

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

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

1. Roll Call

Present: Hellwege (teleconference), President Holland, Humphrey (teleconference), Jennewein (teleconference), Letellier (teleconference), Price (teleconference), Ward (teleconference), Willson (teleconference)

Absent: Mayor Collier-Wise

2. Visitors to be Heard - None

3. Vermillion Chamber of Commerce and Development Company update - Nate Welch

Nate Welch, Executive Director of the VCDC, provided an update on the Thursdays on the Platz event after two events and asked for feedback from the City Council. Discussion included if the VCDC had any plans for when the students return to increase outdoor activities to provide for more social distancing. Nate noted that, at this time, the VCDC has not done any planning on this but if the City Council wanted he would put together a group that included business owners, Police and City Administration to review creative ideas. Nate reported to the questions of how the closed parking spaces was working with the businesses and he replied that the City Council has done its part by increasing outdoor seating with the emergency ordinance and closing the parking spaces and the businesses are responding to expanding into the outdoor spaces. Nate answered questions of the City Council on proposed Ordinance No. 1416 that is amending the zoning regulations for Bliss Pointe Planned Development District.

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

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

5. Adjourn

214-20

Alderman Ward moved to adjourn the Council special session at 12:42 p.m. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

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

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

BY \_\_\_\_\_  
Rich Holland, Council President

ATTEST:

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

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

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

1. Roll Call

Present: Hellwege (teleconference), President Holland, Humphrey (teleconference), Jennewein (teleconference), Letellier (teleconference), Price (teleconference), Ward (teleconference), Willson (teleconference)

Absent: Mayor Collier-Wise

2. Pledge of Allegiance

3. Minutes

A. Minutes of July 6, 2020, Special Meeting; July 6, 2020, Regular Meeting; July 9, 2020, Special Meeting

215-20

Alderman Humphrey moved approval of the July 6, 2020, Special Meeting, July 6, 2020, Regular Meeting and July 9, 2020, Special Meeting minutes. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

#### 4. Adoption of Agenda

216-20

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

#### 5. Visitors to be Heard - None

#### 6. Public Hearings

A. First Reading Ordinance No. 1416 - Amending Title XV, Chapter 155, Section 155.058 (C) and (D), Bliss Pointe Planned Development District, to allow for Single-Family Detached Dwellings, and Motor Vehicle Sales, Displays, and Rentals; and to remove all Multiple-Family Dwelling uses.

Jose Dominguez, City Engineer, reported that in 2013 the Vermillion Area Chamber and Development Company (VCDC) led a drive to create the Bliss Pointe Planned Development District (Bliss Pointe). Jose noted that the VCDC purchase of approximately 30 acres to create Bliss Pointe came about due to a community wide shortage of affordable, single-family housing. Jose noted that, for ease of construction, Bliss Pointe was divided into two phases. Jose noted that the first phase consisted of all of the 'bluff' lots, the cul-de-sac, and other internal lots. Jose reported that most of phase one has been developed, and the VCDC is starting the process to commence work on phase two. Jose stated that the City received an application from the VCDC and Mr. Kevin Bliss requesting to amend the current Bliss Pointe zoning. Jose stated that the applicant requested that Area C be amended to allow single-family detached dwellings as a permitted use, and to remove all multiple-family dwelling uses from this area and that Area D allow motor vehicle sales, display, and rentals as a permitted use. Jose reported that the City published a notice in the Plain Talk advertising the meeting, posted signs on the property, and mailed notices to owners within 250-feet of the affected property. Jose stated that the City's Planning and Zoning Commission held two meetings

