

Unapproved Minutes  
Council Special Session  
February 21, 2023  
Tuesday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Tuesday, February 21, 2023 at 12:00 noon at the John "Jack" Powell Conference Room.

1. Roll Call

Present: Hellwege, Holland, Jennewein, Letellier, Murra, Mayor Cole

Absent: Humphrey, Price, Ward

2. Adoption of Agenda

32-23

Council Member Holland moved approval of the amended agenda to move Item four to Item seven. Council Member Jennewein seconded the motion. Motion carried 6 to 0. Mayor Cole declared the motion adopted.

3. Visitors to be Heard - None

4. Auditor proposed price increase - Finance Officer Katie Redden

Katie Redden, Finance Officer, reported that Williams and Company requested a change order to the five year contract that is expiring this year. Katie noted that the current contract is \$33,300. Katie noted that they are requesting \$4,500 for additional review, \$5,000 for review of audit workpapers, \$2,500 for unexpected increase in the labor market, and \$900 per major program for a total increase of \$12,900 resulting in a total contract of \$46,200. Discussion followed.

5. Draft of the sales tax rebate with Vermillion Public Schools - City Manager John Prescott

John Prescott, City Manager, reported on a draft of the sales tax rebate for the school district's new elementary project. John noted that in this draft the maximum the school could receive is \$200,000 from the sales tax rebate. John noted other items such as the building permit being paid. Discussion followed.

6. Briefing on the February 21, 2023 City Council Regular Meeting

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

7. EMS Staffing level - Chief Matt Callahan

Tony Klunder, EMS Division Chief, requested a new position within the EMS Department which would be an additional \$67,000 in wages for 2023. Discussion followed.

8. Executive Session per SDCL 1-25-2(1) Personnel

33-23

Council Member Holland moved to go into Executive Session at 12:35 p.m. for personnel matters per SDCL 1-25-2(1). Council Member Murra seconded the motion. Motion carried 6 - 0. Mayor Cole declared the motion adopted.

Mayor Cole declared the Council out of Executive Session at 12:52 p.m.

9. Adjourn

34-23

Council Member Murra moved to adjourn the Council special session at 12:52 p.m. Council Member Hellwege seconded the motion. Motion carried 6 to 0. Mayor Cole declared the motion adopted.

Dated at Vermillion, South Dakota this 21st day of February, 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  
February 21, 2023  
Tuesday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on February 21, 2023 at 7:00 p.m. by Mayor Cole.

1. Roll Call

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

Absent: Ward

## 2. Pledge of Allegiance

## 3. Minutes

### A. Minutes of February 6, 2023, Special Session and February 6, 2023, Regular Session

35-23

Council Member Holland moved approval of the February 6, 2023, Special Session and February 6, 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

36-23

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

Leah Jackson, 1305 Lincoln, with the Cultural Wellness Coalition spoke to the Council about concerns she had with the Black History Month Proclamation. Leah stated that removing the harsh parts of the proclamation is not the full truth of Black Americans when you pick and choose what parts of their history to address. Not addressing the "darker side" of history discredits these insurmountable achievements by Black Americans after overcoming these systemic barriers placed on them since the day African Americans were ripped from their homes and forced into slavery.

Damani Hayes, 29 Shriner #202, with the Cultural Wellness Coalition stated that proclamations may feel like a small thing, yet it is and could be the catalyst for growth here in Vermillion. Just as we strive for growth in all areas of our society in Vermillion, we must also stive virtuously for growth in our minds, in our empathy for others, in our connectedness to each other. Damani stated that this proclamation is not meant to be a guilt-trip nor is it meant to be a place for the City of Vermilion to solve our problems. It is simply a proclamation which reminds us all of our American history, to ask each other to engage with it and do all one can to assist in the betterment of Vermillion.

Frank Pommersheim, 200 Forest Ave, asked the Council about the process of how a proclamation gets to the Council and who writes them.

Council Member Letellier thanked the members of the Cultural Wellness Coalition for coming and speaking. Letellier noted that he is upset that he did not speak up when his colleague and friend stepped forward at the noon meeting on February 6th and spoke against this.

Council Member Price asked John Prescott, City Manager, and Jon Cole, Mayor, if they would share the process of how proclamations get to the Council.

John Prescott, City Manager, noted that most of the proclamations are from national organizations with a few local ones, such as when the baseball team won the State Championship. John noted that most of the time the proclamations are taken from the previous years with changes made to the dates and the theme of the proclamation.

Jon Cole, Mayor, noted that on Wednesdays a draft agenda of the proclamation is sent out to be reviewed by the Mayor and City Staff. The proclamation is then sent out to the Council on Fridays before Council meetings.

Council Member Hellwege noted that most of the time this is the normal procedure, but this time the proclamations were not put on the Wednesday agenda and were altered significantly from previous years prior to being put in the Council packet.

## 6. Public Hearings

A. Special daily wine license for the South Dakota Shakespeare Festival fundraising event "Wine with Will," at the Neuharth Center Freedom Forum on the University of South Dakota campus on March 24, 2023, from 6:30 p.m. to 9:00 p.m.

Austin Flowers, Deputy Finance Officer, reported that an application was received from the South Dakota Shakespeare Festival for the Wine with Will event to be held on or about March 24, 2023 at the Neuharth Center Freedom Forum on the USD Campus. Austin stated that the notice of hearing, the Police Chief's report and the USD President's permission letter are included in the packet. Austin noted that the routine Police Department records check of the parties involved with the special daily license revealed no alcohol related violations or felony convictions in reference to this application.

37-23

Council Member Hellwege moved approval of the Special daily wine license for the South Dakota Shakespeare Festival on or about Friday, March 24, 2023 at the Neuharth Center Freedom Forum on the USD campus. Council Member Price seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

B. First Reading of Ordinance 1480 amending Title XV, Land Usage; Chapter 155, Zoning Regulations; Section 155.058, Bliss Pointe Planned Development District (C) Amending Description by Removing Mention of "low to medium density" and "medium to high density residential uses," (E) Adding a new Section that Creates a new Area for Multiple-Family Unit Dwellings, (F) Lot and Yard Regulations, remove rows containing "Multiple-Family Dwelling Units (between 33 and 48 bedrooms per lot)" and "Multiple-Family Dwelling Units (over 48 bedrooms per lot)."

Katie Redden, Finance Officer, noted that right before the meeting a petition was presented and will have to be reviewed for accuracy of signatures. Katie noted that the first reading can still be heard.

Jose Dominguez, City Engineer, reported on the first reading of Ordinance No. 1480. Jose stated that the proposed amendment requested by the VCDC would convert Lot 11 at the southwest corner of Stanford Street and Rockwell Trail in Bliss Pointe from commercial uses to multi-family dwelling uses.

Jose noted that, after the VCDC gathered the required number of signatures for the meeting to occur, the City published a notice in the Plain Talk advertising today's meeting. Additionally, the City posted signs on the property and mailed notices to owners within 250 feet of the affected property.

Jose stated that the City's Planning and Zoning Commission reviewed the proposed amendment at their February 13th meeting. After listening to public comments, the Commission recommended unanimously for the City Council to adopt the ordinance amendment as presented by Staff.

Jose noted that one of the original intents of Bliss Pointe was to increase the housing stock in the community and offer a buffer of light commercial uses from the corner of West Main and Stanford Streets. The original plan would have allowed a mix of residential uses ranging from single-family detached dwellings to multi-family dwelling complexes.

Jose noted that it is important to note that the original zoning ordinance for Bliss Pointe included multi-family uses in Area C (i.e., the location of phase two). This was the case from the adoption of the ordinance in 2013 until 2020 when the zoning ordinance for Bliss Pointe was amended by removing the multi-family use from Area C. At the time of the removal, the perception in the community was that there were enough multi-family dwellings due to the recent construction of the apartment complexes on North Dakota Street and Cottage Avenue. However, in 2021 several organizations in the community started the process to complete a City wide housing study. The results of the study were made public in 2022. One of the items discussed in the study is the need for additional

housing. The study specifically made a point to note that more multi-family lots were needed within the City.

