

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
OCTOBER 24, 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. Deputy City Attorney Hovden and City Manager Nelson were also present. Absent: None. Quorum present.

Action 16-306

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to approve the Minutes of the regular meeting of October 10, 2016.

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

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

Action 16-307

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

1. Establish public hearing for renewal of Alcoholic Beverage Licenses  
Establish November 28, 2016, as the date for the public hearing on the applications for renewal of Alcoholic Beverage Licenses for the 2017 (January 1, 2017, to December 31, 2017) licensing period.

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

Action 16-308

This was the time and place for the public hearing on the application for a New Retail (on-off sale) Malt Beverage License for July 1, 2016, to June 30, 2017, from IHAH, LLC dba Big River Burrito Company (Paul Lowrie, Managing Member), 100 Douglas Street, Suite 101, Yankton, South Dakota. (Memorandum 16-236) No one was present to speak for or against 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 16-309

This was the time and place for the public hearing on adoption of Resolution 16-71. (Memorandum 16-242) No one was present to speak for or against adoption of the Resolution. Moved by Commissioner Knoff, seconded by Commissioner Ferdig, to adopt Resolution 16-71.

**RESOLUTION 16-71**

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE,  
AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND

DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the **City of Yankton** (the “City”) has determined it is necessary to proceed with a project involving construction of a new water treatment plant (the “Project”); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the “Board”) will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project,

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed **\$37,000,000** at an interest rate of 3.00% and term of 30 years to the South Dakota Board of Water and Natural Resources for the Project.

2. The City Manager is hereby authorized to execute the Application and submit it to the South Dakota Board of Water and Natural Resources, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.

3. The City Manager is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

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

Action 16-310

This was the time and place to award the bid for the Highway 50 Utilities Phase 2 project. (Memorandum 16-243) The following bids were received by the State of South Dakota Department of Transportation and opened on October 5, 2016: D & G Concrete Construction, Sioux Falls, South Dakota-\$5,328,443.74; Knife River Midwest, LLC, Sioux City, Iowa-\$5,583,185.42; BX Civil & Construction, Inc., Dell Rapids, South Dakota-\$5,917,500.00. The City’s share of the utility project costs is \$431,648.04. Moved by Commissioner Sommer, seconded by Commissioner Johnson, to award the bid to the low bidder, D & G Concrete Construction, Sioux Falls, South Dakota, in the amount of \$5,328,443.74 contingent upon concurrence by the South Dakota Department of Transportation.

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

Action 16-311

Moved by Commissioner Ferdig, seconded by Commissioner Johnson, to adopt Resolution 16-68. (Memorandum 16-238)

**RESOLUTION 16-68**

WHEREAS, it appears from an examination of the plat of Jim Lane Tract 2, Being a Subdivision of the Southeast 1/4 of the Southwest 1/4 of Section 32, Township 94 North, Range 55 West of the 5<sup>th</sup> P.M., Yankton County, South Dakota, prepared by Travis J. Kropuenske, a registered land surveyor in the State of South Dakota, and

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

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

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

Action 16-312

Moved by Commissioner Johnson, seconded by Commissioner Sommer, to adopt Resolution 16-67. (Memorandum 16-237)

**RESOLUTION 16-67**

Acceptance of Property Donation

WHEREAS, Yankton Area Progressive Growth is the owner of a tract of land approximately 6 acres in size on the west side of the 2600 Block of West City Limits Road, and

WHEREAS, the legal description of the tract of land is: Lot 1, Block 7, Westbrook Estates Subdivision in the City of Yankton, Yankton County, South Dakota, and

WHEREAS, the owners have offered to donate said property to the City of Yankton, and

WHEREAS, the City's Marne Creek related management plans include a desire to acquire said property, and

WHEREAS, South Dakota Codified Law allows municipalities to accept property donations of this nature.

NOW, THEREFORE, BE IT RESOLVED that the City of Yankton hereby accepts the above described donation of real property and further authorizes the City Manager to execute all documents necessary to complete the transfer.

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

Action 16-313

The recommendation from the City of Yankton Health Insurance Committee to approve renewal of the 2017 Health Insurance plan with Wellmark BC/BS was considered for City of Yankton Employees. (Memorandum 16-244). Doug Ekeren, Regional President and CEO of Sacred Heart Hospital, was present to answer questions about Avera's Group Health Plan. Following discussion it was moved by Commissioner Ferdig, seconded by Commissioner Carda, to renew the contract for 2017 Health Insurance with Wellmark BC/BS at a 1.29% rate increase, and to also approve renewal rates from Connections for the Employee Assistance Program, and Sun Life for Vision coverage.

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

Action 16-314

Moved by Commissioner Knoff, seconded by Commissioner Ferdig, to approve continuation of the City of Yankton Employees Dental Insurance coverage with Delta Dental for the 2017 plan year for a cost of \$38.80/month for single coverage, with the employees' share of the premium cost being \$2.04 per month. (Memorandum 16-249)

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

Action 16-315

Moved by Commissioner Sommer, seconded by Commissioner Carda, to adopt Resolution 16-72. (Memorandum 16-245)

**RESOLUTION 16-72**

A Resolution Establishing Base Salary Adjustments at 1.75%, and a 1 step increase on the pay plan for  
Union Represented Eligible  
City Employees of the City of Yankton, South Dakota

**WHEREAS**, adequate monies have been provided for in the adopted 2017 budget, for the remuneration of services rendered by City of Yankton employees; and

**WHEREAS**, the City Commission wishes to provide a base adjustment for all union represented eligible City employees of 1.75% and a 1 step increase on the pay plan;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of City Commissioners that the City Manager implement a base adjustment of 1.75% and a 1 step increase on the pay plan starting with hours worked on November 26, 2016, for all union represented regular full-time and union represented regular part-time employees that are below the maximum of their respective pay range.

