

Unapproved Minutes  
Council Special Session  
November 18, 2019  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, November 18, 2019 at 12:00 noon at the City Hall large conference room.

1. Roll Call

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

2. Visitors to be Heard - None

3. Educational Session - Patriots Project - Ross Dickenson

Ross Dickenson provided handouts and reviewed the background on the creation of the Patriots Project and the proposal to create Patriots Plaza on USD campus in the open space between the Business School, Law School and Neuharth Center. Mr. Dickenson reviewed the components of the Patriots Project noting that the estimated cost is \$150,000 and if sculptures and landscaping are added the estimated cost is \$200,000. Mr. Dickinson reviewed funds raised to date and asked if the City would participate in the project. Mr. Dickenson answered questions of the City Council on the project. Mayor Powell stated that he would like the City to support the project and suggested \$2,000. Discussion followed on funding options suggesting to maybe fund a specific item such as a flag pole. Mr. Dickinson stated that he would request the project breakdown and forward it to the City.

4. Informational Session - Vermillion River Hike / Bike trail - Jose Dominguez

Jose Dominguez, City Engineer, stated that in April, 2019 the hike/bike trail along the Vermillion River was discussed regarding location of the trail and options to complete the trail with the City Council requesting additional options. Jose reported that, as federal grant funds were used on the hike/bike trail and the State never issued a certificate of completion for the trail from point A to Point B, the City will need to complete the project or return the federal funds used on the section not completed. Jose stated that the SD DOT has contacted him requesting how the City is going to proceed to complete the project in 2020. Jose stated that he has four options to consider: 1) Abandon the hike/bike trail which would require the repayment of the federal grant funding portion used on the uncompleted section estimated at \$365,000; 2) Obtain

additional easements along the river to move the hike/bike trail 75-100 feet away from the river. Jose reported that the estimated cost of this option is \$365,000; 3) Move the hike/bike trail north along Morse Street in the street right of way then around the fertilizer business located there to the south boulevard of Broadway Street then west to the parking area. Jose noted that the cost of this option is estimated at \$230,000; 4) Move the hike/bike trail north along Morse Street in the street right of way and end at Broadway where a parking lot will need to be constructed as the end of the trail. Jose noted that the cost of this option is estimated at \$445,000. Jose reviewed aerial diagrams of the proposed hike/bike trails and also reviewed the changes in the river banks following the last flooding. Jose answered questions of the City Council on the four options. Discussion followed with Jose asking for direction on which option to pass along to the SD DOT for the project. The consensus of the City Council was to proceed with Option 3 to move the hike/bike trail up Morse Street right of way, then around the fertilizer property to Broadway Street then west along the south boulevard to the parking.

5. Briefing on the November 18, 2019 City Council Regular Meeting

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

6. Adjourn

323-19

Alderman Ward moved to adjourn the Council special session at 12:53 p.m. Alderman Sorensen seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 18th day of November, 2019.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA  
BY \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

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

Unapproved Minutes  
City Council Regular Session  
November 18, 2019

Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, November 18, 2019 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. Minutes of November 4, 2019 Special Meeting; November 4, 2019 Regular Meeting

324-19

Alderman Holland moved approval of the November 4, 2019 Special Meeting and November 4, 2019 Regular Meeting minutes. Alderman Humphrey seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

325-19

Alderman Price moved approval of the agenda. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

Alderman Sorensen stated that he has received calls regarding the Joint Jurisdiction ordinance and that the City and County need to work together to resolve this issue. Mayor Powell requested Jose Dominguez, City Engineer, to report on the status. Jose Dominguez, City Engineer, reported that the City Planning Commission met last week to review three options to proceed with the recommendation to send notice to the County Zoning Official of the willingness of the City Planning Commission to meet jointly with the County Planning Commission to work on amending the Joint Jurisdictional ordinance as approval of both boards are required for changing the ordinance.

6. Public Hearings

A. Special daily wine license for the SD Shakespeare Festival on or about February 28, 2020 at John Day Gallery in the USD Fine Arts Center for "Wine with Will" event.

