

Unapproved Minutes  
Council Special Session  
March 21, 2022  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, March 21, 2022, at 12:00 noon at the John "Jack" Powell Conference Room.

1. Roll Call

Present: Hellwege, Humphrey, Jennewein, Letellier, Price, Mayor Collier-Wise

Absent: Holland, Ward

2. Adoption of Agenda

76-22

Council Member Price moved approval of the agenda. Council Member Jennewein seconded the motion. Motion carried 6 to 0. Mayor Collier-Wise declared the motion adopted.

3. Visitors to be Heard - None

4. Educational Session - Review of proposed Law Enforcement Center cost of construction information- John Prescott

John Prescott, City Manager, reported on the proposed costs for the Law Enforcement Center. John noted that the current agreement for the existing Law Enforcement Center was enacted in 1988 and has a term of 99 years. John noted that the City owns the Police Department space plus 10 feet to the north, east and west of the portion on Washington Street. John broke the current County conceptual cost model down to what the City office space would be for a total of 11,425 square feet with a garage of 7900 square feet which is split 50/50. John noted that the shared spaces will be split 50/50 and the City share is approximately 30% for the rest of the construction for a total of \$9,018,447. John reviewed funding options for the City along with our current debt obligations. John proposed questions for the Council to consider for the project.

Mayor Collier-Wise asked Sherriff Howe if he could present numbers of the current cost of transportation and housing for the County moving inmates to different locations. Council Member Hellwege voiced concern that not enough information is available to the constituents and worries that this bond might not pass if false information is circulated. Discussion followed on the Law Enforcement Center.

5. Briefing on the March 21, 2022 City Council Regular Meeting

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

6. Adjourn

77-22

Council Member Price moved to adjourn the Council special session at 1:13 p.m. Council Member Jennewein seconded the motion. Motion carried 6 to 0. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 21st day of March, 2022.

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

ATTEST:

BY \_\_\_\_\_  
Katie E Redden, Finance Officer

Unapproved Minutes  
City Council Regular Session  
March 21, 2022  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on March 21, 2022 at 7:00 p.m. by Mayor Collier-Wise.

1. Roll Call

Present: Hellwege, Humphrey, Jennewein, Letellier, Price, Ward, Mayor Collier-Wise

Absent: Holland

2. Pledge of Allegiance

3. Minutes

A. Minutes of March 7, 2022, Special Session; March 7, 2022, Regular Session; and March 8, 2022 Joint Meeting with Clay County.

78-22

Council Member Humphrey moved approval of the March 7, 2022, Special Session; March 7, 2022, Regular Session; and March 8, 2022 Joint Meeting with Clay County. Council Member Ward seconded the motion. Motion carried 7 to 0. Mayor Collier-Wise declared the motion adopted.

#### 4. Adoption of Agenda

79-22

Council Member Price moved approval of the agenda. Council Member Ward seconded the motion. Motion carried 7 to 0. Mayor Collier-Wise declared the motion adopted.

#### 5. Visitors to be Heard

##### A. Intellectual & Developmental Disabilities Awareness Month Proclamation

Council Member Price read the proclamation for Intellectual & Developmental Disabilities Awareness Month encouraging all citizens to support opportunities for individuals with intellectual and developmental disabilities in our community. Mayor Collier-Wise presented the proclamation to James Brown a member of People First, a self-advocacy group.

James Brown thanked the city for presenting this proclamation and thanked his team along with DSP for their help.

Joe Barth, People First Advisor, thanked everyone who helped make this possible. Joe especially thanked DSP with Sesdac as they have faced incredible hardship, the USD Special Olympics Club, Council for Exceptional Children, Benchmark Service Coordinators, and Emily Aus the Director of Services. Joe also shared stories of people he has supported and his involvement with the University to include people with disabilities.

#### 6. Public Hearings

##### A. Application for Funding from the South Dakota DANR for financial assistance for the Tom Street Lift Station Project

Katie Redden, Finance Officer, reported that the 2023 budget will include funding for the Tom Street Lift Station improvements. Katie noted that, to assist with funding these projects, the city is applying for grants

and loans in addition to using City reserve funds. Katie stated that the South Eastern Council of Governments (SECOG) is assisting the City with the water plan application and grant/loan application. Katie noted that the first step was to have the project placed on the Department of Agriculture and Natural Resources (DANR) State Water Plan, which was approved by the DANR Board in November of 2020. Katie stated that the grant/loan application is due by March 31, 2022 for consideration at the next DANR Board meeting. Katie noted that the Tom Street Lift Station improvements will include relocation and full replacement of the lift station, wet well, and all associated equipment. Katie stated that a combination of American Rescue Plan Act allocations, SRF loan, and local reserves will be used to fund the application.

Sophie Johnson, with SECOG, asked the Council to approve a funding application for a combination of grant and loan assistance for the Tom Street Lift Station. Sophie mentioned that the project would cost approximately \$1,075,000 and the City would like to contribute part of the ARPA with hopes that the State will match funding.

