

Unapproved Minutes  
Council Special Session  
June 22, 2020  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was called to order on Monday, June 22, 2020 at 12:00 noon at the Council Chambers by Mayor Collier-Wise.

1. Roll Call

Present: Jennewein (teleconference), Hellwege (teleconference), Holland (teleconference), Humphrey (teleconference), Sorensen (teleconference), Ward (teleconference), Willson (teleconference), Mayor Collier-Wise (teleconference)

Absent: Price

2. Pledge of Allegiance

3. Adoption of Agenda

175-20

Alderman Sorensen moved approval of the agenda. Alderman Willson seconded the motion. A roll call vote of the Governing Body was as follows: Jennewein-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

4. Visitors to be Heard - None

5. Public Hearings

A. Special daily malt beverage and wine license for the Vermillion Chamber of Commerce and Development Company on or about June 23 through June 27, June 29 through July 4, July 6 through July 11, July 13 through July 18, July 20 through July 25, July 27 through August 1, August 3 through August 8, August 10 through August 15, August 17 through August 22 and August 24 through August 29, 2020 on three sections of closed parking spaces on Main Street between Prospect Street and Center Street, one section of closed parking spaces on Court Street between Main Street and Kidder Street and one section of closed parking spaces on Kidder Street between Court Street and Market Street for special event.

John Prescott, City Manager, reported that the Vermillion Chamber of Commerce and Development Company submitted an application for special daily license that was advertised for a public hearing for this meeting.

John stated the VCDC has requested to withdraw the application as the ordinance change to be considered later on the agenda will allow the individual license holders to apply for the special license. John noted that, as such, no action is needed.

## 6. Old Business

A. Second reading of Emergency Ordinance No. 1415 to amend Title XI, Chapter 112, amending Section 112.01 Special Event Definitions and Section 112.18 to include current license holders as eligible to be issued a Special Daily permit

John Prescott, City Manager, reported that first reading of this emergency ordinance was held on June 15th to amend the definition for special event and to include current license holders as being eligible to be issued a special license. John reported that this ordinance was developed in working with local businesses and the Vermillion Chamber of Commerce and Development Company on the Social Distance Expanded Seating Special Event. John stated that the emergency ordinance will allow for the issuance of special licenses to existing license holders to allow for sales in the closed parking spaces adjoining their business. John stated that, as this is an emergency ordinance, it will be effective for 60 days or from June 25th to August 24th. John noted that the resolution to set the fee for the special license, parking space closing and issuance of the special licenses are later on the agenda. John noted that the ordinance has been listed as an emergency ordinance due to the COVID pandemic to allow for sales to start with the event. Discussion followed.

176-20

Second reading of title to Emergency Ordinance No. 1415 entitled an Emergency Ordinance Amending sections 112.01 and 112.18 special events definitions and to expand special licensing to include special on-sale liquor licenses issued to current license holders for the City of Vermillion, South Dakota.

Mayor Collier-Wise read the title to the above named Emergency Ordinance, and Alderman Hellwege moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Emergency Ordinance No. 1415 entitled an Emergency Ordinance Amending sections 112.01 and 112.18 special events definitions and to expand special licensing to include special on-sale liquor licenses issued to current license holders 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 15th day of June, 2020 and that the title was again read at this meeting, being a special called meeting of the Governing Body on this 22nd day of June, 2020 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:

EMERGENCY ORDINANCE NO. 1415

AN EMERGENCY ORDINANCE TO ALLOW FOR CURRENT LICENSEES TO BE ISSUED SPECIAL DAILY LICENSES IN CONJUNCTION WITH A SPECIAL EVENT BY AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XI, CHAPTER 112, TO AMEND SECTIONS 112.01 AND 112.18 FOR SPECIAL EVENT DEFINITIONS AND TO EXPAND SPECIAL LICENSING TO INCLUDE CURRENT LICENSE HOLDERS.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, and it is hereby ordained by authority of the same, that Sections 112.01 and 112.18 be amended to clarify special event as set forth below:

§ 112.01 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ALCOHOLIC BEVERAGE, WINE, MALT BEVERAGE, and DISTILLED SPIRITS. These words and terms mean the same as the definitions given them by SDCL 35-1-1.