Mike Carlson, Finance Officer, reported that an application has been received from the SD Shakespeare Festival for a special daily wine license for the "Wine with Will" event at the John Day Gallery in the USD Fine Arts Center on or about February 28, 2020. The notice of hearing, Police Chief's report and USD President's letter providing permission for the event are included in the packet. Mike noted that the report indicates no issues with the event in the past. Evelyn Schlenker, representing the SD Shakespeare Festival, explained the event noting the control measures in place to prevent underage from being served.

326-19

Alderman Collier-Wise moved approval of the special daily wine license for the SD Shakespeare Festival on or about February 28, 2020 at John Day Gallery in the USD Fine Arts Center for "Wine with Will" event. Alderman Price seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Annual liquor and wine license renewals

Mike Carlson, Finance Officer, reported that this was the time set for the public hearing for the annual liquor and wine license renewals. Mike stated that the notice of hearing and the Police Chief's report are included in the packet. Mike stated that, from the police report, there were two license holders that had failed a compliance check and, as required by ordinance, a management plan from Fraternal Order of Eagles for Eagles and D&D Foods for Hartford Steak Co Tavern are included in the packet. Mike noted that, for City Council actions, the Council may first want to consider the renewal of the retail on-sale liquor license for the Old Lumber Company, Inc for the Old Lumber Company Bar and Grill at 11 & 15 Court Street. Mike stated that in May 2018 Old Lumber Company, Inc was granted a site transfer of the liquor license to expand into 11 Court Street and at that time the site transfer was approved contingent upon final inspection by the Building Official. Mike reported that the site expansion has not been completed so the recommendation will continue for the approval of the retail on sales liquor license for the Old Lumber Company, Inc at 11 & 15 Court Street with the expansion into 11 Court Street contingent upon the final inspection of the Building Official. Mike noted that the second action would be to consider the renewal of the balance of the on-sale retail liquor licenses, on-off sale wine licenses and municipal package off sale license. Mike noted that, if not approved, the reason for the denial must be stated. Discussion followed

327-19

Alderman Hellwege moved approval of reissuance of the following licenses: On-Sale-Retailer Liquor with Sunday sales: BACT Group, LLC for BACT Group at 912 N Dakota; Bunyan's, LLC, Bunyan's at 1201 West Main; Bebee Street II, LLC, Carey's Bar at 18 West Main; Charcoal Lounge, Inc., Charcoal Lounge at 6 & 8 East Main; City of Vermillion, The Bluff's Golf Course at 2021 East Main; Fire Works, Inc, Dakota Brick House at 15 West Main Street; Fraternal Order of Eagles, Eagles Club 2421 at 114 West Main; J.N.J. Management, Inc., The Road House at 911 East Cherry; Leo's Sports Bar & Grill, LLC, Leo's Lounge at 11 South Market; Main Street Pub, Inc for Main Street Pub at 11 West Main; Red Steakhouse, Inc., Red Steakhouse at 1 East Main Street: Retail On-Off Sale Wine: Aramark Educational Services, Inc for Aramark at Coyote Center & Dakota Dome 1101 North Dakota; Café Brule, Inc, Café Brule at 24 West Main; Circle 13, LLC, Westside Inn at 1313 West Cherry; D&D Foods, Inc, Hartford Steak Co Tavern at 7 Court Street; Fire Works, Inc, Dakota Brick House at 15 West Main Street; HyVee Food Stores Inc, HyVee at 525 West Cherry Street; Jon Donald Enterprises, Inc., Silk Road Café at 12 West Main; Mexico Viejo, Inc, Mexico Viejo Mexican Restaurant 432 E Cherry; Red Steakhouse, Inc, Red Steakhouse at 1 East Main Street; Sunset Oil, Inc, Pump N Pak Casino at 629 Stanford St Suite A; Varsity Pub, LLC, The Varsity at 113 East Main Street; Vermillion Downtown Cultural Assoc. Inc, Coyote Twin Theater at 10 East Main Street; Wal-Mart Stores, Inc., Wal-Mart #3734 at 1207 Princeton Street: Municipal Off-Sale Package Liquor: City of Vermillion, Municipal Liquor Store at 820 Cottage and the reissuance of the retail on sale liquor license for Old Lumber Company, Inc. for Old Lumber Company Bar & Grill at 11 & 15 Court St with the expansion into 11 Court Street contingent upon occupancy permit issued by the Building Official. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. First reading of Ordinance No. 1408 to rezone Lots 1 and 2 in Block 2, Arroba Addition to the City of Vermillion, Clay County, South Dakota from the NRC Natural Resource Conservation District to the R-2 Residential District (property on the north side of E. Main approximately 550 feet east of Cypress Drive)

