availability of high definition and closed caption.

195-20

Alderman Hellwege moved to acknowledge receipt of the Midco report. 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.

#### B. Home Rule Charter Committee report

Dr. Mike Card, Chairman of the Home Rule Charter Committee, reported that the committee members are Matthew Fairholm, Travis Letellier, Stacey Larson, AJ Franken and Steve Ward serving as the liaison to the Council. Dr. Card noted that City staff John Prescott, James Purdy and Mike Carlson provided content to the committee. Dr. Card reviewed the charter provided to the committee. Dr. Card reviewed the difference between the current Dillion's Rule Charter that provide that cities have only the authority specifically granted by the state legislature while with a Home Rule Charter cities are authorized by the Constitution to engage in activities that are not specifically authorized, but not to engage in activities that are prohibited by State law or the charter itself. Dr. Card reviewed some examples received from Home Rule Charter communities of the benefits of the Home Rule Charter. Dr. Card reported that contacts were made with other Home Rule Charter communities and noted the benefits and criticisms provided from these communities. Dr. Card reported that the committee developed a draft charter that, as provided in the charter, retains the current City Council / Manager form of government. Dr. Card noted that the draft charter will retain the same elected officers, appointed officers, ordinances and resolutions. Dr. Card reported that the Home Rule Charter Committee, at their June 22nd meeting, unanimously recommended the draft Home Rule Charter be forwarded to the City Council. Discussion followed with Dr. Card and other committee members answering questions provided by citizens online and of the City Council on the draft Home Rule Charter. Dr. Card stated that the committee will look to schedule public meetings to explain the Home Rule Charter and answer questions.

John Prescott, City Manager, reported that tonight the City Council action would be to accept the report as no formal action can be taken at the meeting a report from a committee is received. John noted that for the Council to proceed with the Home Rule Charter, action would be required at the July 20th meeting to bring the question of adopting the charter to a vote at the November general election.

196-20

Alderman Ward moved to accept the draft Home Rule Charter as presented by the Home Rule Charter Committee. 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.

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

John Prescott, City Manager, reported that the request is to close Rose Street from Coyote Village to the Coyote Sports Center and remove parking on both the east and west sides of Dakota Street between Alumni Street and Highway 50 except for the visiting team busses on USD home football game days from 6:00 a.m. to 6:00 p.m. John stated that this has been done for a number of years without any incidents for pedestrian safety.

197-20

Alderman Willson moved approval of the street closing request from USD Athletics to close Rose Street from Coyote Village to the Dakota Dome and remove parking on both the east and west sides of Dakota Street between Alumni Street and Highway 50 except for visiting team busses parked on the east side on September 19, October 3, October 17, October 24, and November 21, 2020 from 6:00 a.m. to 6:00 p.m. for home football games. 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.

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

Mike Carlson, Finance Officer, reported that the Coronavirus Aid, Relief, and Economic Security (CARES) Act created a Coronavirus Relief Fund for the purpose of providing financial resources to state and local governments to respond to the COVID-19 public health emergency. Mike noted that Governor Noem has directed that Coronavirus Relief Funds be made available to cities and counties to support reimbursement of allowable expenditures related to the public health emergency. Mike stated that the City of Vermillion allocation of the Coronavirus Aid Relief and Economic Security (CARES) Act is \$2,470,104 for reimbursement of qualifying expenditures. Mike stated that the State has provided a list of frequently asked questions (FAQ) to address expenses that qualify for reimbursement noting the guidelines at the federal level are evolving and the state will update the FAQ with new information. Mike noted that from the information provided the grant will provide for reimbursement of necessary expenditures incurred due to the public health emergency with respect to COVID-19 incurred between March 1, 2020 until December 30, 2020. Mike stated that SECOG will serve as our point-of-contact regarding the Local Government COVID Recovery Fund. Mike noted that from the FAQ costs qualifying for reimbursement include Police, Fire, Ambulance and Emergency Communications wages and benefits along with other COVID related expenditures. Discussion followed.

198-20

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

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

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

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

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

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

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

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

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

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

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

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

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

By: \_\_\_\_\_  
Michael D. Carlson,  
Finance Officer  
City of Vermillion, South Dakota

The motion was seconded by Alderman Humphrey. 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.

#### E. Planning Commission appointments

Mayor Collier-Wise stated that there are five openings on the Planning Commission for five year terms. Mayor Collier-Wise recommended the reappointment of Don Forseth, Doug Tuve and Jim Wilson and appointment of Susan Heggstad and Thomas Mrozla to five year terms on the planning commission. Mayor Collier-Wise thanked all who expressed interest in the open positions.

199-20

Alderman Hellwege moved approval of the reappointment of Don Forseth, Doug Tuve and Jim Wilson and appointment of Susan Heggstad and Thomas Mrozla to five year terms on the Planning Commission expiring in June 2025. 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.

F. Resolution adjust fines for City code violations to compensate for increased court system costs

John Prescott, City Manager, reported that the State of South Dakota raised court system costs for municipal offenses from \$62.50 to \$72.50 effective July 1, 2020. John noted that the City Attorney and staff learned of the increase in late June. John stated that the attached resolution provides for an increase in the City fine amount to match the state fine and costs. John recommended adoption of the resolution.

200-20

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

RESOLUTION OF CITY OF VERMILLION  
CITY FINE SCHEDULE

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

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

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

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

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

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

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

THE GOVERNING BODY OF THE  
CITY OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

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

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

G. Street closure request of Kidder Street from the alley between Court Street and Market Street to Austin Street, and Market Street from the middle of the first block south of Main Street to the City Parking lot for the BBQ competition typically associated with Ribs, Rods, & Rock 'n Roll

John Prescott, City Manager, reported that Ribs, Rods, & Rock 'n Roll is requesting a temporary street closure beginning on Friday, September 11, 2020 at 6:00 a.m. until Saturday, September 12th at 6:00 p.m. for the BBQ competition typically associated with Ribs, Rods, & Rock 'n Roll. John noted that, due to the COVID-19 pandemic, there are currently no plans for the traditional Ribs, Rods, & Rock 'n Roll Event that the community enjoys each year. John noted that the organization would still like to host the BBQ competition typically associated with the event with some proposed changes. John stated that the biggest change is that the area will be closed to the public and staff's understanding is that the judging will take place inside of Old Lumber Company in an area also closed to the public. John noted that there will be no people's choice award. John stated that the event will consist of organization's staff and volunteers, approximately 30 judges, and up to 30 teams consisting of 2-4 people. John noted that, having the barbeque event this year on this weekend, will help Vermillion maintain this weekend in future years when Ribs, Rods, and Rock 'n Roll will hopefully again be able to have public participation. John noted that the map of the street closing is included in the packet and that Police, Fire and EMS have been notified of the event. John noted that the representatives were present to answer questions.

201-20

Alderman Ward moved approval of the temporary street closing request from Ribs, Rods, & Rock 'n Roll for Kidder Street from the alley between Court Street and Market Street to Austin Street, and Market Street from the middle of the first block south of Main Street to the City Parking lot for the BBQ competition typically associated with Ribs, Rods, & Rock 'n Roll. 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.

#### H. Consultant Agreement with Banner Associates, Inc. for the Final Design on the Brooks Industrial Regional Pond

Jose Dominguez, City Engineer, reported that in 2015 the City entered into an agreement with Banner Associates, Inc to complete a drainage report for Brooks Industrial Park (area between North Plum Street and Commerce Street north of East Duke Street). Jose stated that the report for Brooks Industrial Park was completed but design of the improvements was not since there were no anticipated developments needing the infrastructure improvements. Jose stated that the VCDC and the City have been approached by a local developer with the intent to construct a street and a couple of structures for businesses in this area. Jose noted that the City and the VCDC are still working with the developer on the details, but the developer would like to start construction on the buildings and street later this year. Jose noted that the City Council will be asked at a future meeting to consider a developer's agreement for infrastructure in the area. Jose stated that the lack of drainage improvements can hinder possible development and the construction of a regional detention pond ahead of development makes the land more marketable for development, and it ensures that drainage requirements are met for a large area of the community. Jose provided a map of the area included in the drainage plan. Jose reported that the agreement with Banner will be an hourly rate, not to exceed, \$58,000 to be paid out of the Stormwater Collection System Maintenance Fund. Jose noted that the budget will be revised during the 2020 budget review to include the \$58,000 agreement cost.

202-20

Alderman Hellwege moved approval of the Consultant Agreement with Banner Associates, Inc. for the Final Design on the Brooks Industrial Regional Pond at an hourly rate not to exceed \$58,000. 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.

I. Street closure request for the alley between 113 E Main Street (Varsity Pub) and 101 E Main Street (First Baptist Church) to allow for expanded seating to promote social distancing.

John Prescott, City Manager, reported on a request from The Varsity Pub, LLC to close a portion of the alley between the Varsity Pub and the First Baptist Church for the expanded social distance seating event beginning July 7, 2020 and ending August 24, 2020. John noted that this closure request is in order to provide the space needed for the social distance expanded seating event necessitated by the COVID-19 pandemic and the resulting economic hardship shared by many businesses in the community. John noted that similar requests have been approved for other businesses. John noted that The Varsity Pub, LLC has identified the partial closure of this alley as necessary to provide the outdoor space needed for the event. John stated that the diagram was included in the packet which outlines the fencing plan and The Varsity Pub, LLC will be utilizing their dumpster as a traffic barrier, which should adequately block street traffic. John noted that, on their application, Varsity Pub, LLC indicated that they would approach the First Baptist Church and ask for their comments on using the alley. John noted that in talking to Diane the closing would not extend north past the current deck and asked for the ability to work with the owner on location of the area.

203-20

Alderman Price moved approval of the request of The Varsity Pub, LLC to close a portion of the alley between 113 E Main Street (Varsity Pub) and 101 E Main Street (First Baptist Church) to allow for expanded seating to promote social distancing. 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.

