

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
FEBRUARY 13, 2017**

Regular meeting of the Board of City Commissioners of the City of Yankton was called to order by Mayor Gross.

**Roll Call:** Present: Commissioners Carda, Ferdig, Hoffner, Johnson, Knoff, Maibaum, Miner, and Sommer. City Attorney Den Herder was also present. Absent: City Manager Nelson.

Quorum present.

Action 17-24

Moved by Commissioner Johnson, seconded by Commissioner Carda, to approve the Minutes of the regular meeting of January 23, 2017.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.

Motion adopted.

Action 17-25

Moved by Commissioner Sommer, seconded by Commissioner Carda, that the Schedule of Bills be approved and warrants be issued.

A T & T-Cell Phone Bill-\$365.83; Ace Hardware-Batteries-\$8.99; ACS Government Information Service-Maintenance Program Support-\$2,161.62; All Star Pro Golf Inc-Golf Grips-\$577.39; Arborists Assn/SD-Membership Dues-\$219.00; Associated Supply Co-Pool Chemicals-\$2,789.73; Banner Associates Inc-SW Scale-\$1,321.36; Big Friend Little Friend-1/2 Special Approp-\$2,250.00; Boller Printing Inc-YPD Forms-\$179.00; Boys & Girls Club-CDBG Grant-\$41,132.04; Boys & Girls Club of Yankton-Special Appropriation-\$29,500.00; Brosz Engineering Inc-Bridge Design-\$2,240.00; Building Sprinkler Inc-Inspect Sprinkler System-\$249.00; Butler Machinery Co-Cutting Edge/Bolts-\$384.78; Centurylink-Phone-January-\$1,606.83; Chamber of Commerce-Registration Fee-\$145.00; City of Vermillion-Jt Power Cash Transfer-\$33,078.54; City of Yankton-Central Garage Rubbish-\$13.50; City of Yankton-Solid Waste Compacted Garbage-\$10,573.31; City Utilities Water-WW Charges-\$3,595.51; Cleveland Golf-Golf Clubs-\$1,599.60; Conkling Dist-Malt Beverages-\$21.90; Contact Center-Special Appropriations-\$10,000.00; Cornhusker Intl Truck Inc-Filters-\$430.90; Credit Collection Service Inc-UT Collection-Dec-\$63.54; D & T Ventures LLC-ESS Maint & Hosting-\$2,695.00; Dakota Beverage Co Inc-Malt Beverages-\$41.70; Dept of Revenue-Lab Tests-\$1,061.00; DEX Media East-Phone-January-\$32.30; Deyalsingh/Colin-Refund Deposit-\$48.24; Ehresmann Engineering Inc-Steel-\$583.25; Epoch Eyewear-Merchandise-\$402.50; Ethanol Products LLC-CO2-\$2,014.10; Flannery/Kirt-Officer Stipend-Jan-\$25.00; Frick/Adam-Officer Stipend-Jan-\$25.00; Frick/Brian-Officer Stipend-Jan-\$65.00; GJ Therkelsen & Assoc Inc-Phase II Design-\$12,793.40; Graymont Capital Inc-Pebble Lime-\$8,940.68; Gulbrandson/Travis-Book-\$17.00; Hanson Briggs Advertising Inc-Print Recycle Magnets-\$3,471.00; Hawkins Inc-Pool Chemicals-\$2,896.56; HD Supply Waterworks Ltd-Watermain Parts-\$1,631.41; Hedahl's Parts Plus-Batteries-\$1,094.81; Hillcrest Golf & Country Club-Maintenance-\$1,840.00; Intl Institute of Municipal Clerks-Membership Renewal-\$260.00; J & H Care & Cleaning Company-Janitorial Services-\$2,795.00; Kadrmas Lee & Jackson Inc-Prof Services Airport-\$3,444.75; Kaiser Refrigeration Inc-Saws/Chains-\$1,056.47; Long's Propane Inc-Propane-\$378.00; Mailfinance-Postage-\$576.00; Marks Machinery-Posthole Digger-\$1,830.00; Mead Building Project-Special Appropriation-\$25,000.00; Mead Lumber-Lumber-\$234.30; Meridian Grain-Road Salt-\$5,622.86; Midamerican Energy-Fuel-Jan-\$3,142.51; Midamerican Energy-Water/WW Fuel-\$10,643.60; Midwest Alarm Company Inc-Prof Services-\$63.00; Midwest Turf &

