

Unapproved Minutes
Council Special Session
October 19, 2020
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, October 19, 2020 at 12:00 noon at the City Hall large conference room.

1. Roll Call

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

2. Visitors to be Heard - None

3. Update on the Emerald Ash Borer - Park and Recreation Director Jim Goblirsch

Jim Goblirsch, Director of Parks and Recreation, provided an update to the City Council on the Emerald Ash Borer (EAB). Jim noted that the EAB is not here yet, but was reported in May 2020 in northern Lincoln County north of Canton. Jim reported that the state asked cities to take action when the EAB has been reported within 30 miles. Jim stated that, when that time arrives, we will require citizens who are going to treat their trees to complete an application with the City and will be preventing the transporting of ash wood between Memorial Day and Labor Day. Jim reported that links to the South Dakota Department of Agriculture with additional information are available on the City web site under Parks and Recreation. Jim noted that proposed Ordinance No. 1423 is on tonight's agenda to have first reading and at the time the City is notified the EAB is within 30 miles the ordinance can have second reading. Jim answered questions of the City Council on EAB and trees.

4. Update on the electric vehicle charging station - Assistant City Manager James Purdy

James Purdy, Assistant City Manager, provided an update on the electric vehicle charging station located in the City Hall parking lot. James noted that the City entered into a three-year lease with Chargepoint in 2019 and received a grant from Missouri River Energy Services which covered more than a year's lease payment. James reported on the different types of charging stations: Level I - a home charging station that takes all night to charge, Level II - (which the city has) takes several hours to charge and a Level III or DC fast charger that takes less than an hour to charge. James reported on the usage for the charging station noting that two of the last three months have been the busiest months.

James noted that the State currently has a grant program as does MRES for charging stations. James noted that if both grants are approved, the City could acquire the Level III charging station costing \$50,000 after grants for less than \$10,000. James noted that the State grant application is due by November 13, 2020 and was looking for direction if the Council wanted to proceed. Discussion followed on the charging station and the grant programs with James answering questions. The consensus was to move forward with the State grant application for a Level III charging station.

5. Briefing on the October 19, 2020 City Council Regular Meeting

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

Alderman Ward requested to be excused at 12:58 p.m.

6. Adjourn

342-20

Alderman Holland moved to adjourn the Council special session at 1:03 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, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 19th day of October, 2020.

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

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
October 19, 2020
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, October 19, 2020 at 7:00 p.m. by Mayor Collier-Wise.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. Minutes of October 5, 2020 Special Meeting; October 5, 2020 Regular Meeting

343-20

Alderman Willson moved approval of the October 5, 2020 Special Meeting and October 5, 2020 Regular meeting minutes. Alderman Holland 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. Adoption of Agenda

344-20

Alderman Price moved approval of the agenda. Alderman Humphrey 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.

5. Visitors to be Heard

A. Extra Mile Day Proclamation

Alderman Price read the proclamation designating November 1, 2020 as "Extra Mile Day" in Vermillion to recognize the individuals and organizations within the community who go the extra mile in order to make a difference in the community.

B. National Veteran Small Business Week Proclamation

Alderman Ward read the proclamation designating November 2 - 6, 2020 as "National Veterans Small Business Week" in Vermillion.

6. Public Hearings

A. Vacation of the west 12-feet of South Harvard Street right-of-way lying adjacent to Lots 6 and 7, Block 74 and Lots 1, 17, 18, 19 and 20, Block 76, Smith's Addition, City of Vermillion, Clay County, South Dakota. (properties between E. Main Street and Summer Street)

Jose Dominguez, City Engineer, reported that the City received petitions to vacate the west 12-feet of the South Harvard Street right-of-way between East Main Street and Summer Street from all seven of the adjacent property owners. Jose noted that the request to vacate the portion of South Harvard Street was commenced by the owner of 221 E. Main as they want to construct a retaining wall along South Harvard Street sidewalk to increase the usable yard space on their property. Jose noted that the utility providers were contacted by the owner seeking the vacation of the portion of the street. Jose noted that the utilities have agreed with the vacation as long as a utility easement 20-foot-long by 12-foot-wide is maintained at the intersection between the previously vacated alleyway and South Harvard Street. Jose reviewed the State statute that requires a public hearing for a vacation of a portion of a street. Jose reviewed impacts of vacating a street in use including access to properties, fire protection, and general traffic. Jose recommended adoption of the resolution to vacate a portion of the street noting a 2/3 of all of the members of the City Council is required on vacations.

