

Unapproved Minutes
Council Special Session
April 5, 2021
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, April 5, 2021 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. Adoption of Agenda

78-21

Alderman Price moved approval of the agenda. 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, Collier-Wise-Y.

3. Visitors to be Heard - None

4. Informational Session - Potential changes to the Taxicab ordinance - John Prescott

John Prescott, City Manager, reported that he was requested to review the taxicab and TNC ordinance for possible changes. John reviewed possible changes that would require license holders to include the physical address of taxicab within the city, update any changes to the location within 5 days of change, ask for explanation of any ordinance or traffic violations, annual DCI and FBI background checks, provide a section on the application to include any other additional information when considering license issue or license renewal, and to require an activity log for taxicab business that is maintained for a year. John reviewed a comparison of taxicab license fees to other first class cities noting our fee is within the range of the other cities. Discussion followed on the ordinance, as well as possible changes, with Mayor Collier-Wise noting that discussion can continue on this topic at a future meeting and if a member has additional comments to forward them to John.

5. Educational Session - IM26 - Medical Marijuana - John Prescott

John Prescott, City Manager, updated the City Council on IM26 Medical Marijuana as to where the State is and what the City will need to address.

John reviewed some of the definitions contained in the initiated measure that apply to the City, what happens on July 1st as it applies to the State and City, current information on the registration process with the State and City, issues the City can address by local ordinance and other issues to consider. John noted that the State may have a special legislative session to address IM26 that may impact how this issue progresses. Discussion followed on IM26 with John answering questions and noting that this topic will continue to evolve as the agencies at the State level provide information on implementation. Mayor Collier-Wise asked Council Members to forward additional questions to John and that we will also want to monitor the recreational marijuana so our ordinance can be updated to address this issue. Mayor Collier-Wise noted the need for additional meetings to address this topic or it could be assigned to a committee to work on an ordinance.

6. Briefing on the April 5, 2021 City Council Regular Meeting

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

7. Executive Session per SDCL 1-25-2(3)

79-21

Alderman Hellwege moved to go into Executive Session per SDCL 1-25-2(3) at 1:07 p.m. Alderman Jennewein 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, Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

Mayor Collier-Wise declared the Council out of Executive Session at 1:18 p.m.

8. Adjourn

80-21

Alderman Ward moved to adjourn the Council special session at 1:19 p.m. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 5th day of April, 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
Council Special Joint meeting with Clay County Commission
April 5, 2021
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, April 5, 2021 at 6:30 p.m. at the City Hall Council Chambers as a joint meeting with the Clay County Commission.

1. Roll Call

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

2. Adoption of Agenda

81-21
Alderman Willson moved approval of the agenda. 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, Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

3. Visitors to be Heard - None

4. Public Hearings

A. Second Reading of Ordinance 1431 - Amending Appendix A, 2012 Joint Zoning Regulations for Clay County and the City of Vermillion, Chapter 2, Section 2.03 (A) Zoning Map, by removing certain real property from the A-1 Agricultural District and including it in the RR Rural Residential District

Jose Dominguez, City Engineer, reported that on October 9, 2020 the County received a petition to rezone approximately 13.5 acres at the

northwest corner of 466th Avenue and East Main Street. Jose stated that the applicant requested that the land be rezoned from the A-1: Agricultural District to RR: Rural Residential District. Jose noted that, if approved, the rezoning will allow the land to be developed into residential lots. Jose reported that the land is located in the Joint Jurisdiction Zoning Area. Jose reported that the County Planning Commission and the City's Planning and Zoning Commission considered this item at a joint meeting on October 26, 2020. Jose noted that, at that meeting, the County's Planning Commission recommended the County Commission not approve the rezone request and the City's Planning and Zoning Commission tabled the item for further discussion at a later time. Jose reported that the County Commissioners considered the rezone at their November 24, 2020 and tabled the item to allow the applicant time to come up with a plan to address drainage concerns. Jose reported that the County Commissioners at their January 12, 2021 meeting continued discussions with the decision to allow the rezone to advance to the second reading. Jose reported that the City's Planning and Zoning Commission reconsidered this item at their February 8, 2021 meeting with the unanimous recommendation to approve the rezone. Jose reported that the City Council approved first reading of Ordinance No. 1431 at the March 15, 2021 meeting. Jose reported that the process set in the JJZA for zoning amendments requires that governing bodies meet individually to consider the first reading of the ordinance and they hold a joint meeting to consider the second reading which is tonight. Jose recommended approval of second reading of Ordinance No. 1431. Nick Hovden, property owner, explained the drainage plan for the property and covenants. Discussion followed on the covenants and when they would be adopted. Drew Gunderson, County Zoning Administrator, stated that the covenants will need to be completed before the property can be platted.

82-21

Second reading of title to Ordinance No. 1431, entitled Ordinance Amending Appendix A, 2012 Joint Zoning Regulations for Clay County and the City of Vermillion, Chapter 2, Section 2.03(A) Zoning Map, by removing certain real property from the A-1 Agricultural District and including it in the RR Rural Residential District of the City of Vermillion, South Dakota

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1431 entitled Ordinance Amending Appendix A, 2012 Joint Zoning Regulations for Clay County and the City of Vermillion, Chapter 2, Section 2.03(A) Zoning Map, by removing certain real property from the A-1 Agricultural District and including it in the RR Rural Residential District of the City of Vermillion, South Dakota

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 15th day of March, 2021 and that the title was again read at this meeting, being a special called meeting of the Governing Body on this 5th day of April, 2021 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:

PROPOSED ORDINANCE 1431

AMENDING APPENDIX A, 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 2, SECTION 2.03(A) ZONING MAP, BY REMOVING CERTAIN REAL PROPERTY FROM THE A-1 AGRICULTURAL DISTRICT AND INCLUDING IT IN THE RR RURAL RESIDENTIAL DISTRICT

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Section 2.03(A) is hereby amended as follows:

That the East 26 1/3 Rods of the SE ¼ of the SE ¼, Section 17, Township 92 North, Range 51 West of the 5th P.M., Except Lot H6 thereof, Fairview Township, Clay County, South Dakota, is removed from the A-1 Agricultural District and is included in the RR Rural Residential District, and that the official zoning map referred to in Section 2.03(A) of the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion, is amended to include such land in such zone.

Dated at Vermillion, South Dakota this 5th day of April, 2021.

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 Holland. 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-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Collier-Wise-Y.

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

The Clay County Commission approved second reading of the zoning ordinance.

5. Adjourn

83-21

Alderman Willson moved to adjourn the Council special session at 6:46 p.m. Alderman Price seconded the motion. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 5th day of April, 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
April 5, 2021
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, April 5, 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 March 15 2021, Special Session; March 15, 2021, Regular Session

84-21

Alderman Holland moved approval of the March 15 2021, Special Session and March 15, 2021, Regular Session minutes. 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, Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

4. Adoption of Agenda

85-21

Alderman Price moved approval of the agenda. 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, Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

5. Visitors to be Heard

A. National Library Week Proclamation

Alderman Letellier read the Proclamation for National Library Week 2021 recognizing the week of April 4-11, 2021 as National Library Week in Vermillion and encouraged all citizens to visit the Edith B. Siegrist Vermillion Public Library.

6. Public Hearings

A. Request for a variance to reduce the off-street parking required from 2-parking spaces per each dwelling to 1.5-parking spaces per each dwelling unit for the construction of a multiple-family dwelling structure at 202 North Dakota Street

Jose Dominguez, City Engineer, reported that the City received a Petition for Variance from Mr. Marty Gilbertson and Ms. Teresa Gilbertson (Gilbertsons), owners of 202 North Dakota Street, with regard to reducing the off-street parking requirements for the construction of a multiple-family dwelling on the property. Jose noted that the variance request was advertised for tonight's meeting as required by statute and signs were posted on the property. Jose reported that the area where the multiple-family structure would be constructed is within the NC-Neighborhood Commercial zoning district. Jose noted that multiple-family structures are allowed as a conditional use within this zoning district and the City's Planning and Zoning Commission (Commission) granted the conditional use with the condition that a multiple-family structure to be constructed not to exceed eight single bedroom dwellings and that the off-street parking be as required by the current ordinance or as

determined by the City Council through the variance process. Jose noted that the current property is a house with off-street parking access from the alley and meets the current off-street parking requirements of 2-spaces per dwelling unit. Jose reported that Section 155.100 of the Zoning Ordinance gives the City Council, acting as the Board of Adjustment, the power to hear and decide variances to vary the strict application of the height, area, setback, yard, parking, or density requirements as will not be contrary to the public interest. Jose reported that the burden shall be on the applicant to prove the need for a variance. Jose reviewed the individual pertinent criteria to be considered along with staff recommendation on each. Jose stated that the City has been regulating off-street parking since the original zoning ordinance was adopted in 1966. Jose reported that, over the years, the off-street parking regulations have been amended to adapt to the public's needs (safety and aesthetics). Jose stated that, since 2008, the City has been requiring the greater of 2 spaces per dwelling unit or 1 per bedroom to calculate the required off-street parking. Jose reported that the Commission reviewed the off-street parking requirements during the comprehensive zoning ordinance amendment approved by the City Council in December 2019 noting that the Commission did not amend the off-street parking requirements due to concerns with pushing parking to streets and negatively affecting neighborhoods. Jose reported that staff recommends that the Board of Adjustment deny the variance request as it does not meet any of the pertinent criteria to be considered by the Board. Jose noted that a two-thirds majority vote is required to grant any variance.

Darlene Farabee, owner/resident of 125 Center Street, requested that the City Council maintain the current parking regulations as there is not much street parking in the area which is full during the day. Ms. Farabee stated that the setback item next is just for a larger building.

Ed Nydam, owner of 127 N. Dakota, reported that street parking has always been at a premium around the University and approving the variance would just be wrong.

Marty Gilbertson, resident of 419 Park Lane and owner of 202 Center, reported that the setback variance to be considered will allow for larger living space. Mr. Gilbertson stated that they comply with the off-street parking requirements in all of their rental units. Mr. Gilbertson stated that the ordinance requires the greater of 2 spaces per dwelling unit or 1 per bedroom. Mr. Gilbertson noted that Sioux Falls requires 1.5 parking spaces per bedroom. Mr. Gilbertson asked why a one-bedroom apartment needs two parking spaces which is the same parking spaces required for a two-bedroom apartment. Mr. Gilbertson noted that he counted empty parking spaces on campus as well as empty parking spaces around campus at different times of the day. Mr. Gilbertson noted that tenants want one bedroom apartments but the ordinance requires the same number of off

street parking spaces as would be needed for two bedroom units. Marty requested that the variance allow 12 parking spaces for 8 one bedroom apartments or 1.5 spaces per bedroom.

Darlene Farabee, owner/resident of 125 Center Street, stated that the neighborhood is single family homes of which some have been renovated to multifamily but the building proposed is an eight-unit apartment building. Ms. Farabee stated that Vermillion does not compare to Sioux Falls and requested the variance not be approved.

Ed Nydam, Owner of 127 N. Dakota, stated that the proposed apartment is adjoining the University campus and parking next to the campus is always at a premium.

Mayor Collier-Wise closed the public hearing and turned the item to the City Council for deliberation. Discussion followed on the parking in the area and the parking ordinance, noting that it was reviewed by the Planning and Zoning Commission in 2019 as part of the comprehensive zoning ordinance update that was also approved by the City Council. Mayor Collier-Wise asked the City Attorney if approving the variance would set a precedent for parking variances. Jim McCulloch, City Attorney, agreed that it would. Discussion followed noting that it may be best to table to allow for a review of the parking regulations.

86-21

Alderman Ward moved to table action on the request for a variance to reduce the off-street parking required from 2-parking spaces per each dwelling to 1.5-parking spaces per each dwelling unit for the construction of a multiple-family dwelling structure at 202 North Dakota Street until the June 7, 2021 Council meeting. Alderman Jennewein 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, Collier-Wise-Y. Mayor Collier-Wise declared the motion to table adopted.

B. Request for a variance to reduce the required front yard setback along East Cedar Street from 30-feet to 24-feet for the construction of a multiple-family dwelling structure at 202 North Dakota Street

Jose Dominguez, City Engineer, reported that the City received a Petition for Variance from Mr. Marty Gilbertson and Ms. Teresa Gilbertson (Gilbertsons) regarding the parking and in a subsequent email requested that the Petition for Variance also include the reduction in the front yard setback along East Cedar Street from 30-feet to 24-feet. Jose noted that the variance request was advertised for tonight's meeting as required by statute and signs were posted on the property. Jose reported that the area where the multiple-family structure would be constructed

is within the NC-Neighborhood Commercial zoning district. Jose noted that multiple-family structures are allowed as a conditional use within this zoning district and the City's Planning and Zoning Commission (Commission) granted the conditional use with the condition that a multiple-family structure to be constructed not to exceed eight single bedroom dwellings and that the off-street parking be as required by the current ordinance or as determined by the City Council through the variance process. Jose reported that section 155.100 of the Zoning Ordinance gives the City Council, acting as the Board of Adjustment, the power to hear and decide variances to vary the strict application of the height, area, setback, yard, parking, or density requirements as will not be contrary to the public interest. Jose reported that the burden shall be on the applicant to prove the need for a variance. Jose reviewed the individual pertinent criteria to be considered along with staff recommendation on each. Jose reported that the other structure within the block has a front yard setback of at least 30-feet and that granting this variance would move the new structure 6-feet closer to East Cedar Street. Jose reported that staff recommends that the Board of Adjustment deny the variance request as it does not meet any of the pertinent criteria to be considered by the Board. Jose noted that a two-thirds majority vote is required to grant any variance.

Darlene Farabee, owner/resident of 125 Center Street, stated that the building is too big for what fits within the neighborhood and lot. Ms. Farabee stated that Cedar Street has other homes and this apartment building plan is too large to fit within lot without reducing the setback.