on this item. Jose stated that the first meeting was on July 13th, but due to a lack of property owner notification, the Commission was not able to make a recommendation at this meeting. Jose stated that the second meeting was tonight at 5:30 p.m. Jose reported that three members of the public commented at the July 13th Planning and Zoning Commission meeting with two of the comments in favor of the proposed changes to Area D, one person asked for the proposed changes to Area C to be explained further, and another person asked if the proposed changes to Area D applied to all of the empty lots within Area D. Jose noted that the applicants are proposing to amend the allowable uses within Area C by eliminating all of the multiple-family dwelling uses and are requesting that single-family detached dwellings be allowed as a permitted use (currently this use is not allowed in Area C). Jose stated that this means that for Area C both attached and detached single-family dwellings will be allowed as permitted uses. Jose stated that the applicants are trying to balance the original concept of Bliss Pointe (offering affordable housing in a wide variety of housing styles) and the perception that residential property values decrease when differing housing styles are built in close proximity. Jose stated that the applicants proposed amendment to Area D is intended to allow the construction of small car dealerships. Jose reported that the intent is to offer space for a person to display (no more than 10 vehicles displayed outside of the structure within the lot) of a small number of vehicles on their parcel. Jose reported that the Planning and Zoning Commission, at their meeting today, recommended adoption of proposed Ordinance No. 1416 as included in the packet. Discussion followed with Jose and Nate Welch, Executive Director of the VCDC, answering questions of the City Council on the proposed change to Area D to allow motor vehicle sales, display and rental as a permitted use and how the changes to Area C will impact affordable housing in the planned development district. Discussion followed on the proposed change in Area D for motor vehicle sales including changing the permitted use for motor vehicle sales, display, and rental to a conditional use in Area D. Jim McCulloch, City Attorney, reviewed options on changing the usage to conditional use.

217-20

President Holland read the title to the above mentioned Ordinance and Alderman 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. 1416 entitled An Ordinance Amending Title XV, Chapter 155, Section 155.058 (C) and (D), Bliss Pointe Planned Development District, to allow for Single-Family Detached Dwellings, and Motor Vehicle Sales, Displays, and Rentals; and to remove all Multiple-Family Dwelling uses of the City of Vermillion, South Dakota with the Motor Vehicle Sales, Displays, and Rentals in Area D changed from a permitted use to a conditional use 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 July, 2020 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Ward. After discussion, the question of adoption of the Resolution was put to a roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

B. Site transfer of retail on-sale liquor license for Leo's Sports Bar & Grill, LLC for Leo's Sports Bar at 11 Market Street to include 7 Market Street

Mike Carlson, Finance Officer, reported that a site transfer application has been received from Leo's Sports Bar & Grill, LLC for Leo's Sports Bar at 11 Market Street to expand into 7 Market Street. Mike stated that the notice of hearing and Police Chief's report are included in the packet. Mike reported that the City Council has the ability to transfer a license on basically two (2) criteria: suitable person and suitable location. Mike noted that, with respect to the suitable person criteria, the applicant currently has a license issued by the City. Mike noted that, with respect to the location criteria, licenses have been previously approved for 11 Market Street for this business and the request is being made to expand into 7 Market Street. Mike noted that, if the City Council determines this to be a suitable location, the motion should include the approval of the site transfer contingent upon approval of occupancy by the Building Inspector. Mike stated that the \$150 transfer fee has been received. Mike noted that, following the input from the public hearing, the City Council is asked to make a decision on the approval or denial of the expansion. Discussion followed.

218-20

Alderman Willson moved approval of the site transfer of the retail on-sale liquor license for Leo's Sports Bar & Grill, LLC for Leo's Sports Bar at 11 Market Street to include 7 Market Street contingent upon Building Inspector approval for occupancy. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

## 7. Old Business

### A. COVID-19 issues

President Holland reported that this item was requested to be placed on this and future agendas. John Prescott, City Manager, reported that the City Attorney's opinion is that this agenda item is not specific enough to allow the City Council to take any formal action but would allow the City Council to discuss plans for any future actions. Jim McCulloch, City Attorney, stated that without the agenda item being specific no action can be taken but would allow for discussion on the issue. Discussion followed on COVID-19 items.

