

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
OCTOBER 10TH, 2022**

Board of City Commissioners of the City of Yankton was called to order by Mayor Moser.

Roll Call: Present: Commissioners Benson, Johnson, Maibaum, Miner, Schramm, Webber and Villanueva. City Attorney Den Herder and City Manager Leon were also present. Absent: Commissioner Brunick. Quorum present.

Mayor Moser congratulated NFAA and citizen volunteers for the successful World Archery Tournament the week of October 3-9, 2022.

Action 22-241

Moved by Commissioner Webber, seconded by Commissioner Villanueva, to approve Minutes of regular meeting of September 26, 2022 and Work Session Meeting of September 26, 2022.

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

Motion adopted.

Action 22-242

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

1 Ofc- Ofc Supplies - \$82.87; A & B Business - Copier Rental - \$341.34; Acuity Lighting - Street Lights - \$11,662.50; Adobe - Adobe Pro - \$14.99; Adobe - Computer Program - \$31.94; Aerzen USA Corp. - Compressor Coolant - \$129.00; AFSCME - AFSCME Deductions - \$878.98; All-Terrain Medical - Pool Cover - \$1,064.30; Amazon - Planner - \$21.99; Amazon - Rack Screws - \$6.99; Amazon - Hard Drive - \$396.48; American Family - Premiums - \$5,741.30 ; Phoenix Conv Ctr - Travel Expense - \$22.26 ; Amazon- Tape - \$10.99; Amazon - Program Supplies - \$21.39; Amazon - Fax Ink - \$128.87; Amazon - Monitors - \$80.60; Amazon - Program Supplies - \$150.30; Amazon - Ofc Supp - \$22.66; Amazon - Program Supplies - \$327.64; Amazon - Threshold - \$79.99; Amazon - DVD's - \$39.58; Amazon - DVD's - \$142.71; Amazon - Planner - \$20.97; Amazon - Janitorial Supplies - \$315.29; Amazon - Planners - \$24.96; Amazon - DVD - \$10.98; Amazon - Book - \$29.98; Amazon - DVDs - \$39.92; Amazon - Gun Light Batteries - \$39.22; Amazon - DVD - \$19.95; Amazon - Ofc Supp - \$281.00; Amazon - DVD's - \$65.91; Amazon - DVD - \$17.49; Amazon - Advertising - \$100.96; Amazon - Ofc Supp - \$157.64; Amazon - Ofc Supp - \$133.32; Amazon - Pump - \$79.99; Amazon - Safety Glasses - \$87.36; Amazon - DVD - \$11.29; Amazon - Receipt Paper - \$71.99; Amazon - Cabling - \$13.99; Amazon - Ofc Supp - \$38.04; Amazon - DVD - \$13.96; Amazon - Ink Ribbon - \$10.15; Amazon - First Aid Kit - \$1,377.01; Amazon - Cabling - \$29.49; Amazon - Coffee Dispenser - \$119.99; Amazon - Cable - \$68.37; Amazon - DVD - \$23.94; A-OX - Propane - \$180.59; AT&T Payment - Phone - \$63.76; AT&T - Mobile Data - \$1,141.18; Automatics - Door Spring - \$102.14; Autozone - Brake Pads & Rotors - \$285.94; Avera - Ins Prem - \$84,508.07; Avera - CPR Training - \$770.00; AWWA - AWWA Membership - \$227.00; AxVoice - Dialer Service - \$21.44; Baker-Taylor - Books - \$3,945.40; Banner Assoc - Marne Creek Restoration - \$12,211.08; Best Western - Hotel - \$520.08; Best Western - Hotel - \$671.94; Bierschbach Equip & Supply - Road Materials - \$1,086.00; Big D - Fuel - \$35.00; Bluepeak - Internet Service - \$3,935.35; Bomgaars - Round Up/Seed - \$978.07; Bound Tree Medical - First Aid Kit Supplies - \$200.80;