Sandy Dickenson, project designer for 221 E Main Street, noted that all property owners along the west side of Harvard support the vacation and the adjoining property owners on the east side of Harvard have signed the petitions. Sandy stated that the property line is 12 feet behind the sidewalk while the normal property line is at the sidewalk. Sandy provided pictures showing the current property line in relation to the sidewalk. Carson Merkwan, owner of 221 E. Main, requested approval of the variance and offered to answer any questions.

345-20

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

RESOLUTION VACATING THE WEST 12 FEET OF THE SOUTH HARVARD STREET RIGHT-OF-WAY LYING ADJACENT TO LOTS 6 and 7, BLOCK 74 and LOTS 1, 17, 18, 19 and 20, BLOCK 76, SMITH'S ADDITION, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

WHEREAS, the City of Vermillion has received a petition for the vacation of the west 12 feet of South Harvard Street lying adjacent to Lots 6 and 7, Block 74 and Lots 1, 17, 18, 19 and 20, Block 76, Smith's Addition,

City of Vermillion, Clay County, South Dakota, which petition has consent in writing from all adjoining property owners; and

WHEREAS, notice of the public hearing has been published for two successive weeks in the official newspaper designated by the City; and

WHEREAS, utilities have been notified and have requested that the existing 20-foot utility easement created through the resolution adopted on February 18, 2020 which vacated the alleyway lying between Lots 1 through 6 and Lot 7, Block 74, Smiths Addition, City of Vermillion, Clay County, South Dakota, be reserved and maintained throughout the above-described portion of South Harvard Street being vacated; and

WHEREAS, the property owners on each side of the street have acknowledged the reservation and maintenance of the mentioned 20-foot-long by 12-foot-wide easement for location, construction, installation, maintenance, reconstruction, repair and operation of utilities along and across the above-described street area being vacated; and

WHEREAS, if a future petition is received requesting the remainder of the mentioned street right-of-way be vacated, and if said petition is approved, 28 feet of the right-of way will revert to the west property owners and 40 feet will revert to the east property owners; and

WHEREAS, SDCL 9-45-9 provides authority for the City Council to vacate streets, alleys or public grounds that have been in use.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vermillion that the west 12 feet of South Harvard Street lying adjacent to Lots 6 and 7, Block 74 and Lots 1, 17, 18, 19 and 20, Block 76, Smiths Addition, City of Vermillion, Clay County, South Dakota is hereby vacated and a 20-foot-long by 12-foot-wide utility easement is reserved and maintained on the vacated street area.

Dated at Vermillion, South Dakota this 19th day of October 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 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. Appeal of Planning and Zoning Commission's decision approving a conditional-use permit for the construction and operation of a motor vehicles sales, display, and rental business at 50 West Cherry Street

Jose Dominguez, City Engineer, reported that the City received an application for a Conditional-Use Permit (CUP) from AMS Building Systems on September 15, 2020. Jose stated that the CUP was for the construction and operation of a motor vehicles sales, display, and rental business at 50 West Cherry Street. Jose reported that the application was presented to the Planning and Zoning Commission (Commission) at their September 28, 2020 meeting and the request for a CUP was approved by the Commission with the condition that no more than 10 vehicles may be displayed at any time outside of the building(s). Jose stated that the Commission vote was 7-0 as one member was absent and another member abstained as the individual joined the meeting toward the end of the discussion on this item. Jose reported that an appeal of the Commission decision was received within the allowable five working days from Mr. Troy Gregoire, property owner, requesting the condition placed by the Commission be removed. Jose reported that the process for conditional uses follows the Code of Ordinances Section 155.095 that sets the Commission as the body that grants CUPs and the Commission's decision can be appealed to the City Council by anyone feeling aggrieved by the conditions placed or the decision reached. Jose stated that the conditions should be "appropriate and necessary to ensure compliance with the Comprehensive Plan and protect health, safety, and general welfare...". Jose noted that, for the CUP being appealed, the Commission placed the condition that no more the 10 vehicles could be displayed outside of a building(s) at any time. Jose reported that the location where the CUP was requested is in the Cottage Place Planned Development District. Jose stated that planned development districts (PDD) are created by the developer with his input, guidance, and approval of the City to "provide flexibility from conventional zoning regulations". Jose stated that the Cottage Place PDD was divided into four areas and each of those areas have different permitted uses and conditional uses. Jose noted that the requested use would be located in Area A, which allows, as a conditional use, the construction of a motor vehicle sales, display, and rental business. Jose stated that Mr. Gregoire is requesting that the City Council amend the Commission's decision by removing the condition placed. Jose reviewed a map of the area being discussed. Jose noted that the area where the proposed use is to be located is not zoned commercial as this area is within the Cottage Place PDD. Jose reported that most of the uses are commercial uses, they are classified differently within the permitted or conditional category. Jose stated "motor vehicle sales, display, and rental" is a permitted use in our General Business zoning district and as a conditional-use

within the Cottage Place PDD while residential uses are not allowed in the General Business zoning district, and they are allowed in the Cottage Place PDD. Jose stated that the Commission's intent was to minimize the number of vehicles being displayed on this section of the Cherry Street corridor in order to protect the adjoining residential uses. Jose stated that there are existing residential uses adjacent to the proposed location, and there could be additional residential uses within Cottage Place PDD. Jose noted that this limitation is similar to the one placed on the Bliss Pointe PDD by the City Council when amending the Bliss Pointe PDD. Jose recommended maintaining the Commission's decision to allow the construction and operation of a motor vehicles sales, display, and rental business at 50 West Cherry Street with the condition that no more than 10 vehicles may be displayed at any time outside of the building(s).

Nick Slattery, AMS Building Systems, stated that Mr. Gregoire wants to expand his car sales and service business to this location at 50 West Cherry. Mr. Slattery noted that, from the diagrams shown, there have been vehicles displayed on the south side of Cherry Street just west of this location on the fairgrounds. Troy Gregoire, property owner, stated that there have been more than 10 vehicles displayed on the fairgrounds property just west of this location and on the north side of Cherry Street there are many more vehicles displayed. Mr. Gregoire stated that he owns the three twin homes located south of the property as well as the property in between. Mr. Gregoire stated that he is building a nice building and did not want to limit the business expansion to no more than 10 vehicles on display after the investment in the building to expand his business. Mr. Gregoire noted that the original intent of the PDD was for a strip mall on the first floor and residential rental on the second story but with the number of apartments being built plans have changed. Mr. Gregoire requested the condition of 10 vehicles displayed outside be removed to promote business expansion.

Mayor Collier-Wise asked Jim McCulloch, City Attorney, to review the procedure to be used by the City Council in hearing the CUP appeal. Jim McCulloch reported that according to ordinance the City Council can uphold, override or amend the conditional use approved by the Planning and Zoning Commission.

Discussion followed with Alderman Holland asking City Attorney McCulloch if the conditional use can be amended to include a fence or vegetation buffer to the east and south as the property adjoins residential use property. Jim McCulloch stated that, as the Planning and Zoning Commission did not include fencing and/or a buffer in the conditions placed on the property, the City Council could not add to the conditions. Jim noted that this cannot prevent the owner from agreeing to install fencing or a buffer. Alderman Holland asked Mr. Gregoire if he would

install fencing or vegetation buffer on the east and south. Mr. Slattery stated that there currently is a fence on the east side of the property as it adjoins the residential property and at present there are no plans for the property between the twin homes and the proposed business so building a fence or buffer may not be needed at the location to the south. The City Council asked Mr. Gregoire about future use of the remainder of the property as well as the number of vehicles he planned for the business. Mr. Gregoire stated that at present he would like to get the building built and business expanded and could not be definite on uses for the balance of the property or the number of vehicles he would need to expand the business. Discussion followed on the appeal. Mayor Collier-Wise asked Mr. Gregoire for a number of vehicles he would need for the business. Mr. Gregoire stated that 40 vehicles would allow him to expand the business. Discussion followed on the conditional use.

