

Unapproved Minutes
Council Special Session
January 17, 2023
Tuesday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Tuesday, January 17, 2023 at 12:00 noon at the John "Jack" Powell Conference Room.

1. Roll Call

Present: Hellwege, Holland, Jennewein, Letellier, Murra (arrived 12:02 p.m.), Ward, Mayor Cole

Absent: Price, Humphrey

2. Adoption of Agenda

13-23

Council Member Holland moved approval of the agenda. Council Member Ward seconded the motion. Motion carried 6 to 0. Mayor Cole declared the motion adopted.

3. Visitors to be Heard - None

Council Member Murra arrived at 12:02 p.m.

4. Vermillion Public School District sales tax rebate request-Superintendent Damon Alvey

Damon Alvey, Vermillion School District Superintendent, requested a sales tax rebate agreement with the City. Alvey reviewed the plans for the new elementary School and informed the Council on the project's progress. Alvey stated that the project is an estimated \$36 million and from that the City would receive an estimated \$250,000 in sales tax receipts. Alvey requested \$200,000 in sales tax rebate.

Jim Goblirsch, Parks and Rec Director, asked Alvey if the park was going to be accessible to the public due to part of the parks being taken away.

Alvey noted that the money received from the rebate will go to purchasing parks equipment and it is planned to be open to the public when school is not in session.

Discussion followed on the sales tax rebate request.

5. Fire/EMS second penny transfer - Chief Matt Callahan

Matt Callahan, Fire Chief, presented a proposal to transfer money from Ambulance to a Fire line item in the second penny fund. Callahan noted that due to the state funding two Cardiac Monitors there will be \$70,000 left over in that budget. Callahan noted that, with the purchase of the new fire truck and increased prices, the Fire budget has already been expended with more equipment needed to be purchased. Callahan requested to move the \$70,000 from EMS to the Fire budget. Discussion followed on the transfer of funds.

6. Fire/EMS Staffing - Chief Matt Callahan\

Matt Callahan, Fire Chief, reviewed the current staff set up in the EMS Department. Callahan informed the Council on the difficulties of staffing due to the increased call loads. Callahan proposed hiring an additional full time Firefighter Paramedic due to increased calls and difficulties of filling shifts. Discussion followed on hiring a fulltime position.

Callahan noted that the new ambulance is in the Fire Bay at City Hall if any council is wanting to look at it. Concluding the meeting Council members looked at the new ambulance.

7. Briefing on the January 17, 2023 City Council Regular Meeting

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

8. Adjourn

14-23

Council Member Murra moved to adjourn the Council special session at 12:58 p.m. Council Member Ward seconded the motion. Motion carried 7 to 0. Mayor Cole declared the motion adopted.

Dated at Vermillion, South Dakota this 17th day of January, 2023.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____
Jonathan D. Cole, Mayor

ATTEST:

BY _____
Katie E Redden, Finance Officer

Unapproved Minutes
City Council Regular Session
January 17, 2023
Tuesday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Tuesday January 17, 2023 at 7:00 p.m. by Mayor Cole.

1. Roll Call

Present: Hellwege, Holland, Humphrey, Jennewein, Letellier, Price, Ward, Mayor Cole

Absent: Murra

2. Pledge of Allegiance

3. Minutes

A. Minutes of January 3rd, 2023, Special Session and January 3rd, 2023 Regular Session

15-23

Council Member Holland moved approval of the January 3rd, 2023, Special Session and January 3rd, 2023 regular session minutes. Council Member Hellwege seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

4. Adoption of Agenda

16-23

Council Member Price moved approval of the agenda. Council Member Humphrey seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

5. Visitors to be Heard

6. Public Hearings

7. Old Business

A. Second reading of Ordinance 1478 amending City of Vermillion Code of Ordinances Title IX, General Regulations; Chapter 90, Health and Safety;

Nuisances; Section 90.01 to Amend the Hours of Noises Prohibited to Provide Consistent Hours

John Prescott, City Manager, reported on the second reading of Ordinance No. 1478 amending City of Vermillion Code of Ordinances Title IX, General Regulations; Chapter 90, Health and Safety; Nuisances; Section 90.01 to Amend the Hours of Noises Prohibited to Provide Consistent Hours. John noted that the City currently has maximum permissible sound levels in effect from 11:00 p.m. until 7:00 a.m. with another set of maximum permissible sound levels from 7:00 a.m. until 11:00 p.m. John noted that staff identified that there was an inconsistency in the hours used in section 90.01(2)(b) of City Code. John noted that the language states that the maximum permissible sound levels are during the hours of 11:00 p.m. to 7:00 a.m. However, the corresponding chart does not use the same hours to distinguish between the maximum permissible sound levels.

