

Unapproved Minutes
Council Special Session
May 15, 2023
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, May 15, 2023 at 12:00 noon at the John "Jack" Powell Conference Room.

1. Roll Call

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

Absent: Humphrey

2. Adoption of Agenda

149-23

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

3. Visitors to be Heard - None

4. Draft ordinance addressing owner responsibility for smoke alarms-
Kalin Bird

Kalin Bird, Building Official, informed the Council of a concern for smoke alarms being dismantled with no repercussions for that action. Kalin noted to the Council that there has been an increase of fires in the last few years and during rentals inspected in 2023, 27% of the rentals had an issue with their smoke alarms. Kalin presented a draft ordinance change and discussed the need for a resolution if the ordinance were to pass.

Discussion followed on who would receive the fine and definitions that may need to be defined.

5. Continued discussion of 2023 Budget changes - John Prescott

John Prescott, City Manager, reviewed the budget changes that have been previously discussed. John reviewed the second penny changes which included Munger engineering, Wellness Center Addition, Bike Path, and Bluffs bathroom. John also discussed changes in the General Fund, Water Fund, Wastewater Fund, and Bed Board & Booze Fund.

Discussion followed on needs and wants within the budget.

6. Briefing on the May 15, 2023 City Council Regular Meeting

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

7. Adjourn

150-23

Council Member Murra moved to adjourn the Council special session at 1:04 p.m. Council Member Ward seconded the motion. Motion carried 8 to 0. Mayor Cole declared the motion adopted.

Dated at Vermillion, South Dakota this 15th 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 15, 2023
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on May 15, 2023 at 7:00 p.m. by Mayor Cole.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. Minutes of May 1, 2023, Special Session and May 1, 2023, Regular Session

156-23

Council Member Letellier moved approval of the May 1, 2023, Special Session and May 1, 2023 regular session minutes with the amendment to a statement from Council Member Letellier. Council Member Holland seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

4. Adoption of Agenda

157-23

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

5. Visitors to be Heard

John Prescott introduced the new Assistant to the City Manager, Jack Baustian.

6. Public Hearings

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 Bandshell area.

Austin Flowers, Deputy Finance Officer, reported that the South Dakota Shakespeare Festival has applied for a special daily malt beverage and wine license for the Shakespeare performances on June 15-18, 2023 at the Prentis Park Bandshell area. Austin stated that the Police Chief's report and notice of hearing are included in the packet. Austin stated that, since the event is being held on City property, ordinance provides that the City Council may include such conditions and restrictions as the governing body deems appropriate. Austin stated that the certificate of insurance naming the City as additional insured with liquor liability has not been received at this time. The Police Chief is recommending the following parameters be established:

1. Wristbands will be distributed by the volunteers when IDs are checked to ensure purchases and consumers are over 21 years of age.
2. The South Dakota Shakespeare Festival will provide ushers who will monitor both the purchase area and the audience grounds within the area delineated. Ushers will ensure that no one removes a beverage from the audience area or the fenced concession area.

3. The fenced concession area and the audience area will have posted signs instructing consumers not to remove alcoholic beverages from the two designated areas, and the direct path between them.

Austin recommended approval of the special permit contingent upon the receipt of the certificate of insurance and complying with the Police Chief's recommendations, unless information is presented at the public hearing. Discussion followed.

Council Member Holland stated that he would abstain from voting due to being the treasurer for the organization.

158-23

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

B. Annual renewal of malt beverage and South Dakota farm wine licenses

Katie Redden, Finance Officer, reported that the Notice of Hearing and the Police Chief's report for the applicants are included in the packet. Katie noted that City ordinance requires a management plan upon re-application if a violation occurred since last renewal. Katie noted that management plans were not needed this renewal due to compliance being met for these license holders since December 2022. Katie recommended the renewal of all listed licenses. Discussion followed.

Council Member Jennewein noted that the number of police visits for HOLLARRs is very concerning. Jennewein asked if the Council can only approve or deny or if there is a probation period.

Katie Redden, Finance Officer, stated that the State of South Dakota is the only entity that can put a license on probation. Katie explained that if six months down the road the applicant becomes an unsuitable applicant the City Council can appeal to the State for the probation or revocation of the license.

Mayor Cole asked Chief Brady if there has been an improvement with this bar, or what her opinion was.

Chief Brady noted that since March there has been more cooperation.

Discussion followed on procedures within the Police department to mitigate underage drinking.

