

Unapproved Minutes  
Council Special Session  
February 19, 2019  
Tuesday - 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Tuesday, February 19, 2019 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Hellwege, Holland, Humphrey, Price, Sorensen, Ward, Willson, Mayor Powell

Absent: Collier-Wise

2. Visitors to be Heard - None

3. Informational Session - Downtown Streetscape Project - Jose Dominguez

John Prescott, City Manager, reported that this project goes back a few years when a conceptual downtown streetscape plan was completed. John stated that one option to assist with funding was the creation of a Business Improvement District for the downtown area. John stated that a citizens committee was formed for Business Improvement District #2 (BID#2) and they have been meeting to review options for completing the downtown streetscape improvements.

Jose Dominguez, City Engineer, reviewed the conceptual downtown streetscape plan developed in 2016 with input from downtown business owners and property owners. Jose reviewed the improvements proposed which include sidewalks, seating areas, intersection bump outs, landscaping, trees, lighting, bike racks, etc. Jose reviewed the conceptual plans for the major intersections. Jose stated that the BID #2 Board has reviewed the area to be included in the district as well as the area to benefit from the improvements. Jose stated that the BID #2 Board will be holding public meetings on the proposed streetscape improvements. Jose stated that the BID #2 Board will be recommending dividing the district into two areas with Area A having direct impact from the improvements and Area B with indirect impact from the improvements and will be proposing different fees for each area. Jose reviewed the estimated cost for the improvements included in the area outlined at \$2.4 million. Jose reviewed the funds available or in the process of being acquired noting a shortfall of over \$1 million. Jose noted that options for the shortfall would be a bond or a city interdepartmental loan. Jose reviewed the projected cash flows from the

BID #2 property assessment and the repayment of the shortfall over a ten year period.

Michelle Maloney and Phyllis Packard representing the BID #2 Board reported that they are requesting a \$250,000 grant from the USD Foundation to be received over a 10 year period along with the assessment to each property owner within the BID district. Michelle and Phyllis answered questions from the City Council on behalf of the Bid #2 Board. Discussion followed on the estimated project shortfall. The consensus of the City Council was to move forward with review of the project, including funding options as well as obtain input from owners/operators within the district.

4. Briefing on the February 19, 2019 City Council Regular Meeting

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

5. Adjourn

39-19

Alderman Sorensen moved to adjourn the Council special session at 12:42 p.m. Alderman Holland seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 19th day of February, 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  
February 19, 2019  
Tuesday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Tuesday, February 19, 2019 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Hellwege, Holland, Humphrey, Price, Sorensen, Ward, Willson, Mayor Powell

Absent: Collier-Wise

2. Pledge of Allegiance

3. Minutes

A. Minutes of February 4, 2019 Special Meeting; February 4, 2019 Regular Meeting.

40-19

Alderman Sorensen moved approval of the February 4, 2019 Special Meeting and February 4, 2019 Regular minutes. Alderman Price seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

41-19

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

5. Visitors to be Heard

A. Sheila K. Gestring - Investiture Proclamation

Alderman Hellwege read the proclamation of Appreciation for Sheila K. Gestring who had an investiture ceremony on Wednesday, February 13, 2019 as the 18th President of the University of South Dakota and proclaimed the day as Sheila K. Gestring Day in Vermillion. Mayor Powell stated that he would deliver the proclamation to President Gestring.

6. Public Hearings - None

7. Old Business

A. Second Reading of Ordinance 1398 to amend Title XI, Chapter 114, Sections 114.01 through 114.05, 114.08 and 114.10 to amend the regulations governing Transportation Network Drivers and Companies.

James Purdy, Assistant City Manager, reported that this was second reading of the ordinance amending the regulations governing Transpiration Network Company drivers within the city. James reviewed the changes to the ordinance and reported that the City Attorney has included changes to definitions. James reported that first reading was approved on February 4th. Discussion followed.

42-19

Second reading of title to Ordinance No. 1398, entitled AN ORDINANCE to amend Title XI, Chapter 114, Sections 114.01 through 114.05, 114.08 and 114.10 to amend the regulations governing Transportation Network Drivers and Companies for the City of Vermillion, South Dakota.

