

Unapproved Minutes
Council Special Session
October 4, 2021
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, October 4, 2021 at 12:00 noon at the Jack Powell Conference Room - City Hall.

1. Roll Call

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

Absent: Humphrey, Letellier, Ward

2. Adoption of Agenda

323-21

Council Member Hellwege moved approval of the amended agenda to add information on dissolution of the Joint Jurisdictional Zoning Area and the City Ordinance on Incarceration facilities within City Limits. Council Member Price seconded the motion. Motion carried 6 to 0. Mayor Collier-Wise declared the motion adopted.

3. Visitors to be Heard - None

4. Educational Session - Mockler Farmland Lease - Katie Redden

Katie Redden, Finance Officer, reported that Kenneth Mockler left the City approximately 230 acres of farmland east of Vermillion. Katie provided a map showing the location of the land. Katie noted that State statute requires a public hearing before the City can enter into a lease for a term exceeding one hundred twenty days or for an amount exceeding \$500 annual value thus bidding is not required just a public hearing. Katie noted that since the receipt of the property the City has used the bid process to determine the best price for a lease. Katie noted that in the past the City has used a three year lease. Katie reviewed past lease amounts. Katie asked the City Council if they wanted to continue to request a bid for a three year lease in renting the farmland. Discussion followed on the farmland lease. The consensus of the City Council was to request bids for a three year lease.

5. Educational Session - Medical Cannabis Administrative Rules - John Prescott and Stone Conley

John Prescott, City manager reported on administrative rules regarding medical cannabis. John noted that the City's licenses are a calendar year

whereas the State is twelve (12) months from the date of issuance. John reported that no licenses given from the City will be transferable, but the State allows for certain types of transfer. John noted that the State has an extensive list of requirements that must be met in order to have an establishment therefore the City could add to this list for applicable safety standards defined by local ordinances.

Stone Conley, Assistant to the City Manager, reported on the application and fee process for Medical Cannabis within the City of Vermillion. Stone noted that the City is required to have an application and can set fees associated with initial application, licenses, and renewal. Discussion followed on fees.

6. Discussion of County item on Dissolution of Joint Jurisdictional Zoning Area - John Prescott

John Prescott, City Manager, reported that the County Planning Commission met on Monday, September 27th and reviewed changes to the County Comprehensive Plan. John noted that one new proposal at the end of their Comprehensive Plan draft reads: State law fails to address the procedure necessary to terminate a previously agreed upon joint jurisdiction. John stated that it is assumed that this can be accomplished by mutual agreement of the County and City or the County can unilaterally terminate an existing joint jurisdiction on the basis that State law requires both entities to approve a substantially identical zoning ordinance. John noted that, if the County does not agree with the City on a zoning ordinance, there can be no joint jurisdiction. Discussion followed.

7. City Ordinance on Incarceration facilities within City Limits - John Prescott

John Prescott, City Manager, reported that definition of public service buildings does not allow for facilities for incarcerated persons. John noted that the City is asking SECOG for a clarification on the definition. Discussion followed.

8. Briefing on the October 4, 2021 City Council Regular Meeting

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

9. Executive Session - Legal Matter per SDCL 1-25-2(3)

324-21

Council Member Willson Moved to go into Executive Session for legal matters at 12:58 p.m. Council Member Price seconded the motion. Motion carried 6 to 0. Mayor Collier-Wise declared the motion adopted.

Mayor Collier-Wise declared the Council out of Executive Session at 1:08 p.m.

10. Adjourn

325-21

Council Member Price moved to adjourn the Council special session at 1:08 p.m. Council Member Ward seconded the motion. Motion carried 6 to 0. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 4th day of October, 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
October 4, 2021
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on October 4, 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 September 20, 2021, Special Meeting and, September 20, 2021, Regular Session

326-21

Council Member Ward moved approval of the September 20, 2021, Special Meeting and, September 20, 2021 regular session minutes. Council Member

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

4. Adoption of Agenda

327-21

Council Member Willson moved approval of the amended agenda to add appointment of City Lawyer to new business Item E. Council Member Price seconded the motion. Motion carried 9 to 0. Mayor Collier-Wise declared the motion adopted.

5. Visitors to be Heard

A. Public Power Proclamation

Council Member Ward read the proclamation recognizing October 3rd-9th, 2021 as Public Power Week. This proclamation recognizes all the hard work our Electric Utility Department puts in to bring low-cost, safe, and reliable electricity to community homes and businesses since 1915. Our community joins hands with more than 2,000 other public power systems in the United States in this celebration of public power which put our residents, businesses, and the community before profits.

6. Public Hearings

A. Special daily malt beverage and wine license for the Vermillion Area Arts Council at 202 Washington Street for a fundraising event on October 23, 2021.

Katie Redden, Finance Officer, reported that Phyllis Packard with the Vermillion Area Arts Council has submitted an application for a special daily malt beverage and wine license for the event "Haunted" opening on or about Saturday, October 23, 2021 to be held at 202 Washington Street. Katie noted that the notice of public hearing and Police Chief's memo are attached. Katie stated that the routine Police Department records check of the parties involved with the special daily license revealed no alcohol related violations or felony convictions in reference to this application.

