



2023_11_27

**CITY COMMISSION
MEETING**



Mission Statement

To provide exemplary experiences, services & spaces that create opportunities for everyone to learn, engage and thrive.

YANKTON BOARD OF CITY COMMISSIONERS

Regular City Commission Meeting beginning at 7:00 P.M.

Monday, November 27, 2023

City of Yankton Community Meeting Room

Located at the Career Manufacturing Technical Education Academy formerly known as Technical Education Center • **1200 W. 21st Street • Room 114**

If you would like to watch the City Commission meeting you can do so by accessing the City of Yankton’s YouTube Live Channel. <https://www.youtube.com/c/cityofyankton/live>

TV Schedule: Mondays at 7:03 p.m. and Tuesday following meeting at 1:00 p.m. on Midco Channel 3 and Bluepeak Channel 98.

I. ROUTINE BUSINESS

- 1. **Roll Call**
- 2. **Approve Minutes of Regular Meeting of November 13, 2023** **Attachment I-2**
- 3. **Schedule of Bills** **Attachment I-3**
- 4. **City Manager’s Report** **Attachment I-4**
- 5. **Public Appearances**
- Lucas Johnson (Banner Engineering) - Bridge Inspection Presentation **Attachment I-5**

Public appearances is a time for persons to address the City Commission on items not listed on the agenda. No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. Each person has up to three minutes to speak. Comments made during the Public Appearance Comment period of the agenda may be on any subject. There shall be no personal attacks against the Mayor, members of the City Commission, City Staff, or any other individual.

II. CONSENT ITEMS

Matters appearing on the Consent Agenda are expected to be non-controversial and will be acted upon by the City Commission at one time, without discussion. Approval constitutes following the recommendation of the City Manager on each item.

NONE

III. OLD BUSINESS

Old business includes items that have previously appeared on the City Commission's agenda and require further consideration or action by the board.

1. Public Hearing for Sale of Alcoholic Beverages

Consideration of Memorandum #23-233 regarding the request for a Special Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for 1 day, December 23, 2023 from The Center (Kriss Thury, Executive Director), 900 Whiting Drive, Yankton, South Dakota.

Attachment III-1

2. Public Hearing for Transfer Location of Alcoholic Beverages License

Consideration of Memorandum #23-227 transfer of location of a Retail (on-off sale) Wine & Cider License for January 1, 2023 to December 31, 2023 from Morgen, LLC d/b/a South Point Gaming Lounge (Kirby Muilenburg, Owner), 1101 Broadway Avenue, Suite 109, Yankton, South Dakota to 1101 Broadway Avenue, Suite 109A, Yankton, South Dakota.

Attachment III-2

3. Public Hearing for Sale of Alcoholic Beverages

Consideration of Memorandum #23-234 for a New Retail (on-off sale) Malt Beverage and SD Farm Wine License for July 1, 2023 to June 30, 2024 from 6th Meridian, LLC d/b/a Farm House Food Co. (Ryan Heine, Member), 2503 Fox Run Parkway, Suite 1, Yankton, South Dakota.

Attachment III-3

4. Public Hearing for Sale of Alcoholic Beverages

Consideration of Memorandum #23-235 for a New Retail (on-off sale) Wine and Cider License for January 1, 2024 to December 31, 2024 from 6th Meridian, LLC d/b/a Farm House Food Co. (Ryan Heine, Member), 2503 Fox Run Parkway, Suite 1, Yankton, South Dakota.

Attachment III-4

5. Package Off-sale Liquor License

Consideration of Memorandum #23-232 requesting Commission direction to staff on proceeding with the sale of the new 12th package off-sale liquor license.

Attachment III-5

6. Video Lottery License Ordinance First Reading

Introduction and first reading of Ordinance #1076 amending ordinance Sec. 3-3 and establishing December 11, 2023 as the date for public hearing and second reading of said ordinance.

Attachment III-6

Adoption of an ordinance is typically a two-meeting process. At the first meeting, an ordinance is introduced, and the first reading is held. During the second meeting, the ordinance is discussed by the commission and the public and then considered for adoption.

IV. NEW BUSINESS

New business items are those that have not been discussed by the Commission previously.

1. Budget Supplement

Memorandum supporting first reading of Memorandum #23-225 supporting Ordinance #1075, the second supplement to the 2023 annual appropriation Ordinance #1064 and setting December 11, 2023 as second reading and public hearing of said Ordinance.

Attachment IV-1

2. Uncollectible Utility Accounts

Consideration of Memorandum #23-231 recommending that the City write off uncollectible utility accounts.

Attachment IV-2

3. Library Agreement Renewal between City of Yankton and Yankton County

Consideration of Memorandum #23-236 and Resolution #23-69 regarding Library contract between City of Yankton and Yankton County.

Attachment IV-3

4. Video Lottery Endorsement Request with Attendant License Restriction Agreement

Consideration of Memorandum #23-240 considering approval of a video lottery license restriction agreement removing video lottery at Hanten, Inc. d/b/a Ben's Brewing Company, 222 W. 3rd Street, Yankton, South Dakota (Ben Hanten, President) combined with request for video lottery endorsement on malt beverage license #RB-27600 at Hanten, Inc., d/b/a Ben's Brew Station at 719 Walnut Street, Yankton, South Dakota.

Attachment IV-4

5. Video Lottery Endorsement on Request for Retail Wine License

Consideration of Memorandum #23-239 regarding an application for the endorsement of video lottery on a Retail (on-off sale) Wine License No. RW-23602 for Fox Stop Holdings, LLC (James Grotenhuis, Owner) d/b/a The Fox Stop located at 1316 W 30th Street, Yankton, South Dakota.

Attachment IV-5

6. Bid Award for Transfer Station Trailers

Consideration of Memorandum #23-228 recommending the bid for two new steel transfer station walking floor trailers be awarded to Northern Truck & Equipment of Sioux Falls, South Dakota in the amount of \$223,212.00.

Attachment IV-6

7. Engineering Services Agreement for Cedar Street Bridge

Consideration of Memorandum #23-221 recommending authorization of the City Manager to execute the Agreement for Engineering Services for the replacement of structure number 68-121-204 on Cedar Street with Banner Associates, Inc.

Attachment IV-7

8. 5th Street Final Acceptance and Close Out

Consideration of Memorandum #23-222 recommending the City Commission accept the completed reconstruction on 5th Street reconstruction project and authorize the Finance Officer to issue a manual check to Masonry Components, Inc. in the amount of \$1,000.00.

Attachment IV-8

V. OTHER BUSINESS

Other business is a time for City Commissioners to address the commission regarding matters not on the agenda. These items will not be deliberated by the governing body and will not be acted upon at this time. Items mentioned may be added to a future City Commission meeting or work session for deliberation or action.

VI. ADJOURN INTO EXECUTIVE SESSION TO DISCUSS CONTRACTUAL, LITIGATION AND PERSONNEL MATTERS UNDER SDCL 1-25-2

Executive or closed meetings may be held by a majority vote of the governing body for the sole purposes of:

- Discussing the qualifications, competence, performance, character or fitness of any public officer or employee.*
- Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters.*
- Preparing for contract negotiations or negotiating with employees or employee representatives.*
- Discussing marketing or pricing strategies by a board or commission of a business owned by the City, when public discussion may be harmful to the competitive position of the business.*

Any official action concerning such matters shall be made at an open official meeting.

VII. RECONVENE AS BOARD OF CITY COMMISSIONERS

1. Roll Call

VIII. ADJOURN THE MEETING OF NOVEMBER 27, 2023

The City of Yankton Community Meeting Room is accessible to everyone. If you have any additional accommodation requirements, please call 668-5221.

Should you have any reason to believe an open meetings law has been violated please contact the Open Meetings Commission at the South Dakota Office of the Attorney General at: 1302 E. Hwy 14, Suite 1, Pierre, SD 57501-8501 or by phone at 605-773-3215.

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
NOVEMBER 13TH, 2023**

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

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

Quorum present.

Action 23-293

Moved by Commissioner Webber, seconded by Commissioner Miner, to approve Minutes of Work Session meeting of October 23th, 2023 and minutes of regular meeting of October 23rd, 2023.

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

Motion adopted.

Action 23-294

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

1 Office Solution - Office Supplies - \$130.69; 24 Express - Fuel - \$134.52; 7- Eleven - Travel Expense -\$60.00; Ace Parking - Travel Expense -\$40.00; Adobe - Adobe Software - \$891.82; Adobe Acropro - Adobe - \$9.99; Adobe Creative Cloud - Computer Program - \$58.40; Advanced Exercise Equipment - Gym Equipment - \$1,948.86; AFSCME Council - Employee Deductions - \$1,023.44; Amazon - Book - \$24.94; Amazon - Dumbbell Rack - \$119.66; Amazon - AWWA Dues - \$233.00; Amazon - Conference - \$279.90; Amazon - Parade Of Lights - \$479.86; Amazon - Program Supplies - \$77.23; Amazon - Batteries - \$65.98; Amazon - Program Supplies - \$18.48; Amazon - Janitorial Supplies - \$52.18; Amazon - Dvds - \$143.32; Amazon - Acorn Light Covers - \$251.98; Amazon - Dvd - \$27.99; Amazon - Rack Shelves - \$55.00; Amazon - Books - \$39.03; Amazon - Books - \$135.54; Amazon - Janitorial Supplies - \$64.49; Amazon - Water Heater - \$144.49; Amazon - Acorn Light Covers - \$189.00; Amazon - Dvd - \$14.01; Amazon - Book - \$24.54; Amazon - Book - \$21.98; Amazon - Flag Football Scoreboard - \$76.97; Amazon - Traps - \$42.21; Amazon - Program Supplies - \$91.61; American Family Life - Cancer & ICU Premiums - \$5,607.34; Aox - Propane - \$99.09; Aqua Source - Pool Drain Covers - \$2,584.54; Arbys - Travel Expense - \$19.56; Arbys - Travel Expense - \$23.72; AT&T - Mobile Data - \$1,167.55; Auto Mastery - Truck Repairs - \$200.95; Autozone - Wiper Blades, Anti-Freeze - \$918.89; Avera Health Plans - Health Insurance Premium - \$85,877.24; Axvoice - Dialer Service - \$21.44; Baker-Taylor - Books - \$6,802.85; Banner Associates - Engineering Marne Creek - \$90,215.74; Bawarchi Biryani - Travel Expense - \$54.61; Berkley Motors - Truxedo Cover Install - \$570.00; Best Western Ramkota - Travel Expense - \$546.00; Bluepeak - Internet - \$3,805.30; Bomgaars - Grass Seed - \$1,646.24; Bow Creek Metal - Fan Shaft - \$439.88; Coffee Cups - Conference - \$26.75; Broadway Chrysler - Mud Flaps - \$149.98; Buhls Cleaners - Uniform Patches - \$8.00; Buyregisterrolls - Office Supplies - \$99.99; Caseys - Fuel - \$50.00; Caseys - Fuel - \$54.87; Caseys - Fuel - \$72.63; Center Point Large Pri - Large Print Books - \$239.70; Centurylink - Phone - \$61.04; ChickFilA Travel Expense - \$35.53; City Of Vermillion - Joint Powers Transfer - \$78,756.58; City Of Yankton- Solid Waste - \$18,219.03; City Utilities - Water - \$49,943.64; Bro Bgr Bar - Meeting - \$64.13; Cke Tender Smokehouse - Travel Expense - \$33.21;

Clarks Rentals - Equipment Rental - \$149.00; Conoco - Wall Auto Liv - Travel Expense - \$45.43; Cornwell D- P Tools - Truck Jack - \$1,789.48; CPI Environmentalexprs - Lab Supplies - \$92.87; Credit Collection - Utilities Collected - \$8.00; Credit Collections - Garnishment - \$50.00; Crescent Electric - Light Bulbs - \$681.55; Culvers - Travel Expense - \$10.92; Dairy Queen - Travel Expense - \$8.11; Dallas Conv Center Con - Travel Expense - \$37.62; Danko Emergency Equipment - Accountability Tags - \$476.89; Dept Of Health - Testing - \$875.00; Dept Of Social Services - Child Support - \$2,207.24; DFW Airport Parking - Travel Expense - \$2.00; Double H Paving - Airport Taxiway Const - \$87,751.11; Downtown Screen Printing - Bucks & Gazelles Singers - \$212.52; Echo Electric Supply - LED Panel - \$1,803.01; El Columpio - Travel Expense - \$18.05; Faronics Technologies - Deep Freeze - \$315.00; Fastenal Company - Wire - \$257.65; Fejfar Plumbing - Boat Ramp Repair - \$47.96; Fejfar Plumbing & Heat - Pipe Threading - \$30.00; Fenton Construction - Refund Overpayment - \$275.40; Fenton Construction - Marne Creek Construction - \$153,143.86; Fire Dept Training - Fire Training Network - \$300.00; Firebirds - Travel Expense - \$42.23; First Dakota - Fire Station Debt Serv - \$157,496.25; First Dakota - HSA Contributions - \$11,173.56; First National - Cafeteria Plan - \$1,759.16; Foxit Corp - PDF Perpetual License - \$179.99; Freddys - Travel Expense - \$36.99; Gan Usatodaycirc - Newspaper Subscription - \$421.49; Geotek Eng & Testing - Testing Mead Property - \$21,773.00; Goeden/Brooke - Library Programs - \$100.00; Great American Grille - Travel Expense - \$25.33; Hach Company - Lab Vials - \$971.89; Harn Ro Systems - Chemicals - \$6,590.00; Hawkins - Chemicals - \$5,604.00; Heiman Fire Equipment - Firefighter Gear - \$9,594.00; Hilton Garden Inn - Lodging - \$666.00; Hilton Hotels - Travel Expense - \$164.56; Holiday Inn - Lodging-SDML Conference - \$2,167.72; Holiday Inn Express - Music At Meridian - \$686.00; Hy- Vee - Employee Breakfast - \$2,021.58; ICMA Retirement Trust - ICMA Contributions - \$1,924.10; Ihop - Travel Expense - \$28.79; In Airside Solutions - Runway Lights - \$702.44; In Creative Product S - D.A.R.E. Grad Shirts - \$1,922.76; In Data443 Risk Mitig - Ransomware Manager - \$182.85; In Go To Glass - Windshield Replacement - \$1,050.00; In Hanson Briggs Spec - Door Hanger - \$103.10; In Powers Port A Pot - Porta Pots - \$385.00; In Rewind Fitness - Dumbbell Rack - \$75.00; Industrial Seal & Lubrications - Oil - \$3,063.14; Intl Code Council Inc - Building Code Guide - \$58.94; Ir Industrial - Compressor Maintenance - \$4,127.79; ISA - Membership Dues - \$332.23; IT Outlet - Software - \$4,572.00; J & H Care & Cleaning - Janitorial Services - \$4,200.00; J & M Aircraft Supply - Runway Lights - \$495.40; J2 Metrofax - Fax Service - \$11.95; JCL Solutions - Cleaning Supplies - \$710.30; Jeo Consulting Group - Engineering Meridian Brg - \$4,991.25; JJ Benji's - Hats - \$51.00; Jones Construction/John T - Pipe Install Wtr Plant - \$54,468.00; Kaiser Refrigeration - Equipment Repairs - \$361.61; Katzer Concrete - Elm Street Construction - \$211,122.99; Kleins Tree Service - Tree Removal/Stumps - \$3,050.00; Koletzky Implement - Filter - \$25.74; Kopetskys Ace - Miter Saw - \$538.91; KTA - Travel Expense - \$12.50; Lamb Motor Company - 2024 Chevrolet Silverado - \$50,309.00; Language Line - Translation Services - \$276.40; Larrys Heating And Cooling - Lab Ahu - \$153.06; Lewis And Clark Ford - Garage Parts - \$91.98; Locators & Supplies - Locate Paint - \$567.45; Longs Propane - Propane - \$63.86; Loves - Travel Expense - \$55.00; Luken Memorials - Westside Pk Plaque/Stone - \$8,570.00; Lumen - Fiber Internet - \$372.44; M.J. Dalsin Company - Roof Repair - The Center - \$771.50; Masonry Components - Construction 3rd Street - \$214,486.52; Mayer Signs - Vehicle Graphics - \$365.00; McAfee - Computer Program - \$127.43; Mcdonalds - Travel Expense - \$16.96; Mead Lumber - Cement Mix - \$102.00; Mead Museum - Hall Of Trees Fee - \$100.00; Menards - Maintenance Shed Repairs - \$3,494.63; Midamerican Energy - Fuel - \$1,705.23; Midamerican Energy - Fuel - \$4,097.35; Midwest Laboratories - Nutrient Testing - \$566.35; Midwest Tape - Media - \$236.94; Midwest Turf & Irrigat - Mower Belts - \$246.21; Midwest Turf & Irrigation - Mower & Bagger - \$39,554.00; Minervas - Travel Expense - \$46.96; Minnesota Life Insurance - Life Insurance Premiums - \$636.20; Money Movers - Sac Maintenance Fee - \$10.75; Morrow/Joseph C -

Design Work - \$6,840.00; Motor Vehicle Dept - Title & License 2024 Trl - \$53.40; Murphy Express - Travel Expense - \$67.00; Murphy S Pub & Gr - Travel Expense - \$61.20; Napa Auto Parts - Generator Oil , Filters - \$1,275.04; National Tactical - NTOA Membership - \$35.00; Nebraska DOR - NE State Income Tax - \$2,850.56; Northern Truck Equipment - 2 Steco Walking Trailers - \$224,808.00; Northwestern Energy - Electricity - \$94,648.62; Observer - Advertisements - \$72.00; Olsons Pest Technician - Pest Control - \$278.00; Olson's Pest Technicians - Pest Control - \$364.00; Oma South Gara - Conference - \$21.00; O'Reilly - Roll Bar - \$2,053.60; Outback Steakhouse - Travel Expense - \$102.86; Overdrive Dist - E-Books - \$1,996.61; Payment Services Network - Merchant Fees - \$69.85; Paypal - Cable Stand- Off Ends - \$53.13; Paypal - Annual GOSCMA Membership - \$150.00; Paypal - Coaxial Cable Clamps - \$76.50; Paypal - Snap- In Hanger For Cable - \$44.57; Paypal Ebay - Firewall & Subscription - \$303.00; Peer Support Found - Peer Support Conference - \$250.00; Peterson Plumbing - Replace Valve - \$147.96; Pfeifer Implement - Mower Repairs - \$102.30; Pheasantland Industrie - Safety Apparel - \$68.82; Pilot - Travel Expense - \$46.55; Pitney Bowes - Postage - \$200.00; Power Source Electric - Westside Park Pump - \$6,795.92; Press Dakota - Advertisement - \$95.00; Principal Life Insurance - Dental Insurance Premium - \$6,879.00; Quadiant Leasing - Postage - \$678.00; Racom Corporation - Beon Access - \$35.80; Retirement - SDRS Contributions - \$91,005.06; Riverside Hydraulics - Seals , O-Rings , Labor - \$322.67; Rons Auto Glass - Windshield Repair - \$67.60; Royal Sport Shop - Trophy Plate - \$13.40; RVM Consulting - Leadership Training - \$3,500.00; Sapp Bros A&W - Travel Expense - \$23.04; Sapp Bros Travel Cen - Travel Expense - \$60.03; Sd Public Assurance Alliance - Van Insurance - \$1,046.93; SDML Workers Compensation Fund - 2024 Work Comp Insurance - \$228,371.00; SDSRP - Pension Contributions - \$18,254.76; Shell Oil - Fuel - \$120.46; Shell Oil - Travel Expense - \$27.54; Shell Oil - Travel Expense - \$67.00; Sherwin Williams - Road Paint - \$355.85; Shugs - Conference - \$85.26; Slowey Construction - Mead Property Construct - \$653,349.91; Smash Park - Travel Expense - \$18.94; South Dakota Dept Of Labor - Q3 2023 Unemployment - \$2,717.46; South Dakota Magazine - Meridian Bridge Logo - \$600.00; Southeastsd - Membership Dues - \$273.22; Stampmaker - Office Embosser - \$63.90; Standard Insurance Company - Vision Insurance Premium - \$672.24; Streichers Mo - Sims Rifle Ammo - \$919.50; Stryker Sales Corporation - AED Maintenance - \$936.00; STS - Travel Expense - \$58.00; Sturdevants - Filters - \$1,768.87; Tallys Silver Spo - Travel Expense - \$136.24; Tecotechnology - Air Fittings - \$131.52; Tequipment - Coliform Incubator - \$2,525.97; The Back 40 - Travel Expense - \$82.81; UPS Store - Wet Test Shipping - \$317.41; Third Millennium - Utility Billing - \$734.65; Thomson Reuters - Subscription Law Updates - \$1,488.00; Tinting Pros - Window Film Installation - \$452.80; Titan Machinery - Starter - \$362.88; TMA - Tires - \$7,856.73; Tractor- Supply - Compressor - \$702.93; Transportation Dept/S.D. - Engineering Cedar St Brg - \$534.21; Tre Environmental Strategies - Testing - \$650.00; Trk Hosting - Internet Hosting - \$7.95; Tropical Creations - Fish Tank - 1 Yr Rental - \$600.00; Truck Trailer - Semi Truck Landing Gear - \$3,987.73; Tuff- Go - Riverside Park Bench - \$2,212.50; U.S. Post Office - Utility Billing Postage - \$2,630.26; UKG Workforce Ready - Payroll Software - \$3,830.18; Ul Llc - Fire Ladder Testing - \$2,910.00; United States Postal Service - Postage - \$909.15; United States Treasury - Federal Withholding - \$175,882.68; United Way - Employee Contributions - \$172.00; USAbluebook - Lab Supplies - \$1,133.42; USPS - Postage - \$158.10; Vcn Yanktonrodctr - Recording - \$92.70; Viddler - Video Hosting - \$41.49; VWR International - Lab Supplies - \$582.29; Verizon - Internet Access - \$1,285.22; Wahl Tek - Call Recorder Maint - \$3,375.00; Walmart - Fruit Friday,Halloween - \$525.50; Walmart - Program Supplies - \$38.45; Wef Main - Membership Dues - \$82.50; Williams & Company - Audit - \$2,050.00; Winnelson Co - Irrigation Supplies - \$20.26; Walmart - Fire Prevention Week - \$611.09; Www.Foamfrat.Com - EMT Training - \$159.99; Yankton County Treasurer - Title - \$10.00; Yankton Janitorial - Janitorial Supplies - \$648.99; Yankton Medical Clinic - Firefighter Physicals - \$3,598.00;

Yankton Nurseries - Plants - \$179.25; Yankton Thrive - Meeting - \$15.00; Yankton Thrive - Employee Appreciation - \$25.00; Yankton Thrive - Sales Tax Reimbursement - \$6,777.95; Yankton Mediainc - Employment Ad - \$216.16; Zoro Tools - Entry Lock - \$477.98; Zumba Fitness - Membership Dues - \$527.88;

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

Salaries by Department: October 2023

Administration \$57,993.14; Finance \$34,849.62; Community Development \$30,162.81; Police/Dispatch \$206,728.97; Fire \$15,049.46; Engineering / Sr. Citizens \$48,774.79; Streets \$55,954.93; Traffic Control \$4,707.95; Library \$37,941.21; Parks / SAC \$85,788.66; Marne Creek \$3,951.66; Water \$46,568.75; Wastewater \$45,944.87; Cemetery \$5,668.54; Solid Waste \$28,996.55; Landfill / Recycle \$24,325.74; Central Garage \$8,923.18.

New Hires: Parks, Recreation and City Events Department: Nancy Leonard, Receptionist, \$14.50/hr.; Alexis Hogeland, Lifeguard, \$13.00/hr.

Wage Changes: Parks, Recreation and City Events Department: Mary Loecker, Aerobics Instructor, \$15.00 to \$15.25/hr; Isyck Johnson, Weight Room Attendant, \$14.00 to \$14.25/hr; Douglas Sharples-Schmidt, Water Safety Instructor, \$13.00 to \$13.25/hr; Andrew Sharples-Schmidt, Lifeguard, \$13.00 to \$13.25/hr.

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

There were no public appearances at this time.

Action 23-295

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

1. Work Session

Setting date of November 27, 2023 at 6:00 PM in Room #114 of the Career Manufacturing Technical Education Academy for the next work session of the Yankton City Commission.

2. Possible Quorum Event

The City of Yankton Christmas party will be held on December 1, 2023. No official Commission action will be taken if a quorum is present.