Mayor Powell read the title to the above named Ordinance, and Alderman Hellwege moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1398 entitled an Ordinance to amend Title XI, Chapter 114, Sections 114.01 through 114.05, 114.08 and 114.10 to amend the regulations governing Transportation Network Drivers and Companies 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 4th day of February, 2019 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 19th day of February, 2019 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 1398

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XI, CHAPTER 114, SECTIONS 114.01 THROUGH 114.05, 114.08 AND 114.10 AMENDING THE REGULATIONS GOVERNING TRANSPORTATION NETWORK DRIVERS AND COMPANIES

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that sections 114.01 to 114.10 shall be amended to read as follows:

§ 114.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Digital Network. Any online-enabled application, software, website, or system offered or utilized by a TNC or taxicabs that enables the prearrangement of rides with a driver.

Driver. One who actually engages in driving a vehicle for hire.

Operator. A person, organization, company, or other entity engaged in operating a vehicle for hire business.

Prearranged ride. The provision of transportation by a driver to a rider, beginning when a driver accepts a rider's request for a ride through a digital network controlled by a TNC, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the TNC personal vehicle.

Taxicab. A motor vehicle for carrying passengers for hire, along non-prescribed routes, with a seating capacity of nine or less persons. The term taxicab shall not include funeral cars, ambulances, limousines, buses, wheelchair transport vehicles, paratransit, and stretcher transport.

TNC. Transportation Network Company entity that uses a digital network to connect passengers to TNC services and the drivers that use their TNC personal vehicle to provide vehicle-for-hire services. The TNC does not manage, own, or lease the personal vehicles of the drivers.

TNC Driver. A person who receives connections to TNC riders and related services from a TNC in exchange for payment of a fee to the TNC and who uses a TNC personal vehicle to provide a prearranged ride to riders upon connection through a digital network controlled by TNC in return for compensation or payment of a fee.

TNC Personal Vehicle. A vehicle that is used by a TNC driver to provide a prearranged ride and is owned, leased, or otherwise authorized for use by the TNC driver.

TNC Rider. A person who uses a TNC's digital network to connect with a TNC driver who provides a prearranged ride to the person in the driver's TNC personal vehicle between points chosen by the person.

Vehicle for Hire. Means any vehicle licensed under this chapter as taxicab or TNC personal vehicle.

Wheelchair Transport Vehicles, Paratransit, and Stretcher Transport. Means a motor vehicle-for-hire which carries wheelchairs, conducts paratransit, and transports stretcher passengers and their accompanying guests or care givers, with a seating capacity for 12 persons or less,

not including the driver, not traveling any definite or prescribed route, operated by a driver, and carrying or accepting wheelchair, paratransit, or stretcher passengers and their accompanying guests or care givers, but shall not include licensed ambulance services. Such vehicles shall be equipped with straps to secure wheelchairs and stretchers and in the case of stretchers arranged so that the head of the passenger is visible to the driver.

§ 114.02 LICENSE/APPLICATION REQUIRED TO OPERATE/AFFILIATE WITH A BUSINESS.

(A) No person shall engage in the business of operating a taxicab(s) or vehicle-for-hire, upon the streets, without a license as required herein.

(B) Every person desiring a license to operate a taxicab business in the city shall make application in writing to the governing body. The application shall include the following information:

(1) Name of the taxicab or vehicle-for-hire service, the operator, and owner(s) of the taxicab vehicle(s).

(2) Description of the taxicab(s) vehicle(s) by make, model, VIN number, and license plate number, vehicle registration, name of owner(s) of the licensed vehicle, and a completed vehicle inspection form for each vehicle.

(3) Statement of previous experience in the business, if the applicant has not been licensed by the city previously.

(C) No person shall engage in the business of being a TNC affiliated driver, upon the streets, without an application as required herein.

(D) Every person desiring to be a TNC affiliated driver in the City shall make an application in writing to the City Manager. The application shall include the following information:

(1) Name of Transportation Network Company, TNC Driver, their TNC affiliation, and TNC recognized and approved Personal Vehicle(s).

(2) Description of recognized and approved TNC personal vehicle(s) by make, model, VIN number, and license number, state license number, name of owner of the licensed personal vehicle, and a completed vehicle inspection form for the personal vehicle as required in 114.04(B)(2).

(3) Statement of previous experience in the business, if the applicant has not applied with the city previously.

(E) Each recognized and approved TNC personal vehicle and driver must register individually.

(F) Each TNC affiliated driver who wishes to obtain a vehicle-for-hire driver's license must comply with 114.08 qualifications of applicant.

(G) Each TNC affiliated driver must provide sufficient evidence to the City Manager or designee that the driver has successfully passed a TNC's background check.

§ 114.03 BUSINESS LICENSE FEE; EXPIRATION; REVOCATION.

The taxicab business license fee required shall be set by resolution. The fee is nonrefundable, and shall be purchased yearly to operate a taxicab. The license shall expire on December 31 following its issuance. The license may be revoked, for cause, by the governing body.