Jose stated that the proposed amendment requested by the VCDC would convert part of the area for light commercial uses into multi-family dwelling uses. This parcel is located at the southwest corner of Rockwell Trail and Stanford Street. The zoning amendment would create a new zoning area that would allow for the multi-family dwelling uses. The amendment would also set several standards that would have to be met prior to a building permit being issued. These standards are: minimum lot size of 30,000-square feet, require a privacy fence along lot line next to lighter residential uses, off-street parking cannot be in the front yard, the building plans would have to be reviewed and approved by Bliss Pointe's Architectural Review Committee prior to review of the Final Development Plan by the City's Planning and Zoning Commission, and the building must meet the architectural requirements set in the Bliss Pointe covenants for phase one. These criteria are proposed to ensure that construction in the area is like the other residences in the development.

Craig Thompson, 1425 Rockwell Trail, stated that he believes everyone has a lack of information regarding this issue. There is a fear that there is going to be a 34 bed apartment put out there. Craig noted that Bliss Pointe is currently a nice area and community and adding an apartment building will change that. Craig noted that the Council should not put this type of decision on an architectural review committee to decide what goes in there. Craig voiced his concerns for this ordinance.

Jim Peterson, VCDC director, stated that the VCDC is the owner of the property and there is currently a developer wanting to develop this land. Jim noted that it is the full intent of the VCDC to keep this area nice and fulfill the current needs of the housing study. Jim noted that at this time the developer does not have drawings of what is going to go there.

Ray O'Conner, 1520 Rockwell Trail, stated that he is the one that circulated the petition. Ray asked how many houses have been built since the first rezone in 2020 where those individuals did not think an apartment complex would go up in their neighborhood. Ray voiced his concern for a large building going up and causing more parking issues. Ray noted that, if something like this would go in, the value of the houses would go down.

Discussion followed on this ordinance and with the current changes what could go in there.

Council Member Murra noted that this area is not the place for an apartment complex and with other parts of town opening up those places would be better suited for an apartment complex. Murra also noted that

since there are already apartment complexes and a trailer park very close to this area, the value of houses would not go down.

38-23

Council Member Holland motioned to table first reading of Ordinance No. 1480. Motion failed to get a second motion.

39-23

Council Member Hellwege moved approval of the first reading of Ordinance No. 1480 amending Title XV, Land Usage; Chapter 155, Zoning Regulations; Section 155.058, Bliss Pointe Planned Development District (C) Amending Description by Removing Mention of "low to medium density" and "medium to high density residential uses," (E) Adding a new Section that Creates a new Area for Multiple-Family Unit Dwellings, (F) Lot and Yard Regulations, remove rows containing "Multiple-Family Dwelling Units (between 33 and 48 bedrooms per lot)" and "Multiple-Family Dwelling Units (over 48 bedrooms per lot)." Council Member Jennewein seconded the motion.

The first reading was requested to be put to a roll call vote of the Governing Body, and the members voted as follows: Hellwege-Y, Holland-N, Humphrey-N, Jennewein-Y, Price-Y, Letellier-Y, Murra-N, Mayor Cole-N

Motion carried 4 to 4. Mayor Cole declared the motion failed due to a tie.

## 7. Old Business

A. Second Reading of Ordinance 1423 amending Title IX, General Regulations; Chapter 90, Health & Safety Nuisances; amending the definition of Nuisance Tree in Section 90.71 Definitions and adding protocol language to Sections 90.78 Tree Care and 90.81 Tree Removal to mitigate the risk of an emerald ash borer infestation or any other harmful invasive species.

James Goblirsch, Parks and Recreation Director, reported on the second reading of Ordinance No. 1423. James noted that the Emerald Ash Borer (EAB) is a significant threat to the urban and rural forests of South Dakota. First discovered in 2002 in southeastern Michigan, this Asian beetle has destroyed millions of ash trees in 22 states and two Canadian provinces. In May of 2018, the Resource Conservation & Forestry Division of the South Dakota Department of Agriculture and Natural Resources (DANR) released information stating that the emerald ash borer was detected in Minnehaha County and in northern Lincoln County.

James noted that the Emerald Ash Borer is an insect that bores under the bark of all species of ash trees, feasting on the tree's cambium layer, thereby cutting off the tree's nutrient supply which ultimately causes

the tree's decline. The emerald ash borer is a poor flier which limits its speed of invasive spread. The most common way EAB is spread is by moving ash firewood from infested areas to non-infested areas.

James stated that a 2013 City of Vermillion tree survey estimated there to be 2400 ash trees within city limits. Staff estimates that there are 570 ash trees in the city boulevards, parks, and rights-of-ways. State of South Dakota Forest Entomologist, Dr. John Ball, suggests that communities generally prepare for the arrival of the EAB, however a sense of urgency should only take place when the insect has been identified within a 30-mile radius of the area.

James stated that, in April of 2017, the Resource Conservation & Forestry Division of SD DANR released the "Emerald Ash Borer Readiness Plan for South Dakota Communities" to use as a guideline to prepare for EAB. In the document it is suggested that communities update tree codes/ordinances to reduce the risk of EAB infestation, develop management tactics to contain an infestation, and speed the administration process once EAB has been detected in a community.

James noted that, over the past few years, other South Dakota First Class communities such as Sioux Falls, Yankton, and Mitchell have implemented changes or updates to their community's tree codes/ordinances to expedite protocols if/when EAB is identified within a 30-mile radius of their community. The first reading of Ordinance No. 1423 was in October 2020. Staff would like City Council to consider the second reading of the ordinance at this time, as the EAB has been detected within a 30-mile radius of our community.

James noted that, in cooperation with the State of South Dakota Department of Agriculture, the City of Vermillion has set EAB traps over the last several years to monitor for activity. The setting of traps has shown to be the best avenue of early detection.

James stated that the ordinance changes are divided into three sections: 90.71 - Amending definition of Nuisance Tree; 90.78 - Add language regarding treatment methods of street/public trees; 90.81 - Add language regarding transportation of ash wood.

40-23

Second reading of title to Ordinance No. 1423, entitled An Ordinance Amending Title IX, General Regulations; Chapter 90, Health & Safety Nuisances; amending the definition of Nuisance Tree in Section 90.71 Definitions and adding protocol language to Sections 90.78 Tree Care and 90.81 Tree Removal to mitigate the risk of an emerald ash borer infestation or any other harmful invasive species for the City of Vermillion, South Dakota.



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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1423 entitled An Ordinance Amending Title IX, General Regulations; Chapter 90, Health & Safety Nuisances; amending the definition of Nuisance Tree in Section 90.71 Definitions and adding protocol language to Sections 90.78 Tree Care and 90.81 Tree Removal to mitigate the risk of an emerald ash borer infestation or any other harmful invasive species 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 19th day of October, 2020 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 21st day of February, 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 1423

An Ordinance amending Title IX: General Regulations; Chapter 90 Health & Safety Nuisances; AMENDING THE DEFINITION OF NUISANCE TREE IN Section 90.71 DEFINITIONS AND adding protocol LANGUAGE TO SECTIONS 90.78 TREE CARE and 90.81 TREE REMOVAL TO MITIGATE THE risk OF an emerald ash borer infestation OR ANY OTHER HARMFUL INVASIVE SPECIES.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the Code of Ordinances Title IX be amended to amend a definition in Section 90.71 and add language to Sections 90.78 and 90.81 follows:

§ 90.71 DEFINITIONS.