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

Mike Carlson, Finance Officer, reported that with the adoption of Emergency Ordinance No. 1415 at the June 22, 2020 special meeting, a number of special event licenses for the period of June 25 to August 24 with the exclusion of July 6, July 20, August 3, and August 17, 2020 were approved for downtown establishments. Mike noted that, when approving the special licenses, the City Council set the ending time at midnight. Mike reported that the Varsity Pub, LLC for the Varsity Pub at 113 E Main has requested to use the closed portion of the alley for the Social Distance Expanded Seating special event license. Mike noted that the application indicated the hours of operations would be from 2:00 p.m. to 11:00 p.m. daily. Mike stated that the 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 have been provided. Mike recommended that the City Council review the respective Special Daily request from the Varsity Pub, LLC including hours of operation, and since the alley is shared with the church, reassurance that there is not a conflict with church activities. Mike noted that barricades or a fence will need to designate the area to prevent alcoholic beverages from leaving the area.

204-20

Alderman Holland moved approval of the special event license permits for Varsity Pub, LLC for Varsity Pub for the period of July 7, 2020 to August 24, 2020 with no sales on July 20, August 3, and August 17, 2020 for the hours of 2:00 p.m. to 11:00 p.m. contingent upon establishing barricades 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. 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.

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

Jose Dominguez, City Engineer, stated that JR&R II, L.L.C. (JR&R) is in the process of constructing a Runnings store off Bower Street west of Princeton Street. Jose noted that, as part of this project, JR&R asked the City and the Vermillion Chamber and Development Company (VCDC) to construct a public street that would provide access to Runnings off of Princeton Street and other property owned by the VCDC. Jose stated the new street will be called McHenry Street and will provide access to three of the lots which are currently owned by the VCDC and the Running store lot. Jose stated that construction of McHenry Street will only require grading and paving as the utilities are already provided to the adjoining lots. Jose reviewed the options in constructing infrastructure improvements that includes the project to be completed by the developer. Jose reviewed the content of the agreement whereby JR&R II, LLC will construction the street and that based on the bid the City share will be \$24,912.96 for oversized items. Jose recommended that the City Council authorize the Mayor to sign the Agreement to Construct Public Infrastructure by Private Development with JR&R II, L.L.C.

205-20

Alderman Willson moved approval for the Mayor to sign the Agreement to Construct Public Infrastructure by Private Development with JR&R II,

L.L.C. at the current bid item cost of \$24,912.96. 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.

## 9. Bid Openings

### A. Fuel Quotes

Mike Carlson, Finance Officer, read the monthly fuel quotes and recommended the low quote of Stern Oil on all four items.

Item 1 - 4,350 gal unleaded 10% ethanol: Stern Oil \$1.748, Brunick's Service \$1.75, Jerry's Service \$2.00; Item 2 - 1,000 gal unleaded regular: Stern Oil \$1.8985, Brunick's Service \$1.90, Jerry's Service \$2.12; Item 3 - 3,000 gal No. 2 Diesel fuel dyed: Stern Oil \$1.5172, Brunick's Service \$1.53, Jerry's Service \$1.60; Item 4 - 1,000 gal No. 2 diesel fuel-clear: Stern Oil \$1.7972, Brunick's Service \$1.80, Jerry's Service \$2.20.

206-20

Alderman Price moved approval of the low quote of Stern Oil on all four items. 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.

## 10. City Manager's Report

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

B. John reported that there is a vacancy for a citizen representative on Joint Powers Board. John stated that the Board is comprised of representative from Vermillion, Yankton, Clay County, and Yankton County and generally meets four times a year to make recommendations on the landfill and recycling operations. John noted that for this opening the individual does need to be a city resident and asked interested citizens to complete an Expression of Interest form and

return it by noon on Thursday, July 16 in anticipate that the City Council would make an appointment at the July 20 meeting.

- C. John reported that the Water Department was awarded the Secretary's award for Drinking Water Excellence from the SD Department of Environment and Natural Resources for the 19th consecutive year.
- D. John reported that the Human Relations Commission meeting is this Thursday, July 9th at 7:00 p.m.
- E. John reported that the City Planning & Zoning Commission meeting is next Monday, July 13th at 5:30 p.m. John noted that, at present, the one item on their agenda is to amend the Bliss Pointe Planned Development District zoning to allow for limited car sales in the Area D and single-family housing in Area C.
- F. John reported on the following raffle notifications:

Wal-Mart is selling \$1 tickets to raise money for the Children's Miracle Network until July 17, 2020. Prizes are four baskets valued at \$25 each. Proceeds after the cost of the baskets will go to the Children's Miracle Network. Raffle is open to everyone.

Wal-Mart is selling \$1 tickets to raise money for the Children's Miracle Network. The prize for this raffle is a \$100 gift card. This raffle is only for employees with the proceeds benefitting the Children's Miracle Network.

#### PAYROLL ADDITIONS AND CHANGES

Council: Travis Letellier \$266.21/bi-weekly; Fire: Matt Taggart \$18.72/hr; Police: Andrew Delgado \$26.21/hr, Jonathan Warner \$28.94/hr; Street: Josh Timmerman \$17.74/hr; Ambulance: Anthony Gengler \$18.35/hr; Recreation: Wesly Privett \$9.75/hr, Emma Dahlhoff \$9.50/hr, Braden Smutz \$30.00/game; Light: Brandon Steeneck \$33.48/hr; Landfill: Dan Millroy \$18.37/hr, Brian Waage \$18.37/hr; Curbside: Kara Mulheron \$16.63/hr

#### 11. Invoices Payable

207-20

Alderman Price moved approval of the following invoices:

A-1 Portable Toilets	portable toilet rental	825.00
Adidas America, Inc	merchandise	1,112.83
Altec Industries, Inc	repairs	1,329.00
Amazon Business	supplies	1,221.85
American Legal Publishing	online code updates/disc	501.35

A-Ox Welding Supply Co	chemicals	1,884.00
Appeara	shop towels	45.00
Aramark Uniform Services	uniform cleaning	1,048.60
Argus Leader Media #1085	subscription	28.00
Arizona Manufacturing & Embr	merchandise	497.10
Avera Occupational Medicine	testing	151.10
Banner Associates, Inc	professional services	4,869.00
Basin Electric Power Coop	professional services	11,960.10
Big State Industrial Supply	disinfectant fogger	178.80
Blackstone Publishing	books	10.01
Border States Elec Supply	parts	1,039.93
Bound Tree Medical, LLC	medical supplies	2,547.93
Boyer Trucks	parts	519.20
Breit & Boomsma Pc	garnishment	2,295.46
Broadcaster Press	advertising	100.00
Brunick's Service Inc	propane/fuel	1,561.75
Busch Systems International	recycling bins	7,322.43
Butler Machinery Co.	parts	487.93
C & B Operations, LLC	parts	132.32
C & H Golf Ball	merchandise	2,160.00
Callaway Golf	merchandise	541.34
Cardis Fence & Iron Co	parts	373.00
Cask & Cork	merchandise	1,132.50
Centralsquare Technologies	software	4,501.00
Century Business Products	copier contract/copies	186.94
Chargepoint	charge station lease	2,750.00
Chesterman Co	merchandise	1,651.55
City Of Vermillion	copies/postage	1,180.88
City Of Vermillion	utility bills	36,444.34
Clay County Auditor	emergency mgmt	1,200.00
Clay-Union Electric Corp	electric buyout	2,942.18
Colonial Life Acc Ins.	insurance	3,073.65
Core & Main LP	wire	360.00
Cornhusker International Trucks	supplies	60.00
Crouch Recreation	supplies	3,275.00
Dakota Beverage	merchandise	15,791.93
Dakota Pc Warehouse	ipad/case/cartridge	409.96
Danko Emergency Equipment	parts	539.37
Delta Dental Plan	insurance	6,218.08
Demco	supplies	348.35
Dennis Martens	maintenance	833.34
DGR Engineering	professional services	370.00
Diamond Vogel Paints	white traffic paint	1,264.50

Division Of Motor Vehicle	title/plates	45.00
Dubois Chemicals	soda ash	7,359.00
Eakes Office Solutions	foam sanitizer/dispensers	2,884.02
Echo Electric Supply	supplies	1,100.56
Elliott Equipment Co	parts	406.30
EPG Companies, Inc	parts	620.90
Erickson Solutions Group	computers/software	4,394.62
Farner Bocken Company	merchandise	2,345.68
Fast Auto Glass	repairs	378.57
Fedex.	shipping	26.87
Festive Media	medical supplies	430.00
Foreman Media	May/June council mtgs	200.00
Foss Security, Inc	camera system	5,450.00
Gale/Cengage Learning Inc	book	24.69
Global Dist.	merchandise	301.90
Govt Finance Officers Assn	2019 annual report	460.00
Graham Tire	tire	112.94
Graymont (WI) LLC	chemicals	8,284.56
Gregg Peters	rent	937.50
Hansen Locksmithing	repairs	57.00
Hartington Tree LLC	stump grinding	696.00
Hauger Lawn Service	lawn service	132.00
Heiman Fire Equipment	repairs	526.75
Herren-Schempp Building	supplies	149.63
Hy Vee Food Store	supplies	65.79
ICMA	membership	402.85
Ingram	books	1,635.26
Jacks Uniform & Eqpt	supplies	71.99
Jaymar	computer paper	958.50
Jay's Plumbing	repairs	871.29
Jerry's Chevrolet Buick GMC	repairs	121.87
Jim Balleweg	safety glasses reimbursement	125.90
Jo-Ann Stores, LLC	subscription	900.00
John A Conkling Dist.	merchandise	7,061.77
Johnsen Heating & Cooling	geothermal heat pump/repairs	15,533.60
Johnson Brothers Of SD	merchandise	12,540.75
Johnson Electric	install load mgmt	350.00
Johnstone Supply	supplies	243.43
Jones Food Center	supplies	746.23
Kalins Indoor Comfort	repairs	93.53
Karen Vander Stoep	refund parking tckt overpmt	45.00
Karsten Mfg Corp	merchandise	246.18
Knife River Midwest, LLC	supplies	258.33