§ 114.04 TAXICAB LICENSE; ISSUANCE.

(A) The governing body shall have discretion to approve or disapprove the taxicab business license application depending on whether the governing body deems the applicant a suitable person to hold the license.

(B) The governing body may issue the license if it is satisfied that the application demonstrates:

(1) The applicant is of good moral character.

(2) The vehicle(s) to be used have been inspected by a certified mechanic to show the taxicab(s) is thoroughly and carefully tested, and found to be in safe condition for transportation of passengers, is in good, clean condition, and is in compliance with all other applicable state and federal motor vehicle laws and standards. All vehicles being used must comply with the City of Vermillion's vehicle-for-hire inspection form.

(3) The applicant has indemnity and public liability insurance covering the operation of each vehicle to protect the operator against liability to passengers and third persons for personal injury suffered or sustained by them as a result of the operation of the vehicle. The policies will be in an amount set by resolution, but in no event less than the provisions prescribed by SDCL 32-40-9 to SDCL 32-40-23 inclusive. The liability insurance required shall be set by resolution.

§ 114.05 DISPLAY OF BUSINESS LICENSE.

Every driver of any taxicab licensed under this chapter shall exhibit a copy of the taxicab business license in the vehicle and have it available for inspection upon request, or be able to present a digital copy.

§ 114.06 DISPLAY OF RATE CARD.

(A) Every taxicab vehicle operated under this chapter shall have a rate card stating the fare rates displayed in such a place as to be in full view of all passengers. A current copy of the rate card shall be provided to the Finance Officer. No rates shall be charged other than those displayed on the rate card.

(B) TNC shall present fare calculation method on their digital network.

§ 114.07 LICENSE REQUIRED OF VEHICLE-FOR-HIRE DRIVER(S).

No person shall drive, or be engaged or employed in the business of driving, upon the public streets of the city, any vehicle-for-hire, without first having procured a license therefor from the City Manager or designee.

§ 114.08 APPLICATION FOR VEHICLE-FOR-HIRE DRIVER'S LICENSE; QUALIFICATIONS OF APPLICANT; APPEAL FROM DECISION.

(A) Each applicant, with the exception of TNC drivers pursuant to 114.10(F), must submit to, pay for, and provide an initial and annual FBI and DCI fingerprint background check to determine the applicant's suitability. Each new applicant shall make their own arrangements with a law enforcement agency to submit to the fingerprinting process when required. The applicant may be issued a conditional license pending the results of the background check.

(B) The City Manager or designee shall have discretion to approve or disapprove the application depending on whether the City Manager or designee deems the applicant a suitable person to hold the license. The City Manager or designee may issue the license if the City Manager or designee is satisfied that the applicant has demonstrated that the applicant:

- (1) Is at least 19 years of age;
- (2) Has never been diagnosed with epilepsy, heart problems, sleep apnea, vertigo or any other infirmity that could affect their ability to safely operate a motor vehicle;
- (3) Has not been convicted in the preceding seven years of a felony;



(4) Has not been convicted or received judgments for more than three moving traffic violations in the preceding three years, or at least one violation involving reckless driving or driving on a suspended or revoked license in the preceding three years;

(5) Has not been convicted in the preceding seven years of a misdemeanor involving:

- a. resisting a law enforcement officer;
- b. dishonesty
- c. injury to a person;
- d. operating a motor vehicle while intoxicated;
- e. operating a motor vehicle in a manner that endangers a person;
- f. operating a motor vehicle with a suspended or revoked driver license or
- g. damage to the property of another person;

(6) Has not been convicted more than once of operating a motor vehicle while intoxicated in the preceding ten years;

(7) Has not been convicted of using, the possession of, or possession with intent to distribute any controlled drug or substance in the preceding seven years;

(8) Is not a match in the state or national sex offender registry;

(9) Has completed the TNC's local and national background check and driving record check;

(10) Possesses a valid state driver's license; and

(11) Possesses proof of valid vehicle registration and automobile liability for motor vehicles to provide vehicle for hire service.

(C) The applicant may appeal the decision of the City Manager to the Governing Body.

(D) The applicant and/or driver is required to notify the City Manager immediately if there are any changes regarding their ability to meet any of the conditions listed above. Failure to do so may result license revocation and/or nonrenewal.

§ 114.09 FEE FOR VEHICLE-FOR-HIRE DRIVER'S LICENSE; EXPIRATION; REVOCATION.