Brightly Software - Software - \$9,702.00; Brightway Electric - City Hall Server Wiring – \$2,370.00; Broadway Chrysler - Rear Door - \$568.99; Bruening,Samantha - Boots - \$150.00; BSN Sports - Volleyballs - \$285.00; Buffalo Wild Wings – Travel - \$57.30; Butler Machinery - Parts - \$1,749.67; C&B Yankton - Equipment Repairs - \$356.18; Campbell Scientific - Stream Gauge - \$14,913.24; Caseys - Fuel - \$99.87; Cedar/Knox Power - Electricity - \$1,305.49; Cenex - Fuel - \$55.01; Center Point - Print Books - \$141.42; Central Square Tech - Software Licensing - \$18,285.35; CenturyLink - Phone - \$1,298.34; City Of Vermillion - Jt Power Cash Trans - \$77,617.58; COY-City Hall - Garbage - \$24.00; COY-Parks - Landfill Charges - \$289.49; COY-Solid Waste - Compacted Garbage - \$18,281.93; COY-Water - Garbage - \$100.74; COY-Utilities – Water Chgs - \$65,616.33; Cke Bro Brgr Bar - Staff Appreciation - \$174.04; Claims Assoc - Ins Ded - \$3,000.00; Colliers Securities - Mead Property Dev - \$26,000.00; Conoco - Fuel - \$44.54; Core & Main - Parts – \$3,515.55; Crescent Electric - Light Drivers - \$639.05; Dairy Queen - Travel - \$7.53; Dalsin Co - Library Roof Repairs - \$2,000.00; Danko Emergency Equipment - Equipment - \$165.54; Den Herder Law - Contracted Services - \$1,787.58; Dept Of Corrections - Work Program - \$795.60; Dept Of Health - Water Samples - \$588.00; DSS - Child Support - \$2,234.84; Dustrol - Road Materials - \$19,155.35; EBay - Body Cam Cables - \$7.95; Echo Supply - LED Lamps - \$250.00; Echo Supply - LED Lamp Ballast - \$585.05; El Columpio – Travel - \$26.41; Engineer Supply - Stream Gauge Components - \$1,081.76; Facebook - Ads - \$43.51; Fastenal - Filters - \$500.91; FedEx - Mail Evidence - \$15.68; FedEx - Postage - \$15.68; Feimer Const - Median Repairs - \$3,372.38; Ferguson Enterprises - Water Meters - \$16,750.00; Finance, Dept - Postage - \$64.12; Findaway - Wonderbooks - \$99.73; First Dakota - HSA Contributions - \$7,058.56; First National Bank - AFSCME Deductions - \$1,878.45; Fletcher/Thomas Peter - Program - \$400.00; Frontier Mills - Westside Park Grass Seed - \$202.64; Galls - Inner Belt - \$70.30; Geotek - Testing - \$189.00; Gerstner Oil - Motor Oil – \$112.10; Gerstner Oil Co - Fuel - \$29,471.70; Global Ind - Water Filters - \$599.00; GPSI Club Car - Cart Rental - \$1,920.00; Grand Gateway Hotel - Hotel - \$182.00; Hach Co - PH Probe - \$1,437.19; Hanson Briggs - Library Card - \$135.00; Harbor Freight - Tools - \$286.44; Hard Drive Central - Copier Contract – \$121.33; Hawkins - Chemicals - \$33,453.92; HDR Engineering - WWTP EDA Improvements - \$47,405.00; Heiman Fire Equip - Equipment - \$11,340.20; Hilton M Briggs Library - Lost Book - \$24.00; Holiday Inn - Music At Meridian - \$781.00; Holiday Inn - Hotel - \$551.94; HP Store - Monitors - \$359.98; Hy-Vee - Fuel - \$231.70; Hy-Vee- DOC Work Program - \$91.74; ICMA Retirement - Contributions - \$4,597.83; IMLA - Membership - \$625.00; Hanson Briggs - Trespass Notices - \$65.15; Main Access - Riverside Park Dock - \$741.20; Nartec - Field Test Kits-Meth – \$99.49; Powers Port A Pot - Porta Pots - \$375.00; Regional Technical - SkatePark Half Pipe – \$1,288.46; Midwest Alarm - Alarm Service - \$141.00; J&H Cleaning - Janitorial Services - \$4,100.00; MetroFax - Fax Service - \$11.95; Jacks Uniforms - Earphone, Handcuffs - \$636.54; JCL Solutions - Cleaning Supplies - \$1,122.05; Johns Total - Repairs - \$75.00; Jones Constr - WW EDA Constr - \$1,029,734.55; Kaiser Heating - Repairs - \$150.00; Kaiser Refrigeration - Weedeater - \$806.16; Kellen & Streit - Landscape - \$65.94; Keown,Clayton - Boots - \$139.95; Kerr,Jim - Return Gate Card - \$10.00; Kleins Tree Serv - Mow Nuisance Notice - \$2,190.00; KLJ Engineering - FAA Project Taxiway - \$15,489.01; Knife River - Road Materials - \$51,284.93; Koletzky Imp - Trommel Screen - \$80.00; Kopetsky Ace - Pool Repairs - \$598.89; Kuehler, Mark - Phone - \$969.14; Kuenzli,Emily - Insurance Claim - \$762.76; Language Line - Interp Service - \$159.13; Larry's Heating - AC Diagnostic - \$153.00; Lawrence Library - Damaged Book - \$20.15; Lewis & Clark BHS - MMPI Evals - \$504.00; Lucky Luke - Replace Lost Check - \$389.00; Malloy Electric - GBT PRV 401 Motor - \$403.21; Malta Firetraining - Training Book - \$35.00; Marathon Petro - Fuel - \$65.30; Masonry Components- 5th St Reconstruction - \$289,166.05; Masonry Components - HFAC Concrete - \$39,545.40; Mayer Signs - HFAC Printing - \$777.45; Melissa & Doug - Program Supplies - \$43.96;