159-23

Council Member Ward moved approval of the renewal of the following retail on-off sale malt beverage with SD Farm Wine licenses for the licensing period of July 1, 2022 to June 30, 2023: Bunyan's LLC for Bunyan's Video Lottery at 1201 West Main Street Suite 106; BeBee Street II, Inc for Carey's Bar at 18 West Main Street; Café Brule, Inc. for Café Brule at 24 West Main Street; Casey's Retail Company, Inc. for Casey's General Store#2806 at 615 Jefferson St; Casey's Retail Company, Inc. for Casey's General Store#3525 at 1302 Princeton St; Charcoal Lounge, Inc. for Charcoal Lounge at 6 & 8 West Main Street; Circle 13, LLC for Public Room 13 at 1313 West Cherry; City of Vermillion for The Bluff's Golf Course at 2021 East Main Street; City of Vermillion for Municipal Liquor Store 820 Cottage Avenue; Coyote Convenience, Inc. for Coyote Convenience at 116 East Cherry Street; Dwight Iverson for Cherry Pit Stop at 23 East Cherry Street; Fireworks, Inc for Dakota Brick House at 15 West Main Street; HyVee Food Stores, Inc. for HyVee at 525 West Cherry Street; Kareem Inc at 830 East Cherry Street; Mexico Viejo, Inc. for Mexico Viejo Mexican Restaurant at 432 E. Cherry Street; Old Lumber Company, Inc for Old Lumber Company Bar and Grill at 11 & 15 Court St; PR Vermillion, LLC for Vermillion Pizza Ranch at 912 North Dakota Street; Pump N Stuff of Vermillion, Inc. for Pump N Stuff VL room #1 at 203 E Main St; Pump N Stuff of Vermillion, Inc. for Pump N Stuff VL room #2 at 203 E Main St; R & D Management, LLC for El Fredo Pizza Vermillion at 831 East Cherry Street; Red Steakhouse, Inc. for CeeCeess Lounge at 1 East Main Street; Sunset Oil, Inc. for Lucky 7 Casino at 629 Stanford Suite A; Sunset Oil, Inc. for Sunset Casino at 629 Stanford Suite B; Valiant Vineyard, Inc for Valiant Vineyard at 1500 West Main; Varsity Pub, LLC for The Varsity at 113 East Main Street; Vermillion Downtown Cultural Assoc. Inc. for Coyote Twin Theater at 10 East Main; Wal-Mart Stores, Inc. for Wal-Mart Super Center #3734 at 1207 Princeton Street. Council Member Holland seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

C. Appeal of the Building Official's denial of a building permit to add two apartment units to 400 N. Plum Street and to 716 Madison Street.

Kalin Bird, Building Official, reported on an appeal for a denial of a building permit at 400 N. Plum and 716 Madison Street. Kalin noted on April 1, 2023, AMS Building Systems applied for a building permit to construct two apartment units in the basements of 400 N. Plum and 716 Madison. The structures were constructed in 2014 as four units each. At this time the City of Vermillion had adopted the 2012 International Building Code with an amendment reading 903.2.8 Group R "An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all buildings with a Group R fire area. Exceptions: 1. Group R-2 Occupancies with four or fewer units. Kalin stated the

applicant is requesting to appeal this decision under section 150.02 International Building Code Adopted.

Kalin noted that prior to the 2012 IBC, the building code used fire areas to determine the requirements of a fire suppression system. Fire areas are no longer the determining factor for fire suppression systems in residential occupancies. The adoption of the current building code requires fire suppression systems in ALL residential occupancies. The State does not allow any municipality to require fire suppression systems in single-family dwellings. The current amendment to the building code allows for multi-family dwellings to be exempt from fire suppression as long as there are four or fewer units.

Nick Slattery of AMS Building Systems presented to the Council that instead of a sprinkler system there would be an audible alarm system put in for this building.

The Council discussed the difference between firewalls and sprinkler systems.

Fire Chief Matt Callahan noted that there is no research out there pointing to one as a better option than the other. Discussion followed by the Council on the two forms.

160-23

Council Member Hellwege moved denial of the appeal for the Building Official's denial of a building permit to add two apartment units to 400 N. Plum Street and to 716 Madison Street. Council Member Murra seconded the motion. A roll call vote of the Governing Body was done, and the members voted as follows: Hellwege-Y, Holland-N, Humphrey-N, Jennewein-N, Price-Y, Letellier-N, Ward-N, Murra-Y, Mayor Cole-N. Motion failed 3 to 6. Mayor Cole declared that the motion failed.

161-23

Council Member Humphrey moved for approval of the appeal with a 3 hour fire wall and audible alarm system deemed appropriate by the Building Official and Fire Chief. Council Member Letellier seconded the motion. A roll call vote of the Governing Body was done and the members voted as follows: Hellwege-N, Holland-Y, Humphrey-Y, Jennewein-Y, Price-N, Letellier-Y, Ward-Y, Murra-N, Mayor Cole-Y. Motion carried 6 to 3. Mayor Cole declared the motion passed.