The following definition shall be amended and have the meaning set forth below:

Nuisance tree. Any tree that is not valued where it is growing and is usually of vigorous growth; especially one that tends to overgrow or choke out more desirable plants or dead, diseased, or insect-infected trees or other woody plants identified by the City Tree Specialist or City designee.

§ 90.78 Tree care.

(F) Citizens wishing to treat insect infested street trees must follow procedures which may include an application outlined by the City Tree

Specialist or City designee. Individuals that do not follow these procedures may be subject to penalties. See § 10.99

§ 90.81 TREE REMOVAL.

(D) No person shall transport raw wood from any variation of Genus Fraxinus, commonly known as ash, from Memorial Day to Labor Day without permission from the City Tree Specialist or designee.

Dated at Vermillion, South Dakota this 21st day of February 2023.

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 Price. 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, Murra-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. Permit for consumption but not the sale of alcoholic beverages for the Dakota Hospital Foundation at the Muenster University Center Ballroom on the University of South Dakota campus on May 16, 2023, from 5:00 p.m. to 9:00 p.m.

Austin Flowers, Deputy Finance Officer, reported that Jill Christopherson, on behalf of the Dakota Hospital Foundation, has requested a permit to consume alcoholic beverages on public property for a leadership dinner event. Austin noted that the event will be on May 16th from 5:00 p.m. to 9:00 p.m. at the Muenster University Center Ballroom on the USD campus. A copy of the request for the event is attached.

Austin noted that State Statute 35-1-5.5 provides that the Governing Body of a municipality may permit the consumption, but not sale, of any alcoholic beverage on property owned by the public.

Austin stated that the City Council may permit the consumption, but not the sale, of alcoholic beverages on property owned by the public. Katie Redden, Finance Officer, noted that this is not City property, but public property owned by the University of South Dakota. Austin stated that the letter from the USD President is included to demonstrate the University's permission for the event.

41-23

Council Member Price moved approval of the Permit for consumption but not the sale of alcoholic beverages for a leadership dinner event sponsored by the Dakota Hospital Foundation on May 16, 2023 from 5:00 p.m. to 9:00 p.m. at the Muenster University Center Ballroom on the University of South Dakota campus. Council Member Humphrey seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

B. Permit for consumption but not the sale of alcoholic beverages for the Unite for USD Law School reception at the Knudson School of Law on the University of South Dakota campus on March 1, 2023, from 4:00 p.m. to 6:00 p.m.

Austin Flowers, Deputy Finance Officer, reported that Katey Ulrich, on behalf of the USD Law School, has requested a permit to consume alcoholic beverages on public property for the Unite for the USD Law School reception. Austin noted that the event will be on March 1, 2023 from 4:00 p.m. to 6:00 p.m. at the Knudson School of Law first floor commons on the USD campus. A copy of the request for the event is attached.

Austin noted that State Statute 35-1-5.5 provides that the Governing Body of a municipality may permit the consumption, but not sale, of any alcoholic beverage on property owned by the public.

Austin stated that the City Council may permit the consumption, but not the sale, of alcoholic beverages on property owned by the public. Austin noted that this is not City property, but public property owned by the University of South Dakota. Austin stated that the letter from the USD President is included to demonstrate the University's permission for the event.

42-23

Council Member Murra moved approval of the Permit for consumption but not the sale of alcoholic beverages for the Unite for USD Law School reception at the Knudson School of Law on the University of South Dakota campus on March 1, 2023, from 4:00 p.m. to 6:00 p.m. Council Member Hellwege seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

C. Resolution accepting SRF loan to fund construction of landfill leachate pond

Katie Redden, Finance Officer, reported that, as landfill cell six was constructed in 2021, planning began for construction of a leachate pond. Katie stated that the City applied for a Solid Waste Management Program grant for \$500,000 and a State Revolving Fund (SRF) loan through the Department of Agriculture and Natural Resources (DANR) and will be reviewed in March 2023. Katie reported that in January 2023, the City was notified that a SRF loan of up to \$1,043,200, for 20 years, at 2%, have been approved by the DANR Board. Katie reported that the bond resolution was prepared by Dorsey & Whitney LLP, Bond Counsel, and has been reviewed by Crary Huff, City Attorney and provides for the Mayor, Finance Officer, City Attorney, and other City officials to execute and deliver the necessary documents to complete the transaction. Katie recommended approval of the resolution that will become effective 20 days after publication.

43-23

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

#### RESOLUTION

RESOLUTION RELATING TO THE IMPROVEMENT OF THE SOLID WASTE LANDFILL FACILITY; CREATING SPECIAL FUNDS AND ACCOUNTS FOR THE ADMINISTRATION OF THE MONEYS DERIVED THEREFROM; AUTHORIZING AND DIRECTING THE ISSUANCE AND SALE OF A REVENUE BOND TO PAY THE COST OF SAID IMPROVEMENTS; DEFINING THE TERMS AND MANNER OF PAYMENT OF THE BOND AND THE SECURITY THEREOF AND APPROVING THE FORM OF LOAN AGREEMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERMILLION, SOUTH DAKOTA, AS FOLLOWS:

#### SECTION 1. AUTHORIZATION AND FINDINGS.

1.01. The City of Vermillion, South Dakota (the "Issuer") together with the City of Yankton, South Dakota; Yankton County, South Dakota and Clay County, South Dakota (collectively, the "Members"), owns, administers, and operates an integrated solid waste management system (the "System"), for municipal, industrial and domestic purposes, under a Revised Joint Powers Agreement, dated November 14, 2012, as amended, by and among the Members (the "Joint Powers Agreement").

1.02. The Issuer is authorized to borrow money and issue its revenue bonds under South Dakota Codified Laws, Chapters 9-40 (the "Act") and 6-8B, in order to finance a portion of the cost of improvements to the System, including designing and building a new leachate pond (the "Improvements") at the Vermillion Landfill to provide additional leachate storage capacity as well as mitigation against infiltration into groundwater, a leak detection system to monitor leaks within the base liner system, and a drain tile system to remove any groundwater

accumulating beneath the new leachate pond. Issuer is authorized to issue its obligations in order to defray the cost thereof, and to make all pledges, covenants and agreements authorized by law for the protection of the holders of the obligations, including, without limitation, those covenants set forth in SDCL, Sections 9-40-16 and 9-40-17. The obligations are payable from the Net Revenues of the System, as defined in Section 2.03 hereof.

1.03. The execution and delivery of the Revenue Obligation Loan Agreement between South Dakota Conservancy District (the "District") and the Issuer (the "Loan Agreement"), the form of which has been submitted to this Council, and the pledging of the loan payments thereunder for the security of the State Revolving Fund revenue bond of the Issuer and the interest thereon shall be, and they are, in all respects, hereby authorized, approved and confirmed, and the Mayor and Finance Officer are hereby authorized and directed to execute and deliver the Loan Agreement in the form and content submitted to this Council, with such changes that are not substantive as the Attorney for the Issuer deems appropriate and approves, for and on behalf of the Issuer. The Mayor and Finance Officer are hereby further authorized and directed to implement and perform the covenants and obligations of the Issuer as set forth in or required by the Loan Agreement. The Loan Agreement herein referred to and made a part of this Resolution is on file in the office of the Finance Officer and is available for inspection by any interested party.

1.04. The issuance of a revenue bond of the Issuer, of not more than \$1,043,200 principal amount in the form and content set forth in Appendix B to the Loan Agreement (the "Bond") is hereby authorized, approved and confirmed, and the Mayor, Finance Officer and other appropriate officials of the Issuer shall be authorized to execute and deliver the Bond to the District, for and on behalf of the Issuer, upon receipt of the purchase price and to deposit the proceeds thereof in the manner provided for in the Loan Agreement. The Mayor and Finance Officer are hereby authorized to approve the final terms of the Bond, and their execution and delivery of the Bond shall evidence such approval. The terms of the Bond, as so executed and delivered, shall be deemed to be incorporated herein by reference. The provisions of the Act are hereby expressly incorporated herein.