3. Establish Public Hearing for Sale of Alcoholic Beverages

Establish November 27, 2023 as the date for the public hearing for a Special Events Malt Beverage (on-sale) Retailers license and a Special (on-sale) Wine Retailers License for 1 day, December 23, 2023 from The Center (Kriss Thury, Executive Director), 900 Whiting Drive, Yankton, South Dakota.

4. Establish Public Hearing for Sale of Alcoholic Beverages

Establish November 27, 2023 as the date for the public hearing for the transfer of location of a Retail (on-off sale) Wine & Cider License for January 1, 2023 to December 31, 2023 from Morgen, LLC d/b/a South Point Gaming Lounge (Kirby Muilenburg, Owner), 1101 Broadway Ave., Suite 109, Yankton, South Dakota to Morgen, LLC d/b/a South Point Gaming Lounge (Kirby Muilenburg, Owner), 1101 Broadway Ave., Suite 109A, Yankton, South Dakota.

5. Establish Public Hearing for Sale of Alcoholic Beverages

Establish November 27, 2023 as the date for the public hearing for a New Retail (on-off sale) Malt Beverage & SD Farm Wine License for July 1, 2023 to June 30, 2024 from 6th Meridian, LLC d/b/a Farm House Food Co. (Ryan Heine, Member), 2503 Fox Run Parkway, Suite 1, Yankton, South Dakota

6. Establish Public Hearing for Sale of Alcoholic Beverages

Establish November 27, 2023 as the date for the public hearing for a New Retail (on-off sale) Wine and Cider License for January 1, 2024 to December 31, 2024 from 6th Meridian, LLC d/b/a Farm House Food Co. (Ryan Heine, Member), 2503 Fox Run Parkway, Suite 1, Yankton, South Dakota.

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

Action 23-296

This was the time and place for the public hearing on the application for a Special (on sale) Malt Beverage Retailers License and a Special (on-sale) Wine Retailers License for 1 day, December 9, 2023, from The Center (Kriss Thury, Executive Director), 900 Whiting Drive, Yankton, South Dakota. (Memorandum 23-214) No one was present to speak for or against the application.

Moved by Commissioner Villanueva, seconded by Commissioner Miner, to approve the license.

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

Action 23-297

This was the time and place for the public hearing on the application for a transfer of location and owner of a Retail (on-off sale) Malt Beverage & SD Farm Wine License for July 1, 2023 to June 30, 2024, from Phinney’s LLC d/b/a Phinneys Pub & Casino (James Palmer, Owner), 2101 Broadway Ave., Suite 40, Yankton, South Dakota to Shree LLC d/b/a Vape God (Dipan Patel, Owner), 821 Broadway Ave. Suite B, Yankton, South Dakota. (Memorandum 23-215) No one was present to speak for or against the application.

Moved by Commissioner Johnson, seconded by Commissioner Miner, to approve the license.

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

Action 23-298

This was the time and place for the public hearing on the application for a transfer of location of a Retail (on-off sale) Malt Beverage & SD Farm Wine License for July 1, 2023 to June 30, 2024, from Phinneys Casino LLC d/b/a Phinneys Casino (James Palmer, Owner), 2101 Broadway Ave., Suite 50,

Yankton, South Dakota to Phinneys Casino LLC d/b/a Pinups Casino & Gaming Lounge #6 (James Palmer, Owner), 3010 Broadway Ave., Yankton, South Dakota. (Memorandum 23-216) No one was present to speak for or against the application.

Moved by Commissioner Brunick, seconded by Commissioner Webber, to approve the license.

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

Motion adopted.

Action 23-299

This was the time and the place for the public hearing on the applications of Alcoholic Beverage License Renewals for the 2024 (January 1, 2024 to December 31, 2024) licensing period.

(Memorandum 23-217) No one was present to speak for or against the applications.

Moved by Commissioner Webber, seconded by Commissioner Brunick, to approve the renewal of the 2024 Alcoholic Beverages licenses.

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

Motion adopted.

Action 23-300

Dana Schmidt, Library Director, and Dr. Julia Hellwege spoke on background and the scope of this project including comprehensive study, surveys, focus groups, and timeline. Ann Clough spoke on having a limited fundraiser for the Library Foundation’s \$16,345 portion. Moved by Commissioner Webber, seconded by Commissioner Villanueva, to approve Proposal #2 from Dr. Julia Hellwege with the Government Research Bureau at the University of South Dakota in the amount of \$36,345.00.

(Memorandum 23-218)

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

Motion adopted.

Action 23-301

Moved by Commissioner Schramm, seconded by Commissioner Miner, to approve Resolution #23-66 (Memorandum #23-219)

RESOLUTION #23-66

WHEREAS, Bob Law, representing Bob Law Inc. is the owner of land adjacent to the City of Yankton’s Municipal Corporate Limits, and has requested the City, pursuant to SDCL 9-4-1, to annex certain real property into the corporate limits of the City of Yankton, and

WHEREAS, there are no registered voters residing on said property.

NOW, THEREFORE, BE IT RESOLVED by The Board of City Commissioners of the City of Yankton, South Dakota, that the following described real property is hereby annexed into the corporate limits of the City of Yankton, South Dakota:

DESCRIPTION OF LAND TO BE ANNEXED

Tracts 2, 3 and 4 of Law Addition in the N 1/2 of the SE 1/4 of Section 2, Township 93 North, Range 56 West of the 5th P.M., Yankton County, South Dakota containing 28.06 acres.

As shown on the attached Annexation Location Map.

Nancy Wenande with Yankton Thrive showed her support for this annexation.

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

Motion adopted.

Action 23-302

Moved by Commissioner Johnson, seconded by Commissioner Villanueva, to approve the purchase of a new 2025 International LT Day Cab in the amount of \$148,755.00 for the Department of Public Works, Joint Powers Division from North Central International of Sioux Falls, South Dakota based on the Sourcewell contract. (Memorandum #23-223)

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

Motion adopted.

Action 23-303

Moved by Commissioner Miner, seconded by Commissioner Webber, to adopt Resolution #23-67. (Memorandum #23-224)

RESOLUTION #23-67

A RESOLUTION INCREASING THE CAPITALIZATION THRESHOLD

WHEREAS, this resolution establishes a threshold that dictates when expenditures may be capitalized in accordance with generally accepted accounting principles, and

WHEREAS, Government Accounting Standards Board (GASB) Statement No. 34, Basic Financial Statements – and Management’s Discussion and Analysis - for State and Local Governments, allows local governments to establish reasonable capitalization thresholds at which assets be capitalized and recorded on the financial statements, and

WHEREAS, depreciation on all assets is provided on a straight-line basis, and

WHEREAS, internal discussions with auditors and the SD Department of Legislative Audit have recommended that the City increase its current \$500 capitalization threshold, and

WHEREAS, The Board of City Commissioners of the City of Yankton has the authority to establish the threshold amounts, and

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, SD, that the capitalization threshold for fixed asset reporting purposes is hereby increased from \$500 to \$5,000 effective January 1, 2024.

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

Motion adopted.

Action 23-304

Moved by Commissioner Villanueva, seconded by Commissioner Brunick, to approve the 2024 Lease Agreement between the City and The Center. (Memorandum #23-220)

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

Motion adopted.

Action 23-305

Moved by Commissioner Brunick, seconded by Commissioner Miner, to postpone the agenda item regarding observed full time employee holidays to the next agenda.

Roll Call: All members present voting “Aye:” Brunick, Miner, and Villanueva; Voting “Nay:” were Johnson, Schramm, Webber, and Mayor Moser.

Motion failed.

Action 23-306

Moved by Commissioner Johnson, seconded by Commissioners Miner, to allow the City Manager to observe Indigenous People’s Day for the next two years (2024-2025) until the next union collective bargaining contract discussions. Then, Commissioner Villanueva amended the motion, seconded by Commissioner Schramm, to honor all three holidays as one extra personal holiday for the next two years (2024-2025) and then renegotiating at the next union collective bargaining contract time

Roll Call: All members present voting “Aye:” Johnson, Miner, Schramm, Villanueva and Webber; voting “Nay:” Brunick. “Abstain:” Mayor Moser.

Motion to amend passes.

Action 23-307

Move by Commissioner Villanueva, seconded by Commissioner Schramm, to honor all three holidays as one extra personal holiday in 2024 and 2025 and then allow the City Manager to renegotiate at the next union collective bargaining contract discussions.

Roll Call: All members present voting “Aye:” Johnson, Miner, Schramm, Villanueva and Webber; voting “Nay:” Brunick. “Abstain:” Mayor Moser.

Motion adopted.

Action 23-308

Moved by Commissioner Webber, seconded by Commissioner Villanueva, to adjourn at 8:24 p.m.

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

Motion adopted.

Stephanie Moser
Mayor

ATTEST:

Al Viereck
Finance Officer

November 13th, 2023

Page 9

Published November 21, 2023

Schedule of Bills

VENDOR NAME	DESCRIPTION	AMOUNT	ACCOUNT NAME	FUND & ACCOUNT	CLAIM	INVOICE	PO#	F/P	ID	LINE
A & B BUSINESS EQUIPMENT										
	EQUIPMENT CONTRACT	395.38	RENTALS & XEROX SUPPLIES	101.142.212		IN1101287			545	00003
	EQUIPMENT CONTRACT	429.34	RENTALS & XEROX SUPPLIES	101.142.212		1066572	023970	P	545	00004
	EQUIPMENT CONTRACT	379.92	RENTALS & XEROX SUPPLIES	101.142.212		1075311	023970	P	545	00005
	EQUIPMENT CONTRACT	376.44	RENTALS & XEROX SUPPLIES	101.142.212		1083852	023970	P	545	00006
	EQUIPMENT CONTRACT	376.23	RENTALS & XEROX SUPPLIES	101.142.212		1092493	023970	P	545	00007
		1,957.31	*VENDOR TOTAL							
A-OX WELDING SUPPLY CO I										
	PROPANE	77.05	CHEMICALS & GASES	801.801.240		292801	024177	P	545	00002
	PROPANE	60.95	CHEMICALS & GASES	801.801.240		88065750	024176	P	545	00001
		138.00	*VENDOR TOTAL							
BB&T GOVERNMENTAL FINANC										
	SALES TAX BOND	16,321.42	INTEREST	323.323.411		12.01.2023	021866	P	545	00018
	SALES TAX BOND	175,261.19	PRINCIPAL	323.323.441		12.01.2023	021866	P	545	00019
		191,582.61	*VENDOR TOTAL							
BBG CONSTRUCTION LAW										
	CMAR ATTORNEY FEES	7,401.00	PROFESSIONAL SERVICES	611.611.202		18841	023162	P	545	00013
	CMAR ATTORNEY FEES	1,839.60	PROFESSIONAL SERVICES	611.611.202		19029	023162	P	545	00014
	CMAR ATTORNEY FEES	511.00	PROFESSIONAL SERVICES	611.611.202		19199	023162	P	545	00015
	WESTSIDE PARK ATTY FEES	153.30	WESTSIDE PARK IMPROVEMEN	503.545.320		19384	024090	P	545	00016
		9,904.90	*VENDOR TOTAL							
BLACKSTRAP INC										
	ROAD SALT	3,297.93	SNOW & ICE CHEMICALS	101.123.241		143235	024170	P	545	00017
	ROAD SALT	1,849.07	SNOW & ICE CHEMICALS	101.123.241		143294	024169	P	545	00012
	ROAD SALT	1,703.00	SNOW & ICE CHEMICALS	101.123.241		143392	024171	P	545	00011
	ROAD SALT	3,461.68	SNOW & ICE CHEMICALS	101.123.241		143573	024174	P	545	00009
	ROAD SALT	1,628.33	SNOW & ICE CHEMICALS	101.123.241		143746	024173	P	545	00008
	ROAD SALT	1,678.44	SNOW & ICE CHEMICALS	101.123.241		143972	024172	P	545	00010
		13,618.45	*VENDOR TOTAL							
CEDAR KNOX PUBLIC POWER										
	ELECTRIC	726.56	ELECTRICITY	601.601.272		350022554	005176	P	545	00043
	ELECTRIC	484.59	ELECTRICITY	201.201.272		350035355	005243	P	545	00044
		1,211.15	*VENDOR TOTAL							
CENTURYLINK										
	PHONE	83.20	TELEPHONE	101.111.271		D89-3030	002829	P	545	00020
	PHONE	83.20	TELEPHONE	101.123.271		D89-3052	002829	P	545	00027
	PHONE	83.20	TELEPHONE	101.111.271		D89-3067	002829	P	545	00021
	PHONE	159.12	TELEPHONE	101.111.271		D89-3083	002829	P	545	00022
	PHONE	85.28	TELEPHONE	101.123.271		D89-3086	002829	P	545	00028
	PHONE	83.20	TELEPHONE	601.601.271		D89-3088	002828	P	545	00031
	PHONE	1.98	TELEPHONE	101.111.271		D89-3095	002829	P	545	00023
	PHONE	83.20	TELEPHONE	611.611.271		D89-3124	002828	P	545	00032
	PHONE	85.28	TELEPHONE	101.111.271		D89-3187	002829	P	545	00024

Schedule of Bills

VENDOR NAME	DESCRIPTION	AMOUNT	ACCOUNT NAME	FUND & ACCOUNT	CLAIM	INVOICE	PO#	F/P	ID	LINE
CENTURYLINK										
	PHONE	83.20	TELEPHONE	601.601.271		D89-5022	003059	P	545	00029
	PHONE	83.20	TELEPHONE	611.611.271		D89-5022	003059	P	545	00030
	PHONE	85.28	TELEPHONE	101.111.271		D89-5046	002829	P	545	00025
	PHONE	81.12	TELEPHONE	611.611.271		D89-5113	002828	P	545	00033
	PHONE	83.20	TELEPHONE	101.111.271		D89-8013	002829	P	545	00026
		1,163.66	*VENDOR TOTAL							
CHS										
	BULK DEF	200.00	GARAGE GASOLINE & LUBRIC	801.801.238		82935	080043	P	545	00036
CITY OF YANKTON-WATER										
	SOLID WASTE	35.77	LANDFILL	601.601.276		399568	230222	P	545	00045
	SOLID WASTE	39.42	LANDFILL	601.601.276		399579	230222	P	545	00046
		75.19	*VENDOR TOTAL							
CONNECTING CULTURES										
	2023 OUTREACH SERVICES	1,250.00	PROFESSIONAL SERVICES	101.101.202		111	024091	P	545	00034
	2023 TRANSLATION SERVICE	3,750.00	PROFESSIONAL SERVICES	101.101.202		111	024091	P	545	00035
		5,000.00	*VENDOR TOTAL							
DEN HERDER LAW OFFICE, P										
	LEGAL SERVICES	2,407.10	PROFESSIONAL SERVICES	101.103.202		9851	022305	P	545	00048
DEPT OF ENVIRONMENT										
	SOLID WASTE MGMT LOAN	22,381.92	SCALE PRINCIPAL	637.637.441		11.13.23	021863	P	545	00050
	SOLID WASTE MGMT LOAN	2,095.50	INTEREST EXPENSE	637.637.411		11.13.23	021863	P	545	00051
	SOLID WASTE MGMT LOAN	23,919.10	SWMP PRINCIPAL	631.631.441		11.13.23	021864	P	545	00052
	SOLID WASTE MGMT LOAN	2,766.68	INTEREST EXPENSE	631.631.411		11.13.23	021864	P	545	00053
	SOLID WASTE MGMT LOAN	2,107.86	SCALE PRINCIPAL	637.637.441		11.13.23	021858	P	545	00054
	SOLID WASTE MGMT LOAN	196.96	INTEREST EXPENSE	637.637.411		11.13.23	021858	P	545	00055
	SOLID WASTE MGMT LOAN	9,144.44	SCALE PRINCIPAL	637.637.441		11.13.23	021859	P	545	00056
	SOLID WASTE MGMT LOAN	561.13	INTEREST EXPENSE	637.637.411		11.13.23	021859	P	545	00057
		63,173.59	*VENDOR TOTAL							
DESIGN SOLUTIONS & INTEG										
	SERVICE-BOOSTER STATION	761.25	REP. & MAINT. - PLANT	601.601.221		62146	230221	P	545	00049
DIAMOND VOGEL INC										
	ROAD PAINT	885.00	ROAD MATERIALS	101.123.239		287320358	024187	P	545	00047
EHRESMANN ENGINEERING										
	SHEET METAL	190.00	GARAGE PARTS	801.801.249		3740	024152	P	545	00060
	CUTTING EDGE	710.95	GARAGE PARTS	801.801.249		3796	024186	P	545	00059
	PARTS	542.77	GARAGE PARTS	801.801.249		3797	024185	P	545	00058
		1,443.72	*VENDOR TOTAL							
FEJFAR PLUMBING INC										
	STATION PLUMBING REPAIR	388.78	REP. & MAINT. - BUILDING	101.114.223		58361	235602	P	545	00063

Schedule of Bills

VENDOR NAME	DESCRIPTION	AMOUNT	ACCOUNT NAME	FUND & ACCOUNT	CLAIM	INVOICE	PO#	F/P	ID	LINE
FEJFAR PLUMBING INC	GENERATOR INSTALLATION	810.21	EQUIPMENT	101.114.350		58412	235604	P	545	00061
		1,198.99	*VENDOR TOTAL							
FINANCE, DEPT OF	PETTY CASH	6.21	POSTAGE	101.104.231		11.3.23	002604	P	545	00037
	PETTY CASH	24.00	CONFERENCE & MEETINGS	101.106.265		11.3.23	002604	P	545	00038
	PETTY CASH	8.13	CONFERENCE & MEETINGS	101.107.265		11.3.23	002604	P	545	00039
	PETTY CASH	4.47	POSTAGE	101.114.231		11.3.23	002604	P	545	00040
	PETTY CASH	3.74	POSTAGE	201.201.231		11.3.23	002604	P	545	00041
	PETTY CASH	2.43	POSTAGE	601.601.231		11.3.23	002604	P	545	00042
		48.98	*VENDOR TOTAL							
FOX PRESS, LLC	SUPPLIES-FIRE PREV WEEK	1,904.50	PREVENTION	101.114.268		69652	235603	P	545	00062
GERSTNER OIL CO	FUEL	35,652.47	GARAGE GASOLINE & LUBRIC	801.801.238		195317	024128	P	545	00066
	FUEL	19,438.64	GARAGE GASOLINE & LUBRIC	801.801.238		195452	024157	P	545	00065
	FUEL	15,659.42	GARAGE GASOLINE & LUBRIC	801.801.238		195481	024181	P	545	00067
	MOBIL THERM	1,593.90	GARAGE GASOLINE & LUBRIC	801.801.238		41990	080047	P	545	00064
	FUEL	2,943.15	GARAGE GASOLINE & LUBRIC	801.801.238		53317	024180	P	545	00068
		75,287.58	*VENDOR TOTAL							
GROWMARK FS - YANKTON	CORN FOR DUCKS AT PARK	60.50	RECREATION SUPPLIES - O	201.201.242		600015254	078824	P	545	00069
HAWKINS INC	CHEMICALS	11,781.17	CHEMICALS & GASES	601.601.240		6612815	230220	P	545	00070
HDR ENGINEERING INC	WASTEWATER IMPROVEMENTS	31,302.75	2019 WW IMPROVEMENTS PHA	611.611.332		1200551948	021019	P	545	00071
	WASTEWATER IMPROVEMENTS	61,778.75	EDA PROJECT (GRANT)	611.611.323		1200551954	022828	P	545	00073
	WASTEWATER IMPROVEMENTS	56,820.27	2019 WW IMPROVEMENTS PHA	611.611.332		1200560273	021019	P	545	00072
	WASTEWATER IMPROVEMENTS	64,503.56	EDA PROJECT (GRANT)	611.611.323		1200560280	022828	P	545	00074
		214,405.33	*VENDOR TOTAL							
INLAND TRUCK PARTS CO.	PARTS	1,787.61	GARAGE PARTS	801.801.249		1447346	024193	P	545	00075
KLEINS TREE SERVICE	MOWING - NUISANCE	200.00	ABATEMENT	101.106.204		2067	023260	P	545	00079
KLJ ENGINEERING LLC	ENGINEERING-AIRPORT	19,688.28	DESIGN/CONST NORTH TAXIW	502.511.390		10197672	024153	P	545	00083
KNIFE RIVER - SOUTH DAKO	ROAD MATERIALS	102.34	OPEN ASPHALT	506.572.376		431812	024145	P	545	00080
	ROAD SAND	694.87	SNOW & ICE CHEMICALS	101.123.241		432676	024144	P	545	00081

Schedule of Bills

VENDOR NAME	DESCRIPTION	AMOUNT	ACCOUNT NAME	FUND & ACCOUNT	CLAIM	INVOICE	PO#	F/P	ID	LINE
KNIFE RIVER - SOUTH DAKO	ASPHALT	548.68	OPEN ASPHALT	506.572.376		433982	024182	P	545	00078
	ASPHALT	627.80	OPEN ASPHALT	506.572.376		435322	024183	P	545	00077
	ASPHALT	452.36	OPEN ASPHALT	506.572.376		435323	024184	P	545	00076
		2,426.05	*VENDOR TOTAL							
KOLETZKY IMPLEMENT INC	GARAGE PARTS	480.40	GARAGE PARTS	801.801.249		57659-01	024150	P	545	00082
MEAD LUMBER	FIRE STATION SHELTER	9,399.57	EQUIPMENT	101.114.350		9819710	235605	P	545	00085
MICHAELS FENCE CO	REPAIRS-TRANSFER STATION	1,328.20	BUILDING REPAIR & MAINT.	637.637.223		87895	024151	P	545	00088
MIDWEST ALARM COMPANY IN	ALARM TESTING	328.00	PROFESSIONAL SERVICES &	637.637.202		357875	024146	P	545	00087
	SECURITY ALARM MONITOR	76.85	PROFESSIONAL SERVICES	101.101.202		358945	022135	P	545	00089
		404.85	*VENDOR TOTAL							
MILLENIUUM RECYCLING	SINGLE STREAM FEE	2,214.45	CONTRACTED SERVICE-MILLE	631.631.204		48118	024188	P	545	00084
MYERS TIRE - KANSAS CITY	PARTS	1,240.67	GARAGE PARTS	801.801.249		31613935	024129	P	545	00086
OFFICE OF WEIGHTS & MEAS	ANNUAL SCALE INSPECTION	103.00	PROFESSIONAL SERVICES &	637.637.202		D2445006	024178	P	545	00090
OVERHEAD DOOR CO	DOOR REPAIR	145.25	REP. & MAINT. - BUILDING	801.801.223		84387	024147	P	545	00091
POSTERICK/MARK	WINTERIZING POOL	600.00	REP. & MAINT. - BUILDING	202.202.223		001	081035	P	545	00092
PRESS DAKOTA MSTAR SOLUT	LEGAL NOTICE	15.04	PUBLISHING	101.101.211		148514	024093	P	545	00102
	MINUTES	23.04	PUBLISHING	101.101.211		148820	024094	P	545	00093
	MINUTES	397.49	PUBLISHING	101.101.211		148821	024094	P	545	00094
	LEGAL NOTICE - AUCTION	32.00	PUBLISHING	101.104.211		148966	024081	P	545	00101
	LEGAL NOTICE	15.36	PUBLISHING	101.101.211		148973	024160	P	545	00103
	LEGAL NOTICE-LIQUOR BID	60.48	PUBLISHING	101.101.211		149069	024084	P	545	00100
	LEGAL NOTICE	15.68	PUBLISHING	101.101.211		149071	024160	P	545	00104
	MINUTES	242.88	PUBLISHING	101.101.211		149206	024086	P	545	00099
	LEGAL NOTICE - AUCTION	8.48	PUBLISHING	101.104.211		149207	024087	P	545	00098
	LEGAL NOTICE	21.60	PUBLISHING	101.106.211		149233	023254	P	545	00097
	LEGAL NOTICE	16.32	PUBLISHING	101.101.211		149362	024088	P	545	00095
	LEGAL NOTICE	16.32	PUBLISHING	101.101.211		149363	024088	P	545	00096
		864.69	*VENDOR TOTAL							