80-22

Council Member Hellwege moved approval of the Application for Funding from the South Dakota DANR for financial assistance for the Tom Street Lift Station Project. Council Member Price seconded the motion. Motion carried 7 to 0. Mayor Collier-Wise declared the motion adopted.

B. Medical Cannabis Dispensary License for Dakota Natural Growers, Inc. at 907 N. Norbeck Street

Katie Redden, Finance Officer, reported on an application received for a Medical Cannabis Dispensary License from Dakota Natural Growers at 907 N. Norbeck Street. Katie noted that the notice of hearing is included in the packet. Katie stated that the City Medical Cannabis Dispensary License is for one calendar year and expires December 31, 2022. Katie noted that Dakota Natural Growers already has a City Medical Cannabis Cultivation License for calendar year 2022. Katie stated that Dakota Natural Growers has provided all necessary information and staff have reviewed the application. Katie stated that the Police Chief's report noted that the background checks have come back from the DCI and FBI and the eight (8) applicants did not have any disqualifying felony charges per City Ordinance or State Statute. Katie noted that Dakota Natural Growers will also have to apply for a State license and be approved before they can operate their dispensary in the State of South Dakota.

81-22

Council Member Ward moved approval of the Medical Cannabis Dispensary License for Dakota Natural Growers, Inc. at 907 N. Norbeck Street.

Council Member Hellwege seconded the motion. Motion carried 7 to 0. Mayor Collier-Wise declared the motion adopted.

#### C. Medical Cannabis Dispensary License for Dakota Herb, LLC at 112 E Main Street

Katie Redden, Finance Officer, reported on an application received for a Medical Cannabis Dispensary License from Dakota Herb, LLC for 112 E Main Street. Katie noted that the Medical Cannabis Dispensary License is for one calendar year and would expire December 31, 2022. Katie stated that Dakota Herb, LLC has provided all necessary information and staff have reviewed the application. Katie stated that the Medical Cannabis Dispensary License will allow dispensing of medical cannabis within City limits.

Katie stated that the Police Chief's report noted that two of the four background checks have come back from the DCI, none have come back from the FBI. Katie stated that two (2) applicants did not have any disqualifying felony charges per City Ordinance or State Statute.

Katie stated that Dakota Herb, LLC will also have to apply for a State license and be approved before they can operate their dispensary in the State of South Dakota.

82-22

Council Member Price moved approval of the Medical Cannabis Dispensary License for Dakota Herb, LLC at 112 E. Main Street contingent that all background checks come back with no disqualifying felonies. Council Member Humphrey seconded the motion. Motion carried 7 to 0. Mayor Collier-Wise declared the motion adopted.

#### 7. Old Business

A. Second reading of Ordinance 1457 amending Title XV, Land Usage; Chapter 155, Zoning Regulations; Section 155.008, Definitions, to amend the Term "Kennel"

Jose Dominguez, City Engineer, reported on the second reading of Ordinance No. 1457. Jose stated that, in November 2021, the City received a request for the construction of a kennel within the GB General Business District. Jose noted that when staff reviewed the zoning ordinance to ensure that the use was allowed, it was discovered that "kennels" are not allowed within General Business Zoning District as a stand-alone use. Jose noted that the only way a "kennel" is allowed is in conjunction with veterinary clinics. Jose stated that the Planning and Zoning Commission (Commission) meeting on February 14, 2022 addressed the issue and staff was directed to commence City initiated zoning amendments. Jose

noted that the zoning amendments would modify the definition of the word "kennel" and would place "kennels" as conditional uses in the GI General Industrial and GB General Business Districts.

Jose noted that the current Zoning Ordinance was adopted in 2019 which amended the 2008 zoning ordinance. Jose stated that, in the 2008 ordinance, "kennels" were a conditional use in the GB General Business District and required that "kennels" be no closer than 1,000-feet to residential uses. Jose noted that the separation distance was reduced in 2012 from 1,000-feet to 150-feet and the latest adoption of the zoning ordinance does not include "kennels" as a stand-alone use. Jose noted that staff was not able to find any reference regarding the removal of the use within any Commission or City Council minutes.

Jose noted that, at the February 28, 2022 Planning and Zoning Commission meeting, staff proposed that the definition of "kennel" be amended with a new sentence that would read "Animals may be kept for a month at a time." Jose noted that, at the public hearing, the Commission amended Staff's proposal to read "Animals may be kept for a maximum of 30 days at a time." Jose stated that the Commission recommended unanimously that the City Council approve the amendment to the definition of "kennel" as proposed by the Commission. Jose noted that first reading was read at the March 7, 2022 meeting and no changes have been made since that reading.

83-22

Second reading of title to Ordinance No. 1457, entitled amending Title XV, Land Usage; Chapter 155, Zoning Regulations; Section 155.008, Definitions, to amend the Term "Kennel" for the City of Vermillion, South Dakota

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1457 entitled amending Title XV, Land Usage; Chapter 155, Zoning Regulations; Section 155.008, Definitions, to amend the Term "Kennel" 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 7th day of March, 2022 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 21st day of March, 2022 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 1457

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV, LAND USAGE, CHAPTER 155, ZONING REGULATIONS, SECTION 155.008, DEFINITIONS, AMENDING THE TERM "KENNEL".