Jose Dominguez, City Engineer, reported that a petition to rezone this area from the owner's representative, Mr. Michael Barkl, was received on October 10th. Jose reported that the property is located on East Main east of Cypress Drive. Jose noted that the request is to rezone the property from NRC Natural Resource Conservation District to R-2 Residential District. Jose reported that the applicant has circulated the petition and acquired the necessary signatures, which is enclosed with this memo. Jose reported that the Planning and Zoning Commission considered the request at their November 12th meeting and recommended that the Council approve the rezone request. Jose noted that this rezone could be considered 'spot zoning', however, the proposed district would

fit with the surrounding area as everything within City limits on the north side of East Main Street and east of Crawford Road is already within the R-2 Residential district. Discussion followed.

328-19

Mayor Powell 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. 1408 entitled An Ordinance Rezoning Lots 1 and 2 in Block 2, Arroba Addition to 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 18th day of November, 2019 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7.

The motion was seconded by Alderman Collier-Wise. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

D. First reading of Ordinance No. 1409 adopting Comprehensive Zoning regulations and deleting the existing Zoning Ordinance adopted on July 7, 2008 with the adoption of Ordinance 1189, and as amended

Jose Dominguez, City Engineer, reported that over the years the City has had two zoning ordinances with the first being adopted in 1966. Jose stated that this ordinance established different districts (agricultural, residential, commercial and industrial) with allowable uses and the ordinance provided for conditional-uses; however, at the time these were called 'special uses'. Jose reported that in 2008 the City adopted a new zoning ordinance which completely rewrote zoning requirements within the City. Jose stated that this new ordinance still divided the City into districts; however, each district has permitted uses and conditional uses. Jose noted that this, along with different uses being permitted within each zoning district, were the largest changes between the two ordinances. Jose stated that, due to the existing zoning ordinance being 11 years old, Staff proposed to the Planning Commission to update the comprehensive zoning ordinance and over the last year the Planning Commission undertook a review of the ordinance in order to determine if changes need to be made. Jose noted that the depth and scope of that review was determined by the Planning Commission. Jose reported that the Planning Commission has held fourteen meetings, all open to the public, to discuss the proposed changes to various sections of the zoning ordinance. Jose noted that the proposed changes deal mainly with updates that the Planning Commission and Staff feel are needed to

remove possible conflicts from the ordinance that may arise from differing interpretations. Jose noted that some of the changes ensure that adjustments to the districts and definitions section are also reflected in these sections. Jose reviewed the major changes proposed. Jose noted that these items have also been presented to the City Council during two educational meetings. Jose noted that the City Council was concerned with the removal of single-family attached dwellings from the R-1 Residential district. Jose stated that the Commission considered the possibility of maintaining single-family attached dwellings as a conditional use in the R-1 Residential district but would verify that a density of four structures within 400-feet of the proposed lot being considered for the conditional use was not exceeded. Jose noted that staff would recommend creating a new residential district exclusively for single-family attached dwellings. Jose reported that the proposed ordinance, with the changes to the R-1 Residential District and the new residential district, were presented to the Planning Commission at their November 12th meeting with the Planning Commission recommending that the City Council adopt the new ordinance. Discussion followed.

