

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
APRIL 10, 2017**

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

Roll Call: Present: Commissioners Carda, Ferdig, Hoffner, Johnson, Maibaum, and Sommer. City Attorney Den Herder and City Manager Nelson were also present. Absent: Commissioners Knoff and Miner.

Quorum present.

Action 17-98

Moved by Commissioner Johnson, seconded by Commissioner Carda, to approve the Minutes of the Work Session of March 27, 2017, Regular Meeting of March 27, 2017, and Special Meeting of March 28, 2017.

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

Motion adopted.

Action 17-99

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

A T & T-Cell Phone Bill-\$364.42; A-Ox Welding Supply Co Inc-Parts-\$156.37; ACS Government Inf Service-Maint Program Support-\$2,161.62; All Star Pro Golf Inc-Tees-Spikes-\$643.93; American Fence Company-Fence Repairs-\$1,334.00; Associated Supply Co-Pool Supplies-\$972.71; Automated Drive Systems LLC-Lobepro VFD-\$1,293.73; Automatic Building Controls-Annual Fire Alarms Check-\$1,637.00; Avera Sacred Heart Hospital-Prescriptions-\$250.55; Bartlett & West Inc-Lift Station-\$28,657.00; Boller Printing Inc-Advertising-\$354.30; Bomgaars Inc-Gate/Posts-\$338.07; Bound Tree Medical LLC-Medical Kit-\$92.72; Brown & Saenger-EDP Paper-\$527.58; Butler Machinery Co-Valve-\$149.94; Cedar Knox Public Power Dist-Water Electric-\$1,072.13; Center For Educ & Employ-Law Subscription-\$159.00; Centurylink-Phone-\$916.14; Chamber of Commerce-Retirement Gift-\$100.00; Chesterman Company-Soft Drinks-\$208.00; City of Vermillion-Jt Power Cash Trans-\$48,304.24; City of Yankton-Central Garage Rubbish-\$37.00; City of Yankton-City Clean-Up City Wide Clean Up-\$5,648.20; City of Yankton-Fox Run Landfill Charges-\$96.00; City of Yankton-Parks Landfill Charges-\$66.98; City of Yankton-Solid Waste Compacted Garbage-\$11,034.65; City Utilities-Water-WW Charges-\$3,419.48; Clean Sweep Industries-Janitorial Supplies-\$1,159.00; Cleveland Golf-Golf Clubs-\$921.89; Concrete Material-Concrete-\$935.00; Conkling Dist-Malt Beverage-\$415.95; Cornhusker Intl Truck Inc-Filters/Antifreeze-\$651.06; Credit Collection Service Inc-Util Collection Feb-\$306.76; CSI Software LLC-Computer Software-\$1,094.18; Dakota Beverage Co Inc-Malt Beverage-\$599.05; Danin Drywall-Refund Women BB League-\$150.00; De Lage Landen Public Finance-Golf Car Lease-\$24,455.81; Dept of Corrections-DOC Work Program-\$132.60; Dept of Revenue-Lab Tests-\$1,329.00; Dex Media East-Phone-March-\$32.30; Drain Masters-Sewer Camera-\$350.00; Ehresmann Engineering Inc-Steel-\$823.92; Eidsness/Hilary-Refund-\$9.99; Election System & Software Inc-Ballot Stock-\$1,034.01; Eli/Gene-Sidewalk Reimbursement-\$36.00; Ethanol Products LLC-CO2-\$1,427.44; Fastenal Company-Utility Cabinets-\$945.38; Flannery/Kirt-Officer Stipend-Mar-\$25.00; Footjoy-Gloves-\$349.25; Fore Reservations Inc-POS Software-\$1,500.00; Frick/Adam-Officer Stipend-Mar-\$25.00; Frick/Brian-Officer Stipend-Mar-\$50.00; Gaskell/Sean-Performance-\$375.00; Govt. Finance

