

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
SEPTEMBER 12, 2016**

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

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

Action 16-259

Moved by Commissioner Carda, seconded by Commissioner Johnson, to approve the Minutes of the Work Session of August 22, 2016, and regular meeting of August 22, 2016.

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

Motion adopted.

Action 16-260

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

A T & T-Cell Phone Bill-\$388.21; ACS Government Inf Service-Maint Program Support-\$1,937.87; Allegiant Emergency Svs Inc-Hoses-\$533.68; Allen Blasting & Coating Inc-Clarifier Trough Coating-\$39,211.00; Anderson Storage-Storage Shed-\$9,066.28; Bailey/Colleen-Together We Are One-\$89.90; Banner Associates Inc-Fill Station-\$1,461.84; Bartlett & West Inc-Outfall Pipe-\$11,409.00; Bierschbach Equip & Supply-Oil-\$475.00; Boller Printing Inc-Professional Services-\$500.00; Borchers Supply Inc-Chemicals-\$2,535.00; Boys & Girls Club-CDBG Grant 9-\$23,056.32; Brosz Engineering Inc-Pine St Bridge\$2015-040-\$1,640.00; Brown & Saenger-Paper-\$652.64; Buhl's Laundry Cleaners Inc-Building Supplies-\$348.00; Bushnell Holdings Inc-Merchandise-\$580.62; Butler Machinery Co-Seal Kit-\$218.90; C & R Supply-Supplies-\$208.06; Cedar Knox Public Power Dist-Elect-Aug-\$1,662.31; Centurylink-Phone-Aug-\$1,660.59; Chesterman Company-Pop-\$1,320.21; City of Vermillion-Jt Power Cash Transfer-\$47,125.79; City of Yankton-Central Garage Rubbish-\$64.00; City of Yankton-Parks Landfill Charges-\$327.84; City of Yankton-Solid Waste-Compacted Garbage-\$23,670.64; City Utilities-Water/WW Charges-\$49,510.79; Cleveland Golf-Golf Equipment-\$581.67; Cole Papers Inc-Miscellaneous Concession-\$599.90; Concrete Material-Hot Mix-\$181,935.00; Conkling Dist-Beer-\$2,722.60; Credit Collection Service Inc-Utility Collection-\$236.32; Dakota Beverage Co Inc-Beer-\$2,491.35; Danko Emergency Equipment-Bracker Kit-\$31.70; Dept of Corrections-DOC Work Program-\$2,261.85; Dept of Revenue-Testing-\$1,746.00; DEX Media East-Phone Book-\$31.30; Ehresmann Engineering Inc-Parts-\$135.00; Enviromental Energy-Oil-\$65.00; Ethanol Products LLC-CO2-\$1,377.00; Falkenberg Construction-Vegetation-\$150.00; Feimer Construction-Tree Removal-\$7,599.00; Feld Equipment Co Inc-Service Compressor-\$600.00; First National Bank-Clear Water No. 3-\$106,494.59; First National Bank-Drinking Water SRF-\$61,349.87; First National Bank-Drinking Water No. 2-\$15,301.27; First National Bank-Drinking Water No. 3-\$74,282.98; Flannery/Kirt-Officer Stipend-\$25.00; Footjoy-Merchandise-\$81.96; Frick/Adam-Officer Stipend-\$25.00; Frick/Brian-Officer Stipend-\$50.00; Geotek Eng & Testing Serv Inc-Collector Well Testing-\$5,426.00; Gerstner Oil Co-Jet Fuel-\$14,888.05; Graymont Capital Inc-Lime-\$13,452.25; Gridor Construction, Inc-WW Lift Station-\$32,010.30; Hawkins Inc-Memorial Pool Chemicals-\$11,183.86; HD Supply Waterworks Ltd-Water Parts-\$1,008.20; Hedahl's Parts Plus-Filters-\$879.57; Hillcrest Golf & Country Club-Ad-\$100.00; J & H Care & Cleaning Company-Janitorial Services-