329-19

Mayor Powell 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. 1409 entitled An Ordinance Adopting Comprehensive Zoning regulations and deleting the existing Zoning Ordinance adopted on July 7, 2008 with the adoption of Ordinance No. 1189, and as amended 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 18th day of November, 2019 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Hellwege. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

## 7. Old Business

A. Second reading of Ordinance No. 1406 to amend Title IX: General Regulations; Chapter 92 Fire Prevention and Protection; Section 92.08 Rapid Entry System modifying the requirements for which properties are required to have a system, the location on a building, and providing for a fee

James Purdy, Assistant City Manager, reported that in 2013 the City adopted an ordinance which required a rapid entry system commonly known as a key lock box. James noted that, since that time, the Vermillion Fire Department has increasingly encouraged local property owners and managers to utilize key lock boxes. James stated that key lock box systems are currently required for multifamily residential structures that have restricted access, government structures, nursing care facilities, and all fraternity and sorority housing. James stated that the key lock boxes contain master keys for each structure which eliminate physical barriers and allow first responders to quickly access secured properties and spaces within those properties when necessary. James stated that the key lock boxes not only have the potential to save lives but to protect property and inventory from fire damage, water damage, and forced entry. James noted that the key lock boxes also save considerable resources for the Fire Department, largely made up of volunteers, who leave their families or work to respond to alarms and may end up waiting for extended periods of time until a key holder can be located. James noted that this would include any structure that has a fire sprinkler or fire alarm system (not to be confused with a smoke alarm system). James reported that first reading of the ordinance was approved on November 4th and that the current ordinance includes changes suggested at first reading. James noted that Jim McCulloch, City Attorney, has reviewed the ordinance and indicated that the ordinance has not been substantially altered since first reading. James stated that the Ordinance also establishes a fee to be imposed for failing to comply with the regulations set forth in Chapter 92 and the resolution establishing the fee is later on the agenda. James noted that the effective date of the ordinance is January 1, 2020. Discussion followed.

330-19

Second reading of title to Ordinance No. 1406 entitled an Ordinance Amending Title IX: General Regulations; Chapter 92 Fire Prevention and Protection; Section 92.08 Rapid Entry System modifying the requirements for which properties are required to have a system, the location on a building, and providing for a fee of the City of Vermillion, South Dakota

Mayor Powell read the title to the above named Ordinance, and Alderman Sorensen moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1406 entitled an Ordinance Amending Title IX: General Regulations; Chapter 92 Fire Prevention and Protection; Section 92.08 Rapid Entry System modifying the requirements for which properties are required to have a system, the location on a building, and providing for a fee 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 4th day of November, 2019 and that

the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 18th day of November, 2019 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:

ORDINANCE NO.1406

AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS; CHAPTER 92 FIRE PREVENTION AND PROTECTION; SECTION 92.08 RAPID ENTRY SYSTEM MODIFYING THE REQUIREMENTS FOR WHICH PROPERTIES ARE REQUIRED TO HAVE A RAPID ENTRY SYSTEM AND THE LOCATION ON A BUILDING OF THE SYSTEM AND PROVIDING FOR A FEE.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Title IX: General Regulations; Chapter 92 Section 92.08 Fire Code shall be amended as follows:

§ 92.08 RAPID ENTRY SYSTEM.

(A) The following structures shall be equipped with a key lock box at or within 15 feet of the main entrance or such other location required by the Fire Chief or designee.

- (1) All newly constructed commercial, industrial, multifamily, educational, fraternity, and sorority structures that are secured in a manner that restricts access during an emergency or are required to be equipped with fire protection systems. All newly constructed single-family structures electing to have fire protection systems. Fire protection systems shall include fire sprinklers and/or fire alarm systems; and
- (2) All existing commercial, industrial, single family, multifamily, educational, fraternity, and sorority structures equipped with or required to be equipped with fire protection systems. Fire protection systems shall include fire sprinklers and/or fire alarm systems; and
- (3) All existing multifamily, fraternity, and sorority structures that have restricted access; and
- (4) Governmental structures and nursing care facilities.

(B) All newly constructed structures or complexes subject to this section shall have the key lock box installed and operational prior to the issuance of an occupancy permit.

(C) The Fire Chief or designee shall designate the type of key lock box system to be implemented within the city and shall have the authority to require all structures to use the designated system. The Fire Chief or designee shall provide a list of compatible entry systems that must be UL listed and a tested box system.

(D) The owner or operator of a structure or complex required to have a key lock shall, at all times, keep a key in the lock box, and maintain the operation of the box at all times.

(E) The Fire Chief or designee shall be authorized to implement rules and regulations for the use of the lock box system.

(F) Any person who owns or operates a structure or complex subject to this section shall be subject to the fee set by resolution for any violation of this section.