Menards - Concrete - \$2,044.74; MidAmerica Books - Books - \$1,431.36; Midam Energy - Fuel - \$2,377.51; Midam Energy - Fuel - \$3,398.98; Midwest Alarm - Fire Alarm Repairs - \$963.50; Midwest Labs - Monthly Nutrient Testing - \$376.52; Midwest Mini Melts - Concessions - \$1,056.00; Midwest Tape - AV - \$79.98; Midwest Tire - Repairs - \$205.00; Midwest Turf - Repairs - \$505.64; Mikeciampo.Com - Instruction Book - \$91.24; Millenium Recycling - Recycling - \$2,697.10; Minnesota Life - Insurance - \$627.43; Monoprice - Power Cords - \$29.59; Morrow, Joseph - Design Work - \$6,540.00; Myers Tire - Parts - \$1,999.08; Napa Autos - Lovejoy Hub And Spider - \$1,263.36; NE Airfilter - Filter - \$493.78; NE DOR - NE WH tax - \$1,273.13; New England Door, - Door Repair - \$269.20; Northern Truck - Parts - \$480.30; Northtown Auto - Truck Pad & Cover - \$663.72; Northwestern Energy - Electricity - \$101,425.18; NSPE - Dues - \$299.00; Observer - Ads - \$48.00; Olsons Pest - Pest Control - \$278.00; OReilly Auto - Battery - \$791.08; OTC Brands - Supplies - \$32.97; OverDrive Dist - Books - \$2,869.61; Overhead Door - Garage Door - \$22,983.35; PaddleIntoFitness - Yoga Boards - \$6,122.58; Paypal - Batteries - \$88.84; PB Leasing - Postage - \$122.00; Pfeifer Imp - Blade And Filter - \$165.31; PFS Healthworks - CDL Testing - \$209.40; Pilot - Fuel - \$40.00; Pitney Bowes - Postage - \$200.00; Pizza Ranch - Concessions - \$2,793.00; Point Emblems - Uniform - \$545.00; Power Source Elect - Camera Installation - \$12,657.47; P & D - Commission Minutes - \$581.78; Principal Life - Dental Ins - \$6,978.10; Quill - Ofc Supplies - \$26.99; Radisson - Hotel - \$341.28; Rehm, Kevin - Return Gate Card - \$10.00; SDRS - Retirement - \$132,251.92; Rickly Hydrological - Stream Gauge Components - \$4,077.90; Riverside Hydraulics - Seal Kit, Shaft & Labor - \$957.33; Road King - Dump Trailer - \$13,500.00; Royal Sport - Name Plate - \$11.28; Russenberger, Courtney - Per Diem - \$111.00; Safety Benefits - Conference - \$75.00; Sam LLC - GPS Data Collection - \$77,000.00; Sanford Learn - Investigation Conference - \$50.00; Sanitation Products, Parts - \$1,914.55; SD Library Assn - Conference - \$740.50; SDML - Conference - \$800.00; SDSRP - Retirement Plan - \$22,606.00; SF Airport - Parking - \$58.00; Shelburg, Sarah - Refund - \$900.00; Shell Oil - Fuel - \$50.00; Shell Oil - Fuel - \$60.00; Sherwin Williams - Paint - \$453.90; Sign Solutions - Signs - \$381.94; SF Two Way Radio - Repairs - \$1,030.97; Smith Ins - Notary Bond - \$80.00; South Dakota 811 - Message Fee - \$204.75; SD Humanity - Programming - \$50.00; SD State HIS - Microfilm Fee - \$10.00; Kids Book About - Books - \$107.78; Holabird Sports - Pickleball Nets - \$793.80; Sprinkler Warehouse - Supplies - \$191.91; 3 Star - Police Tow - \$201.00; Buhls Cleaners - Cleaning - \$457.28; Collision Ctr - Repair - \$5,437.96; Standard Ins - Vision Ins - \$693.81; Stevens Const - Repairs - \$2,200.00; Stockwell Engineers - Prof Serv - \$5,220.00; Stockwell Engineers - Mead Property Dev - \$54,400.00; Sturdevants - Filters - \$1,264.50; Subsurface Utility - Utility Locate - \$9,474.00; Taco Boys - Travel - \$19.87; Teledyne Instruments - Sampler Tubing - \$459.00; Tessman Co - Chemicals - \$5,861.58; Star Tribune - Subscription - \$574.50; UPS - Shipping - \$107.36; Third Millennium - Utility Billing - \$1,992.64; TMA - Alignment - \$82.35; TSC - Range Trailer Equipment - \$441.27; Transource - Volvo Wheel Loader - \$167,556.72; TriTech Forensics - Tourniquets - \$171.40; TRK Hosting - Web Hosting - \$7.95; Tropical Creations - Fish Tank Rental - \$301.00; Truck Trailer - Cables And Air Tanks - \$1,460.68; Truck Trailer - Labor & Parts - \$1,721.54; BBQ Trapp Haus - Travel - \$27.69; Tube Pro - Tubes - \$1,668.00; USPS - Postage - \$2,394.13; Uber - Uber Ride - \$55.03; USPS - Postage Meter - \$650.71; US Treasury - Fed WH - \$265,734.69; United Way - Contribution - \$258.00; USPS - Mail Evidence - \$176.95; Viddler - Video Hosting - \$41.14; Villanueva, Mike - Reimbursement - \$58.47; VWR International - Lab Supplies - \$973.01; Verizon - Internet - \$1,246.01; Wal-Mart - Water Walking - \$303.55; Walmart - First Aid Kit Supplies - \$237.69; Wholesale Supply - Parade Candy - \$133.60; Walmart - Fridge - \$339.52; Xerox - Copier Lease - \$1,445.51; Yankton Area Prog. Growth - NFAA Spec Allocation - \$7,200.00; Yankton Co. Observer - Subscription - \$35.00; Yankton Co Treasurer - Taxes - \$3,755.50; YMC - Firefighter Exam - \$562.00; Yankton Rexall Drug - First Aid Kit Supplies - \$19.90; Yankton

