

Unapproved Minutes  
Council Special Session  
January 21, 2019  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, January 21, 2019 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Holland, Humphrey, Price, Sorensen (arrived at 12:05 p.m.), Ward (arrived at 12:02 p.m.), Willson, Mayor Powell

Absent: Collier-Wise, Hellwege

2. Visitors to be Heard - None

3. Informational Session - Draft of Small Cell Telecommunications infrastructure ordinance - City staff

John Prescott, City Manager, reported that the South Dakota Municipal Attorneys' Association with the South Dakota Municipal League have developed a draft small cell telecommunications ordinance which has been sent out to the Council. John stated that he has asked staff to present the highlights of the draft ordinance. Farrel Christensen, Building Official and Jose Dominguez, City Engineer, reviewed the concept of small cell telecommunication facilities referred to as nodes and how they work with towers. Farrel stated that the draft ordinance is based upon compliance with the new Federal Communication Commission standards that supersede state and local regulations. Farrel reviewed the draft ordinance as to purpose, applicability, siting and collocation criteria, small cell facility permits, general review provisions, special review process, general standards, restoration, permitting process and maximum fees.

Alderman Ward arrived at 12:02 p.m. and Alderman Sorensen arrived at 12:05 p.m.

Farrel stated that the City of Sioux Falls has entered into a Master Lease Agreement with the cellular company instead of adopting an ordinance. John Prescott noted that a cellular company has inquired about a master lease agreement or if the City was going to adopt an ordinance. Farrel and Jose answered questions of the City Council on the draft ordinance.

John Prescott, City Manager, stated that the SD Municipal Attorneys' group working on the draft ordinance may have another update that will need to be included in the ordinance. John noted that the City will have the option of adopting an ordinance to address small cell or enter into master lease agreements with each company. Discussion followed on the ordinance vs. master lease agreement noting that staff will continue to work on the draft ordinance and see if samples of master lease agreements are available. John stated that he would hope to have something for the City Council consideration this first quarter of 2019.

#### 4. Informational Session - National Music Museum contribution request - Mayor Jack Powell

Mayor Powell provided history of the National Music Museum (NMM) noting that they have been wanting to increase their facility space for many years. Mayor Powell noted that they can only display a fraction of the collection and have developed a plan to expand the museum at a cost of \$10,565,000 and their fundraising is \$1,300,000 short. Mayor Powell stated that the president of the NMM Board asked him if the City could provide funding for the expansion project. Mayor Powell stated that if the short fall cannot be resolved the NMM would start over and may look to relocate the museum or parts of the collection. Mayor Powell stated that he said that he would make a presentation to the City Council requesting \$500,000 to be funded over five years to expand the museum in Vermillion. Mayor Powell asked the City Council members for their consideration of \$500,000 for the NMM over a five year period. Discussion followed on funding options including second penny sales tax, BBB sales tax, sales tax rebates as well as the number of years. Nate Welch, Treasurer of NMM, answered questions on funding options that including five to ten years funding. Nate stated that, if the City could provide funding for the expansion, the museum would remain in Vermillion. The consensus was to provide funding for the NMM and to continue the discussion at the evening meeting as to the amount and number of years.

#### 5. Briefing on the January 21, 2019 City Council Regular Meeting

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

#### 6. Adjourn

16-19

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

Dated at Vermillion, South Dakota this 21st day of January, 2019.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA  
BY \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

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

Unapproved Minutes  
City Council Regular Session  
January 21, 2019  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, January 21, 2019 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Holland, Humphrey, Price, Sorensen, Ward, Willson, Mayor Powell, Student Representative Skunk

Absent: Hellwege

2. Pledge of Allegiance

3. Minutes

A. Minutes of January 7, 2019 Special Meeting; January 7, 2019 Regular Meeting

17-19

Alderman Price moved approval of the January 7, 2019 Special Meeting and January 7, 2019 Regular Meeting minutes. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

18-19

Alderman Price moved approval of the agenda. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. Wallace Post #1 Proclamation

Alderman Sorensen read the proclamation recognizing the 100th anniversary of the American Legion Wallace Post #1 and proclaiming 2019 as Wallace Post #1 Year in Vermillion. Mayor Powell presented the proclamation to members of Wallace Post #1. Ray Hoffman, representing Wallace Post #1, thanked the City Council for the proclamation and invited the community to watch for the events that will be conducted during this year.

B. Martin Luther King, Jr. Day of Service Proclamation

Alderman Price read the proclamation for Martin Luther King, Jr. Day of Service that encouraged citizens to participate in the King Day of Service.