Irrigation-Parts-\$143.82; Millerbernd Manufacturing Co-Light Pole Assemblies-\$3,562.00; Minerva's-2016 Christmas Party-\$3,776.22; Missouri Sedimentation Action-Special Appropriation-\$2,500.00; Moser/Brad-Officer Stipend-Jan-\$25.00; Motorola-Pager Repairs-\$234.00; Mount Marty College-Strategy Planning-\$325.20; MW Automotive Services-Towing-\$240.00; Nebraska Journal-Leader-Advertisement-\$86.67; Northern Truck Equipment Corp-Dump Box Body-\$34,244.00; Northwestern Energy-Electric-January-\$71,095.18; Northwestern Energy-Replace Light Pole-\$2,303.47; Olson's Pest Technicians Inc-Pest Control-\$140.00; One Office Solution-Office Supplies-\$18.47; Pack & Ship-Shipping-\$262.16; Paladine Data Systems-Software Program-\$3,973.34; Pathways Shelter-Special Appropriation-\$5,000.00; Peace Officers Assn/SD-Membership Fee-\$75.00; Plan & Development Dist III-2017 Membership Dues-\$12,171.00; Planning & Development-CDBG Admin-\$4,000.00; Press Dakota MStar Solutions-Publishing/Ads-\$615.93; Quill Corporation-Office Supplies-\$132.21; Racom Corporation-Mobile Radios-\$172,415.04; Reinhart Foods Inc-Entrees-\$164.83; Ricoh USA Inc-Printer-\$399.06; River City Domestic Violence-Special Appropriation-\$2,250.00; River City Family Connections-Special Appropriation-\$2,250.00; Rogers Appraisal Service Inc-Appraisal Reports-\$6,500.00; Schroeder/Roger-Safety Glasses Reimburse-\$60.00; SDDOT Office Air Rail Transit-Airport Conference-\$170.00; Sheehan Mack Sales & Equipment Inc-Antennas-\$108.73; Slowey Construction Inc-Force Main-\$188,100.90; Small Business Development Cnt-Special Appropriation-\$4,500.00; Smith Insurance Inc/MT & RC-Airport Liability Ins-\$10,500.00; Smith/Jack-Marne Creek Easement-\$200.00; Turfwerks-Course Maintenance-\$271.39; US Post Office-Utility Postage-Jan 2017-\$1,400.00; US Bank Equipment-Finance Copier Contract-\$495.82; Wage Works-Flex Serv Fee-Dec-\$155.00; Water & Env Eng Research Ctr-Lab Tests-\$422.00; Williams Brother Roofing-Roof Repair-\$1,902.93; Woehl/Toby-Officer Stipend-Jan-\$25.00; Woods Fuller Shultz & Smith PC-Prof Services-\$742.50; Xerox Corporation-Copier Lease-\$222.58; Xerox Corporation-Copier Lease-\$2,449.57; Yankton Area Arts Assn-2017 Summer Band Payment-\$3,600.00; Yankton Area Convention-1/4 SP Appropriation-\$97,582.50; Yankton Area Ice Association-Reimburse-1<sup>st</sup> Half Jan 17-\$1,538.32; Yankton School District 63-3-2016 4th Qtr Bill-\$32,250.18; Yankton Transit Inc-1/2 SP Appropriation-\$15,000.00; Yankton Vol Fire Department-Jan 2017 Calls/Drills-\$1,950.00; Ziegler/William-Officer Stipend-Jan-\$65.00; A-Ox Welding Supply-Welding Gas-\$79.31; Alamo Rent-A-Car-Conference-\$109.47; Amazon Digital Svcs-Computer Program-\$49.99; Amazon Mktplace Pmts-Power Steps-\$1,713.38; Amazon.Com-Jump Starter-\$231.76; Amazon.Com-Plumbing Code Book-\$135.94; Americinn-Travel Expense-\$95.10; Appeara-Towels-\$301.02; Applied Ind Tech-Air Filters-\$1,171.36; Arbys-K9 Training Expense-\$3.63; ARC-Services/Training Aquatic Facility-\$950.00; AT&T Bill Payment-Car Computer Connections-\$315.60; Automated Drive System-Aeration Pump Repairs-\$250.00; Autozone-Windshield Washer Fluid-\$4.29; Autozone -Ignition Coil-\$53.62; Baker-Taylor-Books-\$2,008.54; Battery Exchange-Truck Maintenance-\$154.35; Blitsy.Com-Craft Night Supplies-\$89.80; Boller Printing-Receipt Books-\$407.00; Bomgaars-Ice Melt-\$2,012.66; Border States Electric-Fiber to Copper Convert-\$276.18; Brenntag Great Lakes-Ferric Chloride-\$5,549.00; Broadway Chrysler-Solenoid Cable & Bracket-\$307.19; Butler Machinery-Bearing and Seal-\$263.96; Car & Driver Magazine-Subscription-\$10.00; Carus Corporation-Polyphosphate-\$3,700.62; Caseys Gen Store-Staff Appreciation-\$17.50; Chief Supply-Patrol Car Equipment-\$730.00; Clarks Rentals-Custom Hammer Drill Rental-\$35.00; Conoco-Mayors Meeting-\$35.24; Country Living Magazine-Subscription-\$34.97; Cox Auto Supply-Tools-\$460.97; Crescent Electric-Monitor-\$438.98; Currito Burritos-Conference-\$13.45; Dart/Tartan/McNaugh-Lease Plan-\$1,932.00; Dayhuff Enterprises-Cleaning Supplies-\$976.03; Days Inn-Surveyor's Conference-\$145.66; Echo Electric Supply-Light Bulbs-\$94.80; Ehresmann Engineering-Hoist Expense-\$432.55; Envatomarket-License-\$40.00; ESRI Software-ESRI-\$2,512.33; Facebk-Promo Advertisement-\$20.00; Facebk-Advertisement-\$8.00; Facebk-December Ad-\$15.00; Fastenal Company-Plow Bolts-\$270.88; Fred Haar Company-Lawn Tractor Repair-\$669.98; Grafix Shoppe-Patrol Car Decals-\$927.11; Graham Tire-Wheel Balance-\$20.00;

Hach Company-Analyzer Controller-\$5,128.37; Hard Drive Central-Copier Fee-\$76.88; Hedahls-Truck Repair-\$568.08; Hilti Inc-Park Supplies-\$1,033.67; Huhot Mongolian Grill-K9 Medical Care Travel-\$31.00; Hy-vee Gas-Conference-\$53.92; Hy-vee-Concessions-\$504.68; IACP-IACP Membership Dues-\$150.00; In Creative Products-Dare T-Shirts-\$221.00; In Kraskin Baton Company-Baton Supplies-\$16.50; Independence Waste-Rentals-\$553.90; Intl Code Council Inc-2015 Property Maint Code-\$292.10; Intoximeters Inc-Breath Test Devices-\$2,840.00; ISU Vet Clinic-K9 Medical Visit-\$59.85; J.J. Benji-League Shirts-\$1,032.50; Jacks Uniforms & Equipment-Patrol Uniform-\$2,844.88; JCL Solutions-Cleaning Supplies-\$821.17; Johnson Controls-SS HVAC Pool Agreement\$2017-\$6,739.14; Kaiser Refrigeration Inc-CO2 Tank Repair-\$705.35; Kendell Doors & Hardware-Padlocks-\$422.50; Kopetskys Ace Hdwe-Patrol Equipment-\$511.13; KPC Discover-Magazine Subscription-\$24.95; Larrys Canvas & Custom-Building Supplies-\$35.00; Larrys Canvas & Custom-Shop Supplies-\$10.00; Lewis And Clark Ford-Truck Repair-\$71.02; Locators and Supplies-Supplies-\$176.63; Longs Propane Service-Propane-\$36.00; MacAlester College-Technology Conference-\$160.00; Marks Machinery Inc-Bobcat/Skidloader Repair-\$514.42; McDonalds-Conference-\$6.65; McDonalds-Investigation Expense-\$12.41; Mead Lumber-Lumber-\$154.71; Menards-Toolbox-\$378.00; Menards-Toilets-\$1,353.69; Michaels Fence-Fence Repair-\$220.40; Mid-States Organized-MOCIC Membership Fee-\$200.00; Midwest Laboratories-Nutrient Testing-\$200.95; Midwest Radiator-Snowplow Repair-\$165.00; Mometrix.Com-Test Schooling-\$6.99; Mypilotstore.Com-Radio-\$1,060.95; Myradiomall Com-Radio Charger-\$46.10; NBS Calibrations-Lab Balance Service-\$179.00; Nebraska PGA-Blue Go Conference-\$30.00; Northern Tool Equip-Shop Supplies-\$251.98; Northtown Automotive-Check Fuel Pressure-\$58.32; Olive Garden-Conference-\$22.55; One Office Solution-Office Supplies-\$981.18; OReilly Auto-Battery/Wiper Blades-\$657.89; Overhead Door Co-Garage Door Openers-\$384.90; Paypal-Dirigosoftw Licensing Fee-\$169.00; Paypal-FFC Fire Chaplin Membership-\$100.00; Paypal-NTOA NTOA Membership-\$150.00; Paypal-Paymasterch Checksigner Ribbon-\$44.99; Paypal-Zoro.Com Lights-\$1,709.13; Phillips 66-Fuel K9 Medical Care-\$29.00; Postage Refill-Postage-\$100.00; Provantage LLC-Software Trend Micro-\$964.95; Push Pedal Pull Corp-Equipment Repair Maint-\$1,746.71; Quill Corporation-Self-Inking Stamps-\$146.21; Riverside Hydraulics-Air Hose/Fittings-\$201.94; Rons Auto Glass-Truck Repair-\$310.00; Scottie Stop-Conference-\$28.45; SD Property Management-Park Expense-\$101.56; SDSPLS-Conference/Membership-\$360.00; Sears Hometown-Supplies-\$19.99; SF Regional Airport-Conference-\$48.00; Sheehan Mack Sales-Hex Bolts/Washers-\$152.23; Sheet Labels Inc-Recycling Sticker Labels-\$40.31; Sherwin Williams-Bathroom Project-\$111.63; Sirchie Finger Print-Crime Scene Equipment-\$199.80; Skydine-Conference-\$8.42; SP Cutratebatteries-Radio Batteries-\$146.40; SQ Hansen Locksmith-Keys-\$10.00; SQ Tinting Pros-Remove Remote Start-\$60.00; Stan Houston Equip Co-Park Supplies-\$391.70; STK Shutterstock Inc-Seed Library Supplies-\$29.00; Sturdevants-Truck Repair-\$41.38; Synter Resource Group-Postage-\$44.70; Tactical Medical-First Aid Kit-\$170.95; Tennsco Corp-Replacement Handles-\$38.16; The Lab Depot-Laboratory Stir Plates-\$784.65; The UPS Store-Police Equipment-\$137.31; TI Taser Intl-Taser Equipment Replace-\$182.19; TMA-Tires-\$797.44; TME Sports Illustrated-Kids Subscription-\$39.95; Tokyo Japanese Cuisine-Strategic Planning-\$43.98; Tractor Supply Co-K9 Equipment-\$147.05; Truck Trailer Sales-Seat-\$307.33; United-Conference-\$50.00; United Laboratories-Epoxy-\$167.04; USA Blue Book-Raven Interface Detector-\$1,418.04; USPS-Postage-\$44.45; VCN Yanktonrodctr-Filing Fee-\$125.00; Viddler Inc-Video Hosting-\$37.59; Vogts Fine Cleaners-Building Repairs-\$3.00; VWR International Inc-Lab Supplies-\$1,266.10; VZWRLSS My Vz Vb-Internet Access-\$526.14; WS Darley & Co-Ladder Belts-\$335.17; Wal-Mart-Office Supplies-\$466.50; Walgreens-Markers-\$9.57; Walmart.Com-Office Supplies-\$29.60; Wendys-Conference-\$4.24; Wheniwork.Com-Schedule Service-\$30.89; Wilkens Industries Inc-Switching Valve-\$743.43; WM Supercenter-Office Supplies-\$796.44; Women-Subscription-\$14.97; WW Grainger-Janitorial Supplies-\$551.36; Yankton Chamber of Com-Chamber

Membership-\$525.00; Yankton Pizza Ranch-Ice Arena New Years-\$103.32; Yankton Trailer LLC-Equipment Maintenance-\$156.75; Yankton Winnelson Co-Water Recirculation Pump-\$1,191.04; Yearli.Com-1095 IRS Filing-\$490.36; 5guys-QSR Training Expense-\$14.06; AFSCME Council 65-Employee Deduction-\$1,358.88; Allington/Christopher-Training-\$150.00; American Family Life Corp-Cancer & ICU Premiums-\$7,234.06; City of Yankton-Library Petty Cash-\$100.00; Connections Inc-EAP Insurance January-\$384.30; Delta Dental-Dental Ins February-\$15,496.00; Dept of Social Services-Employee Deduction-\$1,697.50; Erickson/Joseph-Training-\$500.00; Feimer Construction-Raw Water Main-\$179,111.45; First National Bank-Clean Water #3-\$110,304.80; First National Bank-Drinking Water-\$61,349.87; First National Bank SRF 5-Drinking Water-\$14,665.61; First Natl Bank South Dakota-Employee Deduction-\$2,575.12; Frick/Brian-Reimbursement-\$11.00; Groves/Justin-Payroll Advance-\$180.00; Mejorando Group-Strategic Plan Session-\$15,087.04; Minnesota Life Insurance Co-Life Insurance February-\$733.05; Premier Pyrotechnics-2017 July 4th Fireworks-\$20,000.00; Retirement, SD-SD Retirement Jan-\$79,438.69; Retirement, SD System-401(A) Special Pay-\$934.02; SDSRP Employee Deduction-\$5,120.00; South Dakota Planner's Assn-Membership-\$50.00; Summit Activity Center-Employee Deduction-\$889.55; Sun Life Financial-Vision Ins February-\$913.09; United Way-Employee Deduction-\$102.00; Vast Broadband-Internet Services-\$3,443.32; Wellmark Blue Cross-Health Ins February-\$93,198.33; Yankton Area Prog Growth-Sales Tax Reimb-\$71,826.63.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.  
Motion adopted.

#### SALARIES JANUARY, 2017:

Administration-\$40,481.99; Finance-\$34,626.52; Community Development-\$25,231.63; Police-\$177,896.21; Fire-\$12,988.40; Engineering-\$42,473.51; Street-\$45,820.56; Snow & Ice-\$1,815.81; Traffic Control-\$4,067.77; Library-\$29,423.99; Parks / Sac-\$65,276.08; Marne Creek-\$4,145.85; Water -\$43,068.69; Wastewater-\$36,993.97; Cemetery-\$4,437.14; Solid Waste-\$21,573.36; Landfill-\$18,799.90; Golf Course-\$30,063.32; Central Garage-\$7,756.28.

#### PERSONNEL CHANGES & NEW HIRES:

New Hires: Tonya Olson-\$2,279.35 bi-wk.-Library; Clara Whitehead-\$9.50 hr.-Rec. Division.  
Wage Change: Kelia Barta-\$9.50 hr.-Golf Division; Ashli Becker-\$9.75 hr.-Rec Division; Brianna Benjamin-\$9.75 hr.-Rec Division; Colby Benson-\$10.00 hr.-Rec Division; Kyle Bergeson-\$9.75 hr.-Rec Division; Collin Bertram-\$9.75 hr.-Rec Division; Brittni Bormann-\$9.90 hr.-Rec Division; Kobe Bowker-\$9.50 hr.-Golf Division; Avery Brockberg-\$10.00 hr.-Rec Division; Lauren Cameron-\$9.85 hr.-Rec Division; Alison Cappy-\$9.50 hr.-Rec Division; Elizabeth Carter-\$11.25 hr.-Rec Division; Jon Cooke-\$9.75 hr.-Golf Division; Julie DeWitt-\$9.85 hr.-Rec Division; Kylee Duncan-\$9.65 hr.-Rec Division; Gerrit Dykstra-\$9.50 hr.-Rec Division; Cameron Emmick-\$9.50 hr.-Golf Division; Tracie Erdmann-\$10.50 hr.-Rec Division; Chase Erickson-\$9.75 hr.-Golf Division; Karie Forman-\$12.25 hr.-Rec Division; Samuel Forrer-\$9.75 hr.-Rec Division; Kaitlyn Frank-\$9.75 hr.-Rec Division; Brianna Geigle-\$10.00 hr.-Rec Division; Danielle Gill-\$11.50 hr.-Rec Division; Danielle Gillis-\$9.90 hr.-Rec Division; Courtney Gould-\$9.65 hr.-Rec Division; Jenna Grossenburg-\$10.00 hr.-Rec Division; Justin Groves-\$9.50 hr.-Rec Division; Jennifer Guthmiller-\$10.00 hr.-Golf Division; Ashtyn Haak-\$10.25 hr.-Rec Division; Lance Haak-\$9.50 hr.-Golf Division; Logan Haak-\$10.25 hr.-Rec Division; Gerry Hastreiter-\$9.75 hr.-Rec Division; Leo Hastreiter-\$9.50 hr.-Rec Division; Katie Hauser-\$10.25 hr.-Rec Division; Nikki Heinz-\$12.25 hr.-Rec Division; Marla Herman-\$11.50 hr.-Rec Division; Gordon Hines-\$2,281.00 bi-wk.-Water; Hordan Houdek-\$10.00 hr.-Rec Division; Rachel Houdek-\$9.65 hr.-Rec Division; Chase Huether-\$9.50 hr.-Golf Division; Phillip Hummel-\$9.50 hr.-Golf Division; Reid Hunhoff-\$10.25 hr.-Rec Division; Arion Huntley-\$9.65 hr.-Rec Division; Maddie Husmann-\$10.25 hr.-Golf Division; Lisa Irwin-\$9.75 hr.-Rec Division; Benjamin Jensen-\$10.00 hr.-Rec Division;

Jessica Jensen-\$11.50 hr.-Rec Division; Keith Jensen-\$9.75 hr.-Golf Division; Mark Jensen-\$10.00 hr.-Golf Division; Alec Johnson-\$9.75 hr.-Golf Division; Madison Johnson-\$9.65 hr.-Rec Division; Makenzie Johnson-\$9.65 hr.-Rec Division; Rebecca Johnson-\$15.00 hr.-Rec Division; Mason Kaitfors-\$9.50 hr.-Rec Division; Kelly Brianna-\$10.25 hr.-Rec Division; Joseph Kelly-\$9.65 hr.-Rec Division; Baylee Kenney-\$9.50 hr.-Golf Division; Susanna Kinsley-\$10.25 hr.-Rec Division; Katrianna Kokesh-\$9.50 hr.-Rec Division; Julie Koller-\$12.25 hr.-Rec Division; Sophie Kouri-\$9.75 hr.-Rec Division; Matthew Kreitzinger-\$9.50 hr.-Golf Division; Annie Kruse-\$10.00 hr.-Rec Division; Joel Kusek-\$9.65 hr.-Rec Division; Emilee LeBarge-\$9.75 hr.-Rec Division; Carie LaBrie-\$12.25 hr.-Rec Division; Barb Law-\$11.75 hr.-Rec Division; Ali Leonard-\$9.75 hr.-Rec Division; Kyra Liebig-\$10.25 hr.-Rec Division; Arlin Likness-\$9.75 hr.-Rec Division; Jase Likness-\$10.00 hr.-Rec Division; Kayla Loecker-\$10.25 hr.-Rec Division; Mary Loecker-\$12.00 hr.-Rec Division; LaVonne Lorenzen-\$12.00 hr.-Rec Division; Erin Luken-\$9.75 hr.-Rec Division; Ashley Mazankowski-\$9.85 hr.-Rec Division; Tony McGlone-\$9.50 hr.-Rec Division; Jason Metz-\$10.00 hr.-Golf Division; Abigail Mitchell-\$10.00 hr.-Rec Division; Daniel Mitchell-\$9.75 hr.-Rec Division; Ryan Moderegger-\$9.75 hr.-Rec Division; Alexander Mogensen-\$9.50 hr.-Rec Division; Savannah Murray-\$9.75 hr.-Rec Division; Robert Noble-\$10.00 hr.-Rec Division; Tanner Noble-\$9.50 hr.-Rec Division; Quinn Paulsen-\$9.50 hr.-Golf Division; Andrew Peitz-\$9.85 hr.-Rec Division; Sharlolette Peterson-\$12.25 hr.-Rec Division; Tracy Raab-\$11.75 hr.-Rec Division; Roy Reichle-\$12.25 hr.-Rec Division; Melinda Reichert-\$12.00 hr.-Rec Division; Rachel Reiff-\$10.00 hr.-Rec Division; Hunter Rockne-\$9.50 hr.-Rec Division; Lucas Rockne-\$10.00 hr.-Rec Division; Sarah Rockne-\$10.00 hr.-Rec Division; Vanessa Rockne-\$10.50 hr.-Rec Division; Katie Rodig-\$9.75 hr.-Golf Division; Kylie Rodig-\$9.75 hr.-Golf Division; Morgan Rodig-\$9.50 hr.-Golf Division; Jacob Rodriguez-\$9.75 hr.-Golf Division; Case Roth-\$9.75 hr.-Rec Division; Kylie Roth-\$9.50 hr.-Rec Division; Tristan Roy-\$10.10 hr.-Rec Division; Meghan Schenk-\$10.00 hr.-Rec Division; Patty Schieffer-\$11.25 hr.-Rec Division; Katie Schmidt-\$11.75 hr.-Rec Division; Candice Schultheis-\$11.50 hr.-Rec Division; Brett Sime-\$14.25 hr.-Golf Division; Saladin Smith-\$10.00 hr.-Rec Division; Allison Spak-\$12.25 hr.-Rec Division; Kelli Steffen-\$9.65 hr.-Rec Division; Twila Stibral-\$12.00 hr.-Rec Division; Kelsey Sutera-\$10.25 hr.-Rec Division; Heather Thomas-\$12.00 hr.-Rec Division; Amber Thompson-\$9.85 hr.-Rec Division; Jenna Trail-\$10.00 hr.-Rec Division; Denise Tramp-\$12.00 hr.-Rec Division; Logan Ulmer-\$10.50 hr.-Rec Division; Larry Wagner-\$9.75 hr.-Rec Division; Logan Wagner-\$9.75 hr.-Golf Division; Timothy Waiter-\$9.50 hr.-Golf Division; Maggie Wallis-\$10.25 hr.-Rec Division; Kelsey Westerman-\$9.50 hr.-Rec Division; Blake Wieseler-\$9.75 hr.-Rec Division.

