

Unapproved Minutes
Council Special Session
May 20, 2019
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, May 20, 2019 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: President Collier-Wise, Holland, Humphrey, Price, Sorensen (arrived at 12:02 p.m.), Willson

Absent: Hellwege, Ward, Mayor Powell

2. Visitors to be Heard

3. Presentation of Secretary's Award for Drinking Water Excellence to Water Department employees

John Prescott, City Manager, reported that the SD DENR has recognized the City Water Department for supplying safe drinking water to the citizens. President Collier-Wise presented the DENR Secretary's Award to the Water Department employees present and thanked them for providing safe drinking water to the citizens.

Alderman Sorensen arrived 12:02 p.m.

4. Informational Session - Year of German-American Friendship - Kami Dibley

Kami Dibley, High School German Teacher, shared her experiences while attending the Year of German-American Friendship meeting in Indianapolis, Indiana including Sister City communities and the Student Exchange (GAPP). Kami thanked the City Council for allowing her to represent the City at this event. President Collier-Wise thanked Kami for her report.

5. Informational Session - Downtown Infrastructure Project funding - Business Improvement District #2 Board

John Prescott, City Manager, reported that the Business Improvement District #2 Board has been working on funding options for the downtown improvement project which was estimated to cost \$2.4 million. John reported that funding for the project is \$1 million from second penny sales tax, \$250,000 from electric fund for street lights, \$80,000 from storm water fee fund storm water improvements and \$450,000 over 10

years from assessments to downtown property owners. John noted that BID #2 Board has applied for grants but downtown improvements are not receiving many grant funds. John noted that the difference in funding and estimated project costs is \$620,000. Michelle Maloney and Jim Waters, BID #2 Board Members, were present reporting the improvements proposed are conservative and will address safety in the downtown. Michelle stated that having a vibrant downtown is a benefit to the whole community and the longer the project is postponed will just make it cost more. Jim stated that the downtown is a draw for business and young professionals and is in need of a face lift. Michelle stated that on behalf of the BID #2 Board they are requesting the City Council increase its commitment by \$620,000.

Discussion followed on the funding sources noting that the BID #2 Board would like to begin construction in 2020, thus plans and specifications will be needed in 2019.

Upon request, John Prescott, City Manager, asked if the City Council was in support of funding the package proposed. Discussion followed with the consensus to bring forward a resolution of support for the downtown improvement project to the June 3rd meeting for City Council consideration, noting that we will need to include a review of the bike master plan when we move forward on the project.

6. Briefing on the May 20, 2019 City Council Regular Meeting

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

7. Adjourn

144-19

Alderman Holland moved to adjourn the Council special session at 1:07 p.m. Alderman Sorensen seconded the motion. Motion carried 6 to 0. President Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 20th day of May, 2019.

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

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
May 20, 2019
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, May 20, 2019 at 7:00 p.m. by President Collier-Wise.

1. Roll Call

Present: President Collier-Wise, Holland, Humphrey, Price, Sorensen, Ward, Willson

Absent: Hellwege, Mayor Powell

2. Pledge of Allegiance

3. Minutes

A. Minutes of May 6, 2019 Special Meeting; May 6, 2019 Regular Meeting

145-19

Alderman Sorensen moved approval of the May 6, 2019 Special Meeting and May 6, 2019 session minutes. Alderman Price seconded the motion. Motion carried 7 to 0. President Collier-Wise declared the motion adopted.

4. Adoption of Agenda

146-19

Alderman Price moved approval of the agenda. Alderman Ward seconded the motion. Motion carried 7 to 0. President Collier-Wise declared the motion adopted.

5. Visitors to be Heard

A. Poppy Day Proclamation

Alderman read the proclamation designating May 23, 2019 as "Poppy Day" in Vermillion and encouraged all citizens to pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy on this day.

