

Unapproved Minutes
Council Special Session
April 18, 2022
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, April 18, 2022, at 12:00 noon at the John "Jack" Powell Conference Room.

1. Roll Call

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

2. Adoption of Agenda

113-22

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

3. Visitors to be Heard - None

4. Educational Session - Tree Ordinance compliance - Building Official Kalin Bird

Kalin Bird, Building Official, reported on our current landscaping standards (Code Section 155.077) and the non-compliance rate. Kalin noted that the Code Enforcement Office surveyed 127 properties that require the landscaping standards and 53 of those had not planted a tree. Kalin noted that this is a 42% non-compliance rate. Discussion followed on the issues in the code. Mayor Collier-Wise requested to send this to the Policy and Procedure Committee to look at the landscaping standard to fix the problems.

5. Educational Session - ARPA Money Allocations - Finance Officer Katie Redden

Katie Redden, Finance Officer, reported on the American Rescue Plan Act allocations that the City received. Katie noted that the City has received \$987,961.40 of the \$1,975,922.80. Katie stated that, due to the Federal Government guidelines for reporting, the money must be allocated by 2024 and spent before 2026 with the first reporting date of April 30, 2022. Katie noted the three ways the money has been allocated: 1) The City gave a grant to the Vermillion United Way campaign to have an incentive to get vaccinated; 2) The City will use the money on three projects for both the Wastewater and Water Departments that will improve

infrastructure; 3) A portion is allocated for revenue losses in 2020. Discussion Followed.

6. Informational Session - City Project List

The Council reported on the working document of projects within the City that have been talked about. Council Member Rich Holland presented the idea of the document at the October 18, 2021 noon meeting. Mayor Collier-Wise noted that the landscaping standards should be added to the list. Council Member Ward noted that there is a piece of land for sale on Valley View that overlooks the bluff. Ward noted that this is the only overlook sight on Valley View and the City should investigate purchasing it and put an overlook there. Council Member Hellwege stated that, due to the construction of the elementary building, parts of Barstow Park that get used a large amount are being removed. Hellwege noted that the City should be looking into possible solutions to update current parks or purchase new land to accommodate for this. Discussion followed on the items to be added to the list.

7. Briefing on the April 18, 2022 City Council Regular Meeting

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

8. Adjourn

114-22

Council Member Ward moved to adjourn the Council special session at 12:54 p.m. Council Member Price seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 18th day of April, 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
April 18, 2022
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on April 18, 2022 at 7:00 p.m. by Mayor Collier-Wise.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. Minutes of April 4, 2022, Special Session and April 4, 2022, Regular Session

115-22

Council Member Ward moved approval of the April 4, 2022, Special Session and April 4, 2022 regular session minutes. Council Member Humphrey seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

4. Adoption of Agenda

115-22

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

5. Visitors to be Heard

A. Arbor Day Proclamation

Council Member Price read the proclamation designating April 29, 2022 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 37th year. Jim invited the Council and community to a tree planting on April 29th in Prentis Park.

6. Public Hearings

A. First reading of Ordinance 1463 Amending Title XV, Land Usage; Chapter 155, Zoning Regulations; Adding Section 155.041 Entitled LI - Light Industrial Zoning District to the City of Vermillion Code of Ordinances.

Jose Dominguez, City Engineer, reported on the first reading of Ordinance 1463. Jose noted that, in April 2021, Staff brought a discussion item to the Planning and Zoning Commission (Commission) regarding rezoning industrial properties along the railroad. Jose noted that staff was directed to create a zoning district "lighter industrial" that would also eliminate the rear-yard setback requirements when adjacent to the railroad right-of-way.

Jose stated that, in October 2021, the City Council approved a variance for 308 and 318 West Chestnut eliminating the rear-yard setback along the railroad right-of-way. Jose noted that, at that time, the City Council requested that the Commission consider amending the zoning in the area to eliminate the future need of considering variances due to the setback issues for properties adjacent to the railroad's right-of-way.

Jose stated that this item was presented to the Planning and Zoning Commission on April 11th and, after reviewing the proposed district regulations, the Commission voted 6-0 with one member abstaining to approve the proposed ordinance as being presented.

Jose stated that the proposed ordinance would rearrange most of the existing GI-General Industrial uses from permitted uses to conditional uses. Jose noted that it would allow for the rear yard setback to be reduced from 25-feet to 0-feet for properties adjacent to the railroad's right-of-way. Jose noted that the proposed changes would allow for most of the uses in the existing GI-General Industrial district to be considered after holding a public hearing and diminishes the setback requirement allowing construction on some of the small lots.

Jose stated that this zoning district would also serve as a buffer between more industrial districts and commercial or residential districts. Jose noted that it would fit well with annexations of land zoned light industrial within the Joint Jurisdiction Zoning Area (JJZA) as the City's zoning district would allow most of the uses included in the JJZA zoning district.

Jose noted that staff also discussed the proposed changes with the Vermillion Chamber and Development Company to ensure that the proposed changes would not eliminate the possibility of attracting development to the City.

116-22

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1463 entitled Amending Title XV, Land Usage; Chapter 155, Zoning Regulations; Adding Section 155.041 Entitled LI - Light Industrial Zoning District of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 18th day of April, 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 8 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 Ordinance 1464 Amending Title XV, Land Usage; Chapter 155, Zoning Regulations; Section 155.026 to Rezone Parts of Land Adjacent to the Railroad in Lower Vermillion Adjacent to West Street, Chestnut Street, Broadway Street, Amber Street, 12th Street, Luxemburg Street, Austin Street, and Bloomingdale Street from the GI - General Industrial District to the LI - Light Industrial District.

Jose Dominguez, City Engineer, reported on the first reading of Ordinance 1464. Jose noted that the previous agenda item created the new LI-Light Industrial Zoning District. Jose stated that this district is intended to be a "lighter industrial" district that would also eliminate the rear yard setback requirements when adjacent to the railroad right-of-way.

Jose stated that the City's Planning and Zoning Commission (Commission) considered this item at their April 11th meeting. Jose stated that some of the Commissioners were concerned that the rezoning might create problems between existing residential uses and future industrial uses east of 12th Street. Jose noted that, additionally and not related to the item being discussed, some of the Commission members are also concerned with the amount of public notifications when the rezoning is City initiated. Jose stated that it should be noted that the City follows the State required process which only requires that the City publish the notice of the public meeting in the newspaper. Jose noted that legal notices are posted to the City's website for review. Jose stated that approximately 50 people have opted to register for the free subscription service available through the City's website which sends an email when a legal notice is posted. Jose noted that two residents of the area to be rezoned did attend the Commission meeting and an additional resident of the area called to learn more about the rezoning.

Jose noted that, at the April 2021 Commission meeting, the Commission directed Staff to bring up for future consideration a new industrial

district. Jose stated that, during that meeting, the area being considered for the new zoning district was the industrially zoned land below the bluff. Jose noted that this land is currently all zoned General Industrial with the majority being adjacent to the railroad right-of-way. Jose stated that this industrial area is also sandwiched between two residential districts. Jose noted that rezoning this area to the new LI-Light Industrial district would allow the residential property owners an opportunity to possibly voice their concerns at a public meeting for some of the uses. Jose noted that the rezoning would also allow for the rear yard setback to be reduced from 25-feet to 0-feet along properties adjacent to the railroad right-of-way.

Jose noted that staff also discussed the proposed changes with the Vermillion Chamber and Development Company to ensure that the proposed changes would not eliminate the possibility of attracting development to the City.

117-22

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1464 entitled Amending Title XV, Land Usage; Chapter 155, Zoning Regulations; Section 155.026 to Rezone Parts of Land Adjacent to the Railroad in Lower Vermillion Adjacent to West Street, Chestnut Street, Broadway Street, Amber Street, 12th Street, Luxemburg Street, Austin Street, and Bloomingdale Street from the GI - General Industrial District to the LI - Light Industrial District of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 18th day of April, 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 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Collier-Wise declared the motion adopted.

7. Old Business

A. Second Reading of Ordinance 1462 Amending Title XI, Business Regulations; Chapter 118 Furniture Zone; Sections 118.02 through 118.12 and 118.14 through 118.18 to amend existing language and provide for expanded retail usage of the sidewalks in the Central Business District.

John Prescott, City Manager, reported on Ordinance No. 1462 to adjust Furniture Zone. John noted that, in 2021, the City completed the Streetscape project which added approximately seven additional potential seating areas that are between the traditional walking area abutting the building and the street. He stated that the current Furniture Zone regulations were adopted in 2010 and have remained largely unchanged. John noted that the term Furniture Zone is used to describe public right-of-way that is used for retail purposes and in the past there were limited areas in the downtown for outdoor dining. John noted that uses of a Furniture Zone which did not involve alcohol sales were approved by staff and Uses of the Furniture Zone which involved alcohol were done by a Furniture Zone Limited Lease approved by the City Council.

John stated that Ordinance No. 1462 would make several changes to the existing language. He stated that the proposed changes include: removing the current requirement that a business sell at least 50% food in order to be able to serve alcohol in a Furniture Zone, adding the definition of a sidewalk pub that may serve little or no food to use the space, providing different hours for weekdays and weekends, and modifying the definition of an adjacent/adjoining business.

John noted that currently a business must abut the space to be used. He stated that, with a limited number of newly created larger spaces, the proposed ordinance changes provide that a business could be adjacent to the space. John stated that the application will have the applicant document that any adjacent businesses indicate their approval of the applicant using the space. He noted that the sale hours are currently 7:00 a.m. to 10:00 p.m. for each day and the ordinance changes the hours to 7:00 a.m. to 10:00 p.m. Monday through Thursday and 7:00 a.m. to 1:00 a.m. Friday and Saturday. John noted that the removal of the 50% food sale requirement provides the opportunity for bar establishments to use the space. He stated that a Furniture Zone limited lease is \$35 per year and the fee has been the same since the original ordinance was adopted.

John noted the three changes that Council Member Holland proposed at the last meeting were adjusted for the final reading on this ordinance. John also noted three changes to the definition section that will need to be adjusted to make the document more consistent throughout. John stated the first change is to the Furniture Zone Limited Lease definition, the first sentence "to a current beverage license holder to serve alcoholic beverages" should be stricken and the last sentence "shall" should change to "may." John noted the second change is to Sidewalk Café the last sentence behind alcoholic there should be "beverage." John noted that the last change is to the Sidewalk Pub definition to change "drinks" to "beverages."

Second reading of title to Ordinance No. 1462 Amending Title XI, Business Regulations; Chapter 118 Furniture Zone; Sections 118.02 through 118.12 and 118.14 through 118.18 to amend existing language and provide for expanded retail usage of the sidewalks in the Central Business District for the City of Vermillion, South Dakota

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1462 entitled Amending Title XI, Business Regulations; Chapter 118 Furniture Zone; Sections 118.02 through 118.12 and 118.14 through 118.18 to amend existing language and provide for expanded retail usage of the sidewalks in the Central Business District 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 April, 2022 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 18th day of April, 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 1462

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XI, BUSINESS REGULATIONS; CHAPTER 118, FURNITURE ZONE; SECTIONS 118.02 THROUGH 118.12 AND SECTIONS 118.14 THROUGH 118.18 ADDING AND CLARIFYING DEFINITIONS, REMOVING THE DEFINITION AND ALL REFERENCES TO A FURNITURE ZONE USE PERMIT AND FURNITURE ZONE PERMIT, MODIFYING LANGUAGE TO PROVIDE THAT THE CITY COUNCIL MAY ATTACH CONDITIONS TO LIMITED LEASES, REMOVING A REQUIREMENT FOR 50% FOOD SALES IN ORDER TO SERVE ALCOHOLIC BEVERAGE MODIFYING FOOD AND ALCOHOL SALES HOURS, AND REMOVING THE AUTHORITY FOR THE CITY MANAGER TO DENY A LIMITED LEASE.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the following sections of Chapter 118, Section 118.02 through 118.12 and Sections 118.14 and 118.18 be amended by adding the definition "Sidewalk Pub," updating referenced Code in "Central Business District," adding clarifying language to the definitions "Adjacent/Adjoining Business," "Furniture Zone Limited Lease," and "Sidewalk Café," and removing the definition and all references to a "Furniture Zone Use Permit" or "Furniture Zone Permit," modifying conditions attached to a limited lease to provide that the City Council may attach such conditions, removing the requirement that an applicant must document that

at least 50% of sales are food related in order to serve alcohol in a Furniture Zone, and removing the ability of the City Manager to deny a Furniture Zone Limited Lease. All other portions of section 118.02 through 118.12, Sections 118.14 through 118.18, and Chapter 118 will remain as they are. Following are the amendments:

§118.02 DEFINITIONS.

Adjacent/Adjoining Business. The business or property immediately adjacent to a portion of the sidewalk and furniture zone. A business shall be determined to be "adjacent" to a portion of the furniture zone by extending the property lines perpendicular into the furniture zone. A business shall be determined to be "adjoining" if the corner of the business lot is no more than 50 feet from the corner of a furniture zone defined by the City.

Central Business District. Area contained within the city's Main Street Commercial Core in section 155.036 of this Code of Ordinances.