SPECIAL EVENT. For the purposes of this section, "special event" shall be defined as follows:

- (1) a location for which premises do not have an existing malt beverage and/or wine license,
- (2) The event is
  - (a) for the advancement of charitable, educational or community objectives,
  - (b) in conjunction with activities of state, national or international significance, or
  - (c) as designated by the City Council as an event of municipal significance.
- (3) The event is open to the public with, or without, payment of admission. A limitation on number of tickets sold or issued for admission where applicable must be related to size of venue and not a desire to have a private party, and
- ~~(4) The event is conducted without the intention of commercial or personal gain or profit;~~

§ 112.18 SPECIAL ALCOHOLIC BEVERAGE LICENSES ISSUED IN CONJUNCTION WITH SPECIAL EVENTS.

(A) The City Council may grant, after public hearing, a special on-sale malt beverage and/or a special on-sale wine license to a civic, charitable, educational, veterans, or fraternal organization in conjunction with a special event.

(B) The City Council may grant, after public hearing, a special off-sale package wine dealers license to a civic, charitable, educational, veterans, or fraternal organization in conjunction with a special event. A special off-sale package wine dealer licensee may only sell wine manufactured by a farm winery that is licensed pursuant to SDCL Ch. 35-12.

(C) The City Council may grant a special on-sale malt beverage and/or a special on-sale wine license and/or a special on-sale liquor license to any licensee that corresponds to one or more license(s) currently issued to the licensee in conjunction with a special event pursuant to SDCL 35-4-124.

~~(C)~~(D) Any license issued pursuant to this section shall be issued to the person and the location specified on the application. Any license issued pursuant to this section may be issued for a period of time established by the municipality. However, no period of time may exceed 15 consecutive days. The granting of the special license shall be subject to such conditions and restrictions as the City Council may deem appropriate and consistent with state law.

~~(D)~~(E) The fee for such special licenses shall be set by resolution of the City Council.

BE IT FURTHER ORDAINED, that, pursuant to SDCL 9-19-13 this ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective on June 25, 2020. This ordinance shall remain in effect for a period of sixty (60) days at which time it shall be automatically repealed unless specifically readopted for an additional period of time by the City Council. Any restriction contained in this ordinance may be modified at any time by a resolution of the City Council.

Dated at Vermillion, South Dakota this 22nd day of June, 2020.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA  
BY \_\_\_\_\_

Kelsey Collier-Wise, Mayor

ATTEST:

BY \_\_\_\_\_  
Michael Carlson, Finance Officer

Adoption of the Emergency Ordinance was seconded by Alderman 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: Jennewein-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y.

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

## 7. New Business

### A. Emergency Resolution to establish a Special Event License fee for current license holders

John Prescott, City Manager, reported that, with the adoption of Emergency Ordinance No. 1415 for a special event license that will last for two months, the license holders had requested that the daily fee be reduced from the \$20 per day and \$15 for the publication of the public hearing. John noted that, as all existing licenses are issued after a public hearing, a public hearing would not be required for the issuance of a special license to an existing business thus there would not be a need for the \$15 advertising fee. John noted that most special licenses are for a few days for special events with the longest being the VCDC for the Thursday's on the Platz event which has 8 days but this event is 56 days. John noted that the itinerant merchant license fee is \$25 a day, \$75 for a week and \$200 a month. John noted that the City Council has the latitude to set the fee at their discretion and noted that, when the license holders met, it was suggested not to exceed \$100.00. John noted that this is an emergency resolution that will be effective for 60 days and then expire. Discussion followed on the maximum fee for the special license noting that this was just for the 60-day period. Nate Welch, Executive Director of the VCDC, reported that the business owners will have the extra costs of the barricades as well as tables and chairs. Discussion followed.

177-20

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

#### EMERGENCY RESOLUTION REVISING THE FEE FOR SPECIAL DAILY ON-SALE LICENSES

WHEREAS Title XI Chapter 112 Section 112.18 of the 2008 Revised Ordinances of the City of Vermillion allows the City Council to change the fee for special alcoholic beverage licenses issued in conjunction with special events; and

WHEREAS, an outbreak of the COVID-19 disease has created financial challenges for many businesses in the community; and

WHEREAS, a group of business owners have been working with the Vermillion Chamber of Commerce and Development Company to develop outdoor dining opportunities utilizing parking spaces and public right-of-way in Downtown Vermillion to provide additional space for social distancing and an environment which has a reduced risk of spreading COVID-19; and

WHEREAS, Ordinance No. 1415 was adopted as an emergency ordinance to be effective for sixty (60) days; and

WHEREAS, Emergency Ordinance 1415 provides for a special on-sale liquor license which will need a fee established; and

WHEREAS, the special recovery event will have licenses extended over many days during the sixty-day emergency ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Vermillion, South Dakota, at a special meeting thereof in the Council Chambers of City Hall at 12:00 Noon on the 22nd day of June, 2020 that rates be changed and established as follows:

112.18 A. Special on-sale malt beverage and/or special on-sale wine license the fee shall be twenty dollars (\$20.00) per day (maximum of one hundred dollars \$100.00) plus a fifteen dollar (\$15.00) advertising fee.

