

Note: No noon meeting on August 19, 2019

Unapproved Minutes  
City Council Regular Session  
August 19, 2019  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, August 19, 2019 at 7:00 p.m. by President Collier-Wise.

1. Roll Call

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

Absent: Mayor Powell

2. Pledge of Allegiance

3. Minutes

A. Minutes of August 5, 2019 Special Meeting; August 5, 2019 Regular Meeting; August 14, 2019 Budget Session; August 15, 2019 Budget Session.

233-19

Alderman Sorensen moved approval of the August 5, 2019 Special Meeting, August 5, 2019 Regular Meeting, August 14, 2019 Budget Session and August 15, 2019 Budget Session minutes. Alderman Price seconded the motion. Motion carried 8 to 0. President Collier-Wise declared the motion adopted.

4. Adoption of Agenda

234-19

Alderman Price moved approval of the agenda. Alderman Humphrey seconded the motion. Motion carried 8 to 0. President Collier-Wise declared the motion adopted.

5. Visitors to be Heard

A. Slam Out Hunger proclamation

Alderman Humphrey read the proclamation for the Wrestling Event to Benefit the Vermillion Food Pantry that proclaimed August 30, 2019 as "Slam Out Hunger Day" in Vermillion and encouraged event attendees to bring non-perishable food items to the event or drop them off at the

Community Connection Center. President Collier-Wise presented the proclamation to Nick Dinsmore representing Midwest All Pro. Mr. Dinsmore thanked the City Council for the proclamation and invited the community to the Slam Out Hunger event on August 30th at the National Guard Armory. Mr. Densmore noted that each non-perishable food item donated at the event will be entered for prize drawings.

Teresa McDowell Johnson representing the Vermillion Food Pantry, thanked the City Council for the proclamation and reported on the food insecurity in the community.

## 6. Public Hearings

A. Special daily malt beverage and wine license for the Fraternal Order of Eagles on or about October 4, 2019 for a fenced in designated area at 429 N Plum Street

Mike Carlson, Finance Officer, reported that an application was received for a special daily malt beverage and wine license from the Fraternal Order of Eagles for a special event on or about October 4, 2019 for a tent designated area at 429 N Plum Street. Mike reported that the notice of hearing and Police Chief's report are included in the packet. Mike reported the Police Chief's memo stated that he met with Mick Breske and the following precautions are to be taken: 1) There will be two designated servers and two security people at the events responsible for ensuring that no non-Beta member will attend and no one under 21 will be served alcohol. 2) Everyone who wishes to consume alcohol will be ID'd and wrist bands will be issued to those over 21. 3) The tent will have only one entry, which will be controlled by security. 4) The event will last from 4:00 p.m. to 11:00 p.m. on October 4, 2019. Mike recommended approval unless new information is received.

Mick Breske, representing the Fraternal Order of Eagles and the Beta Theta Pi alumni, explained the controls to be used and answered questions of the City Council. Bob Star, Beta Theta Pi Alumni, reviewed the events planned for the evening.

235-19

Alderman Price moved approval of the special daily malt beverage and wine license for the Fraternal Order of Eagles on or about October 4, 2019 for a tent designated area at 429 N Plum Street with the precautions as outlined by the Chief of Police. Alderman Humphrey seconded the motion. Motion carried 8 to 0. President Collier-Wise declared the motion adopted.

B. Special daily malt beverage and wine license for the Vermillion Area Arts Council on or about September 14, 2019 for a Steampunk Pirate Festival at 202 Washington Street

Mike Carlson, Finance Officer, stated that an application was received for a special daily malt beverage and wine license for the Vermillion Area Arts Council on or about September 14, 2019 for a Steampunk Pirate Festival at 202 Washington Street. Mike reported that the notice of hearing and Police Chief's report are included in the packet. Mike reported that the Police Chief's memo indicated that individuals would be carded and wrist bands would be used for the event. Mike recommended approval unless new information is received.