346-20

Alderman Holland moved to amend the conditional use permit as approved by the Planning and Zoning Commission for the construction and operation of a motor vehicle sales, display, and rental business on Lot 1, Block 1, Cottage Place Addition with the condition that no more than ten (10) vehicles may be displayed at any time outside of the building(s) to no more than forty (40) vehicles may be displayed at any time outside of the building(s). Alderman Hellwege seconded the motion. Discussion followed on the amendment to the Planning and Zoning Commission decision. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-N, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

7. Old Business

A. Review of Emergency Resolution encouraging the use of face coverings or face masks and determine continuation of the Emergency Resolution.

John Prescott, City Manager, reported that, at the last City Council meeting on October 5, 2020, the City Council approved an Emergency Resolution encouraging the use of face masks or face coverings in buildings open to the public. John noted that the Emergency Resolution became effective on October 11, 2020. John stated that this Emergency Resolution was very similar to the August 11th Emergency Resolution which expired on October 10, 2020. John stated that both emergency resolutions were designed to promote the use of face coverings to slow the spread of the coronavirus. John stated that the Emergency Resolutions were also designed to provide the language that Emergency Ordinance No. 1419 or Emergency Ordinance No. 1422 would cite upon adoption. John stated that Emergency Ordinance No. 1419 required and Emergency Ordinance No. 1422, on this agenda for second reading, also would require the posting of a

sign that states that face masks are expected per City resolution. John noted that, during adoption of the resolution as the City Council has done with most other emergency measures, there was discussion that the item would be on each regular City Council meeting agenda for review and consideration of continuation. John stated that this is the first opportunity to review the Emergency Resolution since it was adopted on October 5th and recommended that the City Council review information related to COVID-19 and the Emergency Resolution recommending face coverings or face masks in buildings open to the public.

Mayor Collier-Wise reported that, if there is not further information, we can move to the next agenda item.

B. COVID-19 issues

Mayor Collier-Wise noted that this item was requested to be on the agenda for discussion on COVID-19 issues as the issue is continuing to evolve and hearing none stated that we will move on to the next agenda item.

C. Second reading of Emergency Ordinance 1422 to require signage at the entrance to buildings open to the public that states Face Masks Expected per City Resolution

John Prescott, City Manager, reported at the October 5, 2020 meeting, the City Council approved an Emergency Resolution to promote the use of face coverings or face masks inside of buildings which are open to the public and also approved the first reading of Emergency Ordinance No. 1422 requiring the posting of a sign at buildings open to the public stating that Face Masks are expected per City resolution. John noted that emergency ordinances or resolutions are only valid for a maximum of 60 days. John reported that Emergency Ordinance No. 1422 is very similar to previously adopted Emergency Ordinance No. 1419 which expired on October 16, 2020. John stated that Emergency Ordinance No. 1422 requires a business to have signage which reads Face Mask or Face Coverings are expected. John reported that the ordinance is an emergency ordinance to provide the City Council with the ability to more quickly implement and continue the requirement to address the ongoing, immediate health issue. John stated that Emergency Ordinance No. 1422 is drafted to become effective upon adoption as the previous Emergency Ordinance No. 1419, which addressed the same goal, has expired. John noted that with all ordinances, a fine will need to be established and a resolution to establish a fine, if Emergency Ordinance No. 1422 is adopted, is under New Business. Discussion followed.

347-20

Second reading of title to Ordinance No. 1422, entitled an Emergency Ordinance to Require Signage at the Entrance to Buildings Open to the

Public Stating That Face Coverings Are Expected to Help Slow the Spread of COVID 19 (Coronavirus) for the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1422, entitled an Emergency Ordinance to Require Signage at the Entrance to Buildings Open to the Public Stating That Face Coverings Are Expected to Help Slow the Spread of COVID 19 (Coronavirus) 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 5th day of October, 2020 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 19th day of October, 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. 1422

AN EMERGENCY ORDINANCE TO REQUIRE SIGNAGE AT THE ENTRANCE TO BUILDINGS OPEN TO THE PUBLIC STATING THAT FACE COVERINGS ARE EXPECTED TO HELP SLOW THE SPREAD OF COVID 19 (CORONAVIRUS).