6. Public Hearings

A. Public hearing for renewal of retail on-off sale malt beverage and SD Farm Wine licenses

Mike Carlson, Finance Officer, reported that the Notice of Hearing and the Police Chief's report for the applicants are included in the packet. Mike noted that City ordinance requires a management plan upon re-application if a violation occurred since last renewal. Mike noted that the management plans from Casey's Retail Company, Inc for Casey's General Store Princeton Street, Charcoal, Inc for Charcoal Lounge, City of Vermillion for The Bluffs, NPC International, Inc for Pizza Hut and Varsity Pub, LLC for The Varsity were included in the packet. Mike noted that in May 2018 when the Old Lumber Company, Inc applied to expand the license into 11 Court Street it was contingent upon the final inspection and occupancy permit that has not been completed. Mike read the list of licenses that had applied for renewal and recommended that renewal of all licenses with the contingency on Old Lumber Company, Inc. Discussion followed.

147-19

Alderman 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, 2019 to June 30, 2020: Bunyan's LLC for Bunyan's Video Lottery at 1201 West Main Street Suite 106; 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 Westside Inn 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; D&D Foods, Inc for Hartford Steak Co Tavern at 7 Court 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; I Mart Stores, LLC for I Mart Stores USA at 830 East Cherry Street; Jon Donald Enterprises for Silk Road Café at 12 West Main Street; Mexico Viejo, Inc. for Mexico Viejo Mexican Restaurant at 432 E. Cherry Street; NPC International, Inc. for Pizza Hut #2788 at 928 East Cherry Street; Old Lumber Company, Inc for Old Lumber Company Bar and Grill at 11 & 15 Court St; Prairie River, Inc. for R Pizza at 2 West Main Street; Pump N Stuff of Vermillion, Inc. for Pump N Stuff at 203 E Main St; Pump N Stuff of Vermillion, Inc. for Pump N Stuff VL room #2 at 203 E Main St; Red Steakhouse, Inc. for Red Steakhouse 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; Vermillion Downtown Cultural Assoc. Inc. for Vermillion Theater at 4 West Main and Wal-Mart Stores, Inc. for Wal-Mart Super Center #3734 at 1207 Princeton Street with the contingency on the Old

Lumber Company that before expanding into 11 Court that the Building Official complete an inspection and issue an occupancy permit. Alderman Humphrey seconded the motion. Motion carried 7 to 0. President Collier-Wise declared the motion adopted.

B. Public hearing for transfer of retail on-sale liquor license from Brian Engleman to BACT Group, LLC for 914 North Dakota Street

Mike Carlson, Finance Officer, reported that an application was received for the transfer of the on-sale liquor license from Brian Engleman to BACT Group, LLC for a business located at 914 North Dakota Street. Mike stated that the City Council has the ability to transfer a license on two criteria: suitable applicant and suitable location. Mike noted that, as to the suitable applicant, the corporate officers of BACT Group, LLC, are Aric Van Voorst and Brian Tooker who stated that they have submitted the information for the DCI and FBI background check but the reports have not been received by the Police Chief as such no Police Report is available. Mike noted that, with respect to the location criteria, an on-sale liquor license has been issued to this location in the past. Mike noted that the notice of hearing was included in the packet. Mike recommended conducting the public hearing but, as the background check information has not been received on the new owners, it is recommended that the public hearing be continued until June 3, 2019.

148-19

Alderman Willson moved to continue the public hearing on the transfer of retail on-sale liquor license from Brian Engleman to BACT Group, LLC for 914 North Dakota Street until the June 3, 2019 meeting to allow time for the background checks. Alderman Price seconded the motion. Motion carried 7 to 0. President Collier-Wise declared the motion adopted.

C. Public hearing for a special daily malt beverage and wine license for the South Dakota Shakespeare Festival on or about June 6 to 9, 2019 at the Prentis Park band shell.

Mike Carlson, 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 6-9 at the Prentis Park band shell area. Mike stated that the Police Chief's report and notice of hearing are included in the packet. Mike 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. Mike stated that Release and Indemnification releasing the City from liability for the event has been provided. Mike 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.