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the following section of Chapter 155 be amended by adding to the following verbiage to the existing definition of "KENNEL". All other portions of section 155.008 will remain as they are. Following is the amendment:

§155.008 Definitions.

Kennel. Any premise, or portion thereof, where dogs, cats, and other household pets are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale. Animals may be kept for a maximum of 30 days at a time.

Dated at Vermillion, South Dakota this 21st day of March 2022.

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

ATTEST:

BY \_\_\_\_\_  
Katie E. Redden, Finance Officer

Adoption of the Ordinance was seconded by Council Member Ward. 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, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Mayor Collier-Wise-Y.

Motion carried 7 to 0. Mayor Collier-Wise declared that the Ordinance has been adopted and directed publication thereof as required by law.

B. Second reading of Ordinance 1459 amending Title XV, Land Usage; Chapter 155, Zoning Regulations; Section 155.037, GB General Business District, subset (B) Conditional Uses, to Include "Kennel" as a Conditional Use

Jose Dominguez, City Engineer, reported on the second reading of Ordinance No. 1459. Jose stated that, in November 2021, the City received a request for the construction of a kennel within the GB General Business District. Jose noted that when staff reviewed the zoning ordinance to

ensure that the use was allowed, it was discovered that "kennels" are not allowed within General Business zoning district as a stand-alone use. Jose noted that the only way a "kennel" is allowed is in conjunction with veterinary clinics. Jose stated that the Planning and Zoning Commission (Commission) meeting on February 14, 2022 addressed the issue and staff was directed to commence City initiated zoning amendments. Jose noted that the zoning amendments would modify the definition of the word "kennel" and would place "kennels" as conditional uses in the GI General Industrial and GB General Business Districts.

Jose noted that the current Zoning Ordinance was adopted in 2019 which amended the 2008 zoning ordinance. Jose stated that, in the 2008 ordinance, "kennels" were a conditional use in the GB General Business District and required that "kennels" be no closer than 1,000-feet to residential uses. Jose noted that the separation distance was reduced in 2012 from 1,000-feet to 150-feet and the latest adoption of the zoning ordinance does not include "kennels" as a stand-alone use. Jose noted that staff was not able to find any reference regarding the removal of the use within any Commission or City Council minutes.

Jose noted that this amendment is Staff's proposal to place kennels as a conditional use in the GB General Business District. Jose noted that, besides allowing kennels as conditional uses, the amendment will also require that kennels be at least 150-feet away from residential districts and this would be measured from building to building. Jose stated that it should be noted that "Small Animal Veterinarians" are also a conditional use within the General Business District which this use also includes kenneling, and they also have the same distance restriction.

Jose stated that the Planning and Zoning Commission considered this item at their February 28, 2022 meeting and the Commission unanimously recommended that the City Council adopt the ordinance as presented. Jose noted that first reading was read at the March 7, 2022 meeting and no changes have been made since that reading.

84-22

Second reading of title to Ordinance No. 1459, entitled amending Title XV, Land Usage; Chapter 155, Zoning Regulations; Section 155.037, GB General Business District, subset (B) Conditional Uses, to Include "Kennel" as a Conditional Use for the City of Vermillion, South Dakota

Mayor Collier-Wise read the title to the above-named Ordinance, and Council Member 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. 1459 entitled amending Title XV, Land Usage; Chapter 155, Zoning Regulations; Section 155.037, GB General



Business District, subset (B) Conditional Uses, to Include "Kennel" as a Conditional Use 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 7th day of March, 2022 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 21st day of March, 2022 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 1459

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV, LAND USAGE; CHAPTER 155, ZONING REGULATIONS; SECTION 155.037, GB GENERAL BUSINESS DISTRICT, (B) CONDITIONAL USES, TO INCLUDE "KENNEL" AS A CONDITIONAL USE.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the following section of Chapter 155 be amended by including "Kennel" use as a conditional use. All other portions of section 155.037 (B) will remain as they are. Following is the amendment:

§155.037 GB GENERAL BUSINESS DISTRICT

(B) CONDITIONAL USES.

Conditional Use	Applicable Standards
Kennel	Located 150 feet from residential district area. (measured from the closest point of the outside walls of both structures)  §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)

Dated at Vermillion, South Dakota this 21st day of March, 2022.

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

ATTEST:  
 BY \_\_\_\_\_  
 Katie E. Redden, Finance Officer

Adoption of the Ordinance was seconded by Council Member Jennewein. 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, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Mayor Collier-Wise-Y.

Motion carried 7 to 0. Mayor Collier-Wise declared that the Ordinance has been adopted and directed publication thereof as required by law.