L & L Machine Shop	repairs	371.23
Lamb Motor Company	(3) 2020 Ford F150	83,814.00
Loyne's World	council name plates	24.00
Leisure Lawn Care	sprinkler repairs/treatment	101.75
Locators And Supplies, Inc	red marking paint	155.79
M & M Construction LLC	Prentiss park sidewalk	24,449.87
Malloy Electric	parts	753.79
Marks Machinery	parts	178.00
Mart Auto Body	towing	75.00
Matheson Tri-Gas, Inc	medical oxygen	523.54
Mc2, Inc	supplies	2,648.42
McCulloch Law Office	professional services	1,800.00
Mead Lumber	supplies	59.08
Medical Waste Transport, Inc	haul medical waste	213.41
Megan Custis	refund rec program fees	47.00
Menards	supplies	169.72
Micro Marketing LLC	books	60.99
Midwest Turf & Irrigation	parts	591.97
Missouri Valley Maintenance	repairs	623.20
Mobotrex Mobility & Traffic	parts	214.00
Moore Welding & Mfg	repairs	27.50
Mr. Golf Car, Inc	repairs	144.45
MSC Industrial Supply Co	supplies	373.29
National Outdoor Furniture	bike racks/trash receptacles	5,895.00
NCL Of Wisconsin, Inc	supplies	1,376.55
Netsys+	repairs/software	2,438.25
Newman Signs, Inc	supplies	2,035.44
Nike Inc	merchandise	461.78
Northern Safety Co. Inc	kooldown bandanas	107.67
Odeys Inc	field drag w/ weights	409.95
Office Of Weights & Measurement	inspection	103.00
O'Reilly Auto Parts	parts	58.51
PCC, Inc	commission	1,995.19
Phelps	face masks	476.45
Powerphone, Inc	recertification	258.00
Presto-X-Company	inspection/treatment	62.00
Print Source	supplies	217.00
Property Maintenance Service	mowing	798.75
QT Pod	airport fuel system	14,745.00
Quill	toner/supplies	424.63
R&R Repair LLC	baler repairs	76,367.49
Racom Corporation	maintenance contract	411.70
Recorded Books, Inc	books	354.40

Red Bird Studio	books	44.95
Redi Towing	towing	225.00
Republic National Distributing	merchandise	13,864.07
Ricchio Inc.	supplies	271.17
Rob Pickens	safety boots reimbursement	100.00
Running Supply, LLC	supplies	758.38
Rusty Jensen	reimbursements	362.37
Safe Life Defense	body armor	1,042.20
Sanford Health Plan	participation fee	54.00
Sanford USD Medical Center	supplies	289.48
Sanitation Products Inc	parts	348.04
Schaeffer Mfg. Co	supplies	700.80
SD Dept Of Health	testing	89.00
SD Licensed Beverage Dealers	tam booklets	300.00
SD Retirement System	contributions	60,456.20
SD State Historical Society	books	70.28
SEH, Inc	professional services	13,241.01
Sensus Metering Systems	software support	1,715.95
Service Master Of Se SD	custodial	3,740.35
Sioux Equipment	repairs	3,780.66
Sirchie	supplies	80.34
Southern Glazer's Of SD	merchandise	5,458.48
Stewart Oil-Tire Co	repairs	36.95
Stockwell Engineers, Inc	downtown streetscape	2,584.70
Stuart C. Irby Co.	supplies	639.60
Sturdevants Auto Parts	parts	445.95
Syncb/Amazon	books/dvds/supplies	353.13
Taste Of Home Books	books	45.93
Taylor Made	merchandise	378.66
Thiesen Designs	work sweatshirts/t-shirts	54.00
Titleist-Acushnet Company	merchandise	4,133.81
Tractor Supply Credit Plan	supplies	47.94
Tritech Software Systems	maintenance	15,566.00
Turner Plumbing	repairs	136.70
Twin City Hardware	parts	72.11
Two Way Solutions	repairs	15.99
Tyler Technologies	software maintenance	1,312.50
Uline	supplies	264.15
United Accounts Inc	garnishment	1,806.49
United Laboratories	supplies	1,942.20
United Way	contributions	767.00
Unum Life Insurance Company	insurance	1,520.88
USA Bluebook	supplies	216.91

USD	refund duplicate lf payment	627.81
Utility Equipment Co.	meters	3,925.64
Valiant Vineyards	hand sanitizer	52.15
Van Diest Supply Co	supplies	276.70
Vast Broadband	911 circuit/dialup service	1,435.45
Verizon Wireless	cell phones/ipad access	2,429.69
Vermeer High Plains	parts	700.03
Vermillion Ace Hardware	supplies	5,451.63
Vermillion Chamber Of Commerce	vermillion bucks	200.00
Visa/First Bank & Trust	fuel/supplies	10,176.70
Wal-Mart Community	supplies	1,455.68
Walt's Homestyle Foods, Inc	merchandise	266.30
Wesco Distribution, Inc	parts	2,517.25
Williams & Co.	2019 audit	10,000.00
Yankton County Observer	subscription	35.00
Zee Medical Service	supplies	424.50
Zimco Supply Co	supplies	14,326.50
Dennis Zimmerman	Bright Energy Rebate	25.00

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.

## 12. Consensus Agenda

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

208-20

Alderman Ward moved approval of the consensus agenda. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: 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.

## 13. Adjourn

209-20

Alderman Ward moved to adjourn the Council Meeting at 8:55 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 7th day of July, 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  
July 9, 2020  
Thursday 6:00 p.m.

The special session of the City Council, City of Vermillion, South Dakota was held on Thursday, July 9, 2020 at 6:00 p.m. at the Council Chambers.

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. Adoption of Agenda

210-20

Alderman Hellwege 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.

4. Visitors to be Heard - None

5. Discuss opening of Park playgrounds and basketball courts

John Prescott, City Manager, provided background on the City Council actions concerning the playgrounds and basketball courts with the last vote being on June 15, 2020 to keep them closed. John reported on Tuesday, July 7th three Council members required a special Council meeting to discuss opening of the playgrounds and basketball courts. John stated that City Hall has received three emailed comments on this issue which were sent with the meeting information. John noted that there has also been a number of phone calls on this topic.

Jim Goblirsch, Director of Parks and Recreation, reported that, to his knowledge, all other South Dakota cities have opened their outdoor playgrounds and basketball courts. Jim reported that the SD Parks & Recreation Association has recommended that signage be placed outlining the CDC guidelines. Jim reported that the National Parks & Recreation Association also recommended to follow the CDC guidelines.

Todd Nelson, resident of 907 Jane Street, noted that he has to take his children out of town to go to a playground or pool. Mr. Nelson stated that the public schools have opened the school playgrounds and asked about consistency between the City and other entities within the community. Mr. Nelson stated that he would support opening the playgrounds and basketball courts.

Discussion followed on the playgrounds and basketball courts.

211-20

Alderman Ward moved approval of opening the City playgrounds with the appropriate signage. Alderman Holland seconded the motion. Discussion followed on the motion. A roll call vote of the Governing Body was as follows: Hellwege-N, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-N, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-N. Mayor Collier-Wise declared the motion adopted.

Discussion followed on the basketball courts.

212-20

Alderman Holland moved approval of opening the City outdoor basketball courts for half court usage. Alderman Humphrey seconded the motion. Discussion followed on the ability for social distancing and following the CDC guidelines if playing basketball games. A roll call vote of the Governing Body was as follows: Hellwege-N, Holland-Y, Humphrey-Y, Jennewein-N, Letellier-N, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-N. Mayor Collier-Wise declared the motion adopted.

6. Adjourn

213-20

Alderman Ward moved to adjourn the Council Meeting at 6:44 p.m. 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.

Dated at Vermillion, South Dakota this 9th day of July, 2020.

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

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

Published once at the approximate cost of \_\_\_\_\_.



## *Council Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** July 20, 2020

**Subject:** First 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

**Presenter:** Jose Dominguez

**Background:** In 2013, the Vermillion Area Chamber and Development Company (VCDC) led a drive to create the Bliss Pointe Planned Development District (Bliss Pointe). The need for creating Bliss Pointe came about due to a community wide shortage of affordable, single-family housing. The VCDC purchased approximately 30-acres to develop, part of which was to be affordable housing.

For ease of construction, Bliss Pointe was divided into two phases. The first phase consisted of all of the ‘bluff’ lots, the cul-de-sac, and other internal lots. At the time the idea was to use the development of phase one to fund the second phase, which would consist of higher density residential development. Currently, most of phase one has been developed, and the VCDC is starting the process to commence work on phase two.

On June 26, 2020, the City received an application from the VCDC and Mr. Kevin Bliss requesting to amend the current Bliss Pointe zoning. The application 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. Additionally, the applicants requested that Area D allow motor vehicle sales, display, and rentals as a permitted use.

The City published a notice in the Plain Talk advertising the meeting, posted signs on the property, and mailed notices to owners within 250-feet of the affected property.

The City’s Planning and Zoning Commission held two meetings on this item. The first meeting was on July 13<sup>th</sup>. Due to a lack of property owner notification, the Commission was not able to make a recommendation at this meeting. A second meeting for July 20<sup>th</sup> at 5:30 pm was scheduled. This second meeting was properly advertised, notices were posted

on the property, and a notice was mailed to all owners within 250-feet of the affected property.

