

Unapproved Minutes
Council Special Session
April 17, 2023
Monday 12:00 noon

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

1. Roll Call

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

Absent: Letellier (Arrived 12:01)

2. Adoption of Agenda

98-23

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

3. Visitors to be Heard - None

Council Member Letellier arrived at 12:01 p.m.

4. Policies and Procedures Committee report on Proclamation Process- Steve Ward

Council Member Steve Ward presented the Policy and Procedures Committee report. Ward discussed the proclamation procedure that the committee agreed upon. Ward noted that there would be two categories: Council Proclamations and Citizen Proclamations. Discussion followed on how the process would work from a staff and Council level.

5. Draft Capital Improvement Plan for General Fund Departments- John Prescott

John Prescott, City Manager, reported that the Capital Improvement Plan is the first step in the 2024 budget process. John reviewed the draft Capital Improvement Plan for 2023 through 2027 for the General funds. John noted that some items and amounts in future years would need to be refined as the project moves closer. John answered questions from the City Council on the Capital Improvement Plan. John stated that the Capital Improvement Plan will be finalized and brought to the City Council for approval at a future meeting.

Council Member Humphrey excused himself at 1:05 p.m.

6. Briefing on the April 17, 2023 City Council Regular Meeting

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

7. Adjourn

99-23

Council Member Ward moved to adjourn the Council special session at 1:12 p.m. Council Member Price seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

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

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

ATTEST:

BY _____
Katie E Redden, Finance Officer

Unapproved Minutes
City Council Regular Session
April 17, 2023
Monday 7:00 p.m.

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

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. Minutes of April 3, 2023 Special Session; April 3, 2023 Regular Session, and April 3, 2023 Special Session with Clay County

100-23

Council Member Murra moved approval of the April 3, 2023 Special Session, April 3, 2023 Regular Session, and April 3, 2023 Special Session with Clay County minutes. Council Member Holland seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

4. Adoption of Agenda

101-23

Council Member Humphrey moved approval of the agenda. Council Member Jennewein seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

5. Visitors to be Heard

A. Arbor Day Proclamation

Council Member Holland read the proclamation designating April 28, 2023 as "Arbor Day" in Vermillion and urged all citizens to protect our trees and woodlands.

Jim Goblirsch, Director of Parks and Recreation thanked the Mayor and City Council for the proclamation noting that Vermillion was just recognized as a "Tree City" for the 38th year. Jim invited the Council and community to a tree planting on April 28th in Prentis Park.

B. National Library Week Proclamation

Council Member Letellier read the Proclamation for National Library Week 2023 recognizing the week of April 23-29, 2023 as National Library Week in Vermillion and encouraged all citizens to visit the Edith B. Siegrist Vermillion Public Library.

Daniel Burniston, Library Director, thanked the Council for the proclamation and invited everyone to visit their website or join them at the library.

6. Public Hearings

A. Transfer of a retail on-off sale Malt Beverage and SD Farm Wine License and retail on-off sale Wine and Cider License for Freedom Value Center at 830 E. Cherry Street from I Mart Stores to Kareem, Inc.

Austin Flowers, Deputy Finance Officer, reported on an application that was received for the transfer of the on-off sale Malt Beverage and SD Farm Wine License and retail on-off sale Wine and Cider License from I Mart Stores to Kareem, Inc. for Freedom Valu Center located at 830 E.

Cherry Street. Austin noted that the retail on-off sale Malt Beverage and SD Farm Wine license is for the licensing period that will expire on June 30, 2023. The retail on-off sale Wine and Cider license expires on December 31, 2023.

The City Council has the ability to transfer a license on two criteria: suitable applicant and suitable location. As to the suitable applicant, a DCI background check has come back with no disqualifying felonies and an FBI background check is pending. The transfer of this license can be contingent on the background checks when they are received. The Police Chief report states that, after a check of the Vermillion Police Department records, there is no information that would preclude the transfer of the license to Kareem, Inc.

With respect to the location criteria, this license will remain issued at the current address of 830 E. Cherry Street which was previously approved.

102-23

Council Member Price moved approval of the transfer of a retail on-off sale Malt Beverage and SD Farm Wine License and retail on-off sale Wine and Cider License for Freedom Value Center at 830 E. Cherry Street from I Mart Stores to Kareem, Inc. Council Member Holland seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

B. Special Daily Malt Beverage and Wine License for the VCDC for the Thursdays on the Platz events located at the Ratingen Platz for Thursdays on the Platz between July 13-August 24, 2023, from 4:00 p.m. to 8:30 p.m.

Austin Flowers, Deputy Finance Officer, reported that an application for a special daily malt beverage and wine license was received from the Vermillion Area Chamber and Development Company for the Thursdays on the Platz events on or about July 13, July 20, July 27, August 3, August 17, and August 24, 2023 from 4:00 p.m. to 8:30 p.m. at Ratingen Platz and adjoining portion of Market Street and Main Street. Austin stated that the notice of hearing and the Police Chief's report are included in the packet. Austin noted that the events would be similar to previous years. Staff recommended approval of the request and to include the use of the Ratingen Platz for the events.