328-21

Council Member Holland moved approval of the special daily malt beverage and wine license for the Vermillion Area Arts Council at 202 Washington Street for a fundraising event on or about October 23, 2021. Council Member Ward seconded the motion. Motion carried 9 to 0. Mayor Collier-Wise declared the motion adopted.

7. Old Business

A. Second reading of Ordinance 1441 to amend Sections 112.24 and 112.25 Title XI, Business Regulations; Chapter 112, Alcoholic Beverages to establish a malt beverage markup for Convention Center and Municipal Airport on-sale licenses

John Prescott, City Manager, reported that, when the City was developing language for the malt beverage markup ordinance in 2015, convention center licenses were not included as a qualifying property needed to have 100 rooms for lodging and seating for 400 people on the same property. John stated that in 2018 the law was changed for communities under 20,000 in population and our size community, a convention center liquor license can be granted for a property having 40 rooms for lodging and seating for 100 people. John noted that, in reviewing legislative changes, it was suggested that the City include convention center licenses and municipal airport facilities in the list so that all entities, which might sell malt beverages, participate in the markup. John stated that, in November 2020, the voters adopted a Home Rule Charter for Vermillion. Section 1.05 of the Home Rule Charter provides that the City can do any other act not prohibited by the South Dakota Constitution, South Dakota Codified law, or South Dakota Administrative rule. John stated that the ordinance includes a 5% markup for malt beverages sold under a convention center or municipal airport facility license. John reported that neither of these two types of licenses are currently being used in the City. John noted that there have been no changes to Ordinance No. 1441 since the first reading at the September 20, 2021 meeting.

329-21

Second reading of title to Ordinance No. 1441, entitled AN ORDINANCE AMENDING the City of Vermillion Code of Ordinances Title XI, Business Regulations; Chapter 112, Alcoholic Beverages; Sections 112.24 and 112.25 to establish a malt beverage markup for Convention Center and Municipal Airport on-sale licenses for the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1441 entitled an Ordinance Amending the City of Vermillion Code of Ordinances Title XI, Business Regulations; Chapter 112, Alcoholic Beverages; Sections 112.24 and 112.25 to establish a malt beverage markup for Convention Center and Municipal Airport on-sale licenses for 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 20th day of September, 2021 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 4th day of

October, 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:

ORDINANCE 1441

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XI, BUSINESS REGULATIONS; CHAPTER 112, ALCOHOLIC BEVERAGES; SECTIONS 112.24 AND 112.25 TO ESTABLISH A MALT BEVERAGE MARK-UP FOR CONVENTION CENTER AND MUNICIPAL AIRPORT ON-SALE LICENSES.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Title XI, Business Regulations; Chapter 112, Alcoholic Beverages be amended as follows:

§ 112.24 WHOLESALE PURCHASE.

(A) The City does hereby impose a fee of 5% on the wholesale purchase, plus freight for all malt beverages as defined by SDCL §35-1-1, as amended, delivered to the holder of a license issued pursuant to SDCL §35-4-2(3), (4), or (16).

(B) The City does hereby impose a fee of 5% on the wholesale purchase, plus freight for all malt beverages as defined by SDCL § 35-1-1, as amended, delivered to the holder of a license issued pursuant to SDCL §35-4-2(11) or (13).

(C) All holders of a license which permits the sale of malt beverages as described herein shall purchase the malt beverages that the holder of such license sells from the city. In order to facilitate orders and delivery, in lieu of direct purchases from the city, holders of a license herein may utilize the procedures contained in §112.25 herein.

(D) The authority for the imposition of the fee for licenses issued pursuant to SDCL 35-4-2(3), (4), or (16) is contained in SDCL § 35-4-60.2.

(E) The authority for the imposition of the fee for licenses issued pursuant to SDCL § 35-4-2(11) or (13) is contained in Home Rule Charter Section 1.05 as not expressly prohibited by the statute.

§ 112.25 SUBMISSION OF INVOICES AND ASSESSMENT OF FEES.

(A) All malt beverage wholesalers, as defined by SDCL § 35-1-1, and licensed, pursuant to SDCL § 35-4-2(3), (4), (11), (13), or (16) shall provide a copy to the Finance Officer of all invoices for sales of malt

beverages delivered to holders of a license as described in § 112.24 herein, within the city on, or before the 5th day of each month for all sales made in the city for the prior month.

(B) The Finance Officer shall on the 15th day of each month, or on the first working day thereafter, send a statement to each license holder permitted to sell malt beverages as described in § 112.24 herein, assessing the fee required hereunder, based upon all invoices received by the city for malt beverages delivered to the license holder for the prior calendar month. The license holder shall have a period of 10 days within to which to pay the city the fee required hereunder. In the event of the failure by the license holder to pay the required fee within said 10-day time period, the Finance Officer shall notify the malt beverage wholesalers, in writing, by first-class mail, postage prepaid at Vermillion, South Dakota, of the fact that this fee has not been paid and that the license holder is in violation of the terms of this chapter. A copy of the notice sent to the malt beverage wholesaler shall be sent to the license holder who is in default. The wholesalers shall not deliver any malt beverage to the license holder who is in default under the terms of this chapter until such time as the wholesalers are notified by the city that all fees owing to the city have been paid in full.