Furniture Zone Limited Lease. A partial-year limited lease granted by the city which shall convey the exclusive right to the use of a portion of the city's right-of-way to the adjacent/adjoining business only for those business purposes designated in the lease, which may include the sale and service of alcoholic beverages.

Sidewalk Café. Licensed food service establishment which is permitted to use the furniture zone adjacent/adjoining to its place of business for the purpose of serving food from its menu in an outdoor setting and/or the sale of alcoholic beverages and consumption.

Sidewalk Pub. An establishment licensed to serve alcoholic beverages for consumption on its premises which is permitted to use the furniture zone area adjacent/adjoining to its place of business for the purpose of serving alcoholic beverages in an outdoor setting.

§118.03 FURNITURE ZONE USE ALLOWED.

(A) Commercial or other nonpublic use of the furniture zone shall be allowed in the central business district only through a limited lease granted by the city. Retailing is an allowed use of this chapter for a furniture limited lease for adjacent/adjoining businesses unless a written assignment of this allowed use is provided to another. The allowed uses under the provisions of this chapter by a limited lease are retailing, sidewalk café, and sidewalk pub.

§118.04 FURNITURE ZONE LIMITED LEASE FEES.

The annual fee for a furniture zone limited lease shall be set by resolution of the governing body.

§118.05 FURNITURE ZONE LIMITED LEASES FOR ALCOHOLIC BEVERAGE SALES.

Any furniture zone limited lease granted by the City Council pursuant to this chapter shall convey to the adjacent/adjoining business the right to use a designated portion of the sidewalk or furniture zone only for those purposes set forth in the lease. The limited lease may contain such restrictions and conditions as deemed necessary by the city and may not be assigned or sublet at any time during its term. The city shall have the right to terminate the limited lease for violation of any material term or condition thereof. Required compliance with all city ordinances and state statutes regarding the sale and service of alcoholic beverages shall be deemed to be a material condition of the limited lease. Compliance with city noise ordinances shall be deemed a material condition of the limited lease. The limited lease term shall not include those dates and times specified for special events approved by the City Council which includes the area of the furniture zone limited lease at the election of the event sponsor.

§118.06 LEASE DURATION.

Leases may be granted for the period between March 10 and November 1 of the year of issuance. Leases may temporarily extend beyond this period upon approval of the City Manager.

§118.07 OBJECTS ALLOWED IN THE FURNITURE ZONE BY PERMIT.

(A) Before any items can be placed in the furniture zone, the property owner must have a current furniture zone limited lease. Notice must be provided to the city on a form furnished by the City Manager's office. The form must include a drawing of the furniture zone containing the layout of all objects to be placed in the zone. Applicant will be notified, in writing, of any objects not approved in the plan. Once the plan has been approved by the city, the applicant will be allowed to place objects in the furniture zone.

(B) Objects such as tables and chairs may be placed in the furniture zone so long as a valid furniture zone limited lease has been obtained, the items do not encroach upon the designated pedestrian walkway or another business's furniture zone limited lease area, and the items are made from commercial grade material. Other items may be placed in the furniture zone upon approval from the city. Any objects placed in the furniture zone must be removed by November 1st.

§118.08 APPLICATION FOR LIMITED LEASE.

All applicants for furniture zone limited leases shall complete an application form provided by the City Manager's Office. Any such limited lease shall be granted on forms prepared by the City Manager's office.

§118.09 REVIEW AND EVALUATION CRITERIA.

Each application for a furniture zone limited lease shall be evaluated for the following criteria prior to executing a limited lease agreement.

(A) Provisions of this chapter are adequately followed;

(B) All additional licenses or permits required by the city or state for the proposed use activity have been obtained;

(C) Placement of objects upon the furniture zone are consistent with the policies and standards developed by the city;

(D) Adequate clearances for pedestrian circulation exist within the site. This includes proper clearances from items such as light poles, trash cans, and whether proper pedestrian circulation occurs on the site; and

(E) Safety concerns related to the requested furniture zone use have been addressed.

§118.10 APPROVAL CONDITIONAL.

The City Council may attach conditions to the furniture zone limited lease to provide for the safety and welfare of the public and neighboring property interests or may deny the requested limited lease if it determines in writing that no conditions can adequately provide safety and welfare. Conditions may be added to a limited lease during its term to address bona fide concerns that may arise after the issuance of the limited lease.

§118.11 LIABILITY AND INSURANCE.

(A) Before any object placement or furniture zone limited lease is granted, the applicant shall sign a statement holding harmless the city and shall indemnify the city, its officers and employees, for any claims for damages to property or injury to persons which may occur in connection with any activity carried on pursuant to the terms of the furniture zone limited lease.

(B) All applicants for the use of the furniture zone shall furnish and maintain a policy of insurance protecting the applicant and the city from all claims for damage to property or bodily injury, including death,

which may arise from operations under the furniture zone limited lease, or in connection therewith. The insurance policy shall list or endorse the city as additional insured and carry minimum liability limits of at least \$1,000,000 per occurrence. The endorsement shall provide that the policy shall not be terminated or cancelled prior to the termination of the furniture use without 30 days' written notice to the city.

§118.12 DESIGNATED PEDESTRIAN WALKWAY.

The City shall on each executed furniture zone limited lease, identify the designated pedestrian walkway. No aspect of the furniture zone lease shall be allowed to be conducted upon the designated pedestrian walkway and no equipment or fixtures shall intrude upon or extend into the designated pedestrian walkway, except to transfer items from an interior structure. The designated pedestrian walkway shall not be considered part of the furniture zone use.

§118.14 MAINTENANCE OF LIMITED LEASED AREA.

Limited lease holders shall maintain the leased area in a clean manner while in use and shall mitigate any impact activities associated with the leased use which contribute to the uncleanliness of the sidewalk and surrounding area. Lease holders serving or selling food or beverage must provide a trash receptacle for patron use within the designated furniture zone while in use.

§118.15 ALCOHOL SERVICE AND CONSUMPTION IN FURNITURE ZONE.

Alcohol service and consumption in a furniture zone area is prohibited unless the adjacent/adjoining business holds a valid on-sale license issued by the state for the sale and service of alcoholic beverages for that adjacent/adjoining business. Sale and consumption of alcohol in the furniture zone is limited to the area identified in the furniture zone limited lease which shall be adjacent/adjoining to the licensed premises.

§118.16 ADDITIONAL RULES GOVERNING ALCOHOL BEVERAGES IN FURNITURE ZONE.

Any limited lease which includes the sale or consumption of alcohol shall adhere to these additional provisions which shall be deemed to be material conditions of any limited lease:

(A) Compliance with the rules, regulations, and conditions of the alcohol license.

(B) Containers for the dispensing of alcoholic beverages must be maintained inside the licensed facility and not in the furniture zone use area. No taps, kegs, cooler, or other alcoholic beverage storage devices are allowed in the furniture zone limited lease area.

(C) All alcoholic beverages served by the permitted establishment must be consumed in the furniture zone limited lease area or inside the facility and disposed of on site. Patrons and staff loitering with alcohol on the designated pedestrian pathway is a prohibited activity. Exception: The transport of alcoholic beverages by patrons or staff directly from the indoor premises to the furniture zone use area or to the licensed facility is not prohibited.

(E) Any time more than 10 people occupy a furniture zone leased area serving alcohol, the limited lease area shall be staffed such that the furniture zone limited lease area is supervised.

(F) The hours of operation for the sale and consumption of alcoholic beverages in the furniture zone lease areas shall be on Sundays through Thursdays 7:00 a.m. to 10:00 p.m., on Fridays from 7:00 a.m. until 1:00 a.m. Saturday, and on Saturdays from 7:00 a.m. until 1:00 a.m. Sunday. The city has the right to limit use of the furniture zone area for alcoholic beverage sales and consumption on specific days.

§118.17 REVOCATION AND SUSPENSION.

The City Manager, or designee, may revoke or suspend a furniture zone limited lease upon finding that any provision herein or any condition set forth in the limited lease has been violated. Notice shall be given to the holder of the limited lease prior to revocation or suspension.

§118.18 EXEMPTION.

Property owners who wish to place flowerpots or planters upon the sidewalk may do so without obtaining a furniture zone use limited lease as long as the items are not placed in the pedestrian walkway.

Dated at Vermillion, South Dakota this 18th day of April 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, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Mayor Collier-Wise-Y.

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

8. New Business

A. Resolution Authorizing the Sale of the Fire Department Pumper truck to the City of Centerville, South Dakota Fire Department

Jose Dominguez, City Engineer, reported on a resolution authorizing the sale of the Fire Department pumper truck. Jose noted that, in January 2022, the City Council authorized the City Manager to place an order for a new pumper truck. Jose noted that the new pumper truck would replace the City's 2002 Spartan/Luverne VA41M pumper truck.

Jose stated that the Fire Department equipment tends to be specially manufactured for firefighting and as such, there are not that many purchasers for the equipment. Jose noted that, due to the lack of a market, Staff has been in contact with other fire departments in the area to see if they would be interested in purchasing the City's old pumper truck. Jose noted that, through staff inquiries, it was found that the City of Centerville's Fire Department is in the market for a used pumper truck and that they would be interested in the City's old pumper truck.

Jose stated that the City received a letter from the Centerville Fire Department stating that they would offer \$60,000 for the purchase of the City's pumper truck. Jose noted that the City of Centerville is allowed to purchase directly from the City without going to bids based on SDCL 5-18A-22 (10); this statute allows for municipalities to purchase "surplus property from another purchasing agency" without going out to bids. Jose noted that the City of Vermillion can sell property to another political entity by resolution and without advertising the sale. Jose noted that Statutes 6-5-1 through 6-5-3, and 6-13-4 cover the sections that the City must follow.

Jose stated that the Centerville Fire Department would like to take possession of the City's pumper truck as soon as possible. Jose stated that, although the City did not yet have the replacement vehicle which was ordered in January, the City was already planning to discontinue use of the 2002 pumper truck. Jose stated that selling the vehicle to the Centerville Fire Department at this point would not pose a danger to the community.

Jose stated that prior to the transfer of the property, the City must surplus and appraise the vehicle. Jose noted that staff is proposing that the vehicle be appraised at \$66,660.00, which would allow for the City to sell the vehicle to Centerville's Fire Department for no less than 90% of the appraised value; which would be \$59,940. Jose noted that the City of Centerville offer exceeds the minimum sale price.

119-22

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

RESOLUTION

AUTHORIZING THE SALE OF THE FIRE DEPARTMENT PUMPER TRUCK TO THE CITY OF CENTERVILLE (SD) FIRE DEPARTMENT

WHEREAS, SDCL 6-5-1 through SDCL 6-5-3 authorizes the governing body of a municipality to transfer personal property with any other political subdivision of the State; and

WHEREAS, SDCL 6-13-4 exempts the City from advertising the sale, or transfer, of personal property to another political subdivision of the State; and

WHEREAS, the City Council Surplus Property Appraisal Committee appraised the 2002 Spartan/Luverne VA41A pumper truck at \$66,660.00; and

WHEREAS, it would be beneficial for the City of Centerville (SD) Fire Department to own the pumper truck as it would better help them combat fire emergencies.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to sell the surplus 2002 Spartan/Luverne VA41A pumper truck to the City of Centerville (SD) Fire Department for the amount of \$60,000.

Dated at Vermillion, South Dakota this 18th day of April, 2022.

FOR 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. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Collier-Wise declared that the Resolution was adopted.

B. Resolution for Transfer of Extrication tools from the City of Vermillion Fire EMS Department to the Vermillion Rural Fire Department

Matthew Callahan, Fire Chief, reported on a transfer of extrication tools to the Vermillion Rural Fire Department. Matthew noted that, approximately 4 years ago, the City of Vermillion Fire EMS Department and the Vermillion Rural Fire Department each purchased a complete set of extrication tools to replace outdated equipment. Matthew stated that, with the purchase of a Rescue/Engine by the City complete and production starting, the Rural Fire Department will be selling their rescue truck once delivery of the new city truck occurs. Matthew stated that the city extrication tools, which are powered by a pump, are mounted on the rural rescue truck. Matthew noted that the rural extrication tools powered by batteries are on the city engine downtown. Matthew stated that to avoid any problems with the sale of the rescue truck which will include the extrication tools on the vehicle, the two entities will need to transfer ownership of current extrication tools to the other. Matthew stated that the City Council will need to approve the transfer of this equipment to the aforementioned department.

120-22

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

RESOLUTION
AUTHORIZING THE TRANSFER OF EQUIPMENT TO THE VERMILLION RURAL FIRE
DEPARTMENT

WHEREAS, SDCL 6-5-5 and SDCL 9-12-5 authorizes the governing body of a municipality to transfer personal property to any other political subdivision of the State; and

WHEREAS, the City of Vermillion Fire EMS Department and Vermillion Rural Fire Department each purchased a complete set of extrication tools; and

WHEREAS, the pump powered tools purchased by the City of Vermillion Fire EMS Department are mounted on the rural rescue truck and the battery powered extrication tools purchased by the Vermillion Rural Fire Department are mounted on a city engine; and

WHEREAS, the City of Vermillion Fire EMS Department is purchasing a rescue engine and the Vermillion Rural Fire Department will be selling their Heavy Rescue; and

WHEREAS, it would be beneficial for the Vermillion Rural Fire Department to be the owner of the extrication tools on the Heavy Rescue which they will be selling.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the pump powered extrication tools purchased by the City

of Vermillion and currently mounted on the Heavy Rescue owned by the Vermillion Rural Fire Department are hereby transferred to the Vermillion Rural Fire Department.

