

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

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, October 18, 2021 at 12:00 noon at the Jack Powell Conference Room - City Hall.

1. Roll Call

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

Absent: Price

2. Adoption of Agenda

340-21

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

3. Visitors to be Heard

Council Member Price arrived at 12:02 p.m.

4. Informational Session - City project list- Council Member Rich Holland

Council Member Rich Holland reported on ideas that have come up in previous meetings and creating a working document to keep these ideas in our mind. Rich noted that this list could be reported on in noon Council meetings to address progress, removal, or completion of these ideas. Rich reported on different items that have been brought up and who would like to facilitate the progress on them. Discussion followed of the items to be added on the list.

5. Educational Session - End of Driveway parking- Stone Conley

Stone Conley, Assistant to the City Manager, reported on the City's current laws for the parking at the end of driveways. Stone noted that Code 70.072 addresses parking in front of private driveway or an alleyway. Stone states that in 2001 Ordinance No. 1097 passed stating "It shall be unlawful for any driver to stop, stand, or park any vehicle in such a manner as to leave available less than 10 feet in width of the traveled roadway for the free movement of vehicular traffic, except when necessary..." Stone reported on different laws in Mankato, MN, Grant Forks,

ND, and Manhattan, KS and how they compare to the City's current code. Discussion followed.

Council Member Humphrey excused himself at 12:36 p.m.

6. Educational Session - Off-Street Parking Requirements - Jose Dominguez

Jose Dominguez, City Engineer, reported on off-street parking requirements for the City. Jose noted that our ordinance requires 2 parking stalls for single-family (detached and attached) dwellings and Duplexes. Jose noted that apartment complexes are required to have two parking spaces per each dwelling unit or parking space per bedroom, whichever is greater. Discussion followed on parking issues within the city.

Council Member Ward excused himself at 12:46 p.m.

7. Briefing on the October 18, 2021 City Council Regular Meeting

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

8. Adjourn

341-21

Council Member Price moved to adjourn the Council special session at 1:04 p.m. Council Member Holland seconded the motion. Motion carried 7 to 0. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 18th 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 18, 2021
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on October 18, 2021 at 7:00 p.m. by Mayor Collier-Wise.

1. Roll Call

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

Absent: Jennewein

2. Pledge of Allegiance

3. Minutes

A. Minutes of October 1, 2021, Special Meeting, October 4, 2021, Special Meeting and, October 4, 2021, Regular Session

342-21

Council Member Ward moved approval of the October 1, 2021, Special Meeting, October 4, 2021, Special Meeting and, October 4, 2021 regular session minutes. Council Member Humphrey seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

4. Adoption of Agenda

343-21

Council Member Price moved approval of the amended agenda to correct new business Item B from Ordinance 1435 to 1444. Council Member Ward seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

5. Visitors to be Heard

A. Extra Mile Day Proclamation

Council Member Letellier read the proclamation designating November 1, 2020 as "Extra Mile Day" in Vermillion to recognize the individuals and organizations within the community who go the extra mile in order to make a difference in the community.

6. Public Hearings

A. Request for a variance to reduce the required front yard setback along Dartmouth Street from 20-feet to 5-feet for the installation of a temporary portable classroom at 300 High Street

Jose Dominguez, City Engineer, reported that the City received a Petition for Variance from Vermillion School District (District), owner of 300 High Street with regard to reducing the front yard setback along Dartmouth Street for the installation of a temporary portable classroom at Austin School. Jose noted that the area where the temporary portable classroom would be installed is directly north of the existing Austin Elementary School (Austin). Jose stated that Austin is in the R-2 Residential zoning district. Schools are allowed as a permitted use within this zoning district. Jose noted that, due to a lack of space within the buildable area, the District is requesting that the City grant a variance for the installation of an 8-foot by 44-foot temporary portable classroom within the north front yard setback. Jose reviewed the ordinance as it applied to the City Council acting as Board of Adjustment for a variance and the issues that are to be considered as determining factors in whether or not the issuance of a variance is justified. Jose stated that the variance application is included in the packet.

Damon Alvey, Vermillion School District Superintendent, stated that they need this temporary classroom due to an increase in students. Alvey stated that Austin Elementary, where this temp building would be placed, has seen the most increase in students.