Officer Assn-Newsletter-\$50.00; Graymont Capital Inc-Chemicals-\$4,545.78; Gridor Construction, Inc-Lift Station-\$237,122.10; H & H Roofing-Shingle Capitol Bldg-\$19,056.16; Haar Co Inc-Mower-\$9,445.00; Hach Company-Basin Control-\$6,023.07; Hagemann/Dustin-Uniform Reimburse-\$96.27; Harding Glass-Glass-\$140.31; Hawkins Inc-Chemicals-\$1,863.26; HDR Engineering Inc-Water Treatment Design-\$140,939.56; Hedahl's Parts Plus-Filters-\$1,035.69; Hillyard-Part-\$12.19; Hirsch/Jessica-Refund Womens BB League-\$150.71; IACP Membership-Leadership Course-\$2,100.00; Inland Truck Parts Co-Brake Parts-\$120.30; J & H Care & Cleaning Company-Janitorial Services-\$2,795.00; Jansen Upholstery-Seat Repairs-\$175.00; JCL Solutions/Janitors Closet-Cleaning Supplies-\$715.36; Johnson Electric LLP-Repair Street Light-\$263.06; Johnson Roofing Inc-Rubber Roofing-\$960.31; Kadrmas Lee & Jackson Inc-Professional Services-\$1,377.90; Kaiser Heating & Cooling Inc-Installed Heater-\$3,530.62; Kaiser Refrigeration Inc-Repairs-\$416.89; Klein's Tree Service-Tree Trimming-\$2,550.00; Klines Jewelry-Retirement Gift-\$99.99; Larry's Home Center-Repairs-\$494.65; Locators & Supplies Inc-Safety Supplies-\$195.67; Long's Propane Inc-Propane-\$480.00; Meridian Grain-Road Salt-\$4,348.22; MidAmerican Energy-Fuel-Mar-\$6,894.19; MidAmerican Energy-Fuel-Mar-\$6,938.06; Midwest Alarm Company Inc-Fire Alarm Check-\$156.00; Midwest Tape-Audio Book-\$34.99; Midwest Turf & Irrigation-Repairs-\$520.05; Miller/Jane-Refund-\$105.35; Mitchell Public Library Replacement Cost-Book-\$14.99; Moser/Brad-Officer Stipend-Mar-\$25.00; Motor Vehicle Dept SD-Title/License-\$42.40; Mozak Inc-SAC Flooring-\$7,676.77; Mozak's Floors & More-Refund Women's BB League-\$150.00; Naghdi/Stephen-Refund Membership-\$44.62; Nebraska Journal Leader-Advertisement-\$89.88; Northwestern Energy-Elect-Mar-\$67,951.57; Observer-Advertisement-\$148.00; Physio-Control Inc-Maintenance-\$297.96; Press Dakota MStar Solutions-Advertising-\$2,595.00; Printing Specialists-Mailing Labels-\$72.81; Pro Auto Inc-Towing-\$80.00; Push Pedal Pull-Equipment-\$14,999.79; R & R Products Inc-Parts-\$2,081.63; Racom Corporation-Radio Access-\$1,404.90; Reinhart Foods