1.05. The Issuer hereby determines that because the Bond is issued in connection with a financing agreement described in SDCL 46A-1-49, pursuant to SDCL 9-40-15, no election is required to issue the Bond. It is hereby found and determined that the principal amount of the Bond, when added to all other indebtedness of the Issuer subject to its general (5%) debt limit, will not exceed 5% of the assessed value of the taxable property in the Issuer.

SECTION 2. FUNDS AND ACCOUNTS. For the purpose of application and proper allocation of the income of the System and to secure the payment of

principal of and interest on the Bond, the following funds and accounts shall be used solely for the following respective purposes until payment in full of the principal of and interest on the Bond:

2.01. Solid Waste System Fund; Bond Proceeds and Revenues Pledged and Appropriated. A fund designated as the Solid Waste System Fund (the "Fund") is and shall be maintained as a separate and special bookkeeping account on the official books of the Issuer until the Bond, the outstanding parity bonds described in the Loan Agreement and any additional bonds (collectively referred to as the "Parity Bonds") payable from the Net Revenues of the System, as provided in Sections 2.02 through 2.04 hereof and interest, Administrative Expense Surcharge and redemption premiums due thereon have been fully paid, or the Issuer's obligation with reference to the Bond has been discharged as provided in this Resolution. All proceeds of the Bond and all other funds hereafter received or appropriated for purposes of the System are appropriated to the Fund. All gross revenues of the System (the "Gross Revenues"), to the extent permitted by the Joint Powers Agreement, are irrevocably pledged and appropriated and shall be credited to the Fund as received. As described in Section 3.04 hereof, the Issuer shall impose rates and charges for the availability, benefit and use of the System and shall aggregate the Gross Revenues derived from such rates and charges and the System, together with the expenses of operation and maintenance of the System and shall account for them as provided in this Resolution. Such Gross Revenues shall include all gross income and receipts from rates, fees, charges, and rentals imposed for the availability, benefit and use of the System as now constituted and of all replacements and improvements thereof and additions thereto, and from penalties and interest thereon, and from any sales of property acquired for the System and all income received from the investment of such Gross Revenues; but not any taxes levied or amounts borrowed or received as grants for construction of any part of the System. The Fund shall be subdivided into separate accounts as designated and described in Sections 2.02 to 2.06, to segregate income and expenses received, paid and accrued for the respective purposes described in those sections. The Gross Revenues received in the Fund shall be apportioned monthly or as soon as possible after the first day of each month, commencing the first calendar month following the delivery of the Bond, which apportionment is hereinafter referred to as the "monthly apportionment."

2.02. Construction Account. The Construction Account shall be used only to pay as incurred and allowed costs which under financial and reporting standards as promulgated by the Governmental Accounting Standards Board, the Financial Accounting Standards Board, or an Other Comprehensive Basis of Accounting, as applicable (referred to herein as Financial and Reporting Standards), are capital costs of the System, and of such future reconstructions, improvements, betterments or extensions of the System as may be authorized in accordance with law; including but

not limited to payments due for work and materials performed and delivered under construction contracts, architectural, engineering, inspection, supervision, fiscal and legal expenses, the cost of lands and easements, interest accruing on the Bond during the first year following the date of its delivery, if and to the extent that the Revenue Bond Account is not sufficient for payment of such interest, reimbursement of any advances made from other Issuer funds, and all other expenses incurred in connection with the construction and financing of any such undertaking. To the Construction Account shall be credited as received all proceeds of the Bond, except amounts appropriated to the Revenue Bond Account under Section 2.04, all other funds appropriated by the Issuer for the System, and all income received from the investment of the Construction Account.

2.03. Operating Account. On each monthly apportionment there shall first be set aside and credited to the Operating Account, as a first charge on the Gross Revenues, such amount as may be required over and above the balance then held in the Operating Account to pay the reasonable and necessary operating expenses of the System which are then due and payable, or are to be paid prior to the next monthly apportionment. The term "operating expenses" shall mean the current expenses, paid or accrued, of operation, maintenance and current repair of the System, all as provided in the Joint Powers Agreement, calculated in accordance with generally accepted accounting principles, and shall include, without limitation, administrative expenses of the Issuer relating solely to the System, premiums for insurance on the properties thereof, labor and the cost of materials and supplies used for current operation and for maintenance, and charges for the accumulation of an appropriate reserve (the "Operating Reserve") for current expenses which are not recurrent monthly but may reasonably be expected to be incurred in accordance with generally accepted accounting principles. Such operating expenses shall not include any allowance for depreciation or renewals or replacements of capital assets of the System and shall not include any portion of the salaries or wages paid to any officer or employee of the Issuer, except such portion as shall represent reasonable compensation for the performance of duties necessary to the operation of the System, nor any amount properly payable from any other account of the Fund. The Net Revenues of the System, as referred to in this Resolution, are hereby defined to include the entire amount of such Gross Revenues remaining after each such monthly apportionment, after crediting to the Operating Account the amount required hereby, including sums required to maintain the Operating Reserve in an amount equal to one month's estimated operating expenses.

2.04. Revenue Bond Account. Upon each monthly apportionment there shall be set aside and credited to the Revenue Bond Account, out of the Net Revenues of the System, an amount equal to one-third of the total sum of the principal and interest to become due on the Bond on the next

succeeding Loan Payment Date (as defined in the Bond). Moneys from time to time held in the Revenue Bond Account shall be disbursed only to meet payments of principal and interest on the Bond as such payments become due; provided, that on any date when the outstanding Bond is due or prepayable by its terms, if the amount then on hand in the Revenue Bond Account is sufficient, with other moneys available for the purpose, to pay the Bond and the interest accrued thereon in full, it may be used for that purpose. If any payment of principal or interest becomes due when moneys in the Revenue Bond Account are temporarily insufficient, such payment shall be advanced out of any Net Revenues theretofore segregated and then on hand in the Replacement and Depreciation Account or the Surplus Account. In the event that sufficient moneys are not available from the aforementioned sources the Issuer, to the extent it may, at the time legally do so, may, but shall not be required to, temporarily advance moneys to the Revenue Bond Account from other revenues of the System or from other funds of the Issuer on hand and legally available for the purpose, but any such advance shall be repaid from Net Revenues of the System within 24 months.

2.05. Replacement and Depreciation Account. There shall next be set aside and credited, upon each monthly apportionment, to the Replacement and Depreciation Account such portion of the Net Revenues, in excess of the current requirements of the Revenue Bond Account (which portion of the Net Revenues is referred to herein as Surplus Net Revenues), as the City Council shall determine to be required for the accumulation of a reasonable reserve for renewal of worn out, obsolete or damaged properties and equipment of the System. Moneys in this account shall be used only for the purposes above stated or, if so directed by the City Council, to redeem Bonds which are prepayable according to their terms, to pay principal or interest when due thereon as required in Section 2.04 hereof, or to pay the cost of improvements to the System; provided, that in the event that the Issuer shall hereafter issue bonds for the purpose of financing the construction and installation of additional improvements or additions to the System, but which additional bonds cannot, upon the terms and conditions provided in Section 3, be made payable from the Revenue Bond Account, Surplus Net Revenues from time to time received may be segregated and paid into one or more separate and additional accounts for the payment of such bonds and interest thereon, in advance of payments required to be made into the Replacement and Depreciation Account.