C. Second reading of Ordinance 1458 amending Title XV, Land Usage; Chapter 155, Zoning Regulations; Section 155.039, GI General Industrial District, subset (B) Conditional Uses, to Include "Kennel" as a Conditional Use

Jose Dominguez, City Engineer, reported on the second reading of Ordinance No. 1458. Jose stated that, in November 2021, the City received a request for the construction of a kennel within the GB General Business District. Jose noted that when staff reviewed the zoning ordinance to ensure that the use was allowed, it was discovered that "kennels" are not allowed within General Business Zoning District as a stand-alone use. Jose noted that the only way a "kennel" is allowed is in conjunction with veterinary clinics. Jose stated that the Planning and Zoning Commission (Commission) meeting on February 14, 2022 addressed the issue and staff was directed to commence City initiated zoning amendments. Jose noted that the zoning amendments would modify the definition of the word "kennel" and would place "kennels" as conditional uses in the GI General Industrial and GB General Business Districts.

Jose noted that the current Zoning Ordinance was adopted in 2019 which amended the 2008 zoning ordinance. Jose stated that, in the 2008 ordinance, "kennels" were a conditional use in the GB General Business District and required that "kennels" be no closer than 1,000-feet to residential uses. Jose noted that the separation distance was reduced in 2012 from 1,000-feet to 150-feet and the latest adoption of the zoning ordinance does not include "kennels" as a stand-alone use. Jose noted that staff was not able to find any reference regarding the removal of the use within any Commission or City Council minutes.

Jose noted that this amendment is Staff's proposal to place kennels as a conditional use in the GI General Industrial District. Jose noted that placing the use in this district, in addition to the GB General Business District, will increase the locations where a possible kenneling business may operate. Jose stated that, besides allowing kennels as conditional uses, the amendment will also require that kennels be at least 150-feet away from residential districts and would be measured from building to building.

Jose stated that the Planning and Zoning Commission considered this item at their February 28, 2022 meeting and the Commission unanimously recommended that the City Council adopt the ordinance as presented. Jose noted that first reading was read at the March 7, 2022 meeting and no changes have been made since that reading.

85-22

Second reading of Ordinance No. 1458, amending Title XV, Land Usage; Chapter 155, Zoning Regulations; Section 155.039, GI General Industrial District, subset (B) Conditional Uses, to Include "Kennel" as a Conditional Use

Mayor Collier-Wise read the title to the above-named Ordinance, and Council Member Ward moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1458 entitled amending Title XV, Land Usage; Chapter 155, Zoning Regulations; Section 155.039, GI General Industrial District, subset (B) Conditional Uses, to Include "Kennel" as a Conditional Use 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 7th day of March, 2022 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 21st day of March, 2022 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 1458

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV, LAND USAGE, CHAPTER 155, ZONING REGULATIONS, SECTION 155.039, GI GENERAL INDUSTRIAL DISTRICT, (B) CONDITIONAL USES, TO INCLUDE "KENNEL" AS A CONDITIONAL USE.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the following section of Chapter 155 be amended by including "Kennel" as a conditional use. All other portions of section 155.039 (B) will remain as they are. Following is the amendment:

§155.039 GI GENERAL INDUSTRIAL DISTRICT

(B) CONDITIONAL USES.

Conditional Use	Applicable Standards
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Kennel	<p>Located 150 feet from residential district area. (measured from the closest point of the outside walls of both structures)</p> <p> §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)</p>
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Dated at Vermillion, South Dakota this 21st day of March 2022.

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

ATTEST:  
BY \_\_\_\_\_  
Katie E. Redden, Finance Officer

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

Motion carried 7 to 0. Mayor Collier-Wise declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. First Reading of Proposed Ordinance 1460 Amending Title XI, Business Regulations; Chapter 114, Transportation Network Drivers and Companies; Sections 114.02 and 114.06 Amending the Taxicab License/Application Requirements and Requiring a Rate Card

Stone Conley, Assistant to the City Manager, reported on Ordinance No. 1460 amending the taxicab License/Application requirements. Stone noted that, at the April 5, 2021 noon meeting, the City Council reviewed some proposed changes to the current Transportation Network Company (TNC) and Taxi regulations. Stone stated that during this meeting the City Council provided direction on this topic. Stone noted that, at the March 7, 2022 noon meeting, the City Council reviewed the proposed changes to TNC and Taxicab regulations and expressed interest in moving the item forward. Stone noted that the current Taxi regulation was originally implemented in 1975 and last amended in 2019 to add TNCs. Stone stated that this proposed amendment in the regulations of TNC and Taxi businesses would modify requirements for owners, operators, agents, and employees. Stone noted that these requirements address of the storage location of all

fleet vehicles and, if the location ceases use, the company must notify the City within five business days. Stone stated that a signed DCI and FBI statement alongside background checks ensuring that none of those in the application were convicted of any state or municipal driving or vehicle-related petty offense or class 2 misdemeanor violations within the last three (3) years, or convicted of any class 1 misdemeanor or felony or non-driving municipal ordinance within the last seven (7) years, the nature of the offense(s), and the punishment or penalty assessed therefor must be provided to the City. Stone noted that it would also be required for all new employees hired after the initial licensing installation to submit to FBI and DCI background checks. Stone stated that each taxicab vehicle will have to keep a daily log listing date, time, trip origination address, and trip destination address and be available for inspection upon request from the City and must be maintained for the period of one year.