Schedule of Bills

VENDOR NAME	DESCRIPTION	AMOUNT	ACCOUNT NAME	FUND & ACCOUNT	CLAIM	INVOICE	PO#	F/P	ID	LINE
RIVER DISTRICT COUNSELIN	NEW HIRE SCREEN	350.00	PROFESSIONAL SERVICES	101.111.202		2370	231565	P	545	00105
SANITATION PRODUCTS INC	CYLINDER	6,911.19	REP. & MAINT. - ROLL CAR	631.631.222		87021	024155	P	545	00112
	PARTS	2,538.05	GARAGE PARTS	801.801.249		87302	024175	P	545	00106
		9,449.24	*VENDOR TOTAL							
SHARE CORP	SUPPLIES	265.95	REP. & MAINT. - BUILDING	801.801.223		242737	024148	P	545	00109
	WORK LIGHT	215.76	SMALL TOOLS & HARDWARE	801.801.247		242737	024148	P	545	00110
	FREIGHT	40.79	REP. & MAINT. - BUILDING	801.801.223		242737	024148	P	545	00111
		522.50	*VENDOR TOTAL							
SHUR-CO	TARPS	75.35	GARAGE PARTS	801.801.249		1199227	024154	P	545	00113
SIGN SOLUTIONS	TRAFFIC SIGNS	905.42	ROAD MATERIALS	101.123.239		408880	024138	P	545	00108
SOUTH DAKOTA STATE TREAS	LICENSE TRANSFER	75.00	DUE TO OTHER GOVERNMENTS	101.2051		RW-7574	024167	P	545	00107
TMA	TIRES	12,815.76	GARAGE PARTS	801.801.249		135697	024139	P	545	00122
	TIRES	4,691.20	GARAGE PARTS	801.801.249		136084	024141	P	545	00121
	TIRES	5,175.00	GARAGE PARTS	801.801.249		136085	024140	P	545	00120
	TIRES	6,607.36	GARAGE PARTS	801.801.249		136305	024143	P	545	00119
	TIRES	285.00	GARAGE PARTS	801.801.249		209825	024142	P	545	00118
		29,574.32	*VENDOR TOTAL							
TRANSOURCE	ACCELERATOR PEDAL	2,002.00	GARAGE PARTS	801.801.249		41W10955	024133	P	545	00114
	WHEEL LOADERS	910.00	GARAGE PARTS	801.801.249		41W11365	024132	P	545	00115
		2,912.00	*VENDOR TOTAL							
TRUCK TRAILER SALES INC	PUMP	5,826.91	GARAGE PARTS	801.801.249		3608-224	024135	P	545	00127
	PARTS	2,628.42	GARAGE PARTS	801.801.249		3725-225	024189	P	545	00117
	PARTS	271.75	GARAGE PARTS	801.801.249		42472	080045	P	545	00124
	PARTS	77.25	GARAGE PARTS	801.801.249		42491	024137	P	545	00125
	PUMP	1,255.75	GARAGE PARTS	801.801.249		42587	024136	P	545	00126
		10,060.08	*VENDOR TOTAL							
TWO WAY SOLUTIONS INC	RADIO PROGRAMMING	2,128.94	REP. & MAINT. - EQUIPMEN	101.111.221		129597	231564	P	545	00123
	PAGERS	1,952.00	EQUIPMENT	101.123.350		131046	024192	P	545	00116
		4,080.94	*VENDOR TOTAL							

Schedule of Bills

VENDOR NAME DESCRIPTION	AMOUNT	ACCOUNT NAME	FUND & ACCOUNT	CLAIM	INVOICE	PO#	F/P ID LINE
UTILITY EQUIPMENT COMPAN PUMP	306.19	GARAGE PARTS	801.801.249		50059529	024179	P 545 00128

Schedule of Bills

VENDOR NAME	AMOUNT	ACCOUNT NAME	FUND & ACCOUNT	CLAIM	INVOICE	PO#	F/P ID LINE
DESCRIPTION							
REPORT TOTALS:	697,403.04						

RECORDS PRINTED - 000128

Schedule of Bills

FUND RECAP :

FUND	DESCRIPTION	DISBURSEMENTS
101	GENERAL FUND	44,411.24
201	PARKS AND RECREATION	548.83
202	HUETHER FAMILY AQUATICS CTR	600.00
323	REVENUE REFUNDING BONDS 2019	191,582.61
502	AIRPORT CAPITAL	19,688.28
503	PARK CAPITAL	153.30
506	SPECIAL CAPITAL IMPROV	1,731.18
601	WATER OPERATION	13,513.00
611	WASTE WATER OPERATION	224,404.45
631	SOLID WASTE	35,811.42
637	JOINT POWER	38,247.01
801	CENTRAL GARAGE	126,711.72
TOTAL ALL FUNDS		697,403.04

BANK RECAP :

BANK	NAME	DISBURSEMENTS
1DAK	FIRST DAKOTA NAT'L BANK CORP	697,403.04
TOTAL ALL BANKS		697,403.04

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

DATE APPROVED BY

.....

.....



OFFICE OF THE CITY MANAGER

www.cityofyankton.org

VOL. 58 NUMBER 22

Commission Information Memorandum

The Yankton City Commission meeting on Monday, November 27, 2023 will begin at 7:00 pm.

Non-Agenda Items of Interest

1) Finance Department Update

The monthly utility bills were mailed out on November 17 along with the notice of rate increase that took effect November 1st. A Spanish version of the notice was also included. Solid waste rate increased from \$23.61 to \$26.00 plus tax per month. Sewer surcharge increased from \$17.53 to \$23.84 base amount per month.

License renewals continue. Two renewal applications for Medical Cannabis Dispensary Business License have been received – each from current holders Green Machine, Inc. and Genesis Farms. We will conduct annual checks with police, fire, and community development to ensure compliance plus retrieve the \$3,000 renewal fee.

Newly hired Deputy Finance Officer Raelle Hummel joins us December 4th.

Finance Office personnel will be participating in the annual municipal election training webinars conducted by the Secretary of State's Office. There are six webinars scheduled during December and January to provide city personnel with training on current laws and procedures covering the 2024 election cycle.

Please see the enclosed monthly Finance Report.

2) Parks & Recreation Department Update

Enclosed in your packet is an update on the various activities in the Parks & Recreation Department.

3) Human Resources & Employee Engagement Department Update

We are accepting applications for full time Police Officers and Sanitation Truck Operator. These positions will remain open until they are filled. Interested applicants can visit cityofyankton.org (click on Employment tab) or contact the Human Resource Department.

We continue to accept applications for Part Time Lifeguard and Water Safety Instructors for the Summit Activities Center/Parks and Recreation Department.

The City of Yankton November's presentation by Well 365 out of Sioux Falls focused on Healthy Holiday Eating. The holidays are coming and the gift no one wants are those extra pounds associated with holiday eating. Fortunately, there are several ways to avoid the dreaded holiday weight gain

while also enjoying the holidays. The presentation was distributed to staff during the third week of the month.

The City of Yankton Employee Christmas Party is scheduled for Friday, December 1 at Meridian Venue in the Meridian District.

4) Library Update

Each month our outreach team delivers books (and cheer!) to roughly 50 homebound patrons in homes and assisted living facilities throughout the community. Each new outreach patron visits with our staff and tells them exactly what they like to read and what they would like brought to them, and on the first Wednesday of each month our staff delivers! Over the years, our outreach patrons have consistently expressed gratitude for getting new reading materials from our friendly staff. We currently deliver to ten different homes and facilities, but we are always willing to take on new patrons within our service area!

Additionally, we have volunteers that help us with outreach to area daycares. We currently deliver a tote of books and read a couple of stories to four daycares bi-weekly. We love to be able to provide this service and bring additional reading to the kids and support to our daycare workers in town. We are thankful to our awesome volunteers who help to make this service possible. Any daycare providers within our service area that are interested in being added to this list can give the library a call.

5) Information & Technology Services Department Update

New desktops have been installed in City Hall and we are working on upgrading the technology for Meeting Room B. We plan to add a TV, computer and peripherals similar to the setup for Meeting Room A. The installation of internet to the radio building has been completed. We will be working with the radio vendor to update the monitoring system to use the internet vs. the microwave equipment that failed. The transition of the safety center to new MIDCO phone service is nearly complete. The transition was fairly smooth with just a few minor issues to resolve in the coming days. We received good news for electrical gear for City Hall. The panels have been delivered and the project will be started yet this fall.

6) Public Works Department Update

With the recent milder weather, Street Department crews have been able to resume fall maintenance operations which includes crack filling on asphalt streets throughout the community. Crews have also been transferring yard waste from the drop off pile to the compost pad at the transfer station.

2023 Projects

3rd Street & Green Street Reconstruction: The 3rd & Green project is complete, except for the seeding. The subcontractor has asked to delay the seeding until next spring as they prefer not to dormant seed.

Elm Street from 20th Street to 21st Street: All of the utility and concrete work is done for this project. There are minor items remaining, such as grading, landscape rock replacement, and seeding. It sounds as if the contractor will be working to accomplish all this prior to the weather changing.

2024 Projects

Staff has already been working on plans and specifications for the 2024 city projects, which include:

- 8th Street from Burleigh Street to Ferdig Avenue – Project scope includes replacement of water and sewer utilities. The asphalt rural road section will be replaced with a concrete urban section which will include curb and gutter.
- 21st Street Reconstruction from West City Limits Road (WCLR) to Summit Street – This project includes water main replacement from WCLR to Kellen Gross Drive. The street replacement is from WCLR to Summit. A concrete surface will replace the existing asphalt.
- Cedar Street Parking Lot & Alley Replacement – The public parking lot and alley (from 4th St. to 5th St., between Broadway Ave. and Cedar St.) will be reconstructed with concrete. Storm sewer will be installed to improve the drainage in this area.
- Spruce Street from 3rd to 4th and 3rd Street from Spruce to Park – This will be a complete replacement of street, water and sanitary sewer. Engineering is working with Environmental Services to determine the extent of work needed.
- Cedar Street from 2nd to 4th – This project is a street reconstruction with water replacement.

Staff have also been reviewing plans for new development and expect there to be more in the coming months.

7) Community & Economic Department Update

Two electronic stream gauges and six static staff gauges have been installed along Marne Creek in partnership with the South Dakota Department of Agriculture & Natural Resources and the South Dakota Geologic Survey. The project was a cooperative effort of Community and Economic Development and Public Works. You will recall that this project was partially funded by a grant from the James River Water Development District. The stream gauges have an immediate benefit of providing real-time information about creek conditions to first responders and citizens via National Weather Service. Long term, the gauges are an investment in better data for future floodplain mapping. You can see the live gauge readings at <https://water.weather.gov/ahps/>.

8) Environmental Services Department Update

Representatives from HDR, John T. Jones, Tnemec Industrial Coatings, and Mongan Painting will be onsite to evaluate the condition of the digestors. This is part of the CMAR process and constructability reviews being completed by the CMAR team. John T. Jones (JTJ) had identified the digester repairs in its risk assessment and determined the need for additional evaluation to minimize risk. Minimizing risk allows the contractor to establish a lower guaranteed maximum price. JTJ is continuing to review early plans and complete the risk assessments.

Staff continue to work with HDR to evaluate project priorities. HDR is also working with AquaNereda to evaluate and model the aerobic granular sludge (AGS) technology. JTJ is also doing constructability and cost reviews on the AGS process. Aerobic granular sludge offers some benefits over conventional activated sludge. The biological treatment is accomplished in one aeration step, smaller footprint, energy savings, robust system, and lower life cycle cost are all potential benefits. The CMAR team is currently completing a comprehensive cost comparison between equipment replacement and upgrades to our current activated sludge process vs. an activated granular sludge process.

9) Police Department Update

We continue to have open positions in the Police Department and are working on stepping up our recruiting game. Commander Rothenberger and Brooke Hansen took a trip to Wayne State College to do some recruiting. Commander Rothenberger advised that shortly after arriving back in Yankton he received a call about one of the individuals he spoke with doing a ride along. We will also be recruiting at Mount Marty University later this month.

Officer Brett Craig graduated from LET on 11/17/2023. He is done with all his training and will be working at nights.

DARE graduations have begun. We celebrated the hard work of 5th graders at Beadle Elementary School on November 16 and Sacred Heart Elementary on November 17. We will have more graduations later this month and finish teaching DARE for the year next semester. It is great to see all the hard work that these students put into this program.

We thank staff for all their hard work this year and are appreciative of the ones working the upcoming holiday.

10) Fire Department Update

Chief Linke and eight volunteers attended a conference in Sioux Falls last weekend. The one day conference was led by the Pheasant Country Fraternal Order of Leatherheads Society and highlighted the importance of leadership at all levels of the fire service and the critical aspects of flowing water at structure fires. The instructors were L Jay Geist from Garden City, Kansas and Kyle Romagus from East Montgomery County, Texas. Both men are well-known regionally and nationally as experts in their particular subject matters.

Two assessors from other agencies will be assisting Chief Linke this week with officer selection. The assessors are in the fire service and have experience with volunteer leadership. The intent of using assessors as part of the process is to reduce bias and nepotism in selection. There are three candidates for an open Volunteer Assistant Chief position and five candidates for a Captain position. Assessors will ask candidates scenario-based questions designed to identify character, competence, command presence, and collaboration behaviors. The interview/assessment is one part of the process; candidates will also be scored on qualifications and from a local consensus group. Candidates will be offered open positions in rank order.

11) Monthly reports

The Joint Powers Solid Waste Authority monthly report is included for your review. Also included are the notes from the Airport Advisory Board.

Have an enjoyable weekend and do not hesitate to contact us if you have any questions about these or other issues. If you will not be able to attend the Commission meeting on Monday, please inform my office.

Sincerely,

Amy Leon
City Manager

FINANCE MONTHLY REPORT

ACTIVITY	OCTOBER 2023	OCTOBER 2022	OCT 2023 YTD	OCT 2022 YTD
UTILITY BILLING:				
Water				
Water Sold (in gallons per 1,000)	83,710 M	83,019 M	658,302 M	668,712 M
Water Billed	\$777,236.11	\$772,427.09	\$6,549,339.95	\$6,577,851.54
Basic Water Fee/Rate per 1000 ga	\$27.51/6.30	\$27.51/6.30		
Number of Accounts Billed	5,762	5,724	56,261	55,721
Number of Bills Mailed	5,762	5,724	56,261	55,721
Total Meters Read	6,000	5,950	59,798	59,246
Meter Changes/pulled	7	1	67	51
Total Days Meter Reading	1	1	10	10
Misreads found prior to billing	0	0	0	0
Customers requesting Rereads	0	0	0	0
Sewer				
Sewer Billed	\$422,955.18	\$391,532.29	\$4,014,728.72	\$3,726,501.72
Basic Sewer Fee/Rate per 1000 ga	\$17.53/\$6.80	\$11.22/\$6.80		
Solid Waste				
Solid Waste Billed	\$110,856.84	\$110,202.50	\$1,103,026.17	\$1,094,409.74
Basic Solid Waste Fee	\$23.61	\$23.61		
Tax Billed	\$6,841.41	\$7,127.13	\$70,023.49	\$70,764.84
Misc. Billed	\$630.00	\$510.00	\$11,698.40	\$12,120.00
Total Utility Billing:	\$1,318,519.54	\$1,281,799.01	\$11,748,816.73	\$11,481,647.84
Adjustment Total:	(\$230.00)	(\$614.89)	(\$1,527.60)	(\$3,661.91)
Misread Adjustments	\$0.00	\$0.00	\$0.00	\$0.00
Other Adjustments	\$0.00	\$5.11	(\$787.60)	(\$2,381.91)
Penalty Adjustments OFF	(\$290.00)	(\$680.00)	(\$1,210.00)	(\$1,500.00)
Penalty Adjustments ON	\$60.00	\$60.00	\$470.00	\$220.00
New Accounts/Connects	37	56	791	777
Accounts Finaled/Disconnects	121	98	515	593
New Accounts Set up	6	2	44	43
Delinquent Notices	464	522	3,913	3,954
Doorknockers	149	150	1,430	1,393
Delinquent Call List	104	92	989	671
Notice of Termination Letters	6	14	92	102
Shut-off for Non-payment	6	7	55	54
Delinquent Notice Penalties	\$4,640.00	\$5,220.00	\$39,130.00	\$39,540.00
Doorknocker Penalties	\$1,490.00	\$1,500.00	\$14,300.00	\$13,930.00
Other Office Functions:				
Interest Income	\$247,942.22	\$147,796.58	\$2,283,963.56	\$702,751.28
Interest Rate-Checking Account	5.66%	3.44%		
Interest Rate-CDs	N/A	N/A		
# of Monthly Vendor Checks	132	108		
Payments Issued to Vendors	\$3,351,299.08	\$5,893,357.99	\$33,089,501.57	\$29,767,218.16
# of Employees on Payroll	190	188		
Monthly Payroll	\$529,049.03	\$497,343.43	\$6,343,045.04	\$5,720,282.25

Commission Information Memorandum

PARKS AND RECREATION DEPARTMENT

SUMMIT ACTIVITIES CENTER and RECREATION PROGRAMS

Summit Activities Center Membership Information:

	Members			Memberships
	Current	Last	Change	Current
○ Active & Fit/Renew Active/Silver Sneakers	153	151	2	153
○ Adult Annual	121	139	-18	121
○ Adult Annual plus 1	18	16	2	9
○ Adult Annual plus 2	3	0	3	1
○ Adult Annual plus 3	0	4	-4	0
○ Adult Annual plus 4	5	5	0	1
○ Adult Annual plus 5	6	0	6	1
○ Adult Annual plus 6	0	0	0	0
○ Adult EFT	35	34	1	35
○ Adult EFT plus 1	16	16	0	8
○ Adult EFT plus 2	3	0	3	1
○ Adult EFT plus 3	8	8	0	2
○ Adult EFT plus 4	5	5	0	1
○ Adult EFT plus 5	0	0	0	0
○ Adult EFT plus 6	0	0	0	0
○ Adult Monthly	100	89	11	100
○ Adult Monthly plus 1	42	32	10	21
○ Adult Monthly plus 2	18	15	3	6
○ Adult Monthly plus 3	12	20	-8	3
○ Adult Monthly plus 4	15	15	0	3
○ Adult Monthly plus 5	0	0	0	0
○ Adult Monthly plus 6	0	0	0	0
○ City of Yankton Single	63	61	2	63
○ Firefighter Single	19	19	0	19
○ 10 Use Punch card	38	33	5	38
○ Radio	41	41	0	41
○ Youth Annual	44	47	-3	44
○ Youth EFT	0	0	0	0
○ Youth Monthly	98	98	0	98
Total # of Active	863	848	15	769

- Mid-February 2023- total memberships, which were all individual, peaked at 861.
 - Last year at the end of November, we had 770 active memberships, which were all individual.
 - In November of 2019 (pre-pandemic), we had 1,098 memberships and 2,074 members.
- Attendance – 2,376 (2,376 SAC; no GL numbers at time of this report) compared to 3,393 (2,275 SAC; 1,118 GL) in 2022
- Total Cash Revenue at the SAC 11/1-15/23 – \$20,420.31 compared to \$14,925.94 in 2022
- Great Life Reimbursement Payment:
 - October 2023: \$3,442.50 (\$2,542.50 – October 2022)

Friday, October 10, 2023

- **Men’s Basketball League Registrations Due**
 - Teams – 10 (2022 – 9)

Friday, November 10, 2023

- **Veteran’s Day – City Holiday**
- **No Fitness Classes**
- **No School Special 1:00-5:00 PM**
 - Participants – 37 paid, members free.

Saturday, November 11 & Sunday November 12, 2023

- **SAC Pool closed for Yankton Swim Team Invitational**
- **No Water Aerobics on Saturday, November 11**

November 1-15, 2023

- **Day Pass Mailers used – 13. (26 total for this campaign)**

Additional SAC Information for last half of month:

- **Aqua Zumba**
 - Participation – 51 Participants
- **Barre**
 - Participation – 11 Participants
- **Power Abs**
 - Participation – 27 Participants
- **Power Yoga**
 - Participation – 25 Participants

- **Prime Time Senior Class**
 - Participation – 78 Participants
- **Strength & Flexibility**
 - Participation – 35 Participants
- **Tabata**
 - Participation – 26 Participants
- **Trim & Tone**
 - Participation – 21 Participants
- **Turbo Kick**
 - Participation – 10 Participants
- **Wake UP**
 - Participation – 33 Participants
- **Water Aerobics Classes**
 - Participation – 82 Participants
- **Work Out Express Class**
 - Participation – 3 Participants
- **Yoga**
 - Participation – 29 Participants
- **Zumba**
 - Participation – 29 Participants
- **Zumba Gold**
 - Participation – 55 Participants
- **Zumba Toning**
 - Participation – 2 Participants
- **Birthday Party Rentals**
 - Participation – 3 Birthday Parties
- **Private Pool Party Rentals**
 - Hours Rented – 0 Hours
- **Auxiliary/Main Gym Rentals**
 - Hours Rented – 13 Hours

- **Theater Rentals**
 - Hours Rented – 32 Hours
- **Meeting Rooms**
 - Hours Rented – 0 Hours
- **City Hall Rentals**
 - Hours Rented – 10 Hours
- **Capital Building Rentals**
 - Days Rented – 2
- **Park Shelters**
 - Riverside - 0 Rentals
 - Memorial – 0 Rentals
 - Westside – 0 Rental
 - Meridian Bridge – 0 Rental

PARKS

The City has not received final notification on the status of the Land, Water, Conservation Fund grant for resurfacing the courts in Westside Park and converting them into pickleball courts. The proposal has been approved by the state of South Dakota and now needs approval from the National Parks Service. The amount of the award will be \$34,000 should it be approved. The State has informed me it will probably be late winter before we are notified of approval from the NPS.

The City will work with the Yankton Optimist Club to have a Santa House for children's activities located at the Capitol Building in Riverside Park this December on a few weekends. Details are being worked out. Decorating the outside of the Capitol Building is also planned.

The Parks Staff have started placing the holiday snowflakes, holiday banners, and the garland with bows along Broadway. They will be wrapping the light poles with lights in the Meridian District. They will also be working on decorations on the outside of the Capitol Building in Riverside Park.

The lights in the Walnut Street corridor between 4th Street and 2nd Street that are up-lights for the trees have been adjusted to the color of red for the Holiday Festival of Lights.

The Parks staff placed posts around the Veteran's monument in Fantle Memorial Park. Veteran's biographies were placed on the posts for Veteran's Day weekend.

Luke has started to plan for the 2023 Holiday Festival of Lights. The theme is “A Frosty Evening.”

2023-2024 City of Yankton Ash Tree Removal (EAB)

2017-18	6 ROW 9 Cemetery 14 Parks
2018-19	30 ROW 70 Parks 102 Dog Park South Tree Line
2019-20	123 ROW 31 Fox Run Golf Course
2020-21	93 ROW 100 Auld Brokaw Trail
2021-22	94 ROW 49 Fox Run Golf Course
2022-23	39 ROW (Bad winter for removal)
2023-24	56 ROW (Estimate before letters sent out to homeowners) 10 Fox Run Golf Course

Approximately 826 ash removed.

Less than 200 left.