2.06. Surplus Account. Any amount of the Surplus Net Revenues from time to time remaining after the above required applications thereof shall be credited to the Surplus Account, and the moneys from time to time in that account, when not required to restore a current deficiency in the Revenue Bond Account as provided in Section 2.04 hereof, may be used for any of the following purposes and not otherwise:



(a) to redeem and prepay Parity Bonds when and as such Parity Bonds become prepayable according to their terms;

(b) to purchase Bonds on the open market, whether or not the Bonds so purchased or other such Bonds may then be prepayable according to their terms; and if the balances in the Revenue Bond Account and the Replacement and Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made therefrom prior to the end of the current fiscal year, then;

(i) to pay for repairs of or for the construction and installation of improvements or additions to the System;

(ii) to be held as a reserve for redemption and prepayment of the Bonds which are not then but will later be prepayable according to their terms; and

(iii) with the written consent of the District, transferred to one or more specified funds of the Issuer.

No moneys shall at any time be transferred from the Surplus Account or any other account of the Fund to any other fund of the Issuer, nor shall such moneys at any time be loaned to other municipal funds or invested in warrants, special assessment bonds or other obligations payable from other funds, except as provided in this section.

2.07. Deposit and Investment of Funds. The Finance Officer shall cause all moneys pertaining to the Fund to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of Chapter 4-6A, South Dakota Codified Laws, in a deposit account or accounts, which shall be maintained so long as any of the Bonds and the interest thereon shall remain unpaid. The deposit and investment of all moneys pertaining to the Fund must, on the books and records of the Issuer, be maintained separate and apart from all other funds of the Issuer. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No moneys shall at any time be withdrawn from such deposit accounts except for the purposes of the Fund as authorized in this Resolution; except that moneys from time to time on hand in the Fund may at any time, in the discretion of the City, be invested in securities permitted by the provisions of South Dakota Codified Laws, Section 4-5-6; provided, that the Replacement and Depreciation Account and the Surplus Account may be invested in such securities maturing not later than ten years from the date of the investment; [and provided further, that moneys in the Surplus Account may, in the discretion of the City, be invested in any securities which are direct, general obligations of the Issuer]. Income received from the deposit or investment of moneys shall be credited to the account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other

moneys in that account. The investment of the moneys on deposit in the Revenue Bond Account is further restricted by the provisions of Section 6.01 hereof. Deposits and securities described in this section shall constitute "Qualified Investments."

2.08. Additional Revenues or Collateral. The Issuer reserves the right at any time to pledge additional moneys, revenues or collateral as security for the Bond and any additional bonds. Such pledge shall not be effective unless and until the Issuer receives, and provides to the bond registrar an opinion of, nationally recognized bond counsel stating that such pledge will not adversely affect the validity or tax exemption of the Bond and any additional bonds then outstanding.

2.09. Appropriation of Other Moneys. The Issuer reserves the right in any year while the Bond is outstanding to appropriate from moneys on hand and legally available for such purpose in its cash reserve accounts such amounts as this Council may specify and direct that such amounts be used to pay principal and interest on the Bond. Any such appropriation shall reduce the obligation of the Issuer to impose rates and charges under Section 3.04 hereof.

2.10. Statutory Mortgage. The Issuer covenants and agrees that pursuant to SDCL 9-40-28 and SDCL 9-40-29, the lawful holders of the Bond shall have a statutory mortgage lien upon the System and the extensions, additions and improvements thereto acquired pursuant to the Act, until the payment in full of the principal, interest, and Administrative Expense Surcharge on the Bond, and the Issuer agrees not sell or otherwise dispose of the System, the Improvements, or any substantial part thereof, except as provided in the Loan Agreement and shall not establish, authorize or grant a franchise for the operation of any other utility supplying like products or services in competition therewith, or permit any person, firm or corporation to compete with it in the collection and treatment of solid waste for municipal, industrial, and domestic purposes within the Issuer.

### SECTION 3. PRIORITIES AND ADDITIONAL BONDS.

3.01. Priority of Bond Payments. If at any time the Net Revenues of the System are insufficient to pay principal and interest then due on the Bond, any and all moneys then on hand shall be first used to pay the interest accrued on the Bond, and the balance shall be applied toward payment of the maturing principal of the Bond in order of their maturities, the earliest maturing principal to be paid first, and pro rata in payment of principal maturing on the same date.

3.02. Additional Bonds. The Issuer reserves the right to issue additional bonds, payable from the Revenue Bond Account of the Fund, on a parity as to both principal and interest with the Bond in the manner and upon satisfaction of the conditions and subject to the limitations

set forth in the Loan Agreement, and if any previously issued bonds payable therefrom (the "Prior Bonds") are then outstanding, subject to the limitations contained in the resolutions under which such Prior Bonds were issued.

3.03. Compliance with Loan Agreement. The Issuer will comply, so long as the Bond is outstanding, and unpaid, with all of the provisions of the Loan Agreement, to the same extent as though such provisions were set forth in this Resolution.

3.04. Rates and Charges. The Issuer will maintain, revise, charge and collect rates and other charges for all service furnished and made available by the System, according to schedules such that the Gross Revenues derived therefrom will be sufficient, when combined with other available funds, to pay when due all expenses of the operation and maintenance of the System, and all principal of and interest on the Bond, to provide for the establishment and maintenance of adequate reserves, to provide an allowance adequate for recurring renewals and replacements of the System, to satisfy the rate covenant provided in Section 6.4 of the Loan Agreement and to fulfill the terms of all other agreements with holders of the Issuer's bonds. The Issuer hereby reserves the right to determine on a periodic basis the appropriate allocation of operation and maintenance expenses, depreciation, repair and reserves associated with the facilities financed with the Bond, provided that such determination of allocable operation and maintenance expenses shall in no event abrogate, abridge or otherwise contravene the covenant of the Issuer set forth in this Section 3.04 or any other covenant or agreement in the Loan Agreement.

#### SECTION 4. AMENDMENTS.

4.01. Amendments Without Bondholder Consent. The Issuer reserves the right to amend this Resolution from time to time and at any time, for the purpose of curing any ambiguity or of curing, correcting or supplementing any defective provision contained herein, or of making such provisions with regard to matters or questions arising hereunder as this City Council may deem necessary or desirable and not inconsistent with this Resolution, and which shall not adversely affect the interest of the holder of the Bond, or for the purpose of adding to the covenants and agreements herein contained, or to the Gross Revenues herein pledged, other covenants and agreements thereafter to be observed and additional Gross Revenues thereafter appropriated to the Fund, for the purpose of surrendering any right or power herein reserved to or conferred upon the Issuer, or for the purpose of authorizing the issuance of additional bonds in the manner and subject to the terms and conditions prescribed in Section 3. Any such amendment may be adopted by resolution, without the consent of the holder of the Bond.

4.02. Amendments With Bondholder Consent. With the consent of the holder of the Bond as provided in Section 4.03, the Issuer may from time to time and at any time amend this Resolution by adding any provisions hereto or changing in any manner or eliminating any of the provisions hereof, or of any amending resolution, except that no amendment shall be adopted at any time without the consent of the holder of the Bond which are then outstanding, if it would extend the maturities of any Bond, would reduce the rate or extend the time of payment of interest thereon, would reduce the amount or extend the time of payment of the principal or redemption premium thereof, would give to any Bond any privileges over any other Bond, would reduce the sources of Gross Revenues appropriated to the Fund, would authorize the creation of a pledge of Gross Revenues prior to or on a parity with the Bond (except as is authorized by Section 3), or would reduce the percentage in principal amount of Bonds required to authorize or consent to any such amendment.