Dated at Vermillion, South Dakota this 4th day of October, 2021

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

ATTEST

BY: _____
Katie E Redden, Finance Officer

Adoption of the Ordinance was seconded by Council Member Hellwege. Thereafter the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body and the members voted as follows: Hellwege -Y, Holland-Y, Humphrey-Y, Jennewein-Y, Price-Y, Letellier-Y, Ward-Y, Willson-Y, Mayor 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.

B. Second reading of Ordinance 1442 to amend Section 32.32(B) of Title III, Administration; Chapter 32, City Organizations to allow owners of a registered historic property to qualify for a designated seat on the City's Historic Preservation Commission

Stone Conley, Assistant to the City Manager, reported that, in the summer of 2018, the City Council established the Historic Preservation

Commission. Stone noted that, since its inception, the Vermillion Historic Preservation Commission has sponsored a couple events, held regular monthly meetings, promoted education of historic matters, and is in process to create an additional historic district in Vermillion. Stone noted that the Commission currently consists of seven members that reside within the city and requires that four members are property owners in one of the officially designated Historic Districts. Stone noted that two members are to have expertise in the disciplines of history, architectural history, architecture, planning, urban planning, American studies, American civilization, cultural geography, cultural anthropology, or related fields when available. Stone reported that the proposed amendment would expand the criteria for the four members who are currently limited to ownership of property in a historic district to include property owners of a historic structure regardless of the location in the city. Stone noted that, if the historic property owner's structure falls outside one of the designated Historic Districts, then the historic property must be registered with the State or National Registry of Historic Places to meet the criteria of "historic property ownership," that is required for four of the seven members of the Commission. Stone reported that the Historic Preservation Commission reviewed the proposed ordinance at their September 1st meeting and voted to recommend approval of the ordinance. Stone noted that the City Council approved the first reading of the proposed amendment at the September 20, 2021 regular meeting. There have been no changes to the ordinance since the first reading.

330-21

Second reading of title to Ordinance No. 1442, entitled an Ordinance Amending City of Vermillion Code of Ordinances Title III, Administration; Chapter 32, City Organizations; Section 32.32 (B) to expand the definition of membership qualifications of the Vermillion Historic Preservation commission for the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1442 entitled An Ordinance Amending City of Vermillion Code of Ordinances Title III, Administration; Chapter 32, City Organizations; Section 32.32 (B) to expand the definition of membership qualifications of the Vermillion Historic Preservation commission 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 20th day of September, 2021 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 4th day of October, 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:

ORDINANCE 1442

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE III, ADMINISTRATION; CHAPTER 32, CITY ORGANIZATIONS; SECTION 32.32 (B) TO EXPAND THE DEFINITION OF MEMBERSHIP QUALIFICATIONS OF THE VERMILLION HISTORIC PRESERVATION COMMISSION.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Title III, Administration; Chapter 32, City Organizations be amended as follows:

§ 32.32 MEMBERSHIP; APPOINTMENT; QUALIFICATIONS; TERMS.

(A) The Commission shall consist of seven members, who shall be appointed by the Mayor, subject to approval by the City Council, and with consideration of the existing city historic districts and those residents who have expertise and interest in such fields as history, architecture, urban planning, archaeology, paleontology, and law as available.

(B) When available in the community, four of the seven members of the Commission are to be owners in one of the officially designated Historic Districts within the City of Vermillion or owners of a property registered with the National or State Registry of Historical Places.

(C) When available in the community, two of the seven members of the Commission are to have expertise in the disciplines of history, architectural history, architecture, planning, urban planning, American studies, American civilization, cultural geography, cultural anthropology, or related fields.

(D) All members of the Commission shall reside within the City of Vermillion and shall serve for terms of three years and shall be eligible for reappointment. The terms of the original members shall be varied in order to assure that no more than one-third of the appointments shall be for a full three-year term with the remaining appointments divided between one and two year terms. Persons appointed to fill an unexpired term shall serve for the remainder of the term.

(E) Any member who fails to attend three consecutive meetings without presenting an explanation accepted by the Commission may be deemed to have abandoned the office and may be replaced as provided herein.

(F) City Council shall act to fill any vacancy, which may occur.

Dated at Vermillion, South Dakota this 4th day of October, 2021.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
Kelsey Collier-Wise, Mayor

ATTEST:

By _____
Katie E. Redden, Finance Officer

Adoption of the Ordinance was seconded by Council Member Price. Thereafter the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Hellwege-Y, Holland-Y, Humphrey-Y , Jennewein-Y , Price-Y , Letellier-Y , Ward-Y , Willson-Y, Mayor 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.