20 Homeowners want to treat ROW ash trees when EAB arrives in our area.

Joint Powers Solid Waste Authority
Financial Report Thru October 31, 2023

Description	Yankton Transfer	Vermillion Landfill	Total Joint	10 Month Budget	Legal 2023 Budget
Joint Power Transfer/Landfill					
<i>Total Revenue</i>	\$1,562,778.40	\$980,945.66	\$2,543,724.06	\$1,965,500.00	\$2,358,600.00
<i>Expenses:</i>					
Personal Services	336,435.95	338,901.42	675,337.37	700,023.33	840,028.00
Operating Expenses	220,076.54	511,675.41	731,751.95	884,877.50	1,061,853.00
Depreciation (est)	165,457.90	220,444.00	385,901.90	379,746.67	455,696.00
Trench Depletion	0.00	263,533.41	263,533.41	191,666.67	230,000.00
Closure/Postclosure Resrv	0.00	11,320.56	11,320.56	21,666.67	26,000.00
Amortization of Permit	0.00	1,821.67	1,821.67	1,250.00	1,500.00
<i>Total Operating Expenses</i>	721,970.39	1,347,696.47	2,069,666.86	2,179,230.83	2,615,077.00
<i>Non Operating Expense-Interest</i>	6,122.46	73,960.79	80,083.25	61,217.50	73,461.00
<i>Landfill Operating Income</i>	834,685.55	(440,711.60)	393,973.95	(274,948.33)	(329,938.00)
Joint Recycling Center					
<i>Total Revenue</i>	0.00	56,225.28	56,225.28	87,916.67	105,500.00
<i>Expenses:</i>					
Personal Services	0.00	200,777.59	200,777.59	218,410.83	262,093.00
Operating Expenses	0.00	112,979.76	112,979.76	111,250.00	133,500.00
Depreciation (est)	0.00	40,520.00	40,520.00	31,666.67	38,000.00
<i>Total Operating Expenses</i>	0.00	354,277.35	354,277.35	361,327.50	433,593.00
<i>Non Operating Expense-Interest</i>	0.00	0.00	0.00	0.00	0.00
<i>Recycling Operating Income</i>	0.00	(298,052.07)	(298,052.07)	(273,410.83)	(328,093.00)
<i>Total Operating Income</i>	\$834,685.55	(\$738,763.67)	\$95,921.88	(\$548,359.17)	(\$658,031.00)
Tonage in Trench:	10/31/2022	10/31/2023			
Asbestos	96.03	60.09	60.09	41.67	50.00
Centerville	262.63	325.93	325.93	916.67	1,100.00
Clay County Garbage	14,575.25	15,121.35	15,121.35	12,083.33	14,500.00
Elk Point	885.80	977.52	977.52	216.67	260.00
Yankton County Garbage	21,069.63	21,249.87	21,249.87	19,916.67	23,900.00
<i>Total Tonage in Trench</i>	36,889.34	37,734.76	37,734.76	33,175.00	39,810.00
Operating Cost per ton			\$54.85	\$67.53	\$67.53

This report is based on the following:

Revenue accrual thru October 31, 2023

Expenses cash thru October 31, 2023 with November bills

Joint Powers Solid Waste Authority
Financial Report Thru October 31, 2023

Description	Yankton Transfer	Vermillion Landfill	Total Joint	10 Month Budget	Legal 2023 Budget
Source of Funds					
<i>Beginning Balance</i>	\$262,149.47	\$2,536,832.00	\$2,798,981.47	\$2,798,981.47	\$2,798,981.47
<i>Operating Revenue:</i>					
Net Income	834,685.55	(738,763.67)	95,921.88	(548,359.17)	(658,031.00)
Depreciation	165,457.90	260,964.00	426,421.90	411,413.33	493,696.00
Trench Depletion	0.00	263,533.41	263,533.41	191,666.67	230,000.00
Amortization of Permit	0.00	1,821.67	1,821.67	1,250.00	1,500.00
<i>Non Operating Revenue:</i>					
Grant	0.00	0.00	0.00	0.00	0.00
Loan Proceeds	0.00	0.00	0.00	1,250,000.00	1,500,000.00
Contributed Capital	0.00	3,756.00	3,756.00	4,166.67	5,000.00
Sale Proceeds	0.00	0.00	0.00	0.00	0.00
Comp. for Loss & Damage	1,973.69	0.00	1,973.69	0.00	0.00
Fire Related Expenses	0.00	0.00	0.00	0.00	0.00
Interest	0.00	86,689.14	86,689.14	4,166.67	5,000.00
<i>Cash Flow Transfer:</i>					
Joint Power Transfer/Landfill	(744,893.08)	744,893.08	0.00	1,450,000.00	1,740,000.00
Joint Recycling Center	0.00	0.00	0.00	0.00	0.00
Total Funds Available	519,373.53	3,159,725.63	3,679,099.16	5,563,285.64	6,116,146.47
Application of Funds Available					
<i>Joint Power Transfer/Landfill</i>					
Equipment	394,322.80	44,409.51	438,732.31	468,333.33	562,000.00
Trench	0.00	0.00	0.00	0.00	0.00
Closure/Postclosure Cash Res.	0.00	11,320.56	11,320.56	21,666.67	26,000.00
<i>Joint Recycling Center</i>					
Equipment	0.00	49,286.50	49,286.50	78,333.33	94,000.00
<i>Payment Principal</i>	66,853.16	97,803.24	164,656.40	289,940.83	347,929.00
<i>Appropriation to Reserve</i>	0.00	0.00	0.00	0.00	0.00
Total Applied	461,175.96	202,819.81	663,995.77	858,274.17	1,029,929.00
Ending Balance	\$58,197.57	\$2,956,905.82	\$3,015,103.39	\$4,705,011.47	\$5,086,217.47

Joint Power Transfer/Landfill Description	Yankton Transfer	Vermillion Landfill	Total Joint	10 Month Budget	Legal 2023 Budget
<i>Revenue: (accrual)</i>					
Asbestos	\$0.00	\$3,905.90	\$3,905.90	\$5,000.00	\$6,000.00
Elk Point	0.00	54,252.64	54,252.64	52,000.00	\$62,400.00
Centerville	0.00	18,089.29	18,089.29	11,666.67	14,000.00
Beresford	0.00	0.00	0.00	0.00	0.00
Clay County Garbage	0.00	874,886.43	874,886.43	687,500.00	825,000.00
Compost-Yd Waste-Wood	0.00	6,660.87	6,660.87	7,916.67	9,500.00
Contaminated Soil	0.00	4,746.53	4,746.53	6,250.00	7,500.00
White Goods	0.00	2,068.30	2,068.30	5,000.00	6,000.00
Tires	0.00	15,052.20	15,052.20	8,333.33	10,000.00
Electronics	0.00	983.50	983.50	5,000.00	6,000.00
Other Revenue	4,353.32	300.00	4,653.32	4,250.00	5,100.00
Cash long	(197.21)	0.00	(197.21)	0.00	0.00
Rubble	54,700.02	0.00	54,700.02	43,333.33	52,000.00
Transfer Fees	1,494,776.93	0.00	1,494,776.93	1,125,000.00	1,350,000.00
Metal	9,145.34	0.00	9,145.34	4,166.67	5,000.00
Other Operational - Solid Waste	0.00	0.00	0.00	83.33	100.00
Total Revenue	1,562,778.40	980,945.66	2,543,724.06	1,965,500.00	2,358,600.00
<i>Expenses: (cash)</i>					
Personal Services	336,435.95	338,901.42	675,337.37	700,023.33	840,028.00
Insurance	23,259.48	19,131.04	42,390.52	27,773.33	33,328.00
Professional Service/Fees	35,968.26	73,688.68	109,656.94	158,333.33	190,000.00
Non Professional Fees	0.00	0.00	0.00	0.00	0.00
Processing- Reduction	0.00	22,159.10	22,159.10	10,000.00	12,000.00
State Fees	0.00	37,734.76	37,734.76	38,750.00	46,500.00
Professional - Legal/Audit	4,241.40	0.00	4,241.40	2,291.67	2,750.00
Publishing & Advertising	0.00	3,185.34	3,185.34	2,333.33	2,800.00
Rental	0.00	0.00	0.00	416.67	500.00
Hauling fee	0.00	0.00	0.00	0.00	0.00
Equipment repair	2,330.79	104,366.61	106,697.40	55,000.00	66,000.00
Motor vehicle repair	0.00	2,249.91	2,249.91	20,416.67	24,500.00
Vehicle fuel & maintenance	108,281.25	49,019.38	157,300.63	229,166.67	275,000.00
Equip, Mat'l & Labor	10,662.22	0.00	10,662.22	54,166.67	65,000.00
Building repair	3,886.82	10,125.40	14,012.22	20,000.00	24,000.00
Facility repair & maintenance	0.00	8,611.12	8,611.12	29,166.67	35,000.00
Postage	498.06	208.73	706.79	708.33	850.00
Office supplies	883.54	129.99	1,013.53	2,916.67	3,500.00
Copy supplies	174.26	132.12	306.38	312.50	375.00
Uniforms	476.95	2,910.88	3,387.83	6,250.00	7,500.00
Small Tools & Hardware	1,243.28	0.00	1,243.28	208.33	250.00
Travel & Training	0.00	1,827.85	1,827.85	3,750.00	4,500.00
Operating supply	0.00	142,740.87	142,740.87	152,166.67	182,600.00
Electricity	7,282.99	12,907.95	20,190.94	25,833.33	31,000.00
Heating Fuel - Gas	14,281.00	15,457.18	29,738.18	37,916.67	45,500.00
Water	3,263.58	1,425.50	4,689.08	3,000.00	3,600.00
WW service	2,498.34	0.00	2,498.34	1,083.33	1,300.00
Landfill	212.49	0.00	212.49	250.00	300.00
Telephone	631.83	3,663.00	4,294.83	2,666.67	3,200.00
Depreciation (est)	165,457.90	220,444.00	385,901.90	379,746.67	455,696.00
Trench Depletion		263,533.41	263,533.41	191,666.67	230,000.00
Closure/Postclosure Resrv		11,320.56	11,320.56	21,666.67	26,000.00
Amortization of Permit		1,821.67	1,821.67	1,250.00	1,500.00
Total Op Expenses	721,970.39	1,347,696.47	2,069,666.86	2,179,230.83	2,615,077.00

Joint Power Transfer/Landfill Description	Yankton Transfer	Vermillion Landfill	Total Joint	10 Month Budget	Legal 2023 Budget
<i>Non Operating Expense-Interest</i>	6,122.46	73,960.79	80,083.25	61,217.50	73,461.00
<i>Bond Issuance Costs</i>	0.00	23,000.00	\$23,000.00	0.00	10,000.00
<i>Operating Income (Loss)</i>	\$834,685.55	(\$463,711.60)	\$370,973.95	(\$274,948.33)	(\$339,938.00)
<i>Capital:</i>					
Capital Outlay	\$394,322.80	\$44,409.51	\$438,732.31	\$468,333.33	\$562,000.00
Landfill Development	0.00	1,258,128.83	1,258,128.83	1,311,666.67	\$1,574,000.00
Capital Lease	0.00	0.00	0.00	0.00	\$0.00
<i>Total Capital Expenditures</i>	\$394,322.80	\$1,302,538.34	\$1,696,861.14	\$1,780,000.00	\$2,136,000.00
<i>Grant Reimbursement</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>Federal Grant thru State</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>Equipment Sale Proceeds</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>Cash Flow Transfer</i>	(\$744,893.08)	\$744,893.08	\$0.00	\$0.00	\$0.00
<i>Tonage in Trench:</i>					
Asbestos		60.09	60.09	41.67	50.00
Centerville Garbage		325.93	325.93	916.67	1,100.00
Clay County Garbage		15,121.35	15,121.35	12,083.33	14,500.00
Elk Point		977.52	977.52	216.67	260.00
Yankton County Garbage		21,249.87	21,249.87	19,916.67	23,900.00
<i>Total Tonage in Trench</i>		37,734.76	37,734.76	33,175.00	39,810.00
Operating Cost per ton			\$54.85	\$67.53	\$67.53

Joint Recycling Center Description	Yankton Transfer	Vermillion Center	Total Joint	10 Month Budget	Legal 2023 Budget
<i>Revenue:</i>					
Tipping Fees	\$0.00	0.00	\$0.00	0.00	0.00
Metal/Tin	0.00	3,556.42	3,556.42	2,083.33	2,500.00
Plastic	0.00	12,944.00	12,944.00	12,500.00	15,000.00
Aluminum	0.00	13,573.61	13,573.61	13,333.33	16,000.00
Newsprint	0.00	3,156.60	3,156.60	7,500.00	9,000.00
Cardboard	0.00	22,157.33	22,157.33	41,666.67	50,000.00
High Grade Paper	0.00	0.00	0.00	4,166.67	5,000.00
Other Material	0.00	837.32	837.32	6,666.67	8,000.00
Contributions/Operating Grants	0.00	0.00	0.00	0.00	0.00
Total Revenue	0.00	56,225.28	56,225.28	87,916.67	105,500.00
<i>Expenses:</i>					
Personal Services	0.00	200,777.59	200,777.59	218,410.83	262,093.00
Insurance	0.00	4,058.64	4,058.64	2,000.00	2,400.00
Professional Service/Fees	0.00	1,904.61	1,904.61	416.67	500.00
Hazardous Waste Collection	0.00	55,593.10	55,593.10	41,666.67	50,000.00
Professional-Legal	0.00	0.00	0.00	0.00	0.00
Publishing & Advertising	0.00	456.55	456.55	1,250.00	1,500.00
Rental	0.00	0.00	0.00	0.00	0.00
Equipment repair	0.00	4,740.93	4,740.93	7,916.67	9,500.00
Vehicle repair & maintenance	0.00	395.56	395.56	583.33	700.00
Vehicle fuel	0.00	4,255.56	4,255.56	5,000.00	6,000.00
Building repair & maintenance	0.00	6,345.34	6,345.34	2,500.00	3,000.00
Postage	0.00	3.62	3.62	41.67	50.00
Freight	0.00	11,340.00	11,340.00	15,416.67	18,500.00
Office supplies	0.00	24.60	24.60	833.33	1,000.00
Uniforms	0.00	0.00	0.00	625.00	750.00
Materials Purchases	0.00	2,188.65	2,188.65	3,750.00	4,500.00
Travel & Training	0.00	1,903.80	1,903.80	1,666.67	2,000.00
Operating Supplies	0.00	4,747.94	4,747.94	8,333.33	10,000.00
Copy Supply	0.00	139.14	139.14	166.67	200.00
Electricity	0.00	4,823.94	4,823.94	5,416.67	6,500.00
Heating Fuel-Gas	0.00	4,909.95	4,909.95	4,166.67	5,000.00
Water	0.00	295.34	295.34	541.67	650.00
WW service	0.00	847.10	847.10	1,000.00	1,200.00
Telephone	0.00	625.88	625.88	708.33	850.00
Revenue Sharing	0.00	3,379.51	3,379.51	7,250.00	8,700.00
Depreciation (est)	0.00	40,520.00	40,520.00	31,666.67	38,000.00
Total Op Expenses	0.00	354,277.35	354,277.35	361,327.50	433,593.00
<i>Non Operating Expense-Interest</i>	0.00	0.00	0.00	0.00	0.00
Operating Income (Loss)	\$0.00	(\$298,052.07)	(\$298,052.07)	(\$273,410.83)	(\$328,093.00)
Capital Outlay	\$0.00	\$49,286.50	\$49,286.50	\$78,333.33	\$94,000.00
Grant Reimbursement/Donations	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Cash Flow Transfer	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

This report is based on the following:

Revenue accrual thru October 31, 2023

Expenses cash thru October 31, 2023 with November bills

2023 Joint Powers Total Operations Recap

Month	Yankton Transfer	Vermillion Landfill	Total	Total Tons	\$ per ton	Recycling			Yankton Operations	Vermillion Operations	Total Operations
						Yankton	Vermillion	Total			
January	54,907.34	(28,593.80)	26,313.54	3,011.04	52.80	0.00	(15,156.68)	(15,156.68)	54,907.34	(43,750.48)	11,156.86
February	21,977.75	(80,063.90)	(58,086.15)	2,658.23	89.93	0.00	(19,218.14)	(19,218.14)	21,977.75	(99,282.04)	(77,304.29)
Subtotal	76,885.09	(108,657.70)	(31,772.61)	5,669.27	70.21	0.00	(34,374.82)	(34,374.82)	76,885.09	(143,032.52)	(66,147.43)
March	33,691.86	(48,590.14)	(14,898.28)	3,332.59	58.66	0.00	(23,601.62)	(23,601.62)	33,691.86	(72,191.76)	(38,499.90)
Subtotal	110,576.95	(157,247.84)	(46,670.89)	9,001.86	71.10	0.00	(57,976.44)	(57,976.44)	110,576.95	(215,224.28)	(104,647.33)
April	81,960.57	(80,218.89)	1,741.68	3,692.82	64.60	0.00	(29,199.77)	(29,199.77)	81,960.57	(109,418.66)	(27,458.09)
Subtotal	192,537.52	(237,466.73)	(44,929.21)	12,694.68	69.20	0.00	(87,176.21)	(87,176.21)	192,537.52	(324,642.94)	(132,105.42)
May	134,887.39	5,913.41	140,800.80	4,563.34	39.16	0.00	(73,715.16)	(73,715.16)	134,887.39	(67,801.75)	67,085.64
Subtotal	327,424.91	(231,553.32)	95,871.59	17,258.02	61.26	0.00	(160,891.37)	(160,891.37)	327,424.91	(392,444.69)	(65,019.78)
June	104,751.28	(45,454.06)	59,297.22	4,127.29	54.90	0.00	(27,237.96)	(27,237.96)	104,751.28	(72,692.02)	32,059.26
Subtotal	432,176.19	(277,007.38)	155,168.81	21,385.31	60.03	0.00	(188,129.33)	(188,129.33)	432,176.19	(465,136.71)	(32,960.52)
July	110,405.65	946.95	111,352.60	4,272.15	42.38	0.00	(18,117.34)	(18,117.34)	110,405.65	(17,170.39)	93,235.26
Subtotal	542,581.84	(276,060.43)	266,521.41	25,657.46	56.76	0.00	(206,246.67)	(206,246.67)	542,581.84	(482,307.10)	60,274.74
August	110,090.59	580.25	110,670.84	4,359.09	42.15	0.00	(19,280.69)	(19,280.69)	110,090.59	(18,700.44)	91,390.15
Subtotal	652,672.43	(275,480.18)	377,192.25	30,016.55	54.64	0.00	(225,527.36)	(225,527.36)	652,672.43	(501,007.54)	151,664.89
September	90,017.34	(35,000.14)	55,017.20	3,754.61	53.24	0.00	(32,545.90)	(32,545.90)	90,017.34	(67,546.04)	22,471.30
Subtotal	742,689.77	(310,480.32)	432,209.45	33,771.16	54.48	0.00	(258,073.26)	(258,073.26)	742,689.77	(568,553.58)	174,136.19
October	98,118.24	(56,270.49)	41,847.75	3,963.60	57.95	0.00	(39,978.81)	(39,978.81)	98,118.24	(96,249.30)	1,868.94
Subtotal	840,808.01	(366,750.81)	474,057.20	37,734.76	554.85	0.00	(298,052.07)	(298,052.07)	840,808.01	(664,802.88)	176,005.13

City of Yankton Transfer Station
Landfill Tons

Date	City					Sub-Total	All Other	Total Transfer
	Compactors (577)	Janssen (547)	Arts (586)	Loren Fischer (648)	Kortan (673)			
January 2023	254.54	529.24	417.71	71.17	30.29	1,048.41	423.28	1,726.23
February 2023	215.76	507.35	405.54	55.01	29.26	997.16	375.85	1,588.77
March 2023	261.67	572.16	479.40	65.48	41.13	1,158.17	535.73	1,955.57
April 2023	257.22	574.36	540.02	58.16	34.50	1,207.04	855.06	2,319.32
May 2023	307.89	707.72	605.55	54.83	37.61	1,405.71	704.99	2,418.59
June 2023	289.17	725.31	588.72	73.13	51.19	1,438.35	672.85	2,400.37
July 2023	282.21	697.94	570.56	60.35	40.04	1,368.89	787.30	2,438.40
August 2023	317.79	709.74	626.74	82.60	44.69	1,463.77	678.89	2,460.45
September 2023	273.80	616.92	557.81	68.98	44.28	1,287.99	722.76	2,284.55
October 2023	278.15	669.66	623.57	50.45	38.01	1,381.69	656.53	2,316.37
2023 Total	2,738.20	6,310.40	5,415.62	640.16	391.00	12,757.18	6,413.24	21,908.62
January 2022	258.69	515.97	411.98	59.08	29.31	1,016.34	331.11	1,606.14
February 2022	217.91	548.02	370.93	67.84	29.20	1,015.99	304.16	1,538.06
March 2022	262.23	665.38	479.74	61.13	35.34	1,241.59	536.56	2,040.38
April 2022	249.31	581.31	446.18	65.70	36.42	1,129.61	682.08	2,061.00
May 2022	279.47	705.94	565.54	64.83	36.49	1,372.80	680.16	2,332.43
June 2022	284.91	790.62	532.96	55.20	45.33	1,424.11	664.58	2,373.60
July 2022	266.85	664.17	513.64	71.59	41.42	1,290.82	685.21	2,242.88
August 2022	299.82	727.50	588.65	62.56	36.52	1,415.23	650.07	2,365.12
September 2022	279.11	666.71	464.24	91.13	43.62	1,265.70	738.06	2,282.87
October 2022	257.32	657.02	481.32	78.30	32.91	1,249.55	571.62	2,078.49
November 2022	270.52	557.40	442.87	65.99	31.40	1,097.66	426.01	1,794.19
December 2022	246.35	517.11	401.13	63.76	37.87	1,019.87	377.63	1,643.85
2022 Total	3,172.49	7,597.15	5,699.18	807.11	435.83	14,539.27	6,647.25	24,359.01

City of Yankton
Airport Advisory Board Meeting Minutes
For
September 20th, 2023

The September 20th, 2023 Airport Advisory Board Meeting was called to order at 8:00AM by Chairman Jim Cox.

Roll call:

Present from the Airport Advisory Board: Jim Cox, Mary Boyer, Rick Daugherty, Jake Hoffner, Steve Hamilton, Dan Specht, and City Commission Representative Amy Miner

Present from the City of Yankton: Adam Haberman, Mike Roinstead and Brad Moser.

Joining from KLJ Engineering: Aaron Storm

Joining from Roger Wilco Aviation: John Halsted

Minutes from August 16th, 2023

23-16 MOTION -- It was moved by Hamilton and seconded by Daugherty to approve the minutes of the August 16th, 2023 Airport Advisory Board Meeting.

VOTE - Voting "Aye" - all members present. Voting "Nay" - none.

MOTION – PASSED

Monthly Fuel Report:

Mike Roinstead provided the monthly fuel report for August 2023. In August 2023, there were 98 transactions, totaling 6,251.6 gallons sold. For comparison, in August 2022, there were 96 transactions, totaling 6,185.80 gallons sold.

Staff Report:

Adam Haberman stated there has been a summer to fall maintenance transition and getting equipment ready for winter. Haberman also mentioned contacting the survey equipment company to see about mowing around the antennas.

Jake Hoffner gave a wonderful compliment to the staff at Chan Gurney Municipal Airport stating they do a great job with general maintenance and operations.

Jim Cox asked if hinges on overhead doors could get lubed. Haberman and Roinstead are looking into this request.

North Taxilane & Access Road Project Update:

Adam Haberman stated that all work that can get done has been completed. Still waiting on some electrical elements (signs and lights).

Aaron Storm, KLJ Engineering, stated there has been substantial completion of inspection items. The gate is still not operational, as adjustments need to be made to make it as smooth as it should

be. Storm also said the grass seed is taking and there remains one section of asphalt that needs to be replaced.

2023 Fly-In Breakfast Recap:

This year's fly-in breakfast was held on Sunday, September 17th, 2023. The event included 17 aircraft fly-ins and 470 guests. Overall, the breakfast was a great success and we look forward to next year's event!

Other Business:

There was some preliminary discussion around bringing a flight school and charter service plan (to rent) to YKN. Discussion will be added to the next meeting's agenda for a more in-depth conversation.

John Halsted, Roger Wilco Aviation, provided an update on his business. Halsted extended his appreciation to the City for the work done at the airport and stated he (Halsted) has researched all the things that were previously discussed and has ambitions for them all. Halsted continued stating he's getting a lot of business outside the City and has now hired a third mechanic. Additionally, Halsted is in discussion with an Ag Company that has 16 aircrafts that need service and is also working with the FAA regarding a repair station.

Adjournment:

23-17 MOTION –It was moved by Daugherty and seconded by Hoffner to adjourn the meeting.
VOTE – Voting "Aye" – all members present. Voting "Nay" – none.

Meeting adjourned at 8:41AM

Respectfully Submitted,

Adam Haberman, Secretary

Memorandum #23-237

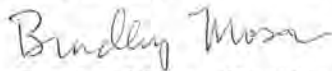
To: Amy Leon, City Manager
From: Bradley Moser, Civil Engineer
Subject: 2023 Bridge Inspection Presentation
Date: November 17, 2023

In April of 2023, this commission approved Resolution #23-16 which authorized the State to issue a work order to Banner Associates, Inc. to proceed with the inspection of City owned bridge structures.

Banner has completed the inspection of three structures within the City limits of Yankton. These structures are on a yearly inspection schedule due to their condition. Per funding requirements, Banner Associates, Inc. must present their findings to the governing body. Therefore, a representative from Banner Associates will be attending the November 27, 2023 City Commission meeting to share the results of the inspections.

This is an informative presentation and requires no Commission action.

Respectfully submitted,



Bradley Moser, Civil Engineer

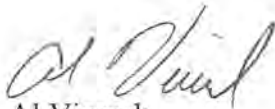
cc: Adam Haberman
file

Memorandum #23-233

To: City Manager
From: Finance Department
Date: November 27, 2023
Subject: Special Alcoholic Beverage License – Special Events – The Center

We have received a Special Events Alcoholic Beverage License Application for a Special (on-sale) Malt Beverage Retailers License and a Special (on-sale) Wine Retailers License for 1 day, December 23, 2023, from The Center (Kriss Thury, Executive Director), 900 Whiting Drive, Yankton, South Dakota.