236-19

Alderman Ward moved approval of the special daily malt beverage and wine license for the Vermillion Area Arts Council on or about September 14, 2019 for a Steampunk Pirate Festival at 202 Washington Street. Alderman Price seconded the motion. Motion carried 8 to 0. President Collier-Wise declared the motion adopted.

7. Old Business - None

8. New Business

A. Resolution Approving Grant Offer for Airport Improvement Program for the Design Engineering for Design Reconstruction of the Hangar Taxiway with the FAA

Jose Dominguez, City Engineer, reported that the existing airport capital improvement plan and the 2019 budget for the airport states that a project to design the reconstruction of the hangar taxiway would be started this year. Jose stated that the actual reconstruction of the hangar taxiway is planned to take place in 2020. Jose stated that the grant agreement stipulates how the funding will be made and also has criteria that must be followed during the development of the plan. Jose noted that this is similar to the agreement entered into by the City and FAA in 2015 for the design of the apron reconstruction. Jose stated that the State will still be administering the reimbursements and will also handle any submittals required by the Federal government. Jose stated that the grant agreement requires the City Council to pass a resolution accepting the agreement with the FAA for 90% of the cost to complete the design for the reconstruction of the apron. Jose reported that the State has requested that the City Council allow the Mayor or Council President to sign all future documents related to this project which will expedite the process with the State to get future reimbursements associated with this project. Jose noted that the design costs are estimated at \$55,000 with 90% reimbursed by a Federal grant and 5% reimbursed by a State grant

leaving the City cost of 5%. Jose reported that the State has requested that the City Council allow the Mayor or Council President to sign all future documents related to this project that has been included in the resolution. Jose recommended approval of the resolution.

237-19

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

RESOLUTION

ACCEPTING THE GRANT OFFER FOR THE AIRPORT IMPROVEMENT PROGRAM FOR THE DESIGN ENGINEERING FOR THE RECONSTRUCTION OF THE HANGAR TAXIWAY BETWEEN THE FAA AND THE CITY OF VERMILLION

WHEREAS, the City of Vermillion wishes to complete the engineering design for the reconstruction of the hangar taxiway by utilizing a combination of Local, State and Federal Funds, and;

WHEREAS, the Governing Body of the City of Vermillion is asked by the United States Department of Transportation Federal Aviation Administration to approve the above mentioned grant agreement by resolution, and;

WHEREAS, the Governing Body of the City Vermillion gives permission to the Mayor or the Council President to sign all future documents related to this project on behalf of the City, and;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Vermillion accepts the Grant Agreement between the United States Department of Transportation Federal Aviation Administration and the City of Vermillion for Project 3-46-0056-013-2019.

Dated at Vermillion, South Dakota this 19th day of August 2019.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA  
By \_\_\_\_\_  
Kelsey Collier-Wise, President

ATTEST:

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

The motion was seconded by Alderman Price. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in

opposition to the Resolution. President Collier-Wise declared that the Resolution was adopted.

B. Business Improvement District #2 member appointment

President Collier-Wise reported that the City Council approved the five member board for Business Improvement District #2 (BID#2) in 2018 but the appointment action did not include the staggered terms in the action. President Collier-Wise stated that the BID #2 Board at their July 17, 2019 meeting recommended the terms be Michelle Maloney one-year, Phyllis Packard and Patrick Morrison two-year and Jim Waters and Martin Pendergast three-year. President Collier-Wise stated that the one year term has expired and an expression of interest form has been received from Michelle Maloney for a three year term. President Collier-Wise recommended the reappointment of Michelle Maloney to a three year term on the BID #2 Board until 2022.

238-19

Alderman Price moved approval of President Collier-Wise's recommendation of the appointment of Michelle Maloney to a three year term on the BID #2 Board expiring 2022 and that the terms for Phyllis Packard and Patrick Morrison expire 2020 and Jim Waters and Martin Pendergast expire in 2021. Alderman Humphrey seconded the motion. Motion carried 8 to 0. President Collier declared the motion adopted.