103-23

Council Member Jennewein moved approval of the Special Daily Malt Beverage and Wine License for the VCDC for the Thursdays on the Platz events located at the Ratingen Platz for Thursdays on the Platz on or about July 13, July 20, July 27, August 3, August 17, and August 24,

2023 from 4:00 p.m. to 8:30 p.m. Council Member Hellwege seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

C. Special Permit to Exceed Permissible Noise Levels for a Street Dance sponsored by the USD Greek Life Office and USD Office of Multicultural Affairs on or about Wednesday, April 19, 2023 on Kidder Street between Court Street and Market Street from 7:00 p.m. to 9:00 p.m. - (Withdrawn by Applicant)

Austin Flowers, Deputy Finance Officer, stated that the applicant withdrew their application.

104-23

Council Member Price moved to close the public hearing. Council Member Humphrey seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

D. Retail on-off sale Malt Beverage and SD Farm Wine License and retail on-off sale Wine and Cider License for Sodexo America, LLC for designated areas of the Muenster University Center on the Campus of USD

Katie Redden, Finance Officer, reported that applications were received for a retail on-off sale malt beverage license and on-off sale wine and cider license for Sodexo America, LLC for portions of the Muenster University Center on the University of South Dakota's Campus at 414 E Clark Street. Katie noted that the locations are shown on the attached map. The Police Chief's report, notice of hearing, and letter from the USD President are included in the packet. The retail on-off sale malt beverage license is for the licensing period from issuance to expiration on June 30, 2023 and the retail on-off sale Wine and Cider license for the licensing period from issuance to expiration on December 31, 2023.

Katie noted that the City Council has the ability to issue a license on two criteria: suitable applicant and suitable location. As to the suitable applicant, the Directors, Sarosh D. Mistry, Thomas R. Morse, and Joan Rector McGlockton, have done background checks for their previous licenses at the Dakota Dome and were clear. Katie noted that the Police Chief's report noted that in September of 2022 a Sodexo America, LLC employee sold to a confidential informant that was under the age of 21. Sodexo provided a management plan with their renewal in December. Katie stated that, with respect to the location criteria, the University is requesting only select areas have access to the license and the University will only allow alcohol there during special events approved by the USD President. Katie noted that SD Codified Law was changed in 2018 to allow an exception for alcoholic beverage licenses to be issued to locations on a campus.

AJ Franken, USD's Attorney, stated that USD is in favor of this. Discussion followed on the use of the license.

105-23

Council Member Price moved approval of the Retail on-off sale Malt Beverage and SD Farm Wine License and retail on-off sale Wine and Cider License for Sodexo America, LLC for designated areas of the Muenster University Center on the Campus of USD contingent on the controls being in place as described in the Police Memo. Council Member Ward seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

E. Vacation of a triangular portion of right-of-way lying on the south side of the right-of-way's centerline between 12th Street and Green Street (also known as a portion of the south right-of-way located between Blocks 18 and 19, Original Vermillion, City of Vermillion, Clay County, South Dakota)

Jose Dominguez, City Engineer, reported that the City received a petition to vacate a triangular portion of the 8th Street right-of-way between 12th Street and Green Street from the adjacent property owner.

Jose noted that the request to vacate the portion of 8th Street was commenced by the owner of 205 S 12th Street. The owner wants to construct a building in the lots adjacent to the area being requested to be vacated. The area vacated would add to the buildable area. The owner has been trying to vacate the area since October 2022.

Jose stated that the utility providers were contacted by the owner seeking vacation of the portion of the street. The utilities have agreed with the vacation and no utility easement is necessary.

Jose noted that there are two statutes that direct municipalities on how to vacate street/alley right-of-way. One of the statutes is used when the street/alley has not been used for more than 20 years (SDCL 9-45-10) and the other statute (SDCL 9-45-9) is used when the street has been in use in the last 20 years. The street is currently open and has been used for the last 20 years. Discussion followed on the vacation.

106-23

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

RESOLUTION VACATING A TRIANGULAR PORTION OF THE 8TH STREET RIGHT-OF-WAY LYING ON THE SOUTH SIDE OF THE RIGHT-OF-WAY'S CENTERLINE BETWEEN 12TH STREET AND GREEN STREET (ALSO KNOWN AS A PORTION OF THE SOUTH RIGHT-OF-WAY LOCATED BETWEEN BLOCKS 18 AND 19, ORIGINAL VERMILLION, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA)

WHEREAS, the City of Vermillion has received a petition for the vacation of a triangular portion of the 8th Street right-of-way lying on the south side of the right-of-way's centerline between 12th Street and Green Street lying adjacent to Blocks 18 and 19, Original Vermillion, City of Vermillion, Clay County, South Dakota, which petition has consent in writing from all adjoining property owners; and

WHEREAS, notice of the public hearing has been published for two successive weeks in the official newspaper designated by the City; and

WHEREAS, utilities have been notified and have stated that there are no utilities within the area being vacated; and

WHEREAS, SDCL 9-45-9 provides authority for the City Council to vacate streets, alleys or public grounds that have been in use.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vermillion that the triangular portion of the 8th Street right-of-way lying on the south side of the right-of-way's centerline between 12th Street and Green Street lying adjacent to Blocks 18 and 19, Original Vermillion, City of Vermillion, Clay County, South Dakota is hereby vacated.