The above applicant is in compliance with the City Code of Ordinances, as checked by the Finance Department. A police check on the applicant revealed no felony convictions or wants. The applicant is in compliance with all building and fire codes.



Al Viereck
Finance Officer

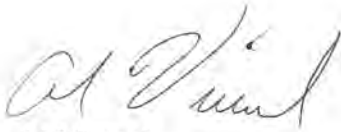
Memorandum #23-227

To: City Manager
From: Finance Department
Date: November 27, 2023
Subject: Transfer of Location of Retail (on-off sale) Wine & Cider License –
South Point Gaming Lounge #109A

We have received an application for a transfer of location of a Retail (on-off sale) Wine & Cider License for January 1, 2023 to December 31, 2023 from Morgen, LLC d/b/a South Point Gaming Lounge (Kirby Muilenburg, Owner), 1101 Broadway Ave., Suite 109, Yankton, South Dakota to 1101 Broadway Ave. Suite 109A, Yankton, South Dakota.

The above applicant is in compliance with the City Code of Ordinances, as checked by the Finance Department. A police check on the applicant revealed no felony convictions or wants. The applicant is in compliance with all building and fire codes.

This license is attached to video lottery.



Al Viereck
Finance Officer

Memorandum #23-234

To: City Manager
From: Finance Department
Date: November 27, 2023
Subject: New Retail (on-off sale) Malt Beverage and SD Farm Wine License

We have received an application for a New Retail (on-off sale) Malt Beverage and SD Farm Wine License for July 1, 2023 to June 30, 2024, from 6th Meridian, LLC d/b/a Farm House Food Co. (Ryan Heine, Member), 2503 Fox Run Parkway, Suite 1, Yankton, South Dakota.

The above applicant is in compliance with the City Code of Ordinances, as checked by the Finance Department. A police check on the applicant revealed no felony convictions or wants. The applicant is in compliance with all building and fire codes.



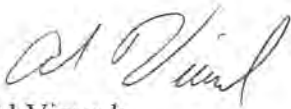
Al Viereck
Finance Officer

Memorandum #23-235

To: City Manager
From: Finance Department
Date: November 27, 2023
Subject: New Retail (on-off sale) Wine and Cider License

We have received an application for a New Retail (on-off sale) Wine and Cider License for January 1, 2024 to December 31, 2024, from 6th Meridian, LLC d/b/a Farm House Food Co. (Ryan Heine, Member), 2503 Fox Run Parkway, Suite 1, Yankton, South Dakota.

The above applicant is in compliance with the City Code of Ordinances, as checked by the Finance Department. A police check on the applicant revealed no felony convictions or wants. The applicant is in compliance with all building and fire codes.



Al Viereck
Finance Officer

Memorandum #23-232

To: City Commission
 From: Interim Finance Officer
 Date: November 19, 2023
 Subject: Revisit Package Off-sale Liquor License

On October 9, 2023, the Yankton City Commission approved Memorandum #23-197 to proceed with selecting the new 12th package off-sale liquor license holder via sealed bid with the public bid opening scheduled for 3:00 PM on November 9, 2023. The minimum bid was set at \$100,000 with a non-refundable application fee of \$100. No bids were received at the public bid opening.

Per SDCL 5-18A-5, if no firm bids are received after advertising for bids, the governing board may negotiate a contract for the purchase of supplies, services, or public improvement projects at the most advantageous price if the specifications of the original bid are met.

On November 16, 2023, the City Finance Officer received a completed Uniform Alcoholic Beverage License Application for a new package (off-sale) liquor license and a \$500 check from Farm House Food Company owner Ryan Heine. Mr. Heine was advised the \$500 fee is for the annual renewal, not for a new package liquor license established by Resolution #23-52 which based issuance on sealed bid by an eligible bidder.

How does the City Commission wish to move forward?

- 1) Accept the \$500 and application from Mr. Heine and proceed with a public hearing notice?
- 2) Retain the \$100,000 license fee and sell on a first-come first-served basis?
- 3) Schedule another bid opening with a lower minimum bid?

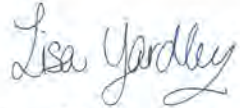
If the Commission wishes to accept the \$500 and application, the next meeting will have a consent item for a notice of public hearing setting the hearing date for January 8, 2024.

If the Commission wishes to retain the \$100,000 license fee, a legal notice will be published in our designated newspaper and on our city's website.

If the Commission wishes to reestablish the minimum bid and hold another public bid opening, the timeline below is proposed:

November 27th	Receive Commissioner approval to proceed
November 28th	Publish legal notices for two consecutive weeks
December 20th	Public Bid Opening – 3pm at City Hall Meeting Room B
December 21st	Send conditional award notification to highest bidder Complete required checks and alcohol forms
January 8th	Commission Meeting – Bid Award & Set Date for Public Hearing
January 22nd	Commission Meeting – Public Hearing for Application for Sale of Alcoholic Beverages – Off Sale Liquor License
January 23rd	Submit paperwork to the State of South Dakota

Thank you,

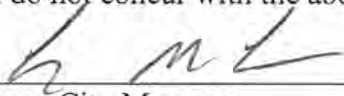


Lisa Yardley
Interim Finance Officer

Recommendation: It is recommended that the City Commission direct staff on how to proceed with the sale of the new 12th package off-sale liquor license.

I concur with the above recommendation.

I do not concur with the above recommendation.



Amy Leon, City Manager

Introduction, First Reading and Establish the Date for a Public Hearing

MEMORANDUM #23-238

To: Yankton City Commission
From: Ross K. Den Herder, City Attorney & Lisa Yardley, Interim Finance Officer
Date: November 19, 2023
Re: Video Lottery License Ordinance First Reading

On September 23, 2023, the City Commission discussed video lottery regulations and Yankton's history on the development of today's 39 capped video lottery licenses. Overall, the Commission's consensus was to continue analyzing options. Staff has dug into the City's current program and evaluated the applicable laws. This process revealed that the current City Ordinance Sec. 3-3 is not in compliance with State law and requires a change anyway, so a draft ordinance was prepared for the Commission's consideration at its regular meeting on October 23, 2023. Although the Commission adopted a motion to proceed with the ordinance as drafted, that meeting was not an official "reading" of the ordinance. That means the Commission is free to continue debating any modification to the license cap within the Ordinance.

What follows is an update to the information contained within Memorandum #23-206 and draft ordinance presented to the City Commission on October 23, 2023, which we hope you will find helpful as you work through the official first and second "readings" of the revised Ordinance:

To recap, staff have determined that the City does not have legal authority to regulate renewal or transfer of a valid existing video lottery establishment license. Specifically, SDCL 42-7A-64 grants the City authority to consider the number of existing video lottery licenses when authorizing video lottery in an establishment. However, the same statute further states, "An existing video lottery license may not be denied renewal or transfer based upon the criteria set forth in this section." Subsections (C) and (D) of our current Ordinance Sec. 3-3 do just that, so they must be removed.

Further, we have found that the City does not have legal authority to regulate the issuance of video lottery attached to traditional on-sale retail liquor licenses ("RL" licenses). The City's regulatory authority over video lottery only extends to VL licenses attached to retail on-sale malt beverage licenses ("RB" licenses") and retail on-sale wine and cider licenses ("RW" licenses). To that end, the draft ordinance has its total VL license cap adjusted downward to reflect only the currently issued video lottery licenses attached to a retail on-off sale malt beverage (RB) or retail on-off sale wine (RW) license per SDCL 42-7A-64.

Since the last meeting, it was discovered three businesses – South Point Gaming Lounge, The Cockatoo & Zebra Bar, and Upper Deck - had a retail liquor “RL” license encompassing the same area as a RB or RW license endorsed with video lottery. The State has directed these owners to utilize the video lottery on the RL or sell the overlapping RB or RW, so these overlap issues have largely been addressed in a manner that added video lottery activations for those RL license holders. As expected, that resulted in an increase in total video lottery establishments according to today’s statistics.

There are currently forty-three (43)¹ video lottery establishments, all of which are listed below. Eleven (11) businesses have their video lottery endorsed under a retail on-sale liquor (RL) license which municipalities cannot regulate per State law. The remaining thirty-three (33) are tethered to thirty-two (32) RB malt beverage licenses and one (1) RW retail wine license. For that reason, the draft ordinance cap has been reset at thirty-three (33). If the pending request by Hanten, Inc. to “de-couple” video lottery from its RL and move it to an RB, then the total will need to change to thirty-three (33).

Businesses with Video Lottery	Business Address	Alcohol License #
777 Casino & Liquor	901 Broadway, Suite A	RB-3397
777 Casino & Liquor #2	901 Broadway, Suite B	RB-3346
777 Casino & Liquor #3	901 Broadway, Suite C	RB-3638
Chaparros Tacos	100 E. 4th St	RB-25575
Chuck Stop LLC	800 Summit St	RB-3406
Cork 'N Bottle	1500 Broadway Ave	RB-2697
Diggers 2.0	511 West 4th Street, Suite B	RB-26226
Diggers Casino	2020 Elm St, Suite 7	RB-3637
Gold Rush	2020 Elm St, Suite 7B	RB-3255
JR's Oasis (TC Corner LLC)	2404 East Highway 50	RB-3347
P & P Lottery Enterprises LLC	3010 Broadway Ave, Room 3	RB-26407
P & P Lottery Enterprises LLC	3010 Broadway Ave, Room 4	RB-3350
P & P Lottery Enterprises LLC	3010 Broadway Ave, Room 2	RB-21154
Patriot Express	2217 Broadway	RB-3340
Pin-Ups Casino & Gaming Lounge #5	3010 Broadway, Room 5	RB-2722
Pin-Ups Casino & Gaming Lounge #6	3010 Broadway, Room 6	RB-2187
Prairie Pumper (Liquor Hot Spot)	909 Broadway	RB-25576
Pump-N-Stuff	215 W. 2nd St	RB-3370
Pump-N-Stuff Suite II	215 W. 2nd St, Ste 2	RB-3373
Roadrunner	300 W. 23rd Street, Ste 1	RB-3746
Smokey Hollow	511 W. 4th, Ste A	RB-3437
South Point Gaming Lounge	1101 Broadway Ste 109A	RW-7574
South Point Gaming Lounge (GMG)	1101 Broadway #107B	RB-3610

¹ Since the October 23, 2023 Commission meeting, The Cockatoo & Zebra Club, South Point Gaming Lounge Ste 109A, and Ben’s Brewing Company have all obtained video lottery licenses attendant to their respective retail on-sale liquor (RL) licenses, bringing the total to 43 licenses.

South Point Gaming Lounge II (GMG)	1101 Broadway #107A	RB-2254
South Point Gaming Lounge III (GMG)	1101 Broadway #111A	RB-20380
South Point Gaming Lounge IV (GMG)	1101 Broadway #111C	RB-23935
The Cockatoo Bar & Zebra Club	110 E. 3rd St. Suite B	RB-3356
The Fox Stop	1316 W. 30th St	RB-23598
Total Stop Convenience Store #6112	700 E. 4th	RB-3341
Triple Time Rudy's	1606 Broadway	RB-3359
Upper Deck Inc.	315 Broadway	RB-3364
Vape God	821 Broadway Ave, Suite B	RB-3372
Vape God - Shree LLC	821 Broadway Ave, STE 3	RB-20619
Ben's Brewing	222 W. 3 rd St.	RL-6098
Boomer's Lounge	100 East 3rd	RL-6102
Boss' Pizza & Chicken Sports Bar	1607 E Hwy 50	RL-6324
MoJo's 3rd Street Pizza	102 E. 3rd St	RL-6115
O'Malley's Irish Pub	204 W 3rd St.	RL-6104
South Point Gaming Lounge	1101 Broadway Ste 109	RL-6107
The Cockatoo Bar & Zebra Club	106 E. 3 rd St. Suite A	RL-6108
Upper Deck	311-315 Broadway	To be determined
VFW Post 791	209 Cedar	RL-6112
Walnut Tavern	100 West 3rd	RL-6099
Yankton Bowl	3010 Broadway Ave	RL-6109

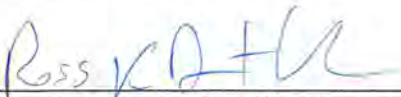
There are currently seventeen (17) retail on-sale liquor (RL) licenses within the City, only ten (10) of which have active video lottery licenses on them. Staff expects that the RL license at the Upper Deck will be activated shortly. Three RL licenses have contractual video lottery restrictions that prevent the holders from activating video lottery due to “de-coupling” the video lottery from the retail liquor RL license.

Per October 23rd Action #23-283, staff was directed to update the ordinance consistent with City Attorney Den Herder’s memo recommendation, so that the cap only applies to the current RB and RW licenses endorsed with video lottery.

If the Commission approves a cap only applicable to RB and RW licenses, then if the cap is reached, there can be no further “de-coupling” of video lottery from a RL liquor license because the process requires the creation of a new RB or RW license with a video lottery endorsement.

Recommendation: Staff recommends the introduction/“first reading” of the proposed ordinance and establishing December 11, 2023 as the date for public hearing/“second reading”.

Respectfully submitted,



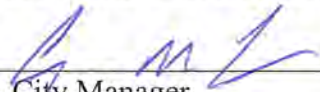
Ross K. Den Herder, City Attorney



Lisa Yardley, Interim Finance Officer

I concur with this recommendation.

I do not concur with this recommendation.



Amy Leon, City Manager

ORDINANCE NO. 1076

AN ORDINANCE MODIFYING THE LIMITS ON VIDEO LOTTERY ESTABLISHMENTS WITHIN YANKTON'S JURISDICTIONAL CITY LIMITS.

WHEREAS, the City Attorney and the Finance Office for the City of Yankton has reviewed Ordinance 3-3 and found that it does not properly conform to SDCL 42-7A-64 to the extent that (1) it contains unlawful restrictions on the transfer of existing video lottery licenses, and (2) it limits the total number of video lottery establishments, rather than only those video lottery establishments operating under malt beverage, wine and cider licenses.

WHEREAS, the City Commission deems it in the best interests of the City to update to Ordinance 3-3 to conform to SDCL 14-7A-64, while at the same time modifying the cap applicable to malt beverage, wine and cider on-sale alcohol licenses.

NOW THEREFORE, BE IT ORDAINED, by the Board of City Commissioners of the City of Yankton that:

Section 3-3 is hereby amended to read as follows:

Sec. 3-3. - License limitations.

- (a) The total number of establishments with on-sale alcoholic beverage licenses issued under SDCL 35-4-2(12) ("RW" licenses) or 35-4-2(16) ("RB" licenses) and containing a video lottery endorsement that may be issued by the city shall not exceed 33.
- (b) At any time when the total number of establishments with a video lottery endorsement equals or exceeds the limits set forth in this ordinance, the City of Yankton shall not authorize a video lottery machine placement endorsement for any on-sale malt beverage (RB) alcohol license issued under SDCL 35-4-2 (16) or on-sale wine and cider license (RW) issued under SDCL 35-4-2 (12). An existing video lottery license may not be denied renewal or transfer based upon the criteria set forth in this section.

Dated this ____ day of November, 2023.

CITY OF YANKTON

ATTEST:

Stephanie Moser, Mayor

Al Viereck, Finance Officer
(SEAL)

First Reading:
Second Reading:
Published:
Effective:

Memorandum #23-225

To: *City Commission*
From: *Finance Officer*
Date: *11/17/2023*
Subject: *Introduction and First Reading of Ordinance #1075 (Second Supplement)
 Amending Ordinance #1064, the 2023 Annual Appropriation Ordinance and setting
 December 11, 2023, as Second Reading and Public Hearing of said Ordinance*

Attached to this Memorandum is Ordinance #1075, the second supplement to Ordinance #1064, the 2023 annual appropriation ordinance. The individual supplements are described, and the amounts are as such:

1. **City Commission** from \$60,647.00 to \$70,647.00, an increase of \$10,000.00 in account 101.101.102 Temporary Wages; and from \$25,000.00 to \$60,000.00, an increase of \$35,000.00 in account 101.101.203 Audit. This increases City Commission total appropriations from \$172,283.00 to \$217,283.00, an increase of \$45,000.00. Financing for this increase will be from an increase in un-appropriated fund balance carried forward from 2022.
2. **Total General Government** from \$3,349,447.00 to \$3,394,447.00, an increase of \$45,000.00 as outlined in **number (1)** above.
3. **Fire Department** from \$24,000.00 to \$44,000.00, an increase of \$20,000.00 in account 101.115.201 Insurance; from \$38,500.00 to 56,000.00, an increase of \$17,500.00 in account 101.114.202 Professional Services – Volunteer; and from \$0.00 to \$66,000.00, an increase of \$66,000 in account 101.114.204 Yankton Volunteer Premium. This increases Fire Department total appropriations from \$1,041,520.00 to \$1,145,020.00, an increase of \$103,500.00. Financing for this increase will be from an increase in un-appropriated fund balance carried forward from 2022.
4. **Total Public Safety** from \$5,397,752.00 to \$5,501,252.00, an increase of \$103,500.00 as outlined in **number (3)** above.
5. **City Hall** from \$0.00 to \$45,000.00, an increase of \$45,000.00 in account 101.125.202 Professional Services for the consultant work for the City Hall data and wiring upgrades. This increases City Hall total appropriations from \$384,947.00 to \$429,947.00, an increase of \$45,000.00. Financing for this increase will be from an increase in un-appropriated fund balance carried forward from 2022.
6. **Chan Gurney Airport** from \$200,000.00 to \$300,000.00, an increase of \$100,000.00 in account 101.127.238 Garage Gasoline due to the increased expenses to purchase fuel for re-sale at the airport. This increases Chan Gurney total appropriations from \$622,474.00 to \$722,474.00, an increase of \$100,000.00. Financing for this increase will be from an increase in un-appropriated fund balance carried forward from 2022.


7. **Total Public Works** from \$5,857,295.00 to \$6,002,295.00, an increase of \$145,000.00 as outlined in **numbers (5-6)** above.
8. **Special Appropriations** from \$0.00 to \$5,000.00 an increase of \$5,000.00 in account 101.131.553 Heartland Humane Society for the Capital Addition and Improvements previously approved by the City Commission; and from \$13,595.00 to \$13,596.00, an increase of \$1.00 in account 101.132.554 Planning and Development District III. This increases Special Appropriations and Total Special Appropriations from \$128,095.00 to \$133,096.00, an increase of \$5,001.00. Financing for this increase will be from an increase in un-appropriated fund balance carried forward from 2022.
9. **Operating Transfers Out** from \$915,399.00 to \$976,399.00, an increase of \$61,000.00 in Account 101.182.622 Huether Family Aquatic Center (for the project listed in **#13 below**); from \$185,319.00 to \$211,819.00, an increase of \$26,500.00 in account 101.182.623 Marne Creek (for the project listed in **#14 below**); and from \$0.00 to \$87,500.00, an increase of \$87,500.00 in account 101.182.652 Airport Capital (for the project listed in **#21 below**). This increases total Transfer Out and Total Other Financing Uses from \$5,965,117.00 to \$6,140,117.00, an increase of \$175,000.00. Financing for this increase will be from an increase in un-appropriated fund balance carried forward from 2022.
10. **Total General Fund Appropriations** from \$21,819,488.00 to \$22,292,989.00, an increase of \$473,501.00 as outlined in **numbers (1-9)** above.
11. **Un-appropriated Fund Balance** from \$6,430,204.00 to \$6,903,705.00, an increase of \$473,501.00 in un-appropriated fund balance (2022 carry-over) as outlined in **numbers (1-10)** above.
12. **Total Means of Finance** from \$21,819,488.00 to \$22,292,989.00, an increase of \$473,501.00 as outlined in **numbers (1-11)** above.
13. **Huether Family Aquatics Center** from \$320,000.00 to \$375,000.00, an increase of \$55,000.00 in account 202.202.102 Temporary Wages; from \$24,480.00 to \$29,480.00 an increase of \$5,000.00 in account 202.202.111 OASI; and from \$1,200.00 to \$2,200.00, an increase of \$1,000.00 in account 202.202.133 Unemployment Insurance. This increases Huether Family Aquatics Center total appropriations from \$1,730,312.00 to \$1,791,312.00, an increase of \$61,000.00. Financing for this increase will be from an increased transfer from the General Fund as explained in **number (9)** above.
14. **Marne Creek** from \$65,863.00 to \$90,863.00, an increase of \$25,000.00 in account 204.204.101 Regular Wages; and from \$5,765.00 to \$7,265.00, an increase of \$1,500.00 in account 204.204.111 OASI. This increases Marne Creek total appropriations from \$5,654,319.00 to \$5,680,819.00, an increase of \$26,500.00. Financing for this increase will be from an increased transfer from the General Fund as explained in **number (9)** above.
15. **Business Improvement District** from \$14,429.00 to \$17,429.00, an increase of \$3,000.00 in account 209.209.202 Professional Services for increased expenses approved by the BID Board and City Commission for Thrive / Yankton Convention and Visitor Bureau funding; from \$115,430.00 to \$145,430.00, an increase of \$30,000.00 in account 209.209.204

Contractual Services to Thrive / MMC for increased expenses approved by the BID Board and City Commission; from \$5,000.00 to \$6,000.00, an increase of \$1,000.00 in account 209.209.205 Contractual Services to Thrive / Yankton Youth Soccer Assoc. for expenses approved by the BID Board and City Commission; and from \$2,981.00 to \$3,981.00, an increase of \$1,000.00 in account 209.209.610 Transfer to General Fund. This increases Business Improvement District total appropriations from \$137,840.00 to \$172,840.00, an increase of \$35,000.00. Financing for this increase will be from the Business Improvement District revenue increases.

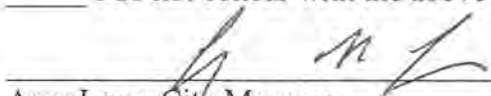
16. **Special Revenue Total Appropriations** from \$13,073,565.00 to \$13,196,065.00, an increase of \$122,500.00 as explained in **numbers (13-15)** above.
17. **Business Improvement District Revenue** from \$149,071.00 to \$184,071.00, an increase of \$35,000.00 as explained in **number (15)** above.
18. **Special Revenue Total Revenue** from \$6,760,526.00 to \$6,795,526.00, an increase of \$35,000.00 as explained in **number (17)** above.
19. **Transfer from General Fund** from \$4,999,388.00 to \$5,086,888.00, an increase of \$87,500.00 as explained in **numbers (9 and 13-14)** above.
20. **Special Revenue Total Means of Finance** from \$16,144,680.00 to \$16,267,180.00, an increase of \$122,500.00 as explained in **numbers (17-19)** above.
21. **Airport Capital** from \$1,250,000.00 to \$1,750,000.00, an increase of \$500,000.00 in account 502.511.390 Design / Construction North Taxiway. This increases Airport Capital total appropriations from \$1,250,000.00 to \$1,750,000.00, an increase of \$500,000.00. Financing for this increase will be from an increase in the transfer from General Fund for \$87,500.00 (5% of the total project / required City match as explained in **#9 above**) and increase FAA grant revenues of \$475,000.00 (95% of the \$500,000.00 increase as explained in **#27 below**).
22. **Tax Increment District #6** from \$341,013.00 to \$441,013.00, an increase of \$100,000.00 in account 511.588.566 for Tax Increment reimbursement to Thrive (the developer for Westbrook Estates Phase 1). This increases Tax Increment #6 total appropriations from \$341,013.00 to \$441,013.00, an increase of \$100,000.00. Financing for this increase will be from increased tax increment #6 revenues.
23. **Tax Increment District #7** from \$42,631.00 to \$72,631.00, an increase of \$30,000.00 in account 512.588.204 Payment to Schrecht, LLC for TID tax reimbursements. This increases Tax Increment District #7 total appropriations from \$42,631.00 to \$72,631.00, an increase of \$30,000.00. Financing for this increase will be from increased tax increment #7 revenues.
24. **Tax Increment District #8** from \$57,111.00 to \$177,111.00, an increase of \$120,000.00 in account 513.588.204 Payment to Yankton Development for TID tax reimbursements. This increases Tax Increment District #8 total appropriations from \$57,111.00 to \$177,111.00, an increase of \$120,000.00. Financing for this increase will be from increased tax increment #8 revenues.