## 8. New Business

### A. Appointment of a Central Ward City Council member

John Prescott, City Manager, reported that the City Council accepted the resignation of Central Ward Council member Kelsey Collier-Wise at the May 4, 2020 meeting following her appointment as Mayor. John stated that the City Council appointed Lindsey Jennewein to serve as a Central Ward Council member at the May 18, 2020 meeting. John stated that the appointment was to a Central Ward City Council seat expiring with the July 6, 2020 meeting or until the vacancy is filled. John reported that Kelsey has not qualified for the Central Ward seat by taking the oath of office within 10 days of the July 6th meeting and has submitted a letter that indicated that she did not intend to qualify for the Central Ward seat as she was serving as Mayor. John noted that the appointment of Lindsey Jennewein is still current, however, the City Council should now appoint someone as the person elect has not qualified for the Central Ward Council seat. John stated that the appointment would serve until a person elected in 2021 qualifies for the Central Ward office. John recommended the City Council appoint an individual to fill the vacant Central Ward position. Discussion followed.

219-20

Alderman Ward moved approval of the appointment of Lindsey Jennewein to fill the vacant Central Ward position until a person elected at the municipal election in 2021 qualifies for the office. Alderman Price seconded the motion. Alderman Jennewein requested to abstain. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

Mike Carlson, Finance Officer, administered the oath of office to Lindsey Jennewein as Alderman Central Ward.

### B. Accept the Home Rule Charter and determine an election date

John Prescott, City Manager, reported that last year a Home Rule Study Committee was appointed to evaluate the notion of appointing a Home Rule

Charter Committee to develop a Home Rule Charter for voter consideration. John stated that at the January 20, 2020 Noon City Council meeting, the Home Rule Study Committee presented their recommendation to move forward with the process. John stated that the City Council approved appointing a five-member Home Rule Charter Committee at the February 3, 2020 meeting and approved a charge for the Home Rule Charter Committee at the February 18, 2020 meeting. John stated that the City Council appointed Mike Card, Matt Fairholm, AJ Franken, Stacy Larson, Travis Letellier, and Council member Steve Ward to serve on the Home Rule Charter Committee at the March 2nd meeting. John stated that the Home Rule Charter Committee presented their report and a draft of the charter at the July 6, 2020 meeting. John stated that, when the draft of the Home Rule Charter was presented at the July 6, 2020 meeting, the Committee had not yet reviewed the item with the City Attorney. John stated that the committee met with the City Attorney on July 10, 2020, noting that most of the changes suggested by the City Attorney were related to style and to reference State statute in place of trying to detail a process in the Home Rule Charter. John reported that the updated draft of the Home Rule Charter was placed on the City's website on Monday, July 13, 2020 and is included with this agenda memo. John noted that the Home Rule Charter would provide the City Council with the ability to take action and offer services unless they are specifically prohibited by State statute or Federal law. John stated that currently the City can only provide those functions specifically identified by State statute as duties of a municipality. John stated that the issue before the City Council at this point is whether to accept the Home Rule Charter as presented and modified since the July 6, 2020 meeting and authorize the question to be placed before the voters on an election ballot. John noted that, when the Home Rule Study Committee presented their recommendation in January, there was considerable discussion about the timing of completing a charter and placing the matter before the voters. John noted that the consensus of the City Council, at that time, was to place a Home Rule Charter before the voters as part of the November 3, 2020 general election ballot, if possible. John noted that, if the City Council accepts the proposed Home Rule Charter and wishes to place the question before voters as part of the November 3, 2020 general election ballot, the City will need to check with Clay County to make sure there is room on the ballot and enter into an agreement to include the matter on the ballot. John noted that Mike Card had received some questions on the Home Rule Charter. Mike Card reported that he had received the following questions on the Home Rule Charter and would ask if Jim McCulloch could answer. Mike reported Item #1 was how the charter would affect the property tax reduction for elderly and disabled with Jim McCulloch reporting that there would be no change, #2 was what actions are referable with Jim McCulloch stating that the Home Rule Charter would not change what items are referable by the citizens and reviewed the referendum process, and #3 was the effective date of emergency ordinances with Jim McCulloch stating that an emergency

ordinance would be effective upon adoption or at such later time as it may specify. Discussion followed on the Home Rule Charter including changes made to the charter since last meeting following the review from the City Attorney. Mike Card noted that the Committee will continue its efforts to provide public education on the charter.