Discussion followed.

87-21

Alderman Ward moved to table action on the request for a variance to reduce the required front yard setback along East Cedar Street from 30-feet to 24-feet for the construction of a multiple-family dwelling structure at 202 North Dakota Street until the June 7, 2021 Council meeting. Alderman Price seconded the motion. Discussion followed on the set back variance request. 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, Collier-Wise-Y. Mayor Collier-Wise declared the motion to table adopted.

C. Request for a variance that would increase the right-of-way width from 20-feet to 30-feet for the construction of alleys in the Bliss Pointe residential development.

Jose Dominguez, City Engineer reported that the City received a Petition for Variance from the Vermillion Chamber and Development Company (VCDC), owners of Outlot A in Bliss Pointe Addition with regard to increasing

the right-of-way (ROW) width for alleys in the center area of the proposed residential development for phase two of their housing development from 20-feet to 30-feet. Jose noted that the variance request was advertised for tonight's meeting as required by statute and signs posted on the property. Jose reported that the Subdivision Ordinance section 154.14 includes a table that dictates the widths of the ROW for all types of streets within the City. Jose noted that the widths are exact, and not maximums or minimums and that for alleys the distance is 20-feet, meaning that the ROW can only be 20-feet wide. Jose reported that the Planning and Zoning Commission (Commission) has considered two preliminary plats for Bliss Pointe phase two development. Jose stated that the first plat considered was on August 24, 2020 which the Commission approved that plat with the condition that the proposed public alley be removed. Jose noted that the Commission was concerned with increased construction cost, increased maintenance cost, and with the fact that one block in the entire development with an alley did not constitute a concept or design element. Jose reported that, on March 1, 2021, the City Council approved the ordinance creating the narrower residential lots. Jose reported that, as part of the packet submitted by the owner, there were two exhibits showing private streets in the center area. Jose reported that the private street presented was a 23-foot wide paved area within a 50-foot egress/ingress easement. Jose noted that the City Council expressed, strongly, their desire to see the private streets turned into public alleys. Jose stated that, due to the City Council's desire to convert the private streets to public alleys, Staff discussed the options with the applicant to reduce the ROW from 50-feet to 20-feet specified in the Subdivision Ordinance and after discussing the item with the applicant, it was agreed that a more appropriate ROW width would be 30-feet. Jose stated that this reduction from 50-feet to 30-feet increases the usable space for the homeowner, and still allows more space for the City to store snow. Jose stated that, due to the fact that the Subdivision Ordinance, as per SDCL 11-6-27, was created, amongst other things, to provide for the "distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, or prosperity", the procedures that shall be followed are those within the Subdivision Ordinance (154.18.1(D)) and not those required for a Zoning Ordinance variance request. Jose stated that the Subdivision Ordinance allows the applicant to file a petition requesting a variance for consideration by the City Council. Jose stated that the City Council may deny, approve, or place conditions on the variance. Jose noted that City Council motion that may vary from the Subdivision Ordinance requires a $\frac{3}{4}$ votes from the entire membership of the City Council in favor of the motion (7 out of 9 must vote in favor). Jose stated that the City Council may grant a variance as long as the applicant demonstrates that the variance meets certain requirements as set in the ordinance. Jose reviewed the individual pertinent criteria to be considered along with staff recommendation on each. Jose noted that converting the private

streets presented by the applicant on March 1st to a public alley was something strongly desired by the City Council. Jose noted that Staff still maintains that construction of alleys should be avoided whenever possible as alleys increase construction cost and the maintenance cost. Jose reported that Staff recommends that a public alley not be dedicated at all but if the City Council desires public alleys rather than private streets, Staff recommends granting the variance increasing the width of the ROW for these alleys from 20-feet to 30-feet. Discussion followed on the public alleys allowing for smaller lots to provide more housing option.

88-21

Alderman Hellwege moved approval of the variance as submitted that would increase the right-of-way width from 20-feet to 30-feet for the construction of alleys in the Bliss Pointe residential development. 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, Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

D. Request for a variance that would increase the paved surface width from 16-feet to 20-feet for the construction of alleys in the Bliss Pointe residential development

Jose Dominguez, City Engineer, reported that the City received a Petition for Variance from the Vermillion Chamber and Development Company (VCDC), owners of Outlot A in Bliss Pointe Addition, with regard to increasing the width of the paved surface for the alleys in the center area of the proposed residential development of phase two development from 16-feet to 20-feet. Jose noted that the variance request was advertised for tonight's meeting as required by statute and signs posted on the property. Jose reported that the Subdivision Ordinance section 154.12(B) allows the City Engineer to require additional standards depending on the circumstances of the development. Jose stated that, in 2009, the City Council approved the typical street sections to be used in Vermillion that included a 16-foot wide paved publicly owned alley. Jose reported, as mentioned with the previous agenda item, the Planning and Zoning Commission (Commission) considered the preliminary plat at the August 24, 2020 and again at the March 22, 2021 meetings. Jose noted that the preliminary plats presented at both of these meetings included public alleys. Jose stated that the Commission instructed the applicant to remove them from the plat at the August 24th meeting but approved the alley at the March 22nd meeting. It should be noted that the City Council strongly encouraged the approval of the public alleys considered at the March 22nd meeting. Jose noted that, besides discussing the width of the right-of-way with the applicant, Staff also discussed the paved width of the alley. Jose reported that the intent of the discussion was to try

and reduce the cost of construction by reducing the paved width from the 23-foot proposed to something larger than the 16-foot required. Jose reported that it was agreed that the paved width should be 20-foot which will provide the user two 10-foot lanes to traverse. Jose reported that the Subdivision Ordinance, as per SDCL 11-6-27, was created, amongst other things, to provide for the "distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, or prosperity", the procedures that shall be followed are those within the Subdivision Ordinance (154.18.1(D)) and not those required for a Zoning Ordinance variance request. Jose stated that the Subdivision Ordinance allows the applicant to file a petition requesting a variance for consideration by the City Council. Jose stated that the City Council may deny, approve, or place conditions on the variance. Jose noted City Council motion that may vary from the Subdivision Ordinance requires a $\frac{3}{4}$ votes from the entire membership of the City Council in favor of the motion (7 out of 9 must vote in favor). Jose stated that the City Council may grant a variance as long as the applicant demonstrates that the variance meets certain requirements as set in the ordinance. Jose reviewed the individual pertinent criteria to be considered along with staff recommendation on each. Jose reported that converting the private streets presented by the applicant on March 1st to a public alley was something strongly desired by the City Council. Jose noted that Staff still maintains that construction of alleys should be avoided whenever possible as alleys increase construction cost, and the maintenance cost. Jose reported that Staff recommends that a public alley not be dedicated at all but if the City Council desires public alleys rather than private streets, Staff recommends granting the variance increasing the paved from 16-foot to 20-foot. Discussion followed on the private alleys vs. private streets with the need to provide more housing options.

89-21

Alderman Hellwege moved approval of the variance as submitted that would increase the paved surface width from 16-foot to 20-foot for the construction of alleys in the Bliss Pointe residential development. 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, Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

E. Vacation of Alley lying between Lots 11 through 14, and Lots 1 through 4; Block 21; Original Town, City of Vermillion, Clay County, South Dakota

Jose Dominguez, City Engineer, reported on a petition to vacate the alley right-of-way adjacent to Lots 11 through 14, and Lots 1 through 4, Block 21, Original Town from the property owner Peter Dexter. Jose reported on the location of the property that is west of 218 W. Kidder Street. Jose

noted that the property owner, owns all of the land fronting the alley to be vacated. Jose noted that there are no utilities within the alley being vacated. Jose reported to vacate the alley statute (SDCL 9-45-10) is used when the street/alley has not been used for more than 20-years and this alley has never been opened and has never been used. Jose reported that this statute requires a public hearing where the City Council will hear all evidence and testimony of the parties interested in vacating the alley. Jose noted that the variance request was advertised for tonight's meeting as required by statute and signs posted on the property. Jose reported that the owner requires the alley to be vacated in order to complete the construction of his residence. Jose reported that, when vacating a street/alley, Staff considers the impact of access to properties, fire protection, and general traffic and reviewed staff's recommendation on each. Jose recommended that the vacation of the alley lying between Lots 11 through 14, and Lots 1 through 4, Block 21, Original Town, City of Vermillion, Clay County, South Dakota, with the condition that an occupancy permit not be issued until the area is final platted as required by the Subdivision Ordinance.

90-21

After reading the same once, Alderman Holland moved adoption of the following with the condition that an occupancy permit not be issued until the area is final platted as required by the Subdivision Ordinance:

RESOLUTION VACATING THE RIGHT-OF-WAY LYING BETWEEN LOTS 11 THROUGH 14, AND LOTS 1 THROUGH 4, BLOCK 21, ORIGINAL TOWN, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

WHEREAS, the City of Vermillion has received a petition for the vacation of the 20-foot wide alley lying between Lots 11 through 14, and Lots 1 through 4, Block 21, Original Town, City of Vermillion, Clay County, South Dakota; and

WHEREAS, notice has been published for two successive weeks in the official City newspaper; and

WHEREAS, utilities have been notified and have informed the City that there are no utilities within the alley being vacated; and

WHEREAS, State Statute 9-45-10 authorizes the City Council to vacate streets, alleys, or public grounds, that have not been in use for 20-years or more.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Vermillion that the alleyway lying between Lots 11 through 14, and Lots 1 through 4, Block 21, Original Town, City of Vermillion, Clay County, South Dakota is hereby vacated.

Dated at Vermillion, South Dakota this 5th day of April 2021.

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 Jennewein. 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, 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 the City Council approved an Emergency Resolution encouraging the use of face coverings in buildings open to the public at the February 1, 2021 with an effective date of February 8, 2021. John noted that the Emergency Resolution adopted on February 1, 2021 was very similar to Emergency Resolutions adopted in August, October, and December 2020, which expired after 60-days. John stated that the four emergency resolutions have been designed to promote the use of face coverings to slow the spread of the coronavirus. John reported that the Emergency Resolutions were also designed to provide the language that Emergency Ordinance 1419, 1422, 1425, and the current Emergency Ordinance 1429, that required the posting of a sign, which states that face masks are expected per City resolution. John noted that with the adoption of the Emergency Resolution on February 1st, as the City Council has done with all other emergency measures, there was a reference that the item would be on each regular City Council meeting agenda during the 60-day life of the resolution for review and consideration of continuation. John stated this is the fourth opportunity to consider revisions to the Emergency Resolution since adoption on February 1st. John reported that City staff has not received any questions about the emergency resolution which is likely due to public familiarity with the purpose and language of the document. 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 noted that as the current emergency resolution expires on April 8, 2021 a replacement Emergency Resolution

will be considered later on the agenda. Mayor Collier-Wise stated that, if there is no action, we will move on to the next item.

B. Review of Emergency Ordinance 1429 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 February 16, 2021, the City Council approved the second reading of Emergency Ordinance No. 1429 that became effective upon adoption. 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. 1429 has a life of 60 days expiring on April 16, 2021. John stated that Emergency Ordinance No. 1429 was very similar to Emergency Ordinance No. 1419, 1422 and 1425. John stated during the life of current Emergency Ordinance No. 1429, and with Emergency Ordinances 1419, 1422, and 1425 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 stated that with Emergency Ordinance No. 1429 expiring on April 16, 2021, second reading of Emergency Ordinance No. 1432 to continue the sign requirement is later on this agenda. John recommended that the City Council review information related to COVID-19 and the Emergency Ordinance No. 1429 requiring signage at the entrance to buildings open to the public that states Face Masks Expected per City Resolution. 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. Mayor Collier-Wise stated that, hearing no further discussion, we will move on to the next agenda item.

D. Second reading of Emergency Ordinance 1432 to require signage at the entrance to buildings open to the public that states Face Masks Expected per City Resolution

John Prescott, City Manager, stated that the City Council at the August 17, 2020 meeting first adopted Emergency Ordinance No. 1419, requiring the posting of a sign at entrances to buildings open to the public to help promote a community expectation of wearing a face mask or face covering and since has adopted similar ordinances 1422, 1425 and 1429. John stated that proposed Emergency Ordinance No. 1432 is very similar to previously adopted Emergency Ordinance No. 1429 which expires on April 16, 2021. John reported that proposed Emergency Ordinance No. 1432

requires a business open to the public have signage which reads Face Mask or Face Coverings are expected. John noted that the signs are available at City Hall and the VCDC office and templates are available on the City's website. John stated that the proposed 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. 1432 will have an effective date of April 17, 2021 with a life of 60 days. John noted that the resolution establishing the fine for violations of the ordinance is under new business later on this agenda. John noted that review of the emergency ordinance will be included on each future agenda. John recommended consideration of second reading of the emergency ordinance which would continue the requirement of signage of the expectation of wearing a face mask or face covering. Discussion followed.

91-21

Second reading of title to Ordinance No. 1432 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), of the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1432 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), of the City of Vermillion, South Dakota 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 15th day of March, 2021 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 5th day of April, 2021 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. 1432

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 190 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 2020-34 in December 2020, 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 June 30, 2021; and

WHEREAS, over 100,000 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 continue 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 continue to 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, President Biden has issued an executive order requiring masks or face coverings on federal property, and has launched a '100 Day Mask Wearing Challenge'; 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 buildings; 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 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 April 17, 2021.

Dated at Vermillion, South Dakota this 5th day of April, 2021.

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 Holland. Thereafter the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-Y, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

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

8. New Business

A. MIDCO Annual Report

Brian McFadden, Midco General Manager Field Operations, gave a recap of 2020 operations, response to COVID-19 in customer service, reviewed the number of employees in the local response team and reviewed performance response times. Brian answered questions of the City Council.

92-21

Alderman Holland moved to acknowledge receipt of the Midco report. Alderman Jennewein 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, Collier-Wise-Y. Mayor Collier-Wise declared the motion adopted.