25. **Tax Increment District #9** from \$0.00 to \$1,600.00, an increase of \$1,600.00 in account 514.588.204 Payment to Yankton Development for TID tax reimbursements. This increases Tax Increment District #9 total appropriations from \$0.00 to \$1,600.00, an increase of \$1,600.00. Financing for this increase will be from increased tax increment #9 revenues.
26. **Total Capital Appropriations** from \$23,743,434.00 to \$24,495,034.00, an increase of \$751,600.00 as explained in **numbers (21-25)** above.
27. **Airport Revenue** from \$1,168,750.00 to \$1,643,750.00 an increase of \$475,000.00 in AIP grant revenues as explained in **number (21)** above.
28. **Tax Increment District #6 Westbrook Estates Phase 1 Revenue** from \$341,013.00 to \$441,013.00, an increase of \$100,000.00 in TID #6 revenues as explained in **number (22)** above.
29. **Tax Increment District #7 West 10th Street Revenue** from \$42,631.00 to \$72,631.00 and increase of \$30,000.00 in TID #7 revenues as explained in **number (23)** above.
30. **Tax Increment District #8 Westbrook Phase 2 Revenue** from \$57,111.00 to \$177,111.00 and increase of \$120,000.00 in TID #8 revenues as explained in **number (24)** above.
31. **Tax Increment District #9 Yankton Mall Revenue** from \$1,179.00 to \$2,779.00 and increase of \$1,600.00 in TID #9 revenues as explained in **number (25)** above.
32. **Total Capital Projects Revenue** from \$12,296,828.00 to \$13,023,428.00, an increase of \$726,600.00 as explained in **numbers (27-31)** above.
33. **Transfer from General Fund** from \$515,103.00 to \$602,603.00, an increase of \$87,500.00 as explained in **numbers (9 and 21)** above.
34. **Total Other Financing Sources** from \$6,773,117.00 to \$6,860,617.00, an increase of \$87,500.00 as explained in **numbers (9 and 33)** above.
35. **Total Capital Projects Means of Finance** from \$30,663,524.00 to \$31,477,624.00, an increase of \$814,100.00 as explained in **numbers (27-34)** above.

It is recommended that the City Commission conduct the First Reading of Ordinance #1075 and set December 11, 2023 as the Second Reading and Public Hearing of said Ordinance.

Thank you,

 Al Viereck
 Finance Officer

I concur with the above recommendation.
 I do not concur with the above recommendation.


 Amy Leon, City Manager

ORDINANCE NO. 1075

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE #1064,
THE 2023 ANNUAL APPROPRIATION ORDINANCE OF THE
CITY OF YANKTON, SOUTH DAKOTA.

Be it ordained by the City of Yankton, South Dakota, that Ordinance #1064 is amended to wit:

SECTION I - GENERAL FUND

	<u>Ord 1064</u>	<u>Ord 1069</u>	<u>Ord 1075</u>
A. Appropriations			
General Government:			
Board of City Commissioners	\$ 172,283		1. 45,000 \$ 217,283
City Manager	288,552		
City Attorney	136,734		
Finance Office	758,087		
Information Services	541,219	1. 144,969	686,188
Community Development	688,160	2. 70,000	758,160
Human Resources	249,443		
Contingency	300,000		
TOTAL GENERAL GOVERNMENT	<u>3,134,478</u>	3. <u>214,969</u>	2. 45,000 <u>3,349,447</u>
Public Safety:			
Police Department	4,227,492	4. 123,455	-4,350,947
Fire Department	1,041,520		3. 103,500 1,145,020
Civil Defense	5,285		
TOTAL PUBLIC SAFETY	<u>5,274,297</u>	5. <u>123,455</u>	4. 103,500 <u>5,501,252</u>
Public Works:			
Engineering & Inspection	792,959		
Street & Highways	2,977,272	6. 545,500	3,522,772
City Hall	308,720	7. 76,227	384,947
Traffic Control	517,899	8. 16,244	534,143
Chan Gurney Airport	608,474	9. 14,000	622,474
TOTAL PUBLIC WORKS	<u>5,205,324</u>	10. <u>651,971</u>	7. 145,000 <u>6,002,295</u>

		Ord 1069		Ord 1075	
Special Appropriations	<u>128,095</u>			8. 5,001	<u>133,096</u>
TOTAL SPECIAL APPROPRIATIONS	<u>128,095</u>			8. 5,001	<u>133,096</u>
Culture - Recreation:					
Senior Citizens Center	69,984				
Community Library	<u>1,051,798</u>				
TOTAL CULTURE - RECREATION	<u>1,121,782</u>				
Other Financing Uses / Transfers Out	<u>5,236,014</u> 11.	<u>729,103</u>	<u>5,965,117</u> 9.	175,000	<u>6,140,117</u>
TOTAL OTHER FINANCING USES	<u>5,236,014</u> 11.	<u>729,103</u>	<u>5,965,117</u> 9.	175,000	<u>6,140,117</u>
TOTAL APPROPRIATIONS	<u>\$ 20,099,990</u> 12.	<u>1,719,498</u>	<u>\$ 21,819,488</u> 10.	473,501	<u>\$ 22,292,989</u>
B. Means of finance					
Unappropriated Fund Balances	<u>\$ 4,710,706</u> 13.	<u>1,719,498</u>	<u>\$ 6,430,204</u> 11.	473,501	<u>\$ 6,903,705</u>
Current Property Taxes	3,189,797				
Sales & Other Taxes	8,392,372				
Licenses & Permits	333,507				
Intergovernmental Revenue	793,829				
Charges for Goods & Services	2,338,429				
Fines & Forfeits	4,600				
Miscellaneous Revenues	<u>59,000</u>				
TOTAL REVENUE	<u>15,111,534</u>				
Other Financing Sources / Transfers In	<u>277,750</u>				
TOTAL MEANS OF FINANCE	<u>\$ 20,099,990</u> 14.	<u>1,719,498</u>	<u>\$ 21,819,488</u> 12.	473,501	<u>\$ 22,292,989</u>

SECTION II - SPECIAL REVENUE

Ord 1069

A. Appropriations							
Parks & Recreation	\$ 2,080,573	15.	110,000	\$ 2,190,573			
Huether Family Aquatics Center	1,730,312				13.	61,000	1,791,312
Summit Activies Center	885,978						
Marne Creek	2,297,319	16.	3,357,000	5,654,319	14.	26,500	5,680,819
Casualty Reserve Fund	5,000						
Bridge & Street Fund	220,000	17.	72,740	292,740			
911/Dispatch	1,002,217	18.	200,000	1,202,217			
Business Improvement District	137,840						
Lodging Sales Tax	847,700	19.	82,166	929,866	15.	35,000	172,840
Infrastructure Improvement Revolving - Transfer to Infr. Imp. Constr.	44,720						
TOTAL APPROPRIATIONS	<u>\$ 9,251,659</u>	20.	<u>3,821,906</u>	<u>\$ 13,073,565</u>	16.	122,500	<u>\$ 13,196,065</u>
B. Means Of Finance							
Unappropriated Fund Balance	\$ 1,436,170	21.	82,166	\$ 1,518,336			
Parks & Recreation Revenue	19,960						
Memorial Pool Revenue	764,825						
Summit Activies Center Revenue	\$200,920						
Marne Creek Revenue	1,785,000	22.	2,805,000	4,590,000			
Casualty Reserve - Interest	250						
Bridge & Street Revenue	21,497						
911/Dispatch	159,218						
Business Improvement District	149,071				17.	35,000	184,071
Lodging Tax	810,065						
Infrastructure Improvement Revolving	44,720						
TOTAL REVENUE	<u>3,955,526</u>	23.	<u>2,805,000</u>	<u>6,760,526</u>	18.	35,000	<u>6,795,526</u>
Transfer From General Fund	4,632,388	24.	367,000	4,999,388	19.	87,500	5,086,888
Transfer From HFAC Capital Fund	1,800,088						
Transfer From Special Capital Fund	498,602	25.	567,740	1,066,342			
TOTAL MEANS OF FINANCE	<u>\$ 12,322,774</u>	26.	<u>3,821,906</u>	<u>\$ 16,144,680</u>	20.	122,500	<u>\$ 16,267,180</u>

SECTION III - CAPITAL PROJECT FUNDS

Ord 1069

A. Appropriations									
Public Improvement	\$ -								
Airport Capital Projects	1,250,000					21.	500,000	1,750,000	
Park Capital Projects	265,000	27.	350,103	615,103					
Infrastructure Improvement Construction	100,000								
Huether Aquatics Center Construction	1,800,088								
Special Capital Improvement	7,888,394	28.	654,484	8,542,878					
Tax Incr. District #5 Menards	194,610								
Tax Incr. District #6 Westbrook Estates	341,013					22.	100,000	441,013	
Tax Incr. District #7 West 10th Street	42,631					23.	30,000	72,631	
Tax Incr. District #8 Westbrook Phase 2	57,111					24.	120,000	177,111	
Tax Incr. District #9 Yankton Mall	-					25.	1,600	1,600	
Tax Incr. District #11 Gehl	5,800,000								
Tax Incr. District #12 Mead	5,000,000								
TOTAL APPROPRIATIONS	<u>\$ 22,738,847</u>	29.	<u>1,004,587</u>	<u>\$ 23,743,434</u>	26.		751,600	<u>\$ 24,495,034</u>	
B. Means of Finance									
Unappropriated Fund Balance	\$ 10,939,095	30.	<u>654,484</u>	<u>\$ 11,593,579</u>					
Public Improvement Revenue	\$ -								
Airport Capital Projects	1,168,750					27.	475,000	1,643,750	
Park Capital Revenue	100,000								
Infrastructure Improvement Construction	-								
Huether Aquatics Center Construction	-								
Special Capital Improvement	5,712,311								
TID #5 Menards	173,433								
TID #6 Westbrook Estates	341,013					28.	100,000	441,013	
TID #7 West 10th Street	42,631					29.	30,000	72,631	
TID #8 Westbrook Phase 2	57,111					30.	120,000	177,111	
TID #9 Yankton Mall	1,179					31.	1,600	2,779	
TID #11 Gehl	4,300,200								
TID #12 Mead	400,200								
TOTAL REVENUE	<u>\$ 12,296,828</u>					32.	726,600	<u>\$ 13,023,428</u>	

			Ord 1069			
Transfer from General Fund	165,000	31.	350,103	515,103	33.	87,500 602,603
Transfer from Park Improvement Fund	-					
Transfer from BBB Fund	113,294					
Transfer from Infrastructure Impr. Fund	44,720					
Transfer from Special Capital Fund	-					
Loan from General Fund	120,000					
Loan from Special Capital Fund	1,980,000					
Loan from Utilities	4,000,000					
TOTAL OTHER FINANCING SOURCES	<u>6,423,014</u>	32.	<u>350,103</u>	<u>6,773,117</u>	34.	87,500 <u>6,860,617</u>
TOTAL MEANS OF FINANCE	<u>\$ 29,658,937</u>	33.	<u>1,004,587</u>	<u>\$ 30,663,524</u>	35.	814,100 <u>\$ 31,477,624</u>

SECTION VII - EFFECTIVE DATE

This Ordinance being necessary for the support of the government of the City of Yankton and its

Adopted:

Stephanie Moser, Mayor

ATTEST :

Al Viereck, Finance Officer

Introduction and first reading: November 27, 2023

Second reading : December 11, 2023

Published in the Yankton Daily Press and Dakotan, Official Newspaper:

I so certify _____

Al Viereck, Finance Officer

Memorandum #23-231

To: City Commission
From: Interim Finance Officer
Date: November 15, 2023
Subject: Write Off of Uncollectible Utility Accounts

As authorized in SDCL 9-22-4, I am recommending the Board of Commissioners write off the attached utility accounts in the amount of \$10,550.25 against the reserve balance of \$98,788.46. Utility accounts were sent to a local collection agency and have been returned as uncollectible due to a number of reasons. Reasons include: skipped (13%); bankruptcy (3%); credit abuser (11%); in prison (1%); outlawed (38%); refused to pay/judgement (7%); unable to locate (4%); and deceased (7%). The \$10,550.25 has accumulated since the prior year write off and represents account balances from 2009 through November 2023. This reflects 3.9% of all delinquent accounts receivable. Delinquent accounts are categorized as follows:

Customers on Service (30 days delinquent)	\$ 127,741.19
Credit Collection Agency	\$ 131,857.75
Uncollectible	\$ 10,550.25
Total Delinquent Accounts Receivable	<u>\$ 270,149.19</u>

The aged analysis of the accounts receivable remaining at the Credit Collection Service as of November 2023 is:

30 days or less	\$ 126.44
30 to 60 days	\$ 2,937.28
60 to 90 days	\$ 39,815.95
Over 90 days	\$ 48,034.20
Over 120 days	\$ 40,943.88
Total	<u>\$ 131,857.75</u>

Attached is a list of accounts returned by the collection agency since December 2022 with the account holder's name, reason the account was returned, and year sent to collections.

This is \$8,662.21 more than the last write off done in in November 2022. This year's write offs are comprised of seventy-one residential customers. The total amount represents approximately 0.051% of our total operating revenues (approximately \$20,553,896.00) for water, waste water, and solid waste collection for the one-year period.

I would like to point out at this time that the philosophy behind penalties and enforcement of shut-offs is to assess any increased expenses occurring from this process to the customers that caused these expenses rather than to absorb them and spread them among all the regular paying customers. When accounts are written off in the above manner, they technically become an

____ Roll Call

expense to these regular customers. We currently have approximately 5,712 customers. This write off thus becomes an annual expense to these customers of approximately \$1.85 (compared to \$0.33 in 2022) per customer.

The accounts in question were returned by the collection agency as uncollectible, so all possible avenues have been exhausted. Therefore, I request the Board of City Commissioners write off the uncollectible accounts as authorized by SDCL 9-22-4 (see below).

9-22-4. Assignment of delinquent accounts receivable--Disposition of uncollectible accounts. Every municipality may assign for collection any or all delinquent accounts receivable. After reasonable collection efforts the governing body may determine that an account is uncollectible, and by formal action direct that the uncollectible amount be removed from the records and disclosed on that year's financial report. Evidence of the debt removed from the records by the formal action of the governing body shall be retained by the municipality to support possible subsequent collection of that debt.

Source: SDC Supp 1960, § 45.0201-1 (23) as added by SL 1964, ch 138; SL 1974, ch 74; SL 1979, ch 57.

It is recommended that the City Commission authorize the write-off of \$10,550.25 as uncollectible per SDCL 9-22-4.

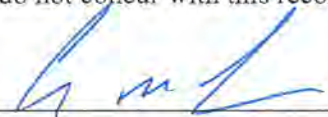
Respectfully Submitted,



Lisa Yardley
Interim Finance Officer

I concur with this recommendation.

I do not concur with this recommendation.



Amy Leon
City Manager

City of Yankton
Utility Write Offs - November 2023

<u>Account #</u>	<u>Last name</u>	<u>First name</u>	<u>Amount</u>	<u>Reason</u>	<u>Year</u>
81-1473-01-01	ALBRECHT,	TAMI	\$ 61.34	Bankruptcy	2016
81-1477-01-01	ARMSTRONG,	HEATHER	\$ 106.49	Credit Abuser	2017
81-1478-01-01	BOECKER,	MATTHEW	\$ 120.57	Outlawed	2014
81-1534-01-01	CALE,	PETE	\$ 324.03	Credit Abuser	2019
81-1479-01-01	CARR,	TREVOR	\$ 93.50	Outlawed	2014
81-1480-01-01	CHILDREY,	HEATHER	\$ 193.88	Outlawed	2010
81-1474-01-01	CHRISTENSEN,	TERRY&JESSICA	\$ 168.25	Refused Judgement	2011
81-1535-01-01	CLINE,	CHAD	\$ 147.56	Skipped	2015
81-1481-01-01	COX,	JAMIE	\$ 121.51	Outlawed	2010
81-1536-01-01	CRAWFORD,	MARY	\$ 156.40	Unable to Locate Refused	2016
81-1482-01-01	DEES,	ELVENE	\$ 199.74	Judgement	2009
81-1483-01-01	DIEDE,	MATTHEW	\$ 183.53	Outlawed	2011
81-1533-01-01	DOBESH,	RUDY	\$ 209.66	Deceased	2023
81-1531-01-01	DOWNIE,	CRAIG	\$ 272.07	Deceased	2018
81-1537-01-01	DRENKOW,	AUSTEN	\$ 132.74	Bankruptcy	2018
81-1484-01-01	DURRAH,	LOREAN	\$ 103.85	Unable to Locate	2011
81-1485-01-01	EISENHAUER,	JIM	\$ 77.75	Outlawed	2012
81-1486-01-01	EMBRY,	NIA	\$ 95.15	Outlawed	2013
81-1487-01-01	FISCHER,	WANBDI	\$ 272.47	Outlawed	2012
81-1476-01-01	FLEMMING,	RANDY	\$ 511.08	Deceased	2023
81-1538-01-01	FORMAN,	STEPHEN	\$ 373.07	Deceased	2019
81-1488-01-01	GAGNON,	PAUL	\$ 146.21	Skipped	2012
81-1539-01-01	GONE,	FRANCIS	\$ 352.35	Credit Abuser Refused	2014
81-1540-01-01	GOOLSBY,	BRAD	\$ 274.43	Judgement	2015
81-1489-01-01	GOSCHA,	MICHAEL	\$ 124.41	Outlawed	2009
81-1490-01-01	GUNHAMMER,	NANCY	\$ 36.65	Outlawed	2011
81-1491-01-01	HACKNEY,	JOSHUA	\$ 105.48	Outlawed	2012
81-1492-01-01	HAMILTON,	AMBER	\$ 120.08	Outlawed	2011
81-1493-01-01	HARE,	LAURA	\$ 121.54	Outlawed	2012

81-1494-01-01	HARO,	MARY	\$ 116.08	Outlawed	2012
81-1495-01-01	HENSON,	TOBY	\$ 126.46	Skipped	2012
81-1496-01-01	HEWES,	WILLIAM	\$ 90.65	Skipped	2013
81-1498-01-01	HURLBURT,	JOSEPH	\$ 71.88	Outlawed	2011
81-1532-01-01	JOHNSON,	QUINELLA	\$ 189.67	Skipped	2014
81-1541-01-01	JONES,	JENNIFER	\$ 40.12	Outlawed	2013
81-1499-01-01	KAPPEL,	GREG	\$ 127.25	Credit Abuser	2011
81-1500-01-01	KNIGGE,	TRAVIS	\$ 211.66	Outlawed	2009
81-1501-01-01	LEE JR,	EARL	\$ 142.22	Skipped	2010
81-1502-01-01	LETULLE,	JIM	\$ 106.80	Outlawed	2011
81-1504-01-01	LOBERG,	LOWELL	\$ 109.14	Unable to Locate	2013
81-1503-01-01	LOPEZ,	DAVID	\$ 117.16	Skipped	2012
81-1475-01-01	LUNDGREN,	STEVEN	\$ 154.75	Prisonment	2013
81-1497-01-01	MACH,	DENAKA	\$ 165.51	Outlawed	2010
81-1505-01-01	MBOOB, MENDEZ-	AMBER	\$ 74.90	Outlawed	2010
81-1506-01-01	REYES,	LEBUAN	\$ 221.06	Skipped Refused Judgement	2013
81-1507-01-01	MILLER,	ALLEN	\$ 209.26	Judgement	2012
81-1508-01-01	MORTENSON,	LINDA	\$ 59.81	Outlawed	2009
81-1509-01-01	MYOTT,	ASHLEY	\$ 72.36	Credit Abuser	2011
81-1543-01-01	NICHOLSON,	JANEY	\$ 281.74	Skipped	2018
81-1514-01-01	NOLTEPINKERT,	TERESA	\$ 82.53	Outlawed	2011
81-1510-01-01	NOYOLA,	ELISHA	\$ 25.42	Outlawed	2012
81-1511-01-01	PAPPAS,	ANASTASIA	\$ 83.22	Outlawed	2011
81-1512-01-01	PARADA,	ALBERTO	\$ 33.83	Outlawed	2011
81-1513-01-01	PEREZ,	LIDIA	\$ 122.73	Outlawed	2012
81-1515-01-01	PINO,	ARIEL	\$ 190.70	Outlawed	2012
81-1516-01-01	PTAK,	NICHOLAS	\$ 190.58	Credit Abuser	2009
81-1517-01-01	REAMS,	RICHARD	\$ 185.30	Outlawed	2009
81-1518-01-01	RISTAU,	MICHAEL	\$ 126.24	Outlawed	2012
81-1519-01-01	ROSE,	VICKI	\$ 17.41	Outlawed	2013
81-1520-01-01	SANTOS,	ALBERTO	\$ 141.94	Outlawed	2013
81-1521-01-01	SAUL,	GLENN	\$ 198.02	Credit Abuser	2012
81-1522-01-01	SCHURMAN,	BRANDON	\$ 176.67	Outlawed	2009

81-1523-01-01	SEXTON,	ROBERT	\$ 46.12	Outlawed	2012
81-1524-01-01	SHORTEY,	DAVID	\$ 152.57	Outlawed	2012
81-1525-01-01	ST CYR,	DWAYNE	\$ 26.82	Outlawed	2012
81-1526-01-01	STANLEY,	ADAM	\$ 33.79	Credit Abuser Refused Judgement	2013
81-1527-01-01	STEINBERG,	COLBY	\$ 181.39	Outlawed	2010
81-1528-01-01	TRATTLES,	TAMMY	\$ 153.91	Outlawed	2011
81-1542-01-01	WAMPOL,	KAREN	\$ 265.07	Deceased	2023
81-1529-01-01	WUESTEWALD,	JOSH	\$ 131.93	Outlawed	2011
81-1530-01-01	YOUNG,	TIMOTHY	\$ 89.79	Outlawed	2010
			<u>\$ 10,550.25</u>		

Memorandum #22-236

To: City Manager and City Commission
From: Dana Schmidt, Library Director
Subject: FY 2024 County Contract for Library Services
Date: November 27, 2023

The current contract with Yankton County for the Yankton Community Library to provide library services for residents living outside the corporate limits of the City of Yankton expires December 31, 2023.

Attached to this memorandum, please find a copy of Resolution #23-69 which would extend library services to Yankton County residents through Fiscal Year 2024.

Presently, the Yankton Community Library serves 883 cardholders residing outside of Yankton City limits and within Yankton County. Each member of the household may have their own card if they chose with only one payment required per household (not per card).

A non-resident library card (outside of Yankton County) is \$40 per household per year. Under this agreement, each Yankton County household pays \$20.00 per year for a library card and Yankton County provides \$20,000 per year to supplement the remaining costs. The current fee of \$20.00 per household per year was effective January 1, 2020.

Recommendation: The Yankton Community Library Board of Trustees formally recommends that the Yankton City Commission approve this Contract.

Respectfully submitted,



Dana Schmidt
Library Director

I concur with the recommendation.

I do not concur with the recommendation.



Amy Leon, City Manager

RESOLUTION #23-69

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

WHEREAS, the current agreement is slated to expire December 31, 2023; and,

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

WHEREAS, more than 883 Yankton County residents 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, 2024.

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, 2024 through December 31, 2024.

Adopted:

Stephanie Moser, Mayor

ATTEST:

Al Viereck, Finance Officer

Agreement for the Provision of Library Services

This Agreement made this ____ day of _____, 2023 between the City of Yankton, a municipal corporation acting through its Board of Library Trustees and its Board of City Commissioners and Yankton County, a political subdivision acting through its Board of County Commissioners.

The parties do agree as follows:

1. The City of Yankton will provide the same library services to all residents of Yankton County living outside of the corporate limits of the City of Yankton as it provides for citizens of the City.
2. Yankton County will pay \$20,000 to the City of Yankton to provide library services for all Yankton County residents from January 1, 2024 until December 31, 2024. The City of Yankton will bill Yankton County semi-annually (April and October – see County Commission Minutes, 01/11/00)
3. Additionally, every household must pay an annual \$20.00 out-of-pocket charge directly to the Library upon issuance or renewal for a nonresident Yankton County card (for individuals living outside of the corporate limits of the City of Yankton but within Yankton County). Library cards may also be purchased for a 3-month membership (\$5) or a 6-month membership (\$10). Nonresident (outside of Yankton County) cards are issued at \$40.00 per household per year.
4. While the Library agrees to verify that each person or family to whom a card issued is a resident of Yankton County by using a current means of identification and proof of address, both the County and Library have agreed upon the following definition of a county resident that is eligible to purchase a County card:

“Person or persons owning residential or business property within Yankton County or, through rent or lease, paying property taxes to the County and County youth, high school freshmen through seniors. Verification of property tax payment may be additionally required for persons renting or leasing. The property owners (residing within the county or not) as well as the renter/lessee have the same right to obtain a library card.”
5. During the contract period, the Library will track the utilization of library services by county residents and provide patron database numbers, renewal and new card figures, and circulation percentages upon request to the Board of County Commissioners.
6. The Board of County Commissioners is entitled to appoint an additional member to the Board of Library Trustee of the City of Yankton as provided in SDCL 14 2-36. Said member shall have all of the powers and responsibilities granted to members of the Library Board of Trustees under state law and city code/ordinance. The term of the county representative shall be tied to this contract date as well as the term and appointment calendar for County Commissioners. If the contract is terminated for any reason, the County Commissioner’s representative on the

Library Board of Trustee will end upon the date of contract termination.