\$2,840.00; Jebro Inc-Liquid Asphalt-\$68,340.34; Johnson Bros-South Dakota Wine-\$35.50; Johnson Electric-Replace Pole-\$1,217.61; Johnson Eng Co Inc-15th St Inspection-\$9,744.53; Kadrmas Lee & Jackson Inc-Apron Expansion-\$3,444.75; Kaiser Heating & Cooling Inc-Service AC Unit-\$78.81; Kaiser Refrigeration Inc-Repair Ice Machine-\$384.90; Klein's Tree Service-Tree Stump Removal-\$900.00; L & S Electric-Install Ceiling Fan-\$286.00; Larry's Home Center-Repair AC-\$240.00; Long's Propane Inc-Propane-\$44.40; Masonry Components Inc-Douglas Ave-Anna to 31st-\$596,043.55; Mayer Signs-Decals-\$107.14; MidAmerican Energy Fuel-August-\$1,469.24; MidAmerican Energy-Wastewater Fuel-\$587.66; Midstate Reclamation of SD-Cold Milling Asphalt-\$6,848.88; Midwest Alarm Company Inc-Alarm Monitoring-\$126.00; Midwest Radiator Recond-V-Plow-\$5,250.00; Midwest Tape-Audio Books-\$548.84; Midwest Turf & Irrigation-Wheel Motor/Filter-\$2,407.16; Mobile Electronic Service Inc-Light Bar-\$2,387.80; Morrow/Joseph-Meeting Reimbursement-\$238.21; Moser/Brad-Officer Stipend-\$25.00; Motor Vehicle Dept SD-Title & License-\$21.20; MW Automotive Services-Police Tow-\$80.00; Northwestern Energy-Elect-Aug-\$82,611.84; Observer-Advertisement-\$233.00; Parker/Brad-Boot Allowance-\$125.00; Pictometry International Corp-Pictometry-\$2,000.00; Ping-Golf Club-\$395.08; Press Dakota MStar Solutions-Classified Ad-\$2,380.11; Pro Auto Inc-Police Tow-\$80.00; Quill Corporation-Office Supplies-\$111.21; Racom Corporation-EDACS Access-\$1,404.90; Reinhart Foods Inc-Entree-\$3,859.10; Sanitation Products Inc-Rear Loading Refuse Body-\$64,995.00; SDPRA-SDPRA Annual Conference-\$100.00; Sheehan Mack Sales & Eq Inc-Valves-\$824.61; Sioux Equipment Company Inc-Fuel Inspection & Filter-\$2,595.79; Siouxland Scale Service-Scale Test-\$2,091.31; Slowey Construction Inc-15th St-WCLR To Dakota-\$138,889.85; South Dakota One Call-Message Fee-\$211.05; South Dakota Planner's Assn-SDPA Conference Register-\$100.00; Stern Oil Co Inc-Aviation Gas-\$51,991.51; Syn-Tech Systems-Phone Support-\$33.75; Szymonski/Michael-Utility Refund-\$61.86; Therkelsen/GJ & Associates Inc-Consulting Services-\$2,888.72; Titleist-Golf Balls-\$4,247.47; Todd Inc-Sweeper Brooms-\$2,473.09; Tom's Electric-Power At Bridge-\$4,776.30; Top Notch Window Cleaning-Window Cleaning-\$50.00; Traffic Control Corp-Signal Switch & Balls-\$1,190.00; Transource Services Corp-HP Gen9 Server-\$7,436.21; TRE Environmental Strategies-3rd Qtr Testing-\$950.00; Trophy Place-Trophies-\$588.00; Truck Trailer Sales Inc-Truck Repairs-\$560.00; Trugreen-Lawn Treatment-\$90.00; Turfwerks-Roller Assembly-\$755.31; US Post Office-Utility Postage Aug-\$1,500.00; United Parcel Service Inc-Delivery Service-\$531.17; United States Postal Service-Postage Meter-August-\$896.00; Vast Broadband-Phone Bill-\$2,480.70; Vogel Paint Inc-Traffic Paint-\$4,607.25; Wage Works-Flex Service Fee - July-\$155.00; Walt's Homestyle Foods Inc-Entrees-\$374.30; Water & Env Eng Research Ctr-Testing-\$366.00; Welfl Construction Corp-Collector Well-\$265,743.71; Westy's Electric LLC-Fan Repair-\$447.96; Wholesale Supply Inc-Candy-\$1,948.55; Williams & Company PC-Audit-\$8,550.00; Winn Incorporated-Golf Grips-\$73.01; Woehl/Toby-Officer Stipend August-\$25.00; Woods Fuller Shultz & Smith PC-Professional Services-\$7,420.49; Xerox Corporation-Copier Lease-\$176.89; Yaggie's Inc-Grass Seed-\$955.75; Yankton County Auditor YC-Capital Improvement-\$24,616.17; Yankton County Extension-Babysitting Clinic-\$350.00; Yankton Homeless Shelter-Homeless Shelter Donation-\$500.00; Yankton Medical Clinic-Pre-Employment Physical-\$858.00; Yankton School District 63-3-2nd Qtr Shared Costs-\$46,364.15; Yankton Transit-Summer Programs-\$2,200.00; Yankton Vol Fire Department-Fire Calls & Drills-\$4,980.00; Ziegler/William-Officer Stipend August-\$50.00; Zuercher Technologies LLC-Annual Maintenance-\$18,409.00; A & B Business Inc-Printer Maintenance-\$416.27; Amazon Digital-Digital Services-\$49.99; Amazon Mktplace Pmts-UPS Batteries-\$1,070.59; Amazon.Com-Network Supplies-\$744.06; Amazon.Com-Amzn.Com/Bi Dvds-\$115.16; American IACP-Conference-\$317.70; Animal Health Clinic-Rabies Testing-\$30.00; Appera-Towels-\$337.14; Applied Ind Tech-UV Process Controller-\$2,807.01; ARSL-Conference Registration-\$303.85; AT&T Bill Payment-Patrol Car Wireless-\$314.56; AWWA.Org-Study Guide-\$76.50; Baker Taylor-Books-

