

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
FEBRUARY 27, 2017**

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 17-42

Moved by Commissioner Carda, seconded by Commissioner Johnson, to approve the Minutes of the regular meeting of February 13, 2017.

**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.

Paul Lowrie appeared to request that the city take the lead and support Liberty Transportation by paying the initial fee.

Action 17-43

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

1. Transient Merchant License and Special Events Dance License

Consideration of Memorandum 17-37 recommending approval of the applications from the Riverboat Days Committee for:

A) Transient Merchant License for August 18 to 20, 2017;

B) Special Events Dance License for August 18 to 20, 2017.

2. Possible Quorum Event

March 28, 2017, for Chamber Annual Meeting, no official commission action.

3. Possible Quorum Event

March 21, 2017, for Chamber Media Forum, no official commission action.

4. Possible Quorum Event

March 20, 2017, for Interchange Forum, no official commission action.

5. Appointment to Park Advisory Board

Consideration of Memorandum 17-42 recommending approval of Dr. David Withrow as the Mayor's Appointment to the Park Advisory Board.

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

Motion adopted.

Action 17-44

This was the time and place for the public hearing on the application for a Special Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for three days, August 18-20,

2017, from Yankton Area Riverboat Days, Inc. (Milissia Wuebben, Treasurer), Riverside Park, Yankton, South Dakota. (Memorandum 17-33) 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:** Members present voting “Aye:” Commissioners Carda, Ferdig, Johnson, Knoff, Maibaum, Miner, Sommer, and Mayor Gross; voting “Nay:” None; Abstaining: Commissioner Hoffner. Motion adopted.

#### Action 17-45

This was the time and place for the public hearing on the application for a Special Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for three days, August 18-20, 2017, from Yankton Area Riverboat Days, Inc. (Milissia Wuebben, Treasurer), City Hall Auditorium, Yankton, South Dakota. (Memorandum 17-34) No one was present to speak for or against approval of the license application. Moved by Commissioner Carda, seconded by Commissioner Johnson, to approve the license.

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

#### Action 17-46

This was the time and place for the public hearing on the application for a Special Events Retail (on-sale) Liquor License for one day, March 25, 2017, from Dayhuff Enterprises, Inc. dba O’Malley’s Bar (Jeff Dayhuff, President), Lewis & Clark Theatre Company, 328 Walnut Street, Yankton, South Dakota. (Memorandum 17-38) No one was present to speak for or against approval of the license application. Moved by Commissioner Knoff, seconded by Commissioner Ferdig, to approve the license.

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

#### Action 17-47

This was the time and place for the public hearing on the application for a Special Events Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for one day, July 2, 2017, from The Center (Christy Hauer, Executive Director), 900 Whiting Drive, Yankton, South Dakota. (Memorandum 17-39) No one was present to speak for or against approval of the license application. Moved by Commissioner Sommer, seconded by Commissioner Hoffner, to approve the license.

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

Action 17-48

This was the time and place for the public hearing on the application for a Special Events Malt Beverage (on-sale) Retailers License for one day, March 17, 2017, from The Center (Christy Hauer, Executive Director), 900 Whiting Drive, Yankton, South Dakota. (Memorandum 17-40) No one was present to speak for or against approval of the license application. Moved by Commissioner Ferdig, seconded by Commissioner Johnson, to approve the license.

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

Motion adopted.

Action 17-49

Moved by Commissioner Johnson, seconded by Commissioner Sommer, to adopt Resolution 17-05. (Memorandum 17-18)

**RESOLUTION 17-05**

**A RESOLUTION TRANSFERRING A HANGAR LAND LEASE AGREEMENT FROM HOFFNER FLYING INC TO DRIFTWOOD CREEK FLYING CLUB LLC**

WHEREAS, The City of Yankton has been given the authority to approve the airport hangar ground lease agreement transfer for the airport hangar #31 owned by Jacob Hoffner d/b/a Hoffner Flying Inc.; and,

WHEREAS, Kynan Trail d/b/a Driftwood Creek Flying Club LLC wishes to assume ownership of the hangar from Jacob Hoffner d/b/a Hoffner Flying Inc.; and,

WHEREAS, Kynan Trail d/b/a Driftwood Creek Flying Club LLC has signed an agreement assuming the responsibilities and obligations of the current lease agreement; and,

WHEREAS, it is in the best interest of the City of Yankton and the operations of Chan Gurney Airport to approve the transfer of the ownership of this airport hangar and to approve the assignment of the land lease agreement to Kynan Trail d/b/a Driftwood Creek Flying Club LLC,

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, SD, that the transfer of the ownership of the airport hangar and the assignment of the land lease agreement from Jacob Hoffner d/b/a Hoffner Flying Inc. to Kynan Trail d/b/a Driftwood Creek Flying Club LLC is hereby approved.

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

Action 17-50

Moved by Commissioner Sommer, seconded by Commissioner Knoff, to approve the purchase of two John Deere 7500A Precision Cut Fairway Mowers for the Fox Run Golf Course under the cooperative purchasing agreement membership through the National Association of State Purchasing Officials, for \$98,870.00, less trade-in allowance of \$8,887.00, for a total cost of \$89,983.00. (Memorandum 17-30)

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

Motion adopted.