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

149-19

Alderman Sorensen moved approval of the special daily malt beverage and wine license for the South Dakota Shakespeare Festival for the Shakespeare performances on June 6-9 at the Prentis Park band shell area contingent upon complying with the conditions as indicated by the Police Chief and receipt of a certificate of insurance naming the City as additional insured. Alderman Ward seconded the motion. Motion carried 7 to 0. President Collier-Wise declared the motion adopted.

D. Public hearing for a retail on-off sale malt beverage with SD Farm Wine license for Patel, LLC for Little Italy at 831 East Cherry for the period ending June 30, 2019 and for renewal of the license for the period ending June 30, 2020

Mike Carlson, Finance Officer, reported that an application was received for a retail on-off sale malt beverage and SD Farm Wine license from Patel, LLC for Little Italy's at 831 East Cherry. Mike noted that the notice of hearing and the Police Chief's report on the applicant are included in the packet. Mike stated that the on-off sale malt beverage and SD Farm Wine license is for the licensing period from issuance to expiration on June 30, 2019 and the renewal for the period ending June 30, 2020. Mike noted that the City Council has the ability to issue a license on two criteria: suitable applicant and suitable location. Mike reported that, as to the suitable applicant, the corporate officer of Patel, LLC, Jimiben Patel, has submitted the information for the DCI and FBI background check. Mike noted that the DCI background check was received by the Police Chief, and his memo states that there is no information to preclude the issuance of the license. Mike stated that, with respect to the location criteria, a

malt beverage and wine license have been issued to this location in the past. Mike recommended approval of the licenses unless information is presented at the public hearing. Discussion followed.

150-19

Alderman Willson moved approval of the retail on-off sale malt beverage and SD Farm Wine license for Patel, LLC for Little Italy's at 831 East Cherry Street for the licensing periods ending June 30, 2019 and the renewal of the license for the licensing period ending June 30, 2020. Alderman Ward seconded the motion. Motion carried 7 to 0. President Collier-Wise declared the motion adopted.

E. First reading of Ordinance 1401 Amending Appendix A, 2012 Joint Zoning Regulations for Clay County and the City of Vermillion

James Purdy, Assistant City Manager, reported that in 2012 the City and County adopted an ordinance regulating the zoning within an area outside of the City limits. James reported that this area is called the Joint Jurisdictional Zoning Area (JJZA) and it allows the City to have a say in existing and proposed land uses in an area that would directly impact the City. James stated that the JJZA tries to maintain the rural characteristics of the surrounding area, while allowing for some light development. James reported that the City and the County held a joint Planning Commission meeting on April 8, 2019. James noted that at the meeting both of the bodies addressed questions from the public on how the rezone would affect their property with the list of comments included in the packet. James reported that both of the commissions voted unanimously to recommend to their governing respective bodies to adopt the rezones. James reported that a map of the JJZA is included in the packet. James reported that if both the County Commission and City Council approve first reading of the proposed ordinance a joint meeting of the County Commission and City Council has been scheduled for June 17, 2019 for second reading. Discussion followed on if the names in the ordinance could be replaced with the legal description.

151-19

President Collier-Wise read the title to the above mentioned Ordinance and Alderman Ward moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1401 entitled An Ordinance Amending Appendix A, 2012 Joint Zoning Regulations for Clay County and the City of Vermillion, Chapter 2, Section 2.03(A) Zoning Map, by Removing Certain Real Property from the A-1 Agricultural District and Including said Certain Real Property in the RR Rural Residential District of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of

the City on this 20th day of May, 2019 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Holland. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 7 members voted in favor of and 0 members voted in opposition to the motion. President Collier-Wise declared the motion adopted.