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

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
Jonathan D. Cole, Mayor

ATTEST:

By _____
Katie E. Redden, Finance Officer

The motion was seconded by Council Member Holland. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Cole declared that the Resolution was adopted.

7. Old Business

A. First reading of Ordinance 1484 amending Title IX, General Regulations; Chapter 95, Parks and Recreation; repealing Sections 95.01 and 95.02 and adding Sections 95.01 through 95.08 providing for the rules and regulations, protection and preservation of park areas (item was tabled from the April 3, 2023 meeting)

Jim Goblirsch, Parks and Rec Director, reported on the first reading of Ordinance No. 1484. Jim noted that Chapter 95 Parks and Recreation contains two sections and names regulations for two of the City's parks. The last time revisions were made to any section of Chapter 95 was in 1982. The current regulations in Chapter 95 do not mention any other city ordinances that pertain to park usage such as obtaining sound permits or leash laws. In addition, it did not allow for any enforcement of the regulations in either section.

Jim noted that Vermillion now has eight parks with the most recent added in 2015 with Bliss Pointe. As the park system grows so do the challenges in operating them. Updating the Park ordinance will allow for clear expectations of patron usage, operational hours, and the protection of City property. Efforts were made when amending this ordinance to piggyback on current City ordinances that correlate to Parks and Recreation. This ordinance would also enable park staff and local police to have the ability to enforce these regulations with legal backing.

Highlighted ordinance changes are divided into three sections:

- 95.01 - Amending and adding definitions
- 95.02 - Add language regarding regulations of public use
- 95.03 - Add language prohibiting smoking in parks and Bluffs golf Course when youth activities take place.
- 95.04 - Add language about what may or may not take place on park land
- 95.05 - Add language about the protection of property, structures, and natural resources.
- 95.09 - Enforcement

Jim stated that, to aid in the development of this amended ordinance, City staff reviewed numerous other Parks and Recreation ordinances from other communities to use as a template. Over the past year, Parks and Recreation staff and members of the Vermillion Police Department met to refine this for the Vermillion community. As the draft developed, updates were provided at the December 19th and February 6th noon meetings and again at the April 3rd regular Council meeting. Several City Council Members offered feedback on the drafts to help prepare the proposed ordinance. Jim noted that all the changes discussed at the April 3rd meeting have been adjusted and added to the current ordinance.

Discussion followed on the first reading of the ordinance.

107-23

Mayor Cole read the title to the above-mentioned Ordinance and Council Member Humphrey moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No 1484 entitled An Ordinance amending Title IX,

General Regulations; Chapter 95, Parks and Recreation; repealing Sections 95.01 and 95.02 and adding Sections 95.01 through 95.08 providing for the rules and regulations, protection and preservation of park areas 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 17th day of April, 2023 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 Hellwege. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Cole declared the motion adopted.

8. New Business

A. Request to close W. Main Street from the east line of the intersection with Prospect Street west through Ratingen Platz and Market Street as it abuts Ratingen Platz on Thursdays between July 13 and August 24, 2023 from 4:00 p.m. to 8:30 p.m. for Thursdays on the Platz events. (Note - street closing not requested on August 10, 2023.)

John Prescott, City Manager, reported that the Vermillion Area Chamber and Development Company has requested the closure of Main Street from the east line of the intersection with Prospect Street west through Ratingen Platz and Market Street as it abuts Ratingen Platz on the following Thursdays: July 13, July 20, July 27, August 3, August 17, August 24, 2023 from 4:00 p.m. to 8:30 p.m. John stated that the completed street closure request application and diagram are attached. John stated that the Street, Police, Fire, and EMS Departments have been notified of the street closure request and they did not have any concerns. John noted that the cleanup will be handled by VCDC Staff. John noted that the VCDC will meet with businesses individually to let them know of the events requiring the street closure.

108-23

Council Member Holland moved approval of the amended Request to close Main Street from the east line of the intersection with Prospect Street west through Ratingen Platz and Market Street as it abuts Ratingen Platz from 4:00 p.m. to 8:30 p.m. on July 13, July 20, July 27, August 3, August 17, August 24, 2023 for the Vermillion Area Chamber and Development Company's Thursdays on the Platz events. Council Member Murra seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

B. Request by the Eagles to close W. Main Street from the west line of the alley immediately adjacent to CorTrust Bank west to the east line of

the intersection with High Street on Saturday, May 6, 2023 from 9:00 a.m. to 9:00 p.m. for a fundraising event

John Prescott, City Manager, reported on a street closure request. He noted that the Fraternal Order of Eagles has requested the closure of West Main Street from the west line of the alley adjacent to the west side of the CorTrust Bank property west to the east line of the High Street intersection on Saturday, May 6, 2023 from 9:00 a.m. until 9:00 p.m. for a fundraising event for the Dakota State President's Charity. John noted that, according to the application, the Eagles will meet with businesses individually to let them know of the events requiring the street closure. He stated that there are a limited number of businesses abutting the area to be closed. John noted that cleanup will be handled by a volunteer crew with waste barrels provided by the Eagles as stated in the request. He stated that the Street, Police, and Fire-EMS Departments have been notified of the street closure request and did not have any concerns.