86-22

Mayor Collier-Wise read the title to the above-mentioned Ordinance and Council Member Hellwege moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1460 entitled Amending Title XI, Business Regulations; Chapter 114, Transportation Network Drivers and Companies; Sections 114.02 and 114.06 Amending the Taxicab License/Application Requirements and Requiring a Rate Card of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 21st day of March, 2022 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Council Member Ward. After discussion the question of adoption of the Resolution was put to a vote of the Governing Body and 7 members voted in favor of and 0 members voted in opposition to the motion. Mayor Collier-Wise declared the motion adopted.

B. First reading of Proposed Ordinance 1461 Amending Title VII, Traffic Code; Chapter 70, General Traffic and Parking Regulations, Section 70.072, Prohibited in Certain Places, Adding End of Driveway Parking

Stone Conley, Assistant to the City Manager, reported on Ordinance No. 1461 to amend general traffic and parking regulations to include end of driveway parking. Stone noted that, at the January 18, 2022 and March 7, 2022 noon meeting, the City Council learned more regarding end of driveway parking. Stone stated that Staff was then directed to create a proposed ordinance utilizing the newly described language. Stone noted that the current parking regulations were adopted in 1975 and last

amended on January 4, 2021. Stone stated that Section 70.072 Prohibited in Certain Places, is the section of code allowing for the City to enforce parking violations. Currently, end of driveway parking is not specifically defined or clear in the code. Stone noted that proposed Ordinance No. 1461 would amend the code clarifying necessary language to enforce offenses regarding end of driveway parking. Stone stated that this would include the three (3) feet of either side of a public or private driveway entrance or an alleyway access. Stone noted that driveway entrance is also to include the flared end or driveway return.

87-22

Mayor Collier-Wise read the title to the above-mentioned Ordinance and Council Member Ward moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1461 entitled Amending Title VII, Traffic Code; Chapter 70, General Traffic and Parking Regulations, Section 70.072, Prohibited in Certain Places, Adding End of Driveway Parking of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 21st day of March, 2022 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Council Member Humphrey. After discussion the question of adoption of the Resolution was put to a vote of the Governing Body and 7 members voted in favor of and 0 members voted in opposition to the motion. Mayor Collier-Wise declared the motion adopted.

C. Resolution authorizing application for financial assistance from the South Dakota DANR for the Tom Street Lift Station Project

Katie Redden, Finance Officer, reported on a resolution authorizing application for financial assistance for the Tom Street Lift Station. Katie noted that the 2023 budget will include the Tom Street Lift Station Improvements Project at an estimated cost of \$1,075,000. Katie stated that the project will be funded from a State Revolving Loan (SRF), ARPA Money, and City Sewer Fund reserves. Katie noted that there is a possibility that ARPA could provide an additional grant match, but the guidelines are not finalized. Katie stated that the City Council has applied to have the project included on the State Water Plan, which was approved by the Department of Agriculture and Natural Resources (DANR) in November of 2020 and earlier on this agenda held a public hearing that is required before applying to the DANR for a SRF loan.

88-21

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

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE,  
AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND  
DESIGNATING AUTHORIZED REPRESENTATIVES TO CERTIFY AND SIGN PAYMENT  
REQUESTS

WHEREAS, the City of Vermillion (City) has determined it is necessary to proceed with improvements to its sanitary sewer system, including but not limited to replacement of the Tom Street Lift Station (Project); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an Application for financial assistance to the South Dakota Board of Water and Natural Resources (Board) will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof in the Council Chambers of said City at 7:00 p.m. on the 21st day of March 2022, that the Application by the City is approved to be submitted as follows:

- A. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$1,075,000 from the Board for the Project; and
- B. The Mayor or City Manager are hereby authorized to execute the Application and submit it to the Board, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance; and
- C. The Mayor or City Manager are hereby designated as authorized representatives of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Adopted at Vermillion, South Dakota, this 21st day of March 2022.

THE GOVERNING BODY OF THE CITY OF  
VERMILLION, SOUTH DAKOTA

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

Attest:

By: \_\_\_\_\_  
Katie E. Redden, Finance Officer

The motion was seconded by Council Member Hellwege. 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 Collier-Wise declared that the Resolution was adopted.

D. Vacate Utility Easement between Lots 8 and 9, Block 6, Bliss Pointe Addition, City of Vermillion, Clay County, South Dakota

Jose Dominguez, City Engineer, reported on a utility easement to be vacated. Jose noted that, on February 23, 2022, Mart Brothers Construction applied for a conditional use permit for the construction of two attached single-family dwellings in the Bliss Pointe Addition. Jose stated that the Planning and Zoning Commission approved the conditional use permit for the construction of the two attached single-family dwellings at their March 14, 2022 meeting. Jose noted that, besides the conditional use permit process with the City's Planning and Zoning Commission, the applicant would also be required to vacate a utility easement that would be located under the new dwellings if they are constructed. Jose stated that construction of structures is not allowed to occur over utility easements or public rights-of-way. Jose stated that there is a statutory process that must be followed when vacating public rights-of-way, but, there is nothing similar for vacating utility easements. Jose noted that what the City has done in the past is to contact the utility companies to ensure that no utilities are in the easement being vacated. Jose stated that, after it is known that no utilities are present in the easement, City Council is asked to consider the vacation of the easement. Jose noted that, in this instance, the contractor is asking for the utility easement between Lots 8 and 9 of Block 6 to be vacated. Jose stated that the contractor contacted all known utilities and none of the utilities are located within the easement proposed to be vacated.

89-22

Council Member Price moved approval of the Vacate Utility Easement between Lots 8 and 9, Block 6, Bliss Pointe Addition, City of Vermillion, Clay County, South Dakota. Council Member Hellwege seconded the motion. Motion carried 7 to 0. Mayor Collier-Wise declared the motion adopted.



## E. 2021 Unaudited Annual Report

Katie Redden, Finance Officer, reviewed the 2021 Unaudited Financial Report for the City and answered questions of the City Council on the report. Katie noted that the City Council would need to acknowledge receipt of the report and a copy will be sent to the Department of Legislative Audit and the required portions will be published. Katie stated that the report will be audited by Williams & Company later this year. Discussion followed.

90-22

Council Member Price moved to accept the 2021 Unaudited Annual Report. Council Member Jennewein seconded the motion. Motion carried 7 to 0. Mayor Collier-Wise declared the motion adopted.

## F. Consolidated Board of Equalization appointments

Katie Redden, Finance Officer, reported that, as part of the Consolidated Board of Equalization agreement between the County, City and School, the City needs to appoint three members to serve on the Consolidated Board of Equalization that will meet April 12th and, if needed, another day later in April. Katie noted that the appointment should include that the remaining Council members will serve as alternates if one of the members is unable to serve. Discussion followed with Council Member Humphrey, Hellwege and Mayor Collier-Wise volunteering to serve.

91-22

Council Member Ward moved approval of the appointment of Council Member Humphrey, Hellwege and Mayor Collier-Wise to serve on the Consolidated Board of Equalization with the remaining members to serve as alternates. Council Member Hellwege seconded the motion. Motion carried 7 to 0. Mayor Collier-Wise declared the motion adopted.

## 9. Bid Openings

### A. Clean-up of Bike Trail from 12th Street to Morse Street Quote

Jose Dominguez, City Engineer, reported on a quote to clean-up the bike trail from 12th Street to Morse Street. Jose noted that, in 2010, the City had to close the bike trail from 12th Street to West Street due to the riverbank eroding after flood events. Jose noted that, since 2010, the City has been working with the State to reconstruct the portions of the trail that fell into the river. Jose stated that, with the strong possibility of the bike trail being reconstructed from Morse Street to West Street this year, Staff inspected the bike trail from 12th Street to Morse Street to evaluate the condition of the existing bike trail. Jose stated that the inspection performed by Staff was done towards the

end of 2021 and during the inspection it was found that the recent floods deposited a considerable amount of sediment on a portion of the existing bike trail. Jose noted that, additionally, the fence along the section of the bike trail has also been damaged by vegetation growth and the flood event. Jose stated that, to have a traversable trail from Cotton Park to West Street, the section of trail between 12th Street and Morse Street should be cleaned of any vegetation and sedimentation. Jose noted that staff contacted two local contractors for a quote for the removal of sediment from the bike trail, the removal of vegetation (trees mainly) from 3 feet from either side of the bike trail, and the removal of portions of the chain link fence that are blocking the bike trail. Jose stated that the two quotes were: Walker Construction for \$4,278.90 and Martinson Construction for \$9,690.

92-22

Council Member Ward moved approval of accepting the quote from Walker Construction. Council Member Price seconded the motion. Motion carried 7 to 0. Mayor Collier-Wise declared the motion adopted.

#### 10. City Manager's Report

A. John noted that the City had first reading of Ordinance No. 1423 in October 2020. This ordinance addresses the Emerald Ash Borer as it pertains to the definition of a nuisance tree, tree care, and tree removal. Second reading of the ordinance has not taken place. As the borer was recently found closer to Vermillion, we want to remind the public of the upcoming ordinance. No date for the second reading of the Ordinance has been set yet.

B. John stated that petition packets for one of the five City Council seats are available in the City Finance Office. Petitions are due by 5:00 p.m. on Tuesday, March 29, 2022. The municipal election will be on Tuesday, June 7, 2022.

C. John noted that the Tree Board meets on Wednesday, March 23, 2022 at 9:30 a.m. in the John "Jack" Powell Conference Room at City Hall.

D. John noted that Kidder Street from Court Street to Market Street will be closed this Saturday, March 26, 2022 from 9:00 a.m. to 6:00 p.m. for the Polar Plunge and Law Enforcement Torch Run.

E. John noted that the Planning Commission meets on Monday, March 28th at 5:30 p.m. in the John "Jack" Powell Conference room at City Hall. They will be considering a Final Plat of the Spady Addition.