Dated at Vermillion, South Dakota this 18th day of April, 2022.

FOR 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 Humphrey. 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 Collier-Wise declared that the Resolution was adopted.

C. Permit for consumption but not the sale of alcoholic beverages for a leadership dinner event sponsored by the Dakota Hospital Foundation on Wednesday May 18, 2022 from 5:00 p.m. to 9:00 p.m. at the Muenster University Center Ballroom on the University of South Dakota campus

Katie Redden, Finance Officer, reported that Jill Christopherson, on behalf of the Dakota Hospital Foundation, has requested a permit to consume alcoholic beverages on public property for a leadership dinner event. Katie noted that the event will be on Wednesday, May 18th from 5:00 p.m. to 9:00 p.m. at the Muenster University Center Ballroom on the USD campus. A copy of the request for the event is attached.

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

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

121-22

Council Member Holland moved approval of the Permit for consumption but not the sale of alcoholic beverages for a leadership dinner event sponsored by the Dakota Hospital Foundation on Wednesday May 18, 2022

from 5:00 p.m. to 9:00 p.m. at the Muenster University Center Ballroom on the University of South Dakota campus. Council Member Price seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

D. Policies and Procedures Committee report on backyard chicken ordinance development

Council Member Hellwege reported that the Policies and Procedures Committee met on April 6, 2022 with the purpose of reviewing the ordinances which related to backyard chickens which were tabled indefinitely in 2016.

Hellwege stated that Ordinance 1337 would amend City Code Chapter 93 Animals and Fowl as it pertains to providing for backyard chickens. She noted that Ordinance 1338 would amend Chapter 155 Zoning Regulations to include chicken coops as an accessory building. Hellwege stated that the Policies and Procedures Committee provided direction on potential changes to both ordinances. She stated that City staff is researching and working on changes to both ordinances as directed by the Committee. Hellwege noted in summary, the proposed changes being developed would remove some of the initially proposed requirements such as obtaining consent from 100% of neighboring property owners, size and design requirements of chicken coops, some of the information needed on the application, and number of birds allowed (3 vs 4 that were initially proposed).

Hellwege stated that, at this point, the plan is to have a presentation on both ordinances at the May 2, 2022 evening meeting. Hellwege noted that, if the draft of the updated ordinances is close to what the City Council would like to bring forward for consideration, staff will make the final revisions to the respective ordinances and place the items on the May 16, 2022 agenda for consideration.

Amy Schweinle, 202 S Harvard, thanked the Council for bringing this back to the table. Amy noted that 4-H kids that live in town are missing out on being able to show and raise animals. Amy noted that this will be a great leadership opportunity for these kids.

Council Member Holland asked Amy Schweinle if 3 hens are enough. Amy stated that 4 is ideal, but you can show with 3. Discussion followed on the reasoning behind 3 hens.

122-22

Council Member Holland moved acceptance of the Policies and Procedures Committee report on backyard chicken ordinance development. Council Member Price seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

E. Resolution amending the Joint Cooperative Agreement for the South Eastern Council of Governments

John Prescott, City Manager, reported on an amendment to the Joint Cooperative Agreement for the South Eastern Council of Governments. John noted that the First Class cities of Vermillion, Brandon, and Sioux Falls and the six counties of southeastern South Dakota created the South Eastern Council of Governments (SECOG) in 1972. John stated that SECOG was created by the governing bodies of the respective jurisdictions entering into a Joint Cooperative Agreement. John noted that the Joint Cooperative Agreement outlines the primary functions of the organization, membership eligibility, organization of the Board and subcommittees, appointment of an Executive Director and related administrative items. John noted that the Joint Cooperative agreement has been amended a couple of times over the years with the last amendment in 2017 when Harrisburg became a First Class city.

John stated that Tea became a First Class city with the 2020 US Census with a population exceeding 5,000. John noted that allowed Tea to become a First Class municipality per the State definition. John noted that, historically, the First Class Cities and six Counties have comprised the members of the Joint Cooperative Agreement. John stated that the attached resolution revises the Joint Cooperative Agreement to include Tea as a Joint Cooperative Member.

John noted that, to keep the SECOG Board at twenty-one members, the Joint Cooperative agreement reduces the number of private sector representatives from eight members to seven members. Sioux Falls has three seats on the Board and each of the other first class cities and the six counties each have one Board seat. John noted that a State legislator from the region is also a Board member. John noted that the SECOG Executive Board voted to support the attached revision to the Joint Cooperative Agreement at the March 2022 meeting.

John noted that SECOG primarily assists Vermillion with CDBG and SRF grant/loan applications, award documentation, pay requests, and monitoring of the awards. John stated that they have helped with comprehensive plan updates for the City's comprehensive plan and the JJZA. John noted that, depending on the SECOG staff available, the City has worked with the organization on zoning questions and some code language.

123-22

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

RESOLUTION APPROVING A REVISED JOINT COOPERATIVE AGREEMENT
ESTABLISHING THE SOUTH EASTERN COUNCIL OF GOVERNMENTS

WHEREAS, in 1970, South Dakota Governor Frank Farrar signed an Executive Order creating six Planning and Development Districts in South Dakota; and

WHEREAS, the South Eastern Council of Governments (SECOG) was created when local officials in the area exercised their authority under the "Joint Exercise of Governmental Powers" (SDCL 1-24); and

WHEREAS, SECOG serves Clay, Lincoln, McCook, Minnehaha, Turner, and Union Counties as well as the municipalities located within those counties in southeastern South Dakota; and

WHEREAS, SECOG was created as a means whereby counties and cities and other public and private organizations within them may cooperate with one another to improve the health, safety, and general welfare of the citizens of the region; and

WHEREAS, SECOG promotes regional cooperation and the economical delivery of services and has been providing technical assistance to local governmental entities for more than 50 years; and

WHEREAS, SECOG's Executive Board has determined that the existing Joint Cooperative Agreement entered into in 2017 should be revised.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota hereby approves the document titled "South Eastern Council of Governments Joint Cooperative Agreement" among Clay, Lincoln, McCook, Minnehaha, Turner, and Union counties and the cities of Brandon, Harrisburg, Sioux Falls, Tea, and Vermillion. The agreement, containing revisions to the existing 2017 Joint Cooperative Agreement, is attached to and hereby made a part of this resolution.

Dated at Vermillion, South Dakota this 18th day of April, 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 Humphrey. 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 Collier-Wise declared that the Resolution was adopted.

F. Human Relations Commission appointments

Mayor Collier-Wise reported that there are four openings on the Human Relations Commission: two three-year terms, 1 year remainder of Gerald Yutrzenka's term, and one is for a student enrolled in post-secondary education for a one-year term. Mayor Collier-Wise reported that there were three expression of interest applications for the three terms and one for the one-year post-secondary term. Mayor Collier-Wise recommended the appointment of Michelle Kavanaugh for the one year term, Mike Phelan and Becky Rider for the two three-year term and of Deidre Whiteman to one-year post-secondary education term. Mayor Collier-Wise thanked all that applied.

124-22

Council Member Price moved approval of the appointment of Michelle Kavanaugh for the one year term, Mike Phelan and Becky Rider for the two three-year terms and of Deidre Whiteman to one-year post-secondary education term. Council Member Holland seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

G. Declaration of surplus items for City auction

Katie Redden, Finance Officer, reported that a list is included in the packet of abandoned vehicles and surplus City property. Katie noted that, before the City can dispose of property, the City Council would need to declare it surplus and authorize the sale at public auction. Katie stated that the list included in the packet includes ten abandon vehicles that would be used by the Fire Department for training. Katie stated that the abandoned vehicles used by the Fire Department for training are then sold as scrap metal. Katie stated that Hazen Bye and Gary Madsen have been contacted and can do the auction on Friday, May 6th at 5:30 p.m. at the Municipal Service Center. Discussion followed.

125-22

Council Member Holland moved to declare the following property surplus to be sold at public auction or as scrap: 2005 Ford Crown Victoria; 1993 Chevrolet Suburban; 2002 Ford Escort; 1998 Ford F150; 2005 Chrysler Pacifica; 2005 Chrysler Town Country; 2006 Pontiac G6; 2007 Pontiac Grand Prix; 1983 Chevy 7747; 2012 Kia Sorento; 2007 Ford Taurus; 2013 Buick Enclave; 1997 Ford F150; 2005 Pontiac Sunfire; 2003 Chevrolet S10; 16 Abandon Bicycles; Toro Grounds master 345

with aero seeder 82; Office Chair; Small wire storage rack; chalk board; Green stroller Baby Trend; 24" Stanley Crowbar; Battery Jump Pack; Spotlight; yellow garden house; Costco car Seat (2018, good for 8 years); computer Gaming Keyboard; Motorcycle Helmet; cash register; two (2) APC 3000VA smart uninterruptible power suppliers; two (2) desktop bolt-on monitor brackets; computer monitors; Milwaukee 24 Volt; Cordless Tool Kit; (5) Otterbine Pond Aerators; (7) 20 foot well pipe 4 inch diameter with a coupling; ping pong table; Safety netting; two (2) archery block targets; two (2) chain link gates; corkboard; misc. tires; misc hand tools; 1995 Fisher Snow Plow. Council Member Price seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

9. Bid Openings

A. Wastewater Treatment Plant ultraviolet lights

Shane Griese, Utilities Manager, reported on the the Wastewater Treatment Plant ultraviolet lights bids. Shane noted that the Wastewater Treatment Facility utilizes UV lights to disinfect wastewater as one of the final treatment processes before it is discharged back into the environment. Shane stated that, in November of 2021, the City Council approved an engineering agreement for the replacement of the UV light system.

Shane stated that the project plans and specifications were completed in early March and reviewed by both City staff and the Department of Agriculture and Natural Resources. Shane noted that the project was advertised on March 18 and 25, 2022. Bids were received and opened/read on Wednesday, April 6, 2022.

Shane stated that the City received one bid from Muth Electric Inc. of Sioux Falls in the amount of \$355,000. Shane noted that this bid was under the engineer estimate of \$450,000-\$475,000. Shane noted that the bid tab as well as a recommendation letter has been attached for your review.

Shane noted that the 2022 Wastewater budget includes \$220,000 for replacement of the UV light system and the budget will need to be revised to cover the difference. Shane noted that the City can utilize some of the funds we received as part of the American Rescue Plan Act for the additional cost.

126-22

Council Member Ward moved approval of the Muth Electric bid of \$355,000 for the wastewater UV light system. Council Member Holland seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

B. Prentis Park Sidewalk, Phase 4

Jose Dominguez, City Engineer, reported on bids for the Prentis Park sidewalk, Phase 4. Jose noted that, as part of the improvements to Prentis Park, the City Council budgeted funds to construct additional sidewalks at Prentis Park in order to make the park more accessible for the public. Jose stated that construction of sidewalks through and around the park started in 2018 with the construction of a sidewalk from the pool north towards East Clark Street and east towards the parking lot. Jose noted that, in 2019, the second phase of the project constructed a sidewalk on the south side of East Clark Street from North Plum Street to Prentis Avenue and in 2020 the sidewalk along the west side of the park (North Plum Street) from East Clark Street to East Main Street was constructed.

Jose stated that bids were opened on Wednesday, April 13, 2022. Jose noted that bid notices were sent to five potential bidders and nine builder's exchanges and the City received two bids. Jose noted that the bids were as follows: Walker Construction \$41,518.56 and M & M Construction \$45,987.39 with the engineer's estimate at \$52,000.

Jose noted that this project will construct a sidewalk along the west side of Prentis Avenue from the baseball field/pool parking lot to East Main Street. Jose stated that the project will also construct a curb and gutter along this stretch of Prentis Avenue and thus prohibit the ability of vehicles to park in the green spaces in the park. Jose stated that this year's project is to be completed no later than November 1, 2022.

Jose noted that the 2022 budget includes a budget of \$35,000 for the construction of the sidewalk, but construction of the curb and gutter was not included in the original estimate. Jose noted that the budget will have to be revised during the 2022 budget review sessions.

127-22

Council Member Ward moved approval of the bid from Walker Construction for \$41,518.56 for the construction of Prentis Park Sidewalk, Phase 4. Council Member Hellwege seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

C. Miscellaneous Concrete

Jose Dominguez, City Engineer, reported on bids received for miscellaneous concrete. Jose noted that the City has an ongoing program to update all of the ADA accessible ramps within the City. Jose stated that the program was instituted several years back and designates funding for ADA accessible ramp improvements. Jose noted that the City also

utilizes this project to repair curb and gutter sections and storm sewer inlets that were damaged during the winter months.