109-23

Council Member Hellwege moved approval of the amended Request to close W. Main Street from the west line of the alley immediately adjacent to CorTrust Bank west to the east line of the intersection with High Street on Saturday, May 6, 2023 from 9:00 a.m. to 9:00 p.m. for the Eagle's fundraising event. Council Member Price seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

C. Furniture Zone Limited Lease permit for Cee Cee's at 3 E. Main Street for Lot E

Katie Redden, Finance Officer, reported that Josh Scherrer submitted a Furniture Zone Use Permit application for Red Steakhouse dba CeeCee's Cocktail Lounge in Lease Lot E in front of 1 E. Main Street. Katie noted that their plan is to set up seven tables in this area with proper rubbish containers and bollards. Three tables would seat four people and four tables would seat two people. Katie noted that the sidewalk permit expires on November 1, 2023.

Katie stated that the applicant has submitted a crowd management plan and the plan has been reviewed by the Police Department. Katie noted that the physical dimensions of the area and the number of tables limit the number of individuals who would be within the area where alcohol could be served.

Katie stated that, in completing the application for a Sidewalk Furniture Use Zone Lease, the applicant has addressed many of the special conditions of other uses of City property involving alcohol. An insurance

certificate naming the City as an additional insured, cleanup plan, etc. are part of the sidewalk use permit process.

Katie noted that the applicant is requesting to use this area during Dakota Days. In the crowd management plan, they have outlined the plan for Dakota Days where there will be a dedicated person serving in that area. Katie noted that last year was the first time that the City Council allowed sidewalk sales during Dakota Days. The Police Chief recommended this be allowed on Dakota Days weekend, but not before or during the Dakota Days Parade.

110-23

Council Member Ward moved approval of the Furniture Zone Limited Lease permit for Cee Cee's at 3 E. Main Street for Lot E contingent that the area will not be used before or during the Dakota Days Parade. Council Member Price seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

D. Consider Adoption of Policies & Procedures Committee Proclamation Policy

John Prescott, City Manager, reported on the Policies and Procedures Committee report on proclamations. John noted that there was discussion on having two types of proclamations: Council Proclamations and Citizen Proclamations.

Council Member Letellier discussed what was talked about at the noon meeting concerning the length and review time of the proclamations for 7 days.

Council Member Hellwege thanked the Committee for the work that has been done on this item. Hellwege noted that this needs to have a longer discussion on the different options. Hellwege's concerns are that they are making it too complicated and time-consuming. Hellwege stated that a simple fix would be to have the proclamations reviewed by the Council on a Wednesday instead of Friday.

Ward asked if proclamations can be voted on and how the Council would come to a consensus on it.

Sabrina Lafleur-Sayler, City Attorney, stated that there is no voting on proclamations, and it would have to come down to discussion and input from the Council.

Council Member Ward stated that Council time should not be spent arguing about wording of a proclamation that cannot be voted on and time should be spent discussing more prevalent issues.

Council Member Jennewein stated that the proclamations are to bring awareness to things around us. Jennewein noted that this should be brought back to the Committee.

111-23

Council Member Jennewein moved to refer a proclamation procedure back to the Committee. Council Member Humphrey seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

E. Human Relations Commission appointments

Mayor Cole reported that multiple positions are open on the Human Relations Commission and applications have been received to fill these positions.

Mayor Cole noted that a member of the commission with a term expiring in 2024 has not attended a meeting since September 2022. Mayor Cole noted that City Code Section 32.45 outlines that, with authorization from the Commission, the member's seat may be considered vacant with 3 consecutive regular meetings missed.

112-23

Council Member Holland moved approval to vacate a seat for the term expiring in 2024. Council Member Price seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

Mayor Cole recommended appointing Cameron Morgan to the one-year Student term.

113-23

Council Member Hellwege moved approval to appoint Cameron Morgan for the Human Relations Commission for the one-year student term. Council Member Holland seconded the motion. Motion carried 8 to 1. Mayor Cole declared the motion adopted.

Mayor Cole recommended appointing Phil Terwilliger to the vacated one-year term that expires in 2024.

114-23

Council Member Jennewein moved approval of the appointment of Phil Terwilliger for the Human Relations Commission for the one-year term expiring in 2024. Council Member Lettelier seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

Mayor Cole recommended appointing Carson Merkwon to a three-year term expiring in 2026.