\$2,713.48; Barnes&Noble.Com-Books-\$54.57; Bomgaars-Yankton Riverboat Days Supplies-\$1,084.61; Bow Creek Metal Inc-Standby Sweeper-\$1,100.00; Buffalo Wild Wings-GRI Training-\$23.31; Burger King-DOC Work Program-\$15.46; Butler Machinery-Nozzles-\$62.48; Callaway Golf-Preowned Club Repairs-\$61.94; Caseys Gen Store-Water SRT/Patrol/Robbery-\$13.81; Cedar County Vet-K-9 Care-\$169.22; Center Point-Books-\$130.62; Clarks Rentals-Custom Equipment Rental-\$189.50; Concrete Materials-Plant Supplies-\$3,437.80; Cox Auto Supply-Rear Turn Lamps-\$341.15; Crescent Electric-Aeration Process Control-\$6,091.52; Dairy Queen-Staff Appreciation-\$29.91; Dayhuff Enterprises-Janitorial Supplies-\$1,021.62; DEX One-Publishing-\$39.00; Domino's-Teen Night Supplies-\$97.86; DX Service-Salt-\$3,885.13; Echo Electric Supply-Conduit-\$165.01; Embroidery & Screen Works-Uniform Alterations-\$15.00; Emerson Manufacturing-Rebuilt Pump-\$240.37; Facebk Lajqu9e8w2-Promotions-\$19.11; Fastenal Company- Connectors-\$174.47; Fejfar Plumbing-Supplies-\$75.51; Firehouse Subs-K-9 Training-\$6.98; Fred Haar Company-Sprayer Repair-\$165.35; Fuddruckers-Travel Expense-\$10.63; Gary Holden-Training-\$390.00; Godfathers Pizza-DOC Work Program-\$23.99; Grey House Publishing-Professional Book-\$265.50; Hach Company-Lab Supplies-\$142.02; Hartington Tree LLC-Trees-\$664.00; Hedahls-Shop Tools-\$475.65; Hillyard Inc-Scrubber Parts-\$283.94; Hy-Vee-Entree-\$574.05; IACP-IACP Membership-\$350.00; Independence Waste-Rentals-\$698.80; Interstate All Battery-Batteries-\$8.99; Midwest Alarm-Alarm System-\$63.00; JJ Benji-Awards-\$1,891.30; JP Cooke-Office Supplies-\$59.15; Jack's Uniforms-Uniforms-\$421.43; JCL Solutions-Cleaning Supplies-\$1,870.57; Johns Service-Tire Repair-\$20.00; Johnson Controls-Service Agreement-\$6,739.14; Kaiser Heating-A/C Repair-\$267.18; Kaiser Refrigeration-Equipment Repair-\$1,499.10; Karttrax Family Fun-Summer Reading-\$126.00; Kopetskys Ace Hdwe-City Hall Supplies-\$495.66; Language Line-Interpretation Services-\$277.50; Ledtronics Inc-Website Electrical Panel Parts-\$154.99; Lewis and Clark Ford-Truck Repair-\$64.47; Library Journals-Magazine Subscription-\$82.99; Louisville Golf LLC-Supplies-\$307.00; Magazines.Com-Subscriptions-\$307.32; Mark's Machinery Inc-Blades-\$399.74; McDonald's-K-9 Health Care Travel-\$6.20; McDonald's-DOC Work Program-\$18.65; Mead Lumber-Park Supplies-\$94.02; Menards-Story Walk-Summer Read-\$1,929.65; Mexico Viejo Restaurant-Staff Appreciation-\$168.44; Microsoft Store-Equipment/Tablet-\$1,691.73; Midwest Laboratories-Monthly Nutrient Testing-\$204.40; Midwest Turf-Park Supplies-\$192.63; MyRadioMall Com-Radios and Antennas-\$2,220.75; NADA Used Car Guide-Book-\$105.00; NFPA Natl Fire Protect-Membership Dues-\$175.00; NGPC Reservations-Summer Programs-\$836.00; Northtown Automotive-Car Repairs-\$321.68; NW Area Education Agency-Professional Services-\$23.95; Office Elements Group-Office Supplies-\$17.53; Olsons Pest Technician-Pest Control-\$96.00; O'Reilly Auto-Brake Pads-\$102.59; Overdrive Dist-Downloadable Books-\$54.38; SD Ready Mix-Concrete Testing-\$730.00; Photography By Jerry-Professional Services-\$93.00; Playscapes Com-Office Supplies-\$536.80; Postage Refill-Mailstation Postage-\$100.00; Random House-Audio Books-\$357.75; Push Pedal Pull Corp-Equipment Repair-\$784.00; Quill Corporation-Office Supplies-\$534.31; Ray Allen Manufacturing-K-9 Equipment-\$202.57; Rick's Computers Inc-Office Supplies-\$354.00; Riverside Hydraulics-Couplers-\$427.29; the Golfworks-Club Repairs-\$556.15; Ron's Auto Glass-Window Repair-\$180.00; SD Lib Assoc-Conference Registration-\$805.00; Sears Hometown-Tool Set-\$49.99; Sheehan Mack Sales-Valves/Cylinder-\$789.97; Shell Oil-Promotions-\$83.33; Shell Oil-K-9 Health Care Travel-\$22.00; Sherwin Williams-Senior Center Paint-\$168.72; Showcases-Office Supplies-\$64.50; Shur-Co Outlet Service-Tarp-\$210.58; Southeast Publication-Advertisement-\$700.00; Hanson Briggs-Office Supplies-\$468.43; Twist of Pine-Conference-\$63.90; Sturdevants-Sway Bar Link Kit-\$35.90; Tessman Company-Chemicals-\$3,014.72; the Progressive-Magazine Subscription-\$32.00; The UPS Store-Postage-\$10.64; This Old House-Magazine Subscription-\$35.00; Thomas & Means Law Firm-Law Enforcement Training-\$505.00; TMA-Tires-\$3,564.19; Tractor Supply Co-Pound Supplies-\$171.46; Truck Trailer Sales-Hose-