Inc-Entrees-\$878.18; Ron's Auto Glass Repair-Install Windshield-\$480.00; Schindler/Scott-Uniform Reimburse-\$120.00; SD Municipal Street-Maint Assn Registration Fee-\$100.00; Sioux Equipment Company Inc-Repairs-\$761.91; Spencer Quarries Inc-Road Materials-\$5,844.06; Springfield Voc Industry-Floating Dock-\$20,244.40; Stern Oil Co Inc-Fuel-\$34,431.88; Stockwell Engineers Inc-8th Street Design-\$33,780.00; Titleist Golf Equipment-\$5,236.64; Todd, Inc-Gutter/Main Brooms-\$7,771.41; Tom's Electric-Repairs-\$663.75; Top Notch Window Cleaning-Clean Windows-\$610.00; Tri-State Cleaning Service LLC-Clean Exhaust Hood-\$400.00; Truck Trailer Sales Inc-Truck Repairs-\$3,480.50; Turflin Inc-Parts-\$4,113.18; Turfwerks-Repairs-\$410.03; U.S. Post Office-Utility Postage Mar-\$1,400.00; United Parcel Service, Inc-Postage-\$161.12; United States Postal Service-Postage Meter-Mar-\$837.00; US Bank Equipment-Finance Copier Lease-\$597.94; Wage Works-Flex Service Fee-\$135.00; Water & Env Eng Research Ctr-Lab Tests-\$122.00; Wellmark Blue Cross & Shield-Administration Fee-\$250.00; Wholesale Supply Inc-Soft Drinks-\$41.50; Wiebelhaus/Jean-Taxes-\$156.57; Wilson Sporting Goods Golf-Golf Equipment-\$2,536.47; Woehl/Toby-Officer Stipend-Mar-\$25.00; Woods Fuller Shultz & Smith PC-Professional Services-\$360.00; Xerox Corporation-Copier Lease-\$205.97; Xerox Corporation-Copier Lease-\$2,183.20; Xtreme Car Wash-Car Washes-\$80.40; Yaggie's Inc-Crabgrass Preventer-\$304.04; Yankton Area Ice Association-Revenue Payment-\$1,870.04; Yankton County Treasurer-RE Taxes-\$424.26; Yankton Fire & Safety Co-Fire Extinguisher Maint-\$902.00; Yankton Medical Clinic-Pre-Employ Physical-\$504.00; Yankton Vol Fire Department-Fire Calls-Feb/Mar-\$4,730.00; Zep Manufacturing Co-Handcleaners/Detergent-\$322.37; Ziegler/William-Officer Stipend-Mar-\$50.00; A-Ox Welding Supply-Acetylene-\$134.37 Amazon Mktplace Pmts-Workout Equipment Repair-\$425.03; Amazon.Com-Computer Monitors-\$1,782.21; Amazon.Com-Books-\$60.90; American Public Works-APWA Membership-\$190.00; Animal Health Clinic-Animal Spray-\$36.39; Apple Online Store-Program Supplies-\$10.00; Appera-Towels-\$220.88; Applied Ind Tech-Electric Motors-\$1,457.07;