C. Second reading of Ordinance 1443 to add Sections 90.22 - 90.26 providing for establishing a State of Emergency Nuisance to Title IX, General Regulations; Chapter 90 Health and Safety Nuisances

John Prescott, City Manager, reported that, in March 2020, the City adopted emergency Ordinance No. 1413 to limit occupancy in some businesses which was in response to the Federal and State declarations of emergency to address COVID-19. John noted that many of the first class cities in South Dakota adopted similar emergency ordinances. Responding to a pandemic and the related emergency ordinances and resolutions was new for the City. John noted that during the development, adoption, and implementation of the emergency ordinances, City staff and the City Attorney had several conversations with the City's insurance company who recommended several language clarifications for the respective documents prior to adoption in 2020. John noted that, as the pandemic progressed, the insurance company recommended adoption of an ordinance establishing a framework for emergency actions. John stated that the City Council discussed this ordinance at the July 19th and August 16th Noon meetings. John stated that the proposed ordinance establishes the designation of an emergency and provides that the City may, by resolution, set rules restricting or limiting actions of individuals or businesses to protect individuals in response to the emergency. John noted that the proposed ordinance also establishes that the City Manager or the City Manager's designee may determine a violation of the adopted resolution a public nuisance and order immediate abatement of the nuisance. John stated that an appeal process is also established so that an impacted individual or business may present their case to the City Council to address. John noted that

the framework established by this ordinance should be easier for an individual to have their concerns addressed vs. pursuing a remedy via the court system.

331-21

Second reading of title to Ordinance No. 1443, entitled an Ordinance adding Sections 90.22 - 90.26 providing for establishing a State of Emergency Nuisance to Title IX, General Regulations; Chapter 90 Health and Safety Nuisances for the City of Vermillion, South Dakota

Mayor Collier-Wise read the title to the above named Ordinance, and Council Member 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. 1443 entitled adding Sections 90.22 - 90.26 providing for establishing a State of Emergency Nuisance to Title IX, General Regulations; Chapter 90 Health and Safety Nuisances 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 20th day of September, 2021 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 4th day of October, 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:

ORDINANCE 1443

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE IX, GENERAL REGULATIONS; CHAPTER 90, HEALTH AND SAFETY NUISANCES TO ADD SECTIONS 90.22-90.26 ESTABLISHING A STATE OF EMERGENCY NUISANCE.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Title IX, General Regulations; Chapter 90, Health and Safety Nuisances be amended as follows:

§ 90.22 Definitions

Emergency. Includes, but is not limited to, actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, accident, chemical spill, or other impending or actual calamity endangering or threatening to endanger health, life, or property.

§ 90.23 DECLARATION OF EMERGENCY

(A) Notwithstanding any other provisions in the City of Vermillion Code of Ordinances relating to the declaration, identification, and abatement of nuisances, in the event that the City, a State of South Dakota entity or agency, or a federal government entity or agency declares the existence

of an emergency that endangers or presents a hazard to public health, welfare, or safety, and either the City, State of South Dakota, or federal government implements rules or recommendations restricting or limiting the actions of individuals or businesses in order to limit or slow the impact of such emergency event, the City may declare any business or individual who violates those rules or recommendations to be a public nuisance.

(B) In declaring the emergency, the City may, by resolution, set forth rules or recommendations restricting or limiting actions of individuals or businesses that the City has determined necessary to protect the immediate health, welfare, or safety of the public and within the resolution may, by reference, adopt actions, declarations, or standards currently in place, or being put in place, by the state of South Dakota or the federal government.

§ 90.24 IMMEDIATE ABATEMENT

(A) Upon a determination from the City Manager or City Manager's designee that a business or individual is operating in violation of those rules and recommendations referenced in Section 90.23 above which the City has declared to be a nuisance, the City Manager may determine that such violation is an immediate threat to public health and safety and may have the nuisance abated immediately at the owner's expense.

(B) In a situation where the City has to perform an immediate abatement that includes the closing or limiting of business or personal actions of an individual, that business or individual shall have the right to submit to the City in writing the actions the business or individual will take to bring activity within the rules and/or recommended standards contained in the City resolution declaring an emergency. Upon receipt of the written proposal, the City will review the proposal within 48 hours exclusive of weekends or legal holidays, and advise the business or individual whether the abatement will no longer be necessary, if the business or individual fulfills and follows the existing regulations and properly adjusts activities to fit within those regulations.

(C) Any business or individual aggrieved by any immediate abatement or requirement placed on the person's activities to comply with the City's resolution declaring an emergency may appeal the within ten (10) days to the City Council. The appeal shall be filed in writing with the City Manager or City Manager's designee citing reasons for the appeal. The appeal will then be heard at a regularly scheduled meeting of the City Council using the same criteria governing the emergency nuisance abatement made by the City Manager or City Manager designee.

§ 90.25 REMEDIES AGAINST NUISANCE GENERALLY

In the enforcement of the City's resolution declaring an emergency, the City shall also have any additional rights and remedies against nuisance as exists under common law and under state statute including, but not limited to, SDCL 9-29-13 and SDCL Chapter 21-10.

§ 90.26 PENALTIES

Any violation of the provisions of this Chapter is punishable by the maximum penalty set forth in Section 10.99 of the City of Vermillion Code of Ordinances or a daily fine set by resolution when an emergency is declared. Said punishment may also include payment of any assessments, costs and/or restitution authorized by this Chapter and/or state law.

Dated at Vermillion, South Dakota this 4th day of October, 2021.