C. Alan Madison, resident of 1301 Rockwell Trail, stated that he spoke at last meeting regarding the appeal of the Planning Commission decision on the Conditional Use Permit for twin homes at 317 and 321 Joplin Street. Alan stated that he had sent a letter to City Attorney McCulloch which requested the City Council to reconsider their vote and to deny the Conditional Use Permit. Alan provided background on his request, noting that City Ordinance Section 155.004 sets provision as to minimum requirements and includes deed covenants when determining the most restrictive that apply. Alan stated that the covenants provide for a single family residential structure per lot and the conditional use permit is for a single structure that accommodates two families on two lots. Alan stated that the City is bound by its ordinances to follow the covenants and, as such, should deny the conditional use permit. Alan stated that he has received the response from the City Attorney but questioned if it answered the issues he has raised. Alan stated that, if the City fails to deny or rescind the conditional use permit, a court will likely require the City to do so. Alan offered to answer any questions.

6. Public Hearings

A. Special daily wine license for the Vermillion Cultural Association on or about February 16, 2019 at 4 West Main Street (Vermillion Theater) for a special event

Mike Carlson, Finance Officer, reported on the receipt of an application for a special daily wine license from the Vermillion Cultural Association on or about February 16, 2019 at 4 West Main for a special event. Mike noted that the Police Chief's report and notice of hearing are included in the packet. The Police Chief's report indicated that they would be carding and using wristbands for the event and noted that there has been no issues with past permits. Discussion followed on the special event.

19-19

Alderman Sorensen moved approval of the special daily wine license for the Vermillion Cultural Association for a special event on or about February 16, 2019 at 4 West Main Street. Alderman Humphrey seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. First reading of Ordinance 1397 to Rezone Lot 11 in Block 1, LaCroix Addition to the City of Vermillion, Clay County, South Dakota from GB - General Business to R-2 Residential District (property located at the southeast corner of E. Cherry Street and N. Crawford Road).

James Purdy, Assistant City Manager, reported that Mr. Archimedes Plutonium submitted an application to rezone 609 North Crawford Road from the General Business (GB) to the R-2 Residential zone. James noted that the petition included the required signatures from 45% of the aggregate area surrounding property owners. James stated that the petition for zone change and map showing the location are included in the packet. James stated that the Planning Commission recommended approval of the zone change request for the lot from GB to R-2 Residential. James reviewed the location of the property as well as the zoning adjoining the lot. Discussion followed on the reduction of General Business zoned property for residential. Jose Dominguez, City Engineer, reviewed the location of the General Business zoned property along Cherry Street. Hazen Bye, representing the owner, noted that the property does not front Cherry Street but there is a frontage road and DOT property to the north while it adjoins residential to the south.

20-19

Mayor Powell read the title to the above mentioned Ordinance and Alderman Holland moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1397 entitled an Ordinance Amending Title XV Land Usage; Chapter 155, Zoning Regulations; Section 155.026 Entitled Adoption Of Official Zoning Map, Rezoning Lot 11, Block 1, LaCroix Addition to the City Of Vermillion from the GB General Business District To The R-2 Residential District of the City of Vermillion,

South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 21st day of January, 2019 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Collier-Wise. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

7. Old Business - None

8. New Business

A. Update on possible changes to City Code language for background checks for Transportation Network Company drivers

James Purdy, Assistant City Manager, reported that approximately three weeks ago the City was contacted by several representatives from Lyft after they had expressed concern about the fingerprint background check requirement for TNC drivers in the City ordinance. James stated that they asked Lyft to provide the City with some additional information about their background check process, as well as possible language changes in the ordinance for the City to consider. James stated that, after reviewing the information provided by Lyft, administration believes that a minor adjustment to some language in our ordinance would reconcile Lyft's request to remove the fingerprint background check requirement for its drivers. James stated that administration proposes the removal of the provision in section 114.08 of the TNC ordinance requiring TNC drivers to submit to a DCI fingerprint background check every third year, and add language to section 114.10, which would require TNCs to conduct a "City approved" local and national criminal background check "capable of ensuring compliance with SDCL 32-40-4". James stated that SDCL 32-40-4 outlines persons that are prohibited from acting as TNC drivers, and mirrors the requirements for drivers we have laid out in 114.08. James noted that this adjustment would allow companies like Lyft who have a thorough screening process to fully assume the responsibility and liability of screening drivers, and require future TNCs to have their background check process reviewed by City Staff prior to having TNC licenses issued to their drivers. James stated that administration would propose adding an additional provision to 114.10 which would require a TNC to "provide a copy of its active South Dakota sales tax license to the City", which Lyft has done, in order to help ensure that the company has legitimate standing in South Dakota. James stated that no action is requested tonight but asked for direction on the ordinance changes proposed. Discussion

followed on the proposed changes to the TNC ordinance. The consensus of the City Council was to bring the ordinance with the proposed changes to a future meeting.