B. Resolution establishing a fine for a violation of Emergency Ordinance 1432

John Prescott, City Manager, reported that, with the adoption of Emergency Ordinance No. 1432, 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, 1422, 1425 and 1429 which had the same goal as Emergency Ordinance No. 1432. John stated that there have been no citations for failure to comply with Emergency Ordinance No. 1419, 1422, 1425 or 1429 as businesses open to the public were very good about posting the sign. Discussion followed.

93-21

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

EMERGENCY RESOLUTION

ESTABLISHING A FINE FOR VIOLATION OF EMERGENCY ORDINANCE 1432 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 Emergency Ordinance No. 1432 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. 1432 provides that a fine be set by resolution for any violation of the ordinance; and

WHEREAS, Ordinance No. 1432 was adopted as an emergency ordinance to become effective on April 17, 2021; 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 5th day of April, 2021, 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 5th day of April, 2021.

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 Willson. Discussion followed and the question of the adoption of the Resolution was presented for 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, Collier-Wise-Y. Mayor Collier-Wise declared that the Resolution was adopted.

C. Emergency Resolution encouraging the use of face coverings or face masks in buildings open to the public

Mayor Collier-Wise turned the meeting to President Holland.

John Prescott, City Manager, reported as background, that, at a special meeting on August 11, 2020, the City Council adopted an Emergency Resolution encouraging the use of face masks or face coverings inside of buildings open to the public. John noted that emergency resolutions or ordinances expire after 60 days. John stated that, at the October 5, 2020, December 7, 2020, and February 1, 2021 the City Council adopted a similar Emergency Resolution. John reported that the current emergency resolution expires on April 8, 2021. John reported that face coverings have been determined to be one of the more effective measures to reduce the spread of the coronavirus. John noted that the Board of Regents, the Vermillion Public School District, and the City of Vermillion have adopted policies in regard to the use of face coverings in their buildings. John noted that the City Council practice has been to review all Emergency actions at each regular meeting and make adjustments as

appropriate. John noted that the proposed emergency resolution is very similar to the language adopted in August, October, December and February. John stated that, if adopted, the Emergency Resolution would become effective on April 9, 2021. John stated that the end result of the resolution is to encourage the wearing of face coverings or face masks in buildings that are open to the public. John reported that the previously adopted emergency resolutions and the proposed resolution note that there are situations where a face mask or face covering cannot be utilized and encourages individuals in these instances to use other protective measures. Discussion followed.

94-21

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

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

WHEREAS, an outbreak of the COVID-19 disease, which is caused by the novel coronavirus, has been confirmed in more than 190 countries with over 100 million cases worldwide; 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 2020-34 on December 18, 2020 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 June 30, 2021; and

WHEREAS, over 1,750 cases of COVID-19 have been confirmed throughout Clay County since the pandemic began; and

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

WHEREAS, President Biden has issued an executive order requiring masks or face coverings on federal property, and has launched a '100 Day Mask Wearing Challenge'; and

WHEREAS, the failure to continue to 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 continue to 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 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; 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 implemented a face covering policy since August of 2020 requiring face coverings or face masks for staff and visitors in city owned buildings; and

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

WHEREAS, COVID-19 vaccinations are being administered in Vermillion and throughout the country, and the CDC recommends that even vaccinated individuals continue to wear a mask and social distance.

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

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

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

BE IT FURTHER RESOLVED, that, pursuant to SDCL 9-19-13, this resolution is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective April 9, 2021. This resolution shall remain in effect for a period of sixty (60) days, at which time it shall be automatically repealed unless specifically readopted for an additional period of time by the City Council.

Dated at Vermillion, South Dakota this 5th day of April, 2021.

THE GOVERNING BODY OF THE
CITY OF VERMILLION, SOUTH DAKOTA

By _____
Kelsey Collier-Wise, Mayor

ATTEST:

By _____
Michael Carlson, Finance Officer

The motion was seconded by Alderman Willson. Discussion followed and the question of the adoption of the Resolution was presented for 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. President Holland declared that the Resolution was adopted.

D. Request from USD to temporarily remove parking from portions of N. Dakota Street due to construction

President Holland turned the meeting to Mayor Collier-Wise.

Jose Dominguez, City Engineer, reported that The University of South Dakota (USD) is in the process of constructing a new parking lot between the Sanford Coyote Sports Center and the USD parking lot east of the City's Fire Station. Jose stated that USD is requesting that some of the parking be removed from North Dakota Street during construction of the new parking lot. Jose noted that the request for the area where parking would be removed would be used to access the construction site from North Dakota Street. Jose stated that the request notes that the removal of the parking would increase the public's safety during construction. Jose stated that construction of the parking lot will happen this summer and be completed in August 2021. Jose noted that Section 70.073 of the Code of Ordinances allows the City Manager to designate no parking areas for

temporary purposes. Jose stated that, due to the length of the request, the location's high visibility, and to allow for public input it was decided to have this request be acted on by the City Council. The USD request is to temporarily remove approximately six parking stalls from North Dakota Street to be used by the contractor to access the construction site. Jose recommended approval of the request to remove parking stalls. Discussion followed on the number and location of the parking stalls.

95-21

Alderman Ward moved approval of removing approximately six parking stalls from North Dakota Street as outlined in the request to be used by USD's contractor for access to the construction site. Alderman Willson seconded the motion. Discussion followed on the removal of parking in this area. A roll call vote of the Governing Body was as follows: Hellwege-Y, Holland-Y, Humphrey-N, Jennewein-Y, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Collier-Wise-Y. Mayor Collier-Wise declared that the motion adopted.

E. Agreement with USD for banners on Highway 50 bypass

Jose Dominguez, City Engineer, reported that this summer the South Dakota Department of Transportation (DOT) will be constructing improvements along the Highway 50 Bypass. Jose noted that as part of the improvements, the DOT will also be installing streetlights to better illuminate the Bypass consisting of 61 streetlights from Over Drive to North Crawford Road. Jose reported that The University of South Dakota (USD) has been working with the DOT to design some of the streetlights so that banners can be installed in the future. Jose stated that USD requested 12 streetlights be modified to allow for banners and, in addition to the modification to the lights requested by USD, the City requested the DOT modify 12 streetlights to accept banners. Jose noted that the City already entered into an agreement with the DOT to cover the costs of the additional work on the 24 streetlights. Jose stated that this agreement was considered at the March 15th meeting and required the City to pay the DOT for the increase in cost for the 24 streetlights of \$4,802.88. Jose stated that the agreement being considered tonight will be between the City and USD. Jose reported that the agreement states the responsibilities of each entity specifies that USD pay for all items required for the banner placement including the DOT cost, that USD obtain prior approval on the design of the banners from the City and DOT for banner placement, that the size of the banners will be specified by the City, and that the City will not be responsible for the replacement of banners. Jose stated that the City Attorney has reviewed the agreement. Jose recommended approval of the agreement with USD for the banner placement. Discussion followed.

96-21

Alderman Willson moved approval of authorizing the Mayor to sign the agreement with USD for installation of banners on light poles along South Dakota Highway 50(Bypass). 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, Collier-Wise-Y. Mayor Collier-Wise declared that the motion was adopted.

F. Transfer of Police Department Tasers to the Clay County Sheriff's Office

James Purdy, Assistant City Manager, stated that, in 2020, the Vermillion Police Department purchased new Tasers for Police Officers. James noted that with the purchase of the new Tasers the Department now has seven older Tasers that are not in use. James stated that SDCL 6-5-2 provides for the transfer of property between political subdivisions. James stated that the Clay County, SD Sheriff's Office carries an older version of the Taser and has expressed interest in acquiring the seven City Tasers that were replaced. James recommended approval of transferring the seven Tasers to the Clay County Sheriff's office. Discussion followed.

97-21

Alderman Willson moved approval of the transfer of the seven Taser X2s purchased in 2015 to the Clay County, SD Sheriff's Office. 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, Collier-Wise-Y. Mayor Collier-Wise declared that the motion was adopted.

G. Final Plat of Lots 6 - 19 in Block 3, Lots 12 - 19 in Block 4, Lots 7 - 21 in Block 5, Lots 1 - 8 in Block 6, Lots 1 - 5 in Block 7, and Lots 1 - 4 in Block 8, all of Bliss Pointe Addition, an addition to the City of Vermillion, Clay County, South Dakota

Jose Dominguez, City Engineer, reported that Banner Associates have submitted a final plat on behalf of the owner, the Vermillion Chamber and Development Company (VCDC) for the area that is roughly 15-acres in area and is bordered on the west by lots fronting Joplin Street, on the north by Slate Road, on the east by Stanford Street, and on the south by the lots fronting Rockwell Trail for Phase II of the Bliss Pointe development. Jose reported that on September 21, 2020, the City Council considered the final plat that separated the land to be developed from the land below the bluff and on March 15, 2021, the City Council considered another final plat that created all of the blocks and dedicated all of the right-of-ways. Jose stated that the Planning and Zoning Commission considered the final plat at their March 22nd meeting and recommended approval. Jose stated that this plat creates all of the lots and blocks, and dedicates all of the proposed right-of-ways and the

required utility easements are also being dedicated along the periphery of each individual lot. Jose noted that the plat shows a 30-foot right-of-way being dedicated for a public alley as was considered earlier on the agenda tonight. Jose recommended approval of the plat.

98-21

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

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Lots 6 - 19 in Block 3, Lots 12 - 19 in Block 4, Lots 7 - 21 in Block 5, Lots 1 - 8 in Block 6, Lots 1 - 5 in Block 7, and Lots 1 - 4 in Block 8, all of Bliss Pointe Addition, an addition to the City of Vermillion, Clay County, South Dakota for approval.

BE IT RESOLVED that the attached and foregoing plat has been submitted to and a report and recommendations thereon made by the Vermillion Planning Commission to the City Council of Vermillion which has approved the same.

BE IT ALSO RESOLVED that access shall be granted to the lot in accordance with the City of Vermillion street access and driveway approach policy, which requires an application permit.

BE IT FURTHER RESOLVED that the attached and foregoing plat has been submitted to the Governing Body of the City of Vermillion which has examined the same, and it appears that the systems of streets and alleys set forth therein conforms to the system of streets and alleys of the existing plat of such city, and that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid and that such plat and survey thereof have been executed according to law, and the same is hereby accordingly approved.

The motion was seconded by Alderman Price. Discussion followed with Alderman Willson asking if the deed covenants provided for a fence along Stanford Street. John reported that it was not known if the deed covenants have been adopted yet. John stated that the grant agreement between the City and VCDC will still need to be adopted after the bonds are sold so we can ask for the covenants at that time. 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-N, Collier-Wise-Y. Mayor Collier-Wise declared that the Resolution was adopted.

H. Final Plat for Tract 1 and 2, Sorensen's Addition, 26-92-52, Clay County, South Dakota

Jose Dominguez, City Engineer, reported that Brandt Land Surveying submitted a plat on behalf of the owners, Mr. James Sorensen and Mr. Marvin Sorensen to create two tracts totaling approximately 83.63 acres. Jose reported on the location of the property being platted, noting that it is within the Joint Jurisdictional Area. Jose stated that final plats, within this area are required by State statute and City ordinance to be presented to the County's Planning Commission for their recommendation to the City Council for approve or reject the plat. Jose noted that the preliminary plat requirement was waived due to the fact that the land will be farmed and no development will take place. Jose reported that the proposed plat meets all of the requirements set within the zoning ordinance for the Joint Jurisdictional Area. Jose stated that this plat was presented to the County's Planning Commission at their March 29, 2021 meeting with a recommendation to the Vermillion City Council for approval of the plat. Jose recommended approval of the final plat. Discussion followed.

99-21

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

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Tract 1 and 2, Sorensen's Addition, 26-92-52, Clay County, South Dakota for approval.

BE IT RESOLVED that the attached and foregoing plat has been submitted to and a report and recommendations thereon made by the Clay County Planning Commission to the City Council of Vermillion which has approved the same.

BE IT ALSO RESOLVED that access shall be granted to the lot in accordance with the City of Vermillion street access and driveway approach policy, which requires an application permit.

BE IT FURTHER RESOLVED that the attached and foregoing plat has been submitted to the Governing Body of the City of Vermillion which has examined the same, and it appears that the systems of streets and alleys set forth therein conforms to the system of streets and alleys of the existing plat of such city, and that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid and that such plat and survey thereof have been executed according to law, and the same is hereby accordingly approved.

The motion was seconded by Alderman Willson. 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, Collier-Wise-Y. Mayor Collier-Wise declared that the Resolution was adopted.

I. Amendment #8 to the Joint Powers Agreement

Mike Carlson, Finance Officer, reported that the cities of Vermillion and Yankton, as well as the counties of Clay and Yankton entered into a joint powers agreement in 1994. The joint powers agreement has had a number of amendments over time. Mike noted the purpose of the agreement was to establish a system to jointly operate a solid waste disposal and recycling system. Mike reported that the 2021 Joint Powers Budget includes the funding for the construction of cell six and the closure of cells two and three. Mike stated that to fund the improvements estimated at \$2,466,000, the City applied for a \$500,000 solid waste management program grant and a \$1,966,000 SRF loan, which were both approved by the DENR Board at their meeting on March 26th. Mike stated that the DENR loan is contingent upon the four parties of the joint powers agreement approving an amendment to the joint powers agreement recognizing the new loan. Mike noted that a copy of the amendment is included in the packet. Mike stated that the main point of the amendment is to stipulate that the Joint Powers agreement will not be dissolved prior to the repayment of the 2021 SRF loan along with other loans included in prior amendments. Mike noted that the original Joint Powers agreement was signed in 1994 with the duration for 35 years from the date of signing or 2029 with an option to renew for an additional 35 years. Mike noted that Clay County, Yankton County and Yankton City Commission will be considering the amendment to the Joint Powers Agreement. Mike noted that the amendment was prepared by Dorsey & Whitney, LLP and was reviewed by the Jim McCulloch, City Attorney. Mike recommended approval of the eighth amendment to the Joint Powers agreement. Discussion followed.