Arbor Day Foundation-Membership Dues-\$35.00; Arc Services/Training-Lifeguard Training Class-\$105.00; Armadillos Ice Cream's-Travel Expense-\$9.50; AT&T Bill Payment-Patrol Car Cellular-\$314.56; Avera Heart Hospital-AED-\$909.00; Bakers Square Rest-Library Tech Conference-\$15.83; Battery Exchange-Battery-\$289.90; Big Toms Diner LLC-Training Expense-\$45.17; Bizco Technologies-Computers MDTs-\$8,175.00; Bomgaars-Spades and Gloves-\$741.76; Bonanza-Staff Appreciation-\$151.57; Book Systems Inc-Integrated Library Sys-\$3,231.36; Bow Creek Metal Inc-Collector Well Pipe Covers-\$2,285.00; Burger King-Training Expense-\$28.95; Caribou Coffee-Training Expense-\$9.41; Casa Del Rey-Conference-\$34.87; Caseys Gen Store-Investigation Supplies-\$18.91; Cattleman's Club-Training Expense-\$43.67; Cedar County Veterinary-Veterinary Services-\$75.00; Center Point-Books-\$254.47; Chief Supply-Patrol Car Equipment-\$6,201.76; Chili's-Conference-\$45.51; Coffee Cup-Training Expense-\$30.53; Conoco-Training Expense-\$41.14; Conoco-FEMA Conference Expense-\$30.99; Conoco-Fuel-\$9.82; Cowboy Store-Training Expense-\$17.00; Cox Auto Supply-Shop Expense-\$610.83; Crescent Electric-Analog Input Module-\$1,815.00; Dayhuff Enterprises Inc-Janitorial Supplies-\$475.40; Demco Inc-Summer Reading Supplies-\$436.62; DEX One-Digital Advertising-\$118.08; Diamond Mowers, Inc-Brush Cutter Mower Blade-\$163.82; Drifters Bar and Grill-Training Expense-\$29.80; DX Service Salt-\$1,528.80; Echo Electric Supply-Motor Starter-\$781.77; Ehresmann Engineering-Shop Supplies-\$60.39; Embroidery & Screen Works-Uniforms-\$228.00; Erange Inc-Driving Range-\$365.00; Facebk-Advertising-\$62.06; Fastenal Company-Plow Bolts-\$563.10; Fedex-Evidence Mailing-\$12.84; Fejfar Plumbing-Plumbing Parts-\$29.34; Fred Haar Company-Bagger System-\$2,862.95; Fuddruckers-Investigation Expense-\$23.60; Gator's Pizza Pasta-Training Expense-\$20.56; Good Earth-Library Tech Conference-\$20.94; Grafix Shoppe-Patrol Car Equipment-\$490.41; Greatmatscom Corp-Weight Room Mats-\$2,825.97; Greenworkstools Co-Trimmer-\$329.00; Hach Company-Laboratory Chemicals-\$421.95; Hardee's-Training Expense-\$13.84; Hardee's-Conference Expense-\$11.91; HD Supply Waterworks-Backwash Pipe Repair-\$1,460.95; Hedahl's-Grease Seals-\$77.06; Hilti Inc-Park Supplies-\$274.95; Hot Dog Express-Training Expense-\$13.12; Hy-Vee-Summer Reading Supplies-\$28.44; Hy-Vee-Concessions/Gatorade-\$545.62; Independence Waste-Rentals-\$553.90; Inf City Directories-Polk City Directories-\$400.00; Int In Living Here Magazine-Subscription-\$38.00; Intl Soc Arboriculture-Membership Dues-\$165.00; IR Industrial-Air Compressor O-Ring-\$52.75; Jack's Uniforms & Equip-Uniforms-\$110.89; JCL Solutions-Cleaning Supplies-\$594.22; JMAC Supply-Part Replacement-\$14.90; JoDeans Steak House-Retirement Supplies-\$103.20; Johnson Controls-SS HVAC Repair Work & Parts-\$3,608.84; Kaiser Refrigeration-Refrigerator Repair-\$264.95; Kansas Recreation and Conference-Registration-\$585.00; Kendell Doors & Hardware-Lock Sets and Cores-\$548.65; Kleen Rite Corp-Spray Tips-\$33.00; Koletzky Implement Inc-Filters-\$189.50; Kopetsky's Ace Hdwe-Impact Driver-\$826.20; La Minestra-Training Expense-\$45.85; Locators and Supplies-Locate Flags & Paint-\$359.64; Mark's Machinery Inc-Blade And Bearings-\$624.53; McDonald's-Training Expense-\$9.22; Mead Lumber-Expansion Material-\$418.19; Menards-Park Supplies-\$1,846.07; Midwest Laboratories-Monthly Nutrients-\$206.86; Midwest Turf-Equipment Supplies-\$786.48; Minervas Grill and Bar-Summer Reading Jumpstart-\$25.96; Murdock Industrial Inc-Supplies-\$118.50; Mutt Mitt-Doggie Bags-\$1,677.19; Myers Tire Supply.Com-Wheel Weights-\$1,263.21; Northtown Automotive-Patrol Car Repair-\$58.32; Olson's Pest Technician-Pest Services-\$81.00; One Office Solution-Office Chairs/Supplies-\$1,602.62; O'Reilly Auto-Anti-Freeze-\$121.85; Overdrive Dist-E-Books-\$2,430.00; Paypal-Discounted Computer-\$674.99; Paypal-Fdsingleton-Radio Backup Dispatch-\$400.00; Paypal Jfjdiscrepa-DVD Cleaning Supplies-\$42.71; Paypal Sparkscustom-Upholstery-\$663.15; Paypal Superspets-Radio Backup Dispatch-\$374.99; Paypal 4inkjets-Toner-\$35.69; Philly Teds PTop-Conference Expense-\$12.89; Pierre Clubhouse Hotel-Lodging-\$153.52; Pierre Taco Johns-Training Expense-\$16.82; Postage Refill-Postage Refill-\$100.00; Prandomhouse-CD Books-\$240.75;