#### B. National Music Museum contribution request

Mayor Powell provided some background on the National Music Museum (NMM) noting that it is nationally recognized for its collection of instruments from around the world. Mayor Powell stated that the Museum Board has been reviewing options to expand the museum for years with a current plan to expand to the west at an estimated cost of \$10,565,000 of which there is a funding shortfall of \$1,300,000. Mayor Powell noted that over the years there have been overtures to relocate the museum or parts of the collection. Mayor Powell stated that the NMM Board President had asked him if the City would provide funding for the expansion project. Mayor Powell stated that he would make a presentation to the City Council requesting \$500,000 to be funded over five years. Mayor Powell asked the City Council members for their consideration of a contribution to the NMM expansion project. Discussion followed with Council members noting the national exposure provided by the museum, the need to do something to support the museum and funding options available. John Prescott, City Manager, reported that second penny sales tax or BBB sales tax funds could be used for funding. John stated that second penny sales tax funds were used for the support of the Wellness Center over a five year period totaling \$340,000. John noted that the second penny sales tax ordinance was amended last year to allow for a transfer to the general fund for operations. John reviewed current items as well as upcoming projects that could be funded from second penny sales tax. John proposed that second penny sales tax funds be considered for this funding request. Discussion followed on the amount as well as number of years. Nate Welch, Treasurer of the NMM, stated that the NMM has funding structured to cash flow the project contributions being made over a number of years. Nate was asked if \$100,000 a year for seven years would allow the project to move forward. Nate stated that \$700,000 would allow for the project to proceed as Board members will work to secure the remaining funds. Discussion followed.

21-19

Alderman Holland moved to provide funding to support the National Music Museum expansion at \$100,000 per year for seven years. Alderman Sorensen seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported that the SD Office of Emergency Management and FEMA will host an open house for review and comment on preliminary Flood Insurance Rate Maps (FIRMs) for Clay County. John stated that the open house will be at the Fire/EMS station at 820 N. Dakota Street on Wednesday, January 30th from 5:00 p.m. to 7:00 p.m.

B. John reported that the Government Finance Officer Association has again awarded the City Finance Office with the GFOA Certificate of Achievement for Excellence in Financial Reporting for the 2017 annual report. John stated that this is the highest form of recognition in governmental accounting and financial reporting.

C. John reported that the Heroes Behind the Badge Blood Drive will be on Monday, January 28th from 10:00 a.m. to 6:30 p.m. at Sanford Vermillion Hospital with a second opportunity on Saturday, February 9th from 8:00 a.m. to 1:00 p.m. at the USD/Sanford Health Fair. John noted that donors can vote for the Police Department or Fire Department in this friendly competition.

D. John reported that the ICAP committee will be having a public meeting on Monday, January 28th at 7:00 p.m. in the Kozak room of the Public Library with the results of the Feasibility Study for a Community Center.

#### PAYROLL ADDITIONS AND CHANGES

Admin: Cody Senn \$9.25/hr; Finance: Taylor Muller \$14.01/hr; Police: Mark Foley \$26.21/hr, Jamie Hall \$23.75/hr, Anthoney Klunder \$27.54/hr; Street: Paul Brunick \$9.50/hr, Rich Walker \$11.00/hr; Ambulance: Shane Boomer \$10.00/hr-\$10.00/hr training-\$15.00/holiday hr; Communications: David Stammer \$23.08/hr; Golf Maintenance: Mark Clark \$31.94/hr, Travis Taggart \$17.92/hr

#### 11. Invoices Payable

22-19

Alderman Price moved approval of the following invoices:

#### 2018 Invoices

Aqua-Pure Inc	chemicals	5,296.00
Aramark Uniform Services	uniform cleaning	74.16
AT&T Mobility	mobile hot spots	424.93
Banner Associates, Inc	professional services	14,840.50
Blackstone Publishing	books	150.00
Blue Inc	wine license refund	500.00
Bound Tree Medical, LLC	supplies	704.08
Broadcaster Press	advertising	1,689.82