7. This agreement shall be effective and binding on January 1, 2024 extending until December 31, 2024 unless amended or terminated by either/or both parties. A mutual resolution for extension may also be included.

Approved this ____ day of _____, 2023, Yankton Community Library Board of Trustees.

David Koerner
Board President

Attest:

Dana Schmidt
Library Director

Approved this ____ day of _____, 2023, Board of Commissioners, Yankton County.

Don Kettering
Chairman

Attest:

Patty Hojem
Auditor

Approved this ____ day of _____, 2023, City of Yankton.

Stephanie Moser
Mayor

Attest:

Amy Leon
City Manager

MEMORANDUM #23-240

To: Yankton City Commission

From: Ross K. Den Herder, City Attorney, and Lisa Yardley, Interim Finance Officer

Date: November 19, 2023

Re: Video Lottery (RB) Endorsement Request with attendant License Restriction Agreement
– Ben's Brewing

The City has received an application for the endorsement of video lottery on a Retail (on-off sale) Malt Beverage & SD Farm Wine License No. RB-27600 for Hanten, Inc. (Ben Hanten, Owner), d/b/a Ben's Brew Station located at 719 Walnut Street, Yankton, South Dakota

The applicant currently holds a recently activated video lottery endorsement on its retail on-sale liquor license (RL-6098) currently located at another location doing business as Ben's Brewing Company located at 222 W. 3rd Street in the downtown area. The applicant is not interested in hosting video lottery at the downtown Ben's Brewing Company location. The applicant wishes to "relocate" his video lottery rights to the Ben's Brew Station location, which requires obtaining a video lottery endorsement on its retail malt beverage license (RB-27600) at the Brew Station location from the Yankton City Commission.

In order to prevent creating additional active video lottery licenses within the City, the applicant has conditioned his request on the proposed Video Lottery License Restriction Agreement attached hereto, wherein the applicant agrees for itself and all subsequent owners of retail liquor license RL-6098 that it will terminate and never reactivate its video lottery license attendant to RL-6098.

There are currently more video lottery licenses active in the City of Yankton than the total number permitted by Yankton Ordinance Sec. 3-3. The pertinent portion of that ordinance reads as follows:

- (a) The total number of establishments with on-sale alcoholic beverage licenses containing a video lottery endorsement that may be issued by the city shall not exceed thirty-nine (39).
- (b) At any time when the total number of establishments with a video lottery endorsement equals or exceeds the limits set forth in this ordinance, no **additional** licenses for the operation of video lottery machines shall be issued by the city.

The City holds the power to deny the issuance of an endorsement for video lottery attendant to a retail malt beverage (an "RB" license) or wine (an "RW" license), but the City does not hold

statutory power to directly regulate video lottery attendant to a retail on-sale liquor license (an "RL" license). The proposed agreement would grant the City of Yankton the contractual authority to prevent such an endorsement in the future.

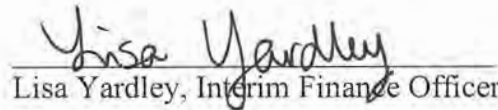
Whether to approve the endorsement or the agreement is within the statutory power of the City Commission. If the attached agreement is approved, the net effect would not appear to violate the current ordinance because the applicant's termination of its video lottery license attendant to retail liquor at the downtown location off-sets the issuance of the video lottery endorsement on the applicant's retail malt beverage at the Brew Station location.

Note that the Commission is actively considering a revision to Ordinance Sec. 3-3. If the revised ordinance modifies the video lottery cap to only restrict the endorsement of video lottery attendant to malt beverage and wine ("RB" and "RW") licenses, then upon passage, this arrangement would no longer be permissible. The new ordinance is not yet passed into law, so the City Commission currently has discretion to approve the applicant's request.

Respectfully submitted,



Ross K. Den Herder, City Attorney




Lisa Yardley, Interim Finance Officer

Recommendation: Discuss the merits of approving or denying the attached agreement and endorsements, and direct staff accordingly.

I concur with the recommendation.

I do not concur with the recommendation.



Amy Leon, City Manager

____ Roll Call

VIDEO LOTTERY LICENSE RESTRICTION AGREEMENT

This Agreement is made and entered into by and between the CITY OF YANKTON (hereafter "City), a South Dakota municipal corporation, and Hanten, Inc. d/b/a Ben's Brewing Company and d/b/a Ben's Brew Station, a South Dakota business corporation (hereafter, the "Licensee").

WHEREAS, the City lawfully regulates the number of retail malt beverage ("RB") and retail wine ("RW") alcohol licenses that are endorsed to hold video lottery licenses.

WHEREAS, the Licensee currently holds a retail on-sale liquor license (License No. #RL-6098) with an active video lottery endorsement that permits Licensee to host ten (10) video lottery machines within Licensee's establishment called Ben's Brewing Company located at 222 W. 3rd Street in Yankton.

WHEREAS, the Licensee does not currently intend to use video lottery at the 222 W. 3rd Street location, but instead Licensee wishes to "relocate" and host video lottery at a different business location owned by the Licensee called Ben's Brew Station located at 719 Walnut Street in Yankton.

WHEREAS, Licensee cannot operate video lottery at the Ben's Brew Station location without an alcohol license endorsed for video lottery, which requires either an unrestricted on-sale liquor license or an "RB" or "RW" alcohol license with video lottery endorsement approved by the Yankton City Commission. The Ben's Brew Station location currently holds both "RB" and "RW" alcohol licenses only, and neither license is currently endorsed for video lottery.

WHEREAS, the Licensee expressly requests that the City agree to endorse video lottery on the Ben's Brew Station's malt beverage license No. #RB-27600 in exchange for Licensee's agreement to terminate its current video lottery license and relinquish its rights to request an additional video lottery license from the State of South Dakota at the Ben's Brewing Company location attendant to on- sale retail liquor license No. RL-6098.

WHEREAS, the City does not seek or intend to increase the number of active video lottery licenses within its jurisdiction; however, absent this agreement, the City currently does not hold the power to prevent the holder of an on-sale liquor license from applying for and obtaining a new video lottery license from the State of

South Dakota.

WHEREAS, in order to prevent the Licensee (and its successors in interest) from reactivating video lottery upon liquor license No #RL-6098 through the issuance of a new endorsement by the State of South Dakota, the City will not consent to video lottery endorsement on the Licensee's "RB" alcohol license without this agreement binding upon the Licensee's liquor license for Licensee and its successors in interest; and the Licensee agrees to relinquish its rights accordingly to obtain approval of such new endorsement from the State of South Dakota.

NOW, THEREFOR, THE PARTIES AGREE AS FOLLOWS:

- (1) Licensee agrees that as a condition of the City's approval of the video lottery endorsement affixed to retail malt beverage license no. #RB-27600 as contemplated herein, Licensee (and all subsequent holders of liquor license #RL-6098) shall not apply for a new video lottery license from the State of South Dakota utilizing on-sale liquor license no. #RL-6098, or take any other action that would result in an increase in the current number of existing video lottery licenses within the City's jurisdictional limits which number the parties agree expressly includes the video lottery license endorsement presently held on #RL-6098. Licensee and City expressly agree, however, that this agreement shall not prevent Licensee (or any subsequent holder of liquor license #RL-6098) from requesting to transfer the video lottery endorsement from #RB-27600 to #RL-6098 and that such transfer would not increase the number of existing video lottery licenses in the City. The parties agree that the intent of this agreement is to prevent Licensee from seeking a new video lottery endorsement from the State of South Dakota, not to prevent #RL-6098 from having such an endorsement via a transfer approved via the City's procedures.
- (2) An application for a new video lottery license from the State of South Dakota by the holder of liquor license #RL-6098 in violation of this Agreement shall be considered a violation of the conditions applicable to liquor license #RL-6098 and may be grounds for revocation of the liquor license by the City.
- (3) Nothing herein prevents the Licensee (or any subsequent holder of liquor license #RL-6098) from receiving as transferee any video


lottery license in a manner that does not increase the then-current number of existing video lottery licenses within the City's jurisdictional limits. The parties specifically agree that nothing in this agreement prevents Licensee from requesting a transfer of the video lottery license from #RB-27600 to a third party through the City's approval procedures. If the video lottery license is transferred from #RB-27600 to a third party, however, Licensee agrees and acknowledges that it cannot seek a new video lottery endorsement for #RL-6098 from the State of South Dakota.

- (4) This agreement shall be binding upon the Licensee and all subsequent holders of liquor license #RL-6098. As a condition of transferring liquor license #RL-6098, the holder shall be required to disclose this agreement to the proposed transferee, who shall be required to sign an acknowledgment agreeing to adhere to the restrictions set forth in this Agreement as a precondition for receiving the City's approval of such alcohol license transfer.

[Remainder of Page Intentionally Left Blank - Signatures on Following Page.]

Dated this 20th day of November, 2023.

Hanten, Inc., Licensee



By: Ben Hanten, President

Dated this _____ day of _____, 2023.

CITY OF YANKTON

By: Amy Leon, City Manager

MEMORANDUM #23-239

To: Yankton City Commission

From: Ross K. Den Herder, City Attorney, and Lisa Yardley, Interim Finance Officer

Date: November 20, 2023

Re: Request for Video Lottery Endorsement on Retail Wine License – The Fox Stop

The City has received an application for the endorsement of video lottery on a Retail (on-off sale) Wine License No. RW-23602 for Fox Stop Holdings, LLC (James Grotenhuis, Owner), d/b/a The Fox Stop located at 1316 W 30th Street, Yankton, South Dakota

The applicant already currently holds wine license (RW-23602) at that location but the license does not currently hold a video lottery endorsement. The applicant requests that the City Commission grant him the endorsement. This request has no corresponding contractual termination of another video lottery license, so the applicant's request is to create an additional video lottery license within the City.

There are currently more video lottery licenses active in the City of Yankton than the total number permitted by Yankton Ordinance Sec. 3-3. The pertinent portion of that ordinance reads as follows:

- (a) The total number of establishments with on-sale alcoholic beverage licenses containing a video lottery endorsement that may be issued by the city shall not exceed thirty-nine (39).
- (b) At any time when the total number of establishments with a video lottery endorsement equals or exceeds the limits set forth in this ordinance, *no additional licenses* for the operation of video lottery machines shall be issued by the city.

The City holds the statutory power to deny the issuance of an endorsement for video lottery attendant to a retail malt beverage (an "RB" license) or wine (an "RW" license). Approving the applicant's request for video lottery on RW-23602 would violate Ordinance Sec. 3-3 because it would create an additional license for the operation of video lottery. The Commission must comply with its own Ordinance Sec. 3-3. For that reason, the City Attorney recommends the Commission to deny the request. If the Commission is inclined to grant the request, the City Attorney recommends the Commission to first change Ordinance Sec. 3-3 to increase or eliminate the cap.

Respectfully submitted,



Ross K. Den Herder, City Attorney



Lisa Yardley, Interim Finance Officer

Recommendation: The City Attorney recommends the Commission to deny the request. If the Commission is inclined to grant the request, the City Attorney recommends the Commission to first change Ordinance Sec. 3-3 to increase or eliminate the cap.

I concur with the recommendation.

I do not concur with the recommendation.



Amy Leon, City Manager

Memorandum #23-228

To: Amy Leon, City Manager
From: Corey Potts, Public Works Manager
Subject: Bid Award for Two Steel Transfer Station Walking Floor Trailers for the Department of Public Works, City of Yankton/Joint Powers Department
Date: November 14, 2023

Five bid packets for two new walking floor trailers were sent to equipment dealers. We received the two bids outlined below.

<i>Bidder</i>	<i>Total Cost</i>
<i>Northern Truck & Equipment 47213 Schweigers Circle Sioux Falls, SD 57107</i>	<i>\$223,212.00</i>
<i>Wilkens Trailer 184 South County Rd 22 Morris, MN 56267</i>	<i>\$233,814.00</i>

The 2024 Joint Powers budget provides \$250,000 for the purchase of two new steel walking floor trailers for the City of Yankton, Public Works Department/Joint Powers Department.

The steel walking floor trailers are an important part of the Yankton Transfer Station operation. Yankton is permitted to accept municipal solid waste for transport to the landfill located in Clay County. Municipal solid waste and construction debris are transported in the walking floor trailers to the landfill.

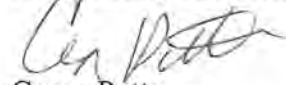
The trailers are located in the pits at the transfer station for loading purposes. Solid waste is dumped from the tipping floor into these trailers. The loads are arranged and packed to get the most weight on the trailers. They are then covered and moved to an outside staging area for transfer to the Vermillion landfill.

The trailers are 48-feet in length with a walking floor mechanism to unload the solid waste. The trailers have a roll tarp that is securely fastened down in accordance with state laws while transporting solid waste to Vermillion to prevent material from blowing out of the trailer.

All bids received meet the minimum specifications. The bid submitted by Northern Truck & Equipment of Sioux Falls, SD is similar to the ones presently in service having the same major components such as the walking floor mechanism, landing gear, tarp components, suspension and axles. The steel trailers have proven to be more durable for the transfer operation than the previously used aluminum trailers when the transfer operation first began.

City Staff recommends that the bid for \$223,212.00 be awarded to Northern Truck & Equipment of Sioux Falls, SD. This bid is under the budgeted amount.

Respectfully submitted,

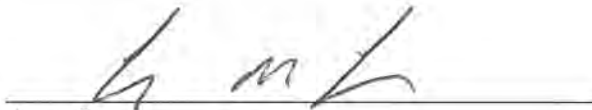


Corey Potts
Public Works Manager

Recommendation: It is recommended the City Commission approve Memorandum #23-228 to award the bid for two new steel transfer station walking floor trailers to Northern Truck & Equipment of Sioux Falls, South Dakota in the amount of \$223,212.00.

I concur with this recommendation.

I do not concur with this recommendation.



Amy Leon
City Manager

Memorandum #23-221

TO: Amy Leon, City Manager
 FROM: Adam Haberman, PE, Public Works Director
 RE: Agreement for Engineering Services with Banner Associates, Inc. for the Cedar Street Bridge Replacement
 DATE: November 17, 2023

In 2020 the City of Yankton was awarded a \$29,200 Bridge Improvement Grant (BIG) for preliminary engineering associated with replacing the Cedar Street Bridge. Through the South Dakota Department of Transportation (SDDOT), Banner Associates, Inc. was selected to provide the preliminary engineering services. Preliminary engineering includes the necessary field surveying, hydraulic design calculation, geotechnical exploration, and structure type, size, and location in preparation for the development of construction plans for a new bridge. The preliminary engineering is now complete and the project is ready to proceed into the final design phase. The final design phase will develop shovel ready plans and specifications with anticipation of applying for a 2025 BIG Replacement Grant through the SDDOT.

Attached is an Agreement for Engineering Services for the replacement of structure number 68-121-204 on Cedar Street with Banner Associates, Inc. As outlined in the agreement, Banner will prepare final plans and bidding documents for the bridge replacement project with total compensation for their services not to exceed \$250,000. The adopted 2024 City of Yankton budget provides \$250,000 for the engineering services.

Recommendation: It is recommended that the City Commission approve Memorandum #23-221 authorizing the City Manager to execute the Agreement for Engineering Services for the replacement of structure number 68-121-204 on Cedar Street with Banner Associates, Inc.

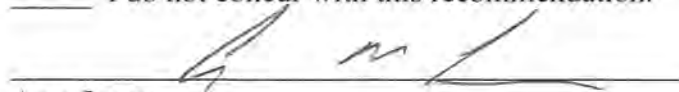
Respectfully submitted,



Adam Haberman, PE
 Public Works Director

I concur with this recommendation.

I do not concur with this recommendation.



Amy Leon
 City Manager

____ Roll Call



Banner Associates, Inc.
10 Austin Street, Suite 101
Vermillion, SD 57069
Tel 605.692.6342
Toll Free 855.323.6342
www.bannerassociates.com

October 19, 2023

Adam Haberman
City of Yankton - Public Works Director
416 Walnut Street
Yankton, SD 57078

RE: Engineering Services for:
Structure Number 68-121-204
Cedar Street
Yankton, SD

Dear Mr. Haberman,

Banner Associates, Inc. (Banner) is pleased to submit this Agreement for Engineering Services for replacement of Structure Number 68-121-204 on Cedar Street in the City of Yankton. We are happy to further refine this agreement based on your review.

As an overview and to supplement the Agreement and Engineer's Services I would like to offer the following:

PROJECT SCHEDULE OVERVIEW

- Survey – Completed January 2022
- Survey Review and Update if necessary – November/December 2023
- Hydraulics – Preliminary Hydraulic Recommendations delivered January 2023
- Preliminary Structure Design – April through July 2024
- Site/Grading Design – February/March 2024
- Final Structure Design – August through October 2024
- Final Plans Completion – October through December 2024
- Plan Review – January through March 2025
- Construction – September 2025 through November 2026 (Pending award of BIG Funding)

PROJECT TEAM LEAD MEMBERS

- Project Manager/Local Point of Contact – Luke Johnson, PE
- Structure Design – Colin Zwaschka, PE and Matthew Buenger, PE
- Grading/Site Design – Luke Johnson, PE

Additionally, Banner will perform project management tasks to assist the City. These tasks may include progress meetings with the City, attending City Commission meetings as necessary, and project planning and oversight. Banner will also facilitate a project kickoff meeting to gather all relevant project related information that the City has access to.



Page 2

We look forward to the opportunity to assist the City of Yankton with this project. If you have any questions on anything listed in this document or any items listed in the attachments, please do not hesitate to contact me at 1-605-696-9198 or lukej@bannerassociates.com.

Sincerely,

A handwritten signature in blue ink that reads "Lucas A. Johnson".

Lucas A. Johnson, PE
Project Engineer

Attachments:

Short Form of Agreement Between Owner and Engineer for Professional Services
City of Yankton Bridge Replacement – Proposed Schedule

SHORT FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES

This is an Agreement between the City of Yankton (Owner) and Banner Associates, Inc. (Engineer). Owner's Project, of which Engineer's services under this Agreement are a part, is generally identified as Design and Bidding Services for Cedar Street SN 68-121-204 (Project). Engineer's services under this Agreement (Services) are generally identified as: refer to attachment "Exhibit A – Engineer's Services".

Owner and Engineer further agree as follows:

1.01 Services of Engineer

- A. Engineer shall provide or furnish the Services set forth in this Agreement, and any Additional Services authorized by Owner and consented to by Engineer.

2.01 Owner's Responsibilities

- A. Owner shall provide Engineer with existing Project-related information and data in Owner's possession and needed by Engineer for performance of Engineer's Services. Owner will advise the Engineer of Project-related information and data known to Owner but not in Owner's possession. Engineer may use and rely upon Owner-furnished information and data in performing its Services, subject to any express limitations applicable to the furnished items.
 - 1. Following Engineer's assessment of initially-available Project information and data, and upon Engineer's request, Owner shall obtain, furnish, or otherwise make available (if necessary through retention of specialists or consultants) such additional Project-related information and data as is reasonably required to enable Engineer to complete its Services; or, with consent of Engineer, Owner may authorize the Engineer to obtain or provide all or part of such additional information and data as Additional Services.
- B. Owner shall provide necessary direction and make decisions, including prompt review of Engineer's submittals, and carry out its other responsibilities in a timely manner so as not to delay Engineer's performance. Owner shall give prompt notice to Engineer whenever Owner observes or otherwise becomes aware of (1) any relevant, material defect or nonconformance in Engineer's Services, or (2) any development that affects the scope or time of performance of Engineer's Services.
- C. Owner will complete requirements of the Preliminary Engineering BIG project by the SDDOT including, but not limited to: obtain traffic count for roadway at structure location.
- D. Owner will obtain all necessary Right of Way (ROW) to construct and maintain the replacement structure, including temporary and permanent easements, and will complete the ROW Certification form.
- E. Owner will coordinate the project impacts with the existing utility owners, both underground and aerial, arrange for any adjustments, and will complete the Utility Certification form.

3.01 Schedule for Rendering Services

- A. Engineer shall complete its Services within the following specific time period: Refer to milestones identified in Exhibit A. If no specific time period is indicated, Engineer shall complete its Services within a reasonable period of time.
- B. If, through no fault of Engineer, such periods of time or dates are changed, or the orderly and continuous progress of Engineer's Services is impaired, or Engineer's Services are delayed or suspended, then the time for completion of Engineer's Services, and the rates and amounts of Engineer's compensation, shall be adjusted equitably.

4.01 Invoices and Payments

- A. Invoices: Engineer shall prepare invoices in accordance with its standard invoicing practices and submit the invoices to Owner on a monthly basis. Invoices are due and payable within 30 days of receipt.
- B. Payment: As compensation for Engineer providing or furnishing Services and Additional Services, Owner shall pay Engineer as set forth in this Paragraph 4.01, Invoices and Payments. If Owner disputes an invoice, either as to amount or entitlement, then Owner shall promptly advise Engineer in writing of the specific basis for doing so, may withhold only that portion so disputed, and must pay the undisputed portion.
- C. Failure to Pay: If Owner fails to make any payment due Engineer for Services, Additional Services, and expenses within 30 days after receipt of Engineer's invoice, then (1) the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day; (2) in addition Engineer may, after giving 7 days' written notice to Owner, suspend Services under this Agreement until Engineer has been paid in full all amounts due for Services, Additional Services, expenses, and other related charges, and in such case Owner waives any and all claims against Engineer for any such suspension; and (3) if any payment due Engineer remains unpaid after 90 days, Engineer may terminate the Agreement for cause pursuant to Paragraph 5.01.A.2.
- D. Reimbursable Expenses: Engineer is entitled to reimbursement of expenses only if so indicated in Paragraph 4.01.E or 4.01.F. If so entitled, and unless expressly specified otherwise, the amounts payable to Engineer for reimbursement of expenses will be the Project-related internal expenses actually incurred or allocated by Engineer, plus all invoiced external expenses allocable to the Project, including Engineer's subcontractor and subconsultant charges, with the external expenses multiplied by a factor of 1.0.
- E. Basis of Payment
 - 1. Hourly Rates. Owner shall pay Engineer for Services as follows:
 - a. An amount equal to the cumulative hours charged to the Project by Engineer's employees times standard hourly rates for each applicable billing class, plus reimbursement of expenses incurred in connection with providing the Services.
 - b. Engineer's Standard Hourly Rates are attached as Appendix 1.
 - c. The total compensation for Services and reimbursement of expenses will not exceed \$250,000.00.

- F. Additional Services: For Additional Services, Owner shall pay Engineer an amount equal to the cumulative hours charged in providing the Additional Services by Engineer's employees, times standard hourly rates for each applicable billing class; plus reimbursement of expenses incurred in connection with providing the Additional Services. Engineer's standard hourly rates are attached as Appendix 1.

5.01 Termination

A. Termination for Cause

1. Either party may terminate the Agreement for cause upon 30 days' written notice in the event of substantial failure by the other party to perform in accordance with the terms of the Agreement, through no fault of the terminating party.
 - a. Notwithstanding the foregoing, this Agreement will not terminate under Paragraph 5.01.A.1 if the party receiving such notice begins, within 7 days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt thereof; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30-day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein will extend up to, but in no case more than, 60 days after the date of receipt of the notice.
2. In addition to its termination rights in Paragraph 5.01.A.1, Engineer may terminate this Agreement for cause upon 7 days' written notice (a) if Owner demands that Engineer furnish or perform services contrary to Engineer's responsibilities as a licensed professional, (b) if Engineer's services for the Project are delayed or suspended for more than 90 days for reasons beyond Engineer's control, (c) if payment due Engineer remains unpaid for 90 days, as set forth in Paragraph 4.01.C, or (d) as the result of the presence at the Site of undisclosed Constituents of Concern as set forth in Paragraph 6.01.I.
3. Engineer will have no liability to Owner on account of any termination by Engineer for cause.

- B. Termination for Convenience: Owner may terminate this Agreement for convenience, effective upon Engineer's receipt of notice from Owner.