Three members of the public commented at the July 13<sup>th</sup> Planning and Zoning Commission meeting. Two of the comments were in favor of the proposed changes to Area D, one person asked for the proposed changes to Area C to be explained further, and another person asked if the proposed changes to Area D applied to all of the empty lots within Area D. Staff will update the City Council of any additional public comments received at the July 20<sup>th</sup> meeting, along with the Planning and Zoning Commission's recommendation, during the presentation of the item at the evening City Council meeting on July 20<sup>th</sup>.

**Discussion:** As mentioned previously, one of the original intents of Bliss Pointe was to create affordable, single-family housing. This required that the VCDC offer a wide variety of housing styles (single-family detached, single-family attached, and multiple-family dwellings) in the new development. Phase one of the development consisted mainly of areas for the construction of single-family detached dwellings as a permitted use, with some locations for single-family attached dwellings as conditional-uses. The combination of these two different types of housing has proven unpopular with some Bliss Pointe residents as many of them see the increase in residential density as negative. This is due to the perception that the increased density, in such close proximity, negatively affects property value.

In an effort to address this issue, the applicants are proposing to amend the allowable uses within Area C by eliminating all of the multiple-family dwelling uses. Additionally, they are requesting that single-family detached dwellings be allowed as a permitted use (currently this use is not allowed in Area C). This means that for Area C both attached and detached single-family dwellings will be allowed as permitted uses. The applicants are trying to balance the original concept of Bliss Pointe (offering affordable housing in a wide variety of housing styles) and the perception that residential property values decrease when differing housing styles are built in close proximity.

The applicants proposed amendment to Area D is intended to allow the construction of small car dealerships. These dealerships may sell products that are more limited (e.g. foreign vehicles, antique vehicles, collector vehicles, etc...) and harder to find. The intent is to offer space for a person to display and sell a small number of vehicles in their parcel.

**Financial Consideration:** Cost of publication.

**Conclusion/Recommendations:** The Planning & Zoning Commission has a public hearing on this request Monday, July 20<sup>th</sup> at 5:30 p.m., and it is anticipated that following public input any recommendation from the Planning and Zoning Commission will be passed along to the City Council. This Council meeting was advertised as a public hearing for the City Council to consider the first reading of Ordinance 1416.

With the proposed changes the VCDC is attempting to address a couple of challenges associated with the community in general. First, the VCDC is addressing the lack of affordable housing in the community by offering space for a variety of housing styles. The proposed solution may elicit a strong response from the public. However, Staff believes the VCDC's proposed amendments would help balance the public's concerns with the original intent of Bliss Pointe. Secondly, the VCDC's proposal provides additional locations for businesses to take place. Although the proposed use is not typically found in close proximity to residential uses, Staff believes that limiting the number of vehicles displayed outside will curtail some of the concerns that may be raised by the public.

# PETITION FOR ZONE CHANGE

TO THE HONORABLE MAYOR AND THE CITY COUNCIL OF THE CITY OF VERMILLION, SOUTH DAKOTA

1. As authorized by § 155.101 of the City of Vermillion Zoning Ordinance (I) (we) (Name & Address):  
Vermillion Area Chamber & Development Company

Hereby petition to rezone property owned by (Name & Address): Vermillion Area Chamber of Commerce and Development Company

From the classification \_\_\_\_\_, Not changing \_\_\_\_\_ to \_\_\_\_\_, Not Changing \_\_\_\_\_.

2. The legal description of that part of the property to be rezoned is (include only the description of the land proposed to be Rezoned. You may need to have a surveyor draft this description):

(BLK 6, Lot 12) - Blk 6 Exc Lots 1A, 2A, 3, 4A, 5A, 5B, 6A, 6B, 8, 9, 10, 11, & 13 BLISS POINTE ADDN

TRACT 1 EXC BLISS POINTE ADDN BLISS 3RD ADDN

Parcel Identification Number (PIN): 15093-00600-000-00 / 15092-00000-000-00

3. The proposed change is to facilitate the use of the land for (be specific-list all proposed uses):  
Please see attached

4. Please address the following criteria as best as you can. These are the "standards for rezoning" which will be addressed at the public hearing. (Use additional sheets if necessary).

A. In detail, explain what public facilities and services serve the proposed development at present, or how they will be provided. Please see attached

B. Explain how the provision for these facilities will not be an unreasonable burden to local government.  
This development is intended to equally match in its added value to the community and local property tax increases with burdens to local government

C. What have you done to determine that the land is suitable for the development proposed?  
Prior planning. Additional explanation in attached letter.

D. Explain what will have to be done so the development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas. No known additional work will need to be done, other than general construction and infrastructure development

E. Explain any potential for conflict with existing land uses in the area. We see no seen conflicts of existing land uses as these two proposed changes will compliment current housing developments as well as add an additional business to the southern portion of the development.

(OVER)

F. Demonstrate the need of the proposed development at this location. Please see attached  
\_\_\_\_\_  
\_\_\_\_\_

G. What is the availability of alternative locations? Be specific. \_\_\_\_\_  
Commercial Development - there are few places available for this type of commercial business change. While some exist, we don't feel this to be unreasonable.  
Residential property developments currently exist, but we feel this to be a great addition to the current available developable lots in Vermillion.  
\_\_\_\_\_

H. If cropland is being consumed by this Zone Change, what is the productivity of the agricultural lands involved?  
The 15 acres that are sometimes used for crop land, are often used for just alfalfa. It has been farmed with intentions of someday developing houses.  
\_\_\_\_\_

I. If cropland is being consumed by this zone change, explain how the proposed development will be located to minimize the amount of agricultural land converted. The remaining 15 acres have been intended on housing since 2013.  
\_\_\_\_\_  
\_\_\_\_\_

5. Planning Commission recommendation, The Zoning Administrator shall set the date, time and place for a Planning Commission public hearing. The Zoning Administrator shall post a sign of the public hearing on the property affected by a change of zone no less than 7 days prior to the scheduled public hearing. The notice shall be published in a legal newspaper of the city once not less than 10 days prior to the public hearing. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the City Council. The Planning Commission shall either recommend or not recommend approval of the amendment to the City Council.

6. City Council action, The Zoning Administrator shall set the date, time and place for a City Council public hearing. The Zoning Administrator shall post a sign of the public hearing on the property affected by a change of zone no less than 7 days prior to the scheduled public hearing. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the City Council. The City Council shall either approve or not approve the ordinance describing the proposed amendment or change of zone to these zoning regulations, in accordance with standard procedures for reading, approval, publication and effective date. When a proposed amendment or change of zone is approved by the City Council, the amendment shall take effect 20 days after publication, unless the referendum shall have been invoked.

7. Petitioner's Signature  Phone (605) 624-4964 Date 6/26/2020  
~~624-5571~~

8. Owner's Signature  Phone (605) 624-5571 Date 6/26/2020  
(If different)

Date Fee Received: \_\_\_\_\_ Fee \$150.00 PAYABLE TO the City of Vermillion

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

June 24<sup>th</sup>, 2020



Vermillion City Planning & Zoning Commission,

To the members of the Planning & Zoning Commission, I offer this letter as an additional explanation accompanying our application for changing parts of our Planned Development District.

This application includes two minor changes. The first is in section D, which includes our commercial lots at Bliss Pointe. The second is in section C, which includes our residential lots at Bliss Pointe.

First – the commercial lot change. The Vermillion Area Chamber of Commerce & Development Company (VCDC) has entered into a Purchase Agreement with a local business owner who intends on building a commercial building on Lot 12, Block 6 of Bliss Pointe. This is a long-time business owner in the community, and while his facility will not immediately have the purpose, it could, in the future, provide specialty auto sales on a limited basis. To do so, we feel it necessary and appropriate to change the current conditions to allow auto vehicle sales – with up to, but no more than, 10 vehicles placed for sale outside of the structure on the property. The VCDC is supportive of this for the following reason: this facility could provide a 'boutique aspect' of auto sales in what is growing to be a unique specialty service area of Vermillion – which includes multiple types of housing, visitor attractions, neighborhood restaurants and this addition of retail. We ask for the Planning and Zoning to recommend approval of these proposed changes.

Second – the residential lots at Bliss Pointe. At this point, Bliss Pointe - Phase 1 lots are over 80% sold, just over five years after we broke ground on the first home in this beautiful addition. Since then, the 35 acres in Phase 1 now generates over \$8m in property valuation. To say "we aren't done yet" is an understatement. We are extremely excited at continuing the success of Phase 1 with beginning development on Phase 2 – which includes nearly 15 additional acres. Before we break ground on the infrastructure, we are pausing to take a moment and appropriately pivot from the original plans of Bliss Pointe as they were envisioned in 2013. Originally, the concept for Phase 2 was to have a bit more of a denser population of housing. A great plan in its time, but since then over 1,000 new apartment beds have been added to the Vermillion housing landscape. Along with continued development of Bliss Pointe homes in Phase 1, we feel the importance on growing our Single Family homes inventory in Vermillion. Therefore, we are looking to change the plans of Phase 2 to be the proposed changes in this request.

Thank you for your time, consideration, and your service to our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Nate Welch", is written over a light blue and green background graphic.

Nate Welch  
VCDC President / CEO



**§ 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.

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

<b>Permitted Uses</b>	<b>Applicable Standards</b>
Area A permitted uses	See Area A permitted uses

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

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

**Deleted:** medium to high-density residential uses

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

**Deleted:** Dwelling, multiple-family (maximum of 2 dwelling units per lot) ... [1]

**Deleted:** Conditional Uses ... [2]

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

<b>Permitted Uses</b>	<b>Applicable Standards</b>
Retail services and trade	<a href="#">§§ 155.070, 155.072, 155.076, 155.077</a>
Offices, non-commercial, non-construction and non-industrial	<a href="#">§§ 155.070, 155.072, 155.076, 155.077</a>
Personal Service	<a href="#">§§ 155.070, 155.072, 155.076, 155.077</a>
Hospital	<a href="#">§§ 155.070, 155.072, 155.076, 155.077</a>
Day Care Center	<a href="#">§§ 155.070, 155.072, 155.076, 155.077</a>
<a href="#">Motor vehicle sales, display, and rental</a>	<a href="#">§§ 155.070, 155.072, 155.073, 155.077</a> , <a href="#">Subject to screening of all outdoor storage of parts from view. No more than 10 vehicles displayed outside of any structure within lot.</a>
Accessory Building or Use	<a href="#">§§ 155.070, 155.072, 155.076, 155.077</a>

(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.