C. Resolution Fixing the Time and Place for a Hearing and Notice of Hearing on the Special Assessment Roll for Nuisance Abatement

Mike Carlson, Finance Officer, reported that, as part of the nuisance abatement process, the City incurred costs for tagging, hiring contractors to mow or remove the snow and remove debris. Mike reported that the State statute provides for the special assessment of these costs and requires that the City Council set a public hearing date, notify the property owners by sending notice and publishing the notice of hearing. The resolution will set a public hearing date of September 16, 2019 and provides for notice to be published and mailed to the property owners. Discussion followed.

239-19

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

RESOLUTION FIXING THE TIME AND PLACE FOR A HEARING  
AND NOTICE OF HEARING ON THE SPECIAL ASSESSMENT ROLL  
FOR NUISANCE ABATEMENT IN THE CITY OF VERMILLION, SOUTH DAKOTA

WHEREAS, a special assessment roll was filed in the office of the City Finance Officer of the City of Vermillion, Clay County, South Dakota on the 19<sup>th</sup> day of August, 2019 for the abatement of public nuisance to be levied against the property abutting upon:

NUISANCE ABATEMENT

On various properties as follows:

<u>Name</u>	<u>Legal</u>	<u>Corrective Action</u>	<u>Amount</u>
Bradley Campbell	15760-00000-000-18 E 79.5' of S 144' of W 199.5' & W 25' of C-6; Torstonsens 731 W Cedar	grass tagging 8-10-2018	31.95
Jamie Clift	15270-00200-080-00 Lot 7 & N 1/2 OF 8 Blk 2 Eastside 227 S Pine	sidewalk snow tagging 2-12-2018 grass tagging 7-12-2018 grass tagging 7-26-2018 total	10.65 31.95 <u>53.25</u> 95.85
CLP Properties, LLC	15410-00200-020-00 Lot 2 Blk 2; Leer 809 Radcliff Circle	grass tagging 7-12-2018	31.95
Scot Mannschreck	15170-00200-160-00 N 27' of Lot 15 & S 16' of Lot 16 Blk 2; College Park 113 Linden	sidewalk snow tagging 2-12-2018 grass tagging 7-12-2018 total	10.65 <u>31.95</u> 42.60
Peter Mark & Karin Monzel	15860-09251-190-24 Lot 1 Replat Of Aud Tract A S 1/2 Lot 2 NW 1/4 19-92-51 Aud Tract 19-92-51 601 Lewis	grass tagging & removal 7-12-2018	117.15
South Dakota Sigma Chapter	Lot 3A Michels 856 Madison	sidewalk snow tagging 12-4-2018	31.95
Tim Tilden	15720-06000-010-00 Lot 1 BLK 60 Snyders 324 N Dakota	snow tagging & removal 2-16-2019	77.21
U Stop Pump & Wash, LLC	15540-00100-170-02 E 173.2' of Lot 17 Blk 1 Exc S 90' E & Exc Lot H1 Ouelletes 1325 E Cherry	snow tagging 12-4-2018 snow tagging & removal 2-26-2019 total	95.85 <u>109.16</u> 205.01
Zwematt Holdings, LLC	15060-01300-020-00 Lot 1 & N 11' OF Lot 2 Blk 13; Bigelows University 444 N Plum	grass tagging & removal 7-26-2018 grass tagging 9-6-2018 sidewalk snow tagging 2-26-2019 total	95.85 53.25 <u>10.65</u> 159.75

in the City of Vermillion, Clay County, South Dakota, said special assessment being against the property for the corrective action; and

WHEREAS, said assessment roll, now on file in the office of the City Finance Officer of the City of Vermillion, South Dakota, is open for public inspection and is referred to for further particulars; and

WHEREAS, said assessment roll shows:

1. The name of the owner(s) of each lot to be assessed as shown by the assessment rolls of the Director of Equalization;
2. A description by lot, block, and addition, or by metes and bounds of each parcel of land to be assessed, recognizing divisions by deed of platted lots, and obtaining the legal description of land as of the date of the adoption of the Resolution of Necessity for such improvement;
3. The amount assessed against each lot;
4. The number of installments, the rate of interest deferred installments shall bear, and the whole of such assessment or any installment thereof may be paid at any time, and that all installments paid prior to the respective due dates shall be deemed paid in inverse order of their due date;
5. Whenever the word "lot" appears therein, it shall be construed to include tracts and other parcels of land.

NOW, THEREFORE, BE IT RESOLVED, that the 16<sup>th</sup> day of September, 2019, at the hour of 7:00 p.m. in the City Hall Council Chambers 25 Center Street in the City of Vermillion, Clay County, South Dakota, be and the same is hereby fixed as the time and place for hearing upon said assessment roll. Any interested person may appear and show cause as to why the Governing Body of the said City of Vermillion, South Dakota should not approve and levy said assessments against the respective premises as set forth in said assessment roll, to defray the costs of the nuisance abatement.

BE IT FURTHER RESOLVED, that the Finance Officer of the City of Vermillion, Clay County, South Dakota shall be and is hereby authorized and directed to cause this Resolution and Notice to be published in the official newspaper in the City of Vermillion, South Dakota, one week prior to the date set for such hearing.

BE IT FURTHER RESOLVED, that the Finance Officer of the City of Vermillion, Clay County, South Dakota shall mail a copy of this Resolution and Notice, by first-class mail with postage thereon fully prepaid, addressed to the owner(s) of any property to be assessed for such nuisance abatement at their address as shown by the records of the Director of Equalization. Such mailing shall be done at least one (1) week prior to the date set for said hearing.

Dated at Vermillion, South Dakota, this 19th day of August, 2019.

THE GOVERNING BODY OF THE CITY OF  
VERMILLION, CLAY COUNTY, SOUTH DAKOTA

---

Kelsey Collier-Wise, President

ATTEST:

---

Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Price. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. President Collier-Wise declared that the Resolution was adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported on receipt of the following raffle notification:

Phi Kappa Theta is selling raffle tickets from September 9th through the 15th at \$5 each or 5 for \$20. John stated that it is a 50/50 raffle with one grand prize of half of the ticket sales and the other half of the proceeds will be a donation to the Children's Miracle Network.

B. John reported on the upcoming street closures:

N. Pine Street from E. National Street to E. Cedar Street will be closed on Thursday, August 22nd from 10:00 a.m. to 3:00 p.m. for Alpha Phi's recruitment bid day.

N. Plum Street from E. Cherry Street to Highway 50 and Rose Street from Coyote Village to the Dome will be closed from 5:00 a.m. to 4:00 p.m. this Friday, August 23rd for USD's Move-in Day.

Parking will be removed on the north end of Dakota Street from Alumni Street to Highway 50 and Rose Street will be closed from Coyote Village north to the Dome from 6:00 a.m. to 6:00 p.m. on Saturday, August 31st for Coyote Football game.

C. John reported that Expression of Interest forms are being accepted for three terms on the Historic Preservation Commission. John requested interested citizens return forms by Noon on Thursday, August 29th for the City Council to make appointments at the September 3rd meeting.

D. John reported that City offices are closed on Monday, September 2nd for the Labor Day holiday.



E. John reported that the next City Council meeting is on Tuesday, September 3rd due to the Labor Day holiday on Monday, September 2nd.