112.18 B. Special off-sale package wine dealers license such license may only sell wine manufactured by a farm winery that is licensed pursuant to SDCL 35-12 the fee shall be twenty dollars (\$20.00) per day (maximum of one hundred dollars \$100.00) plus a fifteen dollar (\$15.00) advertising fee.

112.18 C. Special on-sale liquor license the fee shall be twenty dollars (\$20.00) per day (maximum of one hundred dollars \$100.00) plus a fifteen dollar (\$15.00) advertising fee.

Note: If the same entity is applying for licenses under both Sections 112.18 A, 112.18 B, or Section 112.18 C there shall only be one advertising fee and the advertising fee is waived if a public hearing is not required.

BE IT FURTHER RESOLVED, that, pursuant to SDCL 9-19-13 this resolution is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective on June 25, 2020. This resolution shall remain in effect for a period of sixty (60) days, at which time it shall be automatically repealed unless specifically readopted for an additional period of time by the City Council.

Dated at Vermillion, South Dakota this 22nd day of June, 2020.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

By: \_\_\_\_\_  
Kelsey Collier-Wise, Mayor

Attest:

By: \_\_\_\_\_  
Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Humphrey. Discussion followed and the question of the adoption of the Resolution was presented for a roll call vote of the Governing Body was as follows: Jennewein-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Sorensen-did not vote, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

B. Request from downtown businesses to close parking spots located on Main St., Kidder St., and Court St. for the downtown Social Distance Expanded Seating Event beginning June 25th and ending August 24th.

James Purdy, Assistant City Manager, reported that a request was received from downtown business owners to close parking spaces in conjunction with the Social Distance Expanded Seating special event. James reported that the location was for 5 spaces at Dakota Brick House from the west side of the building going east, R-Pizza and The Bean for 5 parking spaces from the east side of R-Pizza going west, Carey's Bar and Café Brule for 6 spaces starting at the west most parking space in front of Café Brule going east, Old Lumber Company for 1 space to the west of the garage door on the south side of the building including the driveway public right of way and Hartford Steak Co for 3 spaces south of the alley. James noted that the businesses have identified the closure for the parking spaces as necessary to provide the outdoor spaces needed for social distancing. James noted that the barricades will need to meet the national safety standards. James noted the need for ADA compliance, trash control and clean up in these areas. James noted that the closing will be for a 60-day period to correspond with the emergency ordinance.

Leslie Gerrish, with The Bean, wanted to thank the City Council for addressing this issue and allowing the local businesses to think outside the box. Leslie noted that the City and businesses are partnering for this special event, addressing the safety of residents by providing more space to social distance, the barricades will be approved by the City and that the businesses will do cleanup of the area. Leslie encouraged the City Council to support the closing of the parking spaces requested.

Discussion followed on the parking space seating areas regarding the barricades ability to prevent pedestrians from walking into the street and how to control underage in these areas. Nate Welch with the VCDC stated that the goal of the barricades is to have the access point from the sidewalk with the other three sides closed off. Discussion followed.

178-20

Alderman Holland moved approval of closing the parking spaces requested for the Social Distance Expanded Seating Special Event, as presented in the request, to expire with the emergency ordinance. Alderman Hellwege seconded the motion. Discussion followed. A roll call vote of the Governing Body was as follows: Jennewein-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Sorensen-N, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

C. Consideration of Special Event License permits for Prairie River, Inc. dba R-Pizza, Fireworks, Inc. dba as Dakota Brick House, D&D Foods, Inc. dba Hartford Steak Company Tavern, Old Lumber Company, Inc. dba Old Lumber Company, FOE Sunshine Aerie 2421 dba Eagle Club, Café Brule, Inc. dba Café Brule, BeBee St Inc. II dba Carey's Bar. Special event permits are for the period of June 25, 2020 to August 24, 2020 with no sales on July 6, July 20, August 3, and August 17, 2020. Hours vary by applicant but are between 7:00 a.m. and 2:00 a.m.

