

Unapproved Minutes
Council Special Session
August 16, 2021
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, August 16, 2021 at 12:00 noon at City Hall in the John "Jack" Powell Conference Room.

1. Roll Call

Present: Hellwege, Holland, Jennewein, Letellier, Price, Ward, Willson, Mayor Collier-Wise

Absent: Humphrey

2. Adoption of Agenda

262-21

Council Member Holland moved approval of the agenda. Council Member Price seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

3. Visitors to be Heard - None

4. Educational Session - State of Emergency Nuisance Ordinance - Cohl Turnquist, Administrative Intern

Cohl Turnquist, Administrative Intern, first presented a State of Emergency Nuisance Ordinance to the Council at the July 19, 2021 Special Meeting. Cohl stated that changes have been made since the first presentation to accommodate concerns and comments made. Cohl noted that this ordinance would establish procedures and support if a State of Emergency was declared. Cohl reported that the City Attorney advised them to create this ordinance in case a State of Emergency was to arise again in the future and noted that the City Attorney is present to answer questions. James McCulloch, City Attorney, noted that the framework for this ordinance was presented to the city by the insurance company. Discussion followed.

5. Educational Session - Review of impact of Capital Improvement Program -Cohl Turnquist, Administrative Intern

Cohl Turnquist, Administrative Intern, reported on the impact the Capital Improvement Program (CIP) has on the city. Cohl noted that he reviewed multiple CIP plans that the city has presented throughout the years and found five categories that he focused on. Cohl reported that the five

areas he focused on were future projects (delayed), removed Projects, in progress projects, competed projects, and bid ideas. Cohl stated that the CIP plans help the city keep track of projects that are out there and helps eliminate surprises. Discussion followed.

6. Informational Session - Review of Downtown Streetscape Change Order #1 - Jose Dominguez, City Engineer

Jose Dominguez, City Engineer, reported that the Downtown Streetscape has a change order that focuses on the transition slopes, removing window wells, and adjusting the easement for the street lighting. Jose noted that the project is currently behind schedule, but the contractor is hiring more concrete workers to help move the project along. Jose stated that the contractor is working to get the corner of Prospect and Main along with Prospect and Market done before September 3rd in order for the Ribs Rods and Rock N Roll to have access for their event, but there is back up plan if the contractor is not finished. Discussion followed.

7. Briefing on the City Council Regular Meeting

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

8. Adjourn

263-21

Council Member Ward moved to adjourn the Council special session at 12:59 p.m. Council Member Holland seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 16th day of August, 2021.

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

ATTEST:

BY _____
Katie E Redden, Finance Officer

Unapproved Minutes
City Council Regular Session
August 16, 2021
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on August 16, 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

2. Pledge of Allegiance

3. Minutes

A. Minutes of August 2, 2021 Special Meeting, August 2, 2021, Regular Session, August 9, 2021 Budget Session, and August 10, 2021 Budget Session

264-21

Council Member Holland moved approval of the August 2, 2021 Special Meeting, August 2, 2021, Regular Session, August 9, 2021 Budget Session, and August 10, 2021 Budget Session. Council Member Price seconded the motion. Motion carried 9 to 0. Mayor Collier-Wise declared the motion adopted.

4. Adoption of Agenda

265-21

Council Member Price moved approval of the amended agenda. Council Member Willson seconded the motion. Motion carried 9 to 0. Mayor Collier-Wise declared the motion adopted.

5. Visitors to be Heard - None

6. Public Hearings

A. Special permit to exceed permissible sound levels by no more than 50% for the University of South Dakota Days Committee on or about Thursday, September 30, 2021 from 7:00 p.m. to 11:30 p.m. on Kidder Street between Court Street and Market Street

Katie Redden, Finance Officer, reported that the University of South Dakota Dakota Days Executive Committee has applied for a special permit to exceed allowable noise levels for a pep rally and street dance on

Kidder Street between Court Street and Market Street. Katie noted that the event will take place on Thursday, September 30, 2021 beginning at 7:00 p.m. lasting until 11:30 p.m. Katie stated that the application and map is presented and the request to close Kidder street between Court and Market was approved on July 19, 2021. Cara Olson USD Dakota Days Committee Member noted that they will be letting all of the neighbors in the area know of the event before it takes place.