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

ATTEST:

BY _____
Katie E. Redden, Finance Officer

Adoption of the Ordinance was seconded by Council Member Hellwege. Thereafter the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Hellwege -Y, Holland-Y, Humphrey-Y, Jennewein-Y, Price-Y, Letellier-Y, Ward-Y, Willson-Y, Mayor 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.

8. New Business

A. Resolution to establish fees for medical marijuana licensing as provided with the adoption of Ordinance 1435

Stone Conley, Assistant to the City Manager, reported that, in November of 2020, the voters of South Dakota approved IM26 which provides for medical cannabis as of July 1, 2021. Stone noted that the State codified IM26 in Chapter 34-20G earlier this year. The initiated measure provides municipal governments the ability to participate in the process for licensing, regulating, and establishing fees for Medical Cannabis Establishments. Stone stated that first Class Cities have also based their fees on differing factors such as a per capita system and charging based on the City's total population. Stone noted that cities have also varied

their annual licensing and renewal fees, and nowhere does it say these fees must be equal to one another. Stone stated that a comparison of all Initial Application, Initial Licensing, and Annual Renewal fees of First Class Cities within South Dakota is attached. Stone noted that the City has a right to decide what fee or style of fees best suits the community with regard to Medical Cannabis Establishment licensing.

John Peterson from Wakonda told the City that he and his partner are looking to establish a medical cannabis facility in Wakonda. Kelsey noted that this would be something to address with the County as the City's rulings only apply to the City of Vermillion limits.

332-21

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

RESOLUTION ESTABLISHING FEES FOR COSTS AND SERVICES PROVIDED BY THE CITY
OF VERMILLION IN THE PROCESS OF LICENSING MEDICAL CANNABIS
ESTABLISHMENTS

WHEREAS, SDCL § 34-20G-60 defines the right for the City of Vermillion governing body to require local licenses, permits, or registration and to charge a fee for said licenses, permits, and registration; and

WHEREAS, Ordinance No. 1435 defines Medical Cannabis Establishment licensing regulations, §123.10 defining the process for application fees alongside §123.11 defining the process for annual licensing and renewal fees; and

WHEREAS, applicants in the City of Vermillion with interest in the Medical Cannabis industry may request a license to operate an establishment in the City; and

WHEREAS, a party requesting a license must complete the application process; and

WHEREAS, the City Finance Officer and Chief of Police are responsible for assisting with the application process, accepting all information alongside payments, and generating a license for said businesses; and

WHEREAS, all Medical Cannabis Establishment licenses expire on December 31st of the year issued; and

WHEREAS, the City of Vermillion provides services and incurs costs for the process of an application in a licensing request; and

WHEREAS, the requesting parties receive approval to operate and manage Medical Cannabis Establishments within the City of Vermillion.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof in the Council Chambers of said City at 7:00 p.m. on the 4th day of October, 2021, that an Initial Application Fee of \$1.00 per capita using the latest decennial census available, currently 11,695 per the 2020 census, be established. The Initial Application fee includes one (1) Initial Medical Cannabis Establishment for the balance of the calendar year in which the Initial Application fee is paid. All other additional Medical Cannabis Establishment License fees for the same applicant are \$5,000 per license. BE IT FURTHER RESOLVED that the Annual Renewal fee per Medical Cannabis License is \$5,000.

Dated at Vermillion, South Dakota this 4th day of October, 2021.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
Kelsey Collier-Wise, Mayor

ATTEST:

By _____
Katie E. Redden, Finance Officer

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

B. Resolution adjusting the Storm Water Drainage fee

Katie Redden, Finance Officer, reported that during the budget process it was proposed to raise the storm drainage fee to provide additional revenues for storm drainage projects. Katie noted that the fee is charged to all properties in the city and is included on the property tax statements. Katie stated that the proposed increase will generate \$9,485 of additional revenue for the storm water fund for 2022. Katie reviewed the budgeted expenditures for 2021 for the storm drainage fee. Katie noted that for a residential lot of 10,000 square feet, the fee would go from \$33.38 to \$34.50 per year. Discussion followed.

333-21

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

RESOLUTION TO CHANGE STORM DRAINAGE FEE

WHEREAS, Section 53-135 of the 2008 Revised Ordinances of the City of Vermillion allows the City Council to change the city wide property drainage fee; and

WHEREAS, during the annual budget process it was determined additional revenue would be needed for future storm drainage projects.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof of said City at 7:00 p.m. on the 4th day of October, 2021 that the fee be changed as follows:

The unit financial charge shall be \$0.000460.