(G) All requests for the designated key lock box system shall be coordinated through the Fire Chief or designee. The Fire Chief or designee shall approve the location of the box on each site.

(H) All surface mount box systems shall be securely installed on the address side of the building and no more than six (6) feet from ground level or if a recessed box is installed, the box may be installed at eye level on the address side of the building, or such other location approved by the Fire Chief or designee.

(I) Inside the box system, a master key for all exterior and interior locks must be placed inside.

(1) No more than two (2) keys permitted inside the box without approval of the Fire Chief or designee.

(2) If two (2) keys are present inside the box, the keys must be clearly labeled "Exterior Doors," and the like.

(3) Master electronic key cards may be placed inside instead of a physical key.

§ 92.081 FEES.

The fee for failing to comply with the regulations in this chapter shall be set by resolution.

Dated at Vermillion, South Dakota this 18th day of November, 2019.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

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

Adoption of the Ordinance was seconded by Alderman Humphrey. Thereafter the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Collier-Wise-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y Mayor Powell-Y

Motion carried 9 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

B. Second reading of Ordinance 1407 to amend Title IX; General Regulations; Chapter 92 Fire Prevention and Protection adding Sections 92.090 to 92.095 establishing definitions, inspection, testing, maintenance, response and nuisance alarms, and establishing a fee as it pertains to fire alarm systems

James Purdy, Assistant City Manager, reported that the Vermillion Fire Department has seen an increase in false alarms and nuisance alarms over the past several years. James noted that much of this increase can be attributed to the growing popularity of fire alarm monitoring systems in the community. James stated that these systems notify a fire alarm business of an activated alarm, and in turn the business notifies emergency communications who dispatch first responders. James stated that repeated false and nuisance alarms are problematic for first responders who are directed away from other activities and are volunteers who break away from their other duties to respond to provide a response for the community. James reported that first reading of the ordinance was approved on November 4 meeting. James stated that the Ordinance also establishes a fee to be imposed for failing to comply with the regulations and the resolution establishing the fee is later on the agenda. James noted the effective date of the ordinance is January 1, 2020. Discussion followed.

331-19

Second reading of title to Ordinance No. 1407 entitled an Ordinance Amending Title IX; General Regulations; Chapter 92 Fire Prevention and

Protection adding Sections 92.090 to 92.095 establishing definitions, inspection, testing, maintenance, response and nuisance alarms, and establishing a fee as it pertains to fire alarm systems of the City of Vermillion, South Dakota.

Mayor Powell read the title to the above named Ordinance, and Alderman Sorensen moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1407 entitled an Ordinance Amending Title IX; General Regulations; Chapter 92 Fire Prevention and Protection adding Sections 92.090 to 92.095 establishing definitions, inspection, testing, maintenance, response and nuisance alarms, and establishing a fee as it pertains to fire alarm systems 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 4th day of November, 2019 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 18th day of November, 2019 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:

ORDINANCE NO. 1407

AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS; CHAPTER 92 FIRE PREVENTION AND PROTECTION ADDING SECTIONS 92.090 THROUGH 92.095 ESTABLISHING DEFINITIONS, INSPECTION, TESTING, MAINTENANCE, RESPONSE AND NUISANCE ALARMS AS IT PERTAINS TO FIRE ALARM SYSTEMS AND PROVIDING FOR A FEE.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Title IX: General Regulations; Chapter 92 be amended with the addition of the following sections:

§ 92.09 PROTECTION SYSTEMS, FIRE.

§ 92.091 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Alarm-Initiating Device. A device that is designed to respond either manually or automatically to smoke, fire, or activation of a fire suppression system.

Authorized Representative. A person or persons who lease, operate, occupy, or manage the premises.

Enforcement Official. The Fire Chief or designated representative.

False Fire Alarm. The activation of any fire alarm system which results in a response by the Fire Department and which is caused by the negligence or intentional misuse of the fire alarm system by the owner, its employees, agents or any other activation of a fire alarm system not caused by heat, smoke or fire, exclusive of a nuisance fire alarm.

Fire Alarm Activation Report. A document issued by the Enforcement Official indicating that the activation was deemed to be the result of a fire alarm activation due to fire, a nuisance fire alarm, or a false fire alarm.