Sharp Shooters - Gun Range Rental - \$100.00; Yankton Vol Fire Department - Fire Call/Drill - \$950.00; Yankton Winnelson - Channel Drain - \$5,801.36; Yankton Media - Publishing - \$850.74; Yesway - Fuel - \$50.00; YHS Student Council - Ad - \$20.00; Yankton Janitorial - Glass Cleaner - \$71.40; Zumba Fitness - Dues - \$527.88

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

Salaries by Department September 2022: Administration \$73,096.91; Finance \$51,045.26; Community Development \$37,300.51; Police/Dispatch \$318,570.22; Fire \$21,007.95; Engineering/Sr. Citizens \$69,341.29; Streets \$76,701.06; Traffic Control \$6,574.29; Library \$49,471.70; Parks/SAC \$143,440.12; Huether Aquatics \$21,308.03; Marne Creek \$11,230.06; Water \$66,375.58; Wastewater \$64,036.35; Cemetery \$7,402.86; Solid Waste \$37,064.91; Landfill/Recycle \$35,833.01; Central Garage \$12,469.65

New Hires: Park, Rec and City Events Dept: Grace Peterson, Weight Room Supervisor/Receptionist, \$11/hr.; Isyck Johnson, Weight Room Supervisor, \$11/hr.; Andrew Sharples-Schmidt, Lifeguard, \$13/hr.

Wage Changes: Park, Rec and City Events Dept: Brandon Pavel, Ground Maintenance, \$1,543.38 to \$1,643.12 biweekly; Jordan Groves, Ground Maintenance, \$1,602.46 to \$1,706.00 biweekly; Elizabeth Knutson, Ground Maintenance, \$1,486.50 to \$1602.46 biweekly. Human Resources: Brittany Orr, Human Resources and Employee Engagement Director, \$3,195.84 to \$3,276.88 biweekly.

Position Changes: Park, Rec and City Events Dept: Jay Walsh, Ground Maintenance \$1,543.38 to Senior Ground Maintenance – Trail \$1,768.73 biweekly; Rachel Houdek, Facility Manager \$20/hr to Receptionist \$12.50/hr.; Olivia Schmidt, Lifeguard Manager \$17/hr. to Lifeguard \$15.50/hr.; Allie Dilts, Lifeguard Manager \$17/hr. to Lifeguard \$15.25/hr.; Dylan Payer, Water Park Attendant \$12/hr. to Lifeguard \$13/hr.; Claire Martinson, Lifeguard Manager \$17/hr. to Receptionist \$11/hr.; Jayden Horrach, Water Park Attendant \$12/hr. to Weight Room Supervisor \$11/hr.

City Manager Leon submitted a Commission Information Memorandum giving an update on community projects and items of interest.

There were no public appearances at that time.

Action 22-243

Moved by Commissioner Webber, seconded by Commissioner Johnson, to approve the following consent agenda items:

1. **Setting a Work Session:** The date of October 24, 2022 at 6:00 pm in Room #114 of the Career Manufacturing Technical Education Academy has been set for the next work session for strategic plan review; and
2. **Meeting Change Date:** The date of Thursday, December 22, 2022 at Noon, has been set for the second City Commission meeting in December.