WHEREAS, the City of Vermillion (City) has the authority pursuant to SDCL 9-29-1 and 9-32-1 to enact ordinances for the purpose of promoting the health, safety, morals, and general welfare, of the community; and

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 that the use of face masks or face coverings which cover the nose and mouth will slow the spread of COVID-19; and

WHEREAS, working together now will reduce the widespread proliferation of COVID-19 rather than suffering the unfortunate and devastating medical and economic consequences later; 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 is currently requiring face coverings or face masks for all students, faculty, staff, and visitors in all public indoor spaces on the University of South Dakota campus based on their tiered approach to face coverings to address COVID-19; and

WHEREAS, the Vermillion Public School District is 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, the City of Vermillion joins the University of South Dakota and the Vermillion Public School District, in setting a community expectation that masks will be worn while in indoor public spaces to reduce the spread of COVID-19; and

WHEREAS, the City recognizes that while it may not always be practical or necessary for patrons to wear masks or face coverings in all situations, the City wishes to promote a community-wide culture that

emphasizes respect for the health and safety of workers, residents, and visitors by wearing masks or face coverings when in buildings open to the public.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the City of Vermillion that:

- 1. 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 that are open to the general public will be required to post a sign in a visible location near their entrance(s) no smaller than 8.5" x 11" that indicates that "masks or face coverings are expected pursuant to City Resolution."
- 2. 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.
- 3. Any violation of this ordinance is subject to a fine set by resolution in compliance with the general penalty provision in Section 10.99 of the City of Vermillion Municipal Code. Each day a violation of this ordinance is allowed to occur is considered a separate offense.

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 immediately upon passage.

Dated at Vermillion, South Dakota this 19th day of October, 2020.

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

ATTEST:
 BY _____
 Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Hellwege. Thereafter the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body as follows: Hellwege-Y, Holland-Y, Humphrey-

N, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Mayor Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

Motion carried 8 to 1. Mayor Collier-Wise declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. Resolution to establish a fine for a violation of Emergency Ordinance No. 1422

John Prescott, City Manager, reported that, with the adoption of Emergency Ordinance No. 1422, Section 3 provided for a fine for those found in violation of the ordinance. John stated that the ordinance provides that the fine be set by resolution. John noted that the most common fine cost for City Code violations is \$56.50 and with court costs of \$72.50, a violation would result in a total cost of \$129.00. John noted that this was the fine set for Emergency Ordinance No. 1419 which had the same goal as Emergency Ordinance No. 1422. John stated that a citation for failure to comply with Emergency Ordinance No. 1419 was never issued as buildings open to the public were very good about posting the sign. Discussion followed.

348-20

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

EMERGENCY RESOLUTION

ESTABLISHING A FINE FOR VIOLATION OF ORDINANCE 1422 TO REQUIRE SIGNAGE AT THE ENTRANCE TO BUILDINGS OPEN TO THE PUBLIC STATING THAT FACE COVERINGS ARE EXPECTED TO HELP SLOW THE SPREAD OF COVID 19 (CORONAVIRUS).

WHEREAS, the City Council has adopted an Emergency Ordinance No, 1422 to require signage at the entrance of buildings open to the public stating that face coverings are expected to help slow the spread of the COVID-19 virus; and

WHEREAS, the City of Vermillion joins the University of South Dakota and the Vermillion Public School District, in supporting a community expectation that masks will be worn while in indoor public spaces to reduce the spread of COVID-19; and

WHEREAS, the City recognizes that while it may not always be practical or necessary for patrons to wear masks or face coverings in all situations, the City wishes to help promote a community-wide expectation that emphasizes respect for the health and safety of workers, residents,

and visitors by wearing masks or face coverings when in buildings open to the public; and

WHEREAS, Emergency Ordinance No. 1422 provides that a fine be set by resolution for any violation of the ordinance; and

WHEREAS, Ordinance No. 1422 was adopted as an emergency ordinance to become effective after adoption; this fine resolution shall be considered an emergency to establish the fine for any violation.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof in the Council Chambers of said City at 7:00 p.m., CDT on the 19th day of October, 2020, that the fine for each violation be \$56.50 plus court costs, (Fine \$56.50 plus court costs of \$72.50 for a total \$129.00)