Mike Carlson, Finance Officer, reported that, with the adoption of Emergency Ordinance No. 1415, the establishment of a maximum fee of \$100 and closing of the parking spaces, there are several downtown license holders that have expressed interest in obtaining a Special license for sales in the closed parking spaces. Mike stated that applications have been received from R-Pizza for 11:00 a.m. to 9:00 p.m. for on-sale malt beverage; Dakota Brick House for 3:00 p.m. to 2:00 a.m. for on-sale malt beverage, wine and liquor; Carey's for 7:00 a.m. to 2:00 a.m. for on-sale malt beverage and liquor; Café Brule for 7:00 a.m. to 9:00 p.m. for on-sale malt beverage and wine; Eagles for 11:00 a.m. to 2:00 a.m. for on-sale liquor; Hartford Steak House for 4:30 p.m. to 9:30 p.m. for on-sale malt beverage and wine and Old Lumber Company for 11:00 a.m. to 2:00 a.m. for on-sale malt beverage and liquor. Mike noted that, as the closed parking spaces will adjoin the business by the sidewalk, the business will need to ensure that the sidewalk remains open for pedestrian crossing. Mike stated that the City Council can establish the hours for these special licenses noting that, as the ending time was different on a number of the requests, as the outside use might impact residences in the area. Mike noted that the request from the Eagles will be to use the concrete area in front of their building as no parking spaces were requested to be closed. Mike noted that the Eagles will need to keep five foot of the sidewalk open. Mike noted that all requests are for June 25th through August 24th and to not exceed the 15 consecutive

day limit on special licenses there will not be alcohol sales or consumption in the closed parking spaces on Monday, July 6, Monday, July 20, Monday, August 3 and Monday, August 17, 2020. Mike noted that they could still offer food sales or allow gathering in these areas on the four Mondays when no alcohol sales or consumption can take place in the outside seating areas. Mike noted that, for special licenses in the past, the City Council has requested plans to control underage access to alcohol, signage that clearly states where alcohol can be consumed, cleanup of the area and other related matters. Mike noted that form was developed to support the special event application and copies have been included in the packet. Mike stated that all businesses have completed the release and indemnification form to release the City from any liability for the special event and will need the certificate of insurance naming the City as additional insured. Mike noted that none of the fees have been collected as it was just established earlier in the meeting. Mike recommended that the City Council review the respective Special Daily requests, consider the ending hours of alcohol sales/consumption, establish barriers to define the designated areas, control measures to keep the sidewalks open for pedestrian flow, document how the joint spaces are to be divided between two licensees, signage and other control measures to prevent alcoholic beverages from leaving the designated area and to prevent under age access to alcoholic beverages. Discussion followed on the ending time for alcoholic beverage sales in the area. Nate Welch with the VDCD noted that maybe ending at midnight might be acceptable but cautioned the City Council that there is a lot of noise on the street as he knows firsthand from living downtown for a period. Discussion followed on the time as well as to who would monitor these areas.

179-20

Alderman Willson moved approval of the special events licenses for R-Pizza, Dakota Brick House, Carey's, Café Brule, Hartford Steak House and Old Lumber Company for the licenses currently issued by the City for the closed parking spaces adjoining their licensed premises that are property enclosed and the Eagles for their seating area for the licensing period of June 25th through August 24th excluding Monday, July 6, Monday, July 20, Monday, August 3 and Monday, August 17, 2020 and with daily operations in the closed parking spaces ending at midnight each day per the applications. Alderman Ward seconded the motion. Discussion followed. A roll call vote of the Governing Body was as follows: Jennewein-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

#### D. Appointment of Vermillion Housing Authority member

Mayor Collier-Wise reported that there will be one opening on the Vermillion Housing Authority Board at the end of June. Mayor Collier-

Wise reported that the Board is comprised of five citizens appointed by the City Council each serving a five-year term. Mayor Collier-Wise reported that the current Board Member Joan Holter has submitted the expression of Interest form and Mayor Collier-Wise recommended the reappointment.

180-20

Alderman Ward moved approval of the reappointment of Joan Holter to the Vermillion Housing Authority Board for a term expiring in 2025. Alderman Sorensen seconded the motion. A roll call vote of the Governing Body was as follows: Jennewein-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

8. Adjourn

181-20

Alderman Willson moved to adjourn the Council Meeting at 1:03 p.m. Alderman Ward seconded the motion. A roll call vote of the Governing Body was as follows: Jennewein-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 22nd day of June, 2020.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA  
BY \_\_\_\_\_  
Kelsey Collier-Wise, Mayor

ATTEST: \_\_\_\_\_  
Michael D. Carlson, Finance Officer

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