	<b>Lot Area</b>	<b>Frontage</b>	<b>Building Line</b>	<b>Front Yard</b>	<b>Side Yard</b>	<b>Rear Yard</b>	<b>Maximum Height</b>
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	2,500 square feet	25 feet	25 feet	25 feet See (3)	0 or 8 feet on non-	25 feet	35 feet

attached, See (4)					party wall side		
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 per dwelling unit cannot exceed 4)	20,000 square feet	50 feet	70 feet	30 feet See (5)	10 feet See (1)	10 feet	45 feet
Dwelling, multiple- family units (over 48 bedrooms per lot, number of bedrooms per dwelling unit	30,000 square feet	50 feet	85 feet	30 feet See (5)	10 feet See (1)	10 feet	45 feet

cannot exceed 4)							
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:

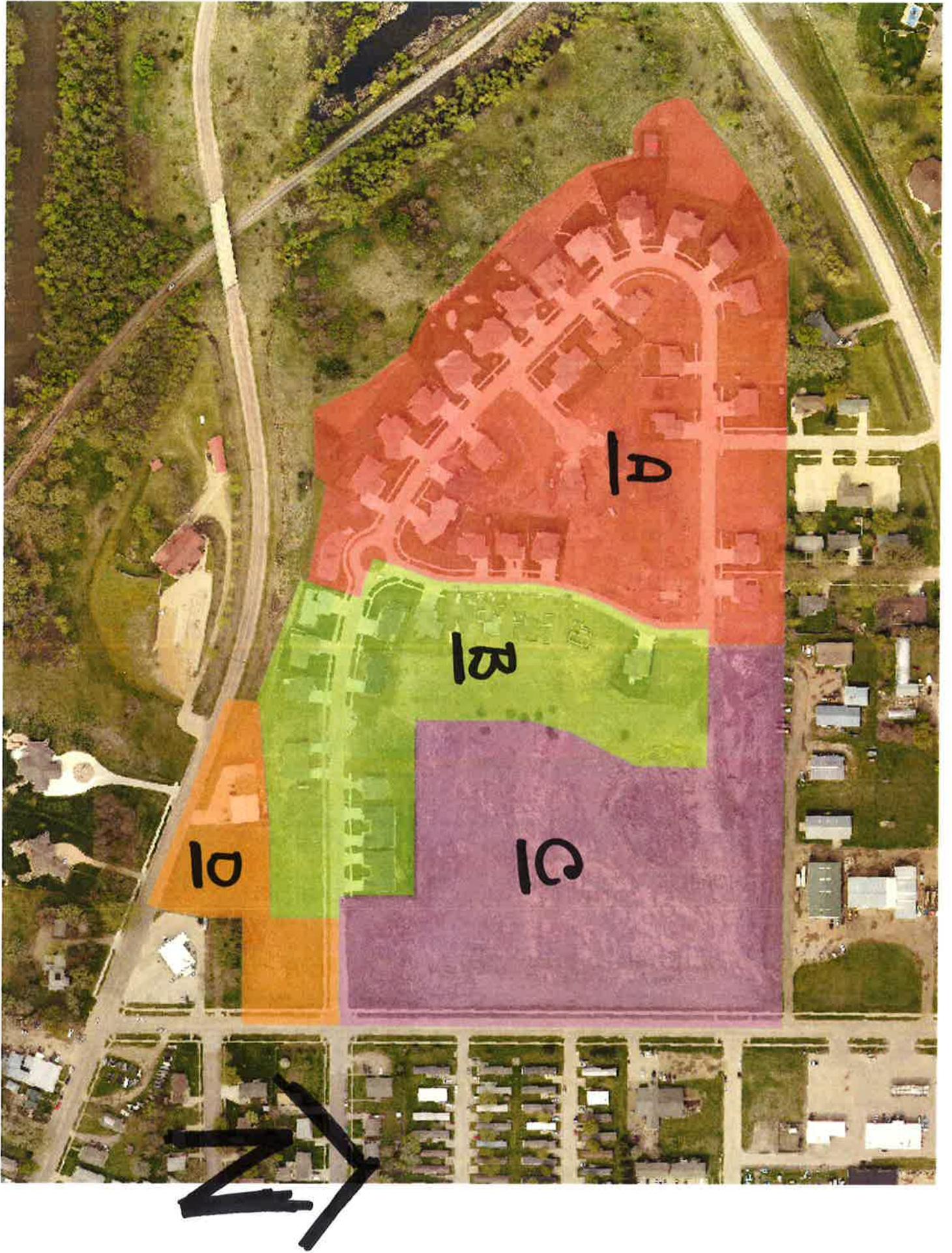
- (1) The side yard will be required to be increased by 10 feet when the building is 3 stories in height or more.
- (2) There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.
- (3) See also adjustments 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.

(Ord. 1302, passed 8-5-2013; Am. Ord. 1409, passed 12-2-2019)

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**PROPOSED ORDINANCE 1416**

**AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES 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.

<i>Permitted Uses</i>	<i>Applicable Standards</i>
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.

<i>Permitted Uses</i>	<i>Applicable Standards</i>
Area A permitted uses	See Area A permitted uses

<i>Conditional Uses</i>	<i>Applicable Standards</i>
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.

<i>Permitted Uses</i>	<i>Applicable Standards</i>
<u>Dwelling, single-family detached</u>	<u>§§ 155.070, 155.072, 155.076, 155.077</u>
Dwelling, single-family attached	§§ 155.070, 155.072, 155.076, 155.077
<del>Dwelling, multiple family (maximum of 2 dwelling units per lot)</del>	<del>§§ 155.070, 155.072, 155.076, 155.077</del>
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)

<i>Conditional Uses</i>	<i>Applicable Standards</i>
<del>Dwelling, multiple family</del>	<del>§§ 155.070, 155.072, 155.076, 155.077, three or more dwelling units per lot.</del>

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

<i>Permitted Uses</i>	<i>Applicable Standards</i>
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
<u>Motor vehicle sales, display, and rental</u>	<u>§§ 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.</u>
Accessory Building or Use	§§ 155.070, 155.072, 155.076, 155.077

(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.

	<i>Lot Area</i>	<i>Frontage</i>	<i>Building Line</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
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 per dwelling unit cannot exceed 4)	20,000 square feet	50 feet	70 feet	30 feet See (5)	10 feet See (1)	10 feet	45 feet
Dwelling, multiple-family	30,000 square feet	50 feet	85 feet	30 feet See (5)	10 feet See (1)	10 feet	45 feet

units (over 48 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)							
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 3<sup>rd</sup> 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: July 20, 2020  
Second Reading: August 3, 2020  
Published: August 7, 2020  
Effective: August 28, 2020

DRAFT



## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer  
**Meeting:** July 20, 2020  
**Subject:** Site transfer of retail on-sale liquor license for Leo's Sports Bar & Grill, LLC for Leo's Sports Bar at 11 Market Street to include 7 Market Street  
**Presenter:** Mike Carlson

**Background:** Rusty Jensen reported that he purchased the building at 7 Market Street and will be expanding the Leo's Lounge business into that location. Rusty stated that the expansion would take place sometime this summer depending upon when the renovations are complete. The request is for the site transfer of the retail on sale liquor license for 11 Market Street to include 7 Market Street. The Police Chief memo is attached that states there are no issues with this establishment that would affect holding a license.

**Discussion:** The City Council has the ability to transfer a license on basically two (2) criteria: suitable person and suitable location. With respect to the location criteria, licenses have been previously approved for 11 Market Street for this business, and the request is being made to expand into 7 Market Street. A South Dakota legal ruling defined that other items can impact the location criteria. The character of neighborhoods and businesses tend to change over time, and a local governing body has a legitimate interest in managing the alcoholic beverage licensing in its jurisdiction to assess whether an alcohol sales location continues to be suitable. With respect to the suitable person criteria, the City Council can also determine that an applicant is not of suitable moral character and not renew a license. If an application is denied, the motion must state the reasoning for denial. The applicant cannot reapply for this type of license for one (1) year. The applicant is not changing with the transfer of this license.

As to the site expansion to include 7 Market Street, the City Council will need to determine if this is a suitable location. There are existing licenses issued to the Fraternal Order of Eagles, Leo's Lounge, and a malt beverage and wine license issued to Café Brule in this area. The building official has issued a building permit for renovations to 7 Market Street. If the City Council determines this to be a suitable location, the motion should include the approval of the site transfer contingent upon approval of occupancy by the Building Inspector.

**Financial Consideration:** The City receives \$150 fee for the site transfer request for the retail on sale liquor license.

**Conclusion/Recommendations:** Following the input from the public hearing, the City Council is asked to make a decision on the following approval or denial of the expansion of the liquor license to include the addition of 7 Market Street to the existing 11 Market Street. Note: if approved for the expansion to 7 Market Street should be contingent upon approval of occupancy by the Building Inspector.

City of Vermillion  
Police Department  
15 Washington Street  
Vermillion, SD 57069  
Phone: (605)677-7070  
FAX: (605)677-7166  
[www.vermillionpd.org](http://www.vermillionpd.org)



June 29, 2020

To: Mike Carlson, Finance Director

From: Matt Betzen, Chief of Police

Reference: Retail on sale liquor license site expansion until December 31, 2020

Leo's Sports Bar and Grill LLC does a good job of managing their establishment. They cooperate with police investigative efforts and contact police when appropriate. A records check shows no new information regarding the license holder that would affect holding a Retail on sale liquor license.