344-21

Council Member Willson moved approval of a variance to reduce the required front yard setback along Dartmouth Street from 20-feet to 5-feet for the installation of a temporary portable classroom at 300 High Street. Council Member Ward seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

B. Request for a variance to reduce the required rear yard setback along West Chestnut Street from 25-feet to 0-feet for the construction of two buildings at 308 and 318 West Chestnut Street

Jose Dominguez, City Engineer, reported that the City received a Petition for Variance from Mr. William Pratt (Mr. Pratt) representing Fredrich and Updike, LLC with regard to reducing the rear setback on 308 and 318 West Chestnut Street for the future construction of two buildings. Jose noted that the area in question is currently in the GI General Industrial zoning district. Jose stated that this zoning district allows for the uses being considered by Mr. Pratt, however, the rear setback requirements make the lots unbuildable. Due to this, Mr. Pratt is requesting that the rear setback be reduced from 25-feet to 0-feet. Jose

reported that this area, prior to 2008, was within an industrial zoning district where the previous industrial zoning district only required setbacks if the lot was adjacent to a residential district. If the lot was adjacent to a residential district the rear setback would have been 25-feet, otherwise the setback would have been 0-feet. Jose reported that staff has discussed the possibility of creating a new industrial zoning district along railroads that would have a 0-foot setback requirement on the setback adjacent to a railroad right-of-way. Jose noted that this was discussed with the Planning and Zoning Commission (Commission) at their April 12, 2021 meeting. Although no decision was made at the meeting, the Commission did instruct Staff to draft an amendment to the zoning ordinance creating a new industrial zoning district that would reduce the setbacks to 0-feet when adjacent to a railroad right-of-way. Jose noted that the draft amendment has not yet returned to the Planning Commission for consideration. Jose reviewed the ordinance as it applied to the City Council acting as Board of Adjustment for a variance and the issues that are to be considered as determining factors in whether or not the issuance of a variance is justified. Jose stated that the variance application is included in the packet. Discussion followed.

345-21

Council Member Ward moved approval of a variance to reduce the required rear yard setback along West Chestnut Street from 25-feet to 0-feet for the construction of two buildings at 308 and 318 West Chestnut Street. Council Member Hellwege seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

7. Old Business - None

8. New Business

A. Request to close Main Street from west line of the intersection with Center Street west through Ratingen Platz and Market Street as it abuts Ratingen Platz on Thursday, December 2, 2021 from 4:00 p.m. to 8:00 p.m. for the Vermillion Area Chamber and Development Company's Standstill Parade of Lights

Stone Conley, Assistant to the City Manager, reported that the Vermillion Chamber of Commerce and Development Company (VCDC) is planning the 6th annual Parade of Lights on Thursday, December 2, 2021. Stone reported that the 2021 parade will be the same as the last few years' where a "stand still" parade will take place on Main Street between Court Street and Ratingen Platz. Stone stated that the public will be encouraged to walk up and down Main Street to view the different entries then proceed to Ratingen Platz for the tree lighting. Stone stated that the street closure for this year's event is requested for 4:00 p.m. to 8:00 p.m.

Stone reported that the request has been reviewed by the Police, Fire and EMS departments.

346-21

Council Member Willson moved approval to close Main Street from west line of the intersection with Center Street west through Ratingen Platz and Market Street as it abuts Ratingen Platz on Thursday, December 2, 2021 from 4:00 p.m. to 8:00 p.m. for the Vermillion Area Chamber and Development Company's Standstill Parade of Lights. Council Member Humphrey seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

B. First Reading of Ordinance 1444 to amend the City of Vermillion Code of Ordinances Title XI Business Regulations for Medical Cannabis Establishment licensing § 123.01 Definitions with the Removal of the Term "Revocation" from § 123.19 (E)

Stone Conley, Assistant to the City Manager, reported that Ordinance No. 1444 was adopted at the May 27, 2021 City Council Meeting allowing for the City to establish medical cannabis regulations in response to Initiated Measure 26 which was adopted in November 2020. Stone noted that the ordinance included a "Definitions" section where there were two definitions of "Medical Cannabis Establishment" in the final version that was adopted. Stone noted that having two definitions for the same term in the same section of City Code can create confusion. Stone noted that this ordinance would mirror the State's definition of Medical Cannabis Dispensary. Stone noted that the City Council, at the Noon meeting on October 4, 2021, reviewed the recent rules that were adopted by the State as it pertains to Medical Cannabis registration and licensing. Stone noted that the State rules will not allow for a license that was revoked to be reinstated in which the adopted City ordinance does allow for a revoked license to be reinstated. Stone noted that this ordinance cleans up the definitions along with removing "revocation" from Section 123.19 (E).

