

Unapproved Minutes
Council Special Session
May 1, 2023
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, May 1, 2023 at 12:00 Noon at the John "Jack" Powell Conference Room.

1. Roll Call

Present: Hellwege, Holland, Letellier, Murra (arrived 12:01 p.m.), Ward, Mayor Cole

Absent: Humphrey, Jennewein, Price

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

2. Adoption of Agenda

125-23

Council Member Holland moved approval of the agenda. Council Member Ward seconded the motion. Motion carried 6 to 0. Mayor Cole declared the motion adopted.

3. Visitors to be Heard - None

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

Council Member Ward reported on the Policies and Procedures committee meeting that took place on April 24, 2023. Ward noted that the committee discussed changing Category B to the following: This proclamation type originates in one of the boards or commissions whose members are approved by the City Council. Category B Proclamations:

- a. May address any local, state, or national concern or event;
- b. Shall be read by a member of the board or commission from which it originated;
- c. Shall be read at a City Council meeting during the Visitors to be Heard section of the agenda;
- d. May be placed on city letterhead, but shall not be signed on behalf of the City Council, but on behalf of the City Board or Commission from which it originated;
- e. Shall be signed by the originating City Board or Commission chair or representative;
- f. Shall be entered into City Council meeting minutes.

Discussion followed on the committee's report.

5. Proposal for Lots 1-4, Block 8 of Bliss Pointe - Jim Peterson

Jim Peterson, Vermillion Chamber and Development President & CEO, presented to the council that in Bliss Pointe Block 8 lots 1-4 a prospective developer would like to build twin homes with the garages access from the front. Jim noted that since the alleyway will not be used for garages, in the future the VCDC may re-plot the area removing the alleyway. Discussion followed on the use of the alleyway and future development.

6. Process for changes to the budget- John Prescott

John Prescott, City Manager, presented changes to the budget that have been or need to be discussed. John went over the items that were originally budgeted in previous years and items that have already been presented to the council. John also presented items that are new that may need to be added to the 2023 budget. Discussion followed on the budget adjustment procedures.

7. Briefing on the May 1, 2023 City Council Regular Meeting

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

8. Adjourn

126-23

Council Member Holland moved to adjourn the Council special session at 1:10 p.m. Council Member Murra seconded the motion. Motion carried 6 to 0. Mayor Cole declared the motion adopted.

Dated at Vermillion, South Dakota this 1st day of May, 2023.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____

Jonathan D. Cole, Mayor

ATTEST:

BY _____

Katie E Redden, Finance Officer

Unapproved Minutes
City Council Regular Session
May 1, 2023
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on May 1, 2023 at 7:00 p.m. by Mayor Cole.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. Minutes of April 17, 2023, Special Session and April 17, 2023, Regular Session

127-23

Council Member Letellier moved approval of the April 17, 2023, Special Session and April 17, 2023 regular session minutes with the adjustment to his name being spelled correctly. Council Member Humphrey seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

4. Adoption of Agenda

128-23

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

5. Visitors to be Heard

6. Public Hearings

A. Retail on-off sale Wine and Cider license and a retail on-off sale Malt Beverage and SD Farm Wine License and renewal of retail on-off sale Malt Beverage and SD Farm Wine License for Kristin Friese/VJAT LLC at 7 Court Street.

Katie Redden, Finance Officer, reported on an application that was received for a retail on-off sale Malt Beverage and SD Farm Wine License, a retail on-off sale Wine and Cider License, and a renewal of the retail on-off sale Malt Beverage and SD Farm Wine License from Kristin

Friese/VHAT LLC at 7 Court Street. Katie noted that the retail on-off sale Malt Beverage and SD Farm Wine license is for the licensing period that will expire on June 30, 2023. The retail on-off sale Wine and Cider license expires on December 31, 2023. The renewal for the retail on-off sale Malt Beverage and SD Farm Wine license is for the licensing period that will expire on June 30, 2024.

The City Council has the ability to transfer a license on two criteria: suitable applicant and suitable location. As to the suitable applicant, a DCI background and FBI background check are pending. The issuance of this license can be contingent on the background checks when they are received. The Police Chief report states that, after a check of the Vermillion Police Department records, there is no information that would preclude the transfer of the license to Kristin Friese/VJAT LLC.

With respect to the location criteria, this license will remain issued at the current address of 7 Court Street which was previously approved.

129-23

Council Member Price moved approval of the Retail on-off sale Wine and Cider license and a retail on-off sale Malt Beverage and SD Farm Wine License and renewal of the retail on-off sale Malt Beverage and SD Farm Wine License for Kristin Friese/VJAT LLC at 7 Court Street contingent that the background checks come back clean. Council Member Holland seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

130-23

Council Member Price moved approval of the renewal of the retail on-off sale Malt Beverage and SD Farm Wine License for Kristin Friese/VJAT LLC at 7 Court Street contingent that the background checks come back clean. Council Member Ward seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

B. Request for a variance to increase the maximum allowed height on a new building to be located at 327 N. Pine Street (legally described as Lot 20, 21 and 22, Block 10, Bigelows University Addition, City of Vermillion, Clay County, South Dakota) from 35 feet to 38 feet.

Jose Dominguez, reported on a request for a variance to increase the maximum allowed height. Jose noted the City received a petition from the Lambda Chi Alpha fraternity (fraternity) requesting a variance on the height of the new building that would be constructed at 327 N Pine. Jose stated the fraternity is requesting a variance that would change the maximum height of the building from 35 feet to 38 feet. The applicant is requesting the variance to raise the basement floor elevation of the new building due to groundwater concerns.

Jose stated the City Council, acting as the Board of Adjustment, hears and decides zoning ordinance variances. Prior to deciding the Board needs to consider any public comment and review the criteria set out in the ordinance. Although having a basement could be considered an amenity, not having a basement in Vermillion would deprive the owner of a reasonable use of the property since basements are prevalent in the City. Basements are used for future expansions and for placement of mechanical items (e.g. HVAC, water heaters, sump pumps, etc...). Jose stated it should be noted that the owner will also try to minimize groundwater intrusion by installing a groundwater collection system, grading the ground around the new building away from the structure, and by directing rainwater from down spouts away from the structure. Raising the basement floor elevation would provide another level of protection.

Jose stated staff recommends that the variance to increase the maximum height of the building from 35 feet to 38 feet be granted. For the variance to be granted there needs to be a 2/3 vote in favor from the entire Board. That means that 6 of 9 members need to vote in favor of the variance.

Brandon Wilsey, the applicant, stated that for proper water drainage the basement needs to be raised three feet higher. Wilsey stated that currently the basement floods and it unusable. Wilsey noted that the proposed building would be shorter than the current building.

Dennis Daugaard, Lambda Chi alumni, thanked the council and noted that the current building will not interfere with the neighborhood and will allow for better drainage on the corner.