City Finance Officer Viereck reviewed the written report submitted by City Manager Nelson giving an update on community projects and items of interest.

Molly Grey of “The Sandbox” gave a brief talk about her new business and partnership with the City.

#### Action 17-26

Moved by Commissioner Johnson, seconded by Commissioner Ferdig, that the following items on the consent agenda be approved.

1. Establishing public hearing for sale of alcoholic beverages  
Establish February 27, 2017, as the date for the public hearing on the request for a Special Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for three days, August 18-20, 2017, from Yankton Area Riverboat Days, Inc. (Milissia Wuebben, Treasurer), Riverside Park, Yankton, South Dakota.
2. Establishing public hearing for sale of alcoholic beverages

Establish February 27, 2017, as the date for the public hearing on the request for a Special Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for three days, August 18-20, 2017, from Yankton Area Riverboat Days, Inc. (Milissia Wuebben, Treasurer), City Hall Auditorium, Yankton, South Dakota.

3. Establishing public hearing for sale of alcoholic beverages

Establish February 27, 2017, as the date for the public hearing on the request for a Special Events Retail (on-sale) Liquor License for one day, March 25, 2017, from Dayhuff Enterprises, Inc. d/b/a O'Malley's Bar (Jeff Dayhuff, President), Lewis & Clark Theatre Company, 328 Walnut Street, Yankton, South Dakota.

4. Transient Merchant License and Special Events Dance License

Consideration of Memorandum #17-31 recommending approval of the applications from the Convention and Visitors Bureau for:

A) Transient Merchant License for February 18, 2017;

B) Special Events Dance License for February 18, 2017

5. Establishing public hearing for sale of alcoholic beverages

Establish February 27, 2017, as the date for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for one day, July 2, 2017, from The Center (Christy Hauer, Executive Director), 900 Whiting Drive, Yankton, South Dakota.

6. Establishing public hearing for sale of malt beverage

Establish February 27, 2017, as the date for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License for one day, March 17, 2017, from The Center (Christy Hauer, Executive Director), 900 Whiting Drive, Yankton, South Dakota.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.

Motion adopted.

Action 17-27

This was the time and place for the public hearing on the application for a Special Events (on-sale) Liquor License for one day, February 18, 2017, from Drotzmann & Portillo, LLC (Steve Drotzmann, Partner), dba Rounding 3<sup>rd</sup> Bar and Casino, NFAA, 800 Archery Lane, Yankton, South Dakota. No one was present to speak for or against approval of the license. (Memorandum 17-20) Moved by Commissioner Knoff, seconded by Commissioner Carda, to approve the license application.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.

Motion adopted.

Action 17-28

This was the time and place for the public hearing on the application for the transfer of ownership and location of a Package (off-sale) Liquor License for January 1, 2017, to December 31, 2017, from Pure Ice Partners, LLC dba Pure Ice Company (Carla Anderson, Partner), 101 Capital Street, to The Fox Stop, Inc. dba The Fox Stop, Inc. (James Grotenhuis, President), 1316 W. 30th Street, Yankton, South Dakota. No one was present to speak for or against approval of the license. (Memorandum 17-21) Moved by Commissioner Johnson, seconded by Commissioner Hoffner, to approve the license application.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.

Motion adopted.

Action 17-29

This was the time and place for the public hearing on the application for a Special Events Malt

Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for one day, March 4, 2017, from The Center (Christy Hauer, Executive Director), 900 Whiting Drive, Yankton, South Dakota. No one was present to speak for or against approval of the license. (Memorandum 17-22) Moved by Commissioner Carda, seconded by Commissioner Sommer, to approve the license application.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.  
Motion adopted.

#### Action 17-30

This was the time and place for the second reading and public hearing for Ordinance No. 993, AN ORDINANCE AMENDING ORDINANCE NO. 989, THE 2017 ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF YANKTON, S.D. No one was present to speak for or against adoption of the Ordinance. Moved by Commissioner Knoff, seconded by Commissioner Hoffner, to adopt Ordinance No. 993.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.  
Motion adopted.

#### Action 17-31

This was the time and place to award the bid for a 2011 or newer Model 52,000 GVW Class 8 6x4 Truck for the Public Works Department, City of Yankton/Solid Waste Department. (Memorandum 17-25) The following bids were received and opened on February 3, 2017: Truck-Trailer Sales & Service, Inc., Yankton, South Dakota-\$48,900.00; Boyer Trucks, Sioux Falls, South Dakota-\$102,560.00. Moved by Commissioner Johnson, seconded by Commissioner Sommer, to award the bid to the low bidder, Truck-Trailer Sales & Service, Yankton, South Dakota, in the amount of \$48,900.00, subject to a mechanical inspection of the vehicle.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.  
Motion adopted.

#### Action 17-32

This was the time and place to award the bid Award for a New 2017 Model 56,000 GVW 6x4 Class Truck for the Public Works Department. (Memorandum 17-26) The following bids were received and opened on February 2, 2017: Boyer Truck, Sioux Falls, South Dakota-\$87,880.00; I-State Truck Center, Sioux City, Iowa-\$88,095.00; North Central International of Sioux Falls, Inc., Sioux Falls, South Dakota-\$88,989.000; Peterbuilt Trucks, Norfolk, Nebraska-\$100,119.00. Moved by Commissioner Sommer, seconded by Commissioner Ferdig, to award the bid to the low bidder Boyer Truck, Sioux Falls, South Dakota in the amount of \$87,880.00.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.  
Motion adopted.

#### Action 17-33

Moved by Commissioner Knoff, seconded by Commissioner Sommer, to approve the purchase of a 2017 Volvo L60H loader for the Department of Public Works in the amount of \$149,656.00 from Sheehan Mack Sales and Equipment Company, Sioux Falls, South Dakota, under the Minnesota State Bid price. (Memorandum 17-23)

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.  
Motion adopted.

#### Action 17-34

This was the time and place to award the bid for Crushing of Salvaged Concrete and Asphalt in 2017. (Memorandum 17-24) The following bids were received and opened on February 2, 2017: Slowey Construction, Inc., Yankton, South Dakota-\$3.89 per ton; PBI Underground Construction Marcus, Iowa-\$3.939 per ton; Intex Corp., Rogers, Minnesota-\$4.07 per ton; Bowes Construction, Inc., Brookings, South Dakota-\$5.00 per ton. Moved by Commissioner Knoff, seconded by Commissioner Sommer, to award the bid to the low bidder Slowey Construction of Yankton, South Dakota, at a unit price of \$3.89 per ton.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.  
Motion adopted.

#### Action 17-35

Moved by Commissioner Sommer, seconded by Commissioner Hoffner, to adopt Resolution 17-06, and to authorize City Manager Nelson to sign all related documents for funding and implementation of the single stream recycling program. (Memorandum 17-27)

### **RESOLUTION 17-06**

**RESOLUTION GIVING APPROVAL TO CERTAIN SOLID WASTE IMPROVEMENTS; GIVING APPROVAL TO THE ISSUANCE AND SALE OF A REVENUE BOND TO FINANCE, DIRECTLY OR INDIRECTLY, THE IMPROVEMENTS TO THE FACILITIES; APPROVING THE FORM OF THE LOAN AGREEMENT AND THE REVENUE BOND AND PLEDGING REVENUES AND COLLATERAL TO SECURE THE PAYMENT OF THE REVENUE BOND; AND CREATING SPECIAL FUNDS AND ACCOUNTS FOR THE ADMINISTRATION OF FUNDS FOR OPERATION OF THE SYSTEM AND RETIREMENT OF THE REVENUE BOND.**

WHEREAS, one of the purposes of SDCL Chapter 9-40 (the "Act") as found and determined by the Legislature is to provide for financing the acquisition, maintenance, operation, extension or improvement of any system or part of any system for the collection, treatment and disposal of sewage and other domestic, commercial and industrial wastes; or any system for the control of floods and drainage; or any combination thereof, together with extensions, additions, and necessary appurtenances; and

WHEREAS, a municipality is authorized to borrow money and issue its revenue bonds under South Dakota Codified Laws, Chapters 9-40 (the Act) and 6-8B in order to defray the cost of funding improvements, extensions and additions to its solid waste system and is authorized to issue its obligations in order to defray the cost thereof, and to make all pledges, covenants and agreements authorized by law for the protection of the holders of the obligations; and

WHEREAS, the City of Yankton, South Dakota (the City), has determined that the conversion to a commingled curb side recycling program as well as semi-automated solid waste collection is necessary for the conduct of its governmental programs and qualifies as an improvement, extension or addition to its solid waste system; and

WHEREAS, the City has determined to issue its revenue bonds to finance the improvements to its solid waste facilities for the purpose collecting and disposing of solid waste from domestic, municipal, and industrial purposes (the "System") and has applied for a Loan to finance the improvements.

NOW THEREFORE BE IT RESOLVED by the City as follows:



1. Declaration of Necessity and Determination of Facilities Financed. The City desires and hereby determines it is necessary to improve its solid waste facilities within its System, as described in Exhibit A hereto (the "Project"). The City hereby expressly finds that if the Project is not undertaken, the System will pose a health hazard to the City and its inhabitants, and will make the City unable to comply with state and federal law. The City hereby determines that the Project will substantially benefit the entire System and all of its inhabitants within the meaning of SDCL 9-40-15 and SDCL 9-40-17. Therefore the City hereby determines that for the purposes of the Act, including, in particular, SDCL 9-40-17, the net income or revenues of the entire System, as extended, added to, or improved by the Project shall be deemed to be the net income or revenues available to be pledged to the payment of the bonds issued hereunder.

2. Approval of Loan. The City hereby determines to finance up to \$574,500 of the costs of the Project through the issuance of utility revenue bonds (the "Revenue Bond").

3. Approval of Loan Agreement. The execution and delivery of the Solid Waste Management Program Loan Agreement (the "Loan Agreement") between the City as Borrower and the South Dakota Board of Water and Natural Resources (the "Board"), is hereby in all respects authorized, approved and confirmed, and the Mayor and Finance Officer are hereby authorized and directed to execute and deliver the Loan Agreement in the form and content attached hereto, with such changes as the Attorney for the City deems appropriate and approves, for and on behalf of the City. The Mayor and Finance Officer are hereby further authorized and directed to implement and perform the covenants and obligations of the City set forth in or required by the Loan Agreement. The Loan Agreement herein referred to and made a part of this Resolution is on file in the office of the Finance Officer and is available for inspection by any interested party.