7. Old Business

A. Second 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 second reading of Ordinance No. 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 that 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 that 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 that 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.

162-23

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1485 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 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 1st day of May, 2023 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 15th 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 1485

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES 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.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 152.13 TABLES be amended to amend and add language to Chapter 152. All other portions of Chapter 152: SIGNS will remain as they are. Following is the amendment.

Table 1: Permitted Signs by Type and Zoning District

Sign Type	LI		
Freestanding			
Area identification	PR		
Billboard	NA		
Bulletin board	NP		
Ground	PR		
Incidental (b)	NP		
Outdoor menu board	PR		
Pylon	NA		
Residential (b)		NP	
Building			
Awning	PR		
Awning, electric		PR	
Building marker (d)	NP		
Canopy	PR		
Identification (e)		NP	
Marquee	NA		
Projecting	PR		
Roof	NA		
Roof, integral	PR		
Snap frame (i)	PR		
Suspended	NA		
Sign, gas pump topper (i)		PR	
Wall	PR		
Wall, painted	PR		
Window	NP		
Miscellaneous			
Banner	NP		
Banner, pole	NA		

(a) This column does not represent a zoning district. It applies to institutional uses permitted in residential districts. The uses may

include, but are not necessarily limited to, churches, schools, apartment complexes, retirement homes, funeral homes, libraries, fraternities, and sororities.

(b) Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that a flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any 1 or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

(c) Lots with buildings that function as malls or shopping centers and contain more than 5 businesses shall be allowed 50 square feet of additional signage for each additional business, over 5 businesses, located within the building.

(d) Lots with more than 2 frontages shall be limited to 2 frontage widths; 1 corresponding to the primary front yard and 1 abutting the street with the highest classification.

(e) Planned Developments (PD) will be required to follow the sign regulations applicable to the use(s) within the development.

(f) In the A-1 and NRC Zoning Districts, the City will not enforce the provisions of this chapter unless located along SD Highway 19, SD Highway 50, or Burbank Road.

(C) Individual signs shall not exceed the maximum number or square footage nor encroach into the minimum setback shown on this Table 3. (See also Table 4.)

Table 3: Number, Dimensions and Location of Individual Signs by Zoning District

Sign Type LI	
Freestanding	
Area (square feet)	60
Height (Linear feet)	15
Right-of-way setback (feet) (c)	3
Number permitted per lot	NA
Number permitted per feet of street frontage (d)	1 for each 200
Building	
Area (square feet)	NA
Wall area (percent) (e)	10

Notes:

(a) This column does not represent a zoning district. It applies to institutional uses permitted in residential districts. The uses may include, but are not necessarily limited to, churches, schools, apartment complexes, retirement homes, funeral homes, libraries, fraternities, and sororities.

(b) In no case shall the sign height exceed the sign's distance from an adjacent residential district boundary line.

(c) No part of any sign shall protrude into the horizontal or vertical setback line.

(d) Lots with 2 or more frontages shall be regulated according to Table 2. However, signage cannot be accumulated and used on 1 frontage in excess of that allowed for lots with only 1 street frontage.

(e) The percentage figure here shall mean the percentage of the area of the wall which such sign is a part of, attached to or most nearly parallel to.

(f) Planned Developments (PD) will be required to follow the sign regulations applicable to the use(s) within the development.

(g) In the A-1 and NRC Zoning Districts, the City will not enforce the provisions of this chapter unless located along SD Highway 19, SD Highway 50, or Burbank Road.

Table 5: Permitted Sign Characteristics by Zoning District

Characteristic LI

Electronic message display-EMD	(b)	(e)	P
Changeable copy		P	
Illumination, internal	(e)		P(c)
Illumination, external	(e)		P(c)
Illumination, surface- lighted	(e)		P(c)
Neon	(e)	P(c)	
Nonilluminated		P	
Reflective		P	

P = Permitted
N = Not allowed

Notes:

(a) This column does not represent a zoning district. It applies to institutional uses permitted in residential districts. The uses may include, but are not necessarily limited to, churches, schools, apartment complexes, retirement homes, funeral homes, libraries, fraternities, and sororities.

(b) This characteristic shall not include stationary LED illumination. LED illumination shall be considered as internal illumination. Portable signs with EMD capabilities shall be permitted in the GB, CB, NC, GI, C, LI and HI districts subject to the regulations in § 152.10(E) and shall be permitted for any institutional use in conjunction with special events and public services for a period not to exceed 7 consecutive days nor more than 30 cumulative days within a calendar year.

(c) Any lighting involving motion or the appearance of motion shall be prohibited.

(d) Planned Developments (PD) will be required to follow the sign regulations applicable to the use(s) within the development.

(e) No direct light or significant glare from the sign shall be cast onto any adjacent lot that is zoned and used for residential purposes.

(f) Signs with EMD capabilities shall be regulated as follows:

1. Only institutional uses such as churches, libraries and schools shall be allowed signs with EMD capabilities subject to other restrictions as stated in this section.

2. No sign with EMD capabilities, other than a portable sign, shall be permitted for any institutional use within 150 feet of an individually listed property on the National Register of Historic Places as depicted in the 1999 Historic Preservation Plan or any amendments thereto.

3. Institutional uses not regulated by subsection 2 above shall be limited to 1 sign with a maximum size of 24 square feet.

(g) In the A-1 and NRC Zoning Districts, the City will not enforce the provisions of this chapter unless located along SD Highway 19, SD Highway 50, or Burbank Road.

Dated at Vermillion, South Dakota this 15th 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 Holland. 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. MidAmerican Energy annual report

Ryan Hendriks, representing MidAmerican Energy, reported on their presence in Vermillion. Ryan stated that they have a two-man crew that represents Vermillion. Ryan reported that in 2023 there were 17 line replacements within Vermillion.

B. Memorandum of Understanding with the Vermillion Public School District for the Jolley School site

John Prescott, City Manager, reported that the Vermillion Public School District is in the process of constructing a new elementary school on W. Dartmouth Street. With the opening of the new elementary school for the 2024-2025 school year, the District will no longer have a need for the Jolley School building at 224 S. University Street.

John noted that the City approached the School District last year about acquiring the Jolley School site. The City's proposal for the site is to raze the current building and develop housing on the north end and a small park on the south end. The current park proposal is to have tennis courts, pickle-ball courts, and a small shelter. The recently completed housing study identified the need for more housing. The property is zoned R-1 and surrounded by R-1 zoning. A Tax-Increment Financing (TIF) District would be developed to fund demolition of the Jolley School building, construction of the park, and infrastructure work to develop the property for the new uses. Property taxes from the new housing construction and lot sales would be used to fund repayment of the TIF.

John noted that attached is a Memorandum of Understanding (MOU) to state some of the terms of the property transfer. The MOU is a public statement of the intent of the property transfer and how the property would be used. The School Board has reviewed the MOU but has not yet taken official action on it. Both the School District Attorney and City Attorney have reviewed the MOU.

163-23

Council Member Price moved approval of the Memorandum of Understanding with the Vermillion Public School District for the Jolley School site. Council Member Jennewein seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

C. Request by the South Dakota Shakespeare Festival to close E. Main Street from Plum Street to Walker Street on June 15, 16, 17, and 18, 2023 from 6:45 p.m. to 9:00 p.m.

Jack Baustian, Assistant to the City Manager, reported on a street closure for the South Dakota Shakespeare Festival. Jack noted that representatives for the South Dakota Shakespeare Festival have submitted a request to close E. Main Street from Plum Street to Walker Street on Thursday-Sunday, June 15-18, 2023, from 6:45 p.m. to 9:00 p.m.

Jack noted that the E. Main Street closing request will provide event attendees safe accessibility to Prentis Park for the performances. Jack noted that the Shakespeare Festival would like to block parking on the north side of E. Main Street between Walker and Plum during the festival

to facilitate the rehearsal and performances and provide for backstage equipment related to the performance. Jack stated that the Street Department has verified and will drop off the "No Parking" signs on Monday morning of that week so they can be placed along the parking area. Jack noted that this is a requirement so that vehicles do not park or drive off during the performance. Jack stated that the request also notes the use of volunteers to stand by the barricades during the performances to quickly move them in the event emergency vehicles need to access the hospital.

Jack noted that no residential access will be directly affected due to the street closure. Jack stated that the South Dakota Shakespeare Festival will provide clean-up throughout the day and security teams will conduct the clean-up nightly following rehearsals and performances. Jack noted that the Fire/EMS, Police, and Street Departments have reviewed the closure and have no concerns. Jack stated that this request is the same as the previous several years.