131-23

Council Member Ward moved approval of the request for a variance to increase the maximum allowed height on a new building to be located at 327 N. Pine Street (legally described as Lot 20, 21 and 22, Block 10, Bigelows University Addition, City of Vermillion, Clay County, South Dakota) from 35 feet to 38 feet. Council Member Hellwege seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

7. Old Business

A. Second reading of Ordinance 1484 amending Title IX, General Regulations; Chapter 95, Parks and Recreation; repealing Sections 95.01 and 95.02 and adding Sections 95.01 through 95.08 providing for the rules and regulations, protection and preservation of park areas.

John Prescott, City Manager, reported on the second reading of Ordinance No. 1484. John noted that Chapter 95 Parks and Recreation contains two sections and names regulations for two of the City's parks. The last time

revisions were made to any section of Chapter 95 was in 1982. The current regulations in Chapter 95 do not mention any other city ordinances that pertain to park usage such as obtaining sound permits or leash laws. In addition, it did not allow for any enforcement of the regulations in either section.

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

Highlighted ordinance changes are divided into three sections:

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

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

132-23

Mayor Cole read the title to the above named Ordinance, and Council Member Holland moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No 1484 entitled An Ordinance Amending City Of Vermillion Code Of Ordinances, Title IX, General Regulations; Chapter 95, Parks And Recreation; Repealing Sections 95.01 And 95.02 And Adding Sections 95.01 Through 95.08 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 17th day of April, 2023 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 1st day of May, 2023 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 1484

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES, TITLE IX, GENERAL REGULATIONS; CHAPTER 95, PARKS AND RECREATION; REPEALING SECTIONS 95.01 AND 95.02 AND ADDING SECTIONS 95.01 THROUGH 95.08

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the Code of Ordinances Chapter 95, Parks and Recreation, be amended as follows:

§ 95.01 PURPOSE; DEFINITIONS.

(A) Purpose. The City deems it appropriate, reasonable, and necessary to specify rules and regulations to provide for the recreational enjoyment of park areas and facilities; for the protection and preservation of park property, facilities, and natural resources of the City; and for the safety and general welfare of the public.

(B) Definitions.

AMUSEMENT CONTRAPTIONS. Any contrivance, device, gadget, machine, or structure designed to test the skill or strength of the user or to provide the user with any sort of ride, lift, swing, or fall experience including, but not limited to, ball-throwing contest device, pinball type devices, animal ride devices, dunk tank, ball and hammer device, inflatables, trampoline devices, and the like.

AREA or AREAS. A specified place within a park.

CAMPGROUND. An area that is occupied or intended for occupancy by camping in tents, camp trailers, recreational vehicles, or motor homes.

CAMPING UNIT. A shelter designed for camping; camping trailer, fifth-wheel trailer, motor home, travel trailer, or tent.

CITY. The City of Vermillion, established pursuant to South Dakota Statutes.

DANGEROUS OR DEADLY WEAPON. SDCL § 22-1-2 (10) any firearm, stun gun, knife, or device, instrument, material, or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm, or by the manner in which it is used is likely to inflict death or serious bodily harm but also includes spears, crossbows, bows and arrows, sling shots, paintball guns, or any other dangerous weapon or projectile.

DESIGNATED CAMPSITES. Only allowable area for camping in the campground. These sites are marked with a numbered sign and have associated campsite payment information.

DIRECTOR. Director of Parks and Recreation.

ELECTRONIC SMOKING DEVICE. Any device that can be used to deliver an aerosolized solution that may or may not contain nicotine to the person inhaling from the devices, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, e-hookah, or other simulated smoking device. Nicotine products approved by the U.S. Food and Drug Administration for tobacco cessation shall be allowed.

EMPLOYEE. Any city volunteer or full or part-time regular or temporary worker hired by the city.

FIRST-COME, FIRST-SERVED CAMPSITE (FCFS). A campsite that can be occupied by the first person who requests it. These sites cannot be reserved in advance.

MOBILITY DEVICE. Any device powered by batteries, fuel, or other engines used by an individual with mobility disabilities for the purpose of locomotion.

MOTOR VEHICLE. Every vehicle as herein defined, which is self-propelled, including but not limited to off-the-road or all-terrain vehicle including, but not limited to, snowmobile, mini-bike, amphibious vehicle, motorcycle, go-cart, or all-terrain cycle.

NATURAL RESOURCES. All flora and fauna within the city and the physical factors upon which they depend, including air, water, soil, and minerals.

PARK. Any public land, water area, or trail corridor and all facilities thereon, under the jurisdiction, lease, control, or ownership of the city.

PERMIT. Written permission obtained from the city to carry out certain activities.

PERSON. Shall extend and be applied to associations, corporations, firms, partnerships, and bodies politic and corporate as well as to individuals.

PEST. Any plant, animal, or microorganism that is determined to be undesirable because it conflicts with park management objectives, creates an annoyance to park guests, or has the potential to create a health hazard.

PET. A domestic animal that is accompanied by a person in the immediate vicinity of the animal.

POLICE OFFICER. Those individuals that are licensed as South Dakota police officers by the South Dakota Law Enforcement Officers Standards and Training Commission vested with the legal authority to enforce laws and ordinances.

PROPERTY. Any public land, waters, facilities, or possessions of the city.

SMOKING. The carrying or holding of a lighted cigarette, cigar, pipe, or any other lighted smoking equipment; the use of ELECTRONIC SMOKING DEVICE; or the inhalation or exhalation of smoke from any lighted smoking equipment.

TOBACCO PRODUCT. Any product made or derived from tobacco that is intended for human use, including any component part or accessory of a tobacco product. A TOBACCO PRODUCT includes, but is not limited to cigarettes, cigars, pipes, electronic smoking devices, cigarette tobacco, roll-your-own tobacco, smokeless tobacco, and dissolvable tobacco.

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks, provided that, for the purpose of this chapter, a bicycle or a ridden animal shall be deemed a vehicle.

WILDLIFE. Any living creature, not human, wild by nature, including, but not limited to, mammals, birds, fish, amphibians, insects, reptiles, crustaceans, and mollusks.

YOUTH ACTIVITIES. Activities in which the intended participants and/or the intended attendees are primarily under 18 years of age.

§ 95.02 REGULATION OF PUBLIC USE.

(A) Park hours.

- (1) Parks shall be open to the public from 6:00 a.m. until 10:00 p.m. It shall be unlawful for any person to enter or remain in a park, to include parking lots, at any other time except when the park area or facility is otherwise designated by the city, or the park area or facility is being used as part of an authorized city program.
- (2) The City Manager, or designee, or an on-duty police/fire supervisor are authorized to close any park or portion thereof at any time for the protection of park property or the public health, safety, or welfare.

(B) Reservations and Permits.