The fee for a license required by § 114.07 shall be a nonrefundable amount set by resolution, which shall be paid to the Finance Officer before issuance of the license. The license shall expire on December 31 following issuance. The license may be revoked by the City Manager or designee, for cause, with appeal to by the governing body.

§ 114.10 REGULATIONS FOR TRANSPORTATION NETWORK COMPANIES.

(A) A TNC driver shall not solicit or accept street hails.

(B) The TNC must provide all transaction options within their digital networks, and cannot receive cash for their services.

(C) The TNC digital network must provide to the customer a photo identification of the driver, a description of the TNC personal vehicle, and TNC personal vehicle's license plate number.

(D) The TNC must maintain records regarding trips of passengers for at least one year from the date the trip was provided. TNC driver must provide individual customer's records at least until the one-year anniversary of the date on which a TNC driver's customer relationship with the TNC has ended. The City may in its sole discretion inspect these records whenever crime or regulatory violation is alleged involving the TNC or the TNC driver. These records are to be maintained confidential to the extent possible.

(E) The TNC must comply with the indemnity and public liability insurance requirements as established in 114.04(B)(3).

(F) The TNC shall have a third party conduct a City approved local and national criminal background check capable of ensuring compliance with SDCL 32-40-3 through SDCL 32-40-5 for each applicant prior to allowing an individual to accept trip requests.

(G) The TNC shall have a zero tolerance policy for drug and alcohol use by transportation network company drivers as required by SDCL 32-40-5. The TNC shall establish and enforce a zero tolerance policy for drug and alcohol use by TNC drivers during any period when a TNC driver is engaged in, or is logged into the TNC's digital network but is not engaged in, a prearranged ride. The policy shall include provisions for:

- (1) Investigations of alleged policy violations, and
- (2) Suspensions of TNC drivers under investigation.

(H) The TNC must provide a copy of its active South Dakota sales tax license to the City.

Dated at Vermillion, South Dakota this 19th day of February, 2019.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

By \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

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

Adoption of the Ordinance was seconded by Alderman Holland. 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, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Powell-Y

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

8. New Business

A. Update on possible changes to City Code related to the Human Relations Commission

Addison McCauley, Vermillion Human Relations Commission Chairperson, reported that the City Council approved the ordinance establishing the Vermillion Human Relations Commission (VHRC) on July 7, 2018. Addison reported that the VHRC is charged with two primary tasks: 1) Education through disseminating information and conducting public meetings regarding inclusivity and anti-discriminatory practice and 2) Receiving complaints of alleged discriminatory practices in employment, housing, labor organizations, education, property rights, and providing public accommodations or services. Addison stated that, since appointed, the Commission has been focusing on finalizing and disseminating the complaint Alternative Dispute Resolution (ADR) timelines, templates, and policies that would allow the Commission to begin to fulfill our second primary task. Addison reported that; as the commission discussed the practical implementation of our procedures and conferred with representatives from the State Commission of Human Rights, the Chairpersons from the Brookings and Sioux Falls HRCs, and the City Attorney; we came to realize that some amendments to the adopted ordinance would be required to accommodate for regulations in State

statutes as well as the practical implementation of the complaint ADR procedures. Addison stated that the proposed amendments to the ordinance are still in line with the agreed upon procedures provided by the April 18, 2018 Policies and Procedures Committee meeting. Addison reported that the amendments address policies regarding the procedure timeline and mode of notification for both parties, the addition of a Commission Subcommittee charged with the preliminary review of received complaints, a statute workaround with regard to the definition of officially "filing" a complaint, and other basic formatting alignment corrections. Addison reported that a draft of an ordinance was included in the packet which outlined the proposed changes recommended by the VHRC. Discussion followed with Addison answering questions of the City Council on the draft ordinance language along with suggestion to move a section.

43-19

Alderman Sorensen moved to accept the report of the Vermillion Human Relations Commission and include the proposed ordinance change on an upcoming meeting agenda. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Request from the Vermillion Chamber of Commerce and Development Company to close Prentis Avenue from E. Main Street to E. Clark Street on Thursday, May 9, 2019 from 4:00 p.m. to 9:00 p.m. for a professional baseball exhibition game.

James Purdy, Assistant City Manager, reported that the Vermillion Area Chamber of Commerce and Development Company (VCDC) is requesting a street closure for the Professional Baseball Exhibition event between the Sioux City Explorers and the Sioux Falls Canaries, on Thursday May 9th. James noted that the closure would be for Prentis Avenue from E. Clark Street to E. Main Street from 4:00 p.m. to 9:00 p.m. James reported that this closure is a proactive safety precaution in the event that a child runs out in the street to retrieve a foul ball. James noted that the VCDC have relayed to the City that they will notify all of the residents that could be affected by the closure. James stated that the VCDC and parks staff will man the barricades to allow residents access during the closure. James reported that the contact person for this closure is VCDC staff member Mike Bartos. Discussion followed.