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

Action 16-316

Moved by Commissioner Ferdig, seconded by Commissioner Carda, to adopt Resolution 16-73. (Memorandum 16-246)

**RESOLUTION 16-73**

A Resolution Establishing Base Salary Adjustments at 1.75%, and a 1 step increase on the pay plan for  
Non-Union Represented Eligible  
City Employees of the City of Yankton, South Dakota

**WHEREAS**, adequate monies have been provided for in the adopted 2017 budget, for the remuneration of services rendered by City of Yankton employees; and

**WHEREAS**, the City Commission wishes to provide a base adjustment for all non-union represented eligible City employees of 1.75% and a 1 step increase on the pay plan;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of City Commissioners that the City Manager implement a base adjustment of 1.75% and a 1 step increase on the pay plan starting with hours worked on November 26, 2016 for all non-union represented regular full-time and regular part-time employees that are below the maximum of their respective pay range and to make necessary adjustments to exempt employees in order for the positions to meet the Department of Labor Ruling.

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

Action 16-317

Moved by Commissioner Knoff, seconded by Commissioner Sommer, to approve acceptance of utility and street improvements for the Summit Heights Addition, 2016 Expansion, that are located in front of the following lots: Outlot 1; Block 2, Lots 9 through 17; and Block 3, Lots 1 through 3.  
(Memorandum 16-240)

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

Action 16-318

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to adopt Resolution 16-70.  
(Memorandum 16-241)

**RESOLUTION 16-70**

A RESOLUTION AUTHORIZING THE PLACEMENT OF STOP SIGNS AT THE  
15TH STREET AND SUMMIT LANE INTERSECTIONS WITH WEST CITY LIMITS ROAD  
(WCLR) & THE SUMMIT LANE AND WEST STREET INTERSECTIONS WITH 15TH STREET

WHEREAS, Summit Lane and West Street are roadways within the recently accepted Summit Heights Addition – 2016 Expansion, and;

WHEREAS, the 15<sup>th</sup> Street construction from WCLR to Dakota Street creates a more direct route for Summit Heights residents to central Yankton, and;

WHEREAS, the newly constructed road creates tee intersections at the locations described herein, and;

WHEREAS, Summit Heights is a residential area with mostly local traffic, and;

WHEREAS, the traffic volume on WCLR is expected to be significantly more than that on 15<sup>th</sup> or Summit Lane, and;

WHEREAS, the traffic volume on 15<sup>th</sup> Street is expected to be significantly more than that on Summit Lane or West Street, and;

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

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, SD, that a stop condition be established for west bound traffic at the intersections of 15<sup>th</sup> Street & WCLR, Summit Lane & WCLR, 15<sup>th</sup> Street & Summit Lane and the south bound traffic at West Street and 15<sup>th</sup> Street.

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

Action 16-319

Moved by Commissioner Johnson, seconded by Commissioner Knoff, to approve acceptance of the Water, Sewer, and Street Improvements for the Cobh Development Subdivision that are located in front of lots: Block 1, Lots 1 and 2; Block 2, Lots 1-6; Block 3, Lots 1-3. (Memorandum 16-247)

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

Action 16-320

Moved by Commissioner Sommer, seconded by Commissioner Knoff, to adopt Resolution 16-74. (Memorandum 16-248)

**RESOLUTION 16-74**

**A RESOLUTION AUTHORIZING THE PLACEMENT OF STOP SIGNS AT THE  
DONOHOE BOULEVARD AND LYONS LANE INTERSECTIONS WITH DOUGLAS AVENUE  
& THE INTERSECTION OF 29TH STREET AND LYONS LANE**

WHEREAS, Lyons Lane and the Donohoe Avenue extension are roadways within the recently accepted Cobh Development, and;

WHEREAS, the newly constructed roads create tee intersections at the locations described herein, and;

WHEREAS, the Cobh Development is a residential area with mostly local traffic, and;

WHEREAS, the traffic volume on Douglas Avenue is expected to be significantly more than that on Donohoe Avenue or Lyons Lane, and;

WHEREAS, the traffic volume on 29<sup>th</sup> Street is expected to be significantly more than that on Lyons Lane, and;

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

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, SD, that a stop condition be established, for the west bound traffic, at the intersections of Donohoe Boulevard & Douglas Avenue, Lyons Lane & Douglas Avenue and for the north bound traffic, at Lyons Lane and 29<sup>th</sup> Street.

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

Action 16-321

Moved by Commissioner Johnson, seconded by Commissioner Ferdig, to adopt Resolution 16-75.

**RESOLUTION NO. 16-75**

**RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE,  
AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND  
DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT  
REQUESTS**

WHEREAS, the City of Yankton (the “City”) has determined it is necessary to proceed with improvements to its Solid Waste and Recycling Systems, including but not limited to acquisition of 90 gallon containers and modifying recycling operations to accommodate single stream recycling; and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the “Board”) will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project,

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$850,000 to the South Dakota Board of Water and Natural Resources for the Project.

2. The City Manager is hereby authorized to execute the Application and submit it to the South Dakota Board of Water and Natural Resources, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.

3. The City Manager is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

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

Action 16-322

Moved by Commissioner Carda, seconded by Commissioner Sommer, to adjourn at 7:38 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