Printsource Network-In Site Visit Forms-\$109.50; Provantage LLC-PC Firewall for ICAC-\$2,431.50; Push Pedal Pull Corp-Equipment Repair-\$539.07; Radisson Hotel Mpls-Library Tech Conference-\$253.28; Radisson-Fargo-Traffic School-\$248.60; Recreonics Inc-Grate Covers Valves-\$302.81; Red Cross Store-Lifeguard Class Manuals-\$1,122.52; Riverside Hydraulics-Hydraulic Hose-\$58.84; Rusconi Pizza-Training Expense-\$15.19; SD Firefighters Assoc-Membership Dues-\$1,075.00; SF Regional Airport-Parking-\$16.00; Sheehan Mack Sales-Emergency Handle-\$51.66; Shell Oil-Conference Fuel-\$11.48; Sherwin Williams-Park Supplies-\$37.19; Sherwin Williams-Shop Supplies-\$77.01; Shur-Co Outletservice-Repair Tennis Courts-\$405.00; Sigma Aldrich US-DMRQA-37 Test Kit-\$706.00; Smashburger-Training Expense-\$12.30; South Dakota Golf Assoc-Advertising-\$525.00; South Dakota State Historical Society-Microfilm-\$96.00; SP Cutrate Batteries-Battery-\$114.00; Sprint Aquatics-Merchandise-\$51.15; SQ Hansen Locksmith-Supplies-\$15.00; SQ Gosq.Com Ahmed-Taxi Expense-\$40.25; SQ Tinting Pros-Vehicle Accessories-\$439.00; Stan Houston Equip Co-Park Supplies-\$39.00; Sturdevants-Parts Cleaner-\$49.55; Subway-Training Expense-\$13.25; SuperAmerica-Library Tech Conference-\$28.00; SuperAmerica-Library Tech Conference-\$26.23; Superior Tech Products-Chemicals-\$432.00; Tallys Silver Spoon-Conference Expense-\$12.09; Taxi Service Hedbron Taxi-Training-\$41.40; The Hotel Alex Johnson-FEMA Conference Lodging-\$358.72; The UPS Store-Postage-\$104.03; Titan Machinery-Parts-\$30.50; TMA-Tires-\$4,343.29; Tractor Supply Co-K9 Supplies-\$138.54; Truck Trailer Sales-Water Pump/Belt-\$681.80; USA Blue Book-Supplies-\$431.79; USPS PO-Evidence Mailing-\$19.60; Van Bergen and Markson Chemical-Pump Repair Kit-\$1,340.72; Vanderhule Moving & Storage-Supplies-\$18.00; VCN Yankton ROD Ctr-Developers Agreement Fee-\$32.50; Viddler Inc-Video Hosting-\$37.22; View-Training Expense-\$31.16; Vistaprint.Com-Business Cards-\$29.96; Wal-Mart-Office Supplies-\$483.32; WM Supercenter-Safety Supplies-\$769.14; WW Grainger-Plumbing Parts-\$752.40; Yankton Area Chamber of Chamber-Annual Gala-\$150.00; Yankton Pizza Ranch-Staff Appreciation-\$33.47; Yankton Winnelson Co-Supplies-\$331.02; Zoro Tools Inc-Fire Hose Nozzle-\$70.67; 4140 Sioux Falls-CC Conference-\$32.00; AFSCME Council 65 Employee Deduction-\$1,358.88; American Family Life Corp Cancer & ICU Premiums-\$7,321.84; Bartlett & West Inc Professional Service-\$1,571.25; Beck Motor Company 2016 Chevy Silverado-\$29,933.00; City Management Assn SD Registration Fee-\$100.00; Connections Inc EAP Insurance March-\$384.30; Delta Dental Dental Ins - April-\$7,673.92; Delvaux/Connie Lost Check 6804-\$15.99; Dept Of Environment Air Quality Permit-\$125.00; Dept Of Social Services Employee Deduction-\$1,697.50; Ehresmann Engineering Inc Replace Ckeck #59545-\$364.19; First Natl Bank South Dakota Employee Deduction-\$2,595.12; Lamb Motor Company 2017 Ford Taurus-\$21,276.00; Minnesota Life Insurance Co Life Insurance - April-\$802.40; Municipal League, SD Registration Fee-\$180.00; Postmaster Postage-\$1,605.76; Potter County Implement Fairway Mowers-\$98,870.00; Retirement, SD SD Retirement - March-\$71,188.30; Retirement, SD System 401(A) Special Pay-\$6,563.25; SDML Workers Compensation Fund Work Comp Additions-\$3,939.00; SDSRP Employee Deduction-\$4,930.00; South Dakota Sheriffs Assn Registration-\$85.00; Summit Activity Center Employee Deductions-\$853.15; Sun Life Financial Vision Insurance - April-\$895.37; United Way Employee Deduction-\$102.00; Vast Broadband Internet Service-\$3,553.50; Vision Technology Solutions Subscription Annual Fee-\$6,930.00; Wellmark Blue Cross & Blue Health Ins - March-\$92,070.81; Yankton Basketball Inc Reimbursement-\$2,143.21.