115-23

Council Member Holland moved approval of the appointment of Carson Merkwan to the Human Relation Commission for a term expiring in 2026. Council Member Murra seconded the motion. Mayor Cole requested to have a roll call vote of the Governing Body, and the members voted as follows: Hellwege-N, Holland-Y, Humphrey-Y, Jennewein-N, Price-N, Letellier-N, Ward-N, Murra-Y, Mayor Cole-Y. Motion failed 4 to 5.

Mayor Cole recommended appointing Michelle Kavanaugh to a three-Year term expiring in 2026.

116-23

Council Member Price moved approval of the appointment of Michelle Kavanaugh to the Human Relation Commission for a term expiring in 2026. Council Member Ward seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

Mayor Cole recommended appointing Trevor Mandernach to a three-year term expiring in 2026.

117-23

Council Member Price moved approval of the appointment of Trevor Mandernach to the Human Relation Commission for a term expiring in 2026. Council Member Letellier seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

F. Resolution setting a fee for IT services provided to outside entities

Katie Redden, Finance Officer, reported on setting a fee for IT services. Katie stated that during budget revision in August 2022 the City Council established an IT replacement fund and approved hiring an IT Systems Specialist. Since October of 2022, staff has been hired and is the facilitator of the Council Chamber AV System. Katie noted that to eliminate multiple people running the AV System, the Staff member has been running the system for non-City related events held in the City Council Chambers. Katie stated that, to offset costs required for City staff to provide a service for outside agency using the Council Chamber AV system, this resolution establishes a fee of \$100 for the first hour and \$50 for each hour after. The additional \$50 per hour will cover the payroll expense associated with the IT Systems Specialist running the meeting.

118-23

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

RESOLUTION
REVISING CERTAIN INFORMATION TECHNOLOGY FEES

WHEREAS, the City Council establishes rates and fees for services provided by the City; and

WHEREAS, the need for AV equipment assistance for outside agencies has increased due to the addition of an IT department; and

WHEREAS, rates and fees are adjusted periodically to recover the increased costs of providing such a service.

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 17th day of April, 2023, that rates be changed or established as follows for services provided after May 18, 2023:

Information Technology

Outside Agency AV Equipment fee: \$100 for the first hour and \$50 for each additional hour

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

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
Jonathan D. Cole, Mayor

Attest:

By _____
Katie Redden, Finance Officer

The motion was seconded by Council Member Humphrey. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Cole declared that the Resolution was adopted.

G. Banner Associates engineering agreement for improvements on City property at the southwest corner of South Dakota Highway 50 and South Dakota Highway 19.

Jose Dominguez, City Engineer, reported on an engineering agreement with Banner Associates. Jose noted that in October 2022 the City purchased approximately 50 acres at the southwest corner of SD Hwy. 50 and SD Hwy. 19. The City's plan is to make the land available for residential and

commercial development and would also use a portion of the land for construction of a park. Additionally, the City and the County would be constructing the new Law Enforcement Center (LEC) in part of the 50 acres purchased.

Jose noted that, to expedite the development of the land and the construction of the LEC, the City has contracted with Banner Associates (Banner) and HDR for the wetland determination, platting, conceptual drainage for the 43 acres, conceptual grading for the 43 acres, and for a traffic impact study.

Jose stated that, depending on the project's level of complexity, City Staff can complete construction plans. On certain projects that require additional information for contractors, the City will contract with a consultant to complete the construction plans. Regardless, the City has at the very least always completed the topographical survey and the preliminary plans.

Jose noted that, in this instance, Banner will be using the City's provided topographical survey and preliminary design to complete the construction plans for James Street adjacent to the LEC, Baylor Street from Stanford to Tom Street, the sanitary sewer extension from the Tom Street Lift Station, and for the construction of the regional detention pond along with the grading of the 43 acres. Additionally, the construction plans will include the water lines and sanitary sewer on the streets being constructed. All these items are part of Phase 1. We intend Phase 1 construction to be completed the summer of 2025.

Jose reported that the City has already completed the topographical survey for the 43 acres and the preliminary design for the streets, water lines, and sanitary sewers. Assuming that the agreement being discussed is approved, this information will be shared with Banner to start the design of Phase 1.

Jose noted that the City will need to revise the 2nd Penny Fund to include the cost for the design of approximately \$204,400.

119-23

Council Member Letellier moved approval authorizing City Staff to sign the agreement with Banner Associates for professional services. Council Member Murra seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

H. Resolution adjusting the rate for the disposal of tires at the Landfill

John Prescott, City Manager, reported on Landfill tire rates. John noted that the Landfill accepts tires from individuals who might bring out a

couple of tires as well as bulk loads of tires delivered via a side dump or other truck. John noted that tire disposal rates were adjusted down for a month last Fall for non-commercial customers while the Landfill had a tire collection grant from the Department of Agriculture and Natural Resources. Since the end of the tire grant collection period, the current prices for commercial and non-commercial tire disposal at the Landfill have been in effect.

John noted that the revenue collected when tires are dropped off is the funding used by the Landfill to pay for the cost of disposal. As the cost for the Landfill to dispose of tires has gone up, the revenue generated by the gate fee has not kept up. The cost for the Landfill to dispose of tires is on a per ton basis. The number of tires which make up a ton varies depending on the size of the tire. The larger tires are heavier, so fewer tires of the larger sizes are needed to make a ton. John stated that the proposed tire disposal prices will apply at the Vermillion Landfill. The Yankton Transfer Station sets the price for tire disposal at their facility.

120-23

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

RESOLUTION
REVISING DISPOSAL RATES AT THE MUNICIPAL LANDFILL

WHEREAS, the Vermillion landfill accepts tires of different sizes for disposal from commercial and non-commercial customers for a fee; and

WHEREAS, the cost per ton for the Landfill to dispose of tires collected from commercial and non-commercial customers has increased significantly since the beginning of the year; and

WHEREAS, an increase in the fee per tire and the fee per ton of bulk tires dropped off by commercial and non-commercial customers at the Vermillion Landfill is necessary to avoid having other landfill operations and fees subsidize the Landfill's costs to dispose of the tires.

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 17th day of April 2023 amend the tire disposal fee effective May 22, 2023 to be:

Tire size or quantity	
Car	\$4.00 per tire
Truck (17" - 22.5")	\$11.00 per tire

Truck (>22.5") \$16.00 per tire
Construction Equipment \$21.00 per tire
Bulk Tires \$235.00 per ton

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

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

Attest:

Katie E. Redden, Finance Officer

The motion was seconded by Council Member Ward. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Cole declared that the Resolution was adopted.

9. Bid Openings

A. Landfill Leachate Pond #2

Jose Dominguez, City Engineer, reported on a BID for the Landfill Leachate Pond #2. Jose noted that the City operated Landfill requires that drainage be collected so that it does not leave the Landfill property. This drainage is called leachate. The leachate is collected through a series of pipes and pumped into a leachate pond. From the leachate pond, the leachate can be reapplied to the garbage (so that it evaporates) or trucked to the City's Wastewater Plant to be treated.

Jose noted that the City applied to SD DANR for financial assistance in September 2022, and received a loan/grant combination totaling \$1,304,000.

Jose stated that the City has advertised this project twice. The first time bids were due at City Hall on March 22nd where no bids were received. The second time bids were due at City Hall was on April 12th. This second time the City received one bid.

Jose noted that the bid received on April 12th was from Rounds Construction Company for \$1,380,000. The project will require that a pond consisting of clayey material and geosynthetics be constructed, along with piping for the leachate and pumps, a concrete vault, and that an electrical line be relocated.

121-23

Council Member Jennewein moved to table the Landfill Leachate Pond #2 bid to the May 1st meeting. Council Member Price seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

10. City Manager's Report

A. John reported that there are two three-year terms expiring on the Library Board of Trustees in May. Interested citizens are asked to complete an Expression of Interest form by Thursday, April 27th at noon. The City Council will consider appointments at the May 1, 2023 meeting.

B. John stated that Vermillion Light & Power is partnering with Missouri River Energy Services for a customer satisfaction survey. The survey is completed via a QR code. The survey is open through April 30, 2023. Vermillion Light & Power customers are asked to take a few minutes to complete the survey.

C. John reported that a utility easement for the north 8 feet of the west 95 feet and the north 20 feet of the east 55 feet of Lot 9, and the East 8 feet of Lot 8 and 9, all in Block 23, Original Town, City of Vermillion, Clay County, South Dakota has been established and will be recorded. This is the former Market Street water tower site.

D. John noted that The Arbor Day celebration is at noon on Friday, April 28th. The group will meet in the parking lot to plant a tree between the ballfield entrance and the Swimming pool.

E. The VCDC will be selling raffle tickets at \$5 each or 5 for \$20 at their annual banquet on April 27, 2023. The prize is \$150 in coins. Proceeds from the raffle will be used as a fundraiser in the VCDC's efforts to support the Chamber, economic development, and tourism.

F. Council Member Ward inquired, since the streetscape project has been done for about a year now, if there has been any traffic plus or minuses. Jose Dominguez, City Engineer, noted that nothing has not been brought to his attention.

Jose reported that the slurry seal will be happening on the downtown streetscape project this summer and new parking stalls will be marked.

PAYROLL ADDITIONS AND CHANGES

Admin: Marty Washington \$22.28/hr; Recreation: Trevor Cox \$30/game; Golf Clubhouse: Gage Watson \$11.00/hr, Carissa Stocklin \$11.00/hr, Morgan Graham \$11.00/hr, Anna Lucas \$11.00/hr, Kade Reuvers \$11.00/hr, Drew Rozell \$11.00/hr, Chris Sternhagen \$11.00/hr; Golf Maintenance: Elliot

Cinco \$13.00/hr, Travis Taggart \$22.63/hr, Nate Margenthaler \$13.00/hr;
 Water: Brian Hamilton \$24.22/hr

11. Invoices Payable

122-23

Council Member Price moved approval of the following invoices:

A & B BUSINESS, INC	COPIER CONTRACT	196.54
A & M SERVICES, INC	UNIFORM CLEANING	133.60
A-OX WELDING SUPPLY CO	CHEMICALS	690.00
ALLISON WALSH	REFUND REC PROGRAM FEES	42.00
AMAZON BUSINESS	SUPPLIES	721.67
AMS BUILDING SYSTEM LLC	REPAIRS	2,329.09
APPEARA	SHOP TOWELS	45.00
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	678.68
ASSET PROTECTION UNIT	REFUND AMBULANCE OVERPMT	252.92
AUTO VALUE	PARTS	613.66
AUTOMATIC BUILDING CONTROL	ANNUAL INSPECTION	219.00
BASIN ELECTRIC POWER COOP	PROFESSIONAL SERVICES	1,453.30
BIERSCHBACH EQPT & SUPPLY	BELTS	314.00
BLACKSTONE PUBLISHING	BOOKS	400.83
BORDER STATES ELEC SUPPLY	SUPPLIES	885.96
BRIAN HAMILTON	REIMBURSEMENT OPERATOR EXAM	60.00
BROADCASTER PRESS	ADVERTISING	5,168.46
BUHLS CLEANERS	MAT/MOP SERVICE	526.76
BUREAU OF ADMINISTRATION	TELEPHONE	226.52
BURNS & MCDONNELL	PROFESSIONAL SERVICES	43,949.25
BUTCH'S PROPANE INC	PROPANE	3,747.65
BUTLER MACHINERY CO.	REPAIRS/MAINTENANCE	14,623.31
CALLAWAY GOLF	MERCHANDISE	11,393.87
CASK & CORK	MERCHANDISE	679.56
CENTURYLINK	TELEPHONE	264.38
CHAMBERLAIN OIL CO	AUTO FOAM	84.28
CINTAS	SUPPLIES	122.40
CITY OF VERMILLION	LANDFILL VOUCHERS	183.50
CLAY RURAL WATER SYSTEM	WATER USAGE/REFUND DEPOSIT	110.60
CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,921.02
CLUBHOUSE HOTEL & SUITES	LODGING	224.49
COLLABORATIVE SUMMER LIBRARY	SUPPLIES	165.87
CORE & MAIN LP	SUPPLIES	1,064.53
CORE-MARK MIDCONTINENT, INC	MERCHANDISE	1,619.04
CUMMINS SALES & SERVICE	REPAIRS	2,705.35

CURT HAAKINSON	SAFETY GLASSES REIMBURSEMENT	150.00
CUTTER & BUCK	MERCHANDISE	2,821.32
DAKOTA BEVERAGE	MERCHANDISE	11,111.54
DAKOTA PC WAREHOUSE	COMPUTER/PARTS	824.98
DAPHNE'S HEADCOVERS	MERCHANDISE	434.62
DEMCO	BOOKCASE	936.14
DUBOIS CHEMICALS	SODA ASH	26,312.00
DYLAN DEETZ	SAFETY BOOTS REIMBURSEMENT	197.94
ECHO ELECTRIC SUPPLY	PARTS	724.62
ENVISIONWARE, INC	MAINTENANCE/SUBSCRIPTION	1,430.61
FARMER BROTHERS CO.	COFFEE PACKETS	193.36
FEDEX.	SHIPPING	18.49
GLOBAL DIST.	MERCHANDISE	152.00
GREGG PETERS	MANAGERS PROFITS/FEE/FREIGHT	37,295.65
H & R SALVAGE	TIRE DISPOSAL FEE	11,297.60
HACH CO	CHEMICALS	7,484.52
HAWKINS INC	CHEMICALS	1,238.50
HEIMAN FIRE EQUIPMENT	INSPECTION	512.43
HELMS & ASSOCIATES	PROFESSIONAL SERVICES	4,772.15
HYPERICE INC	MERCHANDISE	235.00
INGRAM	BOOKS	1,293.54
INTERSTATE POWER SYSTEMS	REPAIRS	2,658.14
J & W INSTRUMENTS INC	SUPPLIES	828.00
JACKS UNIFORM & EQPT	UNIFORM	1,615.47
JAY'S PLUMBING	ICE MACHINE REPAIRS	568.22
JERRY'S SERVICE, INC	FUEL	3,908.03
JOHN A CONKLING DIST.	MERCHANDISE	3,886.05
JOHNSON BROTHERS OF SD	MERCHANDISE	24,826.97
JOHNSON FEED, INC	REPAIRS	1,778.61
JONES FOOD CENTER	SUPPLIES	277.98
KIMBALL MIDWEST	SUPPLIES	155.92
LESSMAN ELEC. SUPPLY CO	SUPPLIES	484.92
LOFFLER	COPIER CONTRACT	188.54
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	1,390.00
LOW INCOME ENERGY ASSISTANCE	REFUND ONE TIME ELECTRIC PMT	1,156.92
MATHESON TRI-GAS, INC	SUPPLIES	296.64
MATTER LAW OFFICE, PROF LLC	PROFESSIONAL SERVICES	150.00
MEDICA INSURANCE COMPANY	REFUND AMBULANCE OVERPMT	47.81
MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	157.95
MENARDS	BEAM/STEEL FRAME/WIRE	439.16
MICHAELS FENCE	PARTS	141.73
MIDAMERICAN	GAS USAGE	7,267.85
MIDCONTINENT COMMUNICATION	CABLE/INTERNET	259.96

MIDWEST ALARM CO	ALARM MONITORING/DIALER	1,584.60
MIDWEST READY MIX & EQUIPMENT	FLOWABLE FILL	3,444.00
MIDWESTERN MECHANICAL, INC	INSPECTION/TESTING	325.00
MINN MUNICIPAL UTILITY ASSOC.	2ND QTR SAFETY MGMT PROGRAM	8,004.75
MOBOTREX MOBILITY & TRAFFIC	SUPPLIES	88.00
MOSER TRAINING SOLUTIONS	CERTIFICATION	500.00
MVP DISC SPORTS HQ	DISC GOLF BASKETS/POLES	7,455.59
NATIONAL SPORTS PRODUCTS	SUPPLIES	1,220.92
NEBRASKA JOURNAL-LEADER	ADVERTISING	34.95
NETSYS+	PROFESSIONAL SERVICES	598.75
O'REILLY AUTO PARTS	PARTS	419.57
OVERDRIVE INC	EBOOKS/AUDIOBOOKS	426.91
OVERHEAD DOOR OF SIOUX CITY	REPAIRS	856.00
PEPSI COLA OF SIOUXLAND	MERCHANDISE	1,676.58
QUADIENT FINANCE USA, INC	POSTAGE FOR METER	600.00
REDI TOWING	TOWING	535.00
REGENTS OF THE UNIVERSITY	SUPPLIES	366.00
REPUBLIC NATIONAL DISTRIBUTING	MERCHANDISE	14,734.35
RIVERSIDE TECHNOLOGIES, INC	MONITOR	185.00
RUNNING SUPPLY, LLC	SUPPLIES	521.96
SD DENR	LANDFILL OPERATIONS FEE	3,332.59
SIOUXLAND HUMANE SOCIETY	FEES	74.00
SOUTH DAKOTA 811	LOCATES	86.10
SOUTHERN GLAZER'S OF SD	MERCHANDISE	7,465.27
STAPLES BUSINESS CREDIT	SUPPLIES	988.15
STERN OIL CO.	FUEL	14,442.12
SUNDOG DISTRIBUTING (USA)	MERCHANDISE	754.17
THE GROWLER STATION, INC	LICENSING FEE/MAINTENANCE	749.97
THE LUMBERYARD LLC	SUPPLIES	58.71
THE TESSMAN COMPANY	SUPPLIES	342.14
TITLEIST-ACUSHNET COMPANY	MERCHANDISE	4,496.85
TRACTOR SUPPLY CREDIT PLAN	SUPPLIES	94.96
TRUCK-TRAILER SALES	REPAIRS	820.00
TRUE BRANDS	MERCHANDISE	519.98
TYLER TECHNOLOGIES	PROFESSIONAL SERVICES	390.00
UNITED PARCEL SERVICE	SHIPPING	31.58
US KIDS GOLF	MERCHANDISE	208.47
USPS-POC	POSTAGE FOR METER	700.00
UTILITY EQUIPMENT CO.	WATER METERS	63,680.00
VANTAGE APPAREL	MERCHANDISE	889.42
VERMILLION ACE HARDWARE	WATER SOFTNER PELLETS/SUPPLIES	7,570.00
VERMILLION AREA COMMUNITY	ROUND UP PROGRAM	210.89
VERMILLION CHAMBER OF COMMERCE	FUNDING	68,890.00

VERMILLION FASTPITCH SOFTBALL	SPONSORSHIP	350.00
VERMILLION FORD	MUDFLAPS	106.00
VERMILLION ROTARY CLUB	DUES/MEALS	196.25
WALKER CONSTRUCTION INC	COTTON/PRENTIS PARK SHELTER	18,769.90
YATTA GOLF LLC	MERCHANDISE	799.98
ZEUS BATTERY PRODUCTS	MERCHANDISE	159.87

Council Member Hellwege seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

12. Consensus Agenda

A. Set a public hearing for May 1, 2023 for a retail on-off sale Wine and Cider license and a retail on-off sale Malt Beverage and SD Farm Wine License and renewal of retail on-off sale Malt Beverage and SD Farm Wine License for Kristin Friese/VJAT LLC at 7 Court Street.

123-23

Council Member Price moved approval of the consensus agenda. Council Member Humphrey seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

13. Adjourn

124-23

Council Member Murra moved to adjourn the Council Meeting at 8:44 p.m. Council Member Ward seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

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

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

ATTEST:

BY _____
Katie E. Redden, Finance Officer

Published once at the approximate cost of _____.