100-21

Alderman Willson moved approval of the eighth amendment to the Joint Powers Agreement and authorizing the Mayor to sign on behalf of the City. 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, Collier-Wise-Y. Mayor Collier-Wise declared that the motion was adopted.

J. Resolution authorizing stormwater SRF revenue bond for Highway 50 storm drainage project

Mike Carlson, Finance Officer, stated that the City has been working with the DOT to construct a storm sewer along the south ditch of the Highway 50 Bypass from Dakota Street to Over Drive. Mike stated that, to fund the project, the City has applied for and received a Community Development Block Grant of \$770,000. Mike noted that the City also

applied for a State Revolving Fund (SRF) loan through the Department of Environment and Natural Resources (DENR) in December 2020 that was approved in March 2021. The SRF loan is for \$500,000, with repayment over 20 years at 2% interest. Mike stated that the resolution will authorize up to \$500,000 of revenue bonds for the Highway 50 stormwater project. Mike noted that the resolution provides for the Mayor, Finance Officer, City Attorney and other City officials to execute and deliver the necessary documents to complete the transaction. Mike stated that the bond resolution was prepared by Dorsey & Whitney LLP, Bond Counsel, and has been reviewed by Jim McCulloch, City Attorney. Mike recommended approval of the resolution that will become effective 20 days after publication. Discussion followed.

101-21

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

RESOLUTION RELATING TO THE IMPROVEMENT OF THE STORM WATER
MANAGEMENT SYSTEM; CREATING SPECIAL FUNDS AND ACCOUNTS FOR THE
ADMINISTRATION OF THE MONEYS DERIVED THEREFROM; AUTHORIZING AND
DIRECTING THE ISSUANCE AND SALE OF A REVENUE BOND TO PAY THE COST
OF SAID IMPROVEMENTS; DEFINING THE TERMS AND MANNER OF PAYMENT OF
THE BOND AND THE SECURITY THEREOF AND APPROVING THE FORM OF LOAN
AGREEMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERMILLION, SOUTH DAKOTA, AS FOLLOWS:

SECTION 1. AUTHORIZATION AND FINDINGS.

1.01. The City of Vermillion, South Dakota (the "Issuer") currently operates a storm water management system (the "System"), for municipal, industrial and domestic purposes.

1.02. The Issuer is authorized to borrow money and issue its revenue bonds under South Dakota Codified Laws, Chapters 9-40 (the "Act") and 6-8B, in order to finance a portion of the cost of improvements to the System, including installation of approximately 7,790 linear feet of 60" RCP storm sewer below the south ditch of Highway 50 beginning at Dakota Street and ending immediately west of Over Drive (together, the "Improvements"). The storm sewer will generally be installed below the south ditch of Highway 50 and will connect to the Issuer's existing storm sewer system. The Issuer is authorized to issue its obligations in order to defray the cost thereof, and to make all pledges, covenants and agreements authorized by law for the protection of the holders of the obligations, including, without limitation, those covenants set forth in

SDCL, Sections 9-40-16 and 9-40-17. The obligations are payable from the Net Revenues of the System, as defined in Section 2.03 hereof.

1.03. The execution and delivery of the Revenue Obligation Loan Agreement between South Dakota Conservancy District (the "District") and the Issuer (the "Loan Agreement"), the form of which has been submitted to this Council, and the pledging of the loan payments thereunder for the security of the State Revolving Fund revenue bond of the Issuer and the interest thereon shall be, and they are, in all respects, hereby authorized, approved and confirmed, and the Mayor and Finance Officer are hereby authorized and directed to execute and deliver the Loan Agreement in the form and content submitted to this Council, with such changes that are not substantive as the Attorney for the Issuer deems appropriate and approves, for and on behalf of the Issuer. The Mayor and Finance Officer are hereby further authorized and directed to implement and perform the covenants and obligations of the Issuer as set forth in or required by the Loan Agreement.

1.04. The issuance of a revenue bond of the Issuer, of not more than \$500,000 principal amount in the form and content set forth in Appendix B to the Loan Agreement (the "Bond") is hereby authorized, approved and confirmed, and the Mayor, Finance Officer and other appropriate officials of the Issuer shall be authorized to execute and deliver the Bond to the District, for and on behalf of the Issuer, upon receipt of the purchase price and to deposit the proceeds thereof in the manner provided for in the Loan Agreement. The Mayor and Finance Officer are hereby authorized to approve the final terms of the Bond, and their execution and delivery of the Bond shall evidence such approval. The terms of the Bond, as so executed and delivered, shall be deemed to be incorporated herein by reference.

1.05. The Issuer hereby determines that because the Bond is issued in connection with a financing agreement described in SDCL 46A-1-49, pursuant to SDCL 9-40-15, no election is required to issue the Bond. It is hereby found and determined that the principal amount of the Bond, when added to all other indebtedness of the Issuer subject to its general (5%) debt limit, will not exceed 5% of the assessed value of the taxable property in the Issuer.

SECTION 2. FUNDS AND ACCOUNTS. For the purpose of application and proper allocation of the income of the System and to secure the payment of principal of and interest on the Bond, the following funds and accounts shall be used solely for the following respective purposes until payment in full of the principal of and interest on the Bond:

2.01. Utility Fund; Bond Proceeds and Revenues Pledged and Appropriated. A fund designated as the Utility Fund (the "Fund") has been established and shall be maintained as a separate and special bookkeeping

account on the official books of the Issuer until the Bond and any additional bonds (together referred to as the "Bonds") payable from the Net Revenues of the System, as provided in Sections 3.02 through 3.04 hereof and interest, Administrative Expense Surcharge and redemption premiums due thereon have been fully paid, or the Issuer's obligation with reference to the Bond has been discharged as provided in this resolution. All proceeds of the Bond and all other funds hereafter received or appropriated for purposes of the System are appropriated to the Fund. All gross revenues of the System are irrevocably pledged and appropriated and shall be credited to the Fund as received. Such gross revenues shall include all gross income and receipts from rates and charges imposed for the availability, benefit and use of the System as now constituted and of all replacements and improvements thereof and additions thereto, and from penalties and interest thereon, and from any sales of property acquired for the System and all income received from the investment of such gross revenues; but not any taxes levied or amounts borrowed or received as grants for construction of any part of the System. The Fund shall be subdivided into separate accounts as designated and described in Sections 2.02 to 2.06, to segregate income and expenses received, paid and accrued for the respective purposes described in those sections. The gross revenues of the System received in the Fund shall be apportioned monthly or as soon as possible after the first day of each month, commencing the first calendar month following the delivery of the Bond, which apportionment is hereinafter referred to as the "monthly apportionment."

2.02. Construction Account. The Construction Account shall be used only to pay as incurred and allowed costs which under financial and reporting standards as promulgated by the Governmental Accounting Standards Board, the Financial Accounting Standards Board, or an Other Comprehensive Basis of Accounting, as applicable, are capital costs of the System, and of such future reconstructions, improvements, betterments or extensions of the System as may be authorized in accordance with law; including but not limited to payments due for work and materials performed and delivered under construction contracts, architectural, engineering, inspection, supervision, fiscal and legal expenses, the cost of lands and easements, interest accruing on the Bond during the first year following the date of its delivery, if and to the extent that the Revenue Bond Account is not sufficient for payment of such interest, reimbursement of any advances made from other Issuer funds, and all other expenses incurred in connection with the construction and financing of any such undertaking. To the Construction Account shall be credited as received all proceeds of the Bond, except amounts appropriated to the Revenue Bond Account under Section 2.04, all other funds appropriated by the Issuer for the System, and all income received from the investment of the Construction Account.

2.03. Operating Account. On each monthly apportionment there shall first be set aside and credited to the Operating Account, as a first charge on the gross revenues, such amount as may be required over and above the balance then held in the Operating Account to pay the reasonable and necessary operating expenses of the System which are then due and payable, or are to be paid prior to the next monthly apportionment. The term "operating expenses" shall mean the current expenses, paid or accrued, of operation, maintenance and current repair of the System, calculated in accordance with generally accepted accounting principles, and shall include, without limitation, administrative expenses of the Issuer relating solely to the System, premiums for insurance on the properties thereof, labor and the cost of materials and supplies used for current operation and for maintenance, and charges for the accumulation of appropriate reserves for current expenses which are not recurrent monthly but may reasonably be expected to be incurred in accordance with generally accepted accounting principles. Such operating expenses shall not include any allowance for depreciation or renewals or replacements of capital assets of the System and shall not include any portion of the salaries or wages paid to any officer or employee of the Issuer, except such portion as shall represent reasonable compensation for the performance of duties necessary to the operation of the System, nor any amount properly payable from any other account of the Fund. The Net Revenues of the System, as referred to in this resolution, are hereby defined to include the entire amount of such gross revenues remaining after each such monthly apportionment, after crediting to the Operating Account the amount required hereby, including sums required to maintain an operating reserve equal to one month's estimated operating expenses.

2.04. Revenue Bond Account. Upon each monthly apportionment there shall be set aside and credited to the Revenue Bond Account, out of the Net Revenues of the System, an amount equal to one-third of the total sum of the principal and interest to become due on the Bond on the next succeeding Loan Payment Date (as defined in the Bond). Moneys from time to time held in the Revenue Bond Account shall be disbursed only to meet payments of principal and interest on the Bond as such payments become due; provided, that on any date when the outstanding Bond is due or prepayable by its terms, if the amount then on hand in the Revenue Bond Account is sufficient, with other moneys available for the purpose, to pay the Bond and the interest accrued thereon in full, it may be used for that purpose. If any payment of principal or interest becomes due when moneys in the Revenue Bond Account are temporarily insufficient, such payment shall be advanced out of any Net Revenues theretofore segregated and then on hand in the Replacement and Depreciation Account or the Surplus Account. In the event that sufficient moneys are not available from the aforementioned sources the Issuer, to the extent it may, at the time legally do so, may, but shall not be required to, temporarily advance moneys to the Revenue Bond Account from other

revenues of the System or from other funds of the Issuer on hand and legally available for the purpose, but any such advance shall be repaid from Net Revenues of the System within 24 months.

2.05. Replacement and Depreciation Account. There shall next be set aside and credited, upon each monthly apportionment, to the Replacement and Depreciation Account such portion of the Net Revenues, in excess of the current requirements of the Revenue Bond Account (which portion of the Net Revenues is referred to herein as Surplus Net Revenues), as the City Council shall determine to be required for the accumulation of a reasonable reserve for renewal of worn out, obsolete or damaged properties and equipment of the System. Moneys in this account shall be used only for the purposes above stated or, if so directed by the City Council, to redeem Bonds which are prepayable according to their terms, to pay principal or interest when due thereon as required in Section 2.04 hereof, or to pay the cost of improvements to the System; provided, that in the event that the Issuer shall hereafter issue bonds for the purpose of financing the construction and installation of additional improvements or additions to the System, but which additional bonds cannot, upon the terms and conditions provided in Section 3, be made payable from the Revenue Bond Account, Surplus Net Revenues from time to time received may be segregated and paid into one or more separate and additional accounts for the payment of such bonds and interest thereon, in advance of payments required to be made into the Replacement and Depreciation Account.

2.06. Surplus Account. Any amount of the Surplus Net Revenues from time to time remaining after the above required applications thereof shall be credited to the Surplus Account, and the moneys from time to time in that account, when not required to restore a current deficiency in the Revenue Bond Account as provided in Section 2.04 hereof, may be used for any of the following purposes and not otherwise:

(a) to redeem and prepay principal of the Bond when and as such principal becomes prepayable according to its terms;

(b) if the balances in the Revenue Bond Account and the Replacement and Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made therefrom prior to the end of the current fiscal year, then;

(i) to pay for repairs or for the construction and installation of improvements or additions to the System;

(ii) to be held as a reserve for redemption and prepayment of principal of the Bond which is not then but will later be prepayable according to its terms; and

(iii)with the written consent of the District, transferred to one or more specified funds of the Issuer.

No moneys shall at any time be transferred from the Surplus Account or any other account of the Fund to any other fund of the Issuer, nor shall such moneys at any time be invested in warrants, special improvement bonds or other obligations payable from other funds, except as provided in this section.

2.07. Deposit and Investment of Funds. The Finance Officer shall cause all moneys pertaining to the Fund to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of Chapter 4-6A, South Dakota Codified Laws, in a deposit account or accounts, which shall be maintained so long as any of the Bonds and the interest thereon shall remain unpaid. The deposit and investment of all moneys pertaining to the Fund must, on the books and records of the Issuer, be maintained separate and apart from all other funds of the Issuer. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No moneys shall at any time be withdrawn from such deposit accounts except for the purposes of the Fund as authorized in this resolution; except that moneys from time to time on hand in the Fund may at any time, in the discretion of the City Council, be invested in securities permitted by the provisions of South Dakota Codified Laws, Section 4-5-6; provided, that the Replacement and Depreciation Account may be invested in such securities maturing not later than ten years from the date of the investment. Income received from the deposit or investment of moneys shall be credited to the account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys in that account. The investment of the moneys on deposit in the Revenue Bond Account is further restricted by the provisions of Section 6.01 hereof. Deposits and securities described in this section shall constitute "Qualified Investments."

2.08. Additional Revenues or Collateral. The Issuer reserves the right at any time to pledge additional moneys, revenues or collateral as security for the Bond and any additional bonds. Such pledge shall not be effective unless and until the Issuer receives, and provides to the bond registrar an opinion of, nationally recognized bond counsel stating that such pledge will not adversely affect the validity or tax exemption of the Bond and any additional bonds then outstanding.