Fire Alarm Business. Any individual, partnership, corporation or other entity that is appropriately licensed in the state/jurisdiction and installs, causes to be installed, permits to be installed, alters, maintains, repairs, replaces or services (including runner services) any fire alarm system.

Fire Protection System. A system or portion of a combination system consisting of components and circuits arranged to monitor and/or exterior annunciate the status of a fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

Fire Department. The City of Vermillion Fire EMS Department.

Fire Watch. A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the Fire Department.

Monitored System. The process by which a fire alarm business receives signals from a fire alarm system and notifies emergency forces.

Nuisance Fire Alarm. The activation of any fire alarm system, which results in a response by the Fire Department, caused by mechanical failure, malfunction, improper installation, lack of proper maintenance or any other response for which the Fire Department personnel are unable to determine the apparent cause of the alarm activation.

Owner. Any person who owns the premises in which a fire alarm system is installed.

Premises. Any building, structure or combination of buildings and structures which serve as dwelling units such as single-family, multifamily or any other area within a building, structure or combination thereof which is used for any purpose, wherein a fire alarm system is installed.

Qualified Fire Alarm Technician. Any person who inspects, installs, repairs or performs maintenance on fire alarm systems. This person shall be:

- (1) Factory trained and certified;
- (2) National Institute of Certification in Engineering Technologies (NICET) Fire Alarm Level II certified; or
- (3) Licensed or certified by state of local authority.

§ 92.092 INSPECTION, TESTING AND MAINTENANCE.

(A) The owner or authorized representative shall ensure that all fire alarm systems are inspected and tested at least once per year or in accordance with adopted codes.

(B) The owner or authorized representative shall ensure that all fire alarm systems are periodically maintained per manufacturer specifications and adopted codes.

§ 92.093 FIRE ALARM ACTIVATION; RESPONSE.

- (A) The owner or authorized representative shall be responsible for the activation of a fire alarm system.
- (B) A response to the activation of a fire alarm system shall result when any officer or member of the Fire Department is dispatched to the premises where the fire alarm system has been activated.
  - (1) At the time of response, the Enforcement Official shall notify any owner or authorized representative and shall require such person to respond to the premises.
  - (2) In the event the fire alarm system is a monitored system, it is the responsibility of the company monitoring the fire alarm system to notify the owner or authorized representative at the request of the Enforcement Official.

(3) In the event the fire alarm system is a monitored system, it is the responsibility of the company to forward cancellation of a fire alarm signal to the Clay-Area Emergency Communications Center (CAECC).

(C) The officer or member of the Fire Department who responded to said premises shall serve the owner or authorized representative with a fire alarm activation report within five (5) business days.

§ 92.094 NUISANCE FIRE ALARMS.

(A) In the event the activation of a fire alarm system is deemed by the Enforcement Official to be a nuisance fire alarm, the owner or authorized representative shall be served with a fire alarm activation report, within five (5) business days, by an officer or member of the Fire Department, indicating that the activation was deemed to be the result of a nuisance fire alarm.

(B) This shall require the owner or authorized representative to return a completed report of service/repair within 15 calendar days of receipt of the fire alarm activation report to verify, to the reasonable satisfaction of the Enforcement Official, that the fire alarm system has actually been examined by a qualified fire alarm technician; and a bona fide attempt has been made to identify and correct any defect of design, installation or operation of the fire alarm system which was identifiable as the cause of the nuisance fire alarm.

(C) Failure to return a report of service/repair within said 15 calendar day period, which is reasonably satisfactory to the Enforcement Official, shall result in assessment against the owner of a fee set by resolution in the same amount as set for false alarms for the nuisance fire alarm.

§ 92.095 FEES.

The provisions of this chapter shall not apply to any newly installed fire alarm system for a period of 45 calendar days from the date of installation, but shall apply from and after the expiration of the initial 45 calendar day period following installation. The fees shall be set by resolution.

Dated at Vermillion, South Dakota this 18th day of November, 2019.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA  
BY \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

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

Adoption of the Ordinance was seconded by Alderman Willson. Thereafter the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Collier-Wise-Y, Hellwege-Y, Holland-Y, Humphrey-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Mayor Powell-Y

Motion carried 9 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

#### 8. New Business

A. Resolution establishing fees for non-compliance with Rapid Entry System requirements as provided for in Ordinance No. 1406

James Purdy, Assistant City Manager, reported that Ordinance No. 1406 requires all structures equipped with, or required to be equipped with a fire protection system to also have a rapid entry system or key lock box. James noted that these key lock boxes provide rapid entry in case of an emergency, prevent forced entry by the Vermillion Fire and EMS Department. James stated that these key lock boxes also save considerable resources for the Fire Department, largely made up of volunteers, who leave their families or work to respond to alarms and may end up waiting for extended periods of time until a key holder can be located. James reported that the fee is \$150 for failure to comply, no charge for the first re-inspection, \$150 for the second re-inspection, \$250 for each re-inspection thereafter and a \$25 fee for missing an inspection appointment. James recommended adoption of the resolution. Discussion followed.

332-19

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

RESOLUTION  
ESTABLISHING A FEE FOR NON-COMPLIANCE WITH THE RAPID ENTRY SYSTEM

ORDINANCE IN ACCORDANCE WITH  
CHAPTER 92, SECTION 92.08

WHEREAS, the City of Vermillion is authorized in Chapter 92, Section 92.081 of the City of Vermillion Code of Ordinances to set a fee for failing to comply with the Rapid Entry System regulations of Chapter 92, Section 92.08; and

WHEREAS, the City wishes to establish that continued non-compliance with the Rapid Entry System regulations will result in subsequent re-inspections by the Vermillion Fire Department until the non-compliance has been remedied; and

WHEREAS, the City wishes to establish the following fee schedule for failing to comply with the Rapid Entry System regulations.

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. on the 18th day of November, 2019, that the fees for failure to comply with the Rapid Entry System Ordinance established by the Governing Body, and in accordance Chapter 92, Section 92.08 be established as follows:

Failure to Comply Chapter 92, Section 92.08	\$150
1 <sup>st</sup> Re-inspection	\$0
2 <sup>nd</sup> Re-inspection	\$150
3 <sup>rd</sup> Re-inspection	\$250
Failure to Meet Inspector at Scheduled Time	\$25

Dated at Vermillion, South Dakota this 18th day of November, 2019.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

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

The motion was seconded by Alderman Sorensen. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

B. Resolution establishing fees for repeated false fire alarms, nuisance fire alarms, and fire code inspections as provided for in Ordinance No.1407

James Purdy, Assistant City Manager, reported Ordinance No. 1407 provides for establishing a fee for repeat false alarms. James noted that the International Fire Code adopted by the City also provides for the Governing Body to establish fees in order to help ensure compliance with fire inspections. James stated that inspections are completed to verify compliance with fire codes but can require the re-inspections to determine compliance. James noted that the resolution provides fees for false and/or nuisance fire alarms, re-inspection fees and a fee for the failure to meet the inspector at scheduled time. Discussion followed.

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

RESOLUTION

ESTABLISHING FEES FOR REPEATED FALSE FIRE ALARMS, NUISANCE FIRE ALARMS, AND FIRE CODE INSPECTIONS AS PROVIDED FOR IN CHAPTER 92, SECTION 92.094 AND 92.095

WHEREAS, the City of Vermillion is authorized in Chapter 92, Section 92.094 and 92.095 of the City of Vermillion Code of Ordinances to set for false fire alarms, nuisance fire alarms, and fire code inspections; and

WHEREAS, the City wishes to establish a fee schedule for false fire alarms, nuisance fire alarms, and fire code inspections.

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. on the 18<sup>th</sup> day of November, 2019, that the fees for repeated false fire alarms, nuisance fire alarms, and fire code inspections in accordance with Chapter 92, Section 92.094 and 92.095 and the International Fire Code are established as follows:

1st False Fire Alarm or Nuisance Fire Alarm in a calendar year	\$0
2nd False Fire Alarm or Nuisance Fire Alarm in a calendar year	\$0
3rd False Fire Alarm or Nuisance Fire Alarm in a calendar year	\$0
Any Additional Alarms after the 3rd instance in a calendar year	\$150
Annual Fire Code Inspection	\$0
1st Re-inspection on the Same Inspection Report	\$0
2nd Re-inspection on the Same Inspection Report	\$150
3rd and any additional Re-inspections on the Same Inspection Report	\$250

Failure to Meet Inspector at Scheduled Time

\$25

Dated at Vermillion, South Dakota this 18th day of November, 2019.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

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

The motion was seconded by Alderman Collier-Wise. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported that 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. this Saturday, November 23rd for the Coyote Football game.