44-19

Alderman Hellwege moved approval of the request from the Vermillion Chamber of Commerce and Development Company to close Prentis Avenue from E. Main Street to E. Clark Street on Thursday, May 9, 2019 from 4:00 p.m. to 9:00 p.m. for a professional baseball exhibition game.

Alderman Humphrey seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. Final Plat for Lots 1 and 2, Groh Addition, in the NW ¼ of the NE ¼ of Section 20, T92N, R51W of the 5th P.M., Clay County, South Dakota.

Jose Dominguez, City Engineer, reported on the land which is on the south side of E. Main Street approximately 1200 feet east of the intersection of Cypress Drive. Jose stated that the owner's intention is to separate the existing single-family dwelling addressed as 2509 E. Main Street from the rest of the land containing wetlands. The plat will create two lots. Lot 1 will be 0.73-acres and Lot 2 will be 15.12-acres. Jose reported that this plat falls within the Joint Jurisdictional Zoning Area. Jose reported that the plat was first reviewed by the County's Planning Commission which was completed with a recommendation for approval at their January 29, 2019 meeting. Jose stated that the City Council can either approve or disapprove the plat. Jose reported that the City Council and the County Commissioners, at a joint meeting on December 3, 2018, granted Mr. Groh a variance to have a smaller lot than allowed by ordinance. Jose reported that staff finds that the final plat meets ordinance requirements and recommends approval. Discussion followed on the proposed plat.

45-19

After reading the same once, Alderman Ward moved approval of the following plat:

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Lots 1 and 2, Groh Addition, in the NW ¼ of the NE ¼ of Section 20, T92N, R51W of the 5th P.M., Clay County, South Dakota for approval.

BE IT RESOLVED that the attached and foregoing plat has been submitted to and a report and recommendations thereon made by the Clay County Planning Commission to the City Council of Vermillion which has approved the same.

BE IT ALSO RESOLVED that access shall be granted to the lot in accordance with the City of Vermillion street access and driveway approach policy, which requires an application permit.

BE IT FURTHER RESOLVED that the attached and foregoing plat has been submitted to the Governing Body of the City of Vermillion which has examined the same, and it appears that the systems of streets and alleys set forth therein conforms to the system of streets and alleys of the existing plat of such city, and that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid

and that such plat and survey thereof have been executed according to law, and the same is hereby accordingly approved.

The motion was seconded by Alderman Humphrey. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 members voted in favor of and 1 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

D. Report of the Labor and Finance Committee on making a contribution to the State Special Olympics Summer Games

John Prescott, City Manager, reported that the Labor and Finance Committee met February 4, 2019 to discuss the Special Olympics State Summer Games funding request. John reported that the committee is recommending that the City Council consider a \$2,500 contribution to the summer games. John stated that he would recommend that the funding come from the BBB Sales Tax Fund. John noted that action cannot be taken on a committee report at the meeting the report is made. Discussion followed.

46-19

Alderman Sorensen moved to accept the report of the Labor and Finance Committee on the Special Olympics Summer Games funding request and include the recommendation on a future Council meeting. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

E. Resolution authorizing the purchase of one Police vehicle and three pickup trucks

Jose Dominguez, City Engineer, stated the 2019 Equipment Replacement Fund included the replacement of the following vehicles: 2004  $\frac{3}{4}$  ton flatbed pickup, 2003  $\frac{3}{4}$  ton pickup, 2016 Ford Interceptor Police SUV and 2001 1 ton flatbed pickup. Jose reported that staff compared prices acquired from Sourcewell and state bids with similar vehicles from Vermillion Ford and Jerry's Chevrolet. Jose reviewed the chart of price comparisons. Jose recommended approving the Resolution to purchase the following vehicles from Vermillion Ford: two 2019-Ford Super Duty F-350 SRW for \$59,756, a 2019-Ford Interceptor SUV for \$35,695, and a 2019-Ford F-550 for \$41,675. Discussion followed.

