

Unapproved Minutes
Council Special Session
April 20, 2020
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, April 20, 2020 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: President Collier-Wise (teleconference), Hellwege (teleconference), Holland (teleconference), Humphrey (teleconference), Price (teleconference), Sorensen, Ward (teleconference), Willson (teleconference)

Absent: Mayor Powell

President Collier-Wise asked John Prescott, City Manager, to provide an update to the City Council. John Prescott, City Manager, reported that Mayor Powell's wife, Lisa, contacted him this morning to report that Jack had passed away this morning and asked that this information be passed along to the City Council.

2. Visitors to be Heard - None

3. Capital Improvement Plan - John Prescott

John Prescott, City Manager, reported that the Capital Improvement Plan is the first step in the 2021 budget process. John reported that some items may be paused or canceled due to funding challenges that COVID-19 will create and these items have been indicated in red. John reviewed the draft Capital Improvement Plan for 2020 through 2024. John noted that some items and amounts in future years would need to be refined as the project moves closer. John answered questions of the City Council on the Capital Improvement Plan. John stated that the Capital Improvement Plan will be finalized and brought to the City Council for approval at a future meeting.

4. Briefing on the April 20, 2020 City Council Regular Meeting

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

5. Adjourn

92-20

Alderman Sorensen moved to adjourn the Council special session at 12:47 p.m. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y. President Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 20th day of April, 2020.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____
Kelsey Collier-Wise, President

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
April 20, 2020
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, April 20, 2020 at 7:00 p.m. by President Collier-Wise.

1. Roll Call

Present: President Collier-Wise (teleconference), Hellwege (teleconference), Holland (teleconference), Humphrey (teleconference), Price (teleconference), Sorensen, Ward (teleconference), Willson (teleconference)

Absent: Mayor Powell

2. Pledge of Allegiance

3. Minutes

A. Minutes of April 6, 2020 Special Meeting; April 6, 2020 Regular Meeting

93-20

Alderman Willson moved approval of the April 6, 2020 Special Meeting and April 6, 2020 Regular Meeting minutes. Alderman Sorensen seconded the motion. A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y. President Collier-Wise declared the motion adopted.

4. Adoption of Agenda

94-20

Alderman Price moved approval of the agenda with the amendment to move New Business Item 8A to the end before adjourn. Alderman Sorensen seconded the motion. A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y. President Collier-Wise declared the motion adopted.

5. Visitors to be Heard - None

6. Public Hearings

A. Issuance of a retail on-off sale malt beverage and South Dakota Farm wine license for BeBee Street II, Inc for Carey's Bar at 18 West Main Street

Mike Carlson, Finance Officer, reported that an application was received from BeBee Street II, Inc for an on-off sale malt beverage license for Carey's Bar at 18 West Main Street for the licensing period ending June 30, 2020. Mike noted that the City Council has the ability to issue a license on two criteria: suitable applicant and suitable location. Mike noted that, as to the suitable applicant, an on-sale liquor license has been issued to BeBee Street II, Inc for many years with the same corporate officers, therefore a background check was not requested of the corporate officers. Mike noted that with respect to the location criteria, an on-sale liquor license has been issued for this location for many years. Mike stated that the notice of hearing and the Police Chief's memo are included in the packet. Mike stated that the license fee of \$150 to the City and \$150 to the State has been received. Mike reported that Administration would recommend approval of the retail on-off sale malt beverage and SD Farm wine license unless input from the public hearing provides additional information.

95-20

Alderman Ward moved approval of the issuance of a retail on-off sale malt beverage and South Dakota Farm wine license for BeBee Street II, Inc for Carey's Bar at 18 West Main Street for the licensing period ending June 30, 2020. Alderman Willson seconded the motion. A roll call vote of the

Governing Body was as follows: Collier-Wise-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y. President Collier-Wise declared the motion adopted.

7. Old Business

A. Review of Ordinance 1413 and determine continuation of the Emergency Ordinance

John Prescott, City Manager, reported that the City Council adopted emergency Ordinance No. 1413 to address COVID-19 in the community which was effective on Tuesday, March 30, 2020. John stated that Section 6 of the ordinance requires the City Council to review continuation of the restrictions at each regular meeting and any special meeting called to address the ordinance during the 60-day period. John stated that this is the second City Council meeting and opportunity since the adoption of the ordinance for the governing body to consider the continuation of all or part of the restrictions in the ordinance. John noted that, per the ordinance, the City Council can amend the ordinance with the adoption of a resolution. John reported that, since the April 6, 2020 meeting, administration has received one inquiry about adjusting the ordinance to allow a hair salon/barber shop to open to cut hair with enhanced safety practices such as gloves, masks, and spacing of customers. John stated that a sample resolution has been drafted and included in the packet which can be adjusted to fit the needs of the City Council and community. John reported that on Thursday afternoon, April 16, 2020 the White House released guidelines that may assist the City Council in the consideration of making changes or amendments to the ordinance and when considering making changes to the ordinance, the City Council will also want to review and consider Governor Noem's Executive Order 2020-12. John noted that we have had good compliance with the ordinance and, if the Council does not want to make any changes, no action is needed.

Alderman Sorensen reported that he had been contacted requesting the City consider ideas like soft opens, limiting numbers per square foot, using outdoor patios or parking lots and other limiting ideas. Alderman Sorensen stated that he was not supporting these changes at this time but would want to listen to medical professionals. Alderman Hellwege reported that she had been contacted about removing or reducing the restrictions but agreed to remain strong. Alderman Holland requested that John contact local medical professionals for a report at next meeting. Discussion followed without any action by the City Council.

8. New Business

A. Resignation of Mayor Jack Powell. Moved to end of agenda.

B. Agreement for Professional Services with Stockwell Engineers, Inc. for the Downtown Streetscape Project

Jose Dominguez, City Engineer, reported that the businesses in downtown Vermillion and the City have been working to improve the Main Street area through a streetscape project that would tie Main Street together and serve as a framework to showcase the downtown area. Jose stated that the City Council created the Business Improvement District #2 (BID) with the intent to provide a funding mechanism to bring forward a streetscape plan for downtown Vermillion. Jose noted that the City Council received updates on the consultant selection process and on the development of the Professional Services document at the March 16th and April 6th meetings. Jose stated that the document that the BID Board, City and Stockwell Engineers developed sets the expectations of the City and how Stockwell will achieve those expectations. Jose stated that the end result is to have a set of construction documents that were developed with public input throughout the entire process. Jose reviewed the public input process to be used by Stockwell to develop the documents. Jose reported that this document will also require Stockwell to complete a topographical survey, cost estimates, develop construction documents, and manage the bidding process. Jose reported that the BID Board held a meeting on April 15, 2020 where the document was reviewed and the BID Board unanimously recommended that the City Council enter into an agreement with Stockwell Engineers to complete the construction documents for the Downtown Streetscape project. Jose noted that the BID Board is composed of five members, four of them have businesses downtown that are being affected by the current COVID-19 situation, and will be affected by future assessments scheduled to take place no sooner than November 2021. Jose noted that even though their finances have been negatively impacted, they still feel very strongly that the completion of this project will show to the public that Vermillion has an optimistic outlook on the current situation, a bright future, and that it will showcase the downtown area. Jose stated that the cost for the services outlined in the document are \$238,318 which would be funded by second penny sales tax funds. Jose reported that the BID Board recommends approval of the agreement with Stockwell Engineers for the Downtown Streetscape Project. Jose reported that David Locke with Stockwell Engineers is available to answer questions and Jim Waters, Chairman of the BID Board, is also available. David Locke, with Stockwell Engineers, answered questions of the City Council on how the public meeting would be held. Discussion followed.

96-20

Alderman Holland moved approval of the professional services contract with Stockwell Engineers for the downtown streetscape project with a cost of \$238,318 to be funded from second penny sales tax funds. Alderman Ward seconded the motion. Discussion followed on the project timing. A roll

call vote of the Governing Body was as follows: Collier-Wise-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y. President Collier-Wise declared the motion adopted.

C. Agreement with the Vermillion Chamber of Commerce and Development Company for rebate of second penny sales tax for Nutrien building project.

John Prescott, City Manager, reported that in December 2019, the City Council approved a Conditional Use Permit for Nutrien to construct an agricultural retail facility at the northwest corner of the intersection of 317th Street and N. Crawford Road. John reported that the Nutrien investment is estimated at over \$15 million for buildings and site improvements. John reported that Nutrien, through the VCDC, has requested a partial local sales and use tax rebate on construction building materials utilized to construct the agricultural retail facility. John noted that Nutrien is also requesting a rebate of a portion of the state sales and use tax paid on construction building materials with discussions in progress at this time with the Governor's Office of Economic Development. John stated that the proposed agreement provides that only the second penny sales tax paid in Vermillion on construction building materials would be rebated with the City's total participation capped at \$100,000. John noted that the proposed local agreement is very similar to previous sales and use tax rebate programs for large developments in the community. John reviewed the reinvestment program agreement documents and the process for refunding the tax paid to the VCDC on a quarterly basis who will then make the payment to Nutrien. John noted that the reimbursement is for qualifying tax paid through September 30, 2021. John recommended approval of the agreement. Discussion followed on runoff from the property as well as odor from the business. Nate Welch, Executive Director of the VCDC, reported that, as to odor, the business is currently located in Vermillion next to residential without any issues. Jose reported that the storage tanks will have containment while some of the property will drain north and some south. Discussion followed.

97-20

Alderman Hellwege moved approval of the Development Reinvestment Payment Program Agreement with Nutrien and VCDC as presented. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y. President Collier-Wise declared the motion adopted.

D. Agreement with the Vermillion Chamber of Commerce and Development Company to utilize Vermillion Now 2 funding for construction of a street

extending west from Princeton Street approximately 370-foot street to and located on what is currently Lot 4A of Erickson Addition.

John Prescott, City Manager, reported that the Vermillion Chamber of Commerce and Development Company has been working on a plan to construct a new paved street which would extend west from Princeton Street approximately 370 feet. John reviewed a map that has the street passing through what is currently part of Lot 4B of Erickson Addition. John reported that this will provide additional access points to a couple of lots in the community with General Industrial or General Business zoning. John reported that the VCDC, as the current owner of Lot 4B, will be submitting a plat to dedicate the land for the street right-of-way that will need approval by the Planning Commission and City Council. John stated that the VCDC has requested a Resolution pledging the City's unallocated Vermillion Now! 2nd penny contributions from the first two Vermillion Now! campaigns for the construction of the new street. John reported that a developer working with the VCDC will be constructing a building and parking lot on Outlot B and would construct the street in accordance with standards approved by the City Council via the Agreement to Construct Public Infrastructure by Private Developer that the City Council will consider at a later date. John stated that the City would not issue reimbursement for any oversized items in the project or the street costs until the criteria listed in the Agreement are met. John stated that the anticipated cost of the street is \$140,000. John noted that the proposed resolution would provide unobligated second penny funds from the original Vermillion Now! campaign and the Vermillion Now! 2 equal to the documented cost of street construction minus \$25,000 that is being provided by another party. John recommended approval of the resolution contingent upon approval of the plat and Agreement to Construct Public Infrastructure by Private Developer. Discussion followed.

98-20

Alderman Willson moved approval of the Resolution pledging the City's Vermillion NOW! second penny sales tax for street construction contingent upon the VCDC dedicating the street right-of-way being accepted by the City Council in the plat and the City Council approval of the Agreement to Construct Public Infrastructure by Private Developer. Alderman Hellwege seconded the motion. A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y. President Collier-Wise declared the motion adopted.

E. Historic Preservation Commission appointment

President Collier-Wise reported that there is one opening on the Historic Preservation Commission for a term expiring in 2021 and recommended the appointment of Johnny Beyers to fill the position.

99-20

Alderman Price moved approval of the appointment of Johnny Beyers to the Historic Preservation Commission with a term expiring in August 2021. Alderman Holland seconded the motion. A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y. President Collier-Wise declared the motion adopted.

F. Agreement with Mr. Michael Barkl, owner of Lot 1 and 2, Block 2, Arobba Addition, regarding Sanitary Sewer Service

Jose Dominguez, City Engineer, reported that Michael Barkl, the owner of Lot 1 and 2, Block 2, Arobba Addition, plans to construct a detached single-family residence on Lot 1. Jose reported on the location of the lots noting a map is included in the packet. Mr. Barkl will need utilities for his residence; these include sanitary sewer, water, and electric power. Jose reported that all of the utilities will be available to the lot however, the ease of providing sanitary sewer will be more difficult. Jose noted that the City's sanitary sewer main ends on East Main Street approximately 280-feet west of his property. Jose reported that, when a sewer is that far from a property, the City allows for the property owner to install a septic system until the sanitary sewer is closer to the property. Jose noted that, due to the fact that the soils in the area are very wet, a septic system would not be effective and may cause problems for the homeowner in the future. Jose reported that, due to the unique situation, staff offered the option to Mr. Barkl of installing a sewer pump in his house and pumping the residential sewage to the sanitary sewer 280-feet away. Jose reported that Mr. Barkl would be responsible for the installation of the service line, the connection to the sewer, and the sanitary sewer connection fee. Jose stated that the agreement clarifies the fact that Mr. Barkl will still be responsible for the cost of the sanitary sewer if it were to be extended to his house and the City would be responsible for reconnecting the sewer service closer to his house, and that all future sewer connection fees would be waived. Jose recommended approval of the agreement. Jose answered questions of the City Council on the agreement and other private sewer lines.

100-20

Alderman Hellwege moved approval of the agreement with Michael Barkl for sanitary sewer service to Lot 1 & 2, Block 2 Arobba Addition as presented. Alderman Ward seconded the motion. A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Hellwege-Y, Holland-Y, Humphrey-Y,

Price-Y, Sorensen-Y, Ward-Y, Willson-Y. President Collier-Wise declared the motion adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported that there are three terms expiring on the Human Relations Commission in May. John noted that one term is for a post-secondary student position and is for a one-year term while the other two terms are for three-years. John requested interested citizens to complete the Expression of Interest forms by noon on April 30th in anticipation of the City Council making appointments at the May 4th meeting.

B. John reported that there are two terms expiring on the Library Board in May. John noted that the terms are for three-years. John requested interested citizens to complete the Expression of Interest forms by noon on April 30th in anticipation of the City Council making appointments at the May 4th meeting.

C. John reported that curbside recycling remains paused and will begin again after the pandemic.

D. John reported that the emergency water crossing under the Vermillion River was completed late last week. John reported that both water samples have passed testing and the new water line will be placed into service later this week.

E. John asked citizens to please take a minute to complete the 2020 Census. John noted that it is important to the City of Vermillion and Clay County for future funding to have an accurate count.

PAYROLL ADDITIONS AND CHANGES

Landfill: Todd Mockler \$18.77/hr; Recycling: Jim Zimmerman \$23.12/hr

11. Invoices Payable

101-20

Alderman Willson moved approval of the following invoices:

Accounts Management, Inc	garnishment	1,555.81
Adidas America, Inc	merchandise	5,623.53
Aramark Uniform Services	uniform cleaning	280.06
AT&T Mobility	mobile hot spots	229.11
Automatic Building Control	annual fire alarm inspection	1,682.00

