

Unapproved Minutes
Council Special Session
August 11, 2020
Tuesday 6:00 p.m.

The special session of the City Council, City of Vermillion, South Dakota was held on Tuesday, August 11, 2020 at 6:00 p.m. at the City Hall large conference room by Mayor Collier-Wise.

1. Roll Call

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

2. Pledge of Allegiance

3. Adoption of Agenda

237-20

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

4. Visitors to be Heard - None

5. New Business

A. Emergency Resolution Encouraging Face Covering to be Worn in Public Buildings

John Prescott, City Manager, reported that face coverings have been determined to be one of the more effective measures to reduce the spread of the coronavirus. John noted that, over the last couple of weeks, the Board of Regents, the Vermillion Public School District, and the City of Vermillion have adopted policies in regard to the use of face coverings in their buildings. John stated that, at the last meeting, the City Council considered, but did not adopt, an ordinance requiring face coverings or face masks in buildings open to the public and staff was directed to prepare a resolution which would encourage the use of face masks or face coverings in buildings open to the public. John reported that two resolutions were included in the packet. John noted the end result of both resolutions is to encourage the wearing of face coverings or face masks. John noted that one version of the resolution includes

the various exceptions that were provided when the ordinance to require face coverings or face masks was considered and the other version of the resolution does not list all of the exceptions, but notes that there are situations where a face mask or face covering cannot be utilized and encourages individuals in these instances to use other protective measures. John stated that a resolution does not necessitate the establishment of a fine for not adhering to the guidance provided. John noted that, during the discussion on the ordinance requiring a face covering or face mask, the attorney for the City's liability insurance company offered that a resolution would be a better approach than an ordinance. John stated that this is an emergency resolution that will have a 60-day life unless changed by City Council action and, as such, continuation of the resolution will be included on each agenda during the 60-day life of the emergency resolution. John recommended adoption of the shorter resolution as it does not include all the exceptions but encourages the use of face coverings. Discussion followed on the two options with the suggestion to remove one of the WHEREAS paragraphs.

238-20

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

EMERGENCY RESOLUTION CREATING AN EXPECTATION
OF FACE COVERING DURING COVID-19 PANDEMIC

WHEREAS, an outbreak of the COVID-19 disease, which is caused by the novel coronavirus, has been confirmed in more than 100 countries, including the United States; and

WHEREAS, COVID-19 is a severe respiratory disease transmitted by person-to-person contact, which especially among older adults and persons with serious underlying health conditions, can result in serious illness requiring hospitalization, admission to an intensive care unit, and death; and

WHEREAS, the World Health Organization (WHO), the Centers for Disease Control and Prevention (CDC), and the Secretary of the United States Department of Health and Human Services have declared the outbreak of COVID-19 as a public health emergency; and

WHEREAS, Governor Kristi Noem issued Executive Order 2020-26 which extended the previously declared state of emergency to exist in the State of South Dakota in response to the spread of COVID-19 until December 30, 2020; and

WHEREAS, cases of COVID-19 have been confirmed throughout South Dakota including Clay County; and

WHEREAS, the CDC and health experts have advised the use of face masks or face coverings over the nose and mouth will slow the spread of COVID-19; and

WHEREAS, the failure to successfully reduce the spread of COVID-19 will likely result in higher numbers of infected individuals and has the potential to overwhelm the capacity of the City's health care providers; and

WHEREAS, it is important that control measures be taken to reduce or slow down the spread of COVID-19 in order to protect the health and safety of the City's residents, especially for seniors and those with underlying health conditions that make them particularly vulnerable to COVID-19; and

WHEREAS, the South Dakota Board of Regents announced the requirement of face coverings or face masks for all students, faculty, staff and visitors in all public indoor spaces on the University of South Dakota campus; and

WHEREAS, the Vermillion Public School District will be requiring face coverings or face masks for students, faculty, staff and visitors in school district facilities; and

WHEREAS, the Vermillion City Council has adopted a face covering policy requiring face coverings or face masks for staff and visitors in city owned building; and

WHEREAS, there is an expectation in the city of the importance of wearing face coverings or face masks while inside public spaces by all residents, visitors or guests.

NOW, THEREFORE, IT IS RESOLVED, by the Governing Body of the City of Vermillion that:

1. All persons entering a commercial establishment in the City of Vermillion are encouraged to wear a face covering or face mask while inside the establishment.

2. All restaurants, retail stores, salons, grocery stores, establishments selling alcohol, pharmacies, lodging establishments, exercise facilities, establishments offering goods and services, or soliciting patronage from the general public are encouraged to require their employees to wear a face covering or face mask at all times while having face-to-face interactions with the public.

3. It is also understood that there are individuals that due to health or other reasons cannot wear a face mask or face covering and/or other situations where face masks or face coverings cannot be worn and in these instances individuals are encouraged to use other protective measures such as social distancing.

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 immediately upon passage. 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 11th day of August, 2020.