266-21

Council Member Ward moved approval of the Special permit to exceed permissible sound levels by no more than 50% for the University of South Dakota Days Committee on or about Thursday, September 30, 2021 from 7:00 p.m. to 11:30 p.m. on Kidder Street between Court Street and Market Street. Council Member Willson seconded the motion. Motion carried 9 to 0. Mayor Collier-Wise declared the motion adopted.

7. Old Business - None

8. New Business

A. Change Order No. 1 for Downtown Streetscape Project

Jose Dominguez, City Engineer, reported on Change Order No. 1 for the Downtown Streetscape Project. Jose stated that, in March 2021, the City awarded the construction project to Schwartzle Construction (Schwartzle) for \$2,976,602. Jose noted that, on May 27, 2021, the City Council considered an agenda item that allowed Schwartzle to continue with the project with the proposed changes to the transition areas adjacent to the sidewalks. Jose stated that the City Council agreed to this anticipating that the official change order would come at a later time. Jose stated that the change order being considered includes work related to the following: Reduction of the slope in the transition areas adjacent to the sidewalks (this was discussed at the May 27th meeting); Work required to close the undisclosed window wells going to basements (this happened at 5 E. Main, 2 W. Main, 4 W. Main, 10 W. Main, 12 W. Main, and 16 W. Main); Redesign of spread footings for the new street lights; and The replacement of some water main fittings at Church and Main Streets. Jose noted that, in addition to monetary compensation for the work included in the change order, Schwartzle is also requesting 20 additional days for the substantial completion and 25 additional days for the final completion. Jose reported that this would move the substantial completion from September 1st to September 21st, and the final completion from October 31st to November 25th in which the additional days are only for the work mentioned in the change order and not for any weather related delays.

267-21

Council Member Holland moved approval of Change Order No. 1 for Downtown Streetscape Project. Council Member Hellwege seconded the motion. Motion carried 9 to 0. Mayor Collier-Wise declared the motion adopted.

B. Request to close a section of the alley behind the Coyote Twin Theater on Thursday, September 23, 2021 from 4:30 p.m. to 7:30 p.m. for the dedication of the Vermillion Community Mural.

Cohl Turnquist, Administrative Intern, reported that the Vermillion Cultural Association has requested to close a section of the alley behind the Coyote Twin Theater on Thursday, September 23, 2021 from 4:30 p.m. to 7:00 p.m. for the dedication of the Vermillion Community Mural. Cohl noted that the alley runs east to west between Elm Street and Center Street. Cohl stated that the closure would run between the two City Hall parking lots. Cohl noted that the businesses that may be affected by the street closure have been notified. Cohl stated that the Vermillion Cultural Association staff and volunteers will assist in removing barricades to reopen the alley, and clean the alley at the conclusion of the event. Cohl reported that the Street, Police, Fire, and EMS Departments have been notified of the closing.

268-21

Council Member Ward moved approval of the Request to close a section of the alley behind the Coyote Twin Theater on Thursday, September 23, 2021 from 4:30 p.m. to 7:30 p.m. for the dedication of the Vermillion Community Mural. Council Member Humphrey seconded the motion. Motion carried 9 to 0. Mayor Collier-Wise declared the motion adopted.

C. Easement agreement with Vast Broadband for location of Vast Broadband facilities in the northeast corner of the City owned property at the southeast corner of Cherry Street and High Street

Jose Domiguez, City Engineer, reported on an easement agreement with Vast Broadband facilities in the northeast corner of the City owned property at the southeast corner of Cherry Street and High Street. Jose noted that since March of 2021 the City has been working with Clarity Telecom, LLC, "VAST Broadband" (Vast) about entering into a cable franchise agreement with the City. Jose stated that the franchise agreement was finalized at the June 21st meeting when the second reading of Ordinance No. 1436 was adopted by the City Council. Jose noted that, when assisting with the location of the "node", Vast asked Staff if the City had any property available along Cherry Street that would be easily accessible and able to be provided with electric power. Jose stated that staff proposed to Vast the use of the land around the fairgrounds, particularly the northeast corner of the property adjacent to the existing City's electric infrastructure. Jose reported that the easement agreement delineates the

responsibilities of both parties. Jose stated that the City will be required to allow Vast to use the area, and that no structures, trees, or other obstructions would be built on the area. Jose noted that, although not in the agreement, the City would also allow Vast to enter the site through the parking lot south of West Cherry Street and Vast would agree to maintain the area described in the easement, to use the space for their business, and that in case of removal, the area would be returned to its current state.