- (1) The City Manager, or designee, may grant, upon written request, permission for exclusive use of any portion of the park except the picnic area for use by organized groups for the purpose of overnight camping, nature study, planned recreation programs, and other such activities as approved.
- (2) Reservations shall be required for the exclusive or special use of all or portions of park areas, special use facilities, buildings, or trails or for the use of park areas and facilities when they are otherwise closed to the public.

(3) The City Manager, or designee, may grant, upon written request, permission for entertainment, tournament, exhibition, or any other special use.

(4) It shall be unlawful for a person to violate any provision of a permit or reservation.

(C) Lions Park Campground.

(1) The campground does not take reservations, this is a first-come, first-served campground.

(2) There are designated camp sites located in the park; only these sites may be used for camping. Each site allows for two camping units maximum per site. No dispersed camping is allowed.

(3) The daily camping fee is an amount set by resolution per City Council; it shall be paid prior to camping the first night. Payment and campsite documentation form are to be placed in the dedicated payment box located near the bathroom/shower building.

(4) A campsite is deemed physically occupied when a camping unit is erected upon the campsite. Visitors cannot hold a site by paying and simply placing a tag on the camp post or by placing a backpack, cooler, sleeping bag, or tarp etc.

(5) The campground has a maximum of a two-night/three-day length of stay.

(6) The Director or designee will establish rules and regulations relating to the use of the designated overnight camping area in Lions Park. Said rules and regulations for use of the overnight camping area in Lions Park may be amended from time to time and shall be posted in a conspicuous manner. Any failure to comply with the posted rules and regulations shall be a violation of this Chapter 95 and subject to the enforcement provisions in section 95.08.

(7) Campground privileges may be revoked by the City based upon violation of City ordinances and /or validated complaints.

§ 95.03 REGULATION OF GENERAL CONDUCT; PERSONAL BEHAVIOR.

(A) Vermillion Code of Ordinances, Title XIII, General Offenses; Chapter 130 shall apply to this code section.

(B) Tobacco Products

- (1) The use of tobacco products and electronic smoking devices are hereby prohibited in city parks, sports field, and the Bluffs Golf Course when any youth activities take place.
- (2) This subchapter is cumulative of other state laws that regulate tobacco product use and smoking including, but not limited to, SDCL Ch. 34-46, as may be amended.

(C) Discharge of any dangerous or deadly weapon is prohibited, except by law enforcement in performance of duties.

§ 95.04 REGULATIONS PERTAINING TO GENERAL PARKLAND OPERATION.

(A) Commercial use; solicitation; advertising; photography. The City Manager, or Director, may grant, upon written request, permission for commercial use; solicitation; advertising; photography. It shall be unlawful for any person to:

- (1) Solicit, sell, or in any manner charge admission, or otherwise peddle any goods, wares, merchandise, services, liquids, or edibles in a park except when authorized by City Manager or Director. Additional State licensing may be required.
- (2) Operate a still, motion picture, video, or other camera for commercial purposes in a park. News coverage or media journalism is not considered a commercial purpose.
- (3) Expose, distribute, or place any sign, advertisement, notice poster or display in a park.

(B) Pets in parks. Vermillion Code of Ordinance, Title IX, General Regulations; Chapter 93: Animals and Fowl shall apply to this code section.

(C) Noise; amplification of sound. Vermillion Code of Ordinance, Title IX, General Regulations; Chapter 90: Health and Safety; Nuisances, § 90.01 Noises Prohibited shall apply to this code section.

(D) Fires. It shall be unlawful for any person to:

- (1) Start a fire in a park, except in a designated area, and then only in fire rings or grills, except for City employees or contractors engaged in cleaning or maintaining public property.
- (2) Leave a fire unattended or fail to fully extinguish a fire.

- (3) Scatter or leave unattended lighted matches, hot coals, burning tobacco, paper, or other combustible material.
 - (4) Fail to comply with Vermillion Code, Title IX: General Regulations, Chapter 92: Fire Prevention and Protection.
- (E) Amusement contraptions. It shall be unlawful to bring in, set up, construct, manage or operate any amusement contraption without permission from the City Manager or Director.
- (F) Unlawful occupancy. It shall be unlawful for any person to:
- (1) Enter in any way any building, installation, or area that may be under construction, locked or closed for public use except public safety workers.
 - (2) Enter in any way or be upon any building, installation, or area after the posted closing time or before the posted opening time, or contrary to posted notice in any park.
 - (3) Enter in any way any building, installation, or area after receiving a permit revocation or unlawful occupancy notification during the time-period specified.

§ 95.05 PROTECTION OF PROPERTY, STRUCTURES AND NATURAL RESOURCES.

- (A) Disturbance of natural features, without permission from the City Manager or Director, it shall be unlawful for any person to:
- (1) Remove, alter, injure, or destroy any tree, other plant, rock, soil or mineral without a permit.
 - (2) Dig trenches, holes, or other excavations in a park.
 - (3) Introduce any plant, animal, or other agent within a park.
 - (4) Harvest, grow or cultivate controlled substances.
- (B) Wildlife. It shall be unlawful for any person to:
- (1) Kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed, any species of wildlife, except in designated areas.
 - (2) Release or abandon any animal within a park.
 - (3) Feed any wildlife or feral animals in a park.

(C) Destruction; defacement of park property; signs. It shall be unlawful for any person to:

- (1) Deface, vandalize, or otherwise cause destruction to park property.
- (2) Deface, destroy, cover, damage or remove any placard, notice or sign, or parts thereof, whether permanent or temporary, posted or exhibited by the city.

(D) Interference of park property. It shall be unlawful for any person to build an encroaching structure, such as a fence, shed or garden, on park property.

§ 95.06 REGULATION OF RECREATION ACTIVITY.

Recreational activity. It shall be unlawful for any person to set up temporary shelters, tents, tarps, canopies, and other such devices within public parks, except in designated camp sites within Lions Park without the written permission from the City Manager, or Director.

§ 95.07 REGULATION OF MOTORIZED VEHICLES, TRAFFIC AND PARKING.

(A) Motorized vehicles. It shall be unlawful for any person to operate a motorized vehicle within a park except emergency personnel in such areas and at times as may be designated by the City Manager or Director or for mobility devices in accordance with Americans with Disabilities Act.

(B) Parking vehicles. It shall be unlawful to:

- (1) Park or leave a vehicle standing except in a designated area and then only in a manner so as not to restrict normal traffic flow.
- (2) Leave a vehicle standing after posted closing hours without written permission. The city reserves the right to impound cars after 24 hours.

§ 95.08 ENFORCEMENT.

(A) Police officers shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter and may issue citations, arrest, arrest with warrant, and eject from parks or Bluffs Golf Course acting in violation of this chapter.

(B) Parks and Recreation employees shall, in connection with their duties as prescribed by the City diligently enforce the provisions of the chapter and, except as limited by the City Manager, issue warnings to persons acting in violation of this chapter.

§ 95.09 PENALTY.

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to \$10.99.