Brunick's Service Inc	fuel	5,494.50
Buhl's Cleaners	mat/mop svc	573.22
Bureau Of Administration	telephone	152.43
Butler Machinery Co.	parts	1,154.72
Campbell Supply	supplies	22.06
Clay Rural Water System	water usage	38.30
Clay-Union Electric Corp	electricity	2,005.70
Colonial Life Acc Ins.	insurance	1,430.17
Coyote Vending	calendars	195.00
D-P Tools	hex bit sets	137.60
Dakota Pc Warehouse	ipads/cases/ink cartridges	1,641.92
Demco	sofa/loveseat	1,211.12
Dennis Chandler	merchandise reimbursement	123.05
Dubois Chemicals	soda ash	6,776.00
Echo Electric Supply	supplies	11.38
Emergency Apparatus Maintenance	repairs	1,221.08
Energy Laboratories	chemicals	1,150.00
Fred Haar Co., Inc	rental	1,488.00
Gerstner Oil Co	jet fuel	7,418.40
Global Equipment Company	supplies	177.85
Graham Tire	tires	590.93
Gregg Peters	managers profit	32,087.10
Herren-Schempp Building	supplies	41.94
HOA Solutions, Inc	repairs	576.75
Ingram	books	262.49
Integrated Technology & Security	door lock system	26,248.00
Jacks Uniform & Eqpt	uniform	115.90
Jonathan Warner	boot reimbursement	217.27
Kwikboost	charging stations-library	1,283.00
Loren Fischer Disposal	haul cardboard	1,180.00
Malloy Electric	parts	166.28
Matheson Tri-Gas, Inc	supplies	681.81
McLeods Printing	minutes book	479.32
Medical Waste Transport, Inc	haul medical waste	217.51
Micro Marketing LLC	supplies	24.99
MidAmerican	gas usage	10,982.26
Midwest Ready Mix & Equipment	flowable fill	352.00
Moore Welding & Mfg	repairs	23.75
Nebraska Journal-Leader	advertising	67.20
Netsys+	repairs	114.00
Newman Signs, Inc	supplies	86.75
O'Reilly Auto Parts	parts	3.99
Office Systems Co	copier contract/copies	578.24

PCC, Inc	commission	3,447.55
Quill	supplies	114.27
Sanitation Products Inc	parts	1,647.70
SD Board Of Operator Cert	certification renewal	6.00
SD DENR	landfill operations fee	2,781.74
Sooland Bobcat	parts	199.33
Staples Business Credit	supplies	743.91
State Hygienic Laboratory	testing	1,086.00
Stern Oil Co.	fuel/oil	7,739.66
Sturdevants Auto Parts	parts	273.63
Syncb/Amazon	books	209.00
The Equalizer	advertising	248.00
Tractor Supply Credit Plan	supplies	26.91
Truck-Trailer Sales	repairs	235.60
Twin City Hardware	parts	6,445.91
Two Way Solutions	radio equipment	276.92
United Parcel Service	shipping	228.90
Vermillion Area Comm Foundation	round-up program	276.73
Vermillion Rotary Club	dues/meals	127.75
Vessco, Inc	parts	722.91
Winter Equipment Company	parts	665.01
Yankton Medical Clinic	testing	80.00
Ziegler Inc	parts	516.76
2019 Invoices		
Centurylink	telephone	1,584.87
Chad Christopherson	safety boots reimbursement	100.00
Dakota Beverage	merchandise	2,472.97
Dept. Environment Natl Res	wastewater discharge permit	10,500.00
ESO Solutions, Inc	software/maintenance	8,275.00
Global Dist.	merchandise	75.00
Gregg Peters	managers fee/advertising	6,500.00
John A Conkling Dist.	merchandise	2,212.50
Johnson Brothers Of SD	merchandise	12,257.56
Joint Utility Training School	registration	600.00
Jones Food Center	supplies	612.73
Midcontinent Communication	cable/internet service	746.57
Midwest Alarm Co	alarm monitoring	81.00
Minn Municipal Utility Association	member dues/powerline	991.00
Prairie Berry Winery	merchandise	519.00
Republic National Distributing	merchandise	7,063.60
Reserve Account	postage for meter	900.00
SD Assoc. Of Code Enforcement	membership dues	40.00
SD Building Officials Association	membership dues	50.00

SD Public Assurance Alliance	boiler insurance	3,350.85
Sioux City Foundry Co	supplies	2,250.00
Southern Glazer's Of SD	merchandise	2,230.10
Stuart C. Irby Co.	led fixtures	88,368.75
The Growler Station, Inc	licensing/maintenance fee	749.97
US Postmaster	postage for utility bills	1,000.00
Vermillion Ace Hardware	supplies	83.35
Yankton Motorsports LLC	Kawasaki mules	29,998.00

Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

12. Consensus Agenda - None

13. Adjourn

23-19

Alderman Ward moved to adjourn the Council Meeting at 8:01 p.m. Alderman Sorensen seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 21st day of January, 2019.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA  
BY \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

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

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