269-21

Council Member Holland moved approval of Easement agreement with Vast Broadband for location of Vast Broadband facilities in the northeast corner of the City owned property at the southeast corner of Cherry Street and High Street. Council Member Willson seconded the motion. Motion carried 9 to 0. Mayor Collier-Wise declared the motion adopted.

D. Consideration of allocating \$50,000 of American Recovery Program Act funds for a vaccination incentive program

John Prescott, City Manager, reported on consideration of allocating \$50,000 of American Recovery Program Act funds for a vaccination incentive program. Jose noted that the American Rescue Plan bill was approved by Congress and signed by the President earlier this year and the City will receive \$1,857,930 through this bill. John noted that it is anticipated that the first half of the funding of \$928,965 will be received yet this year with the second half of the funding to be available no sooner than one year after receipt of the first half of the funding. John noted that City Council members have expressed interest in using some of the funding to encourage vaccinations to help curtail the impact of COVID-19. John stated that use of the APRA funding for vaccine incentive programs is an allowable use. John stated that the proposal is a partnership of the United Way, VCDC, and the City. The proposal is a lottery for vaccinated individuals. The raffle would last ten weeks with two \$2,500 winners to be drawn each week with two random \$5,000 winners selected during the ten weeks. John noted that if an individual is randomly selected they will need to provide proof of vaccination and Clay County residency. John stated that details on administration and specific rules are being developed.

270-21

Council Member Price moved approval of allocating \$50,000 of American Recovery Program Act funds for a vaccination incentive program. Council Member Hellwege seconded the motion. Motion carried 9 to 0. Mayor Collier-Wise declared the motion adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported that Thursdays on the Platz run through August. Reminder that the west City Hall parking lot and Center Street between Main Street and National Street will be closed on Thursdays from 4:00 p.m. to 8:00 p.m. for these events.

B. John reported that VAST Communications has begun construction to build-out their infrastructure in the community. Their plan is to complete this in the next several months with multiple crews working. There will be a lot of locates done in the community. Flags or spray paint as the respective utilities mark where their services are at in the public right-of-way.

C. John reported that the City offices are closed on Monday, September 6th for Labor Day.

D. John stated that, due to the holiday, the next City Council meeting is on Tuesday, September 7, 2021.

E. John noted that the advertised Special City Council meeting for Noon on Monday, August 23, 2021 to consider a Special Daily Malt Beverage and Wine permit for the Vermillion Chamber and Development Company on September 2, 2021 has been cancelled.

PAYROLL ADDITIONS AND CHANGES

Planning Commission: Greg Merrigan \$15.00/mtg; Finance: Jian (Jenny) Huang \$20.66/hr; Police: Joe Ostrem \$30.72/hr; Fire/Code: Matt Taggart \$19.69/hr; Code: Justin Roetman \$18.36/hr; Pool: Ashlyn Bowker \$10.25/hr; Golf Maintenance: Tanner Pietz \$10.00/hr, Mason Rozell \$10.00/hr; Light: Brandon Steeneck \$37.27/hr

11. Invoices Payable

271-21

Council Member Price moved approval of the following invoices:

A & A REFRIGERATION	REPAIRS	949.28
A & B BUSINESS, INC	COPIER CONTRACT	225.95
A-1 PORTABLE TOILETS	PORTABLE TOILET RENTAL	450.00
A-OX WELDING SUPPLY CO	CHEMICALS	2,393.00
AMAZON BUSINESS	SUPPLIES	1,095.66
AMERICAN LEGAL PUBLISHING	INTERNET RENEWAL	375.00
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	321.40
AT&T MOBILITY	MOBILE HOT SPOTS	458.29