4.03. Notice and Consent. Any amendment adopted pursuant to Section 4.02 shall be made by resolution, mailed to each holder of a Bond affected thereby, and shall become effective only upon the filing of written consents with the Finance Officer, signed by the holders of not less than two-thirds in principal amount of the Bonds which are then outstanding or, in the case of an amendment not equally affecting all outstanding Bonds, by the holders of not less than two-thirds in principal amount of the Bond adversely affected by such amendment. Any written consent to an amendment may be embodied in and evidenced by one or any number of concurrent written instruments of substantially similar tenor signed by bondholders in person or by agent duly appointed in writing and shall become effective when delivered to the Finance Officer. Any consent by the holder of any Bond shall bind the holder and every future holder of the same Bond with respect to any amendment adopted by the Issuer pursuant to such consent, provided that any bondholder may revoke such bondholder's consent with reference to any Bond by written notice received by the Finance Officer before the amendment has become effective. In the event that unrevoked consents of the holders of the required amount of Bonds have not been received by the Finance Officer within one year after the mailing of any amendment, the amendment and all consents theretofore received shall be of no further force and effect.

4.04. Proof. Proof of the execution of any consent, or of a writing appointing any agent to execute the same, or of the ownership by any person of a Bond, shall be sufficient for any purpose of this Resolution and shall be conclusive in favor of the Issuer if made in the manner provided in this section. The fact and date of the execution by any person of any such consent or appointment may be proved by the affidavit of a witness of such execution or by the certificate of any notary public or other officer authorized by law to take acknowledgements that the person signing such writing acknowledged to him the execution thereof.

The amount of Bonds held by any person by or for whom a consent is given, and the distinguishing numbers of such Bond, and the date of holding the same, shall be proved by the bond register. The fact and date of execution of any such consent may also be proved in any other manner which this Council may deem sufficient; but this City Council may nevertheless, in its discretion, require further proof in cases where it deems further proof desirable.

#### SECTION 5. PAYMENT OF BOND.

5.01. General. When the liability of the Issuer on the Bond has been discharged as provided in this section, all pledges, covenants and other rights granted by this Resolution to the holder of the Bond shall cease.

5.02. Payment. The Issuer may discharge its liability with reference to any Bond which is due on any date by depositing with the holder or holders thereof, or the paying agent or agents, if any, for such Bond on or before that date a sum sufficient for the payment thereof in full; or if any Bond shall not be paid when due, the Issuer may nevertheless discharge its liability with reference thereto by depositing with the holder or holders thereof, or the paying agent or agents, if any, a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

5.03. Prepayable Bond. The Issuer may also discharge its liability with reference to any prepayable Bond which is called for redemption on any date in accordance with its terms, by depositing with the holder or holders thereof, or the paying agent or agents, if any, on or before that date an amount equal to the principal, interest and redemption premium, if any, which are then due thereon, provided that notice of such redemption has been duly given as provided in the resolution authorizing the Bond.

#### SECTION 6. TAX MATTERS AND EFFECTIVE DATE.

##### 6.01. Tax Matters.

(a) Covenant. The Issuer covenants and agrees with the holders from time to time of the Bond that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bond to become subject to taxation under the Internal Revenue Code of 1986, as amended (the Code), and applicable Treasury Regulations (the Regulations).

(b) Use of System. The Issuer covenants and agrees that it will not, nor will it permit any of its officers, employees or agents, to enter into any lease, use or other agreement with any person other than a state or political subdivision or agency or instrumentality of a state, relating to the use of the System or the security for the Bond which

might cause the Bond to be considered a "private activity bond" within the meaning of Section 141 of the Code.

(c) Investment of Moneys on Deposit in Revenue Bond Account. The Finance Officer shall ascertain monthly the amount on deposit in the Revenue Bond Account. If the amount on deposit therein ever exceeds by more than the "minor portion" within the meaning of Section 1.148-2(g) of the Regulations the aggregate amount of principal and interest due and payable from the Revenue Bond Account within 13 months thereafter, such excess shall either (1) not be invested except at a yield equal to or less than the yield borne by the Bond, or (2) be used to prepay and redeem principal installments of the Bond.

(d) Certification. The Mayor and Finance Officer, being the officers of the Issuer charged with the responsibility for issuing the obligations pursuant to this Resolution, are authorized and directed to execute and deliver to the purchaser a certification in order to satisfy the provisions of Section 1.148-2(b) of the Regulations. Such certification shall state that on the basis of the facts, estimates and circumstances in existence on the date of issue and delivery of the Bond as therein set forth, it is not expected that the proceeds of the Bond will be used in such a manner that would cause the Bond to be an arbitrage bond, and the certification shall further state that to the best of the knowledge and belief of the officers there are no other facts, estimates or circumstances that would materially change such expectation.

6.02. Tax-Exempt Status of the Bond and Rebate. The Issuer shall comply with requirements necessary under the Code to establish and maintain the exclusion from gross income under Section 103 of the Code of the interest on the Bond, including without limitation (1) requirements relating to temporary periods for investments, (2) limitations on amounts invested at a yield greater than the yield on the Bond, and (3) the rebate of excess investment earnings to the United States.

6.03. Repeal. All provisions of all other ordinances, resolutions and other actions and proceedings of the Issuer and of this City Council which are in any way inconsistent with the terms and provisions of this Resolution are repealed, amended and rescinded to the full extent necessary to give full force and effect to the provisions of this Resolution.

City of Vermillion, South Dakota  
By \_\_\_\_\_  
Jonathan D. Cole, Mayor

Attest: \_\_\_\_\_  
Katie Redden, Finance Officer

The motion was seconded by Council Member Jennewein. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Cole declared that the Resolution was adopted.

#### D. Joint Powers Amendment #9 for landfill leachate pond construction

Katie Redden, Finance Officer, reported that the cities of Vermillion and Yankton, as well as the counties of Clay and Yankton, entered into a Joint Powers Agreement in 1994. The Joint Powers Agreement has had a number of amendments over time. Katie noted that the purpose of the agreement was to establish a system to jointly operate a solid waste disposal and recycling system. Katie reported that the 2023 Joint Powers Budget includes the funding for the construction of a leachate pond. Katie noted that, to fund the improvements estimated at \$1,043,200, the City applied for a \$1,043,200 SRF loan, which was approved by the Department of Agriculture and Natural Resources (DANR) Board at their meeting in January 2023. Katie stated that this project has also applied for grant funds to offset the costs and the DANR Board will consider this application at the March 2023 board meeting. Katie stated that the DANR loan is contingent upon the four parties of the Joint Powers Agreement approving an amendment to the Joint Powers Agreement recognizing the new loan. Katie noted that a copy of the amendment is included in the packet. Katie stated that the main point of the amendment is to stipulate that the Joint Powers Agreement will not be dissolved prior to the repayment of the 2023 SRF loan along with other loans included in prior amendments. Katie noted that the original Joint Powers Agreement was signed in 1994 with the duration for 35 years from the date of signing or 2029 with an option to renew for an additional 35 years. Katie noted that Clay County, Yankton County and Yankton City Commission will be considering the amendment to the Joint Powers Agreement. Katie noted that the amendment was prepared by Dorsey & Whitney, LLP and was reviewed by Crary Huff, City Attorney. Katie recommended approval of the ninth amendment to the Joint Powers Agreement. Discussion followed.

44-23

Council Member Jennewein moved approval of the ninth amendment to the Joint Powers Agreement and authorizing the City Manager, Finance Officer, and Mayor to sign on behalf of the City. Council Member Hellwege seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

#### E. FEMA grant application and associated documents for fuel tank at the Wastewater Treatment Plant

Shane Greise, Utilities Manager, reported on a FEMA grant for the Wastewater Treatment Plant. Shane noted that the existing fuel tank at

the Wastewater Treatment Plant (WWTP) would provide for approximately seven to twelve hours of operation at the plant if electrical power was unavailable. A WWTP is typically designed with at least a day's worth of backup power.

Shane noted that, last Fall, the City Council toured the WWTP to see the improvements that are needed. In December, a Facility Plan detailing the improvements needed at the WWTP was presented to and approved by the City Council. Shane stated that the Facility Plan was then placed on the State's Water Plan which allowed the project to be considered for Department of Agriculture and Natural Resources (DANR) grants and loans. Upgrading the fuel tank to provide a longer operational time should electrical power not be available was part of the improvements suggested in the Facility Plan. Currently, the City is looking at additional funding options to reduce the burden on rate payers for items in the facility plan.