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

Motion adopted.

SALARIES MARCH, 2017:

Administration-\$38,176.41; Finance-\$32,005.27; Community Development-\$22,510.07; Police-\$156,145.13; Fire-\$11,479.38; Engineering-\$40,092.88; Street-\$42,376.31; Snow & Ice-\$6,065.20;

Traffic Control-\$3,409.12; Library-\$28,408.73; Parks/SAC-\$62,919.24; Marne Creek-\$3,556.78; Water-\$38,043.54; Wastewater-\$34,417.54; Cemetery-\$3,554.93; Solid Waste-\$20,061.87; Landfill-\$17,633.95; Golf Course-\$22,636.12; Central Garage-\$7,093.93.

PERSONNEL CHANGES & NEW HIRES:

New Hires: Vanessa Gleason-\$16,146.7 hr.-Dispatch; Amelia Goetz-\$1,291.74 bi-wk.-Dispatch; Matthew Hilson-\$10.00 hr.-Golf Division; Josephine Krajewski-\$9.50 hr.-Rec. Division; Kris Rutledge-\$12.50 hr.-Parks Division.

Wage Change: Allison Cappy-\$9.75 hr.-Rec. Division; Jon Cooke-\$10.00 hr.-Golf Division; Chase Erickson-\$10.00 hr.-Golf Division; Jannifer Guthmiller-\$10.75 hr.-Golf Division; Phillip Hummel-\$9.75 hr.-Golf Division; Makenzie Johnson-\$10.10 hr.-Rec. Division; Baylee Kenney-\$9.75 hr.-Golf Division; Ashley Mazankowski-\$10.10 hr.-Rec. Division; Quinn Paulsen-\$9.75 hr.-Golf Division; Sharlotte Peterson-\$12.50 hr.-Rec. Division; Morgan Rodig-\$9.75 hr.-Golf Division; Allison spak-\$12.50 hr.-Rec. Division.

Status Change: Brittany Orr-\$1,919.58 bi-wk.-Recreation Coordinator to Recreation Manager.

Mayor Gross read a proclamation declaring the week of April 9-15, 2017, as “National Library Week.”

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

Kasi Haberman, Convention and Visitors Bureau, was present to thank the City Commission for funding and also gave an explanation and answered questions about her current and proposed program of work for 2017.

Action 17-100

Moved by Commissioner Johnson, seconded by Commissioner Ferdig, that the following items on the Consent Agenda be approved.

1. Budget Workshop Meeting Date
Consideration of Memorandum 17-72 regarding setting Budget workshop meeting date as April 17, 2017, at 5:30 p.m. in meeting Room A of City Hall.
2. Establishing public hearing for sale of alcoholic beverages
Establish April 24, 2017, as the date for the public hearing on the request for a Special RETAIL (on-sale) Liquor License for one day, Friday, May 5, 2017, from Corps of Discovery Welcome Center (Katie Meyer, Executive Director), Lewis & Clark Theatre Company, 328 Walnut, Yankton, South Dakota.
3. Establishing public hearing for sale of alcoholic beverages
Establish April 24, 2017, as the date for the public hearing on the request for a Special Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for one day, July 22, 2017, from Yankton Area Arts, (Julie Amsberry, Executive Director) Meridian Bridge, rain date set for City Hall Auditorium, 416 Walnut, Yankton, South Dakota.
4. Notice to Call for City of Yankton Election
Establish 5:30 p.m. Monday, April 17, 2017, as the time and date of a “Notice to Call” a Special City Commission meeting to canvass the election returns of the City of Yankton Election to be held on Tuesday, April 11, 2017.