347-21

Mayor Collier-Wise read the title to the above mentioned Ordinance and Council Member Ward moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1444 entitled An Ordinance Amending City of Vermillion Code of Ordinances Title XI Business Regulations, by amending and replacing definitions listed in Section 123.01 with removing "revocation" from section 123.19(E) of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 18th day of

October, 2021 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Council Member Hellwege. After discussion the question of adoption of the Resolution was put to a vote of the Governing Body and 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Collier-Wise declared the motion adopted.

C. Resolution Authorizing the Purchase of a Mower for the Bluff Golf Course

Jose Dominguez, City Engineer, reported that, at the August budget sessions, the City Council reviewed the 2022 equipment replacement schedule. Jose stated that, as part of the 2022 equipment replacement schedule, a 2014 Toro Greensmaster TriFlex 3300 was scheduled for replacement. Jose stated that Administration would like to take advantage of an attractive National Intergovernmental Purchasing Alliance (National IPA) bid. Jose noted that National IPA, in conjunction with member city Tucson, Arizona, renewed its contract with Toro Company and its participating distributors. Jose reported that the total bid for a 2022 Toro Greensmaster 3300 TriFlex is \$44,914. Jose noted that the Toro Company participating distributor for South Dakota is Midwest Turf & Irrigation of Omaha, Nebraska. Jose stated that Midwest Turf & Irrigation has agreed to take the City's mower as a trade-in of \$11,000 for the 2014 Toro Greensmaster TriFlex 3300. Jose noted that, if the mower is traded-in, the net purchase price would be lowered to \$33,914.

348-21

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

RESOLUTION
AUTHORIZING THE PURCHASE OF A MOWER FOR THE
BLUFFS GOLF COURSE

WHEREAS, SDCL 5-18A-37 authorizes a governmental entity to enter into agreements with purchasing agents in any other state for purchases under a joint agreement or contract at the accepted bid price and the concurrence of said bidder; and

WHEREAS, the City of Vermillion has reviewed and determined that the bid awarded by National Intergovernmental Purchasing Alliance (National IPA) for a mower (Toro Greensmaster 3300 TriFlex) from Midwest Turf & Irrigation of Omaha of \$44,914 offers an advantageous price to the City for said items; and

WHEREAS, the bid offered by Midwest Turf & Irrigation of Omaha also includes trade-in value for the City's 2014 Toro Greensmaster TriFlex 3300 of \$11,000.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota that the City Manager or the City's Finance Officer is hereby authorized to purchase a new 2022 Toro Greensmaster 3300 TriFlex from Midwest Turf & Irrigation of Omaha, of Omaha, Nebraska for a price of \$33,914 after trade-in.

Dated at Vermillion, South Dakota this 18th 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 Humphrey. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition of the resolution. Mayor Collier-Wise declared the motion adopted.

D. Tree Board Member Appointment

Mayor Collier-Wise reported that there is an opening on the Tree Board for a two-year term expiring September 2023. Mayor Collier-Wise recommended the appointment of John Kidney for this term.

349-21

Council Member Price moved approval of the appointment of John Kidney to the Tree Board with a term expiring September 2023. Council Member Willson seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported that Saturday, October 30th from 10:00 a.m. to noon, the Police Department and Emergency Communications will be having their annual Open House. Costumes are encouraged. It is at the Police Department on the west side of the Courthouse or 15 Washington Street.

B. John reported that the project to renovate the Lions Park campground has taken a big step forward. The State is recommending our grant application for Land and Water Conservation funding to the National Park Service.

C. John stated that there is one opening on the Historic Preservation Commission. It is 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 stated that there will be BID #1 Board openings coming up in the next few months.

PAYROLL ADDITIONS AND CHANGES

Police Admin: Drew Gortmaker \$25.88/hr; Recreation: Kelcee Bacon \$20.00/game, Tyler Trageser \$23.75/hr; Communications: Amanda Arndt \$19.37/hr; Wastewater: Ethan Gullikson \$18.26/hr

11. Invoices Payable

350-21

Council Member Price moved approval of the following invoices:

A & B BUSINESS, INC	COPIER CONTRACT	190.95
A-1 PORTABLE TOILETS	PORTABLE TOILET RENTAL	450.00
A-OX WELDING SUPPLY CO	CHEMICALS	2,987.50
ACCENT WIRE - TIE	BALER BAGS	63,936.00
AMAZON BUSINESS	SUPPLIES	62.03
AQUA-PURE INC	CHEMICALS	4,840.00
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	170.15
AT&T MOBILITY	MOBILE HOT SPOTS	425.99
AVI SYSTEMS	LIBRARY MTG ROOM SYSTEM	4,825.97
BILL BROWN	MOWING	405.00
BLACKSTONE PUBLISHING	BOOKS	158.65
BORDER STATES ELEC SUPPLY	SUPPLIES	2,100.25
BRAD'S DETAIL	DETAILING	356.00
BROADCASTER PRESS	ADVERTISING	627.09
BSN SPORTS INC	SUPPLIES	196.20
BUHLS CLEANERS	MAT/MOP SERVICE	720.24
BUREAU OF ADMINISTRATION	TELEPHONE	447.17
BURNS & MCDONNELL	PROFESSIONAL SERVICES	85,952.54
BUTLER MACHINERY CO.	REPAIRS/PARTS	3,669.10
BX CIVIL & CONSTRUCTION	WTR HYDRANT DEPOSIT LESS USAGE	835.61
CASK & CORK	MERCHANDISE	568.70

CENTURYLINK	TELEPHONE	1,559.69
CHASE HEISINGER	REFUND PARKING TICKET OVERPMT	5.00
CITY OF VERMILLION	LANDFILL VOUCHERS	233.50
CITY OF VIBORG	REFUND DUPLICATE LANDFILL PMT	185.15
CLAY RURAL WATER SYSTEM	WATER USAGE	264.80
CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,111.74
COAST TO COAST SOLUTIONS	SUPPLIES	601.00
CORE & MAIN LP	PARTS	3,818.24
DAKOTA BEVERAGE	MERCHANDISE	12,785.55
DAKOTA PC WAREHOUSE	SUPPLIES	22.99
DREW GORTMAKER	UNIFORM ALLOWANCE	450.00
DUBOIS CHEMICALS	SODA ASH	7,320.50
ECHO ELECTRIC SUPPLY	PARTS	203.73
ELECTRONIC ENGINEERING	POLICE EQUIPMENT INSTALLATION	19,227.03
ENVIRONMENTAL SERVICES OF	REFUND DUPLICATE LANDFILL PMT	641.63
FARMER BROTHERS CO.	SUPPLIES	163.04
FAST AUTO GLASS	REPAIRS	1,302.77
FILTERTEC	FILTERS	956.41
GEOTEK ENGINEERING	TESTING	1,487.50
GERSTNER OIL CO	FUEL	7,962.97
GLOBAL DIST.	MERCHANDISE	575.00
GRAYMONT (WI) LLC	CHEMICALS	4,252.83
GREGG PETERS	MANAGERS FEE/PROFIT	42,433.91
HAUGER LAWN SERVICE	MOWING/WEEDS	147.00
HEIMAN FIRE EQUIPMENT	PARTS	195.95
HY VEE FOOD STORE	SUPPLIES	105.95
INGRAM	BOOKS	1,318.58
JEFFREY WOLLMUTH	REFUND PARKING TICKET OVERPMT	5.00
JERRY'S SERVICE, INC	FUEL	8,717.25
JOHN A CONKLING DIST.	MERCHANDISE	12,153.35
JOHNSON BROTHERS OF SD	MERCHANDISE	19,336.17
JOHNSON CONTROLS	REPAIRS	432.38
JONES FOOD CENTER	SUPPLIES	471.55
KALINS INDOOR COMFORT	HVAC SYSTEM	11,282.00
KARIAN PETERSON CONTRACTING	PROFESSIONAL SERVICES	10,902.50
KOBLE'S ELECTRIC	REPAIRS	75.95
LANDSCAPE GARDEN CENTERS	REFUND DUPLICATE LANDFILL PMT	83.60
LEAK LOCATORS OF MONTANA	WATER LEAK DETECTOR	4,021.00
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	1,150.00
LOUIES CARPET CLEAN, INC	REPAIRS	362.17
MARK CLARK	LODGING/REGISTRATION	951.47
MART AUTO BODY	TOWING	190.00
MEAD LUMBER	SUPPLIES	7.99