7. Old Business

8. New Business

A. Request to close East Main Street from Plum Street to Walker Street from 6:55 p.m. to 9:45 p.m. on Thursday, June 6 through Saturday, June 8, 2019 and Sunday, June 9, 2019 from 3:55 p.m. to 6:45 p.m. for the South Dakota Shakespeare Festival.

James Purdy, Assistant City Manager, reported that South Dakota Shakespeare Festival has submitted a request to close Main Street from Plum Street to Walker Street Thursday-Saturday, June 6-8, from 6:55 p.m. to 9:45 p.m. and on Sunday, June 9, from 3:55 p.m. to 6:45 p.m. James noted that they are also requesting the removal of parking on the north side of Main Street from Plum Street to Walker Street on June 4 through June 10, 2019 to prohibit vehicles from parking next to the production area. James noted that the organization will man the street closing barricades to allow emergency vehicles access.

152-19

Alderman Sorensen moved approval of the request of South Dakota Shakespeare Festival to close Main Street from Plum Street to Walker Street from Thursday-Saturday, June 6-8, from 6:55 p.m. to 9:45 p.m. and Sunday, June 9, 3:55 p.m. to 6:45 p.m. as well as the placement of event no parking signs on the north side of Main Street between Plum and Walker Streets from June 4-10, 2019. Alderman Willson seconded the motion. Motion carried 7 to 0. President Collier-Wise declared the motion adopted.

B. Library Board appointments

President Collier-Wise reported that there would be two vacancies on the Library Board at the end of May. President Collier-Wise reported that from the input of the Council members she recommended the reappointment of Gabrielle Strouse and the appointment of Eric Young to three-year terms expiring in May 2022.

153-19

Alderman Price moved approval of the reappointment of Gabrielle Strouse and the appointment of Eric Young to the Library Board with terms expiring May 2022. Alderman Humphrey seconded the motion. Motion carried 7 to 0. President Collier-Wise declared the motion adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported that the City Parks & Recreation Department annually offers an informational session on mosquito control practices and this year's event is at the Armory on Wednesday, May 22nd from 11:00 a.m. to 1:00 p.m.

B. John reported that the City received notification from the National Park Service that Vermillion's application to be a Certified Local Government as it pertains to historic preservation was approved.

C. John reported that Prentis Plunge is scheduled to open on Saturday, May 25th at 1:00 p.m. if the weather permits.

D. John reported on the receipt of the following raffle notifications:

Vermillion Rotary is currently selling up to 1,000 \$5 tickets until the event for their duck race to be held at Prentis Plunge on June 14th with proceeds benefiting the Community Connection Center.

Heartland Humane Society will be selling tickets at \$1 each, 12 for \$10, and 25 for \$20 during their Taste and Tour event on Saturday, June 1, 2019. They will be raffling 10 baskets worth a total of \$750 in prizes. Proceeds from the raffle will go to veterinary expenses at Heartland Humane Society.

PAYROLL ADDITIONS AND CHANGES

Recreation: Gray Peterson \$9.25/hr, McKenzie Kerkman \$9.25/hr, Bridget Fenger \$30.00/game, Parker Goblirsch \$30.00/game, Joseph Pfieffer \$30.00/game, Kelly McCarty \$9.25/hr, Tomalyn Peckham \$9.50/hr, Thomas Heisinger \$9.25/hr; Pool: Mackenzie Kopren \$14.00/hr, Haley Michel \$10.00/hr, Abigail Larson \$9.25/hr, Quinci Herll \$10.00/hr, McKenzie Kerkman \$10.00/hr, Madison Martinez \$10.00/hr, Timothy Tracy \$10.00/hr, Grace Auchstetter \$10.00/hr, Josh Bern \$9.50, Ernst Coriolan \$9.25/hr, Ross Dahlhoff \$10.50/hr, Keegan Donelan \$9.25/hr, Bridget Farmer \$9.25/hr, Michael Kopren \$11.00/hr, Molly Larson \$9.25/hr, Natalie Nulle \$11.00/hr, Lauren Bern \$9.50/hr; Parks: Cylie Hanson \$17.53/hr; Communications: Derek Ronning \$20.98/hr; Golf Clubhouse: Rylan Craig \$9.50/hr, Austin Felts \$9.25/hr; Golf Maintenance: Blake Gilkyson