47-19

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

RESOLUTION AUTHORIZING THE PURCHASE OF

THREE PICKUP TRUCKS AND ONE POLICE VEHICLE

WHEREAS, SDCL 5-18A-37 authorizes a governmental entity to enter into agreements with purchasing agents in any other state for purchases under a joint agreement or contract at the accepted bid price and the concurrence of said bidder; and

WHEREAS, the City of Vermillion has reviewed and determined that the lowest bid awarded by Sourcewell for two 1-ton pickup trucks is in the total amount of \$62,946 which offers an advantageous price to the City for said item; and

WHEREAS, the City has contacted Vermillion Ford of Vermillion and they have agreed to sell the same vehicles offered through Sourcewell at the lower price of \$59,756; and

WHEREAS, the City of Vermillion has also reviewed and determined that the lowest bid awarded to the State of South Dakota for a police interceptor and a 1-ton 4x4 pickup truck for a total amount of \$77,497; and

WHEREAS, the City has contacted Vermillion Ford of Vermillion and they have agreed to sell the same vehicles offered through the State of South Dakota at the lower price of \$77,370.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to purchase two 2019 Ford Super Duty F-350 SRW, a 2019 Ford Interceptor SUV and a 2019 Ford F-550 4x4 from Vermillion Ford of Vermillion, South Dakota at the above stated price of \$137,126.

Dated at Vermillion, South Dakota this 19th day of February, 2019.

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

ATTEST:

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

The motion was seconded by Alderman Sorensen. 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 Powell declared that the Resolution was adopted.

F. Resolution authorizing the purchase of a trailer for the Parks and Recreation Department

Jose Dominguez, City Engineer, stated that the 2019 Equipment Replacement Fund included the purchase a dump trailer for the Parks and Recreation Department. Jose noted that this would be a new piece of equipment that would be used instead of the dump body on one of the pickup trucks being replaced this year. Jose noted that this piece of equipment is under the bid law limit but staff requested a quote from a couple of possible providers with only one quote received. Jose reported that the quote from Yankton Trailers, from Yankton, SD was for a 76"x10' dump trailer for \$5,530. Jose noted that included in the 2019 budget was a transfer from second penny sales tax of \$8,000 to the equipment replacement fund for this purchase and as the purchase was under budget not all funds would need to be transferred. Jose recommended approving the resolution to purchase the 76"x10' dump trailer for \$5,530 from Yankton Trailers. Discussion followed.

48-19

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

RESOLUTION AUTHORIZING THE PURCHASE  
OF A DUMP TRAILER

WHEREAS, SDCL 5-18A-22 (19) exempts a governmental entity from any requirements found in chapters 5-18A through 5-18D when purchasing equipment costing less than \$50,000; and

WHEREAS, the City of Vermillion has reviewed and determined that the lowest quote received was from Yankton Trailer, Yankton, SD for a 76"x10' dump trailer in the total amount of \$5,530 which offers an advantageous price to the City for said item.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to purchase a 76"x10' dump trailer from Yankton Trailers of Yankton, South Dakota at the above stated price of \$5,530.

Dated at Vermillion, South Dakota this 19th day of February, 2019.

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



ATTEST:

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

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

G. Agreement for Professional Services with Helms and Associates for Hangar Taxi-lanes Rehabilitation Design Project

Jose Dominguez, City Engineer, reported the latest capital improvement plan for the airport shows that during the 2019 year the City would start the design for the hangar taxi-lane rehabilitation. Jose reported that the agreement with Helms & Associates is for the rehabilitation of the hangar taxi-lanes located at the airport. Jose reported that the actual work to rehabilitate the hangar taxi-lanes would start in 2019 and be completed in 2020. Jose stated that the agreement for design is estimated to cost \$46,703.92 of which 90% will be reimbursed by a federal grant and 5% will be reimbursed by a state grant for a net cost to the City of less than \$2,400. Jose recommended approval of the professional services agreement. Discussion followed on the grant funding amounts.

49-19

Alderman Ward moved approval of the Agreement for Professional Services with Helms and Associates for Airport Project Number AIP 3-46-0056-13-2019 so that the City can start the design process to rehabilitate the hangar taxi-lanes. Alderman Humphrey seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

H. Agency Agreement between the State of South Dakota Department of Transportation and the City of Vermillion for Airport Improvements

Jose Dominguez, City Engineer, reported that State law requires that all federal funding for airports go through the South Dakota Department of Transportation (SDDOT) before being distributed to the City. Jose reported that neither the City, nor the State, has a copy of the last signed agreement but the SDDOT estimates it was decades ago. Jose reported that currently the City is responsible to pay for the entire costs of projects completed at the airport. Jose stated that this agreement allows the State to reimburse the City for a large portion of the cost. Jose reported that currently the reimbursement rate is 90% from the Federal government, 5% from the State and the remaining 5% is the City's responsibility. Jose reported that this agreement does not

pin down the reimbursement rates, but make reimbursement possible as long as certain criteria are met. Jose noted that, even though this agreement is very general in nature, the City would still be required to enter into a separate agreement with the SDDOT for each particular airport project. Jose noted that when entering into the separate agreements, the financial responsibilities for the City, State and Federal governments will be written out. Jose recommended authorizing the Mayor to sign the agreement with the SDDOT.