Dated at Vermillion, South Dakota this 1st day of May, 2023.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____

Jonathan D. Cole, Mayor

ATTEST:

BY _____

Katie E. Redden, Finance Officer

Adoption of the Ordinance was seconded by Council Member Humphrey. 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 , Price -Y , Letellier -Y, Ward -Y, Murra -Y, Mayor Cole -Y

Motion carried 9 to 0. Mayor Cole declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. First reading of Ordinance 1485 amending Title XV, Land Usage; Chapter 152, Signs; Section 152.13, Tables to include sign regulations for the Light Industrial district in Tables 1, 2, 3, and 5.

Kalin Bird, Building Official, reported on the first reading of Ordinance 1485 amending chapter 152 signs section 152.13 tables. Kalin noted that in May of 2022, the City Council created a new zoning district of Light Industrial (LI) below the bluff roughly between W. Chestnut and W. Broadway. The new zoning district allows the properties to have a zero lot line when abutting the railroad to help balance industrial uses potentially found along a railroad corridor with existing residential uses. Kalin noted this provides the neighbors and property owners, through a public hearing, to have input on uses that may impact the neighborhood or their properties. As a new zoning district was created, it now requires an amendment to chapter 152 Signs to allow and outline the allowable signage type and size for the new Light Industrial zoning district.

Kalin stated the proposed amendment will allow for signage in the Light Industrial (LI) zoning district. The proposed amendment will allow for signage similar to Neighborhood Commercial as there is residential zoning and usage that abuts the LI zoning. Kalin noted staff wanted to ensure that signage would be appropriate in size and type because of the

proximity to the R-2 Residential zoning. Most of the sign sizes and allowances nearly match the Neighborhood Commercial with the exception of maximum total square footage, maximum square footage for lots with two frontages, and free-standing sign square footage. Staff wanted to give an allowable area that could reflect an industrial usage while also considering the neighborhood. Light Industrial zoning is thought to be an area that is between General Industrial and Neighborhood Commercial.

133-23

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No 1484 entitled An Ordinance amending Title XV, Land Usage; Chapter 152, Signs; Section 152.13, Tables to include sign regulations for the Light Industrial district in Tables 1, 2, 3, and 5 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 1st day of May, 2023 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Council Member Hellwege. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Cole declared the motion adopted.

B. Consider adoption of Policies and Procedures Committee Proclamation Policy.

John Prescott, City Manager, reported on the Policies and Procedures Committee proclamation policy. John noted that the committee adjusted Category B Proclamations to include:

- a. May address any local, state, or national concern or event;
- b. Shall be read by a member of the board or commission from which it originated;
- c. Shall be read at a City Council meeting during the Visitors to be Heard section of the agenda;
- d. May be placed on city letterhead, but shall not be signed on behalf of the City Council, but on behalf of the City Board or Commission from which it originated;
- e. Shall be signed by the originating City Board or Commission chair or representative;
- f. Shall be entered into City Council meeting minutes.

Discussion followed.

134-23

Council Member Holland moved approval of the proclamation policy. Council Member Ward seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

C. Library Board of Trustees appointments.

The Mayor turned it over to the Legal Counsel to discuss the legal requirements for the appointments.

Darrell Jesse, Crary Huff Attorney, stated that state law notes the governing body, the nine voting members here, appoints and city ordinance clarifies that the Mayor makes the appointment and the governing body votes for or against that. The governing body has the authority to appoint.

Mayor Cole noted that in the previous meeting each candidate was voted on individually, he asked if that would be something the council wanted or as a slate.

Council Member Letellier stated that since the pervious nomination was so intricate with different appointments that was better individually, but it would be fine to do it as a slate. The remainder of the council agreed.

Council Member Price wanted to know how the Noon meeting went as she was absent. Price stated that council member Holland asked for everyone's thoughts and she wanted to know how those were considered.

Mayor Cole noted that those preferences were then forwarded on to him and he took them into consideration along with the interviews he conducted. Cole noted that if a tally sheet was passed around it would become an issue.

Jesse stated that it becomes a gray area due to open meeting laws and that piece of paper becoming public record.

Council Member Holland noted this becomes an issue because the entire body doesn't know what the others were thinking on the topic.

Council Member Letellier stated there needs to be a process in place for accountability so these preferences aren't going into a black box and no one knowing what the consensus is.

Council Member Hellwege stated the Noon meeting is an open meeting and the council should be able to have a discussion as long as its entered into the record.

Jesse noted that would be able to happen, but they are looking at worse case and it could be a potential issue.

Discussion followed on the process of how consensus would be met and consideration from the mayor. Council Member Holland requested the topic be brought to the Policies and Procedures committee.

Mayor Cole nominated Courtney Merkwan and Bryce Mayrose to the Library Board of Trustees.

135-23

Council Member Hellwege moved approval of Bryce Mayrose to the Library Board of Trustees. Council Member Holland seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

136-23

Council Member Murra moved approval of Courtney Merkwan. Council Member Humphrey seconded the motion. A roll call vote of the Governing Body was as follows: Jennewein-Y, Hellwege-N, Holland-N, Humphrey-Y, Price-N, Letellier-N, Ward-N, Murra-Y, Cole-Y. Motion failed 4 to 5. Mayor Cole declared the motion failed.

Mayor Cole nominated Lenni Billberg to the Library Board of Trustees.

137-23

Council Member Murra moved approval of the appointment of Lenni Billberg to the Library Board of Trustees. Council Member Humphrey seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-N, Humphrey-Y, Jennewein-Y, Letellier-N, Murra-Y, Price-N, Ward-N, Cole-Y. Motion carried 5 to 4. Mayor Cole declared the motion adopted.

E. Amendment to Utility Easement with Northern Natural Gas for City owned property at the southwest corner of Highway 19 and Highway 50.

Jose Dominguez, City Engineer, reported on an amendment for a utility easement with Northern Natural Gas. Jose noted in October 2022, the City purchased approximately 50 acres at the southwest corner of SD Hwy. 50 and SD Hwy. 19. The City's plan is to make the land available for residential and commercial development. The City would also be using a portion of the land for construction of a park. Additionally, the City and the County would be constructing the new law enforcement center (LEC) in part of the 50 acres purchased.

Jose noted at the time of the purchase, it was known that Northern Natural Gas (Northern) had gas lines traversing parts of the northern quarter of

the property purchased. However, it was unknown what the actual easements were. Through research at the Courthouse, it was discovered that an easement was signed in 1938 granting Northern the ability to use ALL of the 50 acres for the construction of their utilities.

Jose stated as written, the existing easement would have significantly impacted the development of the land purchased by the City. Because of this, it was extremely important to start conversations with Northern to modify the original easement so that the land could be developed. Following the City's successful bid at the land auction, Staff started conversations with Northern in September 2022 to see what would be necessary to amend the easement. Jose noted after several conversations, and a review of the proposed amendments by the City Attorney, Northern sent the agreement to be considered. The amendment to the agreement will reduce the size of the easement from covering the entire 50 acres to only affecting a 70-foot strip of land centered on each of the two gas lines. This strip of land will cover approximately 2.3 acres. This greatly reduces the land affected and allows most of the land to be developed.

Jose noted if the agreement is approved by the City Council, Northern will have to survey the existing gas lines. This survey will be used to have an official record of the location of the gas lines. The survey will also be used to create the limits of the easement being discussed.

138-23

Council Member Murra moved approval of the Amendment to Utility Easement with Northern Natural Gas for City-owned property at the southwest corner of Highway 19 and Highway 50. Council Member Hellwege seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

F. Resolution authorizing the purchase of a skid loader for the Light and Power Department.

Jose Dominguez, City Engineer, reported that during the 2023 budget sessions, the City Council will review the 2024 equipment replacement schedule. As part of the 2024 equipment replacement schedule, the Light and Power Department is scheduled to replace their 2009 Bobcat S-130 skid loader. The skid loader is on a 15-year replacement schedule.

Jose stated when purchasing equipment, the City has several options based on State statutes: the City can procure bids based on the requirements set forth in 5-18A; or the City can purchase from an already awarded contract that was awarded within 12 months if the awarded bidding process in 5-18A was followed (5-18A-22(3)); or the City can purchase from a purchasing agency (5-18A-37); or the City can purchase from a local vendor if the purchased item is at, or below, the price on the State

contract list (5-18C-8); or the City can purchase any equipment that costs less than \$50,000 without going to bid (5-18A-22(19)).

Jose noted, typically, the City avoids procuring bids because this process requires considerable staff time and additional resources to develop the specifications, advertise the bid documents, and evaluate the bids. Rather, the City tries to purchase directly from a local vendor, from an already awarded contract, from the State list, or from a purchasing agency.

Jose stated in this instance, Staff is proposing to purchase from a Sourcewell contract awarded to New Holland Agriculture. Purchasing from Sourcewell allows the City to benefit from the low prices offered to Sourcewell members. Jose noted the City would be purchasing a New Holland L320 Hi Flow skid loader for \$56,559.90. New Holland Agriculture's local dealer, Koletzky Implement from Yankton, SD, will honor the Sourcewell bid.

Jose stated this equipment is one step larger than the one currently owned by the Light and Power Department. The increase in size is because the skid loader is mainly used for moving transformers. The transformers have been increasing in size and weight making it difficult for the existing skid loader to lift them. The new larger skid loader will be able to lift the transformers more easily.

Jose noted staff is bringing this item forward now as the lead time for acquisition is lengthy. Ordering the equipment now may also help avoid 2024 price increases. While the Resolution is being considered now, the delivery and expenditure will not occur until 2024.

Jose stated the 2024 Equipment Replacement Fund includes \$63,000 for the purchase of the new skid loader. Any savings will remain in the Equipment Replacement Fund and be used to purchase other equipment. The 2009 skid loader will be sold after delivery of the new equipment.

139-23

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

RESOLUTION
AUTHORIZING THE PURCHASE OF A
LIGHT AND POWER DEPARTMENT SKID LOADER

WHEREAS, SDCL 5-18A-37 authorizes a governmental entity to participate in cooperative purchasing agreements and conduct purchasing transactions under a joint agreement in this or any other state; and

WHEREAS, the City of Vermillion has reviewed and determined that the bid awarded by Sourcewell to New Holland Agriculture for a New Holland L320 Hi Flow skid loader for a price of \$56,559.90 offers an advantageous price to the City for said item; and

WHEREAS, the City has contacted Koletzky Implement, of Yankton, South Dakota and they have agreed to allow the City to purchase one skid loader for the awarded price and terms as they have contracted with Sourcewell.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to purchase a New Holland L320 Hi Flow from Koletzky Implement, Yankton, SD, for a price of \$56,559.90.

Dated at Vermillion, South Dakota this 1st day of May, 2023.

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

ATTEST:

By _____
Katie E. Redden, Finance Officer

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

G. Resolution authorizing the purchase of a trencher for the Light and Power Department.

Jose Dominguez, City Engineer, reported that during the 2023 budget sessions the City Council will review the 2024 equipment replacement schedule. As part of the 2024 equipment replacement schedule, the Light and Power Department is scheduled to replace their 2010 Ditch Witch RT80 trencher.

Jose stated when purchasing equipment, the City has several options based on State statutes: the City can procure bids based on the requirements set forth in 5-18A; or the City can purchase from an already awarded contract that was awarded within 12 months if the awarded bidding process in 5-18A was followed (5-18A-22(3)); or the City can purchase from a purchasing agency (5-18A-37); or the City can purchase from a local vendor if the purchased item is at, or below, the price on the State

contract list (5-18C-8); or the City can purchase any equipment that costs less than \$50,000 without going to bid (5-18A-22(19)).

Jose noted, typically, the City avoids procuring bids because this process requires considerable staff time and additional resources to develop the specifications, advertise the bid documents, and evaluate the bids. Rather, the City tries to purchase directly from a local vendor, from an already awarded contract, from the State list, or from a purchasing agency.

Jose noted in this instance Staff is proposing to purchase from a Sourcewell contract awarded to Vermeer Corporation. Purchasing from Sourcewell allows the City to benefit from the low prices offered to Sourcewell members. The City would be purchasing a Vermeer RTX750 trencher for \$157,414.62. Jose noted Vermeer's local dealer, Vermeer High Plains from Tea, SD, will honor the Sourcewell bid. Additionally, the City would be trading in the existing 2010 Ditch Witch RT80 trencher for \$40,000. Jose stated the Resolution to purchase the trencher is being presented at this time due to the availability of the equipment. Some manufacturers are not currently taking orders for new trenchers. The delivery of the trencher and payment will not take place until 2024.

Jose stated the 2024 Equipment Replacement Fund includes \$114,000 for the purchase of the new trencher. If purchased the fund will be short \$40,371.90. This will require that the budget be revised during the 2024 budget revision sessions. Additionally, the City would also be selling the existing trencher. Any revenues from future sales will go into the Equipment Replacement Fund and offset some of the loss from the purchase of the new trencher. Trading in the old trencher will greatly diminish the short fall.

140-23

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

RESOLUTION
AUTHORIZING THE PURCHASE OF A
LIGHT AND POWER DEPARTMENT TRENCHER

WHEREAS, SDCL 5-18A-37 authorizes a governmental entity to participate in cooperative purchasing agreements and conduct purchasing transactions under a joint agreement in this or any other state; and

WHEREAS, the City of Vermillion has reviewed and determined that the bid awarded by Sourcewell to Vermeer Corporation for a Vermeer RTX750 trencher for a price of \$154,414 offers an advantageous price to the City for said item; and

WHEREAS, the City has contacted Vermeer High Plains, of Tea, South Dakota and they have agreed to allow the City to purchase one trencher for the awarded price and terms as they have contracted with Sourcewell; and

WHEREAS, the bid offered by Vermeer High Plains, Tea, SD, also includes a trade-in value for the City's 2010 Ditch Witch RT80 of \$40,000.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to purchase a Vermeer RTX750 from Vermeer High Plains, Tea, SD, for a price of \$117,414.62 after trade-in.