164-23

Council Member Murra moved approval of the request by the South Dakota Shakespeare Festival to close E. Main Street from Plum Street to Walker Street on June 15, 16, 17, and 18, 2023 from 6:45 p.m. to 9:00 p.m. Council Member Price seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

D. Request to close Rose Street from Coyote Village north to the Dakota Dome on Friday, August 18, 2023 from 5:00 a.m. to 4:00 p.m. for USD's Move-In Day event

Jack Baustian, Assistant to the City Manager, reported that the University has requested the closing of Rose Street from Coyote Village to the Dakota Dome during their Move-In Day. Jack stated that the request for the closure is due to safety concerns with traffic. Jack reported that, to remove the danger of the local traffic on Rose Street, USD has requested that Rose Street from Coyote Village to the Dakota Dome be closed from 5:00 a.m. to 4:00 p.m. on Friday, August 18, 2023. Jack noted that the Police, Fire, and EMS Departments have been notified of the closure request. Jack noted that USD could not sign the certificate of insurance naming the City as an additional insured but provided language that they have insurance for the street closure. Jack recommended approval of the street closure.

165-23

Council Member Murra moved approval of the Request to close Rose Street from Coyote Village north to the Dakota Dome on Friday, August 18, 2023 from 5:00 am to 4:00 pm for USD's Move-In Day event. Council Member

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

E. Request from USD for temporary street closing of N. Plum Street from Cherry Street to Highway 50 for Move-In Day on Friday, August 18, 2023 from 6:00 a.m. to 4:00 p.m.

Jack Baustian, Assistant to the City Manager, reported that the University of South Dakota has historically been utilizing Plum Street, between Highway 50 and E. Cherry Street, during their Move-In Day. Jack stated that the traffic control for the move-in requires the assistance of the City and the DOT. Jack stated that the request from USD is included in the packet. Jack reported that, in order to mitigate the danger of the local traffic on Plum Street, USD has requested that Plum Street from Cherry Street to Hwy. 50 be closed from 6:00 a.m. to 4:00 p.m. on Friday, August 18, 2023. Jack noted that the Police, Fire, and EMS Departments have been notified of the closure request. Jack noted that USD could not sign the certificate of insurance naming the City as an additional insured but provided language that they have insurance for the street closure.

166-23

Council Member Murra moved approval of the request from USD for temporary street closing of N. Plum Street from Cherry Street to Highway 50 for Move-In Day on Friday, August 18, 2023 from 6:00 a.m. to 4:00 p.m. Council Member Hellwege seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

F. 2023-2027 Capital Improvement Plan

John Prescott, City Manager, reported that, at the April 3rd and 17th, 2023 noon City Council meeting, staff presented a Capital Improvement Plan (CIP) for City Council discussion and review. John reported that since then staff has reviewed the plan and corrected minor errors and typos. John reported that the Capital Improvement Plan does not allocate funding for any project. John stated that one of the goals of the Capital Improvement Plan is to present ideas to the City Council and community about projects that may be undertaken in the next five years. John reviewed some of the larger projects in the 2023-2027 CIP currently proposed for discussion during the 2024 budget session. Discussion followed with John recommending adoption of the 2023-2027 Capital Improvement Plan. Discussion followed.

167-23

Council Member Price moved approval of the 2023-2027 Capital Improvement Plan as presented. Council Member Ward seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

G. Final Plat of Lot 1, Burr Homestead, in Government Lots 1 and 2 in the NW $\frac{1}{4}$ of Section 7, T92N, R51W of the 5th P.M., Clay County, South Dakota

John Prescott, City Manager, reported that, in April 2023, Brandt Land Surveying submitted a final plat on behalf of the owners of the property. The area to be platted is roughly 8.29-acres in size. The area is approximately 1/10 of a mile north of the north City limits. The west side of the property abuts University Avenue.

John noted that the land being platted is within the Joint Jurisdictional Zoning Area. Final plats within this area are required by State statute and City ordinance to be presented to the County's Planning Commission for their recommendation to the City Council. John stated that the City Council may then either approve or reject the plat. At this point, the preliminary plat requirement was waived because the land will only be used to develop four residential lots fronting existing rights-of-way with constructed roads.

John noted that the proposed plat meets all the requirements set within the zoning ordinance for the Joint Jurisdictional Zoning Area.

John stated that this plat was presented to the County's Planning Commission at their April 24, 2023 meeting. At that meeting, the County's Planning Commission recommended approval of the final plat.

168-23

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

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Lot 1, Burr Homestead, in Government Lots 1 and 2 in the NW $\frac{1}{4}$ of Section 7, T92N, R51W of the 5th P.M., Clay County, South Dakota for approval.

BE IT RESOLVED that the attached and foregoing plat has been submitted to and a report and recommendations thereon made by the Clay County Planning Commission to the City Council of Vermillion which has approved the same.

BE IT ALSO RESOLVED that access shall be granted to the lot in accordance with the City of Vermillion street access and driveway approach policy, which requires an application permit.

BE IT FURTHER RESOLVED that the attached and foregoing plat has been submitted to the Governing Body of the City of Vermillion which has examined the same, and it appears that the systems of streets and alleys set forth therein conforms to the system of streets and alleys of the existing plat of such city, and that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid and that such plat and survey thereof have been executed according to law, and the same is hereby accordingly approved.

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

9. Bid Openings - None

10. City Manager's Report

A. John reported that the timeline to complete the Vermillion Light & Power customer satisfaction survey has been extended until May 26, 2023. The survey is completed via a QR code. Vermillion Light & Power customers are asked to take a few minutes to complete the survey.

B. John reminded everyone of upcoming meetings:

- Library Board - Friday, May 19th at noon in the Kozak room
- Human Relations Commission - Thursday, June 1st in the Powell conference room

C. John noted that the City Council and Clay County Commission will have a joint meeting on Monday, June 5th at 6:00 p.m. in the Council Chambers to consider the second reading of three ordinances for the Joint Jurisdictional Zoning Area.

D. John noted that the City offices are closed on Monday, May 29th for the Memorial Day holiday

E. John reported that the Slurry Seal Project will be taking place May 18th - 24th.

PAYROLL ADDITIONS AND CHANGES

Administration: Jack Baustian \$24.49/hr; Finance: Sherry Howe \$32.91/hr, Daniel Anderson \$26.87/hr, Austin Flowers \$25.75/hr; Police Admin: Deb DeRocher \$22.38/hr; Police: Dylan Deetz \$24.82/hr, Jacob Hoffman \$24.82/hr; Ambulance: Madison Evans \$2.50/OC2 hr-\$3.75/hol OC2 hr-\$4.00/OC1 hr-\$6.00/hol OC1 hr, Gunnar Gunderson \$2.50/OC2 hr-\$3.75/hol OC2 hr-\$4.00/OC1 hr-\$6.00/hol OC1 hr, Caleb Nadeau \$2.50/OC2 hr-\$3.75/hol OC2 hr-\$4.00/OC1 hr-\$6.00/hol OC1, Ashley Strong-McGill \$14.00/hr-\$14.00/training hr-\$21.00/hol hr; Recreation: James Klages \$30.00/game, Cassidy Mooneyhan \$11.00/hr, Brynn Shefl \$11.00/hr, Reyana Crum \$11.00/hr, Maria Swanson \$11.00/hr; Pool: William Anderson \$13.00/hr, Erin Bottesini \$13.00/hr' Jack Krell \$13.00/hr, Bayleigh Peterson \$13.00/hr, Ethan Pickel \$11.00/hr, Josephine Askew \$11.00/hr, Madeline Eisenbeisz \$11.00/hr, Emma Bohsack \$13.50/hr, Clarie Lepke \$13.00/hr, Cole Tweten \$11.00/hr, Bridget Farmer \$15.50/hr, Caden Feit \$14.50/hr, Evander Johnson \$11.00/hr, Eva Farley \$13.00/hr; Parks: Amber Harkness \$13.00/hr, Brodie Watson \$13.00/hr; Mosquito: Darla Hendricks \$15.00/hr; Communication: Derek Ronning \$26.81/hr; Clubhouse: Saige Jorgensen \$11.00/hr, Peyton Tramp \$11.00/hr, Karson Preister \$11.00/hr, Abigail Schmidt \$11.00/hr, Ashley Dalton \$11.00/hr, Grant Campbell \$16.96/hr, Dennis Chandler \$24.89/hr; Golf Maintenance: Carter Bell \$13.00/hr; Wastewater: Ethan Gullikson \$21.51/hr, Jay Elledge \$21.03/hr; Recycling: James Zimmerman \$27.60/hr

11. Invoices Payable

169-23

Council Member Price moved approval of the following invoices:

A & M SERVICES, INC	UNIFORM CLEANING	113
ALISON BUCKMAN	REFUND REC PROGRAM FEES	67
AMAZON BUSINESS	SUPPLIES/BOOKS/DVDS	489
AMS BUILDING SYSTEM LLC	REPAIRS	1,409
AMY POHLSON	REFUND REC PROGRAM FEES	57
AMY SORENSEN	REFUND REC PROGRAM FEES	67
ANDY MERIDETH	REFUND REC PROGRAM FEES	57
ANN WATERBURY	REFUND REC PROGRAM FEES	57
APPEARA	SHOP TOWELS	45
ASHLEE PITTMAN	REFUND REC PROGRAM FEES	67
ASHLEY STEENECK	REFUND REC PROGRAM FEES	57
AT&T MOBILITY	MOBILE HOT SPOTS	410
AUTO VALUE	PARTS	340
BLACKSTONE PUBLISHING	BOOKS	169
BLAINE'S BODY SHOP	PRENTIS/COTTON PARK REPAINTING	9,950