PAYROLL ADDITIONS AND CHANGES

Ambulance: Logan Peterson \$10.00/hr-\$10.00/hr training-\$15.00/hr holiday; Library: Nicole Andrews \$11.86/hr, Peter Banasiak \$9.50/hr, Katelyn Nelson \$9.50/hr, Sophia Wermers \$12.73/hr; Golf Clubhouse: Brady Dinger \$9.25/hr

11. Invoices Payable

240-19

Alderman Hellwege moved approval of the following invoices:

John Powell	travel reimbursement-APPA	1,244.19
AT&T Mobility	mobile hot spots	384.88
Black Clover Enterprises	merchandise	115.21
Broadcaster Press	advertising	1,397.00
Buhl's Cleaners	mop/mop service	610.14
Bureau Of Administration	telephone	179.17
Campbell Supply	supplies	96.32
Carl Smith	housing rehabilitation	356.45
Cask & Cork	merchandise	315.00
Centurylink	telephone	1,591.37
City Of Vermillion	landfill vouchers	564.00
Clay Rural Water System	water usage	173.25
Clay-Union Electric Corp	electricity	1,658.07
Dakota Beverage	merchandise	7,057.55
Galls Incorporated	police equipment	299.56
Global Distributing Inc	merchandise	351.90
Gregg Peters	managers fee/freight	7,388.00
Heartland Humane Society	professional services	100.00
John A Conkling Dist.	merchandise	5,455.70
Johnson Brothers Of SD	merchandise	4,513.63
Jones Food Center	supplies	965.26
Justin McGregor	housing rehabilitation	1,402.24
Loren Fischer Disposal	haul cardboard	1,250.00
Matheson Tri-Gas, Inc	cylinder rental	60.15
MidAmerican	gas usage	887.62
Midcontinent Communication	internet/cable service	746.57
Midwest Ready Mix & Equipment	rock/flowable fill	231.20

Nursery Wholesalers Inc	trees	2,720.17
O'Reilly Auto Parts	parts	39.67
Republic National Distributing	merchandise	16,889.95
Sanford Health Plan	participation fees	60.00
Sanford Vermillion Sports	online registration	921.68
Schaeffer Mfg. Co	supplies	1,292.30
Scott Supply Co.	parts	308.87
Sculpture Walk	sculpture lease	7,500.00
SD DENR	landfill operations fee	4,208.26
Southern Glazer's Of SD	merchandise	2,901.67
Staples Business Credit	supplies	1,633.35
Stern Oil Co.	fuel	18,615.45
Sturdevants Auto Parts	parts	242.36
United Parcel Service	shipping	128.60
Us Postmaster	postage for utility bills	1,000.00
Valiant Vineyards	merchandise	60.00
Vermillion Ace Hardware	supplies	331.52
Vermillion Community Theatre	online registration	127.14
Vermillion Ford	repairs	243.63
Waste Management	waste hauling	1,339.42
Yamaha Motor Finance Corp	golf car lease	10,717.73
Ziegler Inc	repairs	1,999.26

Alderman Price seconded the motion. Motion carried 8 to 0. President Collier-Wise declared the motion adopted.

## 12. Consensus Agenda

A. Set a public hearing date of September 3, 2019 for a special daily malt beverage and wine license for the Vermillion Area Chamber & Development Company on or about September 27 & 28, 2019 at Ratingen Platz and portions of Market and Main Street for Oktoberfest event

B. Set a public hearing date of September 3, 2019 for a special permit to exceed permissible sound levels for the Vermillion Area Chamber of Commerce and Development Company on or about September 27 & 28, 2019 at Ratingen Platz and portions of Market and Main Street from 5:00 p.m. to 11:00 p.m. for Oktoberfest events

241-19

Alderman Price moved approval of the consensus agenda. Alderman Hellwege seconded the motion. Motion carried 8 to 0. President Collier-Wise declared the motion adopted.

## 13. Adjourn

242-19

Alderman Ward moved to adjourn the Council Meeting at 7:24p.m. Alderman Sorensen seconded the motion. Motion carried 8 to 0. President Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 19th day of August, 2019.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

BY \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

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

Published once at the approximate cost of \_\_\_\_\_.