Dated at Vermillion, South Dakota this 1st day of May, 2023.

FOR THE GOVERNING BODY OF THE
CITY OF VERMILLION, SOUTH DAKOTA

By _____
Jonathan D. Cole, Mayor

ATTEST:

By _____
Katie E. Redden, Finance Officer

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

H. Declaration of surplus items for May 19, 2023 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 abandoned 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 19th at 5:30 p.m. at the Municipal Service Center. Discussion followed.

141-23

Council Member Ward moved to declare the following property surplus to be sold at public auction or as scrap: 2004 Chrysler Concorde; 1998 Saturn SL2; 2000 Dodge Durango; 2003 Mitsubishi Eclipse; 2006 Chrysler Pacifica; 2001 Buick LeSabre; 2008 Kia Rondo; 2003 Chrysler Sebring LX; 2001 Toyota Camry; 1997 Chevrolet CC1903; 2000 Pontiac Grand Am; 1993

GMC Glavel; 1996 Saturn SC2; 2004 Toyota Avalan; 2001 Chrysler Town & Country; 2003 Jeep Liberty; 2009 Chevrolet HHR; 2009 Kia Rio; 1999 Dodge Intrepid; 2001 Mercedes Benz; 2000 Buick Century; 2003 Honda Accord; 2003 GMC Envoy; 2009 Toyota Camry; 1991 Dodge Dakota; 33 Bikes; iPhone charger; Grey Beats Headphones; AND1 Sandals; Air Compressor; Buddy Heater; Wahl SS LI+; PION (Pioneer) TS-800M; Magic the Gathering Card Box and 77 cards; laptop computer; Cash; 2 Qty Large Steer Truck Tires 315/80 R22.5; Michelin 4 Qty large drive truck tires 12 R 22.5 xDN2; 3Qty Force Patrol Mountain Bikes w/ storage equipment; Epson Projector; Infocus Projector; 50+ Phone handsets; Foley United Accu 600 Reel Grinder; Foley United Accu 610 Bedknife Grinder; Airco 225 amp MSM Stinger 11 Stick Welder; Printers and Computers; Yard Machine 20" lawn mower; Toro 22" recycler mower with bag; Ranch King 8HP 26" snow blower; Jacobsen 524 Walk behind over seeder; Agri- fog pull behind broadcast spreader; 1992 1000 Gallon Tank. Council Member Hellwege seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

I. Letting Authorization for SD Department of Transportation for the City of Vermillion Shared Use Path Project (PCN 05NK).

Jose Dominguez, City Engineer, reported that the City has been working for a few years on reconstructing a portion of the bike path going along the river from 12th Street to West Street. The City has been trying to complete this project since the flooding events in 2011 that damaged the, at the time, newly completed bike trail.

Jose noted the construction plans and specifications have been reviewed by the DOT, and the comments are being addressed by the City's consultant. Assuming that all the comments are addressed, and that all DOT required documentation is provided by the City, the project will be bid in July by the DOT. If the July date is met, the bids will be opened in August. Specific dates have not been set by the DOT.

Jose noted as part of the bidding process with the DOT, the City is required to complete a "Letting Authorization." This document provides the City with an estimate of the project and how the costs will be split between the DOT and the City. Typically, the City is responsible for 18.05% of the cost. This is like past bike trail projects that have utilized this funding. In this instance, the City would be responsible for at least the 18.05%, or anything over the amount that the State is responsible for based on the available funds.

Jose stated although there is no cost to the City associated with this portion of the project. The document does outline who is responsible for the costs (e.g., engineering design, construction, and construction administration). Based on the estimated total in the document the DOT would be responsible for \$104,082.68, and the remaining \$271,354.82 is

the City's responsibility. The City has budgeted for this project to occur in 2023. All the money, or a portion of it, will have to be transferred to 2024 to cover the cost of the project.

142-23

Council Member Holland moved approval of Authorization for SD Department of Transportation for the City of Vermillion Shared Use Path Project (PCN 05NK). Council Member Price seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

9. Bid Openings

A. Landfill Leachate Pond #2.

Jose Dominguez, City Engineer, reported at the April 17th Council meeting, the Council tabled the award for the Leachate Pond #2 construction. The Council tabled the award due to only receiving one bid which was substantially higher than the estimate. The bid received was for \$1,380,000, while the estimate was for \$955,000.

Jose noted by tabling the bid the Council allowed the bidder, the City and the Consultant to try and find ways to lower the bid through negotiation. Jose stated after negotiations it is proposed that the City's Light and Power Department complete the electrical work except for furnishing and installing the leak detection pumps and furnishing the pump control panel. Additionally, the contractor was able to reduce the cost of the vault by switching from a cast-in-place structure to a precast structure. Based on these negotiations the bid was lowered by \$190,428 to a new amount of \$1,189,572.

Jose noted if the bid is lowered to the amount just mentioned the new value would still be \$234,572 higher than the estimate. To cover the difference, Staff is proposing to use reserves from the Joint Powers Fund. The budget will have to be revised during the 2023 budget sessions to account for the new expense.

Jose stated administration recommends awarding the contract to Rounds Construction Company for \$1,189,572.

143-23

Council Member Price moved approval of Rounds Construction bid for \$1,189,572. Council Member Holland seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

B. Tom Street Lift Station bid.

Shane Griese, Utilities Manager, reported that in 2014, an assessment was performed on the Tom Street Lift Station which was installed in 1975. That assessment determined the best course of action was to fully replace the lift station. In 2020, a Facility Plan was completed as required to pursue financing options through the State of South Dakota. In November of 2020, the project was placed on the State Water Plan.

Shane noted in 2022, the City purchased a piece of land adjacent to the existing lift station to have a new lift station relocated. An engineering agreement was entered with Banner Associates for the design of the new lift station on this property in February of 2022.

Shane stated the City elected to utilize a portion of our ARPA funds to finance the project, and in June of 2022, the State awarded the City \$502,500 in matching ARPA funds.

Shane noted the design of the lift station was finalized earlier this year. The final design was delayed slightly after the City requested that the lift station be lowered to allow the sanitary sewer needs for recently purchased Munger property to be served by Tom Street Lift Station.

Shane reported on March 31, and again on April 7, an advertisement for bids was published and a bid opening date of April 25, 2023, was set. Shane noted there were three bids with appropriate bid security received ranging in total cost of \$1,553,066.45 to \$1,877,777.00. Bids were collected and reviewed by Banner Associates. A recommendation letter has been included with the packet. Banner Associates has recommended that the city Council accept the low bid received from H&W Contracting, LLC in the amount of \$1,553,066.45.