John stated that staff has proposed amending Chapter 90, making the hours of maximum permissible sound levels consistent in City Code. Currently the chart and the language both display different hours. By having different hours, it can be confusing as to what the maximum permissible sound level is between 6:00 a.m. and 7:00 a.m. In order to change this, the City must amend the Code of Ordinances.

John noted that the ordinance would make the chart consistent with the language in the code. With the ordinance, the chart would display two sections, one with noise levels for the hours of 11:00 p.m. to 7:00 a.m. and another section for 7:00 a.m. to 11:00 p.m. The chart will be consistent with the language allowing for those to properly plan any event that emits noise. The first reading of the ordinance was approved at the January 3rd meeting. There have been no changes to the ordinance since the first reading.

17-23

Second reading of title to Ordinance No. 1478, entitled amending City of Vermillion Code of Ordinances Title IX, General Regulations; Chapter 90, Health and Safety; Nuisances; Section 90.01 to Amend the Hours of Noises Prohibited to Provide Consistent Hours for the City of Vermillion, South Dakota.

Mayor Cole read the title to the above named Ordinance, and Council Member Price moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1478 entitled An Ordinance amending City of Vermillion Code of Ordinances Title IX, General Regulations; Chapter 90, Health and Safety; Nuisances; Section 90.01 to Amend the Hours of Noises Prohibited to Provide Consistent Hours for the City of Vermillion,

South Dakota was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 3rd day of January, 2023 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 19th day of January, 2023 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

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

ORDINANCE 1478

AN ORDINANCE AMENDING TITLE IX, GENERAL REGULATIONS; CHAPTER 90, HEALTH AND SAFETY; NUISANCES; SECTION 90.01 OF THE REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, TO AMEND THE HOURS OF NOISES PROHIBITED TO PROVIDE CONSISTENT HOURS.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that Chapter 90, Section 90.01 be amended as follows:

§ 90.01 NOISES PROHIBITED.

(2) Stereos, radios, television sets, musical instruments, and similar devices.

(a) Using, operating, or permitting the use or operation of any stereo, radio, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in division (B)(1) above, in such a manner as to violate this section or cause a noise disturbance.

(b) The operating of any such device between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at the property boundary of the source or plainly audible at 50 feet from the device when operated within a vehicle parked on a public right-of-way or when operated from within a private residence.

(3) Maximum permissible sound levels. It shall be unlawful for any person to operate or permit the operation of any stationary source of sound in such a manner as to create a sound pressure level during any 10-minute measurement period which exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise. Sound level measurements shall be made at a distance of 50 feet from source with a sound level meter of type 2 or better, using the "A" weighting scale, in

accordance with standards promulgated by the American National Standards Institute.

Use District	11:00 p.m. to 7:00 a.m.	7:00 a.m. to 11:00 p.m.
Residential	50 dB(A)	55dB(A)
Commercial	55 dB(A)	60dB(A)
Industrial and Agricultural	75 dB(A)	80dB(A)

THE GOVERNING BODY OF THE
CITY OF VERMILLION, SOUTH DAKOTA

By: _____
Jonathan D. Cole, Mayor

ATTEST:

By: _____
Katie E. Redden, Finance Officer

Adoption of the Ordinance was seconded by Council Member Hellwege. Thereafter the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Price-Y, Letellier-Y, Ward-Y, Mayor Cole-Y.

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

8. New Business

A. Vermillion Housing Authority appointment

Mayor Cole recommended Joe Reiser to the Vermillion Housing Authority.

18-23

Council Member Hellwege moved approval of appointing Joe Reiser to the Vermillion Housing Authority. Council Member Ward seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

B. Agreement with Vermillion Chamber and Development Company and CenterPointe Real Estate Group as it pertains to the Declaration of Restrictions and Covenants for Lot 4C in Block 6 of Erickson Addition (lot immediate north of O'Reilly Auto Parts on Princeton Avenue)

John Prescott, City Manager, reported that CenterPointe Real Estate Group (Developer) is in process to purchase Lot 4C in Block 6 of Erickson Addition to develop a Les Schwab Tire Center. John noted that the City

Planning and Zoning Commission approved a Conditional Use Permit on January 9, 2023 to construct and operate a motor vehicle service station which is the type of use in the zoning district. The lot for the store is located on the west side of Princeton Street between O'Reilly's Auto Parts and McHenry Street. John noted that the City previously owned this property before transferring it to the VCDC in 2011. In 2008, while the City owned this lot and surrounding properties on the west side of Princeton Street, a Declaration of Restrictions and Covenants (Covenants) were developed and filed. The Covenants were later amended in 2013.