Dated at Vermillion, South Dakota this 4th day of October, 2021.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Kelsey Collier-Wise, Mayor

ATTEST:

BY _____
Katie E Redden, Finance Officer

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

C. Streetscape agreement amendment with Stockwell Engineering

Jose Dominguez, City Engineer, reported that the City entered into a contract with Stockwell Engineers (Stockwell) for the design and development of the Streetscape construction documents on April 20, 2020. Jose noted that on March 1, 2021 the City amended the original contract with Stockwell to allow for construction administration and staking of the Main Street Streetscape project. Jose stated that the original agreement with Stockwell covered the costs associated with surveying the project area, designing the desired project, creating the construction documents, and bidding the project. Jose reported that the cost to complete these items was \$250,818 which included a \$12,500 amendment to the original design of the project. Jose noted that the amendment covering the construction administration and staking was for \$294,786. Jose stated that the amendment to the original design and the construction administration

were both approved on March 1st for changes associated with the redesign of the transition areas adjacent to the new sidewalks. Jose noted that the finished elevations on the project were modified to reduce the areas that had a slope greater than 15% in the transition areas. Jose stated that the amendment also includes payment for additional inspections needed to address the ten unknown basement openings that protruded into the right-of-way. Jose noted that, additionally, Stockwell is asking to increase their fee to account for the one-month construction extension given to the contractor to complete the construction project. Jose stated that the Original Agreement (April 20,2020) was \$238,318, the Amendment approved on March 1, 2021 was \$307,286 and the amendment being considered today, October 4, 2021, is \$74,700 for a total Cost (original and amendments) of \$620,304. Discussion followed.

334-21

Council Member Ward moved approval of the Streetscape agreement amendment with Stockwell Engineering. Council Member Holland seconded the motion. Motion carried 9 to 0. Mayor Collier-Wise declared the motion adopted.

D. Grant offer for Project No. 3-46-0056-16-2021 at Harold Davidson Field (part of the Coronavirus Response and Relief Appropriate Act (CRRSAA)

Jose Dominguez, City Engineer, reported that the FAA, through the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA), allocated funding to be awarded as economic relief to eligible U.S. airports affected by the COVID-19 pandemic. Jose noted that the federal funding will go to the State, which through the SD Department of Transportation (DOT), will be made available to the City for reimbursement eligible expenses. Jose stated that the DOT has presented the enclosed agreement that will allocate \$13,000 to the City for eligible airport expenses. Jose noted that the term of the agreement is for 4 years from the date it is signed by the DOT. Jose stated that staff will discuss with the DOT on which airport related items the money can be used for. Jose noted that possible projects are the new entry gate mechanism for the main airport gate, or to cover a portion of the design cost for the 2024 construction of an automated weather observing system (AWOS).

335-21

Council Member Price moved approval of the Grant offer for Project No. 3-46-0056-16-2021 at Harold Davidson Field (part of the Coronavirus Response and Relief Appropriate Act (CRRSAA). Council Member Willson seconded the motion. Motion carried 9 to 0. Mayor Collier-Wise declared the motion adopted.

E. City Attorney Services

Mayor Kelsey Collier-Wise reported that at the reorganizational meeting in July 2020 the City Council appointed Jim McCulloch as the City Attorney. Jim began serving as City Attorney in May 2002. Kelsey noted at the September 20th meeting, the City Council approved a motion to name McCulloch Law Office for City Attorney services as Jim may not make every meeting. Sadly, Mr. McCulloch passed away on September 25, 2021. The City was notified today that, as Mr. McCulloch was a sole proprietor, his sole proprietorship expired at the end of September.

Mayor Kelsey Collier-Wise stated that Jim McCulloch served the City Council, staff, and community as City Attorney for nearly twenty years. Jim had an encyclopedic knowledge of City code and State statute that was of tremendous benefit. Jim was a staunch defender of the City in court and in other legal matters. He was a respectable legal mind in municipal matters who had the ability to distill complex issues down to the one or two legal matters that were going to decide the issue. Jim was a quiet leader for the City who provided exceptional legal guidance that has helped Vermillion grow into the community we enjoy today.

Kelsey noted that Brent Matter has been working in Jim's office and has been assisting City staff with some questions that have arisen over the last year. Kelsey stated that Brent is willing to serve as City Attorney, in the interim, and with Brent's knowledge of the current legal matters, he would seem best positioned to assist the City with legal questions.

336-21

Council Member Willson moved approval of naming Brent Matter Interim City Attorney till the July 2022 Organizational meeting. Council Member Humphrey seconded the motion. Motion carried 9 to 0. Mayor Collier-Wise declared the motion adopted.

9. Bid Openings

A. Fuel Quotes

Katie Redden, Finance Officer, read the monthly fuel quotes and recommended the low quote of Brunick Service on Item 1 and 2, Jerry's Service on Item 3 and 4.

Item 1 - 4,350 gal unleaded 10% ethanol: Stern Oil \$2.6961, Jerry's Service \$2.99, Gerstner Oil \$2.6882, Brunick Service \$2.67; Item 2 - 1,000 gal unleaded regular: Stern Oil \$2.9133, Jerry's Service \$3.20, Gerstner oil \$2.9830, Brunick Service \$2.90; Item 3 - 3,000 gal No. 2 Diesel fuel dyed: Stern Oil \$2.7535, Jerry's Service \$2.50, Gerstner Oil \$2.7201, Brunick Service \$2.75; Item 4 - 1,000 gal No. 2 diesel fuel-clear: Stern Oil \$3.0285, Jerry's Service \$2.7525, Gerstner Oil \$2.9720, Brunick Service \$3.04.

337-21

Council Member Price moved approval of the low quotes of Brunick Service on Items 1 and 2 and Jerry's Service on Items 3 and 4. Council Member Holland seconded the motion. Motion carried 9 to 0. Mayor Collier-Wise declared the motion adopted.