B. John reported that City offices will be closed on Thursday, November 28th for the Thanksgiving Day holiday.

C. John reported that there will be no curbside recycling collection on Thursday, November 28th for the Thanksgiving holiday. Curbside collection will be on Monday, December 2nd to make up for the November 28th collection.

D. John reported that, at the next City Council meeting on Monday, December 2nd, there will be a public hearing to consider the implementation of the BID #2 plan which would help fund the Downtown Streetscape Project.

PAYROLL ADDITIONS AND CHANGES

Code: Kenny Wapniarski \$18.67/hr; Recreation: Victoria Andre \$9.50/hr;  
Landfill: Jennifer Holthe \$15.73/hr, Mark Milbrodt #22.99/hr

## 11. Invoices Payable

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Alderman Willson moved approval of the following invoices:

AT&T Mobility	mobile hot spots	432.35
Beth Samenus	mileage reimbursement	46.62
Big State Industrial Supply	uniform jackets	219.80
Broadcaster Press	advertising	1,863.65
Brunick's Service Inc	fuel	15,714.04
Buhl's Cleaners	mat/mop service	473.54
Bureau Of Administration	telephone	239.61
Campbell Supply	supplies	333.54
Cask & Cork	merchandise	145.50
Centurylink	telephone	1,594.50
Chesterman Co	merchandise	32.00
Chris Nissen	meals reimbursement	35.00
City Of Vermillion	landfill vouchers	504.00
Clay Rural Water System	water usage	48.90
Clay-Union Electric Corp	electricity	1,714.01
Dakota Beverage	merchandise	6,665.73
Diversified Inspections	aerial lift inspection	1,113.00
Farner Bocken Company	merchandise	1,346.36
First National Bank	city hall bond payment	301,678.62
First National Wealth Mgmt	trustee fee	2,000.00
Global Dist.	merchandise	403.90
Gregg Peters	managers fee/freight/advertise	7,527.20
John A Conkling Dist.	merchandise	4,064.85
Johnson Brothers Of SD	merchandise	13,719.19
Jones Food Center	supplies	147.95
Loren Fischer Disposal	haul cardboard	1,150.00
MidAmerican	gas usage	1,671.21
Midcontinent Communication	internet/cable service	746.57
Midwest Alarm Co	alarm monitoring	66.00
Nike Inc	merchandise	102.33
Republic National Distributing	merchandise	7,526.44
Sanford Health Plan	participation fee	57.00
SD DENR	landfill operations fee	4,125.49
SD Dept Of Health	food license renewal	275.00
SD One Call	one call locates	382.20
Southern Glazer's Of SD	merchandise	2,018.24
Staples	supplies	427.89

Stern Oil Co.	fuel	643.96
Streichers	police equipment	2,945.00
Sturdevants Auto Parts	parts	228.17
Syncb/Amazon	books/dvds/supplies	553.55
The Growler Station, Inc	licensing/maintenance fee	749.97
Titleist-Acushnet Company	merchandise	94.01
Us Postmaster	postage for utility bills	1,000.00
Vermillion Ace Hardware	supplies	173.86
Vermillion Public Library	library fines	74.79
Waste Management Of Wi-Mn	waste hauling	915.80
Daniel Decino	Bright Energy Rebate	250.00
Ari Albright	Bright Energy Rebate	250.00
Scott Munger	Bright Energy Rebate	500.00
Kalins Indoor Comfort	Bright Energy Rebate	100.00

Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

12. Consensus Agenda - None

13. Adjourn

335-19

Alderman Price moved to adjourn the Council Meeting at 7:48 p.m. Alderman Sorensen seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 18th day of November, 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 \_\_\_\_\_.