This is a request to expand their business to take over the store front at 7 Market Street. The property is directly adjacent to the existing property covered by the license, and so access and expansion should be possible without creating uncontrolled areas or security issues.

NOTICE OF PUBLIC HEARING OF APPLICATIONS  
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 20<sup>th</sup> day of July 2020 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street will meet in regular session to consider the following application for an alcoholic beverage license to operate within the municipality for the licensing period stated, which has been presented to the City Council and filed in the Finance Officer's Office:

Retail on sale liquor license site expansion until December 31, 2020:

Leo's Sports Bar & Grill, LLC for Leo's Lounge at 11 Market Street expanding into 7 Market Street:

NOTICE IS FURTHER GIVEN THAT any person, persons, or their attorney may appear and be heard at said scheduled public hearing who are interested in the approval or rejection of any such application.

Dated at Vermillion, South Dakota this 3<sup>rd</sup> day of July, 2020.

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

Publish: July 10, 2020

Published once at the approximate cost of \_\_\_\_\_.



## *Council Agenda Memo*

**From:** John Prescott, City Manager  
**Meeting:** July 20, 2020  
**Subject:** Central Ward Council vacancy  
**Presenter:** John Prescott

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

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

After requesting, receiving, and reviewing Expression of Interest forms and background information of interested citizens, the City Council appointed Lindsey Jennewein to serve as a Central Ward Council member at the May 18, 2020 meeting. That appointment was to a Central Ward City Council seat expiring with the July 6, 2020 meeting.

Kelsey Collier-Wise filed a nominating petition for the Central Ward seat in March 2020. She did not have any opposition for this City Council seat. While Kelsey resigned from the Central Ward seat for the term that ended with the July 6, 2020 meeting, she is the person elected to fill the Central Ward seat starting with the July 6, 2020 meeting. The State Statute reads as follows:

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

Kelsey has not qualified for the Central Ward seat by taking the oath of office within 10 days of the July 6 meeting. In a letter that was submitted as part of the July 6, 2020

packet, Kelsey indicated that she did not intend to qualify for the Central Ward seat as she was serving as Mayor.

As noted, Lindsey Jennewein was appointed to the seat at the May 18, 2020. Per state statute, she will hold office until the vacancy is filled. The relevant state statute is:

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

The appointment of Lindsey Jennewein is still current, however, the City Council should now appoint someone as the person elect has not qualified for the Central Ward Council seat. The person would be appointed to serve until the person elect from a municipal election in 2021 is qualified. Staff has verified with the Secretary of State that there would be a city election on June 1, 2021. The person elected in June 2021 would serve from the first meeting in July 2021 until the end of the original term in July 2024.

**Discussion:** Staff believes the intent of the City Council was that the appointment of Lindsey Jennewein would be until the special election in June 2021. While she was appointed in May 2020, the City Council technically has a vacancy to fill as the person elect for the seat has not qualified for office. Appointing Lindsey Jennewein to serve until the first meeting in July 2021 is possible as this is technically appointment to a portion of a new Central Ward City Council term.

If Lindsey Jennewein is interested in continuing to serve and the City Council wants to have her continue to serve for the next year, the City Council should adopt a motion to appoint her to the term. An oath of office will also need to be taken for the new term to which she is being appointed.

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

**Conclusion/Recommendations:** Administration recommends the City Council appoint an individual to fill the vacant Central Ward seat.



## *Council Agenda Memo*

**From:** John Prescott, City Manager  
**Meeting:** July 20, 2020  
**Subject:** Home Rule Charter Committee report  
**Presenter:** John Prescott

**Background:** Last year a Home Rule Study Committee was appointed to evaluate the notion of appointing a Home Rule Charter Committee to develop a home rule charter for voter consideration. At the January 20, 2020 Noon City Council meeting, the Home Rule Study Committee presented their recommendation to move forward with the process. The City Council approved appointing a five-member Home Rule Charter Committee at the February 3, 2020 meeting. The City Council approved a charge for the Home Rule Charter Committee at the February 18, 2020 meeting. The Home Rule Charter Committee was appointed at the following meeting on March 2, 2020. Committee members are Mike Card, Matt Fairholm, AJ Franken, Stacy Larson, Travis Letellier, and Council member Steve Ward. The Home Rule Charter Committee presented their report and a draft of the charter at the July 6, 2020 meeting.

**Discussion:** When a draft of the Home Rule Charter was presented at the July 6, 2020 meeting, the Committee had not yet reviewed the item with the City Attorney. The meeting with the City Attorney took place on July 10, 2020. The updated draft of the Home Rule Charter was placed on the City's website on Monday, July 13, 2020 and is included with this agenda memo. Most of the changes suggested by the City Attorney were related to style. The few substantive changes were more to reference state statute in place of trying to detail a process in the home rule charter.

The Home Rule Charter Committee met approximately every other Monday for a couple of hours over the last couple of months to develop a home rule charter. The Home Rule Charter Committee is working towards offering a couple of Zoom presentations to explain the charter and take public questions. The schedule of those presentations has not yet been established.

The cities in South Dakota which have which have adopted a home rule charter and the initial adoption date are:

Aberdeen – 2004*	Faith – 2002	Sioux Falls – 1995*
Beresford – 1998*	Fort Pierre – 2000	Springfield - 1985
Brookings – 1997*	Pierre – 2001	Watertown – 2001*
Elk Point – 1999		

\*Indicates amended since original adoption or pending amendment

The home rule charter would provide the City Council with the ability to take action and offer services unless they are specifically prohibited by state statute or federal law. Currently, the City can only provide those functions specifically identified by state statute as duties of a municipality.

The issue before the City Council at this point is whether to accept the home rule charter as presented and modified since the July 6, 2020 meeting and authorize the question to be placed before the voters on an election ballot. When the Home Rule Study Committee presented their recommendation in January, there was considerable discussion about the timing of completing a charter and placing the matter before the voters. The consensus of the City Council at that time was to place a home rule charter before the voters as part of the November 3, 2020 general election ballot, if possible.

If the City Council accepts the proposed home rule charter and wishes to place the question before voters as part of the November 3, 2020 general election ballot, the City will need to check with Clay County to make sure there is room on the ballot and enter into an agreement to include the matter on the ballot.

**Financial Consideration:** None.

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

A possible motion may be: Move to submit the proposed home rule charter initially presented by the Home Rule Charter Committee at the July 6, 2020 regular meeting and as revised and presented at the July 20, 2020 regular City Council meeting to a vote at the November 3, 2020 general election, contingent upon county authorization for a joint election on said date.

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

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## **PREAMBLE**

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

## **ARTICLE I. POWERS OF THE CITY**

### **Section 1.01 General Powers**

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

### **Section 1.02 Construction**

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

### **Section 1.03 Form of Government**

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

### **Section 1.04 Intergovernmental Relations**

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

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

### **Section 1.05 Limitations**

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

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

### **Section 1.06 Limitations on Taxing Authority**

The City's authority to pass or implement any new tax or new form of taxation is limited to those authorized by SDCL 6-12-14 or SDCL 6-12-15 and approved by the City Council. Any implementation of any new tax or new form of taxation is subject to the public's exercise of referendum provisions as provided for in SDCL 9-20.

## **ARTICLE II. CITY COUNCIL**

### **Section 2.01 General Powers and Duties**

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

### **Section 2.02 Composition, Eligibility, Election, and Terms**

- a. Composition. There shall be a City Council composed of the Mayor elected at large and eight (8) Council members, two (2) Council members elected from and by the voters of each of four (4) City wards.
- b. Eligibility. Only registered voters of the City shall be eligible to hold the office of Council member or Mayor. No person is eligible to be nominated, elected, or appointed as a Mayor or as a Council member unless such person is also a citizen of the United States, and, if a Council member, a resident of the ward for which such person is to hold office. In addition to any other qualifications prescribed by law, the Mayor and each Council member shall meet the conditions of this Charter while in office, and shall reside within the City limits and in the ward, as applicable, while in office. Any member of the City Council ceasing to possess any of the qualifications specified in this section, or convicted of a felony while in office, shall immediately forfeit such position.
- c. Terms. The terms of Council members and Mayor shall be according to ordinance not to exceed that permitted by State law. The Mayor and Council members shall hold office until successors are elected and qualified.

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

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

### **Section 2.03 Mayor**

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

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

### **Section 2.04 Compensation-Expenses**

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

### **Section 2.05 Prohibitions**

a. Holding Other Office. Except where authorized by law, no Council member shall hold any other elected public office during the term for which the member was elected to the City Council. No Council member shall hold any other City office or City employment during the terms for which the member was elected to the City Council. No former Council member shall hold any compensated appointive office or employment with the City until the earlier of one year after the expiration of the term for which the member was elected to the City Council or one year after vacating their position on the City Council. Nothing in this section shall be construed to prohibit the City Council from selecting any current or former City Council member to represent the City

on the governing board of any regional or intergovernmental agency or from completing an unexpired term of the Mayor.

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

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

### **Section 2.06 Vacancies; Forfeiture of Office; Filling of Vacancies**

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

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

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

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

d. **Filling of Vacancies.** If a vacancy exists in the office of Mayor or City Council, the remaining members shall appoint a replacement to serve until the next municipal election, or if City

ordinance provides, the vacancy is to be filled by special election for the remainder of the unexpired term as provided in SDCL 9-13-14.1 and SDCL 9-13-14.2. If the appointment is for a City Council member, the replacement shall be a person from the same ward. The election shall be conducted as provided in Article VI of this Charter.

### **Section 2.07 Judge of Qualifications**

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

### **Section 2.08 Independent Audit**

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

### **Section 2.09 Meeting Procedure**

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

b. Rules and Minutes. The City Council shall determine its own rules and order of business, and the rules shall provide that citizens of the City shall have a reasonable opportunity to be heard

at any regular City Council meeting. The rules established by the City Council for this procedure may include a provision which permits the City Council to set reasonable time limits to be adhered to by persons appearing before the City Council. City Council shall provide for written minutes to be taken of all meetings, except executive sessions authorized by this Charter and law, and such minutes shall be a public record.

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

### **Section 2.10 Ordinances and Resolutions in General**

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

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

### **Section 2.11 Action Requiring an Ordinance**

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

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

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

### **Section 2.12 Emergency Ordinances and Resolutions**

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

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

### **Section 2.13 Authentication and Recording of Ordinances and Resolutions**

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

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

### **Section 2.14 Codes of Technical Regulations**

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

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

## **ARTICLE III. CITY MANAGER**

### **Section 3.01 Appointment and Qualifications**

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

### **Section 3.02 Compensation and Review**

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

### **Section 3.03 Term and Removal**

The City Manager shall serve at the pleasure of the City Council and have no fixed term of office. The City Council shall have the sole authority to terminate the City Manager's employment by affirmative vote of five (5) Council members. The termination procedure shall be in accordance with that contained in SDCL 9-10-11.

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

### **Section 3.04 Powers and Duties of City Manager**

The City Manager shall be the chief administrative and executive officer of the City, responsible to the City Council for the administration of all affairs of the City. The City Manager shall have those powers contained in SDCL Chapter 9-10 and as supplemented or restricted by City Council ordinance, resolution, or written employment agreement consistent with State law.

### **Section 3.05 Acting City Manager**

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

## **ARTICLE IV. DEPARTMENTS, OFFICES, AND AGENCIES**

### **Section 4.01 General Provisions**

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

### **Section 4.02 Supervision**

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

### **Section 4.03 City Attorney**

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

Attorney may select additional attorneys to act for the City Attorney and the City in its representation and litigation. Additionally, the City Council may, by resolution, provide for other attorneys to represent the City.

#### **Section 4.04 Finance Department; Finance Officer**

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

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

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

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

### **ARTICLE V. FINANCIAL PROCEDURES**

#### **Section 5.01 Fiscal Year**

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

#### **Section 5.02 Submission of Budget and Budget Message**

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

#### **Section 5.03 Budget**

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City

Council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax request, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding two fiscal years. It shall indicate in separate sections:

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

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

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

#### **Section 5.04 City Council Action on Budget**

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

#### **Section 5.05 Appropriation and Revenue Ordinances**

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

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

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

## **Section 5.06 Amendments after Budget Adoption**

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

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

c. Reduction of Appropriations. If at any time during the fiscal year it appears probable to the City Manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the City Manager shall report to the City Council indicating the recommended remedial steps to be taken. The City Council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce one or more appropriations.

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

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

## **Section 5.07 Lapse of Appropriations**

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

### **Section 5.08 Administration of Budget**

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

### **Section 5.09 Overspending of Appropriations Prohibited**

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

### **Section 5.10 Special Assessments**

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

### **Section 5.11 Public Records**

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

## **ARTICLE VI. ELECTIONS**

### **Section 6.01 City Elections**

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

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

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

### **Section 6.02 Initiative and Referendum**

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

## **ARTICLE VII. GENERAL PROVISIONS**

### **Section 7.01 Conflicts of Interest**

The use of public office for private gain is prohibited. The City Council shall implement this prohibition by ordinance or resolution. Rules or regulations to this end shall include but not be limited to: acting in an official capacity on matters which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official; the use of confidential information; and appearances by City officials before other City agencies on behalf of private interests. The appearance of impropriety shall be avoided. Municipal officials shall be, at a minimum, restricted from conflict of interest to the same extent that State public officials are bound by State law; provided, however, that the City Council may adopt an ordinance or resolution setting a stricter standard.

### **Section 7.02 Prohibitions**

#### **a. Activities Prohibited.**

1. No person shall be appointed to, or removed from, or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of race, sex, age, disability, religion, country of origin, political affiliation, or other distinguishing characteristic not related to job performance as may be defined by ordinance, resolution, or agreement passed by City Council.

2. No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification, or appointment under the provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules, and regulations.

3. No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or in connection with any test, appointment, proposed appointment, or proposed promotion.

4. No person shall knowingly or willfully solicit or assist in soliciting any assessment, subscription, or contribution for any political party or political purpose to be used in conjunction with any City election from any City employee.

5. No City officer or employee shall knowingly or willfully make, solicit, or receive any contribution to the campaign funds of any political party or committee to be used in a City election or to campaign funds to be used in support of or in opposition to any candidate for election to City office or City ballot issue. Further, no City employee shall knowingly or willfully participate in any aspect of any political campaign on behalf of or in opposition to any candidate for City office. This section shall not be construed to limit any person's right to exercise rights as a citizen to express opinions or to cast a vote nor shall it be construed to prohibit any person from active participation in political campaigns at any other level of government.

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

## **ARTICLE VIII. CHARTER AMENDMENT**

### **Section 8.01 Proposal of Amendment**

Amendments to this Charter may be framed and proposed:

a. In the manner provided by State law.

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

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

d. By the voters of the City, when any fifteen (15) qualified voters initiate proceedings to amend the Charter by filing with the City Finance Officer an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed Charter amendment. Promptly

after the affidavit of the petitioners' committee is filed, the City Finance Officer shall issue the appropriate petition blanks to the petitioners' committee. The petitions shall contain throughout their circulation the full text of the proposed Charter amendment and must be signed by registered voters of the City in the number of at least ten (10) percent of those voting in the last preceding gubernatorial election.

### **Section 8.02 Election**

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

### **Section 8.03 Adoption of Amendment**

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

## **ARTICLE IX. TRANSITION / SEPARABILITY PROVISION**

### **Section 9.01 Officers and Employees**

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

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

b. Personnel System. An employee holding a City position at the time this Charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall

not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the provisions of Article IV.

**Section 9.02 Pending Matters**

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

**Section 9.03 State and Municipal Laws**

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

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

**Section 9.04 Separability**

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

**Section 9.05 Effective Date**

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



## *Council Agenda Memo*

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

**Meeting:** July 20, 2020

**Subject:** Updated: request to close North Pine Street from East Cedar Street to the End of the Alpha Phi House South Property Line for Alpha Phi's Sorority Recruitment Bid Day on August 15, 2020

**Presenter:** James Purdy

**Background:** The Alpha Phi Sorority has requested the closure of North Pine Street from East Cedar Street to the south property line of the Alpha Phi House at 707 E. Cedar Street. The closure is requested for their Recruitment Bid Day. The street closure is requested for Saturday, August 15, 2020 from 8:00 a.m. to 3:00 p.m. At the March 2, 2020 meeting the City Council approved this street closure for August 20, 2020, however due to classes beginning earlier this fall due to COVID-19, Alpha Phi has requested to reschedule the closure.

**Discussion:** The completed street closure request application and diagram are attached. The Street, Police, Fire, and EMS departments have been notified of the street closure request. They did not have any concerns. Cleanup will be handled by the Alpha Phi organization after the event concludes, and the street will be cleared immediately.

Alpha Phi's organizer will be meeting with the neighbors to notify them of the street closing prior to the City Council meeting. An Alpha Phi representative was requested to attend the City Council meeting to answer any City Council questions.

This street closure request includes the same location that Alpha Phi's street closure requests have covered since 2017. There have been no issues in the past.

**Financial Consideration:** None.

**Conclusion/Recommendations:** Administration recommends that the City Council approve the temporary closing of North Pine Street from East Cedar Street to the south property line of the Alpha Phi House from 8:00 a.m. to 3:00 p.m. for Alpha Phi's Sorority Recruitment Bid Day on Saturday, August 15, 2020.

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Marty Washington](#); [John Prescott](#); [James Purdy](#)  
**Subject:** Online Form Submittal: Street Closure Request Form  
**Date:** Thursday, July 16, 2020 5:38:02 PM

---

## Street Closure Request Form

### INSTRUCTIONS

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

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

---

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

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

---

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

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

---

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

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

---

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

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

---

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

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

---

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

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

---

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

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

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

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

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

I have read and understand these instructions

I agree.

Electronic Signature Taylor A Davis

(Section Break)

#### APPLICATION

Organization Requesting Alpha Phi

Name of Event & Brief Description of Event Alpha Phi Bid Day. This is the starting event we hold for our new members.

Expected Participants 110

Name of Primary Contact Person Taylor A Davis

Primary Contact Phone Number + 24 Hour Access Phone Number

[REDACTED]

Name of Secondary Contact Person Elizabeth Miller

Secondary Contact Phone Number + 24 Hour Access Phone Number

[REDACTED]

Date(s) of Closure Requested 8/15/2020

Street Closures Times	8:00am-5:00pm
Street(s) Requested to be Closed	On Pine street from Cedar street to the end of the Alpha Phi House.
Optional File Upload	<a href="#">IMG_5067.JPG</a>
Please detail how you have notified or plan to notify those affected by your Street Closure Request:	There is no one that would be affected by the street closure other than the women living in our house! Every year we go over and tell the family next to us that there will be an event going on in our yard/the street but they usually don't mind because they are always at work! All the houses around us are still able to drive to their houses/driveways conveniently.
Please detail your plans for cleaning up after your event:	There should not be any mess in the road because we will just have yard games set up. I plan to clean up all the yard games and make sure there's no trash or other stray items left over in the road.

