

Unapproved Minutes
Council Special Session
January 18, 2021
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, January 18, 2021 at 12:00 noon at the City Hall large conference room.

1. Roll Call

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

Absent: Letellier, Ward

2. Visitors to be Heard - None

3. Educational Session - Alcohol regulations - Mike Carlson and Matt Betzen

Mike Carlson, Finance Officer, reviewed the types of alcoholic beverage licenses issued by the City Council, the annual fee, licensing period, number of licenses issued and transfer fees for licenses. Mike answered questions of the City Council on the alcoholic beverage licenses.

Matt Betzen, Police Chief, reviewed the Police Department practices as it applies to enforcement of alcoholic beverage laws and ordinances including who is responsible for violations. Matt reviewed the annual report provided for the City Council at license renewals. Matt answered questions of the City Council on alcohol regulations and enforcement.

4. Briefing on the January 18, 2021 City Council Regular Meeting

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

5. Adjourn

10-21

Alderman Price moved to adjourn the Council special session at 12:58 p.m. Alderman Holland seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Price-Y, Willson-Y, Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 18th day of January, 2021.

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
January 18, 2021
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, January 18, 2021 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 January 4, 2021 Special Meeting; January 4, 2021 Regular Session

11-21

Alderman Holland moved approval of the January 4, 2021 Special Meeting and January 4, 2021 Regular Session minutes. Alderman Humphrey seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

4. Adoption of Agenda

12-21

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

5. Visitors to be Heard

Mayor Collier-Wise extended condolences to former Council Member Parker Erickson and his family over the loss of his father over the weekend.

6. Public Hearings - None

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, on December 7, 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 had an effective date of December 10, 2020 with a life of 60 days. John stated that the December 7th Emergency Resolution was very similar to the Emergency Resolutions adopted in August and October which expired after 60-days. John stated that the 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, 1422 and 1425 cite which requires the posting of a sign at the entrance of a building open to the public that states that face masks are expected per City resolution. John reported that no questions have been received about the emergency resolution which is likely due to the fact that the public is familiar with the resolution. John reported that the current emergency resolution will expire on February 7, 2021 unless the City Council ends it sooner. John reported that there were no changes to the resolution at the December 21st or January 4th meetings. John noted that Governor Noem issued an Executive Order 2020-34 that extended the state of emergency to June 30, 2021. John 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. John stated that a new emergency resolution will be on the next agenda. Mayor Collier-Wise stated that, if there is no action, we will move on to the next item.

B. Review of Emergency Ordinance 1425 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 that, on December 7, 2020, the City Council approved the second reading of Emergency Ordinance No. 1425. John stated that the ordinance requires the posting of a sign at the entrance to buildings open to the public, which states "Masks are expected per City resolution." John noted that Emergency Ordinance No. 1425 had an effective date of December 18, 2020 and a life of 60 days. John stated that Emergency Ordinance No. 1425 was very similar to Emergency Ordinance No. 1419 and 1422. John stated that, as a follow-up to the City Council discussion at the November 16th meeting, City Code staff checked for signs on Tuesday, November 24th. John noted that most businesses continue to have a sign posted as the current ordinance requires. John reported that during the life of Emergency Ordinance No. 1425, to date, and with Emergency Ordinance No. 1419 and 1422 which have expired, there have been no citations for non-compliance. John noted that the signs continue to be available for free at City Hall, the VCDC office, or they can be printed from the City's website. John noted that no changes were made to the ordinance at the December 21st or January 4th meetings. John recommended that the City Council review information related to COVID-19 and the Emergency Ordinance No. 1425 requiring signage at the entrance to buildings open to the public that states Face Masks Expected per City Resolution. John reported that at next meeting will be first reading of another emergency ordinance to continue the requirement of posting signs. Mayor Collier-Wise stated that, if there is no action, we will move on to the next item.

C. COVID-19 issues

Mayor Collier-Wise noted that this item was requested to be on the agenda for discussion on COVID-19 issues as items continue to evolve. Discussion followed. Mayor Collier-Wise stated that, hearing no further discussion, we will move on to the next agenda item.

8. New Business

A. Change order #1 for Recycling Center renovation project

Jose Dominguez, City Engineer, reported that, in October, 2020, the City Council awarded a \$561,200 contract to Sunkota Construction of Sioux Falls for renovations at the Missouri Valley Recycling Center. Jose stated that Change Order No. 1 (CO1) is mainly concerned with the installation of additional insulation around the office area and in the processing area. Jose noted that, during the design of the project, it was decided not to thoroughly inspect some of the walls due to the

extensive amount of removal that would have had to happen and correct if needed with a change order. Jose stated that CO1 also includes a reduction to the HVAC contract as recommended by the engineer and the deduction of a small sidewalk on the northeast corner of the building and will also extend the completion date by five days to March 12th due to COVID-19 issues and some weather related events. Jose stated that CO1 will increase the cost of the project by \$14,583, to a new contract amount of \$575,783. Jose stated that the project is funded through a combination of City Joint Powers funds and SD DENR grant of \$343,000. Jose stated that the Joint Powers fund budget will need to be adjusted during the 2021 revised budget. Discussion followed.