10. City Manager's Report

A. John reported at the start of the meeting that it is Public Power Week. One of the things that should also be noted in the Resolution is the savings and support that the Light & Power staff provide other City Departments. It is just more advantage of being a Public Power Community and having a municipally owned electric utility.

B. John noted that the landfill is going to be open this Saturday, October 9th from 8:00 a.m. to noon as part of the program where it is open on the second Saturday of the month.

C. John stated that Wednesday, October 6th from 5:30 p.m. to 7:00 p.m. is the Fire Department Open House. They will have the Smoke House available, tours of trucks, etc. at the main Fire/EMS station on Dakota Street.

D. John reported that the Tree Board has an opening for a Board member for a two year term. Those interested in serving should complete and submit an Expression of Interest form by 5:00 p.m. on Thursday, October 14th so that the City Council can make an appointment at the October 18th meeting.

E. John reported that there is one opening on the Historic Preservation Commission for a three-year term. The applicant for this opening does need to own property in one of the existing historic districts in the city limits.

D. John noted that City offices are closed next Monday, October 11th for the Native American Day holiday.

PAYROLL ADDITIONS AND CHANGES

Admin: Marty Washington \$19.15/hr; Volunteer Firefighter: Taylor Trudeau

11. Invoices Payable

338-21

Council Member Price moved approval of the following invoices:

ALKOTA CLEANING SYSTEMS INC	FUEL FILTER	15.96
-----------------------------	-------------	-------

AMAZON BUSINESS	SUPPLIES	96.11
APPEARA	SHOP TOWELS	45.68
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	663.76
BEST WESTERN RAMKOTA	LODGING	1,007.91
BILL BROWN	MOWING	270.00
BLACK CLOVER ENTERPRISES	MERCHANDISE	846.00
BLACKSTONE PUBLISHING	BOOKS	233.77
BLUE360 MEDIA	BOOKS	92.82
BORDER STATES ELEC SUPPLY	WORK SHIRTS	151.31
BOUND TREE MEDICAL, LLC	SUPPLIES	3,076.11
BOYER TRUCKS	REPAIRS	2,606.44
BUTLER MACHINERY CO.	REPAIRS	1,260.00
C & B OPERATIONS, LLC	FUEL FILTERS	139.50
CANFIELD BUSINESS INTERIORS, LLC	PANELS	1,582.58
CAPITAL ONE	CHARGES	873.25
CASK & CORK	MERCHANDISE	834.00
CHAMBERLAIN OIL CO	OIL	2,074.05
CITY OF VERMILLION	POSTAGE/COPIES	1,035.38
CITY OF VERMILLION	UTILITY BILLS	44,553.15
CLARK'S RENTALS INC	SUPPLIES	85.00
CLEVELAND GOLF	MERCHANDISE	279.96
COLONIAL LIFE ACC INS.	INSURANCE	3,217.84
CORE & MAIN LP	PARTS	2,818.43
CORNHUSKER INTERNATIONAL TRUCK	REPAIRS	489.98
CROSSROADS HOTEL & CONVENTION CTR	LODGING	551.94
CURT HAAKINSON	MEALS REIMBURSEMENT	60.00
D-P TOOLS	LUG NUT SOCKET SET	111.18
DAKOTA BEVERAGE	MERCHANDISE	13,511.36
DAKOTA PC WAREHOUSE	COMPUTER/MONITOR	1,209.94
DELTA DENTAL PLAN	INSURANCE	6,265.50
DEMCO	SUPPLIES	386.20
DENNIS MARTENS	MAINTENANCE	833.34
DGR ENGINEERING	PROFESSIONAL SERVICES	232.50
DUBOIS CHEMICALS	SODA ASH	6,987.75
ECHO ELECTRIC SUPPLY	SUPPLIES	1,657.32
EQUIPMENT BLADES INC	PARTS	933.04
ERICKSON SOLUTIONS GROUP	PROFESSIONAL SERVICES	1,409.40
FARNER BOCKEN COMPANY	SUPPLIES/MERCHANDISE	940.35
FOREMAN MEDIA	COUNCIL MTG/TRAINING	200.00
FRED BALLEWEG	MEALS REIMBURSEMENT	60.00
GRAHAM TIRE CO.	TIRES	2,212.78
GRAINGER	MOTOR	223.66
GRAYMONT (WI) LLC	CHEMICALS	4,222.68