Dated at Vermillion, South Dakota this 19th day of October, 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 Hellwege. Discussion followed and the question of the adoption of the Resolution was presented for a roll call vote of the Governing Body 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 Ordinance 1423 - An Ordinance amending Title IX: General Regulations; Chapter 90 Health & Safety; Nuisances; Adding a Definition of Nuisance Tree Declared to Section 90.71, and Adding Protocol Language to Sections 90.78 Tree Care and 90.81 Tree Removal to Mitigate the Risk of an Emerald Ash Borer Infestation

Jim Goblirsch, Park and Recreation Director, reported that the emerald ash borer (EAB) is a significant threat to the urban and rural forests of South Dakota. Jim reported that in May of 2018 the South Dakota Department of Agriculture Resource Conservation & Forestry Division released information stating that emerald ash borer was detected in Minnehaha County and most recently (May 2020) in northern Lincoln County. Jim noted that in 2013 City of Vermillion tree survey estimated there to be 2,400 ash trees within city limits of which 570 ash trees in the city boulevards, parks, and right-of-ways. Jim reported that the State of

South Dakota Forest Entomologist, Dr. John Ball, suggests that communities generally prepare for the arrival of the EAB, however a sense of urgency should only take place when the insect has been identified within a 30-mile radius of the city. Jim noted that South Dakota Department of Agriculture Resource Conservation & Forestry Division released the "Emerald Ash Borer Readiness Plan for South Dakota Communities" to use as guideline to prepare for EAB. Jim stated that it is suggested that communities update tree codes/ordinances to reduce the risk of EAB infestation, develop management tactics to contain an infestation, and speed the administration process once EAB has been detected within 30 miles of the city. Jim stated that the plan is to have the City Council consider the first reading of the ordinance to amend our current ordinance to address the EAB at this time and to have second reading of the ordinance at a later date when the EAB is within the 30-mile radius. Jim noted that the proposed ordinance does not list a second reading date or effective date as the borer is not yet within the 30-mile radius. Jim reviewed the proposed changes to the ordinance. Discussion followed on the EAB and the ordinance. Alderman Holland suggested adding to the end of the title to the ordinance "or any other harmful evasive specs".

349-20

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1423 entitled An Ordinance amending Title IX: General Regulations; Chapter 90 Health & Safety; Nuisances; Adding a Definition of Nuisance Tree Declared to Section 90.71, and Adding Protocol Language to Sections 90.78 Tree Care and 90.81 Tree Removal to Mitigate the Risk of an Emerald Ash Borer Infestation or any other harmful evasive specs 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 19th day of October, 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 Price. After discussion the question of adoption of the Resolution was put to a roll call vote of the Governing Body 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.

C. First reading of Ordinance 1424 - An Ordinance amending Title XV: Land Usage; Chapter 150 Building Regulations Section 150.38 Building and Development in Flood Plain

Jose Dominguez, City Engineer, reported that Federal Emergency Management Agency (FEMA) has been updating the Flood Insurance Rate Maps (FIRM) throughout the country. Jose noted that as part of the updates FEMA also reviews the City's ordinance regulating construction within the flood plain for amendments to allow the City to continue being eligible for the National Flood Insurance Program (NFIP). Jose reviewed the proposed changes to the building regulations ordinance. Jose recommended approval of first reading of the ordinance. Discussion followed.

350-20

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1424 entitled An Ordinance amending Title XV: Land Usage; Chapter 150 Building Regulations Section 150.38 Building and Development in Flood Plain 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 19th day of October, 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 Willson. After discussion the question of adoption of the Resolution was put to a roll call vote of the Governing Body 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.

D. Grant Pre-Application Checklist for projects at Harold Davidson Field Airport

Jose Dominguez, City Engineer, reported that the latest Capital Improvement Plan for the airport shows that the hangar taxi lane will be reconstructed as part of a multi-year grant in 2021 and the pavement maintenance will also be completed. Jose stated that the FAA started using a grant pre-application process in 2014, which was designed to ease the grant application process. Jose reported that the grant pre-application document provides some basic information about the project to the FAA. Jose recommended authorizing the Mayor to sign the pre-application for the Airport.