\$338.59; USA Blue Book-Supplies-\$2,507.83; Vanderhule Moving-Argon Fill-\$190.00; Yankton Rod Ctr-Filing Fees-\$62.50; Viddler Inc-Video Hosting-\$36.75; Vzwrlls Prepaid Pymnt-Prepaid Cell Phone-\$37.98; Wal-Mart-Summer Programs-\$668.94; Western Office Product-Office Supplies-\$525.78; Wholesale Supply Co-Golf Course Supplies-\$125.80; WM Supercenter-DVDS-\$468.32; WW Grainger-Hour Meters-\$529.10; Www.Newegg.Com-Wireless Network Equip-\$449.96; Yankton Medical Clinic-Firefighter Exams-\$1,153.50; Yankton Pizza Ranch-Meeting-\$100.99; Yankton Winnelson Co-Park Supplies-\$147.47; Zimco Supply Co-Chemicals-\$3,640.60; AFSCME Council 65-Employee Deduction-\$1,215.44; Ahlvers/Colin-2016 Fox Run Pro-Am-\$821.43; Allen/Kamrin's-2016 Fox Run Pro-Am-\$821.43; American Family Life Corp-Cancer & ICU Premiums-\$7,083.82; Assurant Employee Benefits-Vision Ins September-\$718.35; BMI-Annual Music Contract-\$336.00; Connections Inc-EAP Insurance August-\$373.32; Davison/Jackson-2016 Fox Run Pro-Am-\$1,750.00; Delta Dental-Dental Ins September-\$7,381.40; Dept of Social Services-Employee Deductions-\$1,909.00; Edens/Parker-2016 Fox Run Pro-Am-\$3,300.00; Evans/Christopher-2016 Fox Run Pro-Am-\$821.43; Feist/Shane-2016 Fox Run Pro-Am-\$400.00; First Natl Bank South Dakota-Employee Deduction-\$3,177.78; Geary/Cody-Payroll Advance-\$310.00; Hearden III/Richard-2016 Fox Run Pro-Am-\$1,462.50; Hess/Frederick-2016 Fox Run Pro-Am-\$120.00; Irlbeck/Ben-2016 Fox Run Pro-Am-\$120.00; Jurecic/Jay-2016 Fox Run Pro-Am-\$2,000.00; Kunick/Timothy-2016 Fox Run Pro-Am-\$2,200.00; Lawrence County 9-1-1-Registration-\$198.00; Matthew/Sam-2016 Fox Run Pro-Am-\$120.00; McGinn/Michael Jr-2016 Fox Run Pro-Am-\$821.43; McMillen/John-2016 Fox Run Pro-Am-\$1,462.50; Metzger/Andre-2016 Fox Run Pro-Am-\$3,300.00; Minnesota Life Insurance Co-Life Ins September-\$709.86; Murtland/Taylor-2016 Fox Run Pro-Am-\$120.00; Paquet/Brett-2016 Fox Run Pro-Am-\$1,462.50; Postmaster-2016 Survey Postage-\$882.00; Preston/Drew-2016 Fox Run Pro-Am-\$10,000.00; Quinones/Douglas-2016 Fox Run Pro-Am-\$2,400.00; Reese/Mikkel-2016 Fox Run Pro-Am-\$821.43; Retirement SD-SD Retirement August-\$68,236.19; Schutte/Jesse-2016 Fox Run Pro-Am-\$821.43; SDSRP-Employee Deduction-\$5,315.00; SDWWA-Registration-\$780.00; Storgaard/Kim-Conference-\$300.00; Sturgill/Matthew-2016 Fox Run Pro-Am-\$821.43; Summit Activity Center-Employee Deductions-\$829.60; Telles/Damian-2016 Fox Run Pro-Am-\$1,750.00; Truslow/Austen-2016 Fox Run Pro-Am-\$6,000.00; United Way-Employee Deductions-\$76.00; Vast Broadband-Internet Services-\$3,408.24; Vermeer/Luke-2016 Fox Run Pro-Am-\$120.00; Vijarro/Andrew-2016 Fox Run Pro-Am-\$1,300.00; Vornhagen/Trentin Replace Check-\$290.29; Wellmark Blue Cross-Health Ins September-\$91,907.16; White/Cameron-2016 Fox Run Pro-Am-\$1,462.50; Yankton Area Prog Growth-Sales Tax Reimbursement-\$90,274.04.