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

Motion adopted.

Action 17-101

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 Hillcrest Golf & Country Club (Warren Muller, General Manager), 2206 Mulberry Street, Yankton, South Dakota. (Memorandum 17-76) No one was present to speak for or against approval of the license application. Moved by Commissioner Carda, seconded by Commissioner Sommer, to approve the license.

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

Motion adopted.

Action 17-102

This was the time and place to award the bid for the Annual Supply of Bituminous Mix. (Memorandum 17-75) The following bid was received and opened on March 30, 2017: Concrete Materials, Sioux Falls, South Dakota (Mission Hill Plant)-\$65.00 per ton. Moved by Commissioner Johnson, seconded by Commissioner Sommer, to award the bid to the only bidder, Concrete Materials, Sioux Falls, South Dakota (Mission Hill Plant) for \$65.00 per ton.

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

Motion adopted.

Action 17-103

This was the time and place to award the bid for 2017 Joint Crack Filler. (Memorandum 17-73) The following bids were received and opened on March 30, 2017: Stepp Manufacturing North Branch, Minnesota-\$38,863.00; Brock White, Sioux Falls, South Dakota-\$45,494.09; Northern Truck and Equipment, Sioux Falls, South Dakota-\$58,767.00. Moved by Commissioner Carda, seconded by Commissioner Sommer, to deny all bids because of budgetary constraints.

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

Motion adopted.

Action 17-104

This was the time and place to award the bid for the Water Purification Facility Expansion project. (Memorandum 17-73) The following bids were received and opened on March 24, 2017: John T Jones Construction Co., Fargo, North Dakota-\$34,012,000.00; Welfl Construction, Corporation, Yankton, South Dakota-\$34,665,357.00; PKG Contracting, Inc., Fargo, North Dakota-\$35,828,069.00; Gridor Construction, Inc., Buffalo, Minnesota-\$35,877,692.00; Rice Lake Construction Group, Deerwood, Minnesota-\$41,735,300.00. Moved by Commissioner Carda, seconded by Commissioner Maibaum, to award the bid to the low bidder, John T Jones Construction Company, Fargo, North Dakota, in the amount of \$34,012,000.00.

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

Motion adopted.

Action 17-105

Moved by Commissioner Johnson, seconded by Commissioner Carda, to adopt Resolution 17-09.

RESOLUTION 17-09

WHEREAS, SDCL 6-13-1 requires a municipality owning personal property which is no longer necessary, useable or suitable for municipal purposes shall, by resolution, declare it surplus and may, by resolution, order the sale, destruction or other disposal of said personal property.

NOW, THEREFORE, BE IT RESOLVED that the following personal property be declared no longer necessary or suitable for municipal purposes and said property shall be disposed of in accordance with SDCL 6-13-1, et sequential:

SURPLUS PROPERTY TO BE TRADED

1MOX300CABM202307	2011 JD300 Lawn Tractor with attachments	Water
MOX534A030723	2008 JD534 L&G Tractor with attachments	Water

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

Action 17-106

Moved by Commissioner Carda, seconded by Commissioner Ferdig, to adopt Resolution 17-10.

RESOLUTION NO. 17-10

RESOLUTION GIVING APPROVAL TO CERTAIN DRINKING WATER FACILITIES IMPROVEMENTS; GIVING APPROVAL TO THE ISSUANCE AND SALE OF A REVENUE BOND TO FINANCE, DIRECTLY OR INDIRECTLY, THE IMPROVEMENTS TO THE FACILITIES; APPROVING THE FORM OF THE LOAN AGREEMENT AND THE REVENUE BOND AND PLEDGING PROJECT REVENUES AND COLLATERAL TO SECURE THE PAYMENT OF THE REVENUE BOND; AND CREATING SPECIAL FUNDS AND ACCOUNTS FOR THE ADMINISTRATION OF FUNDS FOR OPERATION OF THE SYSTEM AND RETIREMENT OF THE REVENUE BOND AND PROVIDING FOR A SEGREGATED SPