

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
DECEMBER 14, 2015**

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

Roll Call: Present: Commissioners Ferdig, Gross, Hoffner, Johnson, Knoff, Miner, Sommer, and Woerner. City Attorney Den Herder and City Manager Nelson were also present. Absent: None. Quorum present.

Action 15-384

Moved by Commissioner Gross, seconded by Commissioner Sommer, to approve the Minutes of the Study Session of November 23, 2015, and the regular meeting of November 23, 2015.

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

Motion adopted.

Action 15-385

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

A T & T-Cell Phone Bill-\$536.87; ACS Government Inf Service-Maint Program Support-\$1,814.52; Active Network-Quarterly Transaction-\$486.77; Airport Mgr's Assn SD-Membership Dues-\$25.00; Allegiant Emergency Svs Inc-Chemicals-\$297.06; AMG Occupational Medicine-CDL DOT Random Drug Test-\$63.00; Assn of Code Enforcement-Membership Dues-\$40.00; Avera Sacred Heart Hospital-CDL DOT Random Drug Test-\$50.00; Bame/Lori-Cart Storage-\$113.75; Banner Associates Inc-Transfer Station Scale-\$3,150.00; Bioverse Inc-Chemicals-\$1,600.00; Brock White Company LLC-Rental Fee-\$2,310.00; Brosz Engineering Inc-Pine Street Bridge-\$10,312.50; Brown & Saenger-Cash Register Tape-\$145.98; Buhl's Laundry Cleaners Inc-Uniforms-\$121.90; Building Officials/SD-Membership Dues-\$55.00; Bushnell Outdoor Products-Range Finder-\$4.58; Cedar Knox Public Power Dist-Elect-Nov-\$1,176.89; Centurylink-Phone-Nov-\$1,652.19; Chamber of Commerce-Meeting-\$59.00; City Management Assn SD-Membership Dues-\$150.00; City of Vermillion-Jt Power Cash Trans-\$31,020.01; City of Yankton-Central Garage Rubbish-\$40.00; City of Yankton-City Hall Garbage-\$13.00; City of Yankton-Parks Landfill Charges-\$361.73; City of Yankton-Solid Waste Compacted Garbage-\$10,063.35; City Utilities-Water-WW Charges-\$12,375.72; Claritus-Postage Supplies-\$369.41; Cornhusker Intl Truck Inc-Air Filter-\$562.69; Creative Forms & Concepts-Forms-\$274.83; Credit Collection Service Inc-Ut Collection-Oct-\$248.76; Crofton Elevator Inc-Pest Control-\$470.00; CSI Software-Software-\$599.00; Danko Emergency Equipment-Wrench Set-\$212.85; Den Herder Law Office PC-Professional Services-\$645.59; Dept of Corrections-DOC Work Program-\$1,728.90; Dex Media East-Phone Book-\$30.28; Double D Machine Works-Repairs-\$60.00; Ehresmann Engineering Inc-Part-\$89.61; Eisenbraun and Associates-Douglas Ave & Wilson-\$14,230.94; Electronic Engineering-Install Radios & Equip-\$1,989.04; Embroidery Works-Uniforms-\$156.00; Erdmann/Tracie-Refund-\$201.00; Ethanol Products LLC-Carbon Dioxide-\$510.81; Falkenberg Construction-Mowing-\$685.00; Fastenal Company-Jackets-\$701.86; First Tee of South Dakota-Junior Golf-\$560.00; Flannery/Kirt-Officer Stipend-\$25.00; Flexible Pipe Tool Company-Parts-\$1,047.85; Flint Trading Inc-Sealer Kit-\$761.01; Freedom Valu Center Inc-Car Wash-\$122.50; Frick/Adam-Officer Stipend-\$25.00; Frick/Brian-Officer Stipend-\$65.00; Geotek Eng & Testing Serv Inc-Raw Water Line-\$7,684.25; Gerstner Oil Co-Fuel-\$8,582.86; Govt Finance-Officer Assn-Membership Dues-\$70.00; Graymont Capital Inc-Lime-\$13,270.06; Hartington Tree LLC-MOVE

TREES-\$2,150.00; Hawkins Inc-Chemicals-\$2,106.05; HD Supply Waterworks Ltd-Parts-\$13,162.43; Hedahl's Parts Plus-Filters-\$1,392.54; Holophane-Postlite Poles-\$29,040.00; Human Resource Assn SD-Membership Dues-\$25.00; Hyvee-DOC Work Program-\$17.48; Independence Waste-Rental-\$110.95; J & H Care & Cleaning Company-Janitorial Services-\$2,795.00; Jack's Uniforms-Uniforms-\$121.89; Jebro Inc-Liquid Asphalt-\$14,001.47; Jim Tramp Construction-Reimbursement-\$2,388.00; Johnson Electric-Labor-\$697.49; Johnson Roofing Inc-Roof Repairs-\$582.53; JW Tramp Construction Inc-Reimbursement-\$1,216.00; Kadrmas Lee & Jackson Inc-Apron Expansion-\$10,334.25; Kaiser Heating & Cooling Inc-Repairs-\$302.97; Kellen & Streit Inc-Sand-\$481.03; Language Line Services-Interpret Fee-\$58.05; Light And Siren-Lights-\$894.92; Locators & Supplies Inc-Sweatshirts-\$253.23; Marks Machinery-Hitch Pin-\$22.95; Mayer Signs-Signs-\$450.00; Menards-Lumber-\$136.22; Midamerican Energy-Fuel-Nov-\$1,761.01; Midamerican Energy-Fuel-Nov-\$3,664.47; Midwest Alarm Company Inc-Fire System Inspection-\$626.00; Midwest Tape-Audio Books-\$1,020.73; Midwest Turf & Irrigation-Pump-\$1,100.96; Missouri Valley Shopper-Ad-\$76.02; Moser/Brad-Officer Stipend-\$25.00; Motor Vehicle Dept SD-License & Title-\$42.00; Motorola-Pager Repairs-\$234.00; Municipal Code Corp-Supplement #4-\$1,557.00; Municipal League SD-2016 Membership Dues-\$6,805.02; MW Automotive Services-Tow Vehicle-\$80.00; Myers Tire Supply-Tire Weights-\$245.11; New Deal Tire LLC-Scrap Tire Removal-\$3,122.00; Northern Truck Equipment Corp-Supplies-\$1,263.65; Northwestern Energy-Elect-Nov-\$74,034.39; Observer-Ad-\$154.00; Overhead Door Co-Door Repairs-\$145.00; Ozonia North America-Parts-\$4,137.01; Petroleum Traders Corp-Fuel-\$8,286.31; Pilger Sand And Gravel Inc-Sand-\$2,145.74; Police Chiefs' Assn-Membership Dues-\$115.24; Press Dakota Mstar Solutions-Publishing/Ads-\$3,333.88; Printing Specialists-Utility Notice-\$148.61; Pro Auto-Repairs-\$285.00; Racom Corporation-Radio Access-\$1,370.46; Rasmussen Mechanical Services-New Boiler-\$26,538.00; Regional Technical Education-Lease-Oct-\$2,933.34; SADA Systems-Subscription-\$2,076.75; Safety Benefits Inc-Annual Conference-\$65.00; Smith Insurance Inc-Firemans Accident Policy-\$2,671.00; Stern Oil Co Inc-Fuel-\$11,822.50; Sternquist/Dr. John-Reimbursement-\$57.45; Stevens Construction LLC-Walking Path-\$14,500.00; Street Maintenance Assn-Membership Dues-\$35.00; TMA-Tires-\$3,724.34; Todd Inc-Signs-\$4,000.87; Traffic Control Corp-Bracket Kit-\$480.00; TRE Environmental Strategies-Test-\$650.00; Tri-State Turf Irrigation-Repairs-\$811.28; Truck Trailer Sales Inc-DOT Inspections-\$2,320.65; Trugreen-Lawn Treatment-\$90.00; US Post Office-Util-Ut Postage-Nov-\$2,500.00; Underwriters Laboratories Inc-Tests-\$1,040.00; United Parcel Service Inc-Postage-\$324.21; Wage Works-Flex Serv Fee-Oct-\$85.00; Welfl Construction Corp-Meridian Bridge Plaza-\$9,229.26; Woehl/Toby-Officer Stipend-\$25.00; Woods Fuller Shultz & Smith PC-Professional Services-\$202.50; Xerox Corporation-Copier Lease-\$89.88; Xerox Corporation-Copier Lease-\$1,442.12; Yankton Co Historical-1/4 SP Appropriation-\$2,025.00; Yankton County Auditor-YC Capital Improve Cost-\$15,740.81; Yankton County Ems Association-CPR Class-\$100.00; Yankton Redi Mix-Meridian Bridge Plaza-\$547.50; Yankton School District 63-3-Third Qtr Billing-\$24,121.18; Ziegler/William-Officer Stipend-\$65.00; A & B Business Inc-Copier Maintenance-\$408.61; ABC-AMEGA Inc-Maintenance-\$133.00; Ace Hardware-Park Supplies-\$480.74; Al's Oasis Café-Conference-\$8.56; All Star Pro Golf-Merchandise-\$237.67; Amazon Mktplace Pmts-DVDS-\$871.41; Amazon.Com-Gloves-\$122.62; Amzn.Com/Bi-Office Supplies-\$31.99; American-Meeting-\$75.00; Americinn Lodge & Suite-Conference-\$115.91; APA Memberships-American Planning Assoc-\$479.00; Appera-Towels-\$308.28; Army Lodging-Travel Lodging-\$148.00; AT&T Bill Payment-AT&T Mobility-\$314.32; AWWA.Org-Membership-\$182.00; Backdraft Magazine-Advertisement-\$155.00; Baker-Taylor-Books-\$6,401.58; Battery Exchange-Supplies-\$89.95; Becker Body Shop-Repair-\$200.00; Biscuit Love-Meeting-\$29.50; Blarney's-SD Planners Conference-\$11.62; Popular Science-Magazine Subscription-\$19.97; Working Mother-Magazine Subscription-\$15.97; Boller Printing-Print Tickets-\$204.00; Bomgaars-Tool Box-\$2,733.96; Book Systems Inc-Self Check

Software-\$1,495.00; Booklist Magazine-Magazine Subscription-\$147.50; Bridgestone Sports USA-Golf Caps-\$99.16; Buhl's Cleaners-Uniforms-\$16.96; Callaway-Golf Equipment-\$379.42; Car & Driver Magazine-Magazine Subscription-\$15.00; Caseys Gen Store-Staff Appreciation-\$11.62; Center Point-Books-\$1,056.31; Centurion Technologies-Computer Maintenance-\$210.00; Christensen Radiator-Snow Plow Parts-\$377.36; Clarks Rentals-Custom Equipment Rental-\$410.98; Cleveland Golf-Golf Equipment-\$62.65; The New Yorker-Magazine Subscription-\$105.99; Coffee Cup-Officer Graduation-\$35.00; Concrete Materials-Bridge Plaza-\$705.75; Cox Auto Supply-Screen Bearings-\$637.17; Crescent Electric-Heater Contacts-\$893.74; Culligan Water-Water Softener Salt-\$78.00; D-P Tools Inc-Sockets-\$87.95; Dairy Queen-Staff Appreciation-\$40.00; Darecatalogcom-Dare T-Shirts-\$1,871.85; Davidson Titles Inc-Books-\$88.50; Dayhuff Enterprises-Floor Finish-\$902.73; Delta-Airline Tickets-\$594.70; Demco Inc-Office Supplies-\$97.07; Denny's-Travel Expense-\$10.95; DLT Solutions-Autocad Software-\$2,719.64; Dunhams-Recreation Supplies-\$9.99; DX Service-Salt-\$1,446.48; ESRI Inc-Software Maintenance-\$1,000.00; Farm & Home Publishers-Book-\$33.60; Fastenal Company-Connectors-\$81.26; Firehouse Subs-Travel Expense-\$10.00; Fred Haar Company-Equipment Repair-\$587.33; Fuddruckers-Travel Expense-\$12.82; Galco Industrial Elect-Electrical Heaters-\$92.69; Girton Adams Co-Sludge Heater\$3 Part-\$597.11; GJP Inc-Magazine Subscription-\$25.98; Godfathers Pizza-Conference-\$6.41; Gokeyless-Keypad Covers-\$92.96; Graham Tire-Tires-\$800.00; Hach Company-Lab Coliform Testing-\$149.75; Hardee's-Officer Graduation-\$20.19; Hatch Furniture-Repair-\$49.00; Hattie B's Hot Chicken-Meeting Expense-\$36.68; Hedahls-Hub Bearing/ Idler Arm-\$1,299.07; Heine Electric & Irrig-Cleaning/Jetting of Well-\$3,909.69; Hy-Vee Gas-Fuel-\$30.11; Hy-Vee-Concessions/Gatorade-\$400.57; In H2 Golf Company-Merchandise-\$360.70; Independence Waste-Rentals-\$382.90; Int Battery Exchange-Battery-\$121.85; Interstate All Battery-Batteries-\$312.42; JJ Benji-Uniforms-\$3,433.50; JP Cooke-Dog Tags-\$117.28; Jack's Uniforms & Equip-Uniforms-\$751.56; Jacks Bar-B-Que-Meeting Expense-\$88.17; JCL Solutions-Cleaning Supplies-\$622.30; JoDeans Steak House-Meeting Expense-\$14.40; Kaiser Refrigeration-Building Repair-\$470.30; Karls TV and Appliance-Building Repair-\$249.96; KMart-Janitorial Supplies-\$64.62; Lee Newspaper Subscrip-Newspaper Subscription-\$304.20; Marinapools-Pool Repair-\$105.99; Mark's Machinery Inc-Mower Repair-\$1,298.08; McAfee Intel Security-Office Supplies-\$52.99; McDonald's-DOC Work Program-\$28.29; Mead Lumber-Park Repairs-\$228.56; Med-Vet-Sharps Containers-\$379.95; Medicine Creek Conv-Travel Fuel-\$37.78; Menards-Windows-\$1,889.86; Microfilm Imaging Syst-Office Supplies-\$16.50; Midwest Alarm Co Inc-Maintenance-\$63.00; Midwest Laboratories-Lab Biosolids Testing-\$765.10; Miracle Recreation-Park Supplies-\$790.00; MN State Horticultural-Magazine Subscription-\$63.00; Myradiomall Com-Radio Antennas-\$106.61; National Geographic-Magazine Subscription-\$39.00; National Recreation-NRPA Membership-\$165.00; Newspapers IA WI NV-Newspaper Subscription-\$461.78; Nike Golf-Merchandise-\$51.29; Northtown Automotive-Vehicle Maintenance-\$32.72; Hardees-Travel Expense-\$12.81; Natl Wildlife Fed-Magazine Subscription-\$15.00; Office Depot-Office Supplies-\$703.02; Oprah Magazine-Magazine Subscription-\$34.97; O'Reilly Auto-Manifold Set/Thermostat-\$593.24; O-rings & More-Gaskets-\$61.40; Overdrive Dist-Downloadable Books-\$752.27; Overhead Door Co-Garage Door Openers-\$526.00; Orbitz.Com-Car Rental-\$127.44; Amerizon-Batteries and Chargers-\$343.33; Crystallam-Office Supplies-\$84.96; Mountainpla-Membership Dues-\$65.00; SD Ready Mix-Training-\$300.00; Sparkscusto-Equipment Repair-\$474.49; Ping Inc-Golf Equipment-\$138.75; Postage Refill Mailstation-Postage-\$100.00; Provantage LLC-Internet Access-\$9,763.79; Push Pedal Pull Corp-Equipment Repair-\$1,512.85; Quickship-Printer Ink-\$39.62; Quill Corporation-Program Supplies-\$161.65; Ramada Inns-SD Planners Conf Lodging-\$196.12; Large Edition Mag-Magazine Subscription-\$29.96; Renaissance Hotels-Meeting-\$3,266.28; Booksontape.Com-Audio Book-\$125.25; Rileighs Outdoor Décor-Christmas Decorations-\$357.15; Riverside Hydraulics-Rebuild Plow

Cylinder-\$288.21; Rotork Controls-Repairs-\$833.84; Ruby Tuesdays-TAP Grant Expense-\$32.39; Scheels All Sports Inc-Recreation Supplies-\$206.67; Severn Trent Water-Electrical Parts-\$1,041.60; SF Regional Airport-Meeting-\$26.00; Shell Oil-Conference-\$35.70; Sherwin Williams-Park Supplies-\$91.16; Showcases-Office Supplies-\$38.80; Sohars RCPW Inc-Poly Spinners-\$631.52; Specialty Store Service-Office Supplies-\$333.60; Hansen Locksmithing-RTEC Door Repair-\$600.00; The Collision Co-Repairs-\$350.00; Subway-Meeting-\$39.03; Summit Performance-Leveling Kit-\$40.49; Sun Mountain Sports-Merchandise-\$141.00; Tennsco Corp-Equipment Repair-\$33.37; Tessman Company-Chemicals-\$1,743.00; The Farm House-Meeting-\$182.00; Tinting Pros-Key Fob-\$279.00; TMA-Tires Front Align-\$2,572.21; Sports Illustrated-Magazine Subscription-\$89.04; Sunset Magazine-Magazine Subscription-\$29.00; Tractor Supply Co-Pound Supplies-37.09; Truck Trailer Sales-Fuse Holder-\$9.00; Tumblebooks Inc-E-Books-\$499.00; UFood Grill-Meeting-\$11.08; UPS-Shipping-\$32.10; USA Blue Book-Supplies-\$1,153.51; USPS-Postage-\$39.06; Vanderhule Moving-Argon Gases-\$242.50; Viddler Inc-Video Hosting-\$30.22; Vzwrllss-Internet Access-\$1,012.16; Wal-Mart-Paper-\$384.09; Wayfair- Sign-\$129.50; Western Office Product-Office Supplies-\$1,617.70; Wholesale Supply Co-Concessions/Gatorade-\$121.80; Wilsons Lodge Oglebay-Revenue & Manage School-\$1,472.30; WM Supercenter-DVDs\$439.21; WM Supercenter-Program Supplies-\$6.86; Women's Day Magazine-Magazine Subscription-\$10.00; WW Grainger-Janitorial Supplies-\$162.58; Yankton Chamber of Com- Leadership Training-\$75.00; Yankton Medical Clinic-Firefighter Exams-\$10,372.50; Yankton Pizza Ranch-DOC Work Program-\$40.65; AFSCME Council 65-Employee Deductions-\$1,369.38; American Family Life Corp-Cancer & ICU Premiums-\$6,509.98; Assurant Employee Benefits-Vision Ins-December-\$564.38; Burks/Jenny-Refund-\$60.00; Connections Inc-EAP Insurance-November-\$274.82; Dakota Traffic Services LLC-Durable Pavement Marking-\$35,558.80; Delta Dental-Dental Ins-December-\$6,932.04; Dept of Social Services-Employee Deductions-\$1,835.00; First Natl Bank South Dakota-AFLAC-Medical-\$2,589.44; Flexible Pipe Tool Company-Flusher Truck-\$291,158.00; ICMA Retirement Trust No. 457-Employee Deductions-\$2,783.86; Larry's Home Center-Replace Check-\$4,373.25; Larry's Plumbing Service-Replace Check-\$98.94; Minnesota Life Insurance Co-Life Insurance-December-\$688.24; Munimetrix Systems Corp-Software Support-\$1,996.00; Retirement SD-SD Retirement-Nov-\$65,583.64; SDSRP-Employee Deductions-\$4,580.00; Smeal Fire Apparatus Co-Fire Dept Equipment-\$645,600.00; Summit Activity Center-Employee Deductions-\$822.65; United Way Employee-Deductions-\$70.00; Wellmark Blue Cross-Health Ins-December-\$87,471.98; Yankton Area Prog Growth-Sales Tax Reimb 3rd Qtr-\$70,612.08; Yankton County Sheriff Dept-DOJ Reimbursement-\$4,884.11; Yankton County Treasurer-Taxes-\$209.25.

Roll Call: Members present voting "Aye:" Commissioners Ferdig, Gross, Hoffner, Johnson, Knoff, Miner, Sommer, and Mayor Carda; voting "Nay:" None; Abstaining: Commissioner Woerner. Motion adopted.

SALARIES-NOVEMBER 2015:

Administration-\$29,211.87; Finance-\$29,886.67; Community Development-\$18,336.61; Police-\$148,539.46; Fire-\$10,821.46; Engineering-\$41,818.47; Street-\$41,536.30; Snow & Ice-\$1,052.32; Traffic Control-\$1,909.40; Library-\$28,304.76; Parks/SAC-\$52,515.81; Marne Creek-\$3,319.00; Water-\$37,225.12; Wastewater-\$33,921.09; Cemetery-\$3,303.16; Solid Waste-\$18,834.49; Landfill-\$14,638.72; Golf Course-\$15,634.19; Central Garage-\$6,603.09.

PERSONNEL CHANGES & NEW HIRES:

New Hires: Collin Bertram-\$8.55 and/or \$20.00 hr.-Rec. Division; Samuel Forrer-\$8.55 hr.-Rec. Division; Gerry Hastreiter-\$8.55 hr.-Rec. Division; Paige Noble-\$8.55 hr.-Rec. Division; David Messner-\$1679.08 bi-wk.-Information Services; Ryan Moderegger-\$8.50 hr.-Rec. Division; Lauryn Perk-\$8.55 hr.-Rec. Division; Case Roth-\$8.55 hr.-Rec. Division.

Wage Change: Colby Benson-\$8.80 hr.-Rec Division; Karie Forman-\$11.55 hr.-Rec Division; Cody Hanzlik-\$8.80 hr.-Rec Division; Tyler Hudson-\$13.30 hr.-Rec Division; Tyler Johnson-\$9.55 hr.-Rec Division; Amberlee Mueller-\$10.05 hr.-Rec Division; Robert Noble-\$8.80 hr.-Rec Division; Brad Parker-\$2012.93 hr.-Police; Patty Schieffer-\$10.55 hr.-Rec Division; Saladin Smith-\$8.80 hr.-Rec Division; Kelsey Sutera-\$9.05 hr.-Rec Division; Britta True-\$9.80 hr.-Rec Division.

Status Change: Rebecca Eskens-\$1,202.46 bi-wk. from PT Park Maintenance to FT Grounds Maintenance Worker; Javier Murguia-\$1,899.74 bi-wk. from Police Officer to Sergeant; Monty Rothenberger-\$1,909.35 bi-wk. from Police Officer to Sergeant; Dwayne Schantz-\$1,501.74 bi-wk. from Water Plant Operations Spec. to Sr. Water Plant Operations Spec.

City Manager Nelson submitted a written report giving an update on community projects and items of interest.

Action 15-386

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

1. Pawn Brokers Licenses for 2016
Consideration of Memorandum 15-304 recommending approval of the applications for Pawn Brokers License.
2. Renewal of Private Collector of Refuse License for 2016
Consideration of Memorandum 15-305 recommending approval of the renewal of applications for Private Collector of Refuse Licenses for the year 2016 (January 1, 2016 – December 31, 2016) licensing period.
3. Renewal of Mobile Home Park Licenses
Consideration of Memorandum 15-306 recommending approval of the renewal of Mobile Home Park licenses for the 2016 licensing period.
4. Renewal of 2016 City Dance License Applications
Consideration of Memorandum 15-303 recommending approval of the renewal of applications for 2016 City Dance Licenses.
5. Peddler's License
Consideration of Memorandum 15-301 recommending approval of an application for a Peddler's License for Huber Home Improvement, 44254 292nd Street, Irene, South Dakota, to go door-to-door for the purpose of sales and installation of home improvement items.
6. Peddler's License
Consideration of Memorandum 15-302 recommending approval of an application for a Peddler's License for Leo Kaiser dba River City Produce, to go house-to-house for the purpose of selling apples, oranges, and grapefruit.
7. Establish public hearing for a transfer of owner
Establish December 21, 2015, as the date for the public hearing on the transfer of ownership of a Retail (on-off sale) Malt Beverage License for July 1, 2015, to June 30, 2016, from J & J Convenience, LLC, (Judy Lane, Owner) dba Gramps to Xtreme, Inc., (Jeff Koster, President) dba Gramps, 700 E. 4th Street, Yankton, South Dakota.
8. Establishing public hearing for sale of alcoholic beverages
Establish December 21, 2015, 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, January 9, 2016, from The Center (Christy Hauer, Executive Director), 900 Whiting Drive, Yankton, South Dakota.

9. Meeting Date Location Change

Establish Monday, December 21, 2015, at 12:00 noon, in Meeting Room A, 2nd floor of City Hall as the date, time and location for the second City Commission meeting in December.

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

Motion adopted.

Action 15-387

This was the time and place for the public hearing on the applications for renewal of Alcoholic Beverage Licenses for the 2016 (January 1, 2016, to December 31, 2016) licensing period. (Memorandum 15-299) No one was present to speak for or against approval of the license applications. Moved by Commissioner Knoff, seconded by Commissioner Johnson, to approve the following Alcoholic Beverage Licenses for 2016:

Retail (On-Sale) Liquor-Full Service Restaurant:

Czeckers, Inc., dba Czeckers, Inc., 407 Walnut St.; Bernard Properties, LLC, dba Riverfront Events Center & Emporium, 121-113 W. 3rd St.

Retail (On-Sale) Liquor:

Hanten, Inc., dba Ben’s Brewing Company, 222 W. 3rd St.; Black Steer, Inc., dba The Black Steer, 300 E. 3rd St.; Boomer’s, Inc., dba Boomer’s Lounge, 100 E. 3rd St.; Hillcrest Golf-Country Club, 2206 Mulberry St.; JoDeans Corp., dba JoDeans, 2809 Broadway Ave.; WR Capital I, LLC, dba Minerva’s Grill & Bar, 1607 E. Hwy 50, Suite A; Dayhuff Enterprises, Inc., dba MoJo’s Pizza & Spirits, 102-104 E. 3rd St.; Dayhuff Enterprises, Inc., dba O’Malley’s Bar, 204 W. 3rd St.; Drotzmann & Portillo, LLC dba Rounding 3rd Bar & Casino, 304 W. 3rd St.; Bernard Properties, LLC, dba The Brewery, 200-204 Walnut St.; Flusswerks, LLC, dba The Landing, 104 Capital St.; Upper Deck, Inc., dba Upper Deck, 311-315 Broadway Ave.; VFW Post 791, 209 Cedar St.; Walnut Tavern, Inc., 100 W. 3rd St.; Yankton Bowl, Inc., 3010 Broadway Ave., & Suite 1; Dayhuff Enterprises, Inc., dba Zebra Club & Cockatoo Bar, 106-112 E. 3rd St..

Package (Off-Sale) Liquor:

Cork 'N Bottle, Inc., dba Cork 'N Bottle, 1500 Broadway Ave.; Hy-Vee Food Stores, Inc., dba Hy-Vee Wine & Spirits, 2100 N. Broadway Ave.; SHREE LLC, dba JR’s Oasis, 2404 E. SD Hwy 50; Annis Properties, Inc., dba Patriot Express 02, 100 E. 4th St.; Annis Properties, Inc., dba Liquor Hot Spot, 909 Broadway Ave.; Pure Ice Partners, LLC dba Pure Ice Company, 101 Capital St.; ZACCON, Inc., dba Roadrunner Convenience Mart, 300 W. 23rd St.; Theresa Wick dba Sportsman’s, 901 Broadway Ave.; Wal-Mart Stores, Inc., dba Wal-Mart Store No. 1483, 3001 Broadway Ave.; Yankton Drug, Inc., dba Yankton Drug Co., 109 W. 3rd St.; Dayhuff Enterprises, Inc., dba Zebra Club & Cockatoo Bar, 106-112 E. 3rd St.

Retail (On-Off Sale) Wine:

Charlies Pizza House, Inc., dba Charlie’s Pizza House, 804 Summit St.; Cheers Bar & Grill, LLC, dba Cheers Bar & Grill, LLC, 1208 Broadway Ave.; Czeckers, Inc., dba Czeckers Inc., 407 Walnut St.; El Tapatio Family Mexican Restaurant, 2502 Fox Run Parkway; GNA Ventures, Inc., dba Happy Hourz, 311 Douglas Ave.; SYMS, LLC, dba Holiday Inn Express, PO Box 113; San Jose, Inc., dba Mexico Viejo, 1809 Broadway Ave.; A’viands, LLC, dba Mount Marty College, 1105 W. 21st St.; TST, Inc., dba Phinney’s Pub & Casino, Yankton Mall; RB Beer & Burgers, LLC dba RB Beer & Burgers, 2901 Broadway Ave. Suite C; Morgen, LLC, dba South Point Gaming Lounge, 1101 Broadway Ave., Suite 109; Flusswerks, LLC, dba The Landing, 104 Capital St.; Tokyo Japanese Cuisine of Ykt, Inc. dba Tokyo Japanese Cuisine, 2007 Broadway Ave. Ste. J; Wal-Mart Stores, Inc., dba Wal-Mart Store No.

1483, 3100 Broadway Ave.; Walgreen Co. dba Walgreen #9806, 2020 Broadway Ave.

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

Motion adopted.

Action 15-388

This was the time and place for the public hearing on the application for renewal of the Retail (On-Sale) Liquor License for the January 1, 2016, to December 31, 2016, licensing period for B.P.O. Elks Lodge 994, 504 W. 27th St., Yankton, South Dakota. (Memorandum 15-299) No one was present to speak for or against approval of the license application. Moved by Commissioner Gross, seconded by Commissioner Woerner, to approve the license.

Roll Call: Members present voting “Aye:” Commissioners Ferdig, Gross, Hoffner, Johnson, Knoff, Sommer, Woerner, and Mayor Carda; voting “Nay:” None; Abstaining: Commissioner Miner.

Motion adopted.

Action 15-389

This was the time and place for the public hearing on the application for a Special Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for one day, January 9, 2016, from TST, Inc. dba Phinney’s Pub & Casino, (John Tuttle, President) Yankton Mall, Yankton, South Dakota. (Memorandum 15-300) No one was present to speak for or against approval of the license application. Moved by Commissioner Knoff, seconded by Commissioner Johnson, to approve the license.

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

Motion adopted.

Action 15-390

This was the time and place for the second reading and public hearing for Ordinance No. 984, BE IT ORDAINED THAT ORDINANCE NO. 968 APPROPRIATING MONIES FOR DEFRAYING THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF YANKTON, SOUTH DAKOTA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2015, AND ENDING DECEMBER 31, 2015, AND PROVIDING FOR THE LEVY OF THE ANNUAL TAX FOR ALL FUNDS CREATED BY THE ORDINANCE WITHIN SAID CITY BE AMENDED TO WIT. (Memorandum 15-288) No one was present to speak for or against adoption of the ordinance. Moved by Commissioner Gross, seconded by Commissioner Knoff, to adopt Ordinance No. 984.

Roll Call: Members present voting “Aye:” Commissioners Ferdig, Gross, Hoffner, Johnson, Knoff, Miner, Sommer, and Mayor Carda; voting “Nay:” None; Abstaining: Commissioner Woerner.

Motion adopted.

Action 15-391

Moved by Commissioner Johnson, seconded by Commissioner Hoffner, to authorize the City to write off uncollectible utility accounts in the amount of \$13,019.12, which is equal to approximately thirteen-one hundredths of one percent of total revenues for water, waste water, and solid waste collection for the one year period. (Memorandum 15-298)

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

Motion adopted.

Action 15-392

Moved by Commissioner Hoffner, seconded by Commissioner Knoff, to keep 2016 rates for Fox Run

Golf Course fees the same as in 2015, and to add one additional category for season pass holders who are between 25-30 years of age for a cost of \$300.00 annually. (Memorandum 15-307)

Roll Call: Members present voting “Aye:” Commissioners Ferdig, Hoffner, Johnson, Knoff, Miner, Sommer, Woerner, and Mayor Carda; voting “Nay:” Commissioner Gross.

Motion adopted.

Action 15-393

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to adopt Resolution 15-79. (Memorandum 15-313)

RESOLUTION 15-79

WHEREAS, the City of Yankton and Yankton County have entered into an agreement for the provision of library services for residents living outside the corporate limits of the city; and,

WHEREAS, the current agreement is slated to expire December 31, 2015; and,

WHEREAS, Yankton County has contracted with the City for library services since 1993; and,

WHEREAS, more than 798 Yankton County households are cardholders at the Yankton Community Library; and,

WHEREAS, the current agreement between the City and County contains a provision for extending this service until December 31, 2015.

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota that the Agreement for the Provision of Library Services between the City and Yankton County be extended for the term January 1, 2016, through December 31, 2016.

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

Motion adopted.

Action 15-394

This was the time and place to award the bid for the annual supply of Transport-Tankwagon Petroleum Products for Chan Gurney Airport for 2016. The following bids were received and opened on December 3, 2015:

Stern Oil, Freeman, South Dakota: Aviation gas-100 low lead, Transport-\$0.2421/gal.; Aviation gas-Tankwagon-\$0.4092/gal.; Jet A fuel-Transport (with fuel system ice inhibitor)-\$0.1011/gal.; Jet A fuel-Tankwagon (with fuel system ice inhibitor)-\$0.3303/gal.

Gerstner Oil, Yankton, South Dakota: Aviation gas-100 low lead, Transport-\$0.2648/gal.; Aviation gas-Tankwagon-\$0.4848/gal.; Jet A fuel-Transport (with fuel system ice inhibitor)-\$0.0974/gal.; Jet A fuel-Tankwagon (with fuel system ice inhibitor)-\$0.3448/gal.

A bid was also submitted by Avfuel Corporation, Leawood, Kansas, that did not meet specifications and was, therefore, not considered. (Memorandum 15-308)

Moved by Commissioner Sommer, seconded by Commissioner Knoff, to award the bids to the lowest

qualified bidders, Stern Oil, Freeman, South Dakota, for Aviation Gas-100 low lead Transport for \$0.2421 per gallon; Aviation Gas-100 low lead Tankwagon for \$0.4092 per gallon; and Jet A Fuel Tankwagon for \$0.3303 per gallon; and to Gerstner Oil, Yankton, South Dakota, for Jet A fuel Transport (with fuel system ice inhibitor) for \$0.0974 per gallon.

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

Motion adopted.

Action 15-395

Moved by Commissioner Johnson, seconded by Commissioner Knoff, to adopt Resolution 15-84, (Memorandum 15-297)

RESOLUTION 15-84

A RESOLUTION AUTHORIZING THE CONTINUATION OF A (FIVE (5) YEAR) CONTRACTUAL AGREEMENT BETWEEN THE CITY OF YANKTON AND THE YANKTON HOUSING AND REDEVELOPMENT COMMISSION (YHRC)

WHEREAS, the Board of the City Commissioners of the City of Yankton enacted Resolution #94-78, creating the Yankton Housing and Redevelopment Commission (YHRC); and

WHEREAS, South Dakota Codified Law 11-7A 1 and 2, allows a City and a Housing and Redevelopment Commission to enter into an agreement to provide services to one another; and

WHEREAS, it is appropriate for the City and the YHRC to enter into an agreement for services and activities as provided for in South Dakota Codified Law 11-7A-2.

NOW, THEREFORE, BE IT RESOLVED that the Mayor be authorized to sign the attached agreement with the Yankton Housing and Redevelopment Commission (YHRC) for the continuation of services as identified in said agreement.

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

Motion adopted.

Action 15-396

Moved by Commissioner Gross, seconded by Commissioner Sommer, to approve the purchase of property from Schramm Properties, LLC, that is necessary for the East Highway 50 Project NH 0050(99)381 for a cost of \$58,900.00, with the State paying two-thirds of the cost and the City paying one-third of the cost, and to authorize the City Manager to execute associated documents. (Memorandum 15-320).

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

Motion adopted.

Action 15-397

Moved by Commissioner Knoff, seconded by Commissioner Sommer, to adopt Resolution 15-80. (Memorandum 15-314)

Resolution 15-80
Resolution of Necessity of the
Yankton Board of City Commissioners

It is hereby resolved by the Yankton Board of City Commissioners:

Whereas, the City of Yankton and the South Dakota Department of Transportation, acting through its Transportation Commission, are undertaking a highway improvement and utility project involving Highway 50, known as Project NH 0050(99)381, PCN6926, in Yankton County, which begins at East 4th Street from the south junction of United States Highway 81 east to Ferdig Avenue in Yankton; and

Whereas, a portion of the project east of the City of Yankton will require the acquisition, either by purchase or condemnation, of 30 feet of land for right of way, including control of access, borrow pits, cutslopes, fillslopes, impoundments, and channel changes, 10 feet of which right of way will ultimately be acquired by the State of South Dakota for highway right of way and 20 feet of which will be acquired in fee by the City of Yankton for a utility corridor; and

Whereas, the Project is scheduled for construction in 2017, and construction bids must be obtained before construction with a scheduled bid letting date of August 3, 2016; and

Whereas, acquisition of the land for right of way must be completed before construction bids can be obtained; and

Whereas, despite having made a good-faith offer to acquire the land, the City of Yankton has been unable to acquire through voluntary acquisition the land for right of way from the landowners indicated below.

Now, therefore, BE IT RESOLVED:

1. That it is necessary for the City of Yankton to initiate and maintain condemnation proceedings under SDCL Ch. 21-3 and Ch. 31-19 at any time after the date of this resolution against any of the following landowners to acquire the right of way necessary for the project:

Landowner: Gary Becker
Real Property: Outlot A, Branaughs Addition in Section 17, Township 93 North, Range 55 West of the Fifth Prime Meridian, and Bernard Tramp Addition in Section 17, Township 93 North, Range 55 West of the Fifth Prime Meridian, Yankton County, South Dakota. The right of way for this property is depicted in the recorded plats of Lots H1 and U1.

Landowner: Gary Becker; Charleen Ward; The R&J Asset Protection Trust, David R. Smith and Joleen M. Smith, Trustees; and Majorie Becker
Real Property: Outlot 1, Branaugh's Addition in Section 17, Township 93 North, Range 55 West of the Fifth Prime Meridian, Yankton County, South Dakota. The right of way for this property is depicted in the recorded plats of Lots H1 and U1.

Landowner: Lee Goeden
Real Property: Parcel D, in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4), Section 17, Township 93 North, Range 55 West of the Fifth Prime Meridian, Yankton County, South Dakota. The right of way for this property is depicted in the recorded plats of Lots H1 and U1.

Landowner: Kyle, Erica, and Kent Hochstein
Real Property: Parcel R, in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4), and Parcel A in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW1/4SW1/4NW1/4), all in Section 17, Township 93 North, Range 55 West of the Fifth Prime Meridian, Yankton County, South Dakota. The right of way for this property is depicted in the recorded plats of Lots H1 and U1.

Landowner: John and Sandra Justra
Real Property: Lot 201 in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE1/4SW1/4NW1/4), Section 17, Township 93 North, Range 55 West of the Fifth Prime Meridian, Yankton County, South Dakota. The right of way for this property is depicted in the recorded plats of Lots H1 and U1.

Landowner: Phyllis Blakey Thornton, et al.
Real Property: Lots 1, 2, and 3 of Blakey's 2nd Addition in Government Lot 3 of Section 17, Township 93 North, Range 55 West of the Fifth Prime Meridian, Yankton County, South Dakota. The right of way for this property is depicted in the recorded plat of Lot U1.

2. That the City of Yankton will pay reasonable compensation to the landowners and any other rightful claimants as determined by state law.
3. That the City of Yankton may undertake any and all other condemnation actions related to the Project necessary to acquire the described right of way, including filing a Declaration of Taking under SDCL § 31-19-23.

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

Action 15-398

Moved by Commissioner Johnson, seconded by Commissioner Gross, to accept the water, sewer, storm and street improvements located in front of Block 1, Lots 1-20, and Block 2, Lots 1-4, all in Drotzmann's Addition as complete. (Memorandum 15-309)

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

Motion adopted.

Action 15-399

Moved by Commissioner Sommer, seconded by Commissioner Gross, to adopt Resolution 15-78. (Memorandum 15-310)

RESOLUTION 15-78

A RESOLUTION AUTHORIZING THE PLACEMENT OF A STOP SIGN AT THE INTERSECTION OF COLE DRIVE AND DOUGLAS AVENUE.

WHEREAS, Cole Drive is a new street that was recently accepted by the City, and;

WHEREAS, the intersection of Cole Drive and Douglas Avenue is a tee intersection that reflects the need for the installation of a stop sign for the eastbound traffic;

WHEREAS, Cole Drive is a cul-de-sac with local traffic only;

WHEREAS, it is provided by the Code of Ordinances of the City of Yankton that the City has the authority to place and maintain all regulatory signs that meet the requirements of the Manual on Uniform Traffic Control Devices.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, SD, that a stop condition be established at the intersection of Cole Drive and Douglas Avenue, for eastbound traffic.

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

Action 15-400

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to approve Change Order No. 3, from T&R Contracting, Inc., Sioux Falls, South Dakota, for the street and utility improvements for the Douglas Avenue and Wilson Road Paving Project, a decrease of \$74,932.08 for a new contract total of \$1,920,415.62; to accept the project as complete; and to authorize the City Finance Officer to issue a manual check in the amount of \$133,944.14 to T&R Contracting, Inc., as final payment for the project. (Memorandum 15-319)

Roll Call: Members present voting "Aye:" Commissioners Ferdig, Gross, Hoffner, Johnson, Knoff, Miner, Sommer, and Mayor Carda; voting "Nay:" None; Abstaining: Commissioner Woerner.
Motion adopted.

Action 15-401

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to authorize the purchase of a 2016 Chevrolet Silverado 1500 4x4 crew cab pickup for the Fire Department from Northtown Automotive, Yankton, South Dakota, under the state bid, for a cost of \$35,089.00. (Memorandum 15-311)

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

Action 15-402

Moved by Commissioner Knoff, seconded by Commissioner Ferdig, to adopt Resolution 15-81.
(Memorandum 15-315)

RESOLUTION 15-81

WHEREAS, it appears from an examination of the plat of Lot 3, in Lewis and Clark Business Center, in the South 645 Feet Except for Lot H2, of the N. 1/2 of the N.E. 1/4, Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota prepared by Thomas Lynn Week, a registered land surveyor in the State of South Dakota, and

WHEREAS, such plat has been prepared according to law and is consistent with the City's overall Comprehensive Development Plan and is subject to County Planning and Zoning review.

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, that the plat for the above described property is hereby approved.

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

Action 15-403

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to adopt Resolution 15-82.
(Memorandum 15-316)

RESOLUTION 15-82

WHEREAS, it appears from an examination of the plat of Tract C of Martin's Subdivision lying in Government Lots 1 and 2 in the N.E., 1/4 of Section 3, T93N, R55W of the 5th P.M., Yankton County, South Dakota prepared by Thomas Lynn Week, a registered land surveyor in the State of South Dakota, and

WHEREAS, such plat has been prepared according to law and is consistent with the City's overall Comprehensive Development Plan and is subject to County Planning and Zoning review.

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, that the plat for the above described property is hereby approved.

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

Action 15-404

Moved by Commissioner Knoff, seconded by Commissioner Woerner, to adopt Resolution 15-83.
(Memorandum 15-317)

RESOLUTION 15-83

WHEREAS, SDCL 6-13-1 requires a municipality owning personal property which is no

longer necessary, useful, or suitable for municipal purposes shall, by resolution, declare it surplus and may, by resolution, order the sale, trade, destruction or other disposal of said personal property.

NOW, THEREFORE, BE IT RESOLVED that the following personal property be declared no longer necessary, useful, or suitable for municipal purposes and said property shall be disposed of in accordance with SDCL 6-13-1, et sequential:

SURPLUS PROPERTY TO BE DONATED

- 935 feet of iron fence.

Following the motion and prior to a vote being taken, discussion ensued. It was then moved by Commissioner Gross, seconded by Commissioner Sommer, to table consideration of adoption of the resolution.

Roll Call: All members present voting "Aye;" voting "Nay:" None, to table action on Resolution 15-83.

Motion adopted.

Action 15-405

Moved by Commissioner Gross, seconded by Commissioner Sommer, to approve the design, construction plans, specifications, and bid package prepared by Banner and Associates Inc., Brookings, South Dakota, for the proposed Solid Waste Transfer Station Scale Project and to authorize the bid letting for the project to be scheduled for January 27, 2016. (Memorandum 15-318)

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

Motion adopted.

Memorandum 15-312, proposing options pertaining to future operations of the Fox Run Golf Course was considered. After discussion by Commissioners and citizens, the general consensus was to continue running Fox Run Golf Course as is, with the addition of a full-time employee, and to explore options for an outside consultant to advise on operations.

Action 15-406

Moved by Commissioner Gross, seconded by Commissioner Woerner, to adjourn into Executive Session at 9:29 p.m., to discuss Contractual and Personnel 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 Carda.

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

Action 15-407

Moved by Commissioner Ferdig, seconded by Commissioner Sommer, to adjourn at 10:55 p.m.

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

Motion adopted.

David Carda
Mayor

ATTEST:

Al Viereck
Finance Officer