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

#### SALARIES AUGUST, 2016:

Administration-\$36,924.99; Finance-\$31,118.65; Community Development-\$20,175.28; Police-\$143,584.05; Fire-\$11,223.24; Engineering-\$40,101.28; Street-\$43,014.94; Traffic Control-\$1,745.30; Library-\$29,334.33; Parks/SAC-\$75,705.72; Memorial Pool-\$22,684.83; Marne Creek-\$5,237.69; Water-\$35,322.06; Wastewater-\$32,132.48; Cemetery-\$4,461.38; Solid Waste-\$22,466.81; Landfill-\$17,515.85; Golf Course-\$40,399.09; Central Garage-\$6,862.74.

#### PERSONNEL CHANGES & NEW HIRES:

New Hires: Michael Hofer-\$1646.74 Bi-Wk.-Community Development; Therese Lammers-\$9.00 Hr.-Golf Division; Melinda Reichert-\$11.50 Hr.-Rec. Division; Logan Wagner-\$9.00 Hr.-Golf Division.

City Manager Nelson submitted a written report giving an update on community projects and items of interest and announced that Yankton will be “Capital for a Day” on September 21, 2016.

#### Action 16-261

Moved by Commissioner Knoff, seconded by Commissioner Ferdig, to approve the consent agenda with the exclusion of item No. 8.

1. Possible Quorum Event  
September 21, 2016, Capital for a Day Event, no official commission action
2. Establish public hearing for sale of alcoholic beverages  
Establish September 26, 2016, as the date for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License for one day, December 3, 2016, from TST, Inc. d/b/a Phinney’s Pub & Casino, (John Tuttle, President) Yankton, Yankton, South Dakota.
3. Establish public hearing for sale of alcoholic beverages  
Establish September 26, 2016, as the date for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License for one day, December 10, 2016, from TST, Inc. d/b/a Phinney’s Pub & Casino, (John Tuttle, President) Yankton, Yankton, South Dakota.
4. Establish public hearing for sale of alcoholic beverages  
Establish September 26, 2016, as the date for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License for one day, December 17, 2016, from TST, Inc. d/b/a Phinney’s Pub & Casino, (John Tuttle, President) Yankton, Yankton, South Dakota.
5. Establish public hearing for sale of alcoholic beverages  
Establish September 26, 2016, as the date for the public hearing on the request for a Special Events RETAIL (on-sale) Liquor License for one day, October 8, 2016, from Leo’s Sports Bar & Grill, LLC, (Rusty Jensen, Owner) d/b/a Leo’s Lounge, Ducks Unlimited held at NFAA, 800 Archery Lane, Yankton, South Dakota.
6. Transient Merchant License  
Consideration of Memorandum 16-212 recommending approval of the application from the Harvest Halloween for a Transient Merchant License for October 28-29, 2016.
7. Possible Quorum Event  
September 15, 2016, Riverside Park Playground Groundbreaking, no official commission action
8. Work Session  
Setting date of September 26, 2016, at 6:00 pm in Room 114 of the Regional Technical Education Center for the next work session of the Yankton City Commission

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

Motion adopted.

#### Action 16-262

This was the time and place for the second reading and public hearing of Ordinance No. 989, AN ORDINANCE TO APPROPRIATE MONIES FOR DEFRAYING THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF YANKTON, SOUTH DAKOTA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017, AND ENDING DECEMBER 31, 2017, AND PROVIDING FOR THE LEVY OF ANNUAL TAXES FOR ALL FUNDS CREATED BY ORDINANCE WITHIN SAID CITY. No one was present to speak for or against adoption of the ordinance. Moved by Commissioner Johnson, seconded by Commissioner Hoffner, to adopt Ordinance No. 989.

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

Motion adopted.

Action 16-263

Moved by Commissioner Knoff, seconded by Commissioner Carda, to adopt Resolution 16-49.

**RESOLUTION 16-49**

**WHEREAS**, a proposed annual budget for the fiscal year commencing January 1, 2017, has been prepared by the City Manager; and,

**WHEREAS**, the City Commission has examined, studied, and reviewed said proposed annual budget; and,

**WHEREAS**, the City Commission has after due consideration and deliberation, made such amendments and adjustments in the proposed annual budget as they consider necessary, desirable, or expedient.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of Yankton, South Dakota, that:

1. The proposed annual budget attached hereto and made a part hereof is approved and effective January 1, 2017.
2. The City Manager is authorized to record all inter-fund transfers as contained in said approved annual budget.
3. The City Manager is authorized and directed to implement and to administer, within the budgetary funding limits and within adopted City policy and relevant State and City laws and regulations, said annual budget.

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

Action 16-264

This was the time and place for the public hearing on the application for a New Retail (on-off sale) Malt Beverage & SD Farm Wine License for July 1, 2016, to June 30, 2017, Yankton Missouri River KOA (Donald E. Starzl, Manager), to Yankton Missouri River KOA, 807 Bill Baggs Road, Yankton, South Dakota. (Memorandum 16-202) No one was present to speak for or against the approval of the license application. Moved by Commissioner Knoff, seconded by Commissioner Sommer, to approve the license.

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

Action 16-265

This was the time and place for the public hearing on the application for a Special (on-sale) Liquor License for one day, October 21, 2016, from Avera Sacred Heart Health Services (Taylor Tramp, Foundation Assistant), such event to be held at Pavilion Center, 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> Floors and 1<sup>st</sup> and 2<sup>nd</sup> Floor of Surgical Center on Avera Campus, Yankton, South Dakota. (Memorandum 16-203) No one was present to speak for or against the approval of the license application. Moved by Commissioner Knoff, seconded by Commissioner Carda, to approve the license.

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

Action 16-266

Moved by Commissioner Knoff, seconded by Commissioner Ferdig, to approve the request from the Parks, Recreation, and City Events Department to issue an Irrevocable Letter of Credit, for a 1% fee (\$500.00), to the National Park Service-Missouri National Recreational River in order to receive \$50,000.00 in Centennial Grant Funds to pay for the construction of an access ramp from the existing road bed (Old Highway 81) to the trail on City-owned property on the Nebraska side of the river to the west of the Meridian Bridge; and to designate City Manager Nelson as the signer. (Memorandum 16-208)

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

Action 16-267

Moved by Commissioner Knoff, seconded by Commissioner Sommer, to adopt Resolution 16-58 and approve the associated Sales Tax Agreement and Development Agreement for IHAH, LLC, dba Big River Burrito Company by and among IHAH, LLC dba Big River Burrito Company, Yankton Area Progressive Growth, and the City of Yankton, South Dakota. (Memorandum 16-209)

**RESOLUTION 16-58**  
Sales Tax Reimbursement

**WHEREAS**, SDCL permits a municipality to enter into agreements pertaining to sales tax reimbursements, and

**WHEREAS**, the Yankton Board of City Commissioners has determined a need help facilitate the development of a specific portion of a retail site at 100 Douglas Avenue known as the Big River Burrito Company owned by IHAH, LLC located on property legally described as Lots Seven (7), Eight (8) and Nine (9), Lower Yankton Addition to the City of Yankton, South Dakota.

**NOW, THEREFORE, BE IT RESOLVED** that the City will reimburse IHAH, LLC dba Big River Burrito Company via Yankton Area Progressive Growth per the parameters set forth in the attached Sales Tax Agreement and Development Agreement.

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

Action 16-268

Moved by Commissioner Ferdig, seconded by Commissioner Sommer, to approve the Easement Agreement between the City and the Clark Family Trust, Larry and Joan Clark, trustees, on property located at the intersection of Burleigh and 3<sup>rd</sup> Street described as Lot Three (3), East Cornerstone Subdivision, in conjunction with the new lift station and East Highway 50 projects. (Memorandum 16-207)

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

Action 16-269

The request from the Harvest Halloween Festival Committee for financial assistance was considered. Cathy Clatworthy, from the Committee was present to answer questions and thanked the City for past support of the event and to encourage continued support. Moved by Commissioner Carda, seconded by Commissioner Knoff, to approve the request for funding from Harvest Halloween Festival Committee in the amount of \$4,125.00 with monies to be taken from the General Fund-Outside Agencies.