Shane noted that the City is seeking a Hazard Mitigation Grant through FEMA. This grant would provide funding for a fuel tank project at the WWTP. The fuel tank would keep the wastewater treatment operations running in the absence of power. The new tank would provide a minimum of 24 hours.

Shane stated that, as part of the grant application submission, the City must also designate an Applicant Agent for the process. It is recommended that the City Manager be listed as the Applicant Agent and appointed to, as such, by the City Council.

45-23

Council Member Murra moved approval of submitting the grant application and designating the City Manager as the Applicant Agent for the FEMA grant application and project. Council Member Price seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

## 9. Bid Openings

### A. Janitorial Services for City of Vermillion Facilities

Jose Dominguez, City Engineer, reported on the renewal of janitorial services for the City of Vermillion Facilities. Jose noted that, since late February 2017, the City has contracted with Service Masters of Southeast South Dakota, from Yankton, to perform janitorial services for several City owned buildings. Jose stated that the buildings cleaned through the janitorial contract are the Service Center, National Guard Armory, Recycling Center, Wastewater Treatment Plant, Edith B. Siegreest Vermillion Public Library, and the Vermillion Fire and EMS Station 1. The other City buildings are cleaned by City employees. Jose noted that bid information was sent to four possible contractors and two bids were



received. Bids were opened on February 21st at 2:00 p.m. Bids received were Service Masters of Southeast South Dakota \$45,661.45 and Allstar Commercial Cleaning \$105,000.00. Jose recommended renewing the contract with Service Masters of Southeast South Dakota for \$45,661.45.

46-23

Council Member Murra moved approval of the renewal of janitorial services for City of Vermillion Facilities with Service Masters of Southeast South Dakota for \$45,661.45. Council Member Holland seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

10. City Manager's Report

A. John reported that the Human Relations Commission next meets on Thursday, March 2, 2023 at 5:30 p.m. in the John "Jack" Powell Conference Room of City Hall.

B. John stated that the VCDC will host a Legislative Coffee this Saturday, February 25th from 9:00 a.m. to 11:00 a.m. in the City Council Chambers.

C. John noted that the SD Municipal League will have the District 3 meeting in Alcester on Thursday, March 16th. If any City Council members are interested in attending, please let City staff know.

D. John reminded everyone that Kidder Street from Court Street west for ½ block will be closed from 8:00 a.m. to 4:00 p.m. this Saturday, February 25th for the Polar Plunge setup, event, and tear down.

E. John stated that sidewalks are to be cleared 24 hours after the end of a snow event. Snow should be stored on your property - not across the street on neighbor's yard without permission or piled up in the street in front of neighbor's property. If moved across the street, windrows of snow should not be left in the street.

PAYROLL ADDITIONS AND CHANGES

Police: Dallas Schnack \$25.68/hr; Ambulance: Caleb Nadeau \$15.00/hr-\$15.00/hr training-\$22.50/holiday hr; Street: Ryun Fischbach \$24.09/hr; Landfill: Kase King \$19.91; Curbside Recycling: Jared Mitchell \$18.44/hr

11. Invoices Payable

47-23

Council Member Price moved approval of the following invoices:

|                     |                  |        |
|---------------------|------------------|--------|
| A & B BUSINESS, INC | COPIER CONTRACT  | 196.54 |
| A & M SERVICES, INC | UNIFORM CLEANING | 81.20  |
| ALL AMERICAN GASKET | PARTS            | 313.70 |

|                                |                              |           |
|--------------------------------|------------------------------|-----------|
| ALTEC INDUSTRIES, INC          | PARTS                        | 465.00    |
| AMAZON BUSINESS                | BOOKS/DVDS/SUPPLIES          | 2,162.13  |
| ANDREW WICKRE                  | SAFETY BOOTS REIMBURSEMENT   | 125.00    |
| APPEARA                        | SHOP TOWELS                  | 45.00     |
| AUTO VALUE                     | PARTS                        | 543.28    |
| BANNER ASSOCIATES, INC         | PROFESSIONAL SERVICES        | 1,482.60  |
| BASEPOINT BUILDING AUTOMATIONS | REPAIRS                      | 280.61    |
| BILL BROWN                     | SNOW REMOVAL                 | 756.00    |
| BLACKSTONE PUBLISHING          | BOOKS                        | 57.79     |
| BOUND TREE MEDICAL, LLC        | INFUSION PUMP KIT/SUPPLIES   | 22,633.01 |
| BROADCASTER PRESS              | ADVERTISING                  | 1,320.12  |
| BRUNICKS SERVICE INC           | FUEL                         | 35,154.50 |
| BUHLS CLEANERS                 | MAT/MOP SERVICE              | 413.74    |
| BUREAU OF ADMINISTRATION       | TELEPHONE                    | 203.60    |
| BUTLER MACHINERY CO.           | PARTS                        | 1,679.76  |
| CASK & CORK                    | MERCHANDISE                  | 564.00    |
| CENTURYLINK                    | TELEPHONE                    | 265.22    |
| CLAY RURAL WATER SYSTEM        | WATER USAGE                  | 55.30     |
| CLAY-UNION ELECTRIC CORP       | ELECTRICITY                  | 1,948.88  |
| CLEVELAND GOLF                 | MERCHANDISE                  | 999.22    |
| CORE & MAIN LP                 | PARTS                        | 1,235.79  |
| CORE-MARK MIDCONTINENT         | MERCHANDISE                  | 14.22     |
| COYOTE SPORTS PROPERTIES       | SPONSORSHIP                  | 2,000.00  |
| CRARY HUFF LAW FIRM            | PROFESSIONAL SERVICES        | 2,780.00  |
| DAKOTA BEVERAGE                | MERCHANDISE                  | 7,592.70  |
| DAKOTA PC WAREHOUSE            | COMPUTER/ADAPTER             | 519.98    |
| DEMCO                          | BOOKSHELF DIVIDERS           | 442.21    |
| DIVISION OF MOTOR VEHICLE      | TITLE/LICENSE PLATES         | 15.00     |
| DUBOIS CHEMICALS               | SODA ASH                     | 13,156.00 |
| ECHO ELECTRIC SUPPLY           | SUPPLIES                     | 662.92    |
| ELECTRIC PUMP, INC             | REPAIRS                      | 793.50    |
| EQUIPMENT BLADES INC           | PARTS                        | 3,036.95  |
| ESO SOLUTIONS, INC             | SUBSCRIPTION-SCHEDULING PLUS | 4,011.85  |
| FAST AUTO GLASS                | WINDSHIELD                   | 323.35    |
| FLEET SAFETY SUPPLY            | ARM REST/CONSOLE             | 235.73    |
| GLOBAL DIST.                   | MERCHANDISE                  | 329.90    |
| GRAINGER                       | PARTS                        | 94.52     |
| GRAYMONT (WI) LLC              | CHEMICALS                    | 12,109.08 |
| GREGG PETERS                   | MANAGERS FEE/ADVERTISING     | 6,500.00  |
| GUARANTEE ROOFING & SIDING     | REPAIRS                      | 22,326.57 |
| HANSEN LOCKSMITHING            | REPAIRS                      | 485.00    |
| HEALTH CARE LOGISTICS          | BINS/LABELS                  | 217.49    |
| HEIMAN FIRE EQUIPMENT          | BLITZFIRE PACKAGE            | 25,761.63 |
| HOUSTON ENGINEERING INC        | TESTING                      | 7,594.67  |