(Section Break)

Release, Hold Harmless and Indemnification Agreement

City of Vermillion, South Dakota  
I,

Name of Event Organizer	Alpha Phi
Dated This	7/16/2020 5:15 PM
First Name	Taylor
Last Name	Davis
Electronic Signature Agreement	I agree.
Electronic Signature	Taylor A Davis

(Section Break)

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

Please enter your email	
-------------------------	--

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E National St

Pine St

N Pine St

Delta TAU Delta

Alpha Phi House

E Cedar St

E National St

South Dakota

Tau Kappa Epsilon

☀️ 37°

AQI 37

🔍 Search for a place or address





E National St

Pine St

N Pine St

Delta TAU Delta

Alpha Phi House

E Cedar St

E National St

South Dakota

Tau Kappa Epsilon

37°  
AQI 37

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## *Council Agenda Memo*

***From:*** John Prescott, City Manager  
***Meeting:*** July 20, 2020  
***Subject:*** Joint Powers Board appointment  
***Presenter:*** Council President Rich Holland

**Background:** In 1994, the City of Vermillion entered into a Joint Powers Agreement with Clay County, the City of Yankton, and Yankton County for the management and funding of an integrated solid waste system for the region. The joint operations include the Vermillion Landfill, the Missouri Valley Recycling Center in Vermillion, and the Transfer and Recycling Facility in Yankton.

**Discussion:** The agreement provides that the Vermillion City Council appoint one citizen member to a three-year term to represent the Vermillion community. The Clay County Commission, Yankton City Commission, and Yankton County Commission are also to each appoint one citizen member. In addition to the citizen representatives, other members of the Joint Powers Board are a Vermillion City Council member, Yankton City Commission member, Clay County commissioner, Yankton County commissioner, and the City Managers of Vermillion and Yankton.

Lindsey Jennewein filled the Vermillion citizen representative term. She is now filling the Vermillion City Council member term on the Joint Powers Board based on the City Council approval of Board/Committee/Commission assignments approved at the July 6, 2020 meeting. The opening was advertised at City Council meetings, the City website, the City's Facebook and Twitter pages, and the Vermillion Area Chamber of Commerce and Development Company's weekly member newsletter. Two Expression of Interest forms were received.

**Financial Consideration:** None.

**Conclusion/Recommendations:** Administration recommends the City Council appoint an individual to be the Vermillion citizen representative for the Joint Powers Board.

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Vermillion](#); [John Prescott](#); [James Purdy](#)  
**Subject:** Online Form Submittal: Citizen Board/Commission Expression of Interest Form  
**Date:** Tuesday, July 14, 2020 9:59:07 PM

---

## Citizen Board/Commission Expression of Interest Form

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

*Field not completed.*

Name

Dennis Nelsen

Number of years you have lived in/around Vermillion

*Field not completed.*

Address

[REDACTED]

City

Vermillion

State

SD

Zip Code

57069

Phone Number

[REDACTED]

Email Address

[REDACTED]

Occupation

City Administrator (Retired)

Employer

City of Freeman and City of Elk Pond

Business Address

*Field not completed.*

Prior elected or appointed offices held (if any)

City of Vermillion Planning Commission (1980's0

Present and past community volunteer activities

Currently serve on the Horizon Healthcare Board of Directors

Why are you interested in serving on this Board/Commission?

I am adamant and very interested in recycling and waste management. As a past city administrator for ten years I was in charge of municipal waste management and recycling. I oversaw the budget process for city landfills and human resource management.

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

I was the chief executive officer for landfill, waste management and recycling programs. I worked closely with SD DENR in these areas. I oversaw land acquisition for landfill expansion and successfully wrote grants for new recycling buildings and equipment.

---

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

I would like to work with the Recycling and Waste Management for Yankton and Clay Counties. I have worked with various governments as my tenure as a city administrator. I recently moved to Vermillion and in the past lived in Vermillion for over twenty years.

---

Electronic Signature Agreement

I agree.

---

Electronic Signature

Dennis Nelsen

---

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

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Vermillion](#); [John Prescott](#); [James Purdy](#)  
**Subject:** Online Form Submittal: Citizen Board/Commission Expression of Interest Form  
**Date:** Monday, July 13, 2020 8:10:59 PM

---

## Citizen Board/Commission Expression of Interest Form

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

Joint Powers Solid Waste Advisory Board

Name	Mark Sweeney
Number of years you have lived in/around Vermillion	14
Address	[REDACTED]
City	Vermillion
State	SD
Zip Code	57069
Phone Number	[REDACTED]
Email Address	[REDACTED]
Occupation	Professor
Employer	University of South Dakota
Business Address	414 E Clark St
Prior elected or appointed offices held (if any)	None
Present and past community volunteer activities	Board member, Greening Vermillion: coordinated recycling education program (2018- present)
Why are you interested in serving on this Board/Commission?	Through my work with Greening Vermillion, I worked with the City and residents to create educational materials (recycling guide and videos) about the curbside recycling program, so the topic interests me.
Do you have any	In creating the educational materials, I have a base knowledge of

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

recycling and landfill services in Vermillion. I am currently advising a USD grad student who is studying curbside recycling participation and citizen perceptions. I am also aware of what the university is doing in terms of recycling, and in a unique position to communicate with and between the city and university about these matters.

---

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

Increased participation of recycling overall, to eventually encompass all businesses, apartment complexes and Mobile home parks.

---

Electronic Signature Agreement

I agree.

---

Electronic Signature

Mark R Sweeney

---

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CITY OF VERMILLION  
 INVOICES PAYABLE-JULY 20, 2020

1 ADIDAS AMERICA, INC	MERCHANDISE	99.78
2 AMS BUILDING SYSTEM LLC	REFUND OVERPAYMENTS	139.79
3 AT&T MOBILITY	MOBILE HOT SPOTS	432.30
4 BROADCASTER PRESS	ADVERTISING	1,642.44
5 BUHLS CLEANERS	MOP/MAT SERVICE	572.44
6 BUREAU OF ADMINISTRATION	TELEPHONE	268.48
7 BX CIVIL & CONSTRUCTION	HYDRANT DEPOSIT LESS USAGE	758.53
8 C & B OPERATIONS, LLC	PARTS	48.96
9 CALLAWAY GOLF	MERCHANDISE	498.11
10 CASK & CORK	MERCHANDISE	609.00
11 CENTURYLINK	TELEPHONE	1,594.07
12 CHESTERMAN CO	MERCHANDISE	855.88
13 CITY OF VERMILLION	LANDFILL VOUCHERS	1,032.77
14 CLAY CO REGISTER OF DEED	FILING FEE	30.00
15 CLAY RURAL WATER SYSTEM	WATER USAGE	269.30
16 CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,475.94
17 DAKOTA BEVERAGE	MERCHANDISE	16,594.67
18 DUBOIS CHEMICALS	SODA ASH	7,359.00
19 ECHO ELECTRIC SUPPLY	SUPPLIES	233.01
20 FARNER BOCKEN COMPANY	MERCHANDISE	1,552.77
21 GLOBAL DIST.	MERCHANDISE	215.00
22 GREGG PETERS	MGR PROFITS/FEES/FREIGHT	41,857.73
23 JOHN A CONKLING DIST.	MERCHANDISE	5,173.35
24 JOHNSON BROTHERS OF SD	MERCHANDISE	14,624.34
25 JONES FOOD CENTER	SUPPLIES	298.61
26 K & M TIRE	PARTS	49.42
27 KARSTEN MFG CORP	MERCHANDISE	415.02
28 KNIFE RIVER MIDWEST, LLC	ASPHALT	3,006.87
29 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	1,180.00
30 MATHESON TRI-GAS, INC	CYLINDER RENTAL	87.70
31 MIDAMERICAN	GAS USAGE	776.43
32 MIDCONTINENT COMMUNICATION	INTERNET/CABLE SERVICE	746.57
33 NCL OF WISCONSIN, INC	SUPPLIES	732.10
34 NEBRASKA JOURNAL-LEADER	ADVERTISING	39.95
35 O'REILLY AUTO PARTS	PARTS	5.31
36 PRAIRIE BERRY WINERY	MERCHANDISE	732.00
37 PRESTO-X-COMPANY	INSPECTION/TREATMENT	53.00
38 QT POD	AIRPORT FUEL CARDS	22.68
39 QUADIENT FINANCE USA, INC	POSTAGE FOR METER	706.01
40 REPUBLIC NATIONAL DISTRIBUTING	MERCHANDISE	9,960.26
41 RUNNING SUPPLY, LLC	SUPPLIES	380.24
42 SCOTT SUPPLY CO.	PARTS	1,400.37
43 SD DENR	LANDFILL OPERATIONS FEE	4,297.65
44 SIOUXLAND CONCRETE CO	PEA ROCK	77.68

45 SOUTHERN GLAZER'S OF SD	MERCHANDISE	7,004.10
46 STAPLES BUSINESS CREDIT	SUPPLIES	1,141.45
47 STERN OIL CO.	FUEL	16,378.68
48 THE GROWLER STATION, INC	LICENSE FEE/MAINTENANCE	749.97
49 THE HOME DEPOT PRO	SUPPLIES	31.16
50 TITLEIST-ACUSHNET COMPANY	MERCHANDISE	1,910.08
51 TRACTOR SUPPLY CREDIT PLAN	SUPPLIES	18.98
52 TRUE FABRICATIONS	MERCHANDISE	610.90
53 UNITED PARCEL SERVICE	SHIPPING	224.63
54 US POSTMASTER	POSTAGE FOR UTILITY BILLS	950.00
55 VERMILLION ACE HARDWARE	SUPPLIES	266.45
56 VERMILLION AREA COMMUNITY	ROUND UP PROGRAM	251.16
57 VERMILLION BOOSTER CLUB	HOLE SPONSOR	100.00
58 VERMILLION CHAMBER OF COMMERCE	CONTRIBUTION	66,250.00
59 VERMILLION FORD	REPAIRS	1,012.44
60 VERMILLION ROTARY CLUB	DUES/MEALS	106.25
61 WASTE MANAGEMENT OF WI-MN	WASTE HAULING	1,410.32
	GRAND TOTAL	\$221,322.10