50-19

Alderman Holland moved approval Agency Agreement between the SDDOT and the City of Vermillion for Airport Improvements and authorized the Mayor to sign. Alderman Hellwege seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

#### I. Renewal of Janitorial Services for City of Vermillion Facilities

Jose Dominguez, City Engineer, reported that since late February 2017 the City has contracted with Service Masters of Southeast South Dakota, from Yankton, to perform janitorial services on several City owned buildings. Jose stated that the original contract signed on February 6, 2017 allows for two one-year additional renewals and this would be the second, and last, one-year renewal. Jose reported that this year it was agreed to include a few changes to the new contract. The largest change would be the removal of the Vermillion Fire and EMS Station 1 from the list of buildings to be cleaned, with the exception of the stripping and waxing the floors in parts of the building. Jose stated that the new price from Service Masters is for \$40,146.20 which is \$12,356.80 less than the previous contract. Jose recommended approval of the renewal contract. Discussion followed.

51-19

Alderman Willson moved approval of the renewal of the janitorial services contract with Service Masters of Southeast South Dakota in the amount of \$40,146.20. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Alderman Ward requested to be excused at 7:39 p.m.

#### J. Agreement with SECOG to administer South Dakota Housing Development Authority grant for SD Housing Development Authority Housing Opportunity Funds for mobile home renovation

John Prescott, City Manager, reported that in October 2018 the City applied for Housing Opportunity Funds awarded through the South Dakota Housing Development Authority. John stated that the grant application was for \$60,000 of funding to assist residents with improvements to

mobile homes and \$6,000 for administration of the grant. John reported that the City received notice in December that the \$66,000 grant award was approved. John noted that Cottage Villa residents will have the first opportunity to utilize up to \$5,000 of grant funding per household to assist with expenses related to placement of their mobile home unit at another mobile home park in the city limits. John noted that per the grant award, other mobile home units in the community will be able to access the funding for health and safety improvements after July 31, 2019. John stated that the grant agreement designates SECOG to perform administrative functions such as verify the eligibility of grant fund recipients, provide periodic reports to the SD Housing Development Authority, process payments, grant closeout work, and other related functions. John noted that there is no match required for the \$6,000 of administration funding while the \$60,000 of grant award funding will require a match of in-kind and/or cash funding. John recommended approval of the grant administration agreement with SECOG. Discussion followed on the matching requirement for the grant.

52-19

Alderman Sorensen moved approval of the Agreement with SECOG to administer the South Dakota Housing Development Authority grant for SD Housing Development Authority Housing Opportunity Funds for mobile home renovation in the amount of \$6,000. Alderman Hellwege seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

#### K. Resolution authorizing the purchase of Landfill bale bags

Jose Dominguez, City Engineer, reported that the Solid Waste Department uses landfill bale bags in its daily operations at the landfill. Jose stated that the landfill baler compresses the solid waste and slides them into the bale bags before the baled waste is transported to the landfill cell for final disposal. Jose stated that less than a year ago the City purchased 18,000 bale bags from Global Packaging Solutions, LLC (GPS) for \$54,900. Jose noted that the City has had issues with some of the bale bags not fitting the baler chute properly, some of the bags may rip, or the bags may not close properly. Jose noted that staff has been in constant contact with GPS regarding these issues with the existing bale bags. Jose reported that GPS has agreed to credit the City for a third of the bale bags bought in 2018 if the City agrees to purchase bags from them in 2019. Jose stated that, after review, staff believes that purchasing the bale bags from GPS would be the best option for the City with the new order being for 18,000 bale bags for \$36,600 net after the credit of \$18,300 for the defective bags received in 2018. It should be mentioned that all of the bags, for any of the four possible suppliers in the nation, are manufactured overseas. Jose reviewed the issues with the bale bag industry noting that GPS has

reassured us that they have addressed the quality issues. Jose noted that SDCL 5-18A-22 (3) allows the City to purchase from a bid awarded within 12-month of the date of the new order. Jose recommended approval of the resolution to purchase bale bags. Discussion followed on the purchase price with the credit.