Jose stated that the City sent requests for bids to six contractors and nine plan houses. Jose noted that from those requests, the City received two bids that were opened on April 13, 2022. The bids were as follows: M&M Construction \$55,331.48 and Walker Construction \$60,177.86.

128-22

Council Member Holland moved approval of the bid from M&M Construction of \$55,331.48 for miscellaneous concrete. Council Member Hellwege seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

10. City Manager's Report

A. John reported that the joint meeting of the City Planning and Zoning Commission and the Clay County Planning Commission will be on Monday, April 25th at 5:30 p.m. in the City Council Chambers. Items on the agenda are: 1) A request to rezone land addressed as 1919 W. Cherry Street from A-1 Agricultural to LI Light industrial for a Grain Terminal/Grain Processing facility, 2) Conditional Use Permit for a broadcast/telecommunications tower on farmland located ¼ mile east of the intersection of N. Crawford Road and Cherry Street.

B. John noted that two three-year terms on the Library Board of Trustees expire in May. Individuals are asked to complete an Expression of Interest form with the City Council making appointments at the Monday, May 2, 2002 meeting.

C. 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 23rd is the next Saturday these hours will be in place.

D. John noted the Household Hazardous Waste collection at the Center, 840 N. Crawford Road, on Friday, April 22nd from 2:00 p.m. to 6:00 p.m. Cost is \$10 per vehicle.

E. John reported on a raffle notification: The Knights of Columbus will be selling 200 Monday night football books at \$20 each from April 21 to September 21, 2022. The two winners each week are selected based on the final digits of the score. The winners each receive \$50. The remaining \$2,000 goes to the Knights for their philanthropic projects related to the church and school.

11. Invoices Payable

129-22

Council Member Price moved approval of the following invoices:

A & A REFRIGERATION	REPAIRS	840.33
A & B BUSINESS, INC	COPIER CONTRACT	190.95
AMAZON BUSINESS	SUPPLIES	536.43
APPEARA	SHOP TOWELS	45.00
ARAMARK EDUCATION SERVICES	MALT BEVERAGE MARKUP REFUND	18.12
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	187.80
AT&T MOBILITY	MOBILE HOT SPOTS	410.12
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	25,112.39
BLACKSTONE PUBLISHING	BOOKS	223.35
BORDER STATES ELEC SUPPLY	WORK SHIRTS	478.25
BROADCASTER PRESS	ADVERTISING	3,949.47
BROCK WHITE CO	ROADSAVER	7,020.00
BRUNICKS SERVICE INC	PROPANE	56.00
BUHL'S CLEANERS	MAT/MOP SERVICE	526.74
BUILDING MAINTENANCE COMPANY	JUNK/DEBRIS REMOVAL	65.00
BUREAU OF ADMINISTRATION	TELEPHONE	348.36
BUTCH'S PROPANE INC	PROPANE	2,545.78
BUTLER MACHINERY CO.	CATERPILLAR WHEEL LOADER/REPAIRS	127,363.90
CALLAWAY GOLF	MERCHANDISE	4,241.46
CENGAGE LEARNING INC/GALE	BOOKS	588.44
CENTRALSQUARE TECHNOLOGIES	ANNUAL SUBSCRIPTION/MAINTENANCE	884.10
CENTURYLINK	TELEPHONE	1,557.65
CITY OF VERMILLION	LANDFILL VOUCHERS	137.50
CLAY RURAL WATER SYSTEM	WATER USAGE	55.90
CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,999.57
COFFEE KING, INC	COFFEE	66.75
CORE & MAIN LP	SUPPLIES	2,960.09
D-P TOOLS	SUPPLIES	159.95
DAKOTA BEVERAGE	MERCHANDISE	12,847.42
DAKOTA PC WAREHOUSE	COMPUTER/PRINTER	777.95
DANIEL MILROY	MEALS REIMBURSEMENT	94.00
DENNIS MARTENS	FUEL REIMBURSEMENT	48.13
DUBOIS CHEMICALS	SODA ASH	16,134.91
DYNAMIC BRANDS	MERCHANDISE	157.00
ECHO ELECTRIC SUPPLY	SUPPLIES	888.78
ELECTRIC PUMP, INC	SERVICE AGREEMENT	2,100.00
ENERGY LABORATORIES	TESTING	1,324.00
ENVISIONWARE, INC	MAINTENANCE	1,396.90
FARNER BOCKEN COMPANY	MERCHANDISE	881.40

GRAHAM TIRE CO.	TIRES	642.40
GRAYMONT (WI) LLC	CHEMICALS	4,780.53
GREGG PETERS	MANAGERS PROFIT/FEE/FREIGHT	39,262.23
HACH CO	SUPPLIES	10,909.99
HAUFF MID-AMERICA SPORTS	UNIFORMS	175.00
HEIMAN FIRE EQUIPMENT	FIRE FIGHTER EQUIPMENT	9,843.63
HENDERSON EXHAUST PLUS	REPAIRS	30.00
HY VEE FOOD STORE	SUPPLIES	105.60
INGRAM	BOOKS	1,000.45
INTENSE GRAPHICS CUSTOM APPAREL	WORK SHIRTS/TANK TOPS	1,850.08
JACKS UNIFORM & EQPT	UNIFORM	1,902.15
JASPER JOHNSON	MEALS REIMBURSEMENT	94.00
JERRY'S SERVICE, INC	FUEL	15,972.22
JOHN A CONKLING DIST.	MERCHANDISE	3,252.15
JOHNSEN HEATING & COOLING	REPAIRS	6,728.27
JOHNSON BROTHERS OF SD	MERCHANDISE	9,885.06
JONES FOOD CENTER	MERCHANDISE	214.72
K & M TIRE	TIRES	716.00
KEG TECHNOLOGIES INC	PART	3,950.70
KIMBALL MIDWEST	SUPPLIES	769.26
LARSON DATA COMMUNICATIONS	RADIOS/SUPPORT	19,232.80
LAYNES WORLD	VPD LOCKER PLATE	8.00
LOFFLER	COPIER CONTRACT/COPIES	139.68
LOGO GOLF CHIPS, INC	MERCHANDISE	190.00
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	1,280.00
MATHESON TRI-GAS, INC	CYLINDER RENTAL	100.30
MATTER LAW OFFICE, PROF LLC	PROFESSIONAL SERVICES	5,096.90
MICRO MARKETING LLC	BOOKS	119.16
MIDAMERICAN	GAS USAGE	7,727.71
MIDCONTINENT COMMUNICATION	GATEWAY MODEMS/INTERNET SERVICE	1,556.60
MIDWEST ALARM CO	ALARM MONITORING	281.85
MIDWEST READY MIX & EQUIPMENT	FLOWABLE FILL	2,097.00
MIDWEST TURF & IRRIGATION	SUPPLIES	663.52
MIDWESTERN MECHANICAL, INC	ANNUAL INSPECTION	325.00
MINN MUNICIPAL UTILITY ASSOC	SAFETY MGMT PROGRAM	6,712.50
MISSOURI VALLEY MAINTENANCE	REPAIRS	562.80
MOBOTREX MOBILITY & TRAFFIC	REPAIRS	1,028.00
MOORE WELDING & MFG	REPAIRS	1,333.65
MOTOROLA INC	PORT.RADIOS/CHARGERS/MICROPHONES	37,140.99
MURPHS APPLIANCE & TV INC	ICE MAKER KIT	64.50
NCL OF WISCONSIN, INC	CHEMICALS	320.00
NEBRASKA JOURNAL-LEADER	ADVERTISING	34.95
NETSYS+	PROFESSIONAL SERVICES	288.75

NICK ANGLIN	MEALS REIMBURSEMENT	102.00
O'REILLY AUTO PARTS	PARTS/REPAIRS	238.24
ODEYS INC	FIELD TOPDRESSING	2,912.00
OVERHEAD DOOR OF SIOUX CITY	REPAIRS	2,464.74
PEPSI COLA OF SIOUXLAND	MERCHANDISE	432.55
PING/KARSTEN MFG CORP	MERCHANDISE	1,526.25
PUKKA INC	MERCHANDISE	1,160.40
PUMP N PAK	SUPPLIES	15.02
QUADIENT LEASING USA, INC	POSTAGE METER LEASE PMT	178.90
QUADIENT, INC	SEALING KIT	27.69
RAMKOTA HOTEL-WATERTOWN	LODGING	588.00
RAMKOTA HOTEL-PIERRE	LODGING	98.00
REDI TOWING	TOWING	75.00
REEL SHARP	PARTS/REPAIRS	1,268.00
REPUBLIC NATIONAL DISTRIBUTING	MERCHANDISE	10,339.03
RESCO	SUPPLIES	1,182.90
RS PLUMBING SERVICES	REPAIRS	85.00
RUNNING SUPPLY, LLC	SUPPLIES	1,238.73
SANFORD HEALTH OCCUPATIONAL	TESTING	812.00
SD ASSOC. OF CODE ENFORCEMENT	REGISTRATION	100.00
SD DENR	LANDFILL OPERATIONS FEE	3,355.35
SD HUMANITIES COUNCIL	REGISTRATION	50.00
SD MUNICIPAL LEAGUE	REGISTRATION	170.00
SD SHAKESPEARE FESTIVAL	CONTRIBUTION	5,000.00
SHEENA OCKENGA	REFUND PARKING TCKTS OVERPMT	90.00
SIGN SOLUTIONS	SUPPLIES	1,199.10
SIOUXLAND HUMANE SOCIETY	FEES	37.00
SOUTHERN GLAZER'S OF SD	MERCHANDISE	5,310.65
STAN HOUSTON EQPT CO	SUPPLIES	788.83
STONE CONLEY	REIMBURSE TOWING CHARGE	258.00
STUART C. IRBY CO.	SUPPLIES	1,036.20
STURDEVANT'S AUTO PARTS	PARTS/REPAIRS	407.93
SUN MOUNTAIN	MERCHANDISE	2,173.20
SYNCB/AMAZON	BOOKS/DVDS/SUPPLIES	911.11
THE GROWLER STATION, INC	LICENSING FEE/MAINTENANCE	749.97
THE SOAP GUYS	CAR WASH	9.00
THE UPS STORE #6751	SHIPPING	12.16
THOMAS L PRICE INC	EVALUATION	700.00
TITLEIST-ACUSHNET COMPANY	MERCHANDISE	6,451.74
TODD NORDYKE	MEALS REIMBURSEMENT	112.00
TRACTOR SUPPLY CREDIT PLAN	SUPPLIES	99.99
UNITED PARCEL SERVICE	SHIPPING	54.02
US GOLF ASSOCIATION	MEMBERSHIP	150.00

USPS-POC	POSTAGE FOR METER	700.00
UTILITY EQUIPMENT CO.	METER	658.82
VERMEER HIGH PLAINS	WATER FILTER	40.90
VERMILLION ACE HARDWARE	BLOWER/TRIMMER/MOWER/SUPPLIES	2,665.09
VERMILLION AREA COMMUNITY FOUND.	ROUND UP PROGRAM	231.67
VERMILLION CHAMBER OF COMMERCE	QUARTERLY FUNDING	67,500.00
VERMILLION FORD	PART	5.00
VERMILLION ROTARY CLUB	DUES/MEALS	160.25
WALKER CONSTRUCTION INC	CONCRETE WORK	1,966.06
WALT'S HOMESTYLE FOODS, INC	MERCHANDISE	211.00
WASTE MANAGEMENT OF WI-MN	WASTE HAULING	1,389.56
WESCO DISTRIBUTION, INC	SUPPLIES/PARTS	5,779.40
WESTERN IOWA TECH	REGISTRATION/TUITION	190.00
YANKTON FIRE & SAFETY	ANNUAL INSPECTION	196.00
YANKTON WINNELSON CO	REPAIRS	114.95
ZEE MEDICAL SERVICE	SUPPLIES	300.30
ZIMCO SUPPLY CO	CHEMICALS	700.36

Council Member Jennewein seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

12. Consensus Agenda

A. Set a public hearing date of May 2, 2022 for the transfer of the retail on sale liquor license from RED Steakhouse, LLC to Jared Higman for RED Steakhouse at 1 E Main Street

130-22

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

13. Adjourn

131-22

Council Member Ward moved to adjourn the Council Meeting at 7:50 p.m. Council Member Price seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 18th day of April, 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 _____.

Unapproved Minutes
Council Special Session
April 18, 2022
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, April 18, 2022, at 12:00 noon at the John "Jack" Powell Conference Room.

1. Roll Call

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

2. Adoption of Agenda

113-22

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

3. Visitors to be Heard - None

4. Educational Session - Tree Ordinance compliance - Building Official Kalin Bird

Kalin Bird, Building Official, reported on our current landscaping standards (Code Section 155.077) and the non-compliance rate. Kalin noted that the Code Enforcement Office surveyed 127 properties that require the landscaping standards and 53 of those had not planted a tree. Kalin noted that this is a 42% non-compliance rate. Discussion followed on the issues in the code. Mayor Collier-Wise requested to send this to the Policy and Procedure Committee to look at the landscaping standard to fix the problems.