- C. Payments Upon Termination: In the event of any termination under Paragraph 5.01, Engineer will be entitled to invoice Owner and to receive full payment for all services performed or furnished in accordance with this Agreement, and to reimbursement of expenses incurred through the effective date of termination. Upon making such payment, Owner will have the limited right to the use of all deliverable documents, whether completed or under preparation, subject to the provisions of Paragraph 6.01.F, at Owner's sole risk.

1. If Owner has terminated the Agreement for cause and disputes Engineer's entitlement to compensation for services and reimbursement of expenses, then Engineer's entitlement to payment and Owner's rights to the use of the deliverable documents will be resolved in accordance with the dispute resolution provisions of this Agreement or as otherwise agreed in writing.
2. If Owner has terminated the Agreement for convenience, or if Engineer has terminated the Agreement for cause, then Engineer will be entitled, in addition to the payments

identified above, to invoice Owner and receive payment of a reasonable amount for services and expenses directly attributable to termination, both before and after the effective date of termination, such as reassignment of personnel, costs of terminating contracts with Engineer's subcontractors or subconsultants, and other related close-out costs, using methods and rates for Additional Services as set forth in Paragraph 4.01.F.

6.01 General Considerations

- A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with any services performed or furnished by Engineer. Subject to the foregoing standard of care, Engineer may use or rely upon design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers, and the publishers of technical standards.
- B. Engineer shall not at any time supervise, direct, control, or have authority over any Constructor's work, nor will Engineer have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any Constructor, or the safety precautions and programs incident thereto, for security or safety at the Project site, nor for any failure of a Constructor to comply with laws and regulations applicable to that Constructor's furnishing and performing of its work. Engineer shall not be responsible for the acts or omissions of any Constructor.
- C. Engineer neither guarantees the performance of any Constructor nor assumes responsibility for any Constructor's failure to furnish and perform its work.
- D. Engineer's opinions of probable construction cost (if any) are to be made on the basis of Engineer's experience, qualifications, and general familiarity with the construction industry. However, because Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market conditions, Engineer cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from opinions of probable construction cost prepared by Engineer. If Owner requires greater assurance as to probable construction cost, then Owner agrees to obtain an independent cost estimate.
- E. Engineer shall not be responsible for any decision made regarding the construction contract requirements, or any application, interpretation, clarification, or modification of the construction contract documents, other than those made by Engineer.
- F. All documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed. Engineer grants to Owner a limited license to use the deliverable documents on the Project, extensions of the Project, and for related uses of the Owner, subject to receipt by Engineer of full payment due and owing for all Services and Additional Services relating to preparation of the deliverable documents, and subject to the following limitations:

1. Owner acknowledges that such documents are not intended or represented to be suitable for use on the Project unless completed by Engineer, or for use or reuse by Owner or others on extensions of the Project, on any other project, or for any other use or purpose, without written verification or adaptation by Engineer;
 2. any such use or reuse, or any modification of the documents, without written verification, completion, or adaptation by Engineer, as appropriate for the specific purpose intended, will be at Owner's sole risk and without liability or legal exposure to Engineer or to its officers, directors, members, partners, agents, employees, and subconsultants;
 3. Owner shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and subconsultants from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from any use, reuse, or modification of the documents without written verification, completion, or adaptation by Engineer; and
 4. such limited license to Owner shall not create any rights in third parties.
- G. Owner and Engineer agree to transmit, and accept, Project-related correspondence, documents, text, data, drawings, information, and graphics, in electronic media or digital format, either directly, or through access to a secure Project website, in accordance with a mutually agreeable protocol.
- H. Waiver of Damages; Limitation of Liability: To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's officers, directors, members, partners, agents, employees, subconsultants, and insurers, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to this Agreement or the Project, from any cause or causes, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$100,000 or the total amount of compensation received by Engineer, whichever is greater.
- I. The parties acknowledge that Engineer's Services do not include any services related to unknown or undisclosed Constituents of Concern. If Engineer or any other party encounters, uncovers, or reveals an unknown or undisclosed Constituent of Concern, then Engineer may, at its option and without liability for consequential or any other damages, suspend performance of Services on the portion of the Project affected thereby until such portion of the Project is no longer affected, or terminate this Agreement for cause if it is not practical to continue providing Services.
- J. Owner and Engineer agree to negotiate each dispute between them in good faith during the 30 days after notice of dispute. If negotiations are unsuccessful in resolving the dispute, then the dispute will be mediated. If mediation is unsuccessful, then the parties may exercise their rights at law.
- K. This Agreement is to be governed by the laws of the state in which the Project is located.
- L. Engineer's Services do not include: (1) serving as a "municipal advisor" for purposes of the registration requirements of Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (2010) or the municipal advisor registration rules issued by the Securities and Exchange Commission; (2) advising Owner, or any municipal entity or other person or entity, regarding municipal financial products or the issuance of municipal

securities, including advice with respect to the structure, timing, terms, or other similar matters concerning such products or issuances; (3) providing surety bonding or insurance-related advice, recommendations, counseling, or research, or enforcement of construction insurance or surety bonding requirements; or (4) providing legal advice or representation.

7.01 Definitions

- A. Constructor—Any person or entity (not including the Engineer, its employees, agents, representatives, subcontractors, and subconsultants), performing or supporting construction activities relating to the Project, including but not limited to contractors, subcontractors, suppliers, Owner's work forces, utility companies, construction managers, testing firms, shippers, and truckers, and the employees, agents, and representatives of any or all of them.
- B. Constituent of Concern—Asbestos, petroleum, radioactive material, polychlorinated biphenyls (PCBs), lead based paint (as defined by the HUD/EPA standard), hazardous waste, and any substance, product, waste, or other material of any nature whatsoever that is or becomes listed, regulated, or addressed pursuant to laws and regulations regulating, relating to, or imposing liability or standards of conduct concerning, any hazardous, toxic, or dangerous waste, substance, or material.

8.01 Successors, Assigns, and Beneficiaries

A. Successors and Assigns

- 1. Owner and Engineer are hereby bound and the successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by Paragraph 8.01.A.2 the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.
- 2. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, money that is due or may become due) in this Agreement without the written consent of the other party, except to the extent that any assignment, subletting, or transfer is mandated by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

- B. Beneficiaries: Unless expressly provided otherwise, nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Owner or Engineer to any Constructor, other third-party individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Owner and Engineer and not for the benefit of any other party.

9.01 Total Agreement

- A. This Agreement (including any expressly incorporated attachments), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

10.01 Attachments

- A. Appendix 1: Engineer's Schedule of Labor Rates and Expenses.
- B. Exhibit A – Engineer's Services

This Agreement's Effective Date is October 19, 2023.

Owner:
City of Yankton

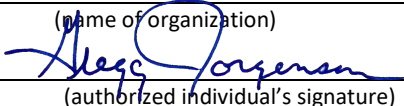
(name of organization)
By: _____
(authorized individual's signature)
Date: _____
(date signed)
Name: _____
(typed or printed)
Title: _____
(typed or printed)
Address for giving notices:
416 Walnut Street

Yankton, SD 57078

Designated Representative:
Name: _____
(typed or printed)
Title: _____
(typed or printed)
Address: _____

Phone: _____
Email: _____

Engineer:
Banner Associates, Inc.

(name of organization)
By: 

(authorized individual's signature)
Date: October 23, 2023

(date signed)
Name: Gregg Jorgenson, PE

(typed or printed)
Title: Sr. Vice President

(typed or printed)
Address for giving notices:
409 22nd Ave. S

Brookings, SD 57006

Designated Representative:
Name: _____
(typed or printed)
Title: _____
(typed or printed)
Address: _____

Phone: _____
Email: _____

This is **Appendix 1, Engineer's Schedule of Labor Rates and Expenses**, referred to in and part of the Short Form of Agreement between Owner and Engineer for Professional Services dated October 19, 2023.

APPENDIX 1: SCHEDULE OF LABOR RATES AND EXPENSES

January 2023

Administrative	\$65.00 to \$175.00/Hour
Surveying/Geomatics	\$75.00 to \$160.00/Hour
Engineering Technician	\$70.00 to \$125.00/Hour
Environmental Scientist	\$85.00 to \$150.00/Hour
Staff Engineer	\$95.00 to \$110.00/Hour
Project Engineer	\$110.00 to \$170.00/Hour
Project Manager	\$130.00 to \$250.00/Hour

1. Meals at State Rates.
2. Lodging at actual cost.
3. Reimbursables:
 - a. Mileage \$0.70/Mile
 - b. Photocopy 0.07/Copy
 - c. Black & White 11x17 Laser Prints..... 0.14/Sheet
4. All other direct project expenses at actual cost of materials.

Rates are subject to change annually.

This is **EXHIBIT A**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated October 19, 2023.

Engineer's Services

Article 1 of the Agreement is supplemented to include the following agreement of the parties.

Design and Bidding for BIG Bridge Replacement Project

- 1) Develop preliminary layout drawing and preliminary plan and profile drawing.
 - a) Drawings will be submitted to Owner and to SDDOT for review and comments.
 - b) Final design will proceed after acceptance by Owner and SDDOT.
- 2) Environmental Permitting (see below).
- 3) Prepare PE plats for permanent easements (if necessary).
 - a) Extents of permanent easement will be identified on preliminary plan and profile.
- 4) Prepare ROW Certificate.
 - a) Provide ROW donation forms to Owner to obtain signatures from affected landowners.
 - b) Provide signed PE plats, with ROW donation forms, for Owner to file at Register of Deeds.
 - c) Have Owner complete ROW Certificate form.
- 5) Prepare Utility Certificate.
 - a) Initiate communication with utility owners identified on one-call ticket; identify location of utilities as surveyed and any potential conflicts with proposed new structure.
 - b) Provide Owner with list of utilities and contact information for utility owners/representatives.
 - c) Have Owner complete Utility Certificate form.
- 6) Prepare design calculations and independent design check calculations for proposed structure *.
- 7) Perform initial Load Rating Analysis for proposed structure *.
- 8) Prepare construction plans for structure replacement and approach grading.
 - a) Plans will follow SDDOT non-Section method.
- 9) Prepare Bidding documents and Construction front-end documents.
- 10) Develop Construction Management Plan (CMP).
- 11) Prepare Construction cost estimate.
- 12) Prepare draft Agreement for Construction Engineering (CE) services.
 - a) Include estimate of hours.
- 13) Submit 100% review plans to SDDOT (tentative 12/06/2024).
 - a) Include bid documents, construction front-end documents, non-DOT specifications, and construction cost estimate.
 - b) Include design calcs, independent design check calcs, initial load rating analysis.
 - c) Include permits and certificates (USACE 404 permit, ROW and Utility Certificates, etc.).
 - d) Include draft CMP and draft CE services Agreement.
- 14) Address all SDDOT review comments (either by accepting or rejecting them; provide written responses for rejected comments).
 - a) Finalize Bidding and Construction front-end documents.
 - b) Obtain DOT approval letter prior to advertising for bids.
- 15) Advertise project for bids, conduct bid letting, review and tabulate bids.
 - a) Recommend Conditional Award of Contract to lowest responsive bidder pending concurrence from SDDOT.
- 16) Assist Owner with selecting materials testing agency.
- 17) Prepare and submit NOI application for SD DANR Stormwater Permit for Construction Activities.

Environmental Permitting

Wetlands and waterways are present in the project area and are likely jurisdictional under Section 404 of the Clean Water Act. The project has the potential to permanently impact these areas, and a Section 404 permit application will be completed and provided to the US Army Corps of Engineers (USACE) for review and issuance of a permit.

Task 1:

Banner will complete a Section 404 permit application for the project as early as is practical in the design process. If an impact over 0.03 acre occurs to the stream or an impact over 0.1 acre occurs to wetlands, mitigation will likely be required as part of the permit. If required, Banner would be able to identify a mitigation bank and coordinate mitigation through an amendment to this scope. The following will be included to complete the Section 404 permit application:

- *Desktop Wetland Delineation and Wetland Impact Calculations*- Banner will complete a desktop wetland delineation that identifies wetlands and waterways within the identified project area. Banner will calculate the potential temporary and permanent impacts to the wetlands and waterways resulting from the proposed project. The desktop delineation will include a larger project area for the temporary stream diversion [if utilized]. The level of wetland impact due to the stream diversion will also be identified.
- Assumes the project can be permitted under nationwide permit.
 - o USACE Nationwide 14 includes a stream mitigation requirement for impacts exceeding 0.03 acre. If a permanent impact over 0.03 acre will occur, Banner can complete mitigation coordination under an amendment to this scope and fee.
- *Site Visit to Identify Northern Long Eared Bat Habitat*- Banner will visit the site and identify potential NLEB habitat. If habitat is present, commitments for construction will be identified.
- *Level I Records Search*- Banner will order a Level I Record Search from the State Archeological Research Center (SARC) and provide any previous plans for the bridge in a one-page memo summarizing cultural resources information found. The memo will include photos of the bridge.

Exclusions

- 1) We cannot guarantee the timeline or receipt of a USACE Section 404 permit as these can be subject to changes in the review process/criteria.
- 2) A field wetland delineation is not included in the Scope of Services. Similarly, wetland mitigation is not included.
 - a) A Desktop Wetland Delineation will be performed as part of the Environmental Permitting process. Any further delineation or mitigation needs will be coordinated through an amendment.
- 3) The utility information included on the plans was obtained during the site survey and we cannot guarantee the accuracy of the utility markings provided from One Call.
- 4) Construction Engineering (CE) services are not included in the Scope of Services.
 - a) A separate agreement for CE services will be submitted for review to the SDDOT and will need to be executed prior to commencement of services.
 - b) If Topeka shiner construction commitments are required as part of the issued USACE 404 permit, construction monitoring will be included in CE Scope of Services.

* These services are not applicable to precast concrete box culvert structures. The design, independent design check, and the load rating analysis will be by the Precaster.

Memorandum #23-222

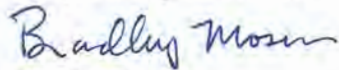
To: Amy Leon, City Manager
From: Bradley Moser, Civil Engineer
Subject: Change Order Number 1, Final Project Acceptance and Final Payment for the 5th Street Reconstruction from Spruce Street to Green Street
Date: November 16, 2023

The majority of the 5th Street project from Spruce Street to Green Street was completed in 2022. The underground utilities and street construction were completed at that time. There were items that had seasonal limitations as well as warranty items that needed to be addressed in 2023. Those items are now done and the project is ready for acceptance.

All of the adjustments to the original contract were provided for in a change order approved by the commission this last January. Therefore, the only amount remaining to be paid is the balance of the final construction cost.

City staff has reviewed the project and the final pay request. We recommend that the project be accepted and the City Finance Officer be authorized to issue a manual check in the amount of \$1,000.00 to Masonry Components, Inc. based on the attached final pay request.

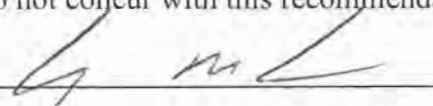
Respectfully submitted,


Bradley Moser
Civil Engineer

Recommendation: It is recommended that the City Commission accept the completed reconstruction on 5th Street reconstruction project and authorize the Finance Officer to issue a manual check to Masonry Components, Inc. in the amount of \$1000.00 as detailed in Memorandum #23-222.

I concur with this recommendation.

I do not concur with this recommendation.


Amy Leon
City Manager

cc: Adam Haberman (electronic)
file

Roll Call

CITY OF YANKTON
PROGRESS ESTIMATE

CONTRACTOR: Masonry Components, Inc.
PROJECT NO: 2022-011
DESCRIPTION: W 5th Street from Spruce St. - Green St.

PROGRESS EST. NO: 7 & Final
PERIOD: 1/23/23-11/9/23

DATE OF CONTRACT:	04/26/22	CONTRACT PERIOD:	10/31/2022	PREVIOUS PAYMENTS AUTHORIZED:	
AMOUNT OF CONTRACT AS AWARDED:	\$ 566,650.25	% OF TIME USED:	100%	EST. PAYMENTS AUTH.	
CHANGE ORDERS:		% COMPLETED:	100%	#1	\$27,019.99
#1	\$ 72,404.35			#2	\$176,120.78
#2				#3	\$214,467.10
#3				#4	\$59,267.89
				#5	\$78,406.84
				#6	\$82,772.00

TOTAL CHANGE ORDERS:	\$72,404.35	TOTAL PREVIOUS PAYMENTS AUTHORIZED	\$638,054.60
TOTAL AMENDED CONTRACT AMOUNT:	\$639,054.60		

BID ITEM	DESCRIPTION	BID QUANTITY	UNIT	UNIT PRICE	QUANTITY COMPLETED	TOTAL AMOUNT
GENERAL ITEMS						
1	MOBILIZATION	1	LS	\$ 28,206.75	1.00	\$28,206.75
2	INCIDENTAL	1	LS	\$ 1,375.00	1.00	\$1,375.00
REMOVALS AND GRADING						
3	Saw Existing Concrete	462	LF	\$ 12.10	486.00	\$5,890.60
4	Saw Existing Asphalt	85	LF	\$ 11.00	85.00	\$935.00
5	Removal of Concrete Pavement	3350	SY	\$ 5.78	3406.00	\$19,686.58
6	Removal of Asphalt Pavement	194	SY	\$ 6.60	194.00	\$1,280.40
7	Removal of Curb and Gutter	74	LF	\$ 11.00	74.00	\$814.00
8	Removal of Concrete Wall	15	SY	\$ 16.50	12.00	\$198.00
9	Removal of Rock Wall	10	SY	\$ 16.50	10.00	\$165.00
10	Unclassified Excavation	1	LS	\$ 10,175.00	1.00	\$10,175.00
11	Undercutting	50	CY	\$ 27.50	496.00	\$13,640.00
12	Water for Embankment or Granular Material	10	KGAL	\$ 44.00	0.00	\$0.00
EROSION CONTROL						
13	Topsoil	1	LS	\$ 4,620.00	1.00	\$4,620.00
14	Seeding, Mulching, Fertilizer	1	LS	\$ 2,200.00	1.16	\$2,552.00
15	Vehicle Tracking Control	1	EA	\$ 220.00	0.00	\$0.00
16	Inlet Sediment Control	7	EA	\$ 93.50	0.00	\$0.00
17	Silt Fence	15	LF	\$ 11.00	0.00	\$0.00
18	Geotextile Fabric	300	SY	\$ 4.68	2969.00	\$13,894.92
STORM SEWER						
19	Removal of Existing Manhole	1	EA	\$ 550.00	1.00	\$550.00
20	Remove Existing Pipe	54	LF	\$ 16.50	54.00	\$891.00
21	Removal of Existing DI	2	EA	\$ 330.00	2.00	\$660.00
22	2'X3' Type B Storm Inlet	2	EA	\$ 4,290.00	2.00	\$8,580.00
23	4'X4' SS Junct. Box	1	EA	\$ 5,500.00	1.00	\$5,500.00
24	F&I 18" RCP	65	LF	\$ 77.00	57.00	\$4,389.00
25	Granular Material for Storm Sewer	65	LF	\$ 8.80	57.00	\$501.60
TRAFFIC CONTROL						
26	Traffic Control	1198	UNITS	\$ 2.20	1198.00	\$2,635.60
27	Traffic Control Miscellaneous	1	LS	\$ 720.50	1.00	\$720.50
WATERMAIN						
28	12" PVC Water Main C-900	855	LF	\$ 97.90	853.00	\$83,508.70
29	12" x 6" Tee	2	EA	\$ 1,320.00	2.00	\$2,640.00
30	12" Oversized MJ Sleeve	1	EA	\$ 1,320.00	0.00	\$0.00
31	12" x 45 Deg. MJ Bend	2	EA	\$ 1,072.50	4.00	\$4,290.00
32	12" MJ Gate Valve w/Box	4	EA	\$ 4,400.00	4.00	\$17,600.00
33	12" Megalugs	22	EA	\$ 225.50	25.00	\$5,637.50
34	12" x 6" Cross	2	EA	\$ 962.50	2.00	\$1,925.00
35	6" PVC Water Main C-900	156	LF	\$ 46.20	146.00	\$6,745.20
36	6" MJ Gate Valve w/Box	6	EA	\$ 1,815.00	6.00	\$10,890.00
37	6" x 45 Deg. MJ Bend	4	EA	\$ 467.50	4.00	\$1,870.00
38	6" Megalugs	34	EA	\$ 104.50	36.00	\$3,762.00
39	6" Oversized MJ Sleeve	4	EA	\$ 632.50	4.00	\$2,530.00
40	8" Cap	1	EA	\$ 220.00	1.00	\$220.00
41	1" Curb Stop w/Box	12	EA	\$ 522.50	12.00	\$6,270.00
42	1" Copper Service Line	483	LF	\$ 24.20	567.00	\$13,721.40
43	Granular Material for Water Main	1011	LF	\$ 8.80	999.00	\$8,791.20
44	Install Fire Hydrant	2	EA	\$ 4,950.00	2.00	\$9,900.00
45	Remove Existing Fire Hydrant	2	EA	\$ 550.00	2.00	\$1,100.00
46	Cut and Tie into Existing Water Main	6	EA	\$ 1,100.00	7.00	\$7,700.00
47	Reconnect Water Service Lines	12	EA	\$ 605.00	17.00	\$10,285.00
48	Removal of Existing Waterline	12	LF	\$ 33.00	24.00	\$792.00

SURFACING						
49	6" PCC Pavement	2416	SY	\$ 45.00	2448.00	\$110,160.00
50	6" PCC Fillet Section	956	SF	\$ 11.00	1230.00	\$13,530.00
51	Concrete Curb & Gutter (B66)	1552	LF	\$ 19.00	1535.00	\$29,165.00
52	6" Approach Pavement	2645	SF	\$ 6.00	2596.00	\$15,576.00
53	4" Sidewalk	5270	SF	\$ 5.50	5523.00	\$30,376.50
54	6" Sidewalk	2934	SF	\$ 6.50	3006.00	\$19,539.00
55	6" Curb Attached to 4" Sidewalk	18	LF	\$ 15.00	22.00	\$330.00
56	Retaining Wall SD DOT Type C	502	SF	\$ 50.00	720.00	\$36,000.00
57	Aggregate Base Course	3118	SY	\$ 7.15	6087.00	\$43,522.05
58	Decectable Warning Panel	154	SF	\$ 55.00	154.00	\$8,470.00
59	Drill Bars Into Existing Pavement	65	EA	\$ 13.00	74.00	\$962.00
CHANGE ORDER ITEMS						
	12" Cap	0	EA	\$ 390.00	1.00	\$390.00
	Clearing and Grubbing	0	LS	\$ 4,200.00	1.00	\$4,200.00
	6" Sewer Pipe and Repair	0	LS	\$ 780.00	1.00	\$780.00
	Fire Hydrant Extension	0	EA	\$ 1,050.00	1.00	\$1,050.00
	1' Curb Attached to Sidewalk	0	LF	\$ 25.00	71.00	\$1,775.00
	Steps	0	LS	\$ 2,500.00	1.00	\$2,500.00
	Side Walls by Steps	0	LS	\$ 1,250.00	1.00	\$1,250.00

LIQUIDATED DAMAGES (5 DAYS @ \$950/DAY)

(\$8,550.00)

TOTAL	\$639,054.60
GRAND TOTAL	\$639,054.60
NET TOTAL	\$639,054.60
LESS PAYMENTS AUTHORIZED	\$638,054.60
AMOUNT DUE	
CONTRACTOR THIS ESTIMATE	\$1,000.00

CERTIFICATION OF CONTRACTOR

I HEREBY CERTIFY THAT THE WORK PERFORMED AND THE MATERIALS SUPPLIED TO DATE AS SHOWN ON THIS PERIODIC COST ESTIMATE, REPRESENT THE ACTUAL VALUE OF ACCOMPLISHMENT UNDER THE TERMS OF THIS CONTRACT IN CONFORMITY WITH APPROVED PLANS AND SPECIFICATION; THAT THE QUANTITIES SHOWN WERE PROPERLY DETERMINED AND ARE CORRECT; AND THAT THERE HAS BEEN FULL COMPLIANCE WITH ALL LABOR PROVISION INCLUDED IN THE CONTRACT IDENTIFIED ABOVE.

MC

By

James Lee

DATE

11-16-03

CONTRACTOR

SIGNATURE

ACKNOWLEDGEMENT AND CONCURRENCE OF ENGINEER

I HAVE EXAMINED THIS PERIODIC COST ESTIMATE AND CONCUR IN THE CERTIFICATE OF THE CONTRACTOR.

DATE

ENGINEER'S SIGNATURE