AUSTIN ANDERSON	SAFETY BOOTS REIMBURSEMENT	100.00
AVERA OCCUPATIONAL MEDICINE	TESTING	122.00
AVI SYSTEMS	LIBRARY MTG RM SYSTEM	17,739.83
BLACKBURN MANUFACTURING C	SUPPLIES	275.30
BLACKSTONE PUBLISHING	BOOKS	104.48
BORDER STATES ELEC SUPPLY	SUPPLIES	1,921.40
BREIT & BOOMSMA PC	GARNISHMENT	447.95
BROADCASTER PRESS	ADVERTISING	2,535.85
BUHLS CLEANERS	MAT/MOP SERVICE	861.06
BUREAU OF ADMINISTRATION	TELEPHONE	381.29
BUTLER MACHINERY CO.	PARTS	2,421.01
CASK & CORK	MERCHANDISE	360.00
CENGAGE LEARNING INC/GALE	BOOKS	42.89
CENTURY BUSINESS PRODUCTS	COPIER CONTRACT BUYOUT	2,226.08
CENTURYLINK	TELEPHONE	1,562.33
CHESTERMAN CO	MERCHANDISE	1,446.59
CITY OF VERMILLION	LANDFILL VOUCHERS	364.50
CLAY RURAL WATER SYSTEM	WATER USAGE	199.20
CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,615.29
COAST TO COAST SOLUTIONS	SUPPLIES	367.55
DAKOTA BEVERAGE	MERCHANDISE	7,881.20
DAKOTA PC WAREHOUSE	INK CARTRIDGES	94.97
DANIEL MILROY	SAFETY BOOTS REIMBURSEMENT	100.00
DUBOIS CHEMICALS	SODA ASH	7,320.50
ECHO ELECTRIC SUPPLY	SUPPLIES	829.74
ENERGY LABORATORIES	TESTING	1,458.00
FARMER BROTHERS CO.	COFFEE PACKETS	146.76
FARNER BOCKEN COMPANY	MERCHANDISE	4,839.14
FEDEX.	SHIPPING	14.87
GLOBAL DIST.	MERCHANDISE	99.00
GRAYMONT (WI) LLC	CHEMICALS	4,157.35
GREGG PETERS	MANAGERS FEE	6,000.00
GRIFFIN MASONRY	PRENTIS PARK ARCH	232.50
HACH CO	REPAIRS	1,774.85
HAUGER LAWN SERVICE	MOWING/WEED CONTROL	174.00
HAWKINS INC	CHEMICALS	2,044.29
HENDERSON EXHAUST PLUS	REPAIRS	40.00
HERREN-SCHEMPF BUILDING	CEILING TILES	40.74
HORNUNGS PRO GOLF	MERCHANDISE	54.95
HY VEE FOOD STORE	BUDGET MTG SNACKS	69.55
IN CONTROL, INC	PROFESSIONAL SERVICES	4,311.23
INGRAM	BOOKS	596.86
JACKS UNIFORM & EQPT	VESTS	1,075.00

JERRY'S SERVICE, INC	FUEL	20,320.30
JIMMY HACK GOLF LLC	MERCHANDISE	403.51
JOHN A CONKLING DIST.	MERCHANDISE	5,107.75
JOHNSEN HEATING & COOLING	REPAIRS	861.27
JOHNSON BROTHERS OF SD	MERCHANDISE	15,014.25
JOHNSTONE SUPPLY	EPA STUDY COURSE BOOK	96.29
JONES FOOD CENTER	SUPPLIES	84.15
JOSH MANNING	LICENSE REIMBURSEMENT	20.00
KALIN KNIEF	SAFETY BOOTS REIMBURSEMENT	100.00
KALINS INDOOR COMFORT	REPAIRS	512.98
LAYNES WORLD	PD PLAQUES	227.22
LOFFLER	COPIER CONTRACT/COPIES	1,471.96
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	1,180.00
MAIN STREET CENTER	CONTRIBUTIONS	12,000.00
MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	125.01
MIDAMERICAN	GAS USAGE	2,195.14
MIDCONTINENT COMMUNICATION	INTERNET/CABLE SERVICE	1,450.38
MIDWEST ALARM CO	ALARM MONITORING	73.50
MIZUNO USA, INC	MERCHANDISE	1,337.05
MOORE WELDING & MFG	REPAIRS	527.85
NCL OF WISCONSIN, INC	CHEMICALS	482.50
NEBRASKA JOURNAL-LEADER	ADVERTISING	34.95
NUTRIEN AG SOLUTIONS	SUPPLIES	57.63
O'REILLY AUTO PARTS	PARTS	353.23
OFFICE OF FIRE MARSHAL	BOILER INSPECTION	80.00
PARKSON CORPORATION	PARTS	276.07
PERMA-BOUND	BOOKS	58.85
PING/KARSTEN MFG CORP	MERCHANDISE	1,064.61
PRESSING MATTERS	BASEBALL PROGRAMS	227.00
QUILL	SUPPLIES	184.56
REPUBLIC NATIONAL DISTRIBUTING	MERCHANDISE	3,725.54
RODENBURG LAW FIRM	GARNISHMENT	232.26
RUNNING SUPPLY, LLC	SUPPLIES	1,061.52
SD DENR	LANDFILL OPERATIONS FEE	3,690.02
SD SOLID WASTE MANAGEMENT	MEMBERSHIP	400.00
SD STATE HISTORICAL SOCIETY	MEMBERSHIP	55.00
SIOUX EQUIPMENT	FUEL TANK	12,401.29
SOUTHERN GLAZER'S OF SD	MERCHANDISE	3,176.58
STAPLES BUSINESS CREDIT	SUPPLIES	1,674.01
STERN OIL CO.	OIL	2,842.56
STUART C. IRBY CO.	SUPPLIES	215.00
STURDEVANTS AUTO PARTS	PARTS	249.29
SYNCB/AMAZON	DVDS/BOOKS/SUPPLIES	661.21

THREAD & INK	BLACK TOTES	477.30
TITLEIST-ACUSHNET COMPANY	MERCHANDISE	232.92
TURNER PLUMBING	REPAIRS	500.68
US POSTMASTER	POSTAGE FOR UTILITY BILLS	925.00
USPS-POC	POSTAGE FOR METER	700.00
UTILITY EQUIPMENT CO.	WATER METERS	14,040.00
VERMILLION ACE HARDWARE	SUPPLIES	746.82
VESSCO, INC	PARTS	1,202.29
WAHLTEK	COMMUNICATION SYSTEM	31,789.00
WALT'S HOMESTYLE FOODS, INC	MERCHANDISE	32.50
WASTE MANAGEMENT OF WI-MN	WASTE HAULING	1,519.69
YAMAHA MOTOR FINANCE CORP	GOLF CARS/GPS LEASE	6,622.61
YANKTON JANITORIAL SUPPLY	SUPPLIES	68.00
YANKTON MOTORSPORTS LLC	TIRES/PARTS	707.05
	GRAND TOTAL	\$240,594.83

Council Member Hellwege seconded the motion. Motion carried 9 to 0. Mayor Collier-Wise declared the motion adopted.

12. Consensus Agenda

A. Set a public hearing date of September 7, 2021 for a special permit to exceed permissible sound levels by no more than 50% for the University of South Dakota Music Department in the band shell area of Prentis Park on Sunday, October 17, 2021 from 2:00 p.m. to 5:00 p.m. for a free live public concert performance.

B. Set a public hearing date of September 7, 2021 for a special daily malt beverage and wine license for the University of South Dakota Foundation Women in Philanthropy ceremony on September 11, 2021 at the Munster University Center second floor ballroom.

C. Set a public hearing date of September 7, 2021 for a special daily malt beverage and wine license for the University of South Dakota Foundation Unleash Your Legacy Alumni Achievement Awards ceremony on October 1, 2021 at the Munster University Center second floor ballroom.

272-21

Council Member Ward moved approval of the consensus agenda. Council Member Price seconded the motion. Motion carried 9 to 0. Mayor Collier-Wise declared the motion adopted.

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

273-21

Council Member Price Moved to go into Executive Session for legal matters at 7:30 p.m. Council Member Humphrey seconded the motion. Motion carried 9 to 0. Mayor Collier-Wise declared the motion adopted.

Mayor Collier-Wise declared the Council out of Executive Session at 8:08 p.m.

274-21

Council Member Price moved approval to authorize the City Attorney to proceed as discussed in Executive Session. Council Member Humphrey seconded the motion. Motion carried 9 to 0. Mayor Collier-Wise declared the motion adopted.

14. Adjourn

275-21

Council Member Ward moved to adjourn the Council Meeting at 8:09 p.m. Council Member Price seconded the motion. Motion carried 9 to 0. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 16th day of August, 2021.

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

ATTEST:

BY _____
Katie E. Redden, Finance Officer

Published once at the approximate cost of _____.