351-20

Alderman Willson moved approval of authorizing the Mayor to sign the Grant Pre-Application Checklist for projects at Harold Davidson Field Airport. Alderman Holland 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.

E. Appointments to Business Improvement District #2 Board

Mayor Collier-Wise reported that there are two openings on the Business Improvement District #2 Board for three-year terms. Mayor Collier-Wise reported that Patrick Morrison has completed the Expression of Interest Form for reappointment to the Board and Bekki Engquist-Shroeder has completed the Expression of Interest Form. Mayor Collier-Wise thanked Phyllis Packard for her service on the BID #2 Board. Mayor Collier-Wise recommended Patrick Morrison and Bekki Engquist-Shroeder to the three-year terms on the BID #2 Board.

352-20

Alderman Willson moved approval of the reappointment of Patrick Morrison and the appointment of Bekki Engquist-Shroeder to three-year terms on the Business Improvement District #2 Board. 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.

F. Request to close portions of W. Main Street on Thursday, December 3, 2020 from 4:30 p.m. to 7:30 p.m. for the 5th Annual Vermillion Chamber of Commerce and Development Company's Standstill Parade of Lights

James Purdy, Assistant City Manager, reported that the Vermillion Chamber of Commerce and Development Company (VCDC) is planning the 5th annual Parade of Lights on Thursday, December 3, 2020. James reported that the 2020 parade will be the same as the last few years' where a "stand still" parade will take place on Main Street between Court Street and Ratingen Platz. James stated that the public will be encouraged to walk up and down Main Street to view the different entries then proceed to Ratingen Platz for the tree lighting. James stated that the street closure for this year's event is requested for 4:30 p.m. to 7:30 p.m. James reported that, after some discussion with staff, the VCDC agreed to move the closure back to 4:00 p.m. to allow VCDC staff and volunteers more time to help clear the area and set up for the parade. James reported that the request has been reviewed by the Police, Fire and EMS departments.

353-20

Alderman Holland moved approval of the request to close Main Street from Court Street west to the west side of Ratingen Platz and Market Street from Main Street south through Ratingen Platz for the fifth annual VCDC Parade of Lights on Thursday, December 3, 2020 from 4:00 p.m. to 7:30 p.m. Alderman Humphrey 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.

9. Bid Openings

A. Recycling Center Improvements Project Bid Opening

Jose Dominguez, City Engineer, reported that this bid opening was presented to the City Council at the October 5, 2020 meeting. Jose noted that at that meeting the City Council tabled the award of the project until the October 19, 2020 meeting to allow staff additional time to discuss with the low bidder, Sunkota Construction, Inc, of Sioux Falls, ways to lower the construction cost. Jose noted the low bid was higher than the estimated project cost. Jose reported on the items removed which reduced the bid from \$592,000 to \$561,200 and noted that there may be additional savings during construction that could amount to approximately \$1,500. Jose noted that the budget would need to be amended. Jose stated that once the contractor starts, we will know which year of the budget to amend, as the completion date is in 2021. Jose recommended awarding the contract to Sunkota Construction, Inc. for \$561,200. Discussion followed.

354-20

Alderman Ward moved approval of the low bid as amended with Sunkota Construction, Inc. for \$561,200 for the Recycling Center Improvement Project. Alderman Hellwege 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.

10. City Manager's Report

A. John reported that two terms on Business Improvement District #1 Board are expiring. John asked interested individuals to complete an Expression of Interest form by 5:00 p.m. on Thursday, October 29th in anticipation of the City Council making an appointment at the November 2nd City Council meeting.

B. John reported that the Planning Commission of the City of Vermillion and Clay County are meeting at 6:00 p.m. on Monday, October 26th at City Hall. John stated that the purpose of the meeting is to gather public comment on the work to date on the Comprehensive Plan for the Joint Jurisdictional Zoning Area. John noted that the plan is not yet completed but this is one opportunity in the process to offer public comment.