BORDER STATES ELEC SUPPLY	WORK SHIRTS	358
BRANDY WALLIN	REFUND REC PROGRAM FEES	57
BROADCASTER PRESS	ADVERTISING	5,434
BRUNICKS SERVICE INC	FUEL	10,370
BUHLS CLEANERS	MAT/MOP SERVICE	606
BUREAU OF ADMINISTRATION	TELEPHONE	249
BUTLER MACHINERY CO.	PARTS	1,393
CALLAWAY GOLF	MERCHANDISE	367
CASK & CORK	MERCHANDISE	711
CENTURYLINK	TELEPHONE	264
CERTIFIED LABORATORIES	SUPPLIES	219
CITY OF VERMILLION	LANDFILL VOUCHERS	588
CLAY RURAL WATER SYSTEM	WATER USAGE	65
CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,749
CMOORE PIT SERVICE	PORTA-POT RENTALS	1,350
COAST TO COAST SOLUTIONS	PUZZLE BOOKS	248
CORE-MARK MIDCONTINENT, INC	MERCHANDISE	1,123
CRARY HUFF LAW FIRM	PROFESSIONAL SERVICES	1,015
CRYSTAL MASSEY	REFUND REC PROGRAM FEES	67
CRYSTAL MOELLER	REFUND REC PROGRAM FEES	62
DAKOTA BEVERAGE	MERCHANDISE	13,790
DEPARTMENT OF VETERANS AFFAIRS	REFUND AMBULANCE PAYMENT	282
DYLAN DEETZ	MILEAGE REIMBURSEMENT	120
EBSCO	SUBSCRIPTION	2,679
ECHO ELECTRIC SUPPLY	BATTERIES	232
ELECTRIC PUMP, INC	SERVICE AGREEMENT	2,100
GRAYBAR ELECTRIC	SUPPLIES	885
GREGG PETERS	MANAGERS FEE	6,000
HAUGER LAWN SERVICE	PROFESSIONAL SERVICES	34
HEATHER PRASTER	REFUND REC PROGRAM FEES	67
INFO USA MARKETING INC	DIRECTORY	415
INGRAM	BOOKS	2,256
INTENSE GRAPHICS CUSTOM APPAREL	BASEBALL HATS/TSHIRTS	2,203
INTERNATIONAL CODE COUNCIL	MEMBERSHIP	145
JAMIE HEINE	REFUND REC PROGRAM FEES	67
JEAN CARAWAY	REFUND REC PROGRAM FEES	67
JERRY'S SERVICE, INC	FUEL	8,468
JESSICA STANDLEY	REFUND REC PROGRAM FEES	57
JOE CLEVELAND	REFUND REC PROGRAM FEES	67
JOHN A CONKLING DIST.	MERCHANDISE	4,328
JOHN UHL	REFUND REC PROGRAM FEES	57
JOHNSON BROTHERS OF SD	MERCHANDISE	18,683

JON REUVERS	REFUND REC PROGRAM FEES	57
JONES FOOD CENTER	SUPPLIES	300
KASEY SORENSEN	REFUND REC PROGRAM FEES	67
KAYLEE HANSON	REFUND DISC GOLF FEE	20
KELLY GREEN	REFUND REC PROGRAM FEES	67
KEN GREEN	REFUND REC PROGRAM FEES	67
KENDRA BREWER	MILEAGE REIMBURSEMENT	72
KEY CONTRACTING, INC	CATCH BASIN REPAIRS	5,750
KIM LEE	REFUND REC PROGRAM FEES	67
LAWSON PRODUCTS INC	SUPPLIES	224
LESSMAN ELEC. SUPPLY CO	SUPPLIES	138
LISA SORENSEN	REFUND REC PROGRAM FEES	125
LISHA EDELEN	REFUND REC PROGRAM FEES	67
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	1,160
MART AUTO BODY & MARINE LLC	TOWING	150
MATHESON TRI-GAS, INC	CYLINDER RENTAL	106
MATT BEACH	REFUND REC PROGRAM FEES	67
MATT SLAGUS	REFUND DISC GOLF FEE	20
MC2, INC	SUPPLIES	46
MENARDS	FREEZER	189
MICRO MARKETING LLC	BOOK	43
MIDAMERICAN	GAS USAGE	3,494
MIDCONTINENT COMMUNICATION	INTERNET/CABLE/TELEPHONE	296
MIDWEST ALARM CO	ALARM MONITORING	111
MIDWEST WHEEL COMPANIES	PARTS	851
MOBOTREX MOBILITY & TRAFFIC	LED TRAFFIC LIGHTS	2,070
MOLLY FULTON	REFUND REC PROGRAM FEES	67
MUSCO SPORTS LIGHTING, LLC	SUPPLIES	274
NETSYS+	PROFESSIONAL SERVICES	130
NEWMAN SIGNS, INC	SUPPLIES	2,782
NORINE RIIS	REFUND REC PROGRAM FEES	67
NORTH AMERICAN UV INC	TROJAN 300 PLUS LAMP	3,074
NURSERY WHOLESALERS INC	TULIP TREES	848
O'REILLY AUTO PARTS	PARTS	145
ODEYS INC	POLY FENCE CAPS/TIES	1,570
PEPSI COLA OF SIOUXLAND	MERCHANDISE	1,744
PGA OF AMERICA	ANNUAL DUES	974
PING/KARSTEN MFG CORP	MERCHANDISE	729
POLLMAN EXCAVATION	SNOW REMOVAL	3,293
PRESSING MATTERS	SUPPLIES	414
PRESTO-X-COMPANY	INSPECTION/TREATMENT	77
PRO AUTO INC	TOWING	209