5. Educational Session - ARPA Money Allocations - Finance Officer Katie Redden

Katie Redden, Finance Officer, reported on the American Rescue Plan Act allocations that the City received. Katie noted that the City has received \$987,961.40 of the \$1,975,922.80. Katie stated that, due to the Federal Government guidelines for reporting, the money must be allocated by 2024 and spent before 2026 with the first reporting date of April 30, 2022. Katie noted the three ways the money has been allocated: 1) The City gave a grant to the Vermillion United Way campaign to have an incentive to get vaccinated; 2) The City will use the money on three projects for both the Wastewater and Water Departments that will improve

infrastructure; 3) A portion is allocated for revenue losses in 2020. Discussion Followed.

6. Informational Session - City Project List

The Council reported on the working document of projects within the City that have been talked about. Council Member Rich Holland presented the idea of the document at the October 18, 2021 noon meeting. Mayor Collier-Wise noted that the landscaping standards should be added to the list. Council Member Ward noted that there is a piece of land for sale on Valley View that overlooks the bluff. Ward noted that this is the only overlook sight on Valley View and the City should investigate purchasing it and put an overlook there. Council Member Hellwege stated that, due to the construction of the elementary building, parts of Barstow Park that get used a large amount are being removed. Hellwege noted that the City should be looking into possible solutions to update current parks or purchase new land to accommodate for this. Discussion followed on the items to be added to the list.

7. Briefing on the April 18, 2022 City Council Regular Meeting

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

8. Adjourn

114-22

Council Member Ward moved to adjourn the Council special session at 12:54 p.m. Council Member Price seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 18th day of April, 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
April 18, 2022
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on April 18, 2022 at 7:00 p.m. by Mayor Collier-Wise.

1. Roll Call

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

115-22

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

2. Pledge of Allegiance

3. Minutes

A. Minutes of April 4, 2022, Special Session and April 4, 2022, Regular Session

116-22

Council Member Ward moved approval of the April 4, 2022, Special Session and April 4, 2022 regular session minutes. Council Member Humphrey seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

4. Adoption of Agenda

5. Visitors to be Heard

A. Arbor Day Proclamation

Council Member Price read the proclamation designating April 29, 2022 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 37th year. Jim invited the Council and community to a tree planting on April 29th in Prentis Park.

6. Public Hearings

A. First reading of Ordinance 1463 Amending Title XV, Land Usage; Chapter 155, Zoning Regulations; Adding Section 155.041 Entitled LI - Light Industrial Zoning District to the City of Vermillion Code of Ordinances.

Jose Dominguez, City Engineer, reported on the first reading of Ordinance 1463. Jose noted that, in April 2021, Staff brought a discussion item to the Planning and Zoning Commission (Commission) regarding rezoning industrial properties along the railroad. Jose noted that staff was directed to create a zoning district "lighter industrial" that would also eliminate the rear-yard setback requirements when adjacent to the railroad right-of-way.

Jose stated that, in October 2021, the City Council approved a variance for 308 and 318 West Chestnut eliminating the rear-yard setback along the railroad right-of-way. Jose noted that, at that time, the City Council requested that the Commission consider amending the zoning in the area to eliminate the future need of considering variances due to the setback issues for properties adjacent to the railroad's right-of-way.

Jose stated that this item was presented to the Planning and Zoning Commission on April 11th and, after reviewing the proposed district regulations, the Commission voted 6-0 with one member abstaining to approve the proposed ordinance as being presented.

Jose stated that the proposed ordinance would rearrange most of the existing GI-General Industrial uses from permitted uses to conditional uses. Jose noted that it would allow for the rear yard setback to be reduced from 25-feet to 0-feet for properties adjacent to the railroad's right-of-way. Jose noted that the proposed changes would allow for most of the uses in the existing GI-General Industrial district to be considered after holding a public hearing and diminishes the setback requirement allowing construction on some of the small lots.

Jose stated that this zoning district would also serve as a buffer between more industrial districts and commercial or residential districts. Jose noted that it would fit well with annexations of land zoned light industrial within the Joint Jurisdiction Zoning Area (JJZA) as the City's zoning district would allow most of the uses included in the JJZA zoning district.

Jose noted that staff also discussed the proposed changes with the Vermillion Chamber and Development Company to ensure that the proposed changes would not eliminate the possibility of attracting development to the City.

117-22

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1463 entitled Amending Title XV, Land Usage; Chapter 155, Zoning Regulations; Adding Section 155.041 Entitled LI - Light Industrial Zoning District of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 18th day of April, 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 8 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 Ordinance 1464 Amending Title XV, Land Usage; Chapter 155, Zoning Regulations; Section 155.026 to Rezone Parts of Land Adjacent to the Railroad in Lower Vermillion Adjacent to West Street, Chestnut Street, Broadway Street, Amber Street, 12th Street, Luxemburg Street, Austin Street, and Bloomingdale Street from the GI - General Industrial District to the LI - Light Industrial District.

Jose Dominguez, City Engineer, reported on the first reading of Ordinance 1464. Jose noted that the previous agenda item created the new LI-Light Industrial Zoning District. Jose stated that this district is intended to be a "lighter industrial" district that would also eliminate the rear yard setback requirements when adjacent to the railroad right-of-way.

Jose stated that the City's Planning and Zoning Commission (Commission) considered this item at their April 11th meeting. Jose stated that some of the Commissioners were concerned that the rezoning might create problems between existing residential uses and future industrial uses east of 12th Street. Jose noted that, additionally and not related to the item being discussed, some of the Commission members are also concerned with the amount of public notifications when the rezoning is City initiated. Jose stated that it should be noted that the City follows the State required process which only requires that the City publish the notice of the public meeting in the newspaper. Jose noted that legal notices are posted to the City's website for review. Jose stated that approximately 50 people have opted to register for the free subscription service available through the City's website which sends an email when a legal notice is posted. Jose noted that two residents of the area to be rezoned did attend the Commission meeting and an additional resident of the area called to learn more about the rezoning.

Jose noted that, at the April 2021 Commission meeting, the Commission directed Staff to bring up for future consideration a new industrial

district. Jose stated that, during that meeting, the area being considered for the new zoning district was the industrially zoned land below the bluff. Jose noted that this land is currently all zoned General Industrial with the majority being adjacent to the railroad right-of-way. Jose stated that this industrial area is also sandwiched between two residential districts. Jose noted that rezoning this area to the new LI-Light Industrial district would allow the residential property owners an opportunity to possibly voice their concerns at a public meeting for some of the uses. Jose noted that the rezoning would also allow for the rear yard setback to be reduced from 25-feet to 0-feet along properties adjacent to the railroad right-of-way.

Jose noted that staff also discussed the proposed changes with the Vermillion Chamber and Development Company to ensure that the proposed changes would not eliminate the possibility of attracting development to the City.

118-22

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1464 entitled Amending Title XV, Land Usage; Chapter 155, Zoning Regulations; Section 155.026 to Rezone Parts of Land Adjacent to the Railroad in Lower Vermillion Adjacent to West Street, Chestnut Street, Broadway Street, Amber Street, 12th Street, Luxemburg Street, Austin Street, and Bloomingdale Street from the GI - General Industrial District to the LI - Light Industrial District of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 18th day of April, 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 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Collier-Wise declared the motion adopted.

7. Old Business

A. Second Reading of Ordinance 1462 Amending Title XI, Business Regulations; Chapter 118 Furniture Zone; Sections 118.02 through 118.12 and 118.14 through 118.18 to amend existing language and provide for expanded retail usage of the sidewalks in the Central Business District.

John Prescott, City Manager, reported on Ordinance No. 1462 to adjust Furniture Zone. John noted that, in 2021, the City completed the Streetscape project which added approximately seven additional potential seating areas that are between the traditional walking area abutting the building and the street. He stated that the current Furniture Zone regulations were adopted in 2010 and have remained largely unchanged. John noted that the term Furniture Zone is used to describe public right-of-way that is used for retail purposes and in the past there were limited areas in the downtown for outdoor dining. John noted that uses of a Furniture Zone which did not involve alcohol sales were approved by staff and Uses of the Furniture Zone which involved alcohol were done by a Furniture Zone Limited Lease approved by the City Council.

John stated that Ordinance No. 1462 would make several changes to the existing language. He stated that the proposed changes include: removing the current requirement that a business sell at least 50% food in order to be able to serve alcohol in a Furniture Zone, adding the definition of a sidewalk pub that may serve little or no food to use the space, providing different hours for weekdays and weekends, and modifying the definition of an adjacent/adjoining business.

John noted that currently a business must abut the space to be used. He stated that, with a limited number of newly created larger spaces, the proposed ordinance changes provide that a business could be adjacent to the space. John stated that the application will have the applicant document that any adjacent businesses indicate their approval of the applicant using the space. He noted that the sale hours are currently 7:00 a.m. to 10:00 p.m. for each day and the ordinance changes the hours to 7:00 a.m. to 10:00 p.m. Monday through Thursday and 7:00 a.m. to 1:00 a.m. Friday and Saturday. John noted that the removal of the 50% food sale requirement provides the opportunity for bar establishments to use the space. He stated that a Furniture Zone limited lease is \$35 per year and the fee has been the same since the original ordinance was adopted.

John noted the three changes that Council Member Holland proposed at the last meeting were adjusted for the final reading on this ordinance. John also noted three changes to the definition section that will need to be adjusted to make the document more consistent throughout. John stated the first change is to the Furniture Zone Limited Lease definition, the first sentence "to a current beverage license holder to serve alcoholic beverages" should be stricken and the last sentence "shall" should change to "may." John noted the second change is to Sidewalk Café the last sentence behind alcoholic there should be "beverage." John noted that the last change is to the Sidewalk Pub definition to change "drinks" to "beverages."

119-22

Second reading of title to Ordinance No. 1462 Amending Title XI, Business Regulations; Chapter 118 Furniture Zone; Sections 118.02 through 118.12 and 118.14 through 118.18 to amend existing language and provide for expanded retail usage of the sidewalks in the Central Business District for the City of Vermillion, South Dakota

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1462 entitled Amending Title XI, Business Regulations; Chapter 118 Furniture Zone; Sections 118.02 through 118.12 and 118.14 through 118.18 to amend existing language and provide for expanded retail usage of the sidewalks in the Central Business District 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 April, 2022 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 18th day of April, 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 1462

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XI, BUSINESS REGULATIONS; CHAPTER 118, FURNITURE ZONE; SECTIONS 118.02 THROUGH 118.12 AND SECTIONS 118.14 THROUGH 118.18 ADDING AND CLARIFYING DEFINITIONS, REMOVING THE DEFINITION AND ALL REFERENCES TO A FURNITURE ZONE USE PERMIT AND FURNITURE ZONE PERMIT, MODIFYING LANGUAGE TO PROVIDE THAT THE CITY COUNCIL MAY ATTACH CONDITIONS TO LIMITED LEASES, REMOVING A REQUIREMENT FOR 50% FOOD SALES IN ORDER TO SERVE ALCOHOLIC BEVERAGE MODIFYING FOOD AND ALCOHOL SALES HOURS, AND REMOVING THE AUTHORITY FOR THE CITY MANAGER TO DENY A LIMITED LEASE.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the following sections of Chapter 118, Section 118.02 through 118.12 and Sections 118.14 and 118.18 be amended by adding the definition "Sidewalk Pub," updating referenced Code in "Central Business District," adding clarifying language to the definitions "Adjacent/Adjoining Business," "Furniture Zone Limited Lease," and "Sidewalk Café," and removing the definition and all references to a "Furniture Zone Use Permit" or "Furniture Zone Permit," modifying conditions attached to a limited lease to provide that the City Council may attach such

conditions, removing the requirement that an applicant must document that at least 50% of sales are food related in order to serve alcohol in a Furniture Zone, and removing the ability of the City Manager to deny a Furniture Zone Limited Lease. All other portions of section 118.02 through 118.12, Sections 118.14 through 118.18, and Chapter 118 will remain as they are. Following are the amendments:

§118.02 DEFINITIONS.

Adjacent/Adjoining Business. The business or property immediately adjacent to a portion of the sidewalk and furniture zone. A business shall be determined to be "adjacent" to a portion of the furniture zone by extending the property lines perpendicular into the furniture zone. A business shall be determined to be "adjoining" if the corner of the business lot is no more than 50 feet from the corner of a furniture zone defined by the City.

Central Business District. Area contained within the city's Main Street Commercial Core in section 155.036 of this Code of Ordinances.

Furniture Zone Limited Lease. A partial-year limited lease granted by the city which shall convey the exclusive right to the use of a portion of the city's right-of-way to the adjacent/adjoining business only for those business purposes designated in the lease, which may include the sale and service of alcoholic beverages.

Sidewalk Café. Licensed food service establishment which is permitted to use the furniture zone adjacent/adjoining to its place of business for the purpose of serving food from its menu in an outdoor setting and/or the sale of alcoholic beverages and consumption.

Sidewalk Pub. An establishment licensed to serve alcoholic beverages for consumption on its premises which is permitted to use the furniture zone area adjacent/adjoining to its place of business for the purpose of serving alcoholic beverages in an outdoor setting.

§118.03 FURNITURE ZONE USE ALLOWED.