Broadcaster Press	advertising	907.38
Buhls Cleaners	mat/mop service	546.94
Bureau Of Administration	telephone	229.44
Cask & Cork	merchandise	1,081.50
CenturyLink	telephone	1,585.97
Chamberlain Oil Co	repairs	400.00
Clay Rural Water System	water usage	128.10
Clay-Union Electric Corp	electricity	1,542.70
Dakota Beverage	merchandise	7,117.30
Energy Laboratories	testing	112.00
Farmers Pride	supplies	540.91
Fastenal Company	parts	156.08
FedEx	shipping	17.15
Gregg Peters	managers profit/freight/advertising	31,172.40
John A Conkling Dist.	merchandise	1,316.60
Johnson Brothers Of SD	merchandise	10,805.69
Jones Food Center	supplies	153.92
Karsten Mfg Corp	merchandise	1,744.14
Loren Fischer Disposal	haul cardboard	1,180.00
MidAmerican	gas usage	3,568.81
Midcontinent Communication	cable/internet service	746.57
Odeys Inc	supplies	797.50
Republic National Dist	merchandise	20,219.92
Sanford Health Plan	participation fees	54.00
SD DENR	landfill operations fee	3,305.44
SD Library Association	membership dues	590.00
SD Public Assurance Alliance	property/inland marine coverage	73,371.17
Southern Glazer's Of SD	merchandise	6,457.98
Stern Oil Co.	fuel	10,433.48
Syncb/Amazon	books/dvds/software	915.63
The Growler Station, Inc	license fee/maintenance	749.97
Titleist-Acushnet Company	merchandise	2,940.00
Tractor Supply Credit Plan	supplies	113.94
United Parcel Service	shipping	13.78
Us Postmaster	postage for utility bills	900.00
Vermillion Area Community	round up program	258.92
Waste Management Of WI-MN	waste hauling	879.17
Florence Larson	Bright Energy Rebate	250.00
Craig Rasmussen	Bright Energy Rebate	250.00

Alderman Sorensen seconded the motion. A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Hellwege-Y, Holland-Y, Humphrey-Y,

Price-Y, Sorensen-Y, Ward-Y, Willson-Y. President Collier-Wise declared the motion adopted.

12. Consensus Agenda - None

8. New Business

A. Resignation of Mayor Jack Powell

President Collier-Wise wanted to thank citizens for their support at this time and requested that John Prescott read Mayor Powell's resignation letter. John Prescott reported that last Wednesday Mayor Powell provided his resignation letter requesting the acceptance of his resignation as Mayor at the April 20, 2020 meeting. John read the resignation letter.

President Collier-Wise reported that Mayor Jack Powell passed away this morning and his wife Lisa would like to share some words. Lisa Ketcham, Mayor Jack's wife, wanted to express on Jack's behalf the great sense of pride that he had in serving the community and his role as Mayor and City Council Representative for the past 20 years. Lisa said that he thought so much of all City Council representatives, City administration, City staff, and citizens of this great community. Lisa wanted to thank all for the thoughts of him tonight and for the great teamwork and support that you have shared over the years in building legacies and making a true impact and a difference in the lives of all of us citizens. Lisa stated that we grieve together and he will be missed by so many and he very much wanted us to carry on with the great work that has been done and build upon that in serving and supporting each other long into the future.

President Collier-Wise read a "Resolution of Appreciation for John E. (Jack) Powell, Vermillion Mayor and City Council Member" that accepted Mayor Powell's resignation and extended the appreciation for his dedicated service to the community as Mayor and Council member.

102-20

Alderman Sorensen moved approval of the Resolution of Appreciation for John E. (Jack) Powell that accepted his resignation as Mayor. Alderman Humphrey seconded the motion. A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y. President Collier-Wise declared the motion adopted.

Alderman Price honored Mayor Powell by singing Amazing Grace.

13. Adjourn

103-20

Alderman Ward moved to adjourn the Council Meeting at 8:02 p.m. Alderman Holland seconded the motion. A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y. President Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 20th day of April, 2020.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____

Kelsey Collier-Wise, President

ATTEST:

BY _____

Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.