Shane noted the 2023 budget included \$950,000 for the construction of Tom Street Lift Station. These funds were a combination of City and State ARPA funds. All the bids received exceeded the estimated and budgeted amounts for the project. The deadline for the construction completion is currently scheduled for June 2024. It is unlikely that the project will be completed in 2023. The additional funds needed to complete the project can be included in the 2024 budget.

144-23

Council Member Ward moved approval of the low bid received from H&W Contracting, LLC in the amount of \$1,553,066.45. Council Member Humphrey seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

C. Fuel quotes.

Katie Redden, Finance Officer, read the monthly fuel quotes and recommended the low quote of Brunick's Service on Item 1, Stern Oil on Items 2 & 4, and stated there was tie between Brunick's Service and Stern Oil on Item 3 at \$3.05.

Item 1 - 4,350 gal unleaded 10% ethanol: Brunick Service \$3.05, Jerry's Service \$3.69, Stern Oil \$3.2872 Item 2 - 1,000 gal unleaded regular: Brunick Service \$3.45, Jerry's Service \$4.09, Stern Oil \$3.3220; Item 3 - 3,000 gal No. 2 Diesel fuel dyed: Brunick Service \$3.05, Jerry's Service \$3.11, Stern Oil \$3.0500; Item 4 - 1,000 gal No. 2 diesel fuel-clear: Brunick Service \$3.45, Jerry's Service \$3.46, Stern Oil \$3.3300.

145-23

Council Member Price moved approval of the low bid of Brunick's Service for Items 1 and the local bid (Brunick's) on Item 3 and Stern Oil on Items 2 and 4. Council Member Ward seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

10. City Manager's Report

A. John reported that the time line to complete the Vermillion Light & Power customer satisfaction survey has been extended until May 26, 2023. Vermillion Light & Power customers are asked to take a few minutes to complete the survey.

B. John reported on upcoming meetings:

Human Relations Commission - Thursday, May 4 at 5:30 pm in the Powell Conference room

City's Historic Preservation Commission - Wednesday, May 10 at 9:00 am in the Powell Conference room

City Council and Clay County Commission will have a joint meeting on Monday, May 15 at 6:00 pm in the Council Chambers to consider the first reading of three ordinances for the Joint Jurisdictional Zoning Area. Second reading is currently planned for Monday, June 5 at 6:00 pm.

C. John reminded everyone that W. Main Street from the alley abutting the west side of Cor Trust Bank west to the intersection with High Street will be closed this Saturday, May 6 from 9:00 am to 9:00 pm for a fundraising event at the Eagles Club.

D. John stated with the upcoming retirement of Ina Peterson, on 4/21/23 the county had the Mayor participate in the interviews and vote for new County Director of Equalization. Per SDCL 10-3-3 the Mayor is to be part

of the selection. In review it was voted to offer the Deputy Assessor Lennea Olson the position. Ina retires on July 31.

E. John stated the City received notice today that for the 22nd consecutive year, the City has received the DANR Secretary's Award for Drinking Water Excellence.

Council Member Ward asked the City Manager about the trees that are being taken down at Cotton Park. John noted that with the construction of the disk golf course project dead trees are being removed to clean up the area.

PAYROLL ADDITIONS AND CHANGES

11. Invoices Payable

146-23

Council Member Price moved approval of the following invoices:

A & M SERVICES, INC	UNIFORM CLEANING	61.00
AMAZON BUSINESS	SUPPLIES	1,586.90
ANDREW CORRELL	STINGER REIMBURSEMENT	145.95
APEX EQUIPMENT, LLC	REPAIRS	1,701.46
AUTO VALUE	PARTS	898.36
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	3,400.00
BARCO MUNICIPAL PRODUCTS	WORK SAFETY SHIRTS	586.24
BIERSCHBACH EQPT & SUPPLY	PARTS	686.96
BLACKSTONE PUBLISHING	BOOK	34.00
BLAINE'S BODY SHOP	REPAIRS	2,817.40
BLUEPEAK	E911 CIRCUIT/TELEPHONE/INTERNET	4,948.89
BORDER STATES ELEC SUPPLY	SUPPLIES	23.22
BOUND TREE MEDICAL, LLC	SUPPLIES	2,188.82
BUTCH'S PROPANE INC	PROPANE	2,398.48
BUTLER MACHINERY CO.	REPAIRS	10,744.20
CALLAWAY GOLF	MERCHANDISE	119.76
CAPITAL ONE	SUPPLIES	1,042.38
CASK & CORK	MERCHANDISE	564.00
CHRISTENSEN RADIATOR & REPAIR	REPAIRS	76.25
CITY OF VERMILLION	COPIES/POSTAGE	1,006.71
CITY OF VERMILLION	UTILITY BILLS	37,784.23
COLONIAL LIFE	INSURANCE	2,823.38
CORE & MAIN LP	HYDRANTS	2,264.28
CORE-MARK MIDCONTINENT, INC	MERCHANDISE	2,765.89
COYOTE CHEMICAL COMPANY	SUPPLIES	234.00

CRARY HUFF LAW FIRM	PROFESSIONAL SERVICES	4,648.00
CRESCENT ELECTRIC SUPPLY	SUPPLIES	131.40
D-P TOOLS	SUPPLIES	316.97
DAKOTA BEVERAGE	MERCHANDISE	11,979.99
DAVID STAMMER	GYM MEMBERSHIP REIMBURSEMENT	205.02
DELTA DENTAL PLAN	INSURANCE	6,647.30
DENNIS MARTENS	MAINTENANCE	833.34
DGR ENGINEERING	PROFESSIONAL SERVICES	604.00
DYNAMIC BRANDS	CANOPY UMBRELLAS	123.65
ECHO ELECTRIC SUPPLY	SUPPLIES	252.47
ED M. FELD EQPT CO	PARTS	177.00
ERICKSON SOLUTIONS GROUP	PROFESSIONAL SERVICES	4,231.80
FAST AUTO GLASS	REPAIRS	1,067.06
FIRE NINJA	SUPPLIES	326.85
GLOBAL DIST.	MERCHANDISE	459.00
GRAYMONT (WI) LLC	CHEMICALS	5,859.28
GREAT NORTHERN ENVIRONMENT	REPAIRS	2,363.25
GREGG PETERS	FREIGHT	1,881.67
GREGG PETERS	RENT	937.50
HAMILTON MEDICAL	SERVICE CONTRACT	2,990.00
HEIMAN FIRE EQUIPMENT	SUPPLIES	2,972.49
HENRY SCHEIN, INC	SUPPLIES	183.23
INGRAM	BOOKS	2,018.13
INTERSTATE ALL BATTERY CENTER	BATTERIES	3,039.60
JACKS UNIFORM & EQPT	UNIFORM	1,551.69
JANIS JOHNSON	REFUND	2,389.37
JIM GOBLIRSCH	START UP MONEY-SUMMER FACILIT	600.00
JO-ANN STORES, LLC	SUBSCRIPTION	900.00
JOHN A CONKLING DIST.	MERCHANDISE	3,014.41
JOHNSEN HEATING & COOLING	REPAIRS	8,497.27
JOHNSON BROTHERS OF SD	MERCHANDISE	16,223.82
JOHNSON FEED, INC	REPAIRS	358.46
JOHNSTONE SUPPLY	FILTERS	903.00
JONES FOOD CENTER	SUPPLIES	551.12
K & M TIRE	TIRES	164.00
KALIN BIRD	SAFETY BOOTS REIMBURSEMENT	70.00
KATIE REDDEN	TRAVEL REIMBURSEMENTS	53.04
LAMB MOTOR COMPANY	(3) 2023 FORD TRUCKS	136,288.00
LFS DISTRIBUTION	NETTING PANELS	1,398.00
LINE-X OF SIOUX FALLS	FIBERGLASS TOPPER	3,395.00
LOFFLER	COPIER CONTRACT	495.07
LOUIES CARPET CLEAN, INC	CARPET CLEANING	457.52
LOW INCOME ENERGY ASSISTANCE	REFUND ONE TIME ELECTRIC PMT	561.57