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

Action 16-270

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to adopt Resolution 16-59. (Memorandum 16-211)

**RESOLUTION 16-59**  
Special Events Parking Request

WHEREAS, the City Commission adopted an Ordinance allowing for no parking designation for special events within the City of Yankton; and

WHEREAS, this Resolution would authorize the City of Yankton to tow vehicles that are parked in the defined area or areas and times specified for said Special Events; and

WHEREAS, Harvest Halloween Festival has made a request to enact this no parking zone for their Harvest Halloween Festival to be held on October 28, 2016 – October 30, 2016.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves the Special Event Parking Request at the described location in the manner shown on the attachments to this resolution for October 28, 2016 – starting at 5:30 pm – October 30, 2016 at noon, along Walnut Street between 2<sup>nd</sup> and 3<sup>rd</sup> Streets.

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

Action 16-271

Moved by Commissioner Knoff, seconded by Commissioner Sommer, to adopt Resolution 16-60. (Memorandum 16-214)

**RESOLUTION 16-60**  
Radio Project Detailed Design Proposal

**WHEREAS**, the City of Yankton has identified the need to construct a new P-25 radio site and associated improvements, and

**WHEREAS**, the City of Yankton proposes contract with G. J. Therkelsen and Associates to provide consultant services to assist with said the project, then

**NOW, THEREFORE BE IT RESOLVED**, that the Yankton City Commission duly authorizes the execution of the Consultant Contract for Detailed Design, Engineering & Procurement Services, and

**BE IT FURTHER RESOLVED**, that the City Manager be authorized to execute the contract said documents for Detailed Design, Engineering & Procurement Services.

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

Action 16-272

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to adopt Resolution 16-55. (Memorandum 16-205)

**RESOLUTION 16-55**

**WHEREAS**, the City of Yankton has determined that it is necessary to adjust the existing solid waste collection rates to a level which will fund the proposed debt service necessary to implement single stream recycling and some automation of the municipal solid waste collection system;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of City Commissioners:

That the following solid waste collection rates shall be adopted effective with billings after November 1, 2016;

Class I Residential - \$20.18 per month plus tax.

Class II Commercial / Industrial - \$20.18 per month per unit plus tax.

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

Action 16-273

Moved by Commissioner Carda, seconded by Commissioner Knoff, to adopt Resolution 16-56. (Memorandum 16-206)

**RESOLUTION 16-56**

**WHEREAS**, the City of Yankton has determined that it is necessary to adjust the existing municipal water rates to a level which will maintain the operation of the municipal water system on a self-sustaining user basis, and fund debt service and depreciation costs, and;

**WHEREAS**, the City of Yankton has conducted a water rate review based on forecasted cost and consumption, and;

**WHEREAS**, the City of Yankton determined during the recent budget workshop that an annual increase should be applied to the surcharge to fund the debt service for the proposed SRF DW

#06;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of City Commissioners:  
That the following municipal water monthly surcharge rates and regulations shall be

adopted;

1. Surcharge Rates

The monthly surcharge water charge for all water meters shall be in accordance to the size of the water meter. The following increase in monthly surcharge rates shall be effective with the billings issued after November 1, 2016, November 1, 2017, November 1, 2018, and November 1, 2019:

**Nov. 1, 2016:** 5/8 & 3/4"-\$18.81, 1"-\$33.54, 1.5"-\$75.49, 2"-\$134.11, 2.5"-\$238.20, 3"-\$301.68, 4"-\$533.84, 6"-\$1,203.17, 8"-\$2,467.64, 10"-\$4,260.78, 12"-\$5,543.64.

**Nov. 1, 2017:** 5/8 & 3/4"-\$21.71, 1"-\$38.71, 1.5"-\$87.13, 2"-\$154.79, 2.5"-\$274.93, 3"-\$348.19, 4"-\$616.16, 6"-\$1,388.70, 8"-\$2,848.15, 10"-\$4,917.80, 12"-\$6,398.47.

**Nov. 1, 2018:** 5/8 & 3/4"-\$24.61, 1"-\$43.89, 1.5"-\$98.77, 2"-\$175.47, 2.5"-\$311.66, 3"-\$394.71, 4"-\$698.48, 6"-\$1,574.23, 8"-\$3,228.66, 10"-\$5,574.82, 12"-\$7,253.30.

**Nov. 1, 2019:** 5/8 & 3/4"-\$27.51, 1"-\$49.06, 1.5"-\$110.41, 2"-\$196.14, 2.5"-\$348.37, 3"-\$441.21, 4"-\$780.76, 6"-\$1,759.67, 8"-\$3,609.00, 10"-\$6,231.53, 12"-\$8,107.74.