MICHAEL FREDERICK	BOOKS	48.00
MICRO MARKETING LLC	SUPPLIES	39.99
MIDAMERICAN	GAS USAGE	1,750.97
MIDCONTINENT COMMUNICATIONS	INTERNET/CABLE SERVICE	1,343.60
MIDWEST ALARM CO	ALARM MONITORING	119.85
MINITEX LIBRARY	SUPPLIES	93.00
MISSOURI RIVER ENERGY SERVICES	REGISTRATION	99.00
NCL OF WISCONSIN, INC	CHEMICALS	4,413.23
NETSYS+	PROFESSIONAL SERVICES	626.50
O'REILLY AUTO PARTS	PARTS	292.21
OFFICE OF FIRE MARSHAL	INSPECTION	160.00
PROCHEM DYNAMICS	SUPPLIES	110.94
QUILL	SUPPLIES	42.53
RANDY RONSIEK	REFUND PARKING TICKET OVERPMT	5.00
REDI TOWING	TOWING	300.00
REEO MUSCH CONSTRUCTION	REFUND LANDFILL OVERPAYMENT	8.86
REPUBLIC NATIONAL DISTR.	MERCHANDISE	19,552.29
RUNNING SUPPLY, LLC	SUPPLIES	408.39
SANFORD HEALTH OCCUPATIONAL	TESTING	65.00
SD DENR	LANDFILL OPERATIONS FEE	3,711.76
SD ELECTRICAL COMMISSION	WIRING PERMIT	110.00
SD FEDERAL PROPERTY AGENCY	CONTAINERS	39.00
SD MUNICIPAL LEAGUE	REGISTRATION	65.00
SD PUBLIC ASSURANCE ALLIANCE	LIABILITY/DAMAGE COVERAGE	176,926.91
SOUTHERN GLAZER'S OF SD	MERCHANDISE	15,920.55
STAPLES BUSINESS CREDIT	SUPPLIES	497.78
STOREY KENWORTHY/MATT PARROT	UTILITY BILLS	5,465.45
STUART C. IRBY CO.	SUPPLIES	672.00
STUDIO B'S	POLICE CAR GRAPHICS	860.00
STURDEVANTS AUTO PARTS	PARTS	67.13
SYNCB/AMAZON	BOOKS/DVDS/SUPPLIES	611.63
TASTE OF HOME BOOKS	BOOKS	73.28
THE GROWLER STATION, INC	LICENSING/MAINTENANCE	749.97
THE SPRINKLER COMPANY	PUMP STATION UPDATE	23,024.00
TITLEIST-ACUSHNET COMPANY	MERCHANDISE	161.61
TOTAL FLOORING	CARPET	1,452.14
TRACTOR SUPPLY CREDIT PLAN	SAFETY VESTS	19.99
TRAVIS WILSON	REFUND PARKING TICKET OVERPMT	5.00
TRUE FABRICATIONS	MERCHANDISE	80.26
TRUSCO MFG COMPANY	PUMP ASSEMBLY	164.00
UPS SUPPLY CHAIN SOLUTIONS	SHIPPING	2.58
US BANK	FISCAL FEE	500.00
US POSTMASTER	POSTAGE FOR UTILITY BILLS	1,100.00

USD FINANCIAL AFFAIRS	NATL MUSIC MUSEUM EXPANSION	100,000.00
USD MARKETING & U RELATION	KOOZIES/GLASSES	174.04
USPS-POC	POSTAGE	700.00
UTILITY EQUIPMENT CO.	METERS	14,323.99
VERMILLION ACE HARDWARE	SUPPLIES	822.14
VERMILLION AREA COMMUNITY	ROUND UP PROGRAM	234.20
VERMILLION CHAMBER OF COMMER	QUARTERLY FUNDING	66,250.00
VERMILLION FORD	REPAIRS	228.92
VERMILLION NOW!	ANNUAL PLEDGE	60,000.00
VERMILLION ROTARY CLUB	QUARTERLY DUES/MEALS	210.25
WALT'S HOMESTYLE FOODS, INC	MERCHANDISE	141.00
WASTE MANAGEMENT OF WI-MN	WASTE HAULING	1,293.36
WESCO DISTRIBUTION, INC	SUPPLIES	538.56
WILLIAM SMITH	REFUND PARKING TICKET OVERPMT	5.00
WIN-911 SOFTWARE	SUBSCRIPTION	1,320.00
YAMAHA MOTOR FINANCE CORP	GOLF CARS/GPS LEASE	6,622.61

Council Member Willson seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

12. Consensus Agenda - None

13. Adjourn

351-21

Council Member Ward moved to adjourn the Council Meeting at 7:43 p.m. Council Member Price seconded the motion. Motion carried 8 to 0. Mayor Collier-Wise declared the motion adopted.

Dated at Vermillion, South Dakota this 18th 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 _____.