4. Approval of Revenue Bonds. The issuance of the Revenue Bond in aggregate principal amount not to exceed \$574,500 as determined according to the Loan Agreement in the form and content set forth in Appendix B attached to the form of Loan Agreement shall be and the same is, in all respects, hereby authorized, approved, and confirmed and the Mayor, Finance Officer, and other appropriate officials shall be and are hereby authorized and directed to execute and seal the Revenue Bond and deliver the Revenue Bond to the Board, for and on behalf of the City, upon receipt of the purchase price, and to use the proceeds thereof in the manner set forth in the Loan Agreement. The Mayor and Finance Officer are hereby authorized to approve the final terms of the Revenue Bond and their execution and delivery thereof shall evidence that approval. The Revenue Bond shall be issued under the authority of SDCL Chapter 9-40 and SDCL Chapter 6-8B, and the provisions of the Act are hereby expressly incorporated herein as provided in SDCL 9-40-19.

5. Paying Agent/Registrar. The Revenue Bond shall be payable at the office of the Board of Water and Natural Resources. The Finance Officer is hereby designated as paying agent and registrar.

6. System Fund Accounts. For the purpose of application and proper allocation of the income of the System and to secure the payment of principal of and interest on the Revenue Bond, the following mandatory segregation accounts shall be used solely for the following respective purposes until payment in full of the principal of and interest on the Revenue Bond:

(a) Revenue Account. There shall be deposited in the Revenue Account as received the entire gross revenues derived from the operation of the System collected pursuant to the

ordinances or regulations of the City Council (the "Rate Ordinance") including future improvements, enlargements, extensions and repairs thereto (the "Gross Revenues"). Moneys from the System Revenue Account shall be transferred periodically into separate accounts as provided below.

(b) Operation and Maintenance Account. There shall be established the General Operation and Maintenance Account. Out of the remaining revenues of the System Revenue Account after application described in (c) and (d) below, there shall be set aside each month into the General Operation and Maintenance Account, a sum sufficient to provide for the payment of the next month's current expenses of administration and operation of the remainder of the System and such current expenses for the maintenance thereof as may be necessary to preserve the remainder of such System in good repair and working order. The term current expenses shall be construed to include all reasonable and necessary costs of operating, repairing, maintaining and insuring the System, including without limitation salaries, supplies and rent, but shall exclude General Depreciation Account and System Debt Service Account.

(c) System Debt Service Account. Out of the revenues in the System Revenue Account, there shall be set aside no later than the 25<sup>th</sup> day of each month into the account designated System Debt Service Account, a sum sufficient to provide for the payment as the same become due of the next maturing principal and interest on, the Revenue Bond and any reserve determined by the City Council to be necessary. The amount set aside monthly shall be not less than one-sixth of the total principal, interest, and other amounts payable on the following June 1 or December 1, and if there shall be any deficiency in the amount previously set aside, then the amount of such deficiency shall be added to the current requirement.

(d) Depreciation Account. There shall be established a General Depreciation Account. Out of the revenues of the System Revenue Account there shall be set aside each month into the General Depreciation Account an amount determined by the City Council to be a proper and adequate amount for repair and depreciation of the System.

(e) Surplus Account. There shall be established the General Surplus Account. Revenues remaining in the System Revenue Account at the end of any fiscal year after all periodic transfers have been made therefrom as above required, shall be deemed to be surplus and shall be credited to the General Surplus Account. If at any time there shall exist any default in making any periodic transfer to the System Debt Service Account, the City Council shall authorize the City Finance Officer to rectify such default so far as possible by the transfer of money from the General Surplus Account. If any such default shall exist as to more than one account at any time, then such transfer shall be made in the order such accounts are listed above.

When not required to restore a current deficiency in the System Debt Service Account, moneys in the General Surplus Account from time to time may be used for any of the following purposes and not otherwise:

- i. To redeem and prepay the Revenue Bond when and as such Revenue Bond becomes prepayable according to its terms;
- ii. To pay for repairs of or for the construction and installation of improvements or additions to the System; and, if the balances in the System Debt Service Account and the Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made there from prior to the end of the then current fiscal year, then:

- iii. To be held as a reserve for redemption and prepayment of any bonds of the System which are not then but will later be prepayable according to their terms; or
- iv. To be used for any other authorized municipal purpose designated by the City Council.

No moneys shall at any time be transferred from the General Surplus Account or any other account to any other account of the City, nor shall such moneys at any time be loaned to other municipal funds or invested in warrants, special improvements bonds or other obligations payable from other funds, except as allowed by this Section.

7. Pledge of Revenues. The Revenue Bond, together with the interest thereon, shall not constitute a charge against the City's general credit or taxing power, but shall be a limited obligation of the City payable solely out of the System Debt Service Account, which payments, revenues and receipts are hereby and in the Loan Agreement pledged and assigned for the equal and ratable payments of the Revenue Bond and shall be used for no other purpose than to pay the principal of and interest on the Revenue Bond, except as may be otherwise expressly authorized in the Loan Agreement (including the purpose of securing Additional Bonds issued as permitted by the terms thereof). The City covenants and agrees to charge rates for all services from the System or establish special charges or surcharges which will be sufficient to provide for the payments upon the Revenue Bond issued hereunder as and when the same become due, and as may be necessary to provide for the operation and maintenance and repairs of the System, and depreciation, and the Rate Ordinance shall be revised from time to time so as to produce these amounts. The City hereby reserves the right to determine on a periodic basis the appropriate allocation of operation and maintenance expenses, depreciation, repair and reserves associated with the facilities financed with the Revenue Bond, provided that such determination of allocable operation and maintenance expenses shall in no event abrogate, abridge or otherwise contravene the covenant of the City set forth in this Section 8 or any other covenant or agreement in the Loan Agreement.

8. Additional Bonds. As permitted by SDCL 9-40-8 and SDCL 9-40-9, additional Bonds payable from revenues and income of the System may be issued, as permitted in the Loan Agreement and no provision of this Resolution shall have the effect of restricting the issuance of, or impairing the lien of, such additional parity bonds with respect to the net revenues or income from the extensions, additions or improvements. The City shall have the right to issue additional bonds secured by a lien subordinate to the lien from the Revenue Bond pursuant to the Loan Agreement.

9. General Covenants.

- (a) The City hereby covenants and agrees with the Board and other owners of the Revenue Bond that it will punctually perform all duties with reference to the Project, the System and the Revenue Bond required by the constitution and laws of the State of South Dakota and by this Resolution.
- (b) The City agrees and covenants that it will promptly construct the improvements included in the Project.
- (c) The City covenants and agrees that pursuant to SDCL 9-40-28 and SDCL 9-40-29, the lawful holders of the Revenue Bond shall have a statutory mortgage lien upon the System and the extensions, additions and improvements thereto acquired pursuant to the Act, until the payment in full of the principal and interest on the Revenue Bond, and the City agrees not to sell or otherwise dispose of the System, the Project, or any substantial part thereof, except as provided in the Loan Agreement and shall not establish, authorize or grant a franchise for the operation of any other utility supplying like products or services in

competition therewith, or permit any person, firm or corporation to compete with it in the collection and treatment of wastewater for municipal, industrial, and domestic purposes within the City.