(A) Commercial or other nonpublic use of the furniture zone shall be allowed in the central business district only through a limited lease granted by the city. Retailing is an allowed use of this chapter for a furniture limited lease for adjacent/adjoining businesses unless a written assignment of this allowed use is provided to another. The allowed uses under the provisions of this chapter by a limited lease are retailing, sidewalk café, and sidewalk pub.

§118.04 FURNITURE ZONE LIMITED LEASE FEES.

The annual fee for a furniture zone limited lease shall be set by resolution of the governing body.

§118.05 FURNITURE ZONE LIMITED LEASES FOR ALCOHOLIC BEVERAGE SALES.

Any furniture zone limited lease granted by the City Council pursuant to this chapter shall convey to the adjacent/adjoining business the right to use a designated portion of the sidewalk or furniture zone only for those purposes set forth in the lease. The limited lease may contain such restrictions and conditions as deemed necessary by the city and may not be assigned or sublet at any time during its term. The city shall have the right to terminate the limited lease for violation of any material term or condition thereof. Required compliance with all city ordinances and state statutes regarding the sale and service of alcoholic beverages shall be deemed to be a material condition of the limited lease. Compliance with city noise ordinances shall be deemed a material condition of the limited lease. The limited lease term shall not include those dates and times specified for special events approved by the City Council which includes the area of the furniture zone limited lease at the election of the event sponsor.

§118.06 LEASE DURATION.

Leases may be granted for the period between March 10 and November 1 of the year of issuance. Leases may temporarily extend beyond this period upon approval of the City Manager.

§118.07 OBJECTS ALLOWED IN THE FURNITURE ZONE BY PERMIT.

(A) Before any items can be placed in the furniture zone, the property owner must have a current furniture zone limited lease. Notice must be provided to the city on a form furnished by the City Manager's office. The form must include a drawing of the furniture zone containing the layout of all objects to be placed in the zone. Applicant will be notified, in writing, of any objects not approved in the plan. Once the plan has been approved by the city, the applicant will be allowed to place objects in the furniture zone.

(B) Objects such as tables and chairs may be placed in the furniture zone so long as a valid furniture zone limited lease has been obtained, the items do not encroach upon the designated pedestrian walkway or another business's furniture zone limited lease area, and the items are made from commercial grade material. Other items may be placed in the furniture zone upon approval from the city. Any objects placed in the furniture zone must be removed by November 1st.

§118.08 APPLICATION FOR LIMITED LEASE.

All applicants for furniture zone limited leases shall complete an application form provided by the City Manager's Office. Any such limited lease shall be granted on forms prepared by the City Manager's office.

§118.09 REVIEW AND EVALUATION CRITERIA.

Each application for a furniture zone limited lease shall be evaluated for the following criteria prior to executing a limited lease agreement.

(A) Provisions of this chapter are adequately followed;

(B) All additional licenses or permits required by the city or state for the proposed use activity have been obtained;

(C) Placement of objects upon the furniture zone are consistent with the policies and standards developed by the city;

(D) Adequate clearances for pedestrian circulation exist within the site. This includes proper clearances from items such as light poles, trash cans, and whether proper pedestrian circulation occurs on the site; and

(E) Safety concerns related to the requested furniture zone use have been addressed.

§118.10 APPROVAL CONDITIONAL.

The City Council may attach conditions to the furniture zone limited lease to provide for the safety and welfare of the public and neighboring property interests or may deny the requested limited lease if it determines in writing that no conditions can adequately provide safety and welfare. Conditions may be added to a limited lease during its term to address bona fide concerns that may arise after the issuance of the limited lease.

§118.11 LIABILITY AND INSURANCE.

(A) Before any object placement or furniture zone limited lease is granted, the applicant shall sign a statement holding harmless the city and shall indemnify the city, its officers and employees, for any claims for damages to property or injury to persons which may occur in connection with any activity carried on pursuant to the terms of the furniture zone limited lease.

(B) All applicants for the use of the furniture zone shall furnish and maintain a policy of insurance protecting the applicant and the city from

all claims for damage to property or bodily injury, including death, which may arise from operations under the furniture zone limited lease, or in connection therewith. The insurance policy shall list or endorse the city as additional insured and carry minimum liability limits of at least \$1,000,000 per occurrence. The endorsement shall provide that the policy shall not be terminated or cancelled prior to the termination of the furniture use without 30 days' written notice to the city.

§118.12 DESIGNATED PEDESTRIAN WALKWAY.

The City shall on each executed furniture zone limited lease, identify the designated pedestrian walkway. No aspect of the furniture zone lease shall be allowed to be conducted upon the designated pedestrian walkway and no equipment or fixtures shall intrude upon or extend into the designated pedestrian walkway, except to transfer items from an interior structure. The designated pedestrian walkway shall not be considered part of the furniture zone use.

§118.14 MAINTENANCE OF LIMITED LEASED AREA.

Limited lease holders shall maintain the leased area in a clean manner while in use and shall mitigate any impact activities associated with the leased use which contribute to the uncleanness of the sidewalk and surrounding area. Lease holders serving or selling food or beverage must provide a trash receptacle for patron use within the designated furniture zone while in use.

§118.15 ALCOHOL SERVICE AND CONSUMPTION IN FURNITURE ZONE.

Alcohol service and consumption in a furniture zone area is prohibited unless the adjacent/adjoining business holds a valid on-sale license issued by the state for the sale and service of alcoholic beverages for that adjacent/adjoining business. Sale and consumption of alcohol in the furniture zone is limited to the area identified in the furniture zone limited lease which shall be adjacent/adjoining to the licensed premises.

§118.16 ADDITIONAL RULES GOVERNING ALCOHOL BEVERAGES IN FURNITURE ZONE.

Any limited lease which includes the sale or consumption of alcohol shall adhere to these additional provisions which shall be deemed to be material conditions of any limited lease:

(A) Compliance with the rules, regulations, and conditions of the alcohol license.

(B) Containers for the dispensing of alcoholic beverages must be maintained inside the licensed facility and not in the furniture zone

use area. No taps, kegs, cooler, or other alcoholic beverage storage devices are allowed in the furniture zone limited lease area.

(C) All alcoholic beverages served by the permitted establishment must be consumed in the furniture zone limited lease area or inside the facility and disposed of on site. Patrons and staff loitering with alcohol on the designated pedestrian pathway is a prohibited activity. Exception: The transport of alcoholic beverages by patrons or staff directly from the indoor premises to the furniture zone use area or to the licensed facility is not prohibited.

(E) Any time more than 10 people occupy a furniture zone leased area serving alcohol, the limited lease area shall be staffed such that the furniture zone limited lease area is supervised.

(F) The hours of operation for the sale and consumption of alcoholic beverages in the furniture zone lease areas shall be on Sundays through Thursdays 7:00 a.m. to 10:00 p.m., on Fridays from 7:00 a.m. until 1:00 a.m. Saturday, and on Saturdays from 7:00 a.m. until 1:00 a.m. Sunday. The city has the right to limit use of the furniture zone area for alcoholic beverage sales and consumption on specific days.

§118.17 REVOCATION AND SUSPENSION.

The City Manager, or designee, may revoke or suspend a furniture zone limited lease upon finding that any provision herein or any condition set forth in the limited lease has been violated. Notice shall be given to the holder of the limited lease prior to revocation or suspension.

§118.18 EXEMPTION.

Property owners who wish to place flowerpots or planters upon the sidewalk may do so without obtaining a furniture zone use limited lease as long as the items are not placed in the pedestrian walkway.

Dated at Vermillion, South Dakota this 18th day of April 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, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Mayor Collier-Wise-Y.

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

8. New Business

A. Resolution Authorizing the Sale of the Fire Department Pumper truck to the City of Centerville, South Dakota Fire Department

Jose Dominguez, City Engineer, reported on a resolution authorizing the sale of the Fire Department pumper truck. Jose noted that, in January 2022, the City Council authorized the City Manager to place an order for a new pumper truck. Jose noted that the new pumper truck would replace the City's 2002 Spartan/Luverne VA41M pumper truck.

Jose stated that the Fire Department equipment tends to be specially manufactured for firefighting and as such, there are not that many purchasers for the equipment. Jose noted that, due to the lack of a market, Staff has been in contact with other fire departments in the area to see if they would be interested in purchasing the City's old pumper truck. Jose noted that, through staff inquiries, it was found that the City of Centerville's Fire Department is in the market for a used pumper truck and that they would be interested in the City's old pumper truck.

Jose stated that the City received a letter from the Centerville Fire Department stating that they would offer \$60,000 for the purchase of the City's pumper truck. Jose noted that the City of Centerville is allowed to purchase directly from the City without going to bids based on SDCL 5-18A-22 (10); this statute allows for municipalities to purchase "surplus property from another purchasing agency" without going out to bids. Jose noted that the City of Vermillion can sell property to another political entity by resolution and without advertising the sale. Jose noted that Statutes 6-5-1 through 6-5-3, and 6-13-4 cover the sections that the City must follow.

Jose stated that the Centerville Fire Department would like to take possession of the City's pumper truck as soon as possible. Jose stated that, although the City did not yet have the replacement vehicle which was ordered in January, the City was already planning to discontinue use of the 2002 pumper truck. Jose stated that selling the vehicle to the Centerville Fire Department at this point would not pose a danger to the community.

Jose stated that prior to the transfer of the property, the City must surplus and appraise the vehicle. Jose noted that staff is proposing that the vehicle be appraised at \$66,660.00, which would allow for the City to sell the vehicle to Centerville's Fire Department for no less than

90% of the appraised value; which would be \$59,940. Jose noted that the City of Centerville offer exceeds the minimum sale price.

120-22

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

RESOLUTION

AUTHORIZING THE SALE OF THE FIRE DEPARTMENT PUMPER TRUCK TO THE CITY OF CENTERVILLE (SD) FIRE DEPARTMENT

WHEREAS, SDCL 6-5-1 through SDCL 6-5-3 authorizes the governing body of a municipality to transfer personal property with any other political subdivision of the State; and

WHEREAS, SDCL 6-13-4 exempts the City from advertising the sale, or transfer, of personal property to another political subdivision of the State; and

WHEREAS, the City Council Surplus Property Appraisal Committee appraised the 2002 Spartan/Luverne VA41A pumper truck at \$66,660.00; and

WHEREAS, it would be beneficial for the City of Centerville (SD) Fire Department to own the pumper truck as it would better help them combat fire emergencies.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to sell the surplus 2002 Spartan/Luverne VA41A pumper truck to the City of Centerville (SD) Fire Department for the amount of \$60,000.

Dated at Vermillion, South Dakota this 18th day of April, 2022.

FOR 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. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Collier-Wise declared that the Resolution was adopted.

B. Resolution for Transfer of Extrication tools from the City of Vermillion Fire EMS Department to the Vermillion Rural Fire Department

Matthew Callahan, Fire Chief, reported on a transfer of extrication tools to the Vermillion Rural Fire Department. Matthew noted that, approximately 4 years ago, the City of Vermillion Fire EMS Department and the Vermillion Rural Fire Department each purchased a complete set of extrication tools to replace outdated equipment. Matthew stated that, with the purchase of a Rescue/Engine by the City complete and production starting, the Rural Fire Department will be selling their rescue truck once delivery of the new city truck occurs. Matthew stated that the city extrication tools, which are powered by a pump, are mounted on the rural rescue truck. Matthew noted that the rural extrication tools powered by batteries are on the city engine downtown. Matthew stated that to avoid any problems with the sale of the rescue truck which will include the extrication tools on the vehicle, the two entities will need to transfer ownership of current extrication tools to the other. Matthew stated that the City Council will need to approve the transfer of this equipment to the aforementioned department.

121-22

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

RESOLUTION
AUTHORIZING THE TRANSFER OF EQUIPMENT TO THE VERMILLION RURAL FIRE
DEPARTMENT

WHEREAS, SDCL 6-5-5 and SDCL 9-12-5 authorizes the governing body of a municipality to transfer personal property to any other political subdivision of the State; and

WHEREAS, the City of Vermillion Fire EMS Department and Vermillion Rural Fire Department each purchased a complete set of extrication tools; and

WHEREAS, the pump powered tools purchased by the City of Vermillion Fire EMS Department are mounted on the rural rescue truck and the battery powered extrication tools purchased by the Vermillion Rural Fire Department are mounted on a city engine; and

WHEREAS, the City of Vermillion Fire EMS Department is purchasing a rescue engine and the Vermillion Rural Fire Department will be selling their Heavy Rescue; and

WHEREAS, it would be beneficial for the Vermillion Rural Fire Department to be the owner of the extrication tools on the Heavy Rescue which they will be selling.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the pump powered extrication tools purchased by the City of Vermillion and currently mounted on the Heavy Rescue owned by the Vermillion Rural Fire Department are hereby transferred to the Vermillion Rural Fire Department.

Dated at Vermillion, South Dakota this 18th day of April, 2022.

FOR 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 Humphrey. 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 Collier-Wise declared that the Resolution was adopted.