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

Action 22-244

While the City Commission was acting as the Zoning Board of Adjustment, this was the time and place for the second reading and public hearing for Ordinance 1065 AN ORDINANCE TO REZONE PROPERTY FROM I-1 INDUSTRIAL TO B-2 HIGHWAY BUSINESS ON LOT 2 EXCEPT THE NORTH 247.14' OF THE WEST 360.15' IN THE SW ¼ OF THE NE ¼ OF SECTION 12, T93N, R56W OF THE 5TH P.M., CITY OF YANKTON, YANKTON COUNTY, SOUTH DAKOTA. ADDRESS, 2000 SUMMIT STREET, LIST CONSTRUCTION, APPLICANT. (Memorandum #22-184). No one was present to speak for or against the adoption of the ordinance. Moved by Commissioner Benson, seconded by Commissioner Johnson, to approve the proposed rezoning.

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

Action 22-245

While the City Commission was acting as the Zoning Board of Adjustment, this was the time and place for the second reading and public hearing for the consideration of a variance from the City's maximum lot coverage in an R-4 Multiple Family Residential District on the North 32 feet of Lot 12 and all of Lot 13, Block 50 of Todd's Addition to the City of Yankton, South Dakota, 507-509 Douglas Avenue, Gary Johnson and Christine Munson, owners (Memorandum #22-185) Dave Mingo gave a timeline and review of the request from Gary Johnson for a variance. Citizen Gary Johnson was present to request support and answer questions. Moved by Commissioner Johnson, seconded by Commissioner Webber, to deny the proposed variance.

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

Action 22-246

While the City Commission was acting as the Zoning Board of Adjustment, it was moved by Commissioner Webber, seconded by Commissioner Johnson, to approve Resolution #22-43 (Memorandum #22-186)

RESOLUTION #22-43

Conditional Use Permit

WHEREAS, List Construction is the applicant for a project on property legally described as the Lot 2 except the North 247.14' of the West 360.15' in the SW 1/4 of the NE 1/4 of Section 12, T93N, R56W of the 5th P.M., City of Yankton, Yankton County, South Dakota, and

WHEREAS, the above described property is zoned B-2 Highway Business which allows conditional uses under the City of Yankton's Zoning Ordinance No. 711 as amended, and

WHEREAS, this Conditional Use Permit request is necessary for the construction and operation of self-storage facilities and the associated plans have been reviewed and recommended for approval by a vote of the City Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves a Conditional Use Permit for a self-storage facility as depicted in the associated documentation, on the above described property.

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

Commissioner Benson introduced, and Mayor Moser read, the title of Ordinance No. 1066 AN ORDINANCE TO REZONE PROPERTY FROM ETJ A-1 AGRICULTURAL TO ETJ B-2 HIGHWAY BUSINESS IN THE CITY’S EXTRATERRITORIAL JURISDICTION THE NORTH 260 FEET OF THE NE 1/4, SW 1/4 OF THE NORTH 18 ACRES, EXCLUDING LOTS H1 AND H2 SECTION 8, T93N, R55W OF THE 5TH PM YANKTON COUNTY, SOUTH DAKOTA AND OUTLOT 1, NE 1/4, NE 1/4, SW 1/4 EXCEPT A PARCELS BEGINNING AT THE SW CORNER OF OUTLOT 1, THENCE NORTH 208', THENCE NORTHEASTERLY PARALLEL WITH THE SOUTH BOUNDARY LINE OF OUTLOT 1 208' THENCE SOUTH 208' THENCE SOUTHWESTERLY 208' TO THE POINT OF BEGINNING. ADDRESS, THE NORTH SIDE OF THE 1500 BLOCK OF WHITING DRIVE, JUSTUS AND MICHELLE HIRSCHMAN, APPLICANTS. (Memorandum #22-187) and set the date of the second reading and public hearing as October 24th, 2022.

Action 22-247

Moved by Commissioner Miner, seconded by Commissioner Webber, to approve Resolution #22-46 (Memorandum #22-183)

RESOLUTION #22-46

WHEREAS, the City of Yankton has determined that it is necessary to adjust The Huether Family Aquatics Center rates to a level which will ease the current subsidy and help maintain the facility, and

WHEREAS, the City expects the cost to operate the facility will increase each year; and

WHEREAS, the City desires to limit the subsidy to the facility;

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of Yankton, South Dakota that the following rates are hereby adopted effective for 2023:

2023	
Daily pass	\$10 (rate stays same as 2022)
Season pass	\$64

Citizen Mark Conrad spoke against the rate increase and requested a family rate.