2.09. Appropriation of Other Moneys. The Issuer reserves the right in any year while the Bond is outstanding to appropriate from moneys on hand and legally available for such purpose in its cash reserve accounts such amounts as this Council may specify and direct that such amounts be used to pay principal and interest on the Bond. Any such appropriation

shall reduce the obligation of the Issuer to impose rates and charges under Section 3.04 hereof.

2.10. Statutory Mortgage. The Issuer covenants and agrees that pursuant to SDCL 9-40-28 and SDCL 9-40-29, the lawful holders of the Bond shall have a statutory mortgage lien upon the System and the extensions, additions and improvements thereto acquired pursuant to the Act, until the payment in full of the principal, interest, and Administrative Expense Surcharge on the Bond, and the Issuer agrees not sell or otherwise dispose of the System, the Improvements, or any substantial part thereof, except as provided in the Loan Agreement and shall not establish, authorize or grant a franchise for the operation of any other utility supplying like products or services in competition therewith, or permit any person, firm or corporation to compete with it in the distribution of water for municipal, industrial, and domestic purposes within the Issuer.

SECTION 3. PRIORITIES AND ADDITIONAL BONDS.

3.01. Priority of Bond Payments. If at any time the Net Revenues of the System are insufficient to pay principal and interest then due on the Bond, any and all moneys then on hand shall be first used to pay the interest accrued on the Bond, and the balance shall be applied toward payment of the maturing principal of the Bond in order of their maturities, the earliest maturing principal to be paid first, and pro rata in payment of principal maturing on the same date.

3.02. Additional Bonds. The Issuer reserves the right to issue additional bonds, payable from the Revenue Bond Account of the Fund, on a parity as to both principal and interest with the Bond in the manner and upon satisfaction of the conditions and subject to the limitations set forth in the Loan Agreement, and if any Prior Bonds are then outstanding, subject to the limitations contained in the resolutions under which such Prior Bonds were issued.

3.03. Compliance with Loan Agreement. The Issuer will comply, so long as the Bond is outstanding, and unpaid, with all of the provisions of the Loan Agreement, to the same extent as though such provisions were set forth in this resolution.

3.04. Rates and Charges. The Issuer will maintain, revise, charge and collect rates and other charges for all service furnished and made available by the System, according to schedules such that the gross revenues derived therefrom will be sufficient, when combined with other available funds, to pay when due all expenses of the operation and maintenance of the System, and all principal of and interest on the Bond, to provide for the establishment and maintenance of adequate reserves, to provide an allowance adequate for recurring renewals and replacements

of the System, to satisfy the rate covenant provided in Section 6.4 of the Loan Agreement and to fulfill the terms of all other agreements with holders of the Issuer's bonds.

SECTION 4. AMENDMENTS.

4.01. Amendments Without Bondholder Consent. The Issuer reserves the right to amend this resolution from time to time and at any time, for the purpose of curing any ambiguity or of curing, correcting or supplementing any defective provision contained herein, or of making such provisions with regard to matters or questions arising hereunder as this City Council may deem necessary or desirable and not inconsistent with this resolution, and which shall not adversely affect the interest of the holder of the Bond, or for the purpose of adding to the covenants and agreements herein contained, or to the gross revenues herein pledged, other covenants and agreements thereafter to be observed and additional gross revenues thereafter appropriated to the Fund, for the purpose of surrendering any right or power herein reserved to or conferred upon the Issuer, or for the purpose of authorizing the issuance of additional bonds in the manner and subject to the terms and conditions prescribed in Section 3. Any such amendment may be adopted by resolution, without the consent of the holder of the Bond.

4.02. Amendments With Bondholder Consent. With the consent of the holder of the Bond as provided in Section 4.03, the Issuer may from time to time and at any time amend this resolution by adding any provisions hereto or changing in any manner or eliminating any of the provisions hereof, or of any amending resolution, except that no amendment shall be adopted at any time without the consent of the holder of the Bond which are then outstanding, if it would extend the maturities of any Bond, would reduce the rate or extend the time of payment of interest thereon, would reduce the amount or extend the time of payment of the principal or redemption premium thereof, would give to any Bond any privileges over any other Bond, would reduce the sources of gross revenues appropriated to the Fund, would authorize the creation of a pledge of gross revenues prior to or on a parity with the Bond (except as is authorized by Section 3), or would reduce the percentage in principal amount of Bonds required to authorize or consent to any such amendment.

4.03. Notice and Consent. Any amendment adopted pursuant to Section 4.02 shall be made by resolution, mailed to each holder of a Bond affected thereby, and shall become effective only upon the filing of written consents with the Finance Officer, signed by the holders of not less than two-thirds in principal amount of the Bonds which are then outstanding or, in the case of an amendment not equally affecting all outstanding Bonds, by the holders of not less than two-thirds in principal amount of the Bond adversely affected by such amendment. Any written consent to an amendment may be embodied in and evidenced by one or any number of

concurrent written instruments of substantially similar tenor signed by bondholders in person or by agent duly appointed in writing, and shall become effective when delivered to the Finance Officer. Any consent by the holder of any Bond shall bind the holder and every future holder of the same Bond with respect to any amendment adopted by the Issuer pursuant to such consent, provided that any bondholder may revoke his consent with reference to any Bond by written notice received by the Finance Officer before the amendment has become effective. In the event that unrevoked consents of the holders of the required amount of Bonds have not been received by the Finance Officer within one year after the mailing of any amendment, the amendment and all consents theretofore received shall be of no further force and effect.

4.04. Proof. Proof of the execution of any consent, or of a writing appointing any agent to execute the same, or of the ownership by any person of a Bond, shall be sufficient for any purpose of this resolution and shall be conclusive in favor of the Issuer if made in the manner provided in this section. The fact and date of the execution by any person of any such consent or appointment may be proved by the affidavit of a witness of such execution or by the certificate of any notary public or other officer authorized by law to take acknowledgements that the person signing such writing acknowledged to him the execution thereof. The amount of Bonds held by any person by or for whom a consent is given, and the distinguishing numbers of such Bond, and the date of holding the same, shall be proved by the bond register. The fact and date of execution of any such consent may also be proved in any other manner which this Council may deem sufficient; but this City Council may nevertheless, in its discretion, require further proof in cases where it deems further proof desirable.

SECTION 5. PAYMENT OF BOND.

5.01. General. When the liability of the Issuer on the Bond has been discharged as provided in this section, all pledges, covenants and other rights granted by this resolution to the holder of the Bond shall cease.

5.02. Payment. The Issuer may discharge its liability with reference to any Bond which is due on any date by depositing with the holder or holders thereof, or the paying agent or agents, if any, for such Bond on or before that date a sum sufficient for the payment thereof in full; or if any Bond shall not be paid when due, the Issuer may nevertheless discharge its liability with reference thereto by depositing with the holder or holders thereof, or the paying agent or agents, if any, a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

5.03. Prepayable Bond. The Issuer may also discharge its liability with reference to any prepayable Bond which is called for redemption on

any date in accordance with its terms, by depositing with the holder or holders thereof, or the paying agent or agents, if any, on or before that date an amount equal to the principal, interest and redemption premium, if any, which are then due thereon, provided that notice of such redemption has been duly given as provided in the resolution authorizing the Bond.

SECTION 6. TAX MATTERS AND EFFECTIVE DATE.

6.01. Tax Matters.

(a) Covenant. The Issuer covenants and agrees with the holders from time to time of the Bond that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bond to become subject to taxation under the Internal Revenue Code of 1986, as amended (the Code), and applicable Treasury Regulations (the Regulations).

(b) Use of System. The Issuer covenants and agrees that it will not, nor will it permit any of its officers, employees or agents, to enter into any lease, use or other agreement with any person other than a state or political subdivision or agency or instrumentality of a state, relating to the use of the System or the security for the Bond which might cause the Bond to be considered a "private activity bond" within the meaning of Section 141 of the Code.

(c) Investment of Moneys on Deposit in Revenue Bond Account. The Finance Officer shall ascertain monthly the amount on deposit in the Revenue Bond Account. If the amount on deposit therein ever exceeds by more than the "minor portion" within the meaning of Section 1.148-2(g) of the Regulations the aggregate amount of principal and interest due and payable from the Revenue Bond Account within 13 months thereafter, such excess shall either (1) not be invested except at a yield equal to or less than the yield borne by the Bond, or (2) be used to prepay and redeem principal installments of the Bond.

(d) Certification. The Mayor and Finance Officer, being the officers of the Issuer charged with the responsibility for issuing the obligations pursuant to this resolution, are authorized and directed to execute and deliver to the purchaser a certification in order to satisfy the provisions of Section 1.148-2(b) of the Regulations. Such certification shall state that on the basis of the facts, estimates and circumstances in existence on the date of issue and delivery of the Bond as therein set forth, it is not expected that the proceeds of the Bond will be used in such a manner that would cause the Bond to be an arbitrage bond, and the certification shall further state that to the best of the knowledge and belief of the officers there are no other facts, estimates or circumstances that would materially change such expectation.

6.02. Qualified Tax-Exempt Obligations. The City Council hereby designates the Bond as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code relating to the disallowance of interest expense for financial institutions, and hereby finds that the reasonable anticipated amount of tax-exempt obligations (within the meaning of Section 265(b)(3) of the Code) which will be issued by the Issuer and all subordinate entities thereof during calendar year 2021 does not exceed \$10,000,000.]

6.03. Tax-Exempt Status of the Bond and Rebate. The Issuer shall comply with requirements necessary under the Code to establish and maintain the exclusion from gross income under Section 103 of the Code of the interest on the Bond, including without limitation (1) requirements relating to temporary periods for investments, (2) limitations on amounts invested at a yield greater than the yield on the Bond, and (3) the rebate of excess investment earnings to the United States.

6.04. Repeal. All provisions of all other ordinances, resolutions and other actions and proceedings of the Issuer and of this City Council which are in any way inconsistent with the terms and provisions of this resolution are repealed, amended and rescinded to the full extent necessary to give full force and effect to the provisions of this resolution.

CITY OF VERMILLION,
SOUTH DAKOTA

By _____
Kelsey Collier-Wise, Mayor

Attest: _____
Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Holland. 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, Collier-Wise-Y. Mayor Collier-Wise declared that the Resolution was adopted.

K. Resolution authorizing Joint Powers SRF revenue bond for cell expansion and closure project

Mike Carlson, Finance Officer, reported that, as landfill cell five is reaching capacity, planning began for construction of cell six that included using the excavated material to close cells two and three. Mike noted that cell six will be constructed with a clay liner and leachate collection system to protect the groundwater. Mike stated that the City applied for a Solid Waste Management Program grant for \$500,000 and a

State Revolving Fund (SRF) loan through the Department of Environment and Natural Resources (DENR) in December 2020. Mike reported that in March 2021, the City was notified that a grant for \$500,000 and a SRF loan of up to \$1,966,000, for 10 years, at 1.875%, have been approved by the DENR Board. Mike reported that the bond resolution was prepared by Dorsey & Whitney LLP, Bond Counsel, and has been reviewed by Jim McCulloch, City Attorney and provides for the Mayor, Finance Officer, City Attorney, and other City officials to execute and deliver the necessary documents to complete the transaction. Mike recommended approval of the resolution that will become effective 20 days after publication.

102-21

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

RESOLUTION RELATING TO THE IMPROVEMENT OF THE SOLID WASTE LANDFILL FACILITY; CREATING SPECIAL FUNDS AND ACCOUNTS FOR THE ADMINISTRATION OF THE MONEYS DERIVED THEREFROM; AUTHORIZING AND DIRECTING THE ISSUANCE AND SALE OF A REVENUE BOND TO PAY THE COST OF SAID IMPROVEMENTS; DEFINING THE TERMS AND MANNER OF PAYMENT OF THE BOND AND THE SECURITY THEREOF AND APPROVING THE FORM OF LOAN AGREEMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERMILLION, SOUTH DAKOTA, AS FOLLOWS:

SECTION 1. AUTHORIZATION AND FINDINGS.

1.01. The City of Vermillion, South Dakota (the "Issuer") together with the City of Yankton, South Dakota; Yankton County, South Dakota and Clay County, South Dakota (collectively, the Members), owns, administers and operates an integrated solid waste management system (the System), for municipal, industrial and domestic purposes, under a Revised Joint Powers Agreement, dated November 14, 2012, as amended, by and among the Members (the Joint Powers Agreement).

1.02. The Issuer is authorized to borrow money and issue its revenue bonds under South Dakota Codified Laws, Chapters 9-40 (the "Act") and 6-8B, in order to finance a portion of the cost of improvements to the System, including closure of two existing cells and excavating one new cell to be constructed with a liner and leachate collection system to mitigate against infiltration into the groundwater (together, the "Improvements"). The Issuer is authorized to issue its obligations in order to defray the cost thereof, and to make all pledges, covenants and agreements authorized by law for the protection of the holders of the obligations, including, without limitation, those covenants set forth in

SDCL, Sections 9-40-16 and 9-40-17. The obligations are payable from the Net Revenues of the System, as defined in Section 2.03 hereof.

1.03. The execution and delivery of the Revenue Obligation Loan Agreement between South Dakota Conservancy District (the "District") and the Issuer (the "Loan Agreement"), the form of which has been submitted to this Council, and the pledging of the loan payments thereunder for the security of the State Revolving Fund revenue bond of the Issuer and the interest thereon shall be, and they are, in all respects, hereby authorized, approved and confirmed, and the Mayor and Finance Officer are hereby authorized and directed to execute and deliver the Loan Agreement in the form and content submitted to this Council, with such changes that are not substantive as the Attorney for the Issuer deems appropriate and approves, for and on behalf of the Issuer. The Mayor and Finance Officer are hereby further authorized and directed to implement and perform the covenants and obligations of the Issuer as set forth in or required by the Loan Agreement.