THE GOVERNING BODY OF THE
CITY OF VERMILLION, SOUTH DAKOTA

By _____
Kelsey Collier-Wise, Mayor

ATTEST:

Michael Carlson, Finance Officer

The motion was seconded by Alderman Hellwege. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

B. First Reading of Emergency Ordinance 1419 to Require Signage at the entrance to buildings open to the public that states Face Coverings Expected

John Prescott, City Manager, noted that, with the last agenda item, the City Council was considering a resolution to promote the use of the face coverings or face masks inside of buildings which are open to the public. John noted that the City Council at the August 3, 2020 regular meeting expressed interest in having a signage requirement that buildings open to the public would need to meet to help promote a community culture of wearing a face mask or face covering. John stated that the proposed ordinance will require businesses to have a sign which reads "Face Mask or Face Coverings Are Expected". John noted that the City has been working with the University of South Dakota to promote continuity of signage across the community. John noted that a business does not have to use

the templates which will be available on the City's website but will need to provide the same message that face masks or face coverings are expected. John stated that the sign must be at least 8.5" x 11" and placed at the entrance or entrances to the business. John stated that a sample of the template is included with the packet. John stated that the proposed ordinance is an emergency ordinance to provide the City Council with the ability to more quickly implement the requirement to address the ongoing, immediate health issue. John stated that an emergency ordinance would have a life of 60-days. John noted that, if adopted, the second reading of Emergency Ordinance No. 1419 would be part of the regular meeting agenda on Monday, August 17, 2020 and could be effective immediately following adoption. John noted that, as with all ordinances, a fine amount needs to be established for violation of an ordinance which is usually set with the second reading of an ordinance. Discussion followed on the wording for the sign to be in a visible location near the entrance(s) with the wording "masks or face coverings are expected pursuant to City Resolution."

239-20

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1419 entitled an Emergency Ordinance Requiring Signage at the entrance to buildings open to the public that states Face Coverings Expected pursuant to City Resolution, 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 as amended at this meeting being a special called meeting of the Governing Body of the City on this 11th day of August, 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 Holland. 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, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

6. Budget Workshop - 2021 Budget

John Prescott, City Manager, provided an overview of the budget noting that the budget presented should serve as the starting point for the process of developing the 2021 budget. John noted that overall this is a relatively flat budget as to growth but will address some large projects. John reported that for the property tax revenues the State regulated inflationary increase is 1.7% plus growth so the budgeted property tax revenue increased \$113,000. John stated that the sales tax

revenues budgeted for 2020 and 2021 were kept the same as the effect of the pandemic are unknown. John stated that the proposed budget supports a wage adjustment of 2.5% as was approved in the union agreement and that no changes are proposed in the number of benefited employees. John noted that proposed budget included a 6% health insurance increase with the actual premiums not known until later this year. John stated that no rate increases were currently projected for electric, water and wastewater utilities for 2021 but that water will need to be reviewed for possible use of additional funds to prevent an increase in 2021. John stated that in October we will receive notice of any electric purchase of power rate increases and wastewater rates are reviewed in April of each year. John noted that storm water fee would increase 3.3% or an estimated revenue increase of about \$8,875 for the community in 2021. John reported that the information was presented on the use of the CARES Act funds at the August 3rd noon meeting and that some direction will be needed on the use of these funds across the organization. John reported that the individual departments will be covering the items in their budget that were revised for 2020 and the 2021 budget items. John stated that he has included a memo on the funding proposed for the outside agencies noting that their funding is in the general fund and BBB sales tax fund which were kept the same due to the uncertainty with sales tax. John stated that the VCDC is scheduled to make their presentation at the Monday noon meeting.

The Council started the review of the 2021 proposed budget, as well as revisions to the 2020 budget, by reviewing the following sections of the budget with the City Manager and department heads: Policy & Administration: Code Compliance; Special Funds: 911 Fund; Public Safety & Security: Police Administration and Investigation, Police Patrol, Fire and Rescue, EMS/Ambulance, Emergency Management, Human Development and Leisure: Public Library, Special Funds: Library Fund; Utility Fund: Joint Powers Landfill, Joint Powers Recycling, Curbside Recycling; Enterprise Funds: Liquor Store; Special Funds: Second Penny sales tax, BID #1, Debt Service Funds: Special Assessments, TIF District No. 5, TIF District No. 6, City Hall Debt Service, Prentis Park Debt Service; Internal Service Fund: Unemployment, Copy/Fax/Postage, Custodial; Maintenance & Transportation: City Hall Maintenance; Policy & Administration: General Government, Finance; Outside Organizations Request: General Fund - Community Services, BBB Fund.

John reviewed the outside agency requests and what funding was included in the proposed budget.

City Council discussion followed on outside agency funding with the consensus to include the funding listed in the proposed budget noting that the VCDC will make their presentation at the August 17th noon meeting.

7. Adjourn

240-20

Alderman Ward moved to adjourn the Council Meeting at 8:15 p.m. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 11th day of August, 2020.

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

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.