53-19

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

RESOLUTION AUTHORIZING THE PURCHASE OF  
LANDFILL BALE BAGS

WHEREAS, SDCL 5-18A-22 (3) allows for any purchase of supplies, or services, other than professional services, by purchasing agencies from any active contract that has been awarded by any government entity by competitive sealed bids or competitive sealed proposals or from any contract that was competitively solicited and awarded with the previous twelve months; and

WHEREAS, the City of Vermillion has reviewed and determined that the 2018 awarded bid of \$54,900 for 18,000 landfill bale bags from Global Packaging Solutions, LLC, from New York, is an attractive bid; and

WHEREAS, the City of Vermillion would be receiving a credit for \$18,300 on the 2019 order of bale bags due to a number of issues with the 2018 bale bags received from Global Packaging Solutions, LLC, in 2018; and

WHEREAS, after applying the credit of \$18,300 to the \$54,900 the City would only be paying \$36,600 for 18,000 bale bags.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to purchase 18,000 bale bags from Global Packaging Solutions, LLC, from Valley Stream, New York, at the above stated price of \$36,600.

Dated at Vermillion, South Dakota this 19th day of February, 2019.

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

ATTEST:

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

The motion was seconded by Alderman Willson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reminded citizens that snow is to be removed from the sidewalk within 24 hours after the end of a snow event.

B. John reminded citizens that Kidder Street will be closed from Court Street west to the north - south alley between Court and Market Streets on Saturday, February 23rd from 11:00 a.m. to 6:00 p.m. for the Polar Plunge.

C. John reported that there is an opening on the Planning Commission with a term that runs through June 2022. Expression of Interest forms are due by Noon on Wednesday, March 13, 2019 in anticipate that the City Council will make an appointment at the March 18th meeting.

PAYROLL ADDITIONS AND CHANGES

Ambulance: Aaron Fest \$12.20/hr-\$12.20/training hr-\$18.30/holiday hr;  
Recreation: Ryan Sevening \$9.75/hr; Parks: Chris White \$9.50/hr;  
Communications: Kristen Namanny \$16.58/hr; Solid Waste: Tim Taggart \$28.44/hr

11. Invoices Payable

54-19

Alderman Willson moved approval of the following invoices:

AT&T Mobility	library hot spots	442.70
Broadcaster Press	advertising	458.50
Brunick's Service Inc	fuel	4,691.40
Buhl's Cleaners	mat/mop svc	576.96
Bureau Of Administration	telephone	175.02
Campbell Supply	supplies	214.47
Cask & Cork	merchandise	522.00
Centurylink	telephone	1,584.87
Clay Rural Water System	water usage	48.90
Clay-Union Electric Corp	electricity	2,073.40
Dakota Beverage	merchandise	7,358.18

Global Dist.	merchandise	136.00
Gregg Peters	managers fee	6,000.00
Hauger Lawn Service	cleanup	45.00
Intoximeters	supplies	1,950.00
John A Conkling Dist.	merchandise	3,458.75
Johnson Brothers Of SD	merchandise	10,909.13
Jones Food Center	supplies	108.42
Jose Dominguez	meals reimbursement	26.00
Loren Fischer Disposal	haul cardboard	1,150.00
Matheson Tri-Gas, Inc	cylinder rental	52.71
MidAmerican	gas usage	12,025.87
Midcontinent Communication	internet/cable service	746.57
Republic National Distributing	merchandise	11,387.02
Reserve Account	postage for meter	900.00
SD DENR	landfill operations fee	3,041.14
Shane Griese	meals reimbursement	28.00
Southern Glazer's Of SD	merchandise	1,189.26
Staples Business Credit	supplies	1,400.65
Stern Oil Co.	fuel	6,412.39
Sturdevants Auto Parts	parts	74.27
Thein Well	pump well repairs	32,835.44
United Parcel Service	shipping	57.49
Us Postmaster	postage for utility bills	1,050.00
Vermillion Ace Hardware	supplies	89.78
Vermillion Chamber Of Commerce	business imp district	815.36
Davis Pharmacy	Bright Energy Rebate	1,588.68
Quality Motors	Bright Energy Rebate	540.00

Alderman Price seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

12. Consensus Agenda - None

13. Executive Session - Contractual Matter

55-19

Alderman Price moved to go into Executive Session for contractual matters at 7:45 p.m. Alderman Humphrey seconded the motion. Motion carried 7 to 0. Mayor Powell declared the council in executive session.

Mayor Powell declared the meeting out of Executive Session at 8:12 p.m.

14. Adjourn

56-19

Alderman Sorensen moved to adjourn the Council Meeting at 8:13 p.m. Alderman Price seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 19th day of February, 2019.

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

ATTEST:

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

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