C. John reported that on the November 3rd general election ballot is a section labeled Municipal Question. John noted that the question is in regard to the adoption of a Home Rule Charter for the City of Vermillion. John noted that a Yes vote is to adopt the Charter and a No vote is to not adopt the Charter. John stated that a copy of the entire proposed Home Rule Charter for the City of Vermillion is available on the City's website under latest headlines.

D. John reported on the following raffle notification:

The Family Law and Child Advocacy is selling raffle tickets at \$1 each, 6 for \$5, 13 for \$10, or 30 for \$20 on November 17, 18 and 19, 2020. The drawing will be held on November 20th and the prizes are four separate themed baskets valued between \$40 and \$60. Proceeds will be donated to the Alzheimer's Association or to furnish deployed military goodie bags.

PAYROLL ADDITIONS AND CHANGES

Communications: Amanda Arndt \$18.44/hr; Landfill: Jasper Johnson \$17.56/hr

11. Invoices Payable

355-20

Alderman Willson moved approval of the following invoices:

A&A Refrigeration	repairs	2,340.16
AT&T Mobility	mobile hot spots	457.80
Broadcaster Press	advertising	546.66
Buhl's Cleaners	mat/mop service	584.04
Bureau Of Administration	telephone	406.07
Cask & Cork	merchandise	900.00
CenturyLink	telephone	1,634.07
City Of Vermillion	landfill vouchers	348.00
Clay County Auditor	combined election agreement	2,800.00
Clay Rural Water System	water usage	112.20
Clay-Union Electric Corp	electricity	1,515.28
Cleveland Golf	merchandise	403.74
Dakota Beverage	merchandise	11,439.10
Dakota Pc Warehouse	repairs	94.99
DETCO	supplies	492.54
Echo Electric Supply	supplies	505.97
Fastenal Company	parts	578.46
Global Dist	merchandise	647.06

Govt Finance Officers Assoc	membership	190.00
Graham Tire	repairs	170.00
Graymont (WI) LLC	chemicals	4,152.33
Gregg Peters	managers fee & 3rd qtr profits	42,449.99
John A Conkling Dist.	merchandise	5,104.80
Johnson Brothers Of SD	merchandise	19,978.97
Jones Food Center	supplies	421.04
Lamb Motor Company	2- ford explorers	71,714.00
Lawson Products Inc	supplies	196.06
Lessman Elec. Supply Co	supplies	1,697.34
Loren Fischer Disposal	haul cardboard	1,150.00
M & M Construction LLC	concrete pad-Barstow park	3,000.00
Matheson Tri-Gas, Inc	cylinder rental	87.70
MidAmerican	gas usage	996.80
Midcontinent Communication	modems/internet/cable service	942.57
Mizuno USA, Inc	merchandise	76.84
O'Reilly Auto Parts	parts	33.47
Patricia McDaniel	books	25.00
Quadient Finance USA, Inc	supplies	12.46
Redi Towing	towing	225.00
Register Of Deeds	filing fees	150.00
Republic National Distributing	merchandise	11,231.48
Running Supply, LLC	supplies	6.77
SD DENR	landfill operations fee	3,787.46
SD Humanities Council	professional services	25.00
SD Public Assurance Alliance	liability & vehicle insurance	163,793.70
Sooland Bobcat	parts	379.08
Southern Glazer's Of SD	merchandise	6,675.81
Stern Oil Co.	fuel	9,579.80
Sturdevants Auto Parts	parts	97.61
Syncb/Amazon	books/dvds/supplies	431.37
True Fabrications	merchandise	82.41
US Postmaster	postage for utility bills	900.00
USPS-POC	postage for meter	700.00
Valiant Vineyards	merchandise	286.80
Vermillion Ace Hardware	supplies	38.12
Vermillion Area Community	round up program	240.49
Vermillion Ford	repairs	127.05
Waste Management Of WI-MN	waste hauling	1,663.69
Win-911 Software	software maintenance	495.00
Bill Manger	Bright Energy Rebate	250.00
Larry Mickalowski	Bright Energy Rebate	15.00
John Prescott	Bright Energy Rebate	250.00

Alderman Ward 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.

12. Consensus Agenda - None

13. Adjourn

356-20

Alderman Ward moved to adjourn the Council Meeting at 8:34p.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 19th day of October, 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 _____.