John stated that the Developer has expressed concern about a couple of sections of the Covenants. The Developer has requested a waiver of the repurchase right for this lot as referenced in the covenants. The VCDC would have a Right of First Refusal to purchase the property if the Developer is not issued a building permit. The Developer would also like to follow City Code as it pertains to the issuance of a building permit and completion time vs. the timelines as detailed in the Covenants.

John noted that the Developer has prepared the attached Repurchase Waiver and Right of First Refusal Agreement for the City, VCDC, and Developer to sign. The document has been prepared to address only Lot 4C in Block 6 of Erickson Addition and none of the other lots that are included within the Covenants. The City Attorney has reviewed the attached document. A copy of the original 2008 Covenants and the 2011 amendment are also attached.

19-23

Council Member Ward moved approval of the Agreement with Vermillion Chamber and Development Company and CenterPointe Real Estate Group as it pertains to the Declaration of Restrictions and Covenants for Lot 4C in Block 6 of Erickson Addition (lot immediate north of O'Reilly Auto Parts on Princeton Avenue). Council Member Hellwege seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

9. Bid Openings - none

10. City Manager's Report

A. John reported that the Library Board meets this Friday, January 20th at noon in the Library's Kozak Room.

B. John reported that the Human Relations Commission meets on Thursday, February 2nd at 5:30 p.m. in the John "Jack" Powell Conference Room.

C. John reminded the public to remove snow within 24hours of the snowfall event and to store the snow on your own property.

PAYROLL ADDITIONS AND CHANGES

Police Admin: Reece Peters \$15.00/hr, Alex Taggart \$27.31/hr; Police: Dylan Hillestad \$25.68/hr; Ambulance: Amanda Nisly \$15.00/hr-\$15.00/hr training-\$22.50/hr holiday, Josh Kleinhesselink \$14.00/hr-\$14.00/hr training-\$21.00/hr holiday, Ben Tegethoff \$15.70/hr; Library: Kaylee O'Daniel \$11.76/hr; Communications: Taylor Trudeau \$19.47/hr

11. Invoices Payable

20-23

Council Member Price moved approval of the following invoices:

2022 INVOICES PAYABLE-JANUARY 17, 2023

A&M SERVICES, INC	UNIFORM CLEANING	121.80
AMAZON BUSINESS	SUPPLIES	1,716.69
AT&T MOBILITY	MOBILE HOT SPOTS	519.48
AUTO VALUE	PARTS	368.78
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	47,338.10
BIERSCHBACH EQPT & SUPPLY	CONCRETE SPRAYER	141.00
BLACKSTONE PUBLISHING	BOOKS	213.31
BLUEPEAK	E911 CIRCUIT	1,365.50
BOUND TREE MEDICAL, LLC	SUPPLIES	165.18
BROADCASTER PRESS	ADVERTISING	3,579.70
BUHLS CLEANERS	MAT/MOP SERVICE	474.76
BUREAU OF ADMINISTRATION	TELEPHONE	177.59
BUTCH'S PROPANE INC	PROPANE	3,996.66
BUTLER MACHINERY CO.	PARTS	5,765.23
CAPITAL ONE	SUPPLIES	178.55
CASK & CORK	MERCHANDISE	852.00
CENTRAL STATES WIRE PRODUCTS	GALV COILS	3,561.50
CINTAS	SUPPLIES	414.39
CITY OF VERMILLION	LANDFILL VOUCHERS/POSTAGE	343.81
CLAY RURAL WATER SYSTEM	WATER USAGE	55.90
CLAY-UNION ELECTRIC CORP	ELECTRICITY	2,146.23
COLONIAL LIFE	INSURANCE	1,479.09
CORE & MAIN LP	SUPPLIES	184.70
DAKOTA BEVERAGE	MERCHANDISE	907.40
DAKOTA SUPPLY GROUP	WATER METERS	24,220.00
DANIEL MILROY	SAFETY BOOTS REIMBURSEMENT	117.14
DUBOIS CHEMICALS	CHEMICALS	16,384.50
ENERGY LABORATORIES	TESTING	1,499.00
ENGRAVER'S EDGE	NAME TAGS	47.30