1.04. The issuance of a revenue bond of the Issuer, of not more than \$1,966,000 principal amount in the form and content set forth in Appendix B to the Loan Agreement (the "Bond") is hereby authorized, approved and confirmed, and the Mayor, Finance Officer and other appropriate officials of the Issuer shall be authorized to execute and deliver the Bond to the District, for and on behalf of the Issuer, upon receipt of the purchase price and to deposit the proceeds thereof in the manner provided for in the Loan Agreement. The Mayor and Finance Officer are hereby authorized to approve the final terms of the Bond, and their execution and delivery of the Bond shall evidence such approval. The terms of the Bond, as so executed and delivered, shall be deemed to be incorporated herein by reference.

1.05. The Issuer hereby determines that because the Bond is issued in connection with a financing agreement described in SDCL 46A-1-49, pursuant to SDCL 9-40-15, no election is required to issue the Bond. It is hereby found and determined that the principal amount of the Bond, when added to all other indebtedness of the Issuer subject to its general (5%) debt limit, will not exceed 5% of the assessed value of the taxable property in the Issuer.

SECTION 2. FUNDS AND ACCOUNTS. For the purpose of application and proper allocation of the income of the System and to secure the payment of principal of and interest on the Bond, the following funds and accounts shall be used solely for the following respective purposes until payment in full of the principal of and interest on the Bond:

2.01. Solid Waste System Fund; Bond Proceeds and Revenues Pledged and Appropriated. A fund designated as the Solid Waste System Fund (the "Fund") has been established and shall be maintained as a separate and

special bookkeeping account on the official books of the Issuer until the Bond and any additional bonds (together referred to as the "Bonds") payable from the Net Revenues of the System, as provided in Sections 3.02 through 3.04 hereof and interest, Administrative Expense Surcharge and redemption premiums due thereon have been fully paid, or the Issuer's obligation with reference to the Bond has been discharged as provided in this resolution. All proceeds of the Bond and all other funds hereafter received or appropriated for purposes of the System are appropriated to the Fund. All gross revenues of the System, to the extent permitted by the Joint Powers Agreement (the Gross Revenues) are irrevocably pledged and appropriated and shall be credited to the Fund as received. Such Gross Revenues shall include all gross income and receipts from rates and charges imposed for the availability, benefit and use of the System as now constituted and of all replacements and improvements thereof and additions thereto, and from penalties and interest thereon, and from any sales of property acquired for the System and all income received from the investment of such gross revenues; but not any taxes levied or amounts borrowed or received as grants for construction of any part of the System. The Fund shall be subdivided into separate accounts as designated and described in Sections 2.02 to 2.06, to segregate income and expenses received, paid and accrued for the respective purposes described in those sections. The Gross Revenues of the System received in the Fund shall be apportioned monthly or as soon as possible after the first day of each month, commencing the first calendar month following the delivery of the Bond, which apportionment is hereinafter referred to as the "monthly apportionment."

2.02. Construction Account. The Construction Account shall be used only to pay as incurred and allowed costs which under financial and reporting standards as promulgated by the Governmental Accounting Standards Board, the Financial Accounting Standards Board, or an Other Comprehensive Basis of Accounting, as applicable, are capital costs of the System, and of such future reconstructions, improvements, betterments or extensions of the System as may be authorized in accordance with law; including but not limited to payments due for work and materials performed and delivered under construction contracts, architectural, engineering, inspection, supervision, fiscal and legal expenses, the cost of lands and easements, interest accruing on the Bond during the first year following the date of its delivery, if and to the extent that the Revenue Bond Account is not sufficient for payment of such interest, reimbursement of any advances made from other Issuer funds, and all other expenses incurred in connection with the construction and financing of any such undertaking. To the Construction Account shall be credited as received all proceeds of the Bond, except amounts appropriated to the Revenue Bond Account under Section 2.04, all other funds appropriated by the Issuer for the System, and all income received from the investment of the Construction Account.

2.03. Operating Account. On each monthly apportionment there shall first be set aside and credited to the Operating Account, as a first charge on the Gross Revenues, such amount as may be required over and above the balance then held in the Operating Account to pay the reasonable and necessary operating expenses of the System which are then due and payable, or are to be paid prior to the next monthly apportionment. The term "operating expenses" shall mean the current expenses, paid or accrued, of operation, maintenance and current repair of the System, all as provided in the Joint Powers Agreement, calculated in accordance with generally accepted accounting principles, and shall include, without limitation, administrative expenses of the Issuer relating solely to the System, premiums for insurance on the properties thereof, labor and the cost of materials and supplies used for current operation and for maintenance, and charges for the accumulation of appropriate reserves for current expenses which are not recurrent monthly but may reasonably be expected to be incurred in accordance with generally accepted accounting principles. Such operating expenses shall not include any allowance for depreciation or renewals or replacements of capital assets of the System and shall not include any portion of the salaries or wages paid to any officer or employee of the Issuer, except such portion as shall represent reasonable compensation for the performance of duties necessary to the operation of the System, nor any amount properly payable from any other account of the Fund. The Net Revenues of the System, as referred to in this resolution, are hereby defined to include the entire amount of such Gross Revenues remaining after each such monthly apportionment, after crediting to the Operating Account the amount required hereby, including sums required to maintain an operating reserve equal to one month's estimated operating expenses.

2.04. Revenue Bond Account. Upon each monthly apportionment there shall be set aside and credited to the Revenue Bond Account, out of the Net Revenues of the System, an amount equal to one-third of the total sum of the principal and interest to become due on the Bond on the next succeeding Loan Payment Date (as defined in the Bond). Moneys from time to time held in the Revenue Bond Account shall be disbursed only to meet payments of principal and interest on the Bond as such payments become due; provided, that on any date when the outstanding Bond is due or prepayable by its terms, if the amount then on hand in the Revenue Bond Account is sufficient, with other moneys available for the purpose, to pay the Bond and the interest accrued thereon in full, it may be used for that purpose. If any payment of principal or interest becomes due when moneys in the Revenue Bond Account are temporarily insufficient, such payment shall be advanced out of any Net Revenues theretofore segregated and then on hand in the Replacement and Depreciation Account or the Surplus Account. In the event that sufficient moneys are not available from the aforementioned sources the Issuer, to the extent it may, at the time legally do so, may, but shall not be required to,

temporarily advance moneys to the Revenue Bond Account from other revenues of the System or from other funds of the Issuer on hand and legally available for the purpose, but any such advance shall be repaid from Net Revenues of the System within 24 months.

2.05. Replacement and Depreciation Account. There shall next be set aside and credited, upon each monthly apportionment, to the Replacement and Depreciation Account such portion of the Net Revenues, in excess of the current requirements of the Revenue Bond Account (which portion of the Net Revenues is referred to herein as Surplus Net Revenues), as the City Council shall determine to be required for the accumulation of a reasonable reserve for renewal of worn out, obsolete or damaged properties and equipment of the System. Moneys in this account shall be used only for the purposes above stated or, if so directed by the City Council, to redeem Bonds which are prepayable according to their terms, to pay principal or interest when due thereon as required in Section 2.04 hereof, or to pay the cost of improvements to the System; provided, that in the event that the Issuer shall hereafter issue bonds for the purpose of financing the construction and installation of additional improvements or additions to the System, but which additional bonds cannot, upon the terms and conditions provided in Section 3, be made payable from the Revenue Bond Account, Surplus Net Revenues from time to time received may be segregated and paid into one or more separate and additional accounts for the payment of such bonds and interest thereon, in advance of payments required to be made into the Replacement and Depreciation Account.

2.06. Surplus Account. Any amount of the Surplus Net Revenues from time to time remaining after the above required applications thereof shall be credited to the Surplus Account, and the moneys from time to time in that account, when not required to restore a current deficiency in the Revenue Bond Account as provided in Section 2.04 hereof, may be used for any of the following purposes and not otherwise:

(a) to redeem and prepay principal of the Bond when and as such principal becomes prepayable according to its terms;

(b) if the balances in the Revenue Bond Account and the Replacement and Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made therefrom prior to the end of the current fiscal year, then;

(i) to pay for repairs or for the construction and installation of improvements or additions to the System;

(ii) to be held as a reserve for redemption and prepayment of principal of the Bond which is not then but will later be prepayable according to its terms; and

(iii) with the written consent of the District, transferred to one or more specified funds of the Issuer.

No moneys shall at any time be transferred from the Surplus Account or any other account of the Fund to any other fund of the Issuer, nor shall such moneys at any time be invested in warrants, special improvement bonds or other obligations payable from other funds, except as provided in this section.

2.07. Deposit and Investment of Funds. The Finance Officer shall cause all moneys pertaining to the Fund to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of Chapter 4-6A, South Dakota Codified Laws, in a deposit account or accounts, which shall be maintained so long as any of the Bonds and the interest thereon shall remain unpaid. The deposit and investment of all moneys pertaining to the Fund must, on the books and records of the Issuer, be maintained separate and apart from all other funds of the Issuer. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No moneys shall at any time be withdrawn from such deposit accounts except for the purposes of the Fund as authorized in this resolution; except that moneys from time to time on hand in the Fund may at any time, in the discretion of the City Council, be invested in securities permitted by the provisions of South Dakota Codified Laws, Section 4-5-6; provided, that the Replacement and Depreciation Account may be invested in such securities maturing not later than ten years from the date of the investment. Income received from the deposit or investment of moneys shall be credited to the account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys in that account. The investment of the moneys on deposit in the Revenue Bond Account is further restricted by the provisions of Section 6.01 hereof. Deposits and securities described in this section shall constitute "Qualified Investments."

2.08. Additional Revenues or Collateral. The Issuer reserves the right at any time to pledge additional moneys, revenues or collateral as security for the Bond and any additional bonds. Such pledge shall not be effective unless and until the Issuer receives, and provides to the bond registrar an opinion of, nationally recognized bond counsel stating that such pledge will not adversely affect the validity or tax exemption of the Bond and any additional bonds then outstanding.

2.09. Appropriation of Other Moneys. The Issuer reserves the right in any year while the Bond is outstanding to appropriate from moneys on hand and legally available for such purpose in its cash reserve accounts such amounts as this Council may specify and direct that such amounts be used to pay principal and interest on the Bond. Any such appropriation

shall reduce the obligation of the Issuer to impose rates and charges under Section 3.04 hereof.

2.10. Statutory Mortgage. The Issuer covenants and agrees that pursuant to SDCL 9-40-28 and SDCL 9-40-29, the lawful holders of the Bond shall have a statutory mortgage lien upon the System and the extensions, additions and improvements thereto acquired pursuant to the Act, until the payment in full of the principal, interest, and Administrative Expense Surcharge on the Bond, and the Issuer agrees not sell or otherwise dispose of the System, the Improvements, or any substantial part thereof, except as provided in the Loan Agreement and shall not establish, authorize or grant a franchise for the operation of any other utility supplying like products or services in competition therewith, or permit any person, firm or corporation to compete with it in the distribution of water for municipal, industrial, and domestic purposes within the Issuer.

SECTION 3. PRIORITIES AND ADDITIONAL BONDS.

3.01. Priority of Bond Payments. If at any time the Net Revenues of the System are insufficient to pay principal and interest then due on the Bond, any and all moneys then on hand shall be first used to pay the interest accrued on the Bond, and the balance shall be applied toward payment of the maturing principal of the Bond in order of their maturities, the earliest maturing principal to be paid first, and pro rata in payment of principal maturing on the same date.

3.02. Additional Bonds. The Issuer reserves the right to issue additional bonds, payable from the Revenue Bond Account of the Fund, on a parity as to both principal and interest with the Bond in the manner and upon satisfaction of the conditions and subject to the limitations set forth in the Loan Agreement, and if any Prior Bonds are then outstanding, subject to the limitations contained in the resolutions under which such Prior Bonds were issued.

3.03. Compliance with Loan Agreement. The Issuer will comply, so long as the Bond is outstanding, and unpaid, with all of the provisions of the Loan Agreement, to the same extent as though such provisions were set forth in this resolution.

3.04. Rates and Charges. The Issuer will maintain, revise, charge and collect rates and other charges for all service furnished and made available by the System, according to schedules such that the Gross Revenues derived therefrom will be sufficient, when combined with other available funds, to pay when due all expenses of the operation and maintenance of the System, and all principal of and interest on the Bond, to provide for the establishment and maintenance of adequate reserves, to provide an allowance adequate for recurring renewals and replacements

of the System, to satisfy the rate covenant provided in Section 6.4 of the Loan Agreement and to fulfill the terms of all other agreements with holders of the Issuer's bonds.

SECTION 4. AMENDMENTS.

4.01. Amendments Without Bondholder Consent. The Issuer reserves the right to amend this resolution from time to time and at any time, for the purpose of curing any ambiguity or of curing, correcting or supplementing any defective provision contained herein, or of making such provisions with regard to matters or questions arising hereunder as this City Council may deem necessary or desirable and not inconsistent with this resolution, and which shall not adversely affect the interest of the holder of the Bond, or for the purpose of adding to the covenants and agreements herein contained, or to the Gross Revenues herein pledged, other covenants and agreements thereafter to be observed and additional Gross Revenues thereafter appropriated to the Fund, for the purpose of surrendering any right or power herein reserved to or conferred upon the Issuer, or for the purpose of authorizing the issuance of additional bonds in the manner and subject to the terms and conditions prescribed in Section 3. Any such amendment may be adopted by resolution, without the consent of the holder of the Bond.

4.02. Amendments With Bondholder Consent. With the consent of the holder of the Bond as provided in Section 4.03, the Issuer may from time to time and at any time amend this resolution by adding any provisions hereto or changing in any manner or eliminating any of the provisions hereof, or of any amending resolution, except that no amendment shall be adopted at any time without the consent of the holder of the Bond which are then outstanding, if it would extend the maturities of any Bond, would reduce the rate or extend the time of payment of interest thereon, would reduce the amount or extend the time of payment of the principal or redemption premium thereof, would give to any Bond any privileges over any other Bond, would reduce the sources of Gross Revenues appropriated to the Fund, would authorize the creation of a pledge of Gross Revenues prior to or on a parity with the Bond (except as is authorized by Section 3), or would reduce the percentage in principal amount of Bonds required to authorize or consent to any such amendment.