QUADIENT FINANCE USA, INC	FEE	42
QUILL	SUPPLIES	159
RANDY CRUM	MEALS REIMBURSEMENT	60
REBECCA HOFFMAN	REFUND REC PROGRAM FEES	67
REDI TOWING	TOWING	570
REPUBLIC NATIONAL DIST	MERCHANDISE	3,874
REQUIP, LLC	REPAIRS	2,698
REVOLT ELECTRICAL SERVICES	INSPECTIONS/TESTING	53,330
RIVERSIDE HYDRAULICS & LAB	PART	39
RIVERSIDE TECHNOLOGIES, INC	COMPUTER/KEYBOARD/MOUSE	3,078
ROSEWOOD GREENHOUSE	FLOWERS	3,360
RUNNING SUPPLY, LLC	SUPPLIES	1,421
SANFORD HEALTH OCCUPATIONAL	TESTING	483
SD DENR	LANDFILL OPERATIONS FEE	3,692
SD GOLF ASSOCIATION	MEMBERSHIPS/HANDICAP	4,002
SD PUBLIC HEALTH LABORATORY	TESTING	183
SHASTA FORD	REFUND REC PROGRAM FEES	67
SHELBY QUAIL	REFUND REC PROGRAM FEES	57
SOUTHERN GLAZER'S OF SD	MERCHANDISE	6,669
STAPLES BUSINESS CREDIT	SUPPLIES	914
STUART C. IRBY CO.	SUPPLIES	2,125
SWANK MOVIE LICENSING USA	COPYRIGHT COMPLIANCE SITE LIC	439
TASTE OF HOME BOOKS	BOOK	35
TERRY BEACOM	REFUND REC PROGRAM FEES	57
THE UPS STORE #6751	SIGNS	328
THREAD & INK	MERCHANDISE	524
TITLEIST-ACUSHNET COMPANY	MERCHANDISE	912
TRITECH SOFTWARE SYSTEMS	SUBSCRIPTION FEE	17,000
TYLER JANSEN	REFUND REC PROGRAM FEES	57
UNITED LABORATORIES	SUPPLIES	1,503
UNITED PARCEL SERVICE	SHIPPING	18
US BANK ST. PAUL	DEBT SERVICE PAYMENT	16,400
US POSTMASTER	POSTAGE DUE	100
USA BLUEBOOK	SUPPLIES	1,251
USPS-POC	POSTAGE FOR METER	700
VANTAGE APPAREL	MERCHANDISE	91
VEOLIA ENVIRONMENTAL SERVICE	HHHW-VERMILLION/YANKTON	54,081
VERMILLION ACE HARDWARE	SUPPLIES	636
VERMILLION AUTO WORKS	REPAIRS	813
WXLIN, LLC	WAVE TRANSMITTER SERVICE	1,245
YAMAHA MOTOR FINANCE CORP	GOLF CARS/GPS LEASE	6,622
YANKTON MOTORSPORTS LLC	PART	33

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

12. Consensus Agenda

A. Special permit to exceed permissible noise levels for Resilient Church at the Ratingen Platz on Thursday, June 15, 2023 from 6:00 p.m. to 7:00 p.m. for a community worship night.

B. Special permit to exceed permissible noise levels for Resilient Church at Prentis Park on Wednesday, July 19, 2023 from 6:00 p.m. to 7:00 p.m. for a community worship night.

170-23

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

171-23

Council Member Murra moved to adjourn the Council Meeting at 9:08 p.m. Council Member Ward seconded the motion. Motion carried 9 to 0. Mayor Cole declared the motion adopted.

Dated at Vermillion, South Dakota this 15th 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 _____.