The surcharge shall be billed monthly to all water users based on the above effective water rate surcharge table.

2. Percentage of surcharge applied to DW-05 and DW 01-04

A percentage of the monthly surcharge will be classified as the surcharge for Drinking Water Loan-05, Series 2014 (DW-05). The remaining percentage of the surcharge will continue to be used for the existing debt service of Drinking Water Loans 01 through 04 until such time as Drinking Water Loan 06 is established and fully borrowed. The percentage will then be reassessed and adjusted to reflect the combined required debt service for Drinking Water Loans 05 and 06.

3. Non-City Residential, Commercial, and Industrial Surcharge Rates

The monthly surcharge water charge for any meter location located outside the city limits of Yankton shall be at a rate twice that charged for City water users as established by this resolution unless otherwise established by the City Commission.

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

Action 16-274

Moved by Commissioner Johnson, seconded by Commissioner Sommer, to adopt Resolution 16-57.  
(Memorandum 16-2016)

**RESOLUTION 16-57**

**WHEREAS**, the City of Yankton has determined that it is necessary to adjust the existing municipal water rates to a level which will maintain the operation of the municipal water system on a

self-sustaining user basis, and fund debt service and depreciation costs, and;

**WHEREAS**, the city of Yankton has conducted a water rate review based on forecasted cost and consumption;

**WHEREAS**, the City of Yankton determined during the recent budget workshop that a three percent (3%) increase should be applied to the water consumption rate;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of City Commissioners:

That the following municipal water rates and regulations shall be adopted;

1. Residential, Commercial, Municipal, and Industrial Consumption Rates  
Effective with the billing issued after November 1, 2016, water used or consumption will be charged at a rate of \$5.39 per each thousand gallons consumed.
2. Non-City Residential, Commercial, and Industrial Rates  
All water sold by the City for residential, commercial, or industrial use to any meter location outside the city limits of Yankton shall be at a rate twice that charged for City water users as established by this resolution unless otherwise established by the City Commission.

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

Motion adopted.

Action 16-275

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to adopt Resolution 16-54. (Memorandum 16-204)

**RESOLUTION 16-54**

**WHEREAS**, Chapter 26, Article IV, of the Code of Ordinances as adopted by Ordinance No. 449 and amended by Ordinance 795 for the City of Yankton, establishes the procedure for determining equitable service charges to be levied on all users which discharge wastewater to the Wastewater System operated by the City; and

**WHEREAS**, SDCL 9-40-15.1 requires equitable service charges for all wastewater users; and

**WHEREAS**, it is appropriate to adopt equitable wastewater user rates in order to properly fund the operation of the Municipal Wastewater Treatment System,

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of Yankton, South Dakota, that

- I. The following municipal wastewater rates are hereby adopted, effective for bills rendered after November 1, 2016.
  1. Class I - Residential
    - a. Shall pay a monthly fixed user charge of \$9.23 per month.
    - b. Shall pay an incremental cost of \$5.59 per 1,000 gallons based on a monthly

average derived from water consumption during the winter period of December, January, and February as billed in January, February, and March; or to a maximum of 5000 gallons where there is no winter base period.

2. Class II - Commercial and Industrial
  - a. Shall pay a monthly fixed user charge of \$9.23 per month.
  - b. Shall pay an incremental cost of \$5.59 per 1,000 gallons as billed for water consumption.
  
3. Class III - Industrial
  - a. Shall pay a monthly fixed user charge of \$9.23 per month.
  - b. Shall pay an incremental cost of \$5.59 per 1,000 gallons as billed for water consumption.
  - c. Shall pay an incremental cost of \$0.834/lb. BOD<sub>5</sub> surcharge (over 220 mg/1 strength) and \$0.295/lb. TSS surcharge (over 250 mg/1 strength). Said surcharge rates shall be determined based on test monitoring results for the month billed.

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

Action 16-276

Moved by Commissioner Sommer, seconded by Commissioner Carda, to accept the permanent sewer easement from the Yankton Chamber of Commerce on property described as Tract Two (2) of Outlot Ninety-Seven (OL 97) of County Auditor’s Plat of Outlots, City and County of Yankton, South Dakota.

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

Action 16-277

Moved by Commissioner Johnson, seconded by Commissioner Ferdig, to adjourn into Executive Session at 7:49 p.m. to discuss personnel and contractual matters under SDCL 1-25-2.

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

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

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

Action 16-278

Moved by Commissioner Carda, seconded by Commissioner Johnson, to adjourn at 8:54 p.m.

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

Motion adopted.

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C.N. Gross  
Mayor

ATTEST:

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Al Viereck  
Finance Officer

September 12, 2016

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