MART AUTO BODY & MARINE LL	TOWING	525.00
MATHESON TRI-GAS, INC	CARBON DIOXIDE	735.77
MC2, INC	RELAY BOARD/BALLAST KIT	4,947.99
MICHELLE DENNIS	BROOKMAN HOUSE	3,000.00
MIDCONTINENT COMMUNICATION	TELEPHONE	36.47
MIDWEST ALARM CO	ALARM MONITORING/DIALER	2,820.99
MIDWEST TURF & IRRIGATION	PARTS	565.94
MIDWEST WHEEL COMPANIES	SUPPLIES	153.31
MIZUNO USA, INC	MERCHANDISE	1,589.59
NCL OF WISCONSIN, INC	CHEMICALS	257.73
NETSYS+	PROFESSIONAL SERVICES	1,516.25
NEWMAN SIGNS, INC	SHEETING	87.59
O'REILLY AUTO PARTS	PARTS	537.09
OUELLETTE TRUCKING	HAUL LEACH POND WATER	19,802.50
PCC, INC	COMMISSION	3,108.45
PEPSI COLA OF SIOUXLAND	MERCHANDISE	449.02
PING/KARSTEN MFG CORP	MERCHANDISE	2,626.19
QUADIENT LEASING USA, INC	POSTAGE METER LEASE	234.24
RACOM CORPORATION	MAINTENANCE	473.98
REDI TOWING	TOWING	2,160.00
REEL SHARP	REPAIRS	2,618.80
REPUBLIC NATIONAL DISTRIBUTING	MERCHANDISE	9,368.77
RESCUE DIRECT	KNOT PASSING PULLEY	515.67
RONS AUTO GLASS, INC	REPAIRS	800.00
RS PLUMBING SERVICES	REPAIRS	151.30
RUNNING SUPPLY, LLC	SUPPLIES/PARTS	2,195.19
SANFORD USD MEDICAL CENTER	MEDICAL SUPPLIES	553.85
SANITATION PRODUCTS INC	PARTS	549.95
SD ASSOC. OF CODE ENFORCEMENT	REGISTRATION	100.00
SD GOVERNMENTAL FINANCE OFFICERS	REGISTRATION	75.00
SD REDBOOK FUND	PROFESSIONAL SERVICES	30.00
SD RETIREMENT SYSTEM	CONTRIBUTIONS	63,235.34
SD SHAKESPEARE FESTIVAL	FUNDING	5,000.00
SECURITY SHREDDING SERVICE	SHREDDING	35.00
SERVICE MASTER OF SE SOUTH DAK	CUSTODIAL	3,878.10
SODEXO AMERICA LLC	REFUND MALT BEVERAGE MARKUP	96.55
SOUTHEAST BASEBALL LEAGUE	LEAGUE DUES	300.00
SOUTHEAST SOFTBALL ASSOCIATION	LEAGUE/TOURNAMENT FEES	160.00
SOUTHERN GLAZER'S OF SD	MERCHANDISE	4,968.76
STRYKER SALES CORPORATION	MAINTENANCE AGREEMENT	11,637.56
STUART C. IRBY CO.	SUPPLIES	1,214.50
TELEFLEX LLC	SUPPLIES	662.50
TITLEIST-ACUSHNET COMPANY	MERCHANDISE	4,932.58

TRUCK-TRAILER SALES	FILTER	80.01
TWO WAY SOLUTIONS	ANTENNA	31.98
UNITED WAY	CONTRIBUTIONS	466.38
UNUM LIFE INSURANCE COMPANY	INSURANCE	1,165.80
US KIDS GOLF	MERCHANDISE	677.82
US POSTMASTER	POSTAGE FOR UTILITY BILLS	1,300.00
USD MARKETING & U RELATION	MERCHANDISE	61.73
VALIANT VINEYARDS	MERCHANDISE	225.65
VANTAGE APPAREL	MERCHANDISE	727.62
VERIZON WIRELESS	CELL PHONES/IPAD ACCESS	2,656.26
VERMEER HIGH PLAINS	PART	62.61
VERMILLION ACE HARDWARE	SUPPLIES/PARTS	3,596.18
VERMILLION CHAMBER OF COMMERCE	BUSINESS IMP DISTRICT I	9,774.52
VERMILLION CULTURAL ASSOCIATION	ADVERTISING	50.00
VERMILLION FIRE & EMS ASSOCIATION	CPR TRAINING	135.00
VERMILLION GARBAGE SERVICE	WASTE HAULING	1,378.08
VISA/FIRST BANK & TRUST	TRAVEL/TRAINING/SUPPLIES	11,583.71
WALKER CONSTRUCTION INC	COTTON/PRENTIS PARK SHELTER	19,815.41
WESCO DISTRIBUTION, INC	PEDESTALS	4,621.75
ZIMCO SUPPLY CO	FERTILIZER/SEED	10,512.80

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

12. Consensus Agenda

A. Set a public hearing for May 15, 2023 for a Special Daily Malt Beverage and Wine License for the South Dakota Shakespeare Festival for the Shakespeare Festival on June 15-18, 2023 in the Prentis Park Band shell area.

B. Set a public hearing for May 15, 2023 for the Annual renewal of malt beverage and South Dakota farm wine licenses.

147-23

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

13. Adjourn

148-23

Council Member Murra moved to adjourn the Council Meeting at 8:47 p.m. Council Member Jennewein seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

Dated at Vermillion, South Dakota this 1st day of May, 2023.

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

ATTEST:

BY _____
Katie E. Redden, Finance Officer

Published once at the approximate cost of _____.