Action 17-51

Moved by Commissioner Ferdig, seconded by Commissioner Johnson, to approve the request from the Department of Parks, Recreation, and City Events, to host the 2018 Midwest Region Park and Recreation Association Conference from Sunday, April 22, 2018, through Wednesday, April 25, 2018. (Memorandum 17-44)

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

Motion adopted.

Action 17-52

Commissioner Carda introduced and Mayor Gross read the title Ordinance No. 994, AN ORDINANCE TO REZONE PROPERTY DESCRIBED HEREIN, and set March 27, 2017, as the date for the seconded reading and public hearing.

Action 17-53

Moved by Commissioner Sommer, seconded by Commissioner Ferdig, to approve the application for a Sidewalk Café License for 215 West 3<sup>rd</sup> Street-Willa B's LLC, for 2017. (Memorandum 17-49)

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

Motion adopted.

Action 17-54

Moved by Commissioner Johnson, seconded by Commissioner Knoff, to approve the application for a Sidewalk Café License for 100 East 3<sup>rd</sup> Street-Boomers, Inc., for 2017. (Memorandum 17-46)

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

Motion adopted.

Action 17-55

Moved by Commissioner Hoffner, seconded by Commissioner Maibaum, to approve the application for a Sidewalk Café License for 121 West 3<sup>rd</sup> Street-River Front Events Center, for 2017. (Memorandum 17-48)

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

Motion adopted.

Action 17-56

The Impoundment Facility Operations Agreement between Heartland Humane Society and the City of Yankton was considered. (Memorandum 17-43) Kari Hacecky, Director of Heartland Humane Society, was present to answer questions and to ask the Commission to support approval of the agreement. Moved by Commissioner Johnson, seconded by Commissioner Miner, to approve the Impoundment Facility Operations Agreement.

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

Action 17-57

This was the time and place to award the bid for 25th Street Pavement Replacement from Douglas Avenue to Mulberry Street. (Memorandum 17-45) The following bids were received and opened on February 16, 2017: Masonry Components, Inc., Yankton, South Dakota-\$249,762.45; D&G Concrete, Sioux Falls, South Dakota-\$267,398.92; BX Civil, Dell Rapids, South Dakota-\$284,500.00; Thorstad Company, Dell Rapids, South Dakota-\$291,214.55. Moved by Commissioner Knoff, seconded by Commissioner Carda, to award the bid to the low bidder, Masonry Components, Inc., Yankton, South Dakota, in the amount of \$249,762.45.

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

Action 17-58

Moved by Commissioner Knoff, seconded by Commissioner Sommer, to approve the Agreement for Professional Services with Stockwell Engineers, Inc., Yankton, South Dakota, for the 8<sup>th</sup> Street Summit to Broadway Reconstruction Project, Phase 1 for a lump sum of \$168,900.00 and Phase 2 for an amount not to exceed \$179,750.00, for a total cost of approximately \$348,650.00. (Memorandum 17-36)

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

Action 17-59

This was the time and place to award the bid for one New Steel Transfer Station Walking Floor Trailer for the Department of Public Works City of Yankton/Joint Powers Department. (Memorandum 17-47) The following bids were received and opened on February 16, 2017: Wilkens Industries, Morris, Minnesota-\$66,283.00; Northern Truck & Equipment, Sioux Falls, South Dakota-\$64,679.00. The bid from Northern Truck & Equipment, Sioux Falls, South Dakota, did not meet delivery specifications and was, therefore, not considered. Moved by Commissioner Knoff, seconded by Commissioner Carda, to award the bid to the only qualified bidder, Wilkens Industries, Morris, Minnesota, in the amount of \$66,283.00.

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

Action 17-60

Moved by Commissioner Johnson, seconded by Commissioner Hoffner, to approve the Seventh Amendment to the Revised Joint Powers Agreement. (Memorandum 17-29)

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

Action 17-61

Moved by Commissioner Knoff, seconded by Commissioner Sommer, to approve the lease agreement between the City of Yankton and Ralph Marquardt for a parcel of land to locate the Police Firing Range, term of the agreement being January 1 through December 31, 2017, with automatic renewals

for 10 years unless terminated by either party. (Memorandum 17-35)

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

Motion adopted.

Action 17-62

Moved by Commissioner Ferdig, seconded by Commissioner Sommer, to authorize the City Manager Nelson to accept Yankton Area Progressive Growth’s offer to fund the proposal from Community Partners Research, Inc., Lake Elmo, Minnesota, to update the 2013 Yankton Housing Study.

(Memorandum 17-50)

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

Motion adopted.

Action 17-63

Moved by Commissioner Knoff, seconded by Commissioner Maibaum, to approve the Mayor’s Appointments of Commissioners Carda and Sommer and Mayor Gross to the Consolidated Board of Equalization, with Commissioner Maibaum to serve as alternate. (Memorandum 17-51)

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

Motion adopted.

Action 17-64

Moved by Commissioner Carda, seconded by Commissioner Hoffner, to adjourn into Executive Session at 7:52 p.m. to discuss contractual and litigation 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 17-65

Moved by Commissioner Ferdig, seconded by Commissioner Maibaum, to adjourn at 9:09 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