Roll Call: Commissioners voting “Aye” were Benson, Johnson, Miner, Webber, Villanueva and Mayor Moser; voting “Nay” were Commissioner Maibaum and Commissioner Schramm.
Motion adopted.

Action 22-248

Moved by Commissioner Schramm, seconded by Commissioner Miner, to approve Resolution #22-45 (Memorandum #22-182)

RESOLUTION #22-45

WHEREAS, the City of Yankton has determined that it is necessary to adjust The Summit Activities Center rates to a level which will ease the current subsidy and help maintain the facility, and

WHEREAS, the City expects the cost to operate the facility will increase each year; and

WHEREAS, the City desires to limit the subsidy to the facility;

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of Yankton, South Dakota that the following rates are hereby adopted effective November 1, 2022:

Adult Daily Pass (19 and over)	\$7 (rate stays same)
Adult Individual Monthly Pass	\$30
Adult Individual Annual Pass	\$330
Youth Daily Pass (18 and under)	\$5
Youth Individual Monthly Pass	\$10
Youth Individual Annual Pass	\$110
Pre-school children (4 and under)	Free

Citizen Mark Conrad spoke against the rate adjustments.

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

Action 22-249

Moved by Commissioner Miner, seconded by Commissioner Benson, to approve Resolution #22-44 (Memorandum #22-181)

RESOLUTION #22-44

WHEREAS, the City of Yankton has determined that it is necessary to adjust The Summit Activities Center rental rates to a level which will ease the current subsidy and help maintain the facility, and

WHEREAS, the City expects the cost to operate the facility will increase each year; and

WHEREAS, the City desires to limit the subsidy to the facility;

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of Yankton, South Dakota that the following rates are hereby adopted effective July 1, 2024:

Summit Activities Center and Yankton High School Schedule of Charges
July 1, 2024 - Main Gym – Up to 4 Hour Maximum - \$229, All day -\$347, additional fees apply for sound and light technicians; Auxiliary Gym – Up to 4 Hour Maximum - \$198, All day - \$317;

Commons – Up to 4 Hour Maximum - \$131, All day - \$249; Theater – Up to 4 Hour Maximum - \$229, All day - \$347, additional fees apply for sound and light technicians; YCAH – Up to 4 Hour Maximum - \$131, All day - \$249, additional fees apply for sound and light technicians; Educational Classroom – Up to 4 Hour Maximum - \$131, All day - \$249, additional fees apply for sound and light technicians; Hallway for concession - \$78 (all day); Lockers - (1) \$63 (all day) ALL RENTALS- Additional fees apply for set-up, clean-up and custodial work in all areas based on actual hours worked by event support staff. Support staff charges will be \$27/labor hour (plus applicable sales tax). The areas below are handled by the SAC staff and billing is by City of Yankton. Applies to all days of year Meeting Room (One) \$25.00 (hourly); Aux. Open Court Space \$30.00 (hourly); Water Activities Area* 2 guards= \$150 3 guards= \$175 4 guards= \$200 *water area rentals are charged per hour by number of guards.

Summit Activities Center and Yankton High School Schedule of Charges

Premium Schedule - Veteran's Day, Thanksgiving Friday, Christmas Eve, New Year's Day, President's Day, Martin Luther King Day, Native American Day, Good Friday, Easter Monday, Juneteenth. If holiday is Monday or Tuesday or Thursday or Friday, adjoining weekend days are premium rate also. July 1, 2024 - Main Gym – Up to 4 Hour Maximum - \$328, All day - \$448, additional fees apply for sound and light technicians; Auxiliary Gym – Up to 4 Hour Maximum - \$263, All day - \$381; Commons – Up to 4 Hour Maximum - \$229, All day - \$347; Theater – Up to 4 Hour Maximum - \$328, All day - \$448, additional fees apply for sound and light technicians; YCAH – Up to 4 Hour Maximum - \$229, All day - \$347, additional fees apply for sound and light technicians; Educational Classroom – Up to 4 Hour Maximum - \$229, All day - \$347, additional fees apply for sound and light technicians; Hallway for concession - \$159 (all day); Lockers - (1) \$118 (all day)

ALL RENTALS- Additional fees apply for set-up, clean-up and custodial work in all areas based on actual hours worked by event support staff. Support staff charges will be \$36/labor hour. City of Yankton and the Yankton School District can use facilities with no charge as co-owners. Holiday closed dates for the SAC facilities (include set-up, take down days, snow and ice removal): 4th of July, Labor Day, Thanksgiving, Christmas Day, Easter Sunday, Memorial Day. If holiday is Monday or Tuesday or Thursday or Friday, adjoining weekend days are premium rate also.

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

Action 22-250

This was the time and place for the bid opening of the Airport Acres Site Grading and Storm Sewer project. The following bids were received and opened on September 29, 2022 at 3:00 p.m.