13-20

Alderman Willson moved approval of Change Order No. 1 with Sunkota Construction Inc on the Recycling Center project increasing the project by \$14,583 to \$575,783. Alderman Humphrey seconded the motion. Discussion followed. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

B. Joint Powers Maintenance and Encroachment and Financial Agreement between the City and the Department of Transportation Regarding Highway 50 (the Bypass)

Jose Dominguez, City Engineer, reported that the South Dakota Department of Transportation (DOT) has been planning to reconstruct portions of the SD Highway 50 Bypass in 2021. Jose stated that the reconstruction will include the removal of the existing curb and gutter and the widening of the existing highway to ultimately include five 12-foot lanes and two four-foot shoulders and will also include streetlights from Over Drive to Crawford Road. Jose stated that the City has been working with the DOT to construct a storm sewer along the south ditch of the Bypass from Dakota Street to Over Drive. Jose stated that, to minimize construction issues and reduce construction costs, the City's and State's project will be constructed simultaneously. Jose stated that the City will need to enter into a Joint Powers Maintenance and Encroachment and Financial Agreement between the City and the Department of Transportation Regarding Highway 50 (the Bypass) for the project. Jose stated that the City has entered into similar agreements with the DOT in the past, specifically for the work along Cherry Street from the west City limits to the east City limits. The Cherry Street agreement was originally signed in 2006, with two amendments being signed in 2007. This 2006 agreement dictates the City's maintenance (roadway striping and signage, snow removal, light pole and signal pole replacements) and financial responsibilities (payment of City's share of project) for Cherry Street. Jose reported that the new agreement with the DOT dictates the maintenance and

financial responsibilities of both parties. Jose reported that the City maintenance items will be specific to the storm sewer and the light poles with the City being listed as the owner of the storm sewer system and the light poles being installed. Jose reported that the financial responsibilities section states that the City will pay for the nine lights installed west of SD Highway 19 (Stanford Street). Jose noted that the City requested that these lights be installed to increase safety along all of the areas within City limits. Jose noted that the agreement also discusses the payment that the DOT will make in order to cover a portion of the cost of the storm sewer system as the DOT sees a benefit to installing the storm sewer system since it will improve drainage along the Bypass along with Cherry Street. Jose noted that the new agreement is still being modified by the DOT to remove sections that place responsibility on the City for all maintenance on the Bypass (i.e. roadway striping, signage, snow removal, etc.) Jose stated that the City has received a verbal, and written, reassurance from the DOT that the City will not be responsible for any of the roadway striping, signage, and snow removal on the Bypass. Jose stated that the DOT is currently not able to complete the modifications to the agreement before the Council meeting date. Jose noted that, at this point, the new agreement will completely remove the sections dealing with the additional maintenance (these are Sections 14, 15, and 16), or include verbiage that says that the City will not be responsible for these items on the Bypass. Jose stated that the DOT would like to have the signed copies no later than February 2nd as the project's bid opening is on February 3rd. Jose reported that, to accommodate the DOT, administration recommends that the City Council authorize the Mayor to sign the Joint Powers Maintenance and Encroachment and Financial Agreement between Department of Transportation and City of Vermillion once the final, modified, agreement is received. Discussion followed.

14-21

Alderman Holland moved approval and to authorize the Mayor to sign the Joint Powers Maintenance and Encroachment and Financial Agreement between the City and the Department of Transportation Regarding Highway 50 as modified to remove the sections dealing with the additional maintenance (these are Sections 14, 15, and 16), or include verbiage that says that the City will not be responsible for these items on the Bypass. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