GREGG PETERS	MANAGERS PROFITS	45,148.23
H&R SALVAGE	TIRE DISPOSAL	28,980.00
HEALTH CARE LOGISTICS	SUPPLIES	302.91
HEIMAN FIRE EQUIPMENT	INSPECTION	152.00
HELMS & ASSOCIATES	PROFESSIONAL SERVICES	20,043.03
INGRAM	BOOKS	606.45
JOHNSON BROTHERS OF SD	MERCHANDISE	12,451.31
JONES FOOD CENTER	SUPPLIES	120.82
K & M TIRE	TIRE	160.60
LOFFLER	COPIER CONTRACTS	355.53
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	1,200.00
LOU'S GLOVES	GLOVES	286.00
MAGUIRE IRON, INC	PROFESSIONAL SERVICES	2,639.25
MATHESON TRI-GAS, INC	MEDICAL OXYGEN	654.26
MATTER LAW OFFICE, PROF LLC	PROFESSIONAL SERVICES	60.00
MCLEODS PRINTING	TRAFFIC TICKETS	2,300.45
MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	403.65
MICHELLE KAVANAUGH	REIMBURSEMENT	28.22
MIDAMERICAN	GAS USAGE	17,278.43
MIDWEST WHEEL COMPANIES	PART	33.14
MINN MUNICIPAL UTILITY ASSOC	MEMBER DUES	495.00
NBS CALIBRATIONS	SCALE MAINTENANCE	398.00
NCL OF WISCONSIN, INC	CHEMICALS	224.50
NETSYS+	PROFESSIONAL SERVICES	507.50
O'REILLY AUTO PARTS	PARTS	268.93
OVERDRIVE INC	EBOOKS	1,250.00
OVERHEAD DOOR OF SIOUX CITY	INSTALLATION	9,984.00
PEDERSEN MACHINE INC	PART	380.83
PIZZA RANCH	PIZZAS/BUFFETS	576.49
POLLMAN EXCAVATION	CRUSHED GRAVEL	13,783.98
PRESTO-X-COMPANY	INSPECTION/TREATMENT	77.97
PUMP N PAK	ICE/CALENDARS	273.20
QUADIANT FINANCE USA, INC	POSTAGE/SUPPLIES	258.95
QUILL	SUPPLIES	41.31
REDI TOWING	TOWING	525.00
RUNNING SUPPLY, LLC	SUPPLIES	384.43
SANFORD HEALTH OCCUPATIONAL	PRE-EMPLOYMENT TESTING	530.00
SANFORD USD MEDICAL CENTER	SUPPLIES	487.55
SD DENR	LANDFILL OPERATIONS FEE	3,963.63
SIOUX EQUIPMENT	PART	206.13
SIOUXLAND HUMANE SOCIETY	FEES	27.00
SOOLAND BOBCAT	FILTERS	563.62
SOUTHERN GLAZER'S OF SD	MERCHANDISE	189.00