- | | |
|--------------------------------------------|--------------|
| 1. Feimer Construction, Inc., Yankton, SD | \$129,856.75 |
| 2. Detlefsen Construction, Inc. Laurel, NE | \$138,818.40 |
| 3. Slowey Construction, Inc., Yankton, SD | \$155,557.00 |

Moved by Commissioner Benson, seconded by Commissioner Villanueva, to award the contract to Feimer Construction, Inc., in the amount of \$129,856.75. (Memorandum #22-188)

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

Action 22-251

Moved by Commissioner Johnson, seconded by Commissioner Webber, to authorize the City to write-off \$63,795.49 as uncollectible per SDCL 9-22-4 and require an Application for Abatement or Refund of Taxes to be City Commission approved in future write off procedures. (Memorandum #22-180)

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

Motion adopted.

Action 22-252

Moved by Commissioner Benson, seconded by Commissioner Webber, to approve the Health Insurance Committee’s, with input from City of Yankton employees, to vote in favor of the Health Insurance Committee’s recommendation to renew with the same carrier, Avera, offering the same Low Deductible Health Plan (LDHP) traditional coverage plan and two High Deductible Health Plans (HDHP) HSA plans for 2023. The Health Insurance Committee also recommends the City Commission vote in favor of renewing The Standard Vision Insurance plan with a slight cost increase, the Principle Dental Insurance Plan with a 4.9% increase, and the Avera EAP plan with no cost change for 2023, with the City paying 100% of the single dental insurance plan, 100% of the single employee health insurance plan, as well as 100% of the premium for the \$15,000 life insurance policy for each employee. (Memorandum #22-163)

Roll Call: Commissioners voting “Aye” were Benson, Maibaum, Miner, Schramm, Webber and Villanueva; voting “Nay:” none. Abstain: Commissioner Johnson and Mayor Moser.

Motion adopted.

Action 22-253

Moved by Commissioner Johnson, seconded by Commissioner Villanueva, to approve Resolution #22-47. (Memorandum #22-189)

RESOLUTION #22-47

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 disposals 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:

PROPERTY TO BE DECLARED SURPLUS

State Radios

- Motorola XLT 2500 Mobile Radio 518CJZ2915
- Motorola XLT 2500 Mobile Radio 518CJZ2918
- Motorola XLT 2500 Mobile Radio 518CJZ2919
- Motorola XLT 2500 Mobile Radio 518CJZ2920
- Motorola XLT 2500 Mobile Radio 518CJZ2924
- Motorola XLT 5000 Mobile Radio 585CMT0421

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

Action 22-254

Moved by Commissioner Johnson, seconded by Commissioner Villanueva, to approve Resolution #22-48 (Memorandum #22-190)

RESOLUTION 22-48

A RESOLUTION DECLARING IT IS IN THE PUBLIC INTEREST TO UTILIZE THE SERVICES OF A CONSTRUCTION MANAGER AT RISK FOR THE RETROFIT CONSTRUCTION OF A WASTEWATER TREATMENT PLANT AND TO ESTABLISH PROCEDURES FOR THE SOLICITATION AND AWARD OF THE CONSTRUCTION MANAGER AT RISK CONTRACT

WHEREAS, the City of Yankton, South Dakota (the “City”), through its Board of City Commissioners (the “Commission”) has determined there is need to construct a retrofit of a wastewater treatment plant in the location of its existing wastewater treatment facility to serve the City of Yankton (the “Treatment Plant”);

WHEREAS, the Commission has determined it is the public interest to utilize the services of a Construction Manager at Risk (the “CMAR”) to assist the City in the planning and design phase as well as the construction phase of the Treatment Plant;

WHEREAS, the Commission has determined that the CMAR services will not unreasonably duplicate and are in addition to the normal scope of separate architect or engineer contracts; and

WHEREAS, the Commission shall establish procedure for the solicitation and award of a CMAR contract as set forth herein.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF YANKTON, SOUTH DAKOTA:

Section 1. Construction Manager-At-Risk (“CMAR”) Authorized.

Notwithstanding any other provision of law, the city may construct public improvements using the CMAR method of project delivery. The mayor shall, by executive order, establish rules for the administration of the CMAR method of project delivery.

Section 2. Construction Manager-At-Risk Defined.

“CMAR” means a city project delivery system in which:

- (a) The city provides design services or there is a separate contract for design services, and there is a separate contract for construction services;
- (b) The contract for construction services may be entered into at the same time as the contract for design services or at a later time;
- (c) Design and construction of a project may be in sequential phases or concurrent phases;

(d) Labor, materials and other construction services, including financial services, maintenance services, operation's services, preconstruction services and other related services may be included in contracts with CMAR; and

(e) Construction services which are not competitively bid may be negotiated.