C. Request to abate a portion of special assessments at 119 Franklin Street

Mike Carlson, Finance Officer, reported as background that the City cited the house at 119 Franklin as a dangerous structure and as the property owner did not abate the nuisance the City crews had to demolish the structure and cleaned up the lot in March 2014. Mike reported that the City tagged the property numerous times for failure to mow and remove sidewalk snow and had to hire contractors to abate these nuisances. Mike noted that these costs were special assessed against the lot from 2013 to 2017 when the County acquired the property on tax deed. Mike stated that in the summer of 2020 the County sold the property at auction to Nick Slattery with AMS Building Systems but the City special assessment remained as a lien. Mike noted that Mr. Slattery reported from a title search after the property was acquired that there were other liens on the property. Mike reported that there is a request from Mr. Slattery to abate a portion of the special assessments. Mike noted that the City has abated a portion of special assessments against a few other properties with similar issues in the past when ownership has been or will be transferred to a new owner who will improve and maintain the property. Mike stated that the full amount of special assessments has never been forgiven in these cases as there are landfill fees or contractor fees that are out of pocket costs for the City. Mike noted that any funds from the payments of the liens would be used to pay back the special assessment fund or go to the General Fund to pay back costs expended to correct the deficiencies noted above. Mike reported that Mr. Slattery inquired prior to the County sale about the possibility of abating the special assessment. Mike reported that Mr. Slattery was informed that in the past the City Council has reduced the assessments to cover the out of pocket costs paid by the City for landfill fees, contractor fees for mowing/snow removal and sidewalk repairs. Mike noted that for this property the out of pocket costs are just over \$5,220. Mr. Slattery was informed that the City Council might want interest on some of the assessments. Mike stated that the agenda memo includes the listing of the five special assessments against the property with principal of \$16,018.69, interest of \$12,158.76. Mike stated that the City costs for landfill, mowing, snow removal and sidewalk repairs are \$5,222.18. Mike noted that, in the past, the City has entered into an Agreement for Building Permit that provides for the payment of a specific amount by a specific date and that a building permit be issued by a specific date or the special assessments that were abated will be returned to the property. Mike noted that the letter from Mr. Slattery with his request to abate all but \$5,222.18 of the special assessments, a copy of the title search, house plans and a copy of an Agreement for Building Permit are included in the packet. Mike stated that Mr. Slattery had suggested payment of \$5,222.18 by February 1, 2021 and requesting a building permit date of February 1, 2022. Discussion followed on the request and amount to be abated.

Alderman Holland moved approval of accepting a payment of \$5,222.18 as full payment of the special assessments certificate numbers 7666, 7727, 7834, 7843 and 7855 for the property at 119 Franklin Street with the conditions that the payment be made by February 1, 2021, an application for building permit be made by February 1, 2022, with these conditions being included in an agreement as part of the building permit and the Finance Officer be authorized to notify the County of the satisfaction of the outstanding special assessments following receipt of payment. Alderman Willson seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

9. Bid Openings

A. Padmount Transformers

Shane Griese, Utilities Manager, reported that annually the Light and Power Department receives bids for electric transformers to either replenish inventory or prepare for specific projects. Shane stated that the bids were requested on 25 single phase transformers in four different sizes. Shane reported that two bids were received on January 13, 2021 for the transformers. Shane noted that transformer bids are evaluated for operating losses over the transformer life cycle as part of determining the low bidder. Shane stated that the total base price is the initial cost to acquire the transformers, while the total evaluation price represents the total life cost of the transformers including operating losses. Shane reported that in using this evaluation process, RESCO was the low bid with a base purchase price of \$47,674.00 and an evaluated price of \$87,976.20.

Bids: RESCO: Base price \$47,676.00, total evaluated price \$87,976.20;
Border States: Base price \$61,890.00, total evaluated price \$99,0725.80.

16-21

Alderman Price moved approval of the low bidder RESCO with an initial purchase price of \$47,674.00 and a total evaluated bid of \$87,976.20. Alderman Holland seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

10. City Manager's Report

A. John reported that the Recycling Center renovation project is progressing nicely with a completion date of March 12, 2021. John thanked residents for their corporation during the renovation.

B. John reminded residents that sidewalks are to be cleared 24 hours after the end of a snow event. John noted that snow should be stored on your property - not across the street on neighbor's yard without permission or piled up in the street in front of neighbor's property. John stated that, if snow is moved across the street, windrows of snow should not be left in the street.

C. John reported that the city's Historic Preservation Commission meets at 9:00 a.m. on Wednesday, January 20th.

D. John reported that the Library Board meets on Friday, January 22nd at noon.

E. John reported that the consultant for the Streetscape project is hosting an open house for the public on Thursday, January 21st at 7:00 p.m. in the City Council chambers. John stated that this is an opportunity to see the plans in the final stages of development. John noted that the first part of the meeting will be televised on cable channel 3 and recorded for future viewing. John stated that, after the presentation, the broadcast will end as individuals will have the opportunity to review plans in a one-on-one setting with the consultant and with multiple conversations taking place broadcasting would not work.