|                                |                              |           |
|--------------------------------|------------------------------|-----------|
| HY VEE FOOD STORE              | POP/SUPPLIES                 | 145.36    |
| HYDRAULIC SALES & SERVICE      | PARTS                        | 2,716.10  |
| HYDRO KLEAN                    | PROFESSIONAL SERVICES        | 3,650.00  |
| IACP NET                       | MEMBERSHIP DUES              | 525.00    |
| IMS ALLIANCE                   | NAME TAGS                    | 46.25     |
| INGRAM                         | BOOKS                        | 1,288.56  |
| INTERSTATE POWER SYSTEMS       | REPAIRS                      | 2,062.69  |
| JACKS UNIFORM & EQPT           | UNIFORM                      | 803.80    |
| JOHN A CONKLING DIST.          | MERCHANDISE                  | 2,271.85  |
| JOHNSON BROTHERS OF SD         | MERCHANDISE                  | 18,607.19 |
| JOHNSON CONTROLS               | REPAIRS                      | 4,434.92  |
| JONES FOOD CENTER              | SUPPLIES                     | 771.13    |
| JOSE DOMINGUEZ                 | MEALS REIMBURSEMENT          | 28.00     |
| KNOX COMPANY                   | KEY DEFENDER                 | 3,759.00  |
| LAYNES WORLD                   | PHOTO PLATE                  | 3.50      |
| LEISURE LAWNS, LLC             | LAWN APPLICATIONS            | 875.72    |
| LOCATORS AND SUPPLIES, INC     | SUPPLIES                     | 131.00    |
| LOFFLER                        | COPIER CONTRACTS             | 819.90    |
| LONGS PROPANE INC              | PROPANE                      | 30.00     |
| LOREN FISCHER DISPOSAL         | HAUL CARDBOARD               | 1,200.00  |
| LUKE SCHMITZ                   | MEALS REIMBURSEMENT          | 82.00     |
| MARTINSON CONSTRUCTION         | HAUL SNOW                    | 520.20    |
| MATHESON TRI-GAS, INC          | MEDICAL OXYGEN               | 729.46    |
| MENARDS                        | TOOLS                        | 42.68     |
| MIDAMERICAN                    | GAS USAGE                    | 15,673.26 |
| MIDCONTINENT COMMUNICATION     | CABLE/INTERNET               | 292.34    |
| MIDWEST ALARM CO               | ALARM MONITORING/REPAIRS     | 915.69    |
| MISSOURI RIVER ENERGY SERV     | EDUCATIONAL SCHOOL KITS      | 2,462.32  |
| NASRO                          | MEMBERSHIP                   | 40.00     |
| NATIONAL FIRE PROTECTION ASOC  | SUPPLIES                     | 1,552.50  |
| NEBRASKA JOURNAL-LEADER        | ADVERTISING                  | 34.95     |
| NETSYS+                        | PROFESSIONAL SERVICES        | 70.50     |
| NICHOLAS STARK                 | GYM MEMBERSHIP REIMBURSEMENT | 300.00    |
| NO BULL LANDSCAPING & SNOW     | SNOW REMOVAL                 | 324.00    |
| NORTHERN TOOL & EQUIPMENT      | SERVICE CART                 | 199.97    |
| O'REILLY AUTO PARTS            | PARTS                        | 403.93    |
| OFFICE OF FIRE MARSHAL- BOILER | INSPECTIONS                  | 240.00    |
| PANACEA MEADERY LLC            | MERCHANDISE                  | 180.00    |
| PFEIFER IMPLEMENT CO.          | PART                         | 6.10      |
| PHELPS                         | WORK SHIRTS                  | 856.81    |
| PING/KARSTEN MFG CORP          | MERCHANDISE                  | 454.23    |
| POWERPHONE, INC                | MAINTENANCE                  | 359.55    |
| PRESSING MATTERS               | SUPPLIES                     | 175.00    |
| QUADIENT FINANCE USA, INC      | FEE                          | 43.64     |

|                                |                            |           |
|--------------------------------|----------------------------|-----------|
| QUILL                          | SUPPLIES                   | 57.73     |
| REDI TOWING                    | TOWING                     | 685.00    |
| REPUBLIC NATIONAL DISTRIBUTING | MERCHANDISE                | 11,386.17 |
| RIVERSIDE HYDRAULICS & LAB     | REPAIRS                    | 205.45    |
| ROEL PLUMBING LLC              | REPAIRS                    | 353.40    |
| RUNNING SUPPLY, LLC            | SUPPLIES                   | 2,325.41  |
| RUSTY JENSEN                   | TESTING REIMBURSEMENT      | 300.00    |
| SANFORD HEALTH OCCUPATIONAL    | TESTING                    | 1,536.00  |
| SANITATION PRODUCTS INC        | REPAIRS                    | 7,589.84  |
| SD DENR                        | LANDFILL OPERATIONS FEE    | 3,011.04  |
| SD DEPT OF TRANSPORTATION      | BIKE PATH-BROADWAY         | 249.03    |
| SD ELECTRICAL COMMISSION       | WIRING PERMITS             | 300.00    |
| SD PUBLIC HEALTH LABORATORY    | TESTING                    | 150.00    |
| SD RETIREMENT SYSTEM           | CONTRIBUTION               | 156.98    |
| SD SHERIFFS' ASSOCIATION       | REGISTRATION               | 115.00    |
| SERVICE FIRST FIRE SPRINKLER   | ANNUAL INSPECTION          | 281.75    |
| SIOUX VALLEY ENVIRONMENTAL     | GAS DETECTORS              | 2,790.00  |
| SOUTHERN GLAZER'S OF SD        | MERCHANDISE                | 7,132.96  |
| STAPLES BUSINESS CREDIT        | SUPPLIES                   | 1,833.79  |
| STEFFEN TRUCK EQUIPMENT        | PART                       | 137.13    |
| STEWART OIL-TIRE CO            | PARTS                      | 469.90    |
| TASTE OF HOME BOOKS            | BOOK                       | 30.98     |
| TAYLOR MADE                    | MERCHANDISE                | 592.78    |
| THE LIFEGUARD STORE, INC       | GUARD TEES                 | 365.00    |
| THE LUMBERYARD LLC             | MATERIALS                  | 277.35    |
| THE UPS STORE #6751            | LAMINATING/SHIPPING        | 82.13     |
| TITAN MACHINE-PRODUCTIVITY     | SUPPLIES                   | 233.75    |
| TITLEIST-ACUSHNET COMPANY      | MERCHANDISE                | 42.61     |
| TONY KLUNDER                   | TRAVEL REIMBURSEMENTS      | 344.00    |
| TRAVIS TARR                    | SAFETY BOOTS REIMBURSEMENT | 164.27    |
| TWO WAY SOLUTIONS              | REPAIRS                    | 533.97    |
| TYLER TECHNOLOGIES             | PROFESSIONAL SERVICES      | 1,495.00  |
| ULINE                          | FIRE EXTINGUISHER/BRACKET  | 135.11    |
| UNITED PARCEL SERVICE          | SHIPPING                   | 44.97     |
| USA BLUEBOOK                   | LMI PUMP/TUBING            | 1,856.83  |
| USPS-POC                       | POSTAGE FOR METER          | 700.00    |
| VERMILLION ACE HARDWARE        | SUPPLIES                   | 485.95    |
| VERMILLION CHAMBER OF COMMERCE | MEMBERSHIP                 | 200.00    |
| VERMILLION FORD                | WIRING SLEEVE              | 44.66     |
| ZIEGLER INC                    | PARTS                      | 310.27    |

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

12. Consensus Agenda

A. Set a public hearing for March 6, 2023 for a Special Daily Malt Beverage and Wine License for the VCDC Annual Celebration on April 27, 2023.

48-23

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

13. Adjourn

49-23

Council Member Murra moved to adjourn the Council Meeting at 8:36 p.m. Council Member Price seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

Dated at Vermillion, South Dakota this 21st day of February, 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 \_\_\_\_\_.