220-20

Alderman Hellwege move approval to submit the proposed Home Rule Charter initially presented by the Home Rule Charter Committee at the July 6, 2020 regular meeting and as revised and presented at the July 20, 2020 regular City Council meeting to a vote at the November 3, 2020 general election, contingent upon county authorization for a joint election on said date. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

C. Request to close N. Pine Street from E. Cedar Street to the south end of the Alpha Phi property on Saturday, August 15, 2020 from 8:00 a.m. to 3:00 p.m. (change in date from August 20, 2020).

James Purdy, Assistant City Manager, reported that the Alpha Phi Sorority has requested the closure of North Pine Street from East Cedar Street to the south property line of the Alpha Phi House at 707 E. Cedar Street for their Recruitment Bid Day. James noted that the street closure is requested for Saturday, August 15, 2020 from 8:00 a.m. to 3:00 p.m. James noted that, at the March 2, 2020 meeting, the City Council approved this street closure for August 20, 2020, however, due to classes beginning earlier this fall due to COVID-19, Alpha Phi has requested to reschedule the closure. James reported that the street closure request application and diagram are included in the packet. James stated that the Street, Police, Fire, and EMS Departments have been notified of the street closure request and they did not have any concerns. James recommended approval of the temporary street closing request as changed from August 20th to August 15th.

221-20

Alderman Willson moved approval of the temporary closing of North Pine Street from East Cedar Street to the south property line of the Alpha Phi House from 8:00 a.m. to 3:00 p.m. for Alpha Phi's Sorority Recruitment Bid Day on Saturday, August 15, 2020, change in date from August 20th. Alderman Humphrey seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

D. Joint Powers Board Vermillion citizen appointment

President Holland thanked those that expressed interest in the Joint Powers Board citizen appointment and recommended Mark Sweeney as the City of Vermillion citizen appointment to the Joint Powers Board replacing Lindsey Jennewein.

222-20

Alderman Price moved approval of the appointment of Mark Sweeney as the City of Vermillion citizen representative to the Joint Powers Board. Alderman Jennewein seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported that the Census is underway and asked residents to please take a minute to complete the 2020 Census. John noted that the current response rate is 63%. John reported that it is important to the City of Vermillion and Clay County to have everyone counted as the CARES Act funding provided by the State to the Cities and Counties was based upon population.

B. John reported that the Fire Department, Parks and Rec, and Water Department are offering Hydrant Parties every Tuesday through July 28th at four locations: Bluffs Golf Course at 12:00 p.m.; Trinity Lutheran Church at 1:00 p.m.; Hillside Church at 2:00 p.m. and the Armory parking lot at 3:00 p.m. John noted that participants are asked to wear a shoe or sandal, social distancing will be enforced, and please only attend one party which is closest to your neighborhood. John stated that, if there is rain on a Tuesday, the event will occur on Wednesday.

C. John reported that the recycling trailers have been placed back out in the community and asked users to please follow the directions posted on the trailers for recycling.

D. John reminded citizens that Thursdays on the Platz will be every Thursday through the end of August with street closing of West Main Street from the west line of the intersection of Court Street west to the west line of Ratingen Platz and Market Street as they abut Ratingen Platz from 4:00 p.m. to 8:00 p.m.

E. John reported that Vermillion Light & Power in partnership with our supplemental power supplier has 4 free LED bulbs for each residential electric customer. John noted that they are finalizing the plan to

distribute the light bulbs during the final week of July. John stated that when the plan is finalized the details will be on the City's website, updated on social media and in the Broadcaster / Plain Talk.