\$9.50/hr, Nathaniel Janssen \$9.25/hr, Madison Regnerus; Street: Gavin Thomas \$9.25/hr; Mosquito Control: Nick Lubbers \$9.50/hr, Josh Prescott \$9.50/hr; Water: Shamar Jackson \$9.50/hr, Eric McPherson \$23.33/hr; Wastewater: Zach Hammond \$18.52/hr

11. Invoices Payable

154-19

Alderman Willson moved approval of the following invoices:

3M Properties LLC	refund assessment overpmt	227.08
A-Ox Welding Supply Co	chemicals	1,617.00
Advanced Weighing Systems	annual support	1,695.00
AT&T Mobility	mobile hot spots	267.66
Broadcaster Press	advertising	2,928.49
Buhl's Cleaners	mop/mat service	474.24
Bureau Of Administration	telephone	197.66
Campbell Supply	supplies	405.24
Cask & Cork	merchandise	894.60
Centurylink	911 relay service	5.00
Centurylink	telephone	1,583.97
City Of Vermillion	landfill voucher program	744.00
Clay Co Register Of Deeds	filing fees	60.00
Clay Rural Water System	water usage	48.90
Clay-Union Electric Corp	electricity	1,519.53
Core & Main Lp	supplies/meters	3,543.32
Dakota Beverage	merchandise	7,509.55
DENR	baler loan payment	14,338.54
Dept Of Revenue	malt beverage licenses	450.00
Division Of Motor Vehicle	title/plates	15.00
Echo Electric Supply	supplies	120.44
First Dakota National Bank	refund assessment overpmt	129.09
First National Bank	general obligation bond	34,877.50
First National Bank	city hall bond	27,405.00
Global Dist.	merchandise	232.56
Gregg Peters	managers fee	6,000.00
John A Conkling Dist.	merchandise	4,643.75
Johnson Brothers Of SD	merchandise	12,561.53
Jones Food Center	supplies	472.12
Loren Fischer Disposal	haul cardboard	1,180.00
Mackenzie Kopren	refund lifeguard ins. course	250.00
Mart Auto Body	towing-auction	1,650.00
MidAmerican	gas usage	3,077.23
Midcontinent Communication	internet/cable service	746.57
Midwest Alarm Co	alarm monitoring	66.00

Prairie Berry Winery	merchandise	681.00
Redi Towing	towing-auction	230.00
Republic National Distributing	merchandise	9,497.18
Reserve Account	postage for meter	900.00
SD DENR	landfill operations fee	7,756.83
Southern Glazer's Of SD	merchandise	1,889.84
Staples Business Credit	supplies	962.87
Stern Oil Co.	fuel	15,774.55
Sturdivant's Auto Parts	parts	53.65
Titleist-Acushnet Company	merchandise	1,337.00
United Accounts Inc	garnishment	1,821.92
United Parcel Service	shipping	17.25
Us Postmaster	postage for utility bills	1,000.00
Valiant Vineyards	merchandise	376.20
Vermillion Ace Hardware	supplies	149.70
Vermillion Chamber Of Commerce	4th of July celebration	3,500.00
Vermillion Chamber Of Commerce	1st qtr bid #1	11,485.60
Vermillion Ford	2019 f150 truck	23,738.00
Larry Hudson	Bright Energy Rebate	150.00

Alderman Price seconded the motion. Motion carried 7 to 0. President Collier-Wise declared the motion adopted.

12. Consensus Agenda - None

13. Adjourn

155-19

Alderman Ward moved to adjourn the Council Meeting at 7:30 p.m. Alderman Sorensen seconded the motion. Motion carried 7 to 0. President Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 20th day of May, 2019.

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

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.