STAPLES BUSINESS CREDIT	SUPPLIES	711.04
STERN OIL CO.	FUEL	22,453.32
SYNCB/AMAZON	BOOK	18.80
THREAD & INK	WORK CLOTHES	866.48
TIGERT ART GALLERY	FRAMING	130.00
TRI-STATE GARAGE DOOR, INC	REPAIRS	452.20
TWO WAY SOLUTIONS	CONSOLE/LIGHTS	2,883.00
UNITED WAY	CONTRIBUTIONS	262.30
UNUM LIFE INSURANCE COMPANY	INSURANCE	23.31
VERMILLION ACE HARDWARE	SUPPLIES	252.20
VERMILLION AREA COMMUNITY FOUNDATION	ROUND UP PROGRAM	231.43
VERMILLION FIRE DEPT	DONATION	50.00
VERMILLION ROTARY CLUB	DUES/MEALS	166.25
WESCO DISTRIBUTION, INC	STREET LIGHT FIXTURES	5,650.64
ZIEGLER INC	PARTS	847.14
2023 INVOICES PAYABLE-JANUARY 17,2023		
A & B BUSINESS, INC	COPIER CONTRACT	196.54
A&M SERVICES, INC	UNIFORM CLEANING	81.20
AMAZON BUSINESS	VACUUM CLEANER	198.27
AUTO VALUE	PARTS	208.97
BLUEPEAK	TELEPHONE/INTERNET	3,741.94
BOMGAARS	SUPPLIES	209.97
BOOKPAGE	SUBSCRIPTION	402.00
BORDER STATES ELEC SUPPLY	WORK CLOTHES	625.20
BOUND TREE MEDICAL, LLC	SUPPLIES	419.88
BUHLS CLEANERS	MAT SVC	105.00
BUTTERFLY NETWORK, INC	ULTRASOUND SYSTEM	4,299.00
CENTURYLINK	TELEPHONE	129.54
DAKOTA BEVERAGE	MERCHANDISE	5,264.27
DEPT. ENVIRONMENT NATL RES	NPDES MUNICIPAL	11,500.00
DLT SOLUTIONS INC	SUBSCRIPTION	1,646.40
ERICKSON SOLUTIONS GROUP	SUPPORT/MAINTENANCE	2,016.00
FRONTIER PRECISION, INC	SOFTWARE MAINTENANCE	1,246.00
GREENTREE PSYCHOLOGICAL SERVICES	PROFESSIONAL SERVICES	200.00
GREGG PETERS	MANAGERS FEE	6,000.00
INTELLI TRACK	USER LICENSE	2,088.45
JACKS UNIFORM & EQPT	UNIFORM PANTS	123.90
JOHN A CONKLING DIST.	MERCHANDISE	2,228.95
JOHN PITTMAN	SAFETY BOOTS REIMBURSEMENT	181.85
JOHNSON BROTHERS OF SD	MERCHANDISE	5,068.16
JONES FOOD CENTER	SUPPLIES	83.59

LOFFLER	COPIER CONTRACT	292.23
MART AUTO BODY & MARINE LLC	TOWING	75.00
MATHESON TRI-GAS, INC	CYLINDER RENTAL	109.60
MID-STATES ORG. CRIME	MEMBERSHIP	150.00
MIDCONTINENT COMMUNICATION	CABLE/INTERNET/SETTLEMENT	10,326.78
MIDWEST ALARM CO	ALARM MONITORING	176.59
MIDWEST WHEEL COMPANIES	PARTS	146.49
NETSYS+	MICROSOFT BUSINESS BASIC	10.00
NEWMAN SIGNS, INC	SUPPLIES	196.54
PHIL WIEBELHAUS	SAFETY BOOTS REIMBURSEMENT	122.46
	REFUND DUPLICATE RENTAL	
PLATINUM PROPERTIES	REG FEE	90.00
POSM SOFTWARE	SUPPORT	2,000.00
REDI TOWING	TOWING	375.00
REPUBLIC NATIONAL DISTRIBUTING	MERCHANDISE	8,616.10
RIVERSIDE HYDRAULICS & LAB	REPAIRS	205.45
RIVERSIDE TECHNOLOGIES, INC	COMPUTERS	4,180.00
SANFORD HEALTH OCCUPATIONAL	AUDIOGRAM	30.00
SCHUYLER HELLERICH	REIMBURSEMENT	42.55
SD AMBULANCE ASSOCIATION	REGISTRATION	150.00
SD CITY MGMT ASSOCIATION	MEMBERSHIP DUES	300.00
SD MUNICIPAL LEAGUE	DUES	6,087.95
SECOG	DUES	12,810.00
SOUTHERN GLAZER'S OF SD	MERCHANDISE	3,584.01
STEWART OIL-TIRE CO	REPAIRS	200.00
STRYKER SALES CORPORATION	AMBULANCE EQUIPMENT	15,644.92
THE GROWLER STATION, INC	MAINTENANCE	1,499.94
THE UPS STORE #6751	SHIPPING	19.92
TRACTOR SUPPLY CREDIT PLAN	SUPPLIES	193.90
USPS-POC	POSTAGE FOR METER	700.00
VERMEER HIGH PLAINS	125 GAL TANK	35.46
VERMILLION ACE HARDWARE	SUPPLIES	145.14
YANKTON MOTORSPORTS LLC	PART	716.57

Council Member Hellwege seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

12. Consensus Agenda

13. Adjourn

21-23

Council Member Ward moved to adjourn the Council Meeting at 7:11 p.m. Council Member Humphrey seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

Dated at Vermillion, South Dakota this 17th day of January, 2023.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____
Jonathan D. Cole, Mayor

ATTEST:

BY _____
Katie E. Redden, Finance Officer

Published once at the approximate cost of _____.