4.03. Notice and Consent. Any amendment adopted pursuant to Section 4.02 shall be made by resolution, mailed to each holder of a Bond affected thereby, and shall become effective only upon the filing of written consents with the Finance Officer, signed by the holders of not less than two-thirds in principal amount of the Bonds which are then outstanding or, in the case of an amendment not equally affecting all outstanding Bonds, by the holders of not less than two-thirds in principal amount of the Bond adversely affected by such amendment. Any written consent to an amendment may be embodied in and evidenced by one or any number of

concurrent written instruments of substantially similar tenor signed by bondholders in person or by agent duly appointed in writing, and shall become effective when delivered to the Finance Officer. Any consent by the holder of any Bond shall bind the holder and every future holder of the same Bond with respect to any amendment adopted by the Issuer pursuant to such consent, provided that any bondholder may revoke his consent with reference to any Bond by written notice received by the Finance Officer before the amendment has become effective. In the event that unrevoked consents of the holders of the required amount of Bonds have not been received by the Finance Officer within one year after the mailing of any amendment, the amendment and all consents theretofore received shall be of no further force and effect.

4.04. Proof. Proof of the execution of any consent, or of a writing appointing any agent to execute the same, or of the ownership by any person of a Bond, shall be sufficient for any purpose of this resolution and shall be conclusive in favor of the Issuer if made in the manner provided in this section. The fact and date of the execution by any person of any such consent or appointment may be proved by the affidavit of a witness of such execution or by the certificate of any notary public or other officer authorized by law to take acknowledgements that the person signing such writing acknowledged to him the execution thereof. The amount of Bonds held by any person by or for whom a consent is given, and the distinguishing numbers of such Bond, and the date of holding the same, shall be proved by the bond register. The fact and date of execution of any such consent may also be proved in any other manner which this Council may deem sufficient; but this City Council may nevertheless, in its discretion, require further proof in cases where it deems further proof desirable.

SECTION 5. PAYMENT OF BOND.

5.01. General. When the liability of the Issuer on the Bond has been discharged as provided in this section, all pledges, covenants and other rights granted by this resolution to the holder of the Bond shall cease.

5.02. Payment. The Issuer may discharge its liability with reference to any Bond which is due on any date by depositing with the holder or holders thereof, or the paying agent or agents, if any, for such Bond on or before that date a sum sufficient for the payment thereof in full; or if any Bond shall not be paid when due, the Issuer may nevertheless discharge its liability with reference thereto by depositing with the holder or holders thereof, or the paying agent or agents, if any, a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

5.03. Prepayable Bond. The Issuer may also discharge its liability with reference to any prepayable Bond which is called for redemption on

any date in accordance with its terms, by depositing with the holder or holders thereof, or the paying agent or agents, if any, on or before that date an amount equal to the principal, interest and redemption premium, if any, which are then due thereon, provided that notice of such redemption has been duly given as provided in the resolution authorizing the Bond.

SECTION 6. TAX MATTERS AND EFFECTIVE DATE.

6.01. Tax Matters.

(a) Covenant. The Issuer covenants and agrees with the holders from time to time of the Bond that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bond to become subject to taxation under the Internal Revenue Code of 1986, as amended (the Code), and applicable Treasury Regulations (the Regulations).

(b) Use of System. The Issuer covenants and agrees that it will not, nor will it permit any of its officers, employees or agents, to enter into any lease, use or other agreement with any person other than a state or political subdivision or agency or instrumentality of a state, relating to the use of the System or the security for the Bond which might cause the Bond to be considered a "private activity bond" within the meaning of Section 141 of the Code.

(c) Investment of Moneys on Deposit in Revenue Bond Account. The Finance Officer shall ascertain monthly the amount on deposit in the Revenue Bond Account. If the amount on deposit therein ever exceeds by more than the "minor portion" within the meaning of Section 1.148-2(g) of the Regulations the aggregate amount of principal and interest due and payable from the Revenue Bond Account within 13 months thereafter, such excess shall either (1) not be invested except at a yield equal to or less than the yield borne by the Bond, or (2) be used to prepay and redeem principal installments of the Bond.

(d) Certification. The Mayor and Finance Officer, being the officers of the Issuer charged with the responsibility for issuing the obligations pursuant to this resolution, are authorized and directed to execute and deliver to the purchaser a certification in order to satisfy the provisions of Section 1.148-2(b) of the Regulations. Such certification shall state that on the basis of the facts, estimates and circumstances in existence on the date of issue and delivery of the Bond as therein set forth, it is not expected that the proceeds of the Bond will be used in such a manner that would cause the Bond to be an arbitrage bond, and the certification shall further state that to the best of the knowledge and belief of the officers there are no other facts, estimates or circumstances that would materially change such expectation.

[6.02. Qualified Tax-Exempt Obligations. The City Council hereby designates the Bond as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code relating to the disallowance of interest expense for financial institutions, and hereby finds that the reasonable anticipated amount of tax-exempt obligations (within the meaning of Section 265(b)(3) of the Code) which will be issued by the Issuer and all subordinate entities thereof during calendar year 2021 does not exceed \$10,000,000.]

6.03. Tax-Exempt Status of the Bond and Rebate. The Issuer shall comply with requirements necessary under the Code to establish and maintain the exclusion from gross income under Section 103 of the Code of the interest on the Bond, including without limitation (1) requirements relating to temporary periods for investments, (2) limitations on amounts invested at a yield greater than the yield on the Bond, and (3) the rebate of excess investment earnings to the United States.

6.04. Repeal. All provisions of all other ordinances, resolutions and other actions and proceedings of the Issuer and of this City Council which are in any way inconsistent with the terms and provisions of this resolution are repealed, amended and rescinded to the full extent necessary to give full force and effect to the provisions of this resolution.

CITY OF VERMILLION, SOUTH DAKOTA
By _____
Kelsey Collier-Wise, Mayor

Attest: _____
Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Ward. 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, Collier-Wise-Y. Mayor Collier-Wise declared that the Resolution was adopted.

L. Declaring several Vehicles and Equipment surplus

Jose Dominguez, City Engineer, reported that, as part of the equipment replacement schedule, three vehicles/pieces of equipment have been replaced and the old vehicles need to be sold. Jose stated that the three vehicles are a 2017 Ford Mid-Size Interceptor, 2013 Chevrolet Caprice and 2012 Freightliner Jet Truck. Jose requested that the City Council declare the above-mentioned equipment surplus. Jose noted that the Jet Truck was declared surplus in 2020 and was advertised for sale through sealed bids and no bids have been received. Jose noted that, due to the

difficulty selling the Freightliner Jet Truck, staff will be asking to sell these three vehicles/equipment through Purple Wave. Jose reported that Purple Wave is an online auction service specializing in vehicles and equipment that was recommended to Staff by other governmental entities. Jose reported that Purple Wave charges a 10% fee to the purchaser on the highest bid. Jose noted that selling items through auction does not require the equipment to be appraised but it does require that the vehicle/equipment be sold to the highest bidder. Jose noted that the high bid may be less than the City expected and thus negatively impacting the Equipment Replacement Fund. Jose requested City Council action to declare the above listed equipment as surplus and allowing Staff to contract with Purple Wave for the sale of the vehicles/equipment through an online auction. Discussion followed.

103-21

Alderman Holland moved approval of declaring the 2017 Ford Mid-Size Interceptor, 2013 Chevrolet Caprice and 2012 Freightliner Jet Truck surplus and authorize staff to contract with Purple Wave for the sale of the vehicles/equipment through an online auction. 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, Collier-Wise-Y. Mayor Collier-Wise declared that the motion was adopted.

M. Permit for consumption at the St. Agnes Catholic School for a Kentucky Derby Fundraiser on May 1, 2021 from 3:00 p.m. to 7:00 p.m.

Mike Carlson, Finance Officer, reported that Jessi Hanson submitted a request for a permit for consumption, but not sale, of alcoholic beverages upon property which is publicly owned or owned by a non-profit corporation for a Kentucky Derby fundraiser at the St. Agnes Catholic School on May 1, 2021 from 3:00 p.m. to 7:00 p.m. Mike reported that a copy of the request, along with an email explaining the event, was included in the packet. Mike noted that State Statute 35-1-5.5 provides that the Governing Body of a municipality may permit the consumption, but not sale, of any alcoholic beverage on property owned by the public or a non-profit. Mike stated that the St. Agnes school principal has provided a letter giving permission to the fundraising committee to hold an event in the school gym where alcohol will be served. Mike recommended approval of the special permit. Discussion followed.

104-21

Alderman Willson moved approval of the special permit to allow the consumption, but not sale, of alcoholic beverages at St. Agnes Catholic School for a Kentucky Derby fundraiser on May 1, 2021 from 3:00 p.m. to 7:00 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, Letellier-Y, Price-Y, Ward-Y, Willson-Y, Collier-Wise-Y. Mayor Collier-Wise declared that the motion was adopted.

N. Agreement to transfer sanitary sewer ownership to the City of a sanitary sewer line from the center of Rockwell Trail to a point 178 feet south

Shane Griese, Utility Manager, reported that, in 2014, a private sanitary sewer line was installed to serve Lots 12 and 13, Block 6, Bliss Pointe Addition. Shane stated that the cost of this line was paid for by the owners of Lots 12 and 13. Shane noted that the two lots front W. Main Street but were platted with the Bliss Pointe Addition. Shane stated that the owners entered into a Maintenance Agreement on October 30, 2014, which gave them an equal share in all expenses for future maintenance and repairs. Shane stated that, when Bliss Pointe was first designed, one sewer service and one water service was installed for each lot. Shane noted that there have been multiple re-plats that have created a situation where there are not water/sewer services available for every lot as originally designed. Shane stated that, when 1218 and 1222 Rockwell Trail were going through the permitting process, it was discovered that there were not enough existing services. Shane stated that contact was made with the owners of the private sanitary sewer line to see if they could tap into the line and enter into the Maintenance Agreement. Shane stated that owners did show interest in transferring ownership of the line to the City to facilitate the connection. Shane noted that, by accepting the transfer, the City can avoid having a street cut on Rockwell Trail for sewer installation and this sewer line could also be utilized for future services if necessary. Shane noted that this sanitary sewer line was installed to City specifications and standards and is sized appropriately for the intended use. Shane recommended approval of the agreement to transfer ownership and maintenance of the sewer line. Discussion followed.

105-21

Alderman Willson moved approval of authorizing the Mayor to sign the Agreement to Transfer Ownership and Maintenance to the City of the existing private sanitary sewer running from the center of Rockwell Trail south approximately 178 feet between Lots 6b and 8, Block 6, Bliss Pointe Addition. 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, Collier-Wise-Y. Mayor Collier-Wise declared that the motion was adopted.

O. Request from USD for temporary sidewalk closures and detours on North Dakota Street, East Clark Street, and East Cedar Street for construction purposes

Jose Dominguez, City Engineer, reported that The University of South Dakota (USD) is in the process of constructing an addition to the Lee Medical Building located on the block bounded by North Dakota and North Harvard Streets, and East Clark and East Cedar Streets. Jose stated that the addition will be west of the existing building where the current parking lot is located. Jose stated that, to expedite construction by allowing room within the construction site and to protect the public from construction activities, USD is requesting that a temporary construction fence be installed along the boulevard (space between the sidewalk and the street) of North Dakota Street, parts of East Clark Street, and parts of East Cedar Street. Jose reported that the construction timeline for the addition has a start date of the first week of April 2021 and ending around July 2022. Jose reported that City ordinance allows the City Engineer to grant permission to any person to deposit and keep building material on streets adjacent to the construction site but cannot exceed six months. Jose reported that, considering that the request is for a high visibility location and the amount of pedestrian traffic involved, it was decided to bring this request to the City Council for consideration and, as such, will allow for public input. Jose reviewed each section of sidewalk requested to be closed by the USD plan along with staff concerns on each. Jose noted that the proposal from USD meets the intent of the Manual on Uniform Traffic Control Devices (MUTCD) (i.e. closures, and routing signs), the reality is that the pedestrian traffic will more than likely walk on the street to arrive at their destination. Jose stated that pedestrians walking on the street may happen any time of the year; however, sidewalks have been constructed in the City to eliminate the dangers of pedestrians being struck by a vehicle. Jose noted that removing the sidewalks for a long construction project will increase the likelihood of a pedestrian/vehicle incident. Jose reported on the discussions with USD on other options but, as the parties could not reach an agreement, the item is being brought to the City Council for deliberation. Jose reviewed the three options noting that USD and the contractor did not like option one and they have not responded to options two or three. Jose noted that option three is their preferred option but would be most disruptive to pedestrian traffic around the project. Discussion followed on the three options with Jose suggesting that he could again talk to the University and the contractor to see if there are other workable options. Jose suggested tabling until the next meeting.

106-21

Alderman Jennewein moved to table until next meeting the request from USD for temporary sidewalk closures and detours on North Dakota Street, East Clark Street, and East Cedar Street for construction purposes. Alderman Letellier 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, Collier-Wise-Y. Mayor Collier-Wise declared that the motion was adopted.

9. Bid Openings

A. Fuel quotes

Mike Carlson, Finance Officer, read the monthly fuel quotes and recommended the low quote of Stern Oil on all four items.

Item 1 - 4,350 gal unleaded 10% ethanol: Stern Oil \$2.3825, Jerry's Service \$2.91; Item 2 - 1,000 gal unleaded: Stern Oil \$2.6190, Jerry's Service \$3.21; Item 3 - 3,000 gal No. 1 & 2 Diesel fuel dyed: Stern Oil \$2.1530, Jerry's Service \$2.31; Item 4 - 1,000 gal No. 1 & 2 diesel fuel-clear: Stern Oil \$2.4580, Jerry's Service \$2.86

107-21

Alderman Price moved approval of the low quote of Stern Oil on all four items. 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.