F. John stated that spring hours for the Solid Waste Department begin in April. The Landfill and Recycling Center will each be open on the second

and fourth Saturdays of the month. The landfill will be open from 8:00 a.m. to noon and the Recycling Center will be open from 9:00 a.m. to noon. April 9th is the first Saturday these hours will be in place.

G. John stated that Household Hazardous Waste Collection will be at the Recycling Center, 840 N. Crawford Road, on Friday, April 22nd from 2:00 p.m. to 6:00 p.m. Cost is \$10 per vehicle.

PAYROLL ADDITIONS AND CHANGES

Police Admin: Melissa Schmidt \$18.30/hr; Recreation: Rebecca Worshman \$10.00/hr; Golf Maintenance: Rodney Oberle \$11.00/hr; Curbside Recycling: Jessica Lovett \$18.35/hr; Volunteer Firefighter: Kyle Moser

11. Invoices Payable

93-22

Council Member Hellwege moved approval of the following invoices:

A & B BUSINESS, INC	COPIER CONTRACT/COPIES	190.95
AMAZON BUSINESS	SUPPLIES	402.37
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	371.87
AT&T MOBILITY	MOBILE HOT SPOTS	423.81
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	8,003.00
BEAKEL SENTAYEHU	REFUND PARKING TCKT OVERPMT	5.00
BLACKSTONE PUBLISHING	BOOKS	72.24
BRIAN HAMILTON	REIMBURSEMENT OPERATOR EXAM	60.00
BRIAN SEXE	REFUND PARKING TCKT OVERPMT	5.00
BROADCASTER PRESS	ADVERTISING	1,030.27
BUHLS CLEANERS	MAT/MOP SERVICE	413.74
BUREAU OF ADMINISTRATION	TELEPHONE BILL	371.04
BURNS & MCDONNELL	PROFESSIONAL SERVICES	3,451.78
BUTCH'S PROPANE INC	PROPANE	2,877.80
BUTLER MACHINERY CO.	PARTS/REPAIRS	4,395.11
CALLAWAY GOLF	MERCHANDISE	6.47
CANNON TECHNOLOGIES, INC	PARTS	2,101.20
CARDIS FENCE & IRON CO	FENCE-BIKE PATH	4,284.00
CASK & CORK	MERCHANDISE	504.00
CENTURYLINK	TELEPHONE	1,559.41
CHAMBERLAIN OIL CO	SUPPLIES	26.56
CLAY COUNTY HIGHWAY DEPT	CRACK SEALER	2,500.00
CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,953.62
COAST TO COAST SOLUTIONS	SUPPLIES	319.48
CORE & MAIN LP	PARTS	122.20

COYOTE CHEMICAL COMPANY	TRIGGER GUN/HI-PRESSURE WAND	66.70
DAKOTA BEVERAGE	MERCHANDISE	9,043.17
DAKOTA PC WAREHOUSE	MONITOR/ADAPTER	112.98
DAKOTA RIGGERS & TOOL SUPP	INSPECTION/REPAIRS	297.27
DIAMOND VOGEL PAINTS	TRAFFIC PAINT	5,359.20
ECHO ELECTRIC SUPPLY	SUPPLIES	175.30
ELECTRONIC ENGINEERING	BATTERIES	253.65
FAST AUTO GLASS	REPAIRS	250.00
FASTENAL COMPANY	SUPPLIES	176.64
FEDEX.	SHIPPING	30.46
GLOBAL DIST.	MERCHANDISE	210.00
GLOBAL EQUIPMENT COMPANY	VACUUM BELTS	23.30
GRAHAM TIRE CO.	TIRES	414.12
GRAYMONT (WI) LLC	CHEMICALS	4,512.87
GREGG PETERS	MANAGERS FEE	6,000.00
HEINE ELECTRIC & IRRIGATION	REPAIRS	247.45
HELMS & ASSOCIATES	PROFESSIONAL SERVICES	699.41
INGRAM	BOOKS	927.60
JACKS UNIFORM & EQPT	DUTY JACKET	196.45
JESSICA LOVETT	REIMBURSEMENT	13.83
JOHN A CONKLING DIST.	MERCHANDISE	6,779.60
JOHNSEN HEATING & COOLING	REPAIRS	5,554.45
JOHNSON BROTHERS OF SD	MERCHANDISE	10,963.13
JONES FOOD CENTER	SUPPLIES	218.27
KALIN KNIEF	MEALS/MILEAGE REIMBURSEMENT	169.90
LANCE TYKWINSKI	LODGING REIMBURSEMENT	151.59
LESSMAN ELEC. SUPPLY CO	SUPPLIES	240.00
LOCATORS AND SUPPLIES, INC	SUPPLIES	484.10
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	1,200.00
LOU'S GLOVES	SUPPLIES	253.00
MALLOY ELECTRIC	PARTS	2,529.73
MART AUTO BODY & MARINE LLC	TOWING	75.00
MATHESON TRI-GAS, INC	CYLINDER RENTAL	91.75
MATTER LAW OFFICE, PROF LLC	PROFESSIONAL SERVICES	3,757.30
MC&R POOLS, INC	REGISTRATION	650.00
MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	151.20
MEREDITH BOOKS	BOOKS	35.91
MICRO MARKETING LLC	BOOKS	30.00
MIDAMERICAN	UTILITIES	18,932.90
MIDCONTINENT COMMUNICATION	INTERNET/CABLE SERVICE	1,576.74
MIDWEST ALARM CO	ANNUAL INSPECTION	342.10
MOBOTREX MOBILITY & TRAFFIC	PARTS	847.00
NAVIGATE360, LLC	REGISTRATION	749.00