(d) The City covenants and agrees with the Board and other owners of the Revenue Bond that it will maintain the Project and the System in good condition and operate the same in an efficient manner and at a reasonable cost, so long as any portion of the Revenue Bond remains outstanding; that it will maintain insurance on the System for the benefit of the holders of the Revenue Bond in an amount which usually would be carried by private companies in a similar type of business; that it will prepare, keep and file records, statements and accounts as provided for in this Resolution and the Loan Agreement. The Revenue Bond shall refer expressly to this Resolution and the Act and shall state that it is subject to all provisions and limitations thereof pursuant to SDCL 9-40-19.

(e) The Finance Officer shall cause all moneys pertaining to the Accounts to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of SDCL Ch. 4-6A, in a deposit account or accounts, which shall be maintained separate and apart from all other accounts of the City, so long as any of the Revenue Bond and the interest thereon shall remain unpaid. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No money shall at any time be withdrawn from such deposit accounts except for the purposes of the Accounts as authorized in this Resolution; except that moneys from time to time on hand in the Accounts may at any time, in the discretion of the City's governing body, be invested in securities permitted by the provisions of SDCL 4-5-6; provided, however, that the Depreciation Account may be invested in such securities maturing not later than ten years from the date of the investment. Income received from the deposit or investment of moneys shall be credited to the Account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys therein.

(f) In the event of mismanagement of the System, a default in the payment of the principal or interest of the Revenue Bond, or in any other condition thereof materially affecting the lawful holder of the Revenue Bond, or if the revenues of the Project or System are dissipated, wasted or diverted from their proper application as set forth in the Loan Agreement, Revenue Bond, or herein, the City hereby consents to the appointment of a receiver pursuant to SDCL 9-40-33, and agrees that the receiver will have the powers set forth therein, and in SDCL 9-40-34 and SDCL 9-40-35 to operate and administer the System, and charge and collect rates as described therein.

10. Severability. If any section, paragraph, clause or provision of this Resolution, the Loan Agreement, the Revenue Bond, or any other Loan Document shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution or said Loan Agreement, Revenue Bond, or any other Loan Document.

11. Authorization of City Officials. The Mayor, Finance Officer, City Attorney and City officials shall be and they are hereby authorized to execute and deliver for and on behalf of the City any and all other certificates, documents or other papers and to perform such other acts as they may deem necessary or appropriate in order to implement and carry out the actions authorized herein.

12. Definitions. All terms used in this Resolution which are not defined herein shall have the meanings assigned to them in the Loan Agreement unless the context clearly otherwise requires.

13. Effective Date. This Resolution shall take effect on the 20<sup>th</sup> day following its publication, unless suspended by a referendum.

**Roll Call:** All members present voting “Aye;” voting “Nay:” None.  
Motion adopted.

Action 17-36

Moved by Commissioner Johnson, seconded by Commissioner Hoffner, to approve the purchase of a 2017 Volvo L90H Wheel Loader from Sheehan Mack Sales and Equipment, Sioux Falls, South Dakota, in the amount of \$164,899.00 for the Chan Gurney Municipal Airport, under a governmental agency bid price. (Memorandum 17-19)

**Roll Call:** All members present voting “Aye;” voting “Nay:” None.  
Motion adopted.

Action 17-37

Moved by Commissioner Sommer, seconded by Commissioner Carda, to appoint Commissioner Johnson to serve as Ex-Officio Non-voting Member on the Yankton Transit Board. (Memorandum 17-28)

**Roll Call:** All members present voting “Aye;” voting “Nay:” None.  
Motion adopted.

Action 17-38

Moved by Commissioner Knoff, seconded by Commissioner Hoffner, to adopt Resolution 17-07. (Memorandum 17-32)

**RESOLUTION 17-07**

Permissive Use of Right-of-Way

WHEREAS, Mr. Curt Bernard, Owner of Bernard Properties, LLC, owns property adjacent to the 2<sup>nd</sup> Street Right of Way and the Walnut Street Right of Way, located at 200-204 Walnut Street, Legal: Lots 8 & 9, Block 11, Todd’s Subdivision, City of Yankton, South Dakota and,

WHEREAS, Bernard Properties, LLC, has requested permission to occupy the public Right-of-Way for the purpose of constructing an accessibility ramp, stairs, landing and window well as described by the attached drawing, (Exhibit-A) and,

WHEREAS, the applicant understands that the described accessibility ramp, stairs landing, and window well will occupy the Right-of-Way at the applicant’s risk and the City or other approved occupants of the Right-of-Way are not responsible for maintenance, adjustments or repairs resulting from use of the Right-of-Way and,

WHEREAS, the owner, their heirs, assignees or successors shall not modify said ramp, stairs, landing and window well in any manner without first having the written approval of the Yankton City Commission and,

WHEREAS, The City reserves the right, for any reason, with a thirty (30) day notice, to terminate the Permissive Use of Right-of-Way. Upon the notice of termination and within sixty (60) days, the Owners, at their cost, shall remove the ramp, stairs, landing and area wall and other improvements as identified by the City's notice of termination.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves the permissive use of Right-of-Way at the described location in the manner shown on "Exhibit A" to this resolution.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.  
Motion adopted.

Action 17-39

Moved by Commissioner Carda, seconded by Commissioner Hoffner, to adjourn into Executive Session at 7:29 p.m. to discuss pending litigation matters under SDCL 1-25-2.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.  
Motion adopted.

Regular meeting of the Board of City Commissioners of the City of Yankton was reconvened by Mayor Gross.

**Roll Call:** Present: Commissioners Carda, Ferdig, Hoffner, Johnson, Knoff, Maibaum, Miner, and Sommer. City Attorney Den Herder was also present. Absent: City Manager Nelson. Quorum present.

Action 17-40

Moved by Commissioner Carda, seconded by Commissioner Miner, to adjourn at 7:46 p.m.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.  
Motion adopted.

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C.N. Gross  
Mayor

ATTEST:

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Al Viereck  
Finance Officer