GREGG PETERS	RENT	937.50
HAMILTON MEDICAL	EQUIPMENT	23,437.24
HANSEN LOCKSMITHING	REPAIRS	156.50
HEIMAN FIRE EQUIPMENT	PARTS	1,817.05
HIGH POINT NETWORKS	PROFESSIONAL SERVICES	87.50
HY VEE FOOD STORE	CATERING	750.00
INGRAM	BOOKS	964.62
JACKS UNIFORM & EQPT	COMMENDATION BARS	1,778.25
JOHN A CONKLING DIST.	MERCHANDISE	2,918.00
JOHNSON BROTHERS OF SD	MERCHANDISE	14,850.92
JONES FOOD CENTER	SUPPLIES	141.67
JOYCE BENSON	REF AMBULANCE OVERPMT	514.77
KNOEPFLER CHEVROLET	REPAIRS	724.92
LAYNES WORLD	PLAQUE/PLATE	56.46
LEISURE LAWNS, LLC	TREATMENT	57.00
LOFFLER	COPIER CONTRACT/COPIES	72.00
MALLOY ELECTRIC	PARTS	438.31
MART AUTO BODY	TOWING	225.00
MATHESON TRI-GAS, INC	MEDICAL OXYGEN	560.28
MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	357.94
MIDLAND CONTRACTING, INC	STORM SEWER INSTALL	736,506.30
MIDWEST ALARM CO	ALARM MONITORING	683.82
MIDWEST READY MIX & EQUIPMENT	LANDSCAPE ROCK/FLOW	1,825.50
MIDWEST TURF & IRRIGATION	PARTS	296.25
MISSOURI VALLEY MAINTENANCE	REPAIRS	1,215.45
MOBOTREX MOBILITY & TRAFFIC	PARTS	542.00
MSC INDUSTRIAL SUPPLY CO	SUPPLIES	122.62
NATIONAL FIRE PROTECTION ASSOC.	OPEN HOUSE SUPPLIES	314.15
NCL OF WISCONSIN, INC	CHEMICALS	829.90
NETSYS+	SUBSCRIPTION	484.50
O'REILLY AUTO PARTS	PARTS	556.07
OLSON SOD FARMS	SOD	555.00
PCC, INC	COMMISSION	3,168.63
PING/KARSTEN MFG CORP	MERCHANDISE	477.17
POMPS TIRE SERVICE, INC.	TIRES	7,804.42
PRAIRIE BERRY WINERY	MERCHANDISE	438.00
PRESSING MATTERS	SUPPLIES	789.00
PRESTO-X-COMPANY	INSPECTION/TREATMENT	125.00
QUALITY EQUIPMENT AND SERVICE	PARTS	1,500.00
QUILL	SUPPLIES	184.53
REDI TOWING	TOWING	75.00
REPUBLIC NATIONAL DISTRIBUTING	MERCHANDISE	3,388.87
ROUNDS CONSTRUCTION	LANDFILL CELL 6	162,063.94

RS PLUMBING SERVICES	REPAIRS	85.00
RUNNING SUPPLY, LLC	SUPPLIES	622.21
SANFORD HEALTH OCCUPATIONAL	TESTING	279.00
SANFORD USD MEDICAL CENTER	SUPPLIES	266.47
SANITATION PRODUCTS INC	REPAIRS	1,511.44
SCHWARTZLE CONSTRUCTION LLC	DOWNTOWN STREETScape	771,797.38
SD DEPT OF HEALTH	TESTING	155.00
SD RETIREMENT SYSTEM	CONTRIBUTIONS	59,993.62
SD STATE POETRY SOCIETY	MEMBERSHIP DUES	35.00
SERVICE MASTER OF SE SOUTH DAKOTA	CUSTODIAL	3,827.04
SHANE GRIESE	MEALS REIMBURSEMENT	60.00
SHOWCASES	SUPPLIES	199.26
SOOLAND BOBCAT	REPAIRS/TIRES	2,807.57
SOUTHERN GLAZER'S OF SD	MERCHANDISE	3,401.69
STERN OIL CO.	SUPPLIES	507.10
STEWART OIL-TIRE CO	REPAIRS	80.00
STUDIO B'S	POLICE CAR DECALS	860.00
STURDEVANTS AUTO PARTS	PARTS	238.81
SYNCB/AMAZON	DVD/BOOKS/SUPPLIES	434.79
TAYLOR MADE	MERCHANDISE	954.08
TELEFLEX LLC	SUPPLIES	909.50
THE LUMBERYARD LLC	PREMIX CEMENT	17.96
THE UPS STORE #6751	SHIPPING	13.86
TITLEIST-ACUSHNET COMPANY	MERCHANDISE	555.66
UL LLC	ANNUAL AERIAL INSP	2,695.00
UNITED LABORATORIES	SUPPLIES	358.80
UNITED WAY	CONTRIBUTIONS	25,634.50
UNUM LIFE INSURANCE COMPANY	INSURANCE	1,473.04
UTILITY EQUIPMENT CO.	SUPPLIES	271.83
VALIANT VINEYARDS	MERCHANDISE	85.00
VAST BROADBAND	E911 CIRCUIT	1,365.50
VERIZON WIRELESS	CELL PH/IPAD ACCESS	2,953.64
VERMILLION ACE HARDWARE	SUPPLIES	945.89
VERMILLION FORD	REPAIRS	1,260.47
VISA/FIRST BANK & TRUST	CHARGES	7,032.82
WALT'S HOMESTYLE FOODS, INC	MERCHANDISE	34.80
YANKTON FIRE & SAFETY	EXTINGUISHER RECHARGE	326.00
YANKTON JANITORIAL SUPPLY	SUPPLIES	142.00
ZIMCO SUPPLY CO	SUPPLIES	2,139.50

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

12. Consensus Agenda - None

13. Adjourn

339-21

Council Member Ward moved to adjourn the Council Meeting at 7:49 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 4th day of October, 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 _____.