NCL OF WISCONSIN, INC	SUPPLIES	572.77
NEBRASKA JOURNAL-LEADER	ADVERTISING	34.95
NETSYS+	PROFESSIONAL SERVICES/DOMAIN	2,660.50
NORTHERN TRUCK EQPT CORP	PARTS	1,595.84
O'REILLY AUTO PARTS	PARTS	268.27
PEPSI COLA OF SIOUXLAND	MERCHANDISE	2,496.75
PING/KARSTEN MFG CORP	MERCHANDISE	1,318.16
QUALITY MOTORS	REPAIRS	145.00
QUILL	SUPPLIES	360.70
REDI TOWING	TOWING	225.00
REPUBLIC NATIONAL DIST.	MERCHANDISE	6,966.30
RIVERSIDE TECHNOLOGIES, INC	MAINTENANCE	1,594.00
ROCKMOUNT RESEARCH & ALLOY	SUPPLIES	60.50
ROCO FILMS INTERNATIONAL	VIRTUAL SCREENING LICENSE	150.00
RUNNING SUPPLY, LLC	PARTS/SUPPLIES	974.72
SANFORD HEALTH OCCUPATIONAL	TESTING	623.00
SANITATION PRODUCTS INC	PARK BRAKE SOLENOID	323.42
SCANTRON CORPORATION	MAINTENANCE	1,821.00
SCHWARTZLE CONSTRUCTION LLC	DOWNTOWN STREETScape	825,201.42
SD DENR	LANDFILL OPERATIONS FEE	2,578.89
SD FEDERAL PROPERTY AGENCY	SUPPLIES	98.50
SD LIBRARY ASSOCIATION	MEMBERSHIP DUES	766.00
SD MUNICIPAL LEAGUE	REGISTRATION	286.00
SD SOLID WASTE MANAGEMENT	REGISTRATION	1,000.00
SIGN SOLUTIONS	SUPPLIES	343.18
SIOUX EQUIPMENT	FUEL LEVEL GAUGE	474.48
SOUTHERN GLAZER'S OF SD	MERCHANDISE	5,715.75
STATE INDUSTRIAL PRODUCTS	SUPPLIES	921.32
STERN OIL CO.	FUEL	20,075.94
STURDEVANTS AUTO PARTS	PARTS	462.63
SYNCB/AMAZON	BOOKS/DVDS/SUPPLIES	280.30
TAILWIND VERMILLION LLC	REFUND DUPLICATE RENTAL REG	1,815.00
TARGET SOLUTIONS LEARNING	MEMBERSHIP/MAINTENANCE FEE	7,116.92
TASTE OF HOME BOOKS	BOOK	35.98
TAYLOR MADE	MERCHANDISE	144.86
THE LUMBERYARD LLC	BLOCKS	587.20
THREAD & INK	SHIRTS	54.00
TODDS ELECTRIC SERVICE	INSTALL LOAD MGMT	51.01
UNITED PARCEL SERVICE	SHIPPING	103.89
USA BLUEBOOK	PARTS	2,801.88
USPS-POC	POSTAGE FOR METER	700.00
VERMILLION ACE HARDWARE	SUPPLIES	483.58
VERMILLION FASTPITCH SOFTBALL	SPONSORSHIP	350.00

VIKING INDUSTRIAL PAINTING	GROUND STORAGE RESEVOIR IMP	37,512.72
WASTE MANAGEMENT OF WI-MN	WASTE HAULING	915.77
WATER RIGHTS PROGRAM, DENR	FUTURE USE PERMIT	215.00
WESTERN IOWA TECH	TRUCK DRIVING LAB	300.00
YANKTON JANITORIAL SUPPLY	SUPPLIES	309.50
ZACHARY HAMMOND	REIMBURSEMENT OPERATOR EXAM	60.00
ZEE MEDICAL SERVICE	SUPPLIES	79.35
ZEROFRICTION LLC	MERCHANDISE	715.98

Council Member Humphrey seconded the motion. Motion carried 7 to 0. Mayor Collier-Wise declared the motion adopted.

12. Consensus Agenda

13. Adjourn

94-22

Council Member Ward moved to adjourn the Council Meeting at 7:50 p.m. Council Member Price seconded the motion. Motion carried 7 to 0. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 21st day of March, 2022.

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

ATTEST:

BY \_\_\_\_\_  
Katie E. Redden, Finance Officer

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