10. City Manager's Report

A. John reported that three terms on the Human Relations Commission will be expiring in May. John stated that one opening is a 1-year term for a post-secondary student and the other two openings are for three-year appointments. John noted that Expression of Interest forms are due by Thursday, April 15th at 5:00 p.m. anticipating that the City Council will make appointments at the April 19th meeting.

B. John reported that there is an opening on the Library Board for a three-year term. John noted that Expression of Interest forms are due by Thursday, April 29th at 5:00 p.m. anticipating that the City Council will make the appointment at the May 3rd meeting.

C. John stated that the Landfill will be open one Saturday morning a month starting with April 10th. John stated that it will be the second Saturday of each month open from 8:00 a.m. to noon. (Apr 10, May 8, June 12, July 10, August 14, Sept 11). John reported that the grass and leaf drop-off containers have returned to Barstow and Prentis Parks. John noted that the containers are not for tree branches. John noted that the drop-off is also available at the Recycling Center for grass and leaves during regular hours.

D. John reported that the City's Historic Preservation Commission meets on Wednesday, April 7th at 9:00 a.m.

E. John reported on approval of a raffle notification from the Fraternal Order of Eagles to sell 1800 tickets at \$20 each to individuals 21 years or older for a chance at winning one of 40 guns. John stated that the drawing will take place on May 1, 2021. Proceeds will be used for the local charitable causes of the Eagles.

PAYROLL ADDITIONS AND CHANGES

Police: Jon Cole \$29.66/hr, Ryan Hough \$35.62/hr; Recreation: Naomi Bingham \$10.00/hr, Shaina Determan \$10.00/hr, Wes Privett \$11.00/hr, Ethan Kerner \$30.00/game; Pool: Emery Bohnsack \$10.00/hr, Emma Bohnsack \$10.00/hr, Wyatt Gestring \$10.00/hr, Kayleen Job \$10.00/hr, Camille Ysbrand \$14.00/hr, Ariana Georgescu \$10.00/hr, Ethan Kerner \$10.00/hr, Michael Naber \$10.00/hr, Taryn Taggart \$10.00/hr, Emma Willert \$10.00/hr; Golf Clubhouse: Regan Sankey \$10.00/hr; Golf Maintenance: Darrin Witt \$10.00/hr; Water: Dennis Davis \$.60/meter

11. Invoices Payable

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Alderman Ward moved approval of the following invoices:

A-1 Portable Toilets	portable toilet rental	450.00
A-OX Welding Supply Co	chemicals	1,454.00
A.R.K Media Accounting Services	advertising	135.00
ADACO, Inc	supplies	2,342.00
Amazon Business	supplies	2,057.52
American Fence Company, Inc	chain link fence-lift station	1,777.55
Andrew Wickre	safety boots reimbursement	100.00
Appeara	shop towels	45.00
Aramark	work shirts	178.42
Aramark Uniform Services	uniform cleaning	719.22
Argus Leader Media #1085	subscription	259.58
AT&T Mobility	mobile hot spots	457.28
Atco International	supplies	155.75
Avera Occupational Medicine	testing	63.55
Bierschbach Eqpt & Supply	parts	369.08
Black Clover Enterprises	merchandise	529.00
Blackburn Manufacturing Co	supplies	559.90
Blackstone Publishing	books	651.37
Border States Elec Supply	supplies	157.50
Bound Tree Medical, LLC	supplies	4,297.69

Breit & Boomsma Pc	garnishment	368.61
Broadcaster Press	advertising	101.00
Burns & McDonnell	professional services	30,488.47
Butch's Propane Inc	propane	1,894.87
Butler Machinery Co.	parts	117.43
Callaway Golf	merchandise	4,888.18
Cask & Cork	merchandise	1,063.50
Cengage Learning Inc/Gale	books	529.54
Center Point Large Print	books	470.56
Century Business Products	copier contract/copies	186.66
Certified Laboratories	parts	796.93
City Of Vermillion	copies/postage	1,220.09
City Of Vermillion	utility bills	34,450.14
Clay County Highway Dept	fuel filters	36.98
CMC Design, LLC	merchandise	499.80
Coast To Coast Solutions	library supplies	394.14
Coffee King, Inc	supplies	125.50
Colonial Life Acc Ins.	insurance	2,984.27
Compliance Signs LLC	FDC signs	231.00
Core & Main LP	supplies	3,093.35
Craig Harris	professional services	200.00
Crescent Electric Supply	parts	127.20
Cummins Central Power, LLC	repairs	1,841.60
Curt Haakinson	safety glasses reimbursement	150.00
Cynthia Taverna	refund parking tckt overpmt	5.00
D-P Tools	supplies	439.90
Dakota Beverage	merchandise	13,660.88
Dakota Fluid Power Inc	supplies	279.57
Dakota Pc Warehouse	computers/monitor/supplies	1,344.91
Dakota Pump Incorp	parts	267.54
David Dykman	refund parking tckt overpmt	5.00
Delta Dental Plan	insurance	6,601.36
Dennis Martens	maintenance	833.34
DGR Engineering	professional services	95.50
Diamond Vogel Paints	white traffic paint	4,215.00
Division Of Motor Vehicle	license plate renewal	3.00
Drew Gortmaker	meals reimbursement	91.00
Dubois Chemicals	soda ash	21,961.50
Dynamic Brands	merchandise	1,382.20
Echo Electric Supply	supplies	1,477.26
Electric Pump, Inc	parts	3,293.28
Embroidery & Screen Works	shipping	12.50
Emergency Services Marketing	subscription	660.00

Emma Nelsen	meals/mileage reimbursement	153.74
Energy Laboratories	testing	1,172.00
Equipment Blades Inc	parts	1,602.00
Erickson Solutions Group	professional services	1,246.40
Farner Bocken Company	merchandise	809.57
Fastenal Company	safety glasses/supplies	432.98
Flagshooter, Inc	printed red flags	856.80
Foreman Media	Feb/March council meetings	200.00
Global Dist.	merchandise	292.00
Graham Tire Co.	tire	79.99
Graybar Electric	supplies	1,397.20
Graymont (Wi) LLC	chemicals	4,090.35
Gregg Peters	rent	937.50
Grey House Publishing	books	193.00
Hamilton Medical	humidifier/power cord	1,423.77
Hansen Locksmithing	key fobs	100.00
Hartington Tree LLC	stump grinding	1,313.00
Heiman Fire Equipment	fire fighter suspenders	139.10
Helms & Associates	professional services	367.60
Herren-Schempp Building	supplies	222.65
Hornungs Pro Golf	merchandise	214.70
Houston Engineering Inc	professional services	6,105.70
In Control, Inc	professional services	438.00
Ingram	books	4,277.30
Interstate All Battery Center	batteries	127.80
Intoximeters	mouthpiece sets	32.00
Jacks Uniform & Eqpt	vest/name plates	1,679.84
John A Conkling Dist.	merchandise	5,999.52
Johnsen Heating & Cooling	repairs	3,614.10
Johnson Brothers Of SD	merchandise	10,631.30
Johnstone Supply	filters	426.70
Jones Food Center	supplies	951.99
K & M Tire	supplies	302.95
Knox Company	software/maintenance	18,355.00
Lessman Elec. Supply Co	supplies	1,094.00
List Ventures	powder coating	50.00
Loffler	maintenance	71.06
Logo Golf Chips, Inc	merchandise	138.00
Longs Propane Inc	propane	30.00
Malloy Electric	parts	4,788.73
Mart Auto Body	towing	375.00
Masimo	parts	459.00
Matheson Tri-Gas, Inc	cylinder rental/medical oxygen	496.13

Matthew Bender & Co, Inc	books	68.08
McCulloch Law Office	professional services	933.10
Mead Lumber	supplies	104.64
Medical Waste Transport, Inc	haul medical waste	213.40
Meredith Books	books	33.91
Michelle L Dennis	neighborhood survey	4,400.00
Midwest Alarm Co	alarm monitoring	81.00
Midwest Ready Mix & Equipment	flowable fill	440.00
Midwest Turf & Irrigation	parts	196.94
Missouri River Energy Service	school kits	1,741.76
Missouri Valley Maintenance	repairs	731.10
Mizuno USA, Inc	merchandise	1,313.16
Mr. Golf Car, Inc	parts	166.00
MSC Industrial Supply Co	supplies	369.55
Nebraska Salt & Grain Co	ice control salt	3,613.91
Netsys+	professional services/computer	2,926.00
North Central Ambulance Sales	parts	4,979.34
O'Reilly Auto Parts	parts	356.17
Octane Ink	reflective striping	5,400.00
Otis Elevator Company	maintenance	1,311.36
Overhead Door Of Sioux City	repairs	363.55
PCC, Inc	commission	2,237.24
Petrochoice	supplies	210.63
Phelps	uniforms/work shirts	4,394.91
Ping/Karsten Mfg Corp	merchandise	1,703.39
Pizza Ranch	buffets	32.37
Plain Talk Publishers	subscription	26.00
Premier Safety	rental	778.56
Pressing Matters	supplies	79.00
Presto-X-Company	inspection/treatment	65.00
Print Source	forms	213.00
Pro Auto Inc	sandblasting	80.00
Prochem Dynamics	parts	36.70
Public Safety Training Cons.	registration	419.00
Pump N Pak	calendars/ice	175.05
Quill	battery backup/supplies	670.61
Racom Corporation	maintenance	432.70
Redi Towing	towing	1,135.00
Reel Sharp	repairs	2,135.45
Republic National Distributing	merchandise	12,768.29
Resco	transformers	48,843.00
Robbie Redlin	refund parking ticket overpmt	5.00
Running Supply, LLC	supplies	3,019.52

Sanford Health Occupational	pre-employment testing	561.00
Sanford USD Medical Center	supplies	123.65
Sanitation Products Inc	parts	787.74
Scantron Corporation	maintenance	1,763.00
Scholastic Inc.	books	253.40
SD Dept Of Health	testing	150.00
SD Humanities Council	registration	25.00
SD Retirement System	contributions	61,800.84
SD Secretary Of State	notary filing fee	30.00
SD Shakespeare Festival	contribution	4,500.00
Security Shredding Service	shredding	35.00
Service Master Of Se SD	custodial	3,456.68
Shot Scope	merchandise	390.00
Sioux Equipment	parts	38.00
Southern Glazer's Of SD	merchandise	6,283.69
Stan Houston Eqpt Co	supplies	153.17
Stockwell Engineers, Inc	downtown streetscape project	12,500.00
Stuart C. Irby Co.	supplies	2,575.10
Sturdevants Auto Parts	parts	1,051.14
Sun Mountain	merchandise	2,627.06
Sunkota Construction	recycling center improvements	101,961.00
Syncb/Amazon	books/dvds/supplies	666.53
Target Solutions Learning	membership/maintenance	6,921.08
The Emblem Authority	shoulder patches	470.00
The Lifeguard Store, Inc	pool supplies	1,163.00
The Ups Store #6751	shipping	41.01
Tifosi	merchandise	237.24
Titleist-Acushnet Company	merchandise	16,924.14
Todds Electric Service	install load mgmt	51.01
Tractor Supply Credit Plan	supplies	343.58
Travis Tarr	safety boots reimbursement	100.00
True Fabrications	supplies	461.91
Turfwerks	parts	1,112.32
Uline	ladder/supplies	3,108.86
United Laboratories	supplies	1,044.00
United Way	contributions	642.50
Unum Life Insurance Company	insurance	1,600.18
USA Bluebook	parts	1,583.36
Utility Equipment Co.	meters	4,283.11
Valiant Vineyards	merchandise	1,014.55
Vantage Apparel	merchandise	44.50
Vast Broadband	911 circuit/dialup service	1,415.45
Verizon Wireless	cell phones/gateway modem	2,478.12

Vermillion Ace Hardware	supplies	3,060.13
Vermillion Fastpitch Softball	sponsorship	350.00
Vermillion Rotary Club	dues/meals	56.25
Visa/First Bank & Trust	fuel/supplies	6,015.95
Volante	advertising	75.00
Wal-Mart Community	supplies	531.73
Wesco Distribution, Inc	supplies	4,518.00
Western Iowa Tech	training	475.00
Yankton Janitorial Supply	supplies	256.65
Zee Medical Service	supplies	59.65
Ziegler Inc	parts	11.76
Jon Flanagan	Bright Energy Rebate	200.00
Sharon Donahoe	Bright Energy Rebate	200.00
Jeffrey Rasmussen	Bright Energy Rebate	200.00
Barbara Yelverton	Bright Energy Rebate	1,300.00
Corinne Rath	Bright Energy Rebate	300.00
Kalins Indoor Comfort	Bright Energy Rebate	100.00
Vermillion High School	Bright Energy Rebate	558.00

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.

12. Consensus Agenda

A. Set a public hearing date of April 19, 2021 for a retail (on-off sale) wine and cider license for the Vermillion Cultural Association for the Coyote Twin Theater at 10 East Main Street.

B. Set a public hearing date of April 19, 2021 for a special daily malt beverage and wine license for the South Dakota Shakespeare Festival on or about June 17-20, 2021 at the Prentis Park Band Shell area.

C. Set a public hearing date of April 19, 2021 for a special permit to exceed permissible sound levels by no more than 50% for the Vermillion Community Theater for a free community event at the Prentis Park Band Shell area on July 9 & 10, 2021 from 5:00 p.m. to dark with rain dates of July 16 & 17, 2021.

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Alderman Price moved approval of the consensus agenda. 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.

13. Adjourn

110-21

Alderman Ward moved to adjourn the Council Meeting at 9:28 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.

Dated at Vermillion, South Dakota this 5th day of April, 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 _____.