PAYROLL ADDITIONS AND CHANGES

Library Board: Alexis Oskolkoff \$15.00/mtg; Police Admin: Deb Derocher \$17.86/hr; Police: Matt Davis \$25.88/hr; Street: Cory Taggart \$18.54/hr, Ted Ball Jr \$17.74/hr

11. Invoices Payable

223-20

Alderman Willson moved approval of the following invoices:

Adidas America, Inc	merchandise	99.78
AMS Building System LLC	refund overpayments	139.79
AT&T Mobility	mobile hot spots	432.30
Broadcaster Press	advertising	1,642.44
Buhls Cleaners	mop/mat service	572.44
Bureau Of Administration	telephone	268.48
BX Civil & Construction	hydrant deposit less usage	758.53
C & B Operations, LLC	parts	48.96
Callaway Golf	merchandise	498.11
Cask & Cork	merchandise	609.00
CenturyLink	telephone	1,594.07
Chesterman Co	merchandise	855.88
City Of Vermillion	landfill vouchers	1,032.77
Clay Co Register Of Deed	filing fee	30.00
Clay Rural Water System	water usage	269.30
Clay-Union Electric Corp	electricity	1,475.94
Dakota Beverage	merchandise	16,594.67
Dubois Chemicals	soda ash	7,359.00
Echo Electric Supply	supplies	233.01
Farner Bocken Company	merchandise	1,552.77
Global Dist.	merchandise	215.00
Gregg Peters	mgr profits/fees/freight	41,857.73
John A Conkling Dist.	merchandise	5,173.35
Johnson Brothers Of SD	merchandise	14,624.34
Jones Food Center	supplies	298.61
K & M Tire	parts	49.42
Karsten Mfg Corp	merchandise	415.02
Knife River Midwest, LLC	asphalt	3,006.87
Loren Fischer Disposal	haul cardboard	1,180.00

Matheson Tri-Gas, Inc	cylinder rental	87.70
MidAmerican	gas usage	776.43
Midcontinent Communication	internet/cable service	746.57
NCL Of Wisconsin, Inc	supplies	732.10
Nebraska Journal-Leader	advertising	39.95
O'Reilly Auto Parts	parts	5.31
Prairie Berry Winery	merchandise	732.00
Presto-X-Company	inspection/treatment	53.00
QT Pod	airport fuel cards	22.68
Quadient Finance USA, Inc	postage for meter	706.01
Republic National Distributing	merchandise	9,960.26
Running Supply, LLC	supplies	380.24
Scott Supply Co.	parts	1,400.37
SD DENR	landfill operations fee	4,297.65
Siouxland Concrete Co	pea rock	77.68
Southern Glazer's Of SD	merchandise	7,004.10
Staples Business Credit	supplies	1,141.45
Stern Oil Co.	fuel	16,378.68
The Growler Station, Inc	license fee/maintenance	749.97
The Home Depot Pro	supplies	31.16
Titleist-Acushnet Company	merchandise	1,910.08
Tractor Supply Credit Plan	supplies	18.98
True Fabrications	merchandise	610.90
United Parcel Service	shipping	224.63
Us Postmaster	postage for utility bills	950.00
Vermillion Ace Hardware	supplies	266.45
Vermillion Area Community	round up program	251.16
Vermillion Booster Club	hole sponsor	100.00
Vermillion Chamber Of Commerce	contribution	66,250.00
Vermillion Ford	repairs	1,012.44
Vermillion Rotary Club	dues/meals	106.25
Waste Management Of WI-MN	waste hauling	1,410.32

Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

12. Consensus Agenda - None

13. Adjourn

224-20

Alderman Ward moved to adjourn the Council Meeting at 8:28 p.m. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, President Holland-Y. President Holland declared the motion adopted.

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

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA  
BY \_\_\_\_\_  
Rich Holland, Council President

ATTEST:

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

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