C. Permit for consumption but not the sale of alcoholic beverages for a leadership dinner event sponsored by the Dakota Hospital Foundation on Wednesday May 18, 2022 from 5:00 p.m. to 9:00 p.m. at the Muenster University Center Ballroom on the University of South Dakota campus

Katie Redden, Finance Officer, reported that Jill Christopherson, on behalf of the Dakota Hospital Foundation, has requested a permit to consume alcoholic beverages on public property for a leadership dinner event. Katie noted that the event will be on Wednesday, May 18th from 5:00 p.m. to 9:00 p.m. at the Muenster University Center Ballroom on the USD campus. A copy of the request for the event is attached.

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

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

122-22

Council Member Holland moved approval of the Permit for consumption but not the sale of alcoholic beverages for a leadership dinner event sponsored by the Dakota Hospital Foundation on Wednesday May 18, 2022 from 5:00 p.m. to 9:00 p.m. at the Muenster University Center Ballroom on the University of South Dakota campus. Council Member Price seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

D. Policies and Procedures Committee report on backyard chicken ordinance development

Council Member Hellwege reported that the Policies and Procedures Committee met on April 6, 2022 with the purpose of reviewing the ordinances which related to backyard chickens which were tabled indefinitely in 2016.

Hellwege stated that Ordinance 1337 would amend City Code Chapter 93 Animals and Fowl as it pertains to providing for backyard chickens. She noted that Ordinance 1338 would amend Chapter 155 Zoning Regulations to include chicken coops as an accessory building. Hellwege stated that the Policies and Procedures Committee provided direction on potential changes to both ordinances. She stated that City staff is researching and working on changes to both ordinances as directed by the Committee. Hellwege noted in summary, the proposed changes being developed would remove some of the initially proposed requirements such as obtaining consent from 100% of neighboring property owners, size and design requirements of chicken coops, some of the information needed on the application, and number of birds allowed (3 vs 4 that were initially proposed).

Hellwege stated that, at this point, the plan is to have a presentation on both ordinances at the May 2, 2022 evening meeting. Hellwege noted that, if the draft of the updated ordinances is close to what the City Council would like to bring forward for consideration, staff will make the final revisions to the respective ordinances and place the items on the May 16, 2022 agenda for consideration.

Amy Schweinle, 202 S Harvard, thanked the Council for bringing this back to the table. Amy noted that 4-H kids that live in town are missing out on being able to show and raise animals. Amy noted that this will be a great leadership opportunity for these kids.

Council Member Holland asked Amy Schweinle if 3 hens are enough. Amy stated that 4 is ideal, but you can show with 3. Discussion followed on the reasoning behind 3 hens.

123-22

Council Member Holland moved acceptance of the Policies and Procedures Committee report on backyard chicken ordinance development. Council Member Price seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

E. Resolution amending the Joint Cooperative Agreement for the South Eastern Council of Governments

John Prescott, City Manager, reported on an amendment to the Joint Cooperative Agreement for the South Eastern Council of Governments. John noted that the First Class cities of Vermillion, Brandon, and Sioux Falls and the six counties of southeastern South Dakota created the South Eastern Council of Governments (SECOG) in 1972. John stated that SECOG was created by the governing bodies of the respective jurisdictions entering into a Joint Cooperative Agreement. John noted that the Joint Cooperative Agreement outlines the primary functions of the organization, membership eligibility, organization of the Board and subcommittees, appointment of an Executive Director and related administrative items. John noted that the Joint Cooperative agreement has been amended a couple of times over the years with the last amendment in 2017 when Harrisburg became a First Class city.

John stated that Tea became a First Class city with the 2020 US Census with a population exceeding 5,000. John noted that allowed Tea to become a First Class municipality per the State definition. John noted that, historically, the First Class Cities and six Counties have comprised the members of the Joint Cooperative Agreement. John stated that the attached resolution revises the Joint Cooperative Agreement to include Tea as a Joint Cooperative Member.

John noted that, to keep the SECOG Board at twenty-one members, the Joint Cooperative agreement reduces the number of private sector representatives from eight members to seven members. Sioux Falls has three seats on the Board and each of the other first class cities and the six counties each have one Board seat. John noted that a State legislator from the region is also a Board member. John noted that the SECOG Executive Board voted to support the attached revision to the Joint Cooperative Agreement at the March 2022 meeting.

John noted that SECOG primarily assists Vermillion with CDBG and SRF grant/loan applications, award documentation, pay requests, and monitoring of the awards. John stated that they have helped with comprehensive plan updates for the City's comprehensive plan and the JJZA. John noted that, depending on the SECOG staff available, the City has worked with the organization on zoning questions and some code language.

124-22

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

RESOLUTION APPROVING A REVISED JOINT COOPERATIVE AGREEMENT
ESTABLISHING THE SOUTH EASTERN COUNCIL OF GOVERNMENTS

WHEREAS, in 1970, South Dakota Governor Frank Farrar signed an Executive Order creating six Planning and Development Districts in South Dakota; and

WHEREAS, the South Eastern Council of Governments (SECOG) was created when local officials in the area exercised their authority under the "Joint Exercise of Governmental Powers" (SDCL 1-24); and

WHEREAS, SECOG serves Clay, Lincoln, McCook, Minnehaha, Turner, and Union Counties as well as the municipalities located within those counties in southeastern South Dakota; and

WHEREAS, SECOG was created as a means whereby counties and cities and other public and private organizations within them may cooperate with one another to improve the health, safety, and general welfare of the citizens of the region; and

WHEREAS, SECOG promotes regional cooperation and the economical delivery of services and has been providing technical assistance to local governmental entities for more than 50 years; and

WHEREAS, SECOG's Executive Board has determined that the existing Joint Cooperative Agreement entered into in 2017 should be revised.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota hereby approves the document titled "South Eastern Council of Governments Joint Cooperative Agreement" among Clay, Lincoln, McCook, Minnehaha, Turner, and Union counties and the cities of Brandon, Harrisburg, Sioux Falls, Tea, and Vermillion. The agreement, containing revisions to the existing 2017 Joint Cooperative Agreement, is attached to and hereby made a part of this resolution.

Dated at Vermillion, South Dakota this 18th day of April, 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 Humphrey. 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 Collier-Wise declared that the Resolution was adopted.

F. Human Relations Commission appointments

Mayor Collier-Wise reported that there are four openings on the Human Relations Commission: two three-year terms, 1 year remainder of Gerald Yutrzenka's term, and one is for a student enrolled in post-secondary education for a one-year term. Mayor Collier-Wise reported that there were three expression of interest applications for the three terms and one for the one-year post-secondary term. Mayor Collier-Wise recommended the appointment of Michelle Kavanaugh for the one year term, Mike Phelan and Becky Rider for the two three-year term and of Deidre Whiteman to one-year post-secondary education term. Mayor Collier-Wise thanked all that applied.

125-22

Council Member Price moved approval of the appointment of Michelle Kavanaugh for the one year term, Mike Phelan and Becky Rider for the two three-year terms and of Deidre Whiteman to one-year post-secondary education term. Council Member Holland seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

G. Declaration of surplus items for City auction

Katie Redden, Finance Officer, reported that a list is included in the packet of abandoned vehicles and surplus City property. Katie noted that, before the City can dispose of property, the City Council would need to declare it surplus and authorize the sale at public auction. Katie stated that the list included in the packet includes ten abandon vehicles that would be used by the Fire Department for training. Katie stated that the abandoned vehicles used by the Fire Department for training are then sold as scrap metal. Katie stated that Hazen Bye and Gary Madsen have been contacted and can do the auction on Friday, May 6th at 5:30 p.m. at the Municipal Service Center. Discussion followed.

126-22

Council Member Holland moved to declare the following property surplus to be sold at public auction or as scrap: 2005 Ford Crown Victoria; 1993 Chevrolet Suburban; 2002 Ford Escort; 1998 Ford F150; 2005 Chrysler Pacifica; 2005 Chrysler Town Country; 2006 Pontiac G6; 2007 Pontiac Grand Prix; 1983 Chevy 7747; 2012 Kia Sorento; 2007 Ford Taurus; 2013 Buick Enclave; 1997 Ford F150; 2005 Pontiac Sunfire; 2003 Chevrolet S10; 16 Abandon Bicycles; Toro Grounds master 345 with aero seeder 82; Office Chair; Small wire storage rack; chalk board; Green stroller Baby Trend; 24" Stanley Crowbar; Battery Jump Pack; Spotlight; yellow garden house; Costco car Seat (2018, good for 8 years); computer Gaming Keyboard; Motorcycle Helmet; cash register; two (2) APC 3000VA smart uninterruptible power suppliers; two (2) desktop bolt-on monitor brackets; computer monitors; Milwaukee 24 Volt; Cordless Tool Kit; (5) Otterbine Pond Aerators; (7) 20 foot well pipe 4 inch diameter with a coupling; ping pong table; Safety netting; two (2) archery block targets; two (2) chain link gates; corkboard; misc. tires; misc hand tools; 1995 Fisher Snow Plow. Council Member Price seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

9. Bid Openings

A. Wastewater Treatment Plant ultraviolet lights

Shane Griese, Utilities Manager, reported on the the Wastewater Treatment Plant ultraviolet lights bids. Shane noted that the Wastewater Treatment Facility utilizes UV lights to disinfect wastewater as one of the final treatment processes before it is discharged back into the environment. Shane stated that, in November of 2021, the City Council approved an engineering agreement for the replacement of the UV light system.

Shane stated that the project plans and specifications were completed in early March and reviewed by both City staff and the Department of Agriculture and Natural Resources. Shane noted that the project was advertised on March 18 and 25, 2022. Bids were received and opened/read on Wednesday, April 6, 2022.

Shane stated that the City received one bid from Muth Electric Inc. of Sioux Falls in the amount of \$355,000. Shane noted that this bid was under the engineer estimate of \$450,000-\$475,000. Shane noted that the bid tab as well as a recommendation letter has been attached for your review.

Shane noted that the 2022 Wastewater budget includes \$220,000 for replacement of the UV light system and the budget will need to be revised to cover the difference. Shane noted that the City can utilize some of

the funds we received as part of the American Rescue Plan Act for the additional cost.

127-22

Council Member Ward moved approval of the Muth Electric bid of \$355,000 for the wastewater UV light system. Council Member Holland seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

B. Prentis Park Sidewalk, Phase 4

Jose Dominguez, City Engineer, reported on bids for the Prentis Park sidewalk, Phase 4. Jose noted that, as part of the improvements to Prentis Park, the City Council budgeted funds to construct additional sidewalks at Prentis Park in order to make the park more accessible for the public. Jose stated that construction of sidewalks through and around the park started in 2018 with the construction of a sidewalk from the pool north towards East Clark Street and east towards the parking lot. Jose noted that, in 2019, the second phase of the project constructed a sidewalk on the south side of East Clark Street from North Plum Street to Prentis Avenue and in 2020 the sidewalk along the west side of the park (North Plum Street) from East Clark Street to East Main Street was constructed.

Jose stated that bids were opened on Wednesday, April 13, 2022. Jose noted that bid notices were sent to five potential bidders and nine builder's exchanges and the City received two bids. Jose noted that the bids were as follows: Walker Construction \$41,518.56 and M & M Construction \$45,987.39 with the engineer's estimate at \$52,000.

Jose noted that this project will construct a sidewalk along the west side of Prentis Avenue from the baseball field/pool parking lot to East Main Street. Jose stated that the project will also construct a curb and gutter along this stretch of Prentis Avenue and thus prohibit the ability of vehicles to park in the green spaces in the park. Jose stated that this year's project is to be completed no later than November 1, 2022.

Jose noted that the 2022 budget includes a budget of \$35,000 for the construction of the sidewalk, but construction of the curb and gutter was not included in the original estimate. Jose noted that the budget will have to be revised during the 2022 budget review sessions.

128-22

Council Member Ward moved approval of the bid from Walker Construction for \$41,518.56 for the construction of Prentis Park Sidewalk, Phase 4. Council Member Hellwege seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

C. Miscellaneous Concrete

Jose Dominguez, City Engineer, reported on bids received for miscellaneous concrete. Jose noted that the City has an ongoing program to update all of the ADA accessible ramps within the City. Jose stated that the program was instituted several years back and designates funding for ADA accessible ramp improvements. Jose noted that the City also utilizes this project to repair curb and gutter sections and storm sewer inlets that were damaged during the winter months.

Jose stated that the City sent requests for bids to six contractors and nine plan houses. Jose noted that from those requests, the City received two bids that were opened on April 13, 2022. The bids were as follows: M&M Construction \$55,331.48 and Walker Construction \$60,177.86.

129-22

Council Member Holland moved approval of the bid from M&M Construction of \$55,331.48 for miscellaneous concrete. Council Member Hellwege seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

10. City Manager's Report

A. John reported that the joint meeting of the City Planning and Zoning Commission and the Clay County Planning Commission will be on Monday, April 25th at 5:30 p.m. in the City Council Chambers. Items on the agenda are: 1) A request to rezone land addressed as 1919 W. Cherry Street from A-1 Agricultural to LI Light industrial for a Grain Terminal/Grain Processing facility, 2) Conditional Use Permit for a broadcast/telecommunications tower on farmland located ¼ mile east of the intersection of N. Crawford Road and Cherry Street.