PAYROLL ADDITIONS AND CHANGES

Police: Mark Foley \$28.94/hr, Jamie Hall \$26.21/hr; Curbside Recycling: Sam Gerst \$10.00/hr; Volunteer Firefighters: Hannah Meyer, Nathan Steussy, Chase Howe

11. Invoices Payable

17-21

Alderman Willson moved approval of the following invoices:

2020 Invoices

Aramark	uniform	75.98
AT&T Mobility	mobile hot spots	463.24
Avera Occupational Medicine	testing	63.55
Blackstone Publishing	books	50.00
Bound Tree Medical, LLC	supplies	920.97
Broadcaster Press	advertising	1,400.93
Buhl's	mat/mop service	449.56
Bureau Of Administration	telephone	235.04
Butler Machinery Co.	parts/repairs	5,925.65
C&B Operations	tractor rental	2,500.00

Century Business Products	copier contract/copies	197.97
City Of Vermillion	copies/postage	449.98
Clay Rural Water System	water usage	59.20
Clay-Union Electric Corp	electricity	2,146.15
Colonial Life	insurance	1,492.05
Continental Research Corp	supplies	262.04
Dakota Beverage	merchandise	673.40
Delta Dental	insurance	114.38
Ditch Witch Undercon	repairs	5,354.05
Dooley Enterprises, Inc	supplies	1,689.86
Echo Electric Supply	supplies	115.97
Fastenal Company	parts	131.54
FedEx Freight	shipping	124.49
Findaway World LLC	books	56.99
Fleet Safety Supply	parts	69.50
Graymont (Wi) LLC	chemicals	4,140.60
Gregg Peters	managers profit/advertising	40,917.21
Hamilton Medical	supplies	92.63
Handy	garage lift	4,070.00
Houston Engineering Inc	professional services	6,925.27
Ingram	books	451.55
Jacks Uniform & Eqpt	police supplies	100.00
John A Conkling	merchandise	1,302.85
Johnson Brothers	merchandise	5,164.43
Jones Food Center	supplies	62.80
Lessman Elec. Supply Co	supplies	144.00
Loren Fischer Disposal	haul cardboard	1,150.00
Marks Machinery	parts	65.00
Matheson Tri-Gas, Inc	medical oxygen/cylinder rental	625.95
Micro Marketing LLC	books	45.00
MidAmerican	gas usage	8,268.27
Moore Welding & Mfg	repairs	28.50
Netsys+	repairs	142.50
PCC, Inc	commission	3,739.10
Petrochoice	supplies	221.35
Pflanz	council chambers a/v system	12,531.35
Phelps	uniforms	491.73
Ping/Karsten Mfg Corp	merchandise	31.09
Republic National Dist	merchandise	7,461.20
Running Supply, LLC	supplies	763.48
Sanford Health Occupational	testing	143.00
Schade's Vineyard	merchandise	264.00
SD DENR	landfill operations fee	3,237.90

SEH Inc	professional services	1,965.21
Sooland Bobcat	parts	608.66
Southern Glazer's Of SD	merchandise	5,560.80
Staples Business Credit	supplies	36.62
Stern Oil Co.	fuel	10,879.55
Stockwell Engineers, Inc	professional services	26,765.53
Storey Kenworthy/Matt Parrot	yearend forms	283.24
Sturdevants Auto Parts	parts	76.77
Syncb/Amazon	books/supplies	630.77
Testamerica Laboratories	testing	1,982.50
True Fabrications	supplies	182.17
Two Way Solutions	installation light bar/siren	5,046.79
United Way	contributions	368.50
Vermillion Ace Hardware	supplies	586.39
Vermillion Area Community	round up program	256.73
Visa	fuel/supplies	219.00
Wal-Mart Community	supplies	140.08

2021 Invoices

Bomgaars	tools	713.93
Burns McDonnell	professional services	36,313.00
CenturyLink	telephone	1,642.17
Dakota Beverage	merchandise	4,817.27
Dept. Environment Natl Res	wastewater discharge permit	10,500.00
DLT Solutions, Inc	subscription renewal	1,568.00
ESO Solutions, Inc	software/maintenance	6,860.85
ESRI	gis maintenance/license	4,600.00
Frontier Precision, Inc	maintenance	1,608.66
Global Dist.	merchandise	357.00
Gregg Peters	managers fee/advertising	6,500.00
Intelli Track	inventory software license	1,989.00
John A Conkling Dist.	merchandise	690.70
Johnson Brothers Of SD	merchandise	8,702.18
Jones Food Center	supplies	163.79
Medicare-B South Dakota	refund amb overpayment	715.83
Midcontinent Communication	cable/internet/gateway modems	1,231.38
Mister Smith's	supplies	59.98
Republic National Distributing	merchandise	6,249.21
Scott Iverson	safety boots reimbursement	100.00
SD Retirement System	contributions	4,155.08
Southern Glazer's Of SD	merchandise	4,564.17
The Growler Station, Inc	licensing fee/maintenance	749.97

Us Postmaster	postage for utility bills	900.00
USPS-POC	postage for meter	700.00
Waste Management Of WI-MN	waste hauling	915.79
MASABA	Bright Energy Rebate	1,317.60

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

12. Consensus Agenda - None

13. Adjourn

18-21

Alderman Ward moved to adjourn the Council Meeting at 7:35 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, Price-Y, Sorensen-Y, Ward-Y, Willson-Y, Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 18th day of January, 2021.

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 _____.