Section 3. Compatibility With Other Laws.

The city shall follow the procedures of the laws governing public improvement construction contracts to the extent these laws are compatible with the use of CMAR contracts.

Section 4. City Commission Authorization.

The Yankton Board of City Commissioners shall, for each public improvement performed using the CMAR method, determine by resolution that it is in the best interest of the public to enter into a contract to complete the public improvement.

Section 5. State Law.

Procedures for selection of a construction manager and the CMAR services shall comply with SDCL Sections 5-18B-42 through 5-18B-45.

Section 3. Resolution.

The City Commission shall, by resolution, determine that it is in the best interest of the public to utilize the services of a construction manager and the CMAR services would not unreasonably duplicate and would be in addition to the normal scope of separate architect or engineer contracts.

Section 4. Selection Committee.

There shall be a Selection Committee established by the City Manager or the City Manager's designee.

Section 5. Request for Proposals.

The City Manager or the City Manager's designee shall prepare a Request for Proposals (RFP) for CMAR services. The RFP shall contain, at a minimum, the following elements:

1. The identity of the purchasing agency.
2. A description of the proposed public improvement.
3. A description of the required qualifications of the construction manager.
4. An outline of the submittal procedure, proposal and interview evaluation criteria including relative weights, and procedures for making awards.
5. The proposed terms and conditions for the construction management services contract, including a description of the scope of services, to be provided.
6. The RFP shall indicate that a registry of all submitted proposals will be maintained containing the names of submitting firms and the name of the firm awarded the contract. The RFP shall also indicate the proposal and professional service contract of the firm awarded the work are deemed public records and will be available to the public upon request, except for proprietary and

confidential information. Proposals of firms not awarded the contract are nonpublic records and will remain confidential.

Section 6. Advertisement of RFP for CMAR Services.

Notice of any request for proposals shall be advertised in accordance with the provisions of SDCL 5-18A-14.

Section 7. Procedure for Submitting and Evaluation of Proposals and Interviews.

The RFP shall have, at a minimum, the following submittal requirements:

1. Cover letter that summarizes the proposal.
2. Proposed project team including availability during anticipated term of project.
3. Proposed team structure.
4. History of proposed team working together.
5. Approach to cost, schedule, and quality control.
6. Relevant company experience with projects of similar type and scale.
7. Résumés of key team members including detail of applicable experience.
8. Statement of financial strength/stability, bonding capacity, and insurance coverage.

The RFP submittals will be evaluated by the Selection Committee on the following criteria:

1. Company background and applicable experience.
2. Project approach and management capabilities.
3. Financial and bonding capacity.
4. Other factors deemed applicable.

The RFP shall list the relative weight given to each criteria. The Selection Committee shall invite at least two, but no more than four, CMAR firms deemed most qualified for interviews.

Interviewed firms will be required to submit additional information including, but not limited to, general conditions and fee.

Interview responses will be evaluated by the Selection Committee on the following criteria:

1. Experience, qualifications, and availability of proposed team leaders.
2. Broader team structure.
3. History of project team working together on similar projects.
4. Technical work process.
5. Proposal, interview response.

6. General conditions and fee.
7. Other factors deemed applicable.

The RFP shall list the relative weight given to each criteria. The Selection Committee will rank the firms according to the interview criteria.

Section 8. Acceptance of Proposal.

After obtaining and evaluating proposals and interviews, the Selection Committee may accept the proposal it considers the most advantageous to the City. Acceptance of a proposal shall be by written notice to the construction manager submitting the accepted proposal and by simultaneously notifying in writing the other construction managers that their proposals were not accepted.

Unless all proposals are rejected, the City shall enter into negotiations of a fee for services with the construction manager who submitted the highest scoring proposal. If negotiations are not successful, the City shall enter into negotiations with the next firm deemed most advantageous to the City by the Selection Committee.

Upon successful negotiations with a firm, the City may enter into a contract with the selected firm.

Section 9. Rejection of Proposals.

The City reserves the right to reject any or all proposals submitted. The RFP shall include this clause.

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

Action 22-255

Moved by Commissioner Villanueva, seconded by Commissioner Benson, to adjourn into executive session at 8:37 p.m. to discuss contractual, litigation 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 Moser.

Roll Call: Present: Commissioners Benson, Johnson, Maibaum, Miner, Schramm, Webber and Villanueva. City Attorney Den Herder and City Manager Leon were also present. Absent: Commissioner Brunick. Quorum present.

Action 22-256

Moved by Commissioner Johnson, seconded by Commissioner Villanueva, to adjourn at 8:59 p.m.

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

Motion adopted.

Stephanie Moser
Mayor

ATTEST:

Al Viereck
Finance Officer

Published on October 20, 2022