B. John noted that two three-year terms on the Library Board of Trustees expire in May. Individuals are asked to complete an Expression of Interest form with the City Council making appointments at the Monday, May 2, 2002 meeting.

C. 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 23rd is the next Saturday these hours will be in place.

D. John noted the Household Hazardous Waste collection at the Center, 840 N. Crawford Road, on Friday, April 22nd from 2:00 p.m. to 6:00 p.m. Cost is \$10 per vehicle.

E. John reported on a raffle notification: The Knights of Columbus will be selling 200 Monday night football books at \$20 each from April 21 to September 21, 2022. The two winners each week are selected based on the final digits of the score. The winners each receive \$50. The remaining \$2,000 goes to the Knights for their philanthropic projects related to the church and school.

PAYROLL ADDITIONS AND CHANGES

Ambulance: Robin Hower \$16.00/hr-\$16.00/training hr-\$24.00/holiday hr-\$2.00/on call hr-\$3.00/holiday on-call hr, Grant Budden \$14.00/hr-\$14.00/training hr-\$21.00/holiday hr, Lillian McNaughton \$14.00/hr-\$14.00/training hr-\$21.00/holiday hr; Pool: Broden Askew \$13.50/hr, Mya Dejong \$14.50/hr, Sadie Pederson \$14.50/hr, Emery Bohnsack \$13.50/hr, Johnathan Fleming \$13.50/hr, Lilly Johnson \$14.50/hr, Kennedy Goblirsch \$15.50/hr, Jameson Shaheen \$13.50/hr, Brendan Webb \$13.50/hr, Emma Emerson \$10.00/hr, Brooke Mincks \$10.00/hr, Brody Myron \$10.00/hr, Emily Reiser \$10.00/hr, Trinity Robinson \$10.00/hr, Theo Wittmus \$10.00/hr; Parks: Carter Bell \$11.00/hr; Clubhouse: David O'Brien \$10.00/hr, Kelsey Plumb \$10.00/hr, Abby Kaup \$10.00/hr, Beth Meyer \$10.00/hr; Golf Maintenance: Derek Wolterman \$11.75/hr; Wastewater: Ethan Gullikson \$19.23/hr, Jay Elledge \$18.81/hr; Recreation: Amelia Howard \$10.00/hr, Hunter Logue \$10.00/hr; Library: Paige Schroeder \$10.25/hr

11. Invoices Payable

130-22

Council Member Price moved approval of the following invoices:

A & A REFRIGERATION	REPAIRS	840.33
A & B BUSINESS, INC	COPIER CONTRACT	190.95
AMAZON BUSINESS	SUPPLIES	536.43
APPEARA	SHOP TOWELS	45.00
ARAMARK EDUCATION SERVICES	MALT BEVERAGE MARKUP REFUND	18.12
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	187.80
AT&T MOBILITY	MOBILE HOT SPOTS	410.12
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	25,112.39
BLACKSTONE PUBLISHING	BOOKS	223.35
BORDER STATES ELEC SUPPLY	WORK SHIRTS	478.25
BROADCASTER PRESS	ADVERTISING	3,949.47
BROCK WHITE CO	ROADSAVER	7,020.00
BRUNICKS SERVICE INC	PROPANE	56.00
BUHL'S CLEANERS	MAT/MOP SERVICE	526.74
BUILDING MAINTENANCE COMPANY	JUNK/DEBRIS REMOVAL	65.00
BUREAU OF ADMINISTRATION	TELEPHONE	348.36

BUTCH'S PROPANE INC	PROPANE	2,545.78
BUTLER MACHINERY CO.	CATERPILLAR WHEEL LOADER/REPAIRS	127,363.90
CALLAWAY GOLF	MERCHANDISE	4,241.46
CENGAGE LEARNING INC/GALE	BOOKS	588.44
CENTRALSQUARE TECHNOLOGIES	ANNUAL SUBSCRIPTION/MAINTENANCE	884.10
CENTURYLINK	TELEPHONE	1,557.65
CITY OF VERMILLION	LANDFILL VOUCHERS	137.50
CLAY RURAL WATER SYSTEM	WATER USAGE	55.90
CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,999.57
COFFEE KING, INC	COFFEE	66.75
CORE & MAIN LP	SUPPLIES	2,960.09
D-P TOOLS	SUPPLIES	159.95
DAKOTA BEVERAGE	MERCHANDISE	12,847.42
DAKOTA PC WAREHOUSE	COMPUTER/PRINTER	777.95
DANIEL MILROY	MEALS REIMBURSEMENT	94.00
DENNIS MARTENS	FUEL REIMBURSEMENT	48.13
DUBOIS CHEMICALS	SODA ASH	16,134.91
DYNAMIC BRANDS	MERCHANDISE	157.00
ECHO ELECTRIC SUPPLY	SUPPLIES	888.78
ELECTRIC PUMP, INC	SERVICE AGREEMENT	2,100.00
ENERGY LABORATORIES	TESTING	1,324.00
ENVISIONWARE, INC	MAINTENANCE	1,396.90
FARNER BOCKEN COMPANY	MERCHANDISE	881.40
GRAHAM TIRE CO.	TIRES	642.40
GRAYMONT (WI) LLC	CHEMICALS	4,780.53
GREGG PETERS	MANAGERS PROFIT/FEE/FREIGHT	39,262.23
HACH CO	SUPPLIES	10,909.99
HAUFF MID-AMERICA SPORTS	UNIFORMS	175.00
HEIMAN FIRE EQUIPMENT	FIRE FIGHTER EQUIPMENT	9,843.63
HENDERSON EXHAUST PLUS	REPAIRS	30.00
HY VEE FOOD STORE	SUPPLIES	105.60
INGRAM	BOOKS	1,000.45
INTENSE GRAPHICS CUSTOM APPAREL	WORK SHIRTS/TANK TOPS	1,850.08
JACKS UNIFORM & EQPT	UNIFORM	1,902.15
JASPER JOHNSON	MEALS REIMBURSEMENT	94.00
JERRY'S SERVICE, INC	FUEL	15,972.22
JOHN A CONKLING DIST.	MERCHANDISE	3,252.15
JOHNSEN HEATING & COOLING	REPAIRS	6,728.27
JOHNSON BROTHERS OF SD	MERCHANDISE	9,885.06
JONES FOOD CENTER	MERCHANDISE	214.72
K & M TIRE	TIRES	716.00
KEG TECHNOLOGIES INC	PART	3,950.70
KIMBALL MIDWEST	SUPPLIES	769.26

LARSON DATA COMMUNICATIONS	RADIOS/SUPPORT	19,232.80
LAYNES WORLD	VPD LOCKER PLATE	8.00
LOFFLER	COPIER CONTRACT/COPIES	139.68
LOGO GOLF CHIPS, INC	MERCHANDISE	190.00
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	1,280.00
MATHESON TRI-GAS, INC	CYLINDER RENTAL	100.30
MATTER LAW OFFICE, PROF LLC	PROFESSIONAL SERVICES	5,096.90
MICRO MARKETING LLC	BOOKS	119.16
MIDAMERICAN	GAS USAGE	7,727.71
MIDCONTINENT COMMUNICATION	GATEWAY MODEMS/INTERNET SERVICE	1,556.60
MIDWEST ALARM CO	ALARM MONITORING	281.85
MIDWEST READY MIX & EQUIPMENT	FLOWABLE FILL	2,097.00
MIDWEST TURF & IRRIGATION	SUPPLIES	663.52
MIDWESTERN MECHANICAL, INC	ANNUAL INSPECTION	325.00
MINN MUNICIPAL UTILITY ASSOC	SAFETY MGMT PROGRAM	6,712.50
MISSOURI VALLEY MAINTENANCE	REPAIRS	562.80
MOBOTREX MOBILITY & TRAFFIC	REPAIRS	1,028.00
MOORE WELDING & MFG	REPAIRS	1,333.65
MOTOROLA INC	PORT.RADIOS/CHARGERS/MICROPHONES	37,140.99
MURPHS APPLIANCE & TV INC	ICE MAKER KIT	64.50
NCL OF WISCONSIN, INC	CHEMICALS	320.00
NEBRASKA JOURNAL-LEADER	ADVERTISING	34.95
NETSYS+	PROFESSIONAL SERVICES	288.75
NICK ANGLIN	MEALS REIMBURSEMENT	102.00
O'REILLY AUTO PARTS	PARTS/REPAIRS	238.24
ODEYS INC	FIELD TOPDRESSING	2,912.00
OVERHEAD DOOR OF SIOUX CITY	REPAIRS	2,464.74
PEPSI COLA OF SIOUXLAND	MERCHANDISE	432.55
PING/KARSTEN MFG CORP	MERCHANDISE	1,526.25
PUKKA INC	MERCHANDISE	1,160.40
PUMP N PAK	SUPPLIES	15.02
QUADIENT LEASING USA, INC	POSTAGE METER LEASE PMT	178.90
QUADIENT, INC	SEALING KIT	27.69
RAMKOTA HOTEL-WATERTOWN	LODGING	588.00
RAMKOTA HOTEL-PIERRE	LODGING	98.00
REDI TOWING	TOWING	75.00
REEL SHARP	PARTS/REPAIRS	1,268.00
REPUBLIC NATIONAL DISTRIBUTING	MERCHANDISE	10,339.03
RESCO	SUPPLIES	1,182.90
RS PLUMBING SERVICES	REPAIRS	85.00
RUNNING SUPPLY, LLC	SUPPLIES	1,238.73
SANFORD HEALTH OCCUPATIONAL	TESTING	812.00
SD ASSOC. OF CODE ENFORCEMENT	REGISTRATION	100.00

SD DENR	LANDFILL OPERATIONS FEE	3,355.35
SD HUMANITIES COUNCIL	REGISTRATION	50.00
SD MUNICIPAL LEAGUE	REGISTRATION	170.00
SD SHAKESPEARE FESTIVAL	CONTRIBUTION	5,000.00
SHEENA OCKENGA	REFUND PARKING TCKTS OVERPMT	90.00
SIGN SOLUTIONS	SUPPLIES	1,199.10
SIOUXLAND HUMANE SOCIETY	FEES	37.00
SOUTHERN GLAZER'S OF SD	MERCHANDISE	5,310.65
STAN HOUSTON EQPT CO	SUPPLIES	788.83
STONE CONLEY	REIMBURSE TOWING CHARGE	258.00
STUART C. IRBY CO.	SUPPLIES	1,036.20
STURDEVANT'S AUTO PARTS	PARTS/REPAIRS	407.93
SUN MOUNTAIN	MERCHANDISE	2,173.20
SYNCB/AMAZON	BOOKS/DVDS/SUPPLIES	911.11
THE GROWLER STATION, INC	LICENSING FEE/MAINTENANCE	749.97
THE SOAP GUYS	CAR WASH	9.00
THE UPS STORE #6751	SHIPPING	12.16
THOMAS L PRICE INC	EVALUATION	700.00
TITLEIST-ACUSHNET COMPANY	MERCHANDISE	6,451.74
TODD NORDYKE	MEALS REIMBURSEMENT	112.00
TRACTOR SUPPLY CREDIT PLAN	SUPPLIES	99.99
UNITED PARCEL SERVICE	SHIPPING	54.02
US GOLF ASSOCIATION	MEMBERSHIP	150.00
USPS-POC	POSTAGE FOR METER	700.00
UTILITY EQUIPMENT CO.	METER	658.82
VERMEER HIGH PLAINS	WATER FILTER	40.90
VERMILLION ACE HARDWARE	BLOWER/TRIMMER/MOWER/SUPPLIES	2,665.09
VERMILLION AREA COMMUNITY FOUND.	ROUND UP PROGRAM	231.67
VERMILLION CHAMBER OF COMMERCE	QUARTERLY FUNDING	67,500.00
VERMILLION FORD	PART	5.00
VERMILLION ROTARY CLUB	DUES/MEALS	160.25
WALKER CONSTRUCTION INC	CONCRETE WORK	1,966.06
WALT'S HOMESTYLE FOODS, INC	MERCHANDISE	211.00
WASTE MANAGEMENT OF WI-MN	WASTE HAULING	1,389.56
WESCO DISTRIBUTION, INC	SUPPLIES/PARTS	5,779.40
WESTERN IOWA TECH	REGISTRATION/TUITION	190.00
YANKTON FIRE & SAFETY	ANNUAL INSPECTION	196.00
YANKTON WINNELSON CO	REPAIRS	114.95
ZEE MEDICAL SERVICE	SUPPLIES	300.30
ZIMCO SUPPLY CO	CHEMICALS	700.36

Council Member Jennewein seconded the motion. Motion carried 8 to 0.
Mayor Collier-Wise declared the motion adopted.

12. Consensus Agenda

A. Set a public hearing date of May 2, 2022 for the transfer of the retail on sale liquor license from RED Steakhouse, LLC to Jared Higman for RED Steakhouse at 1 E Main Street

131-22

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

13. Adjourn

132-22

Council Member Ward moved to adjourn the Council Meeting at 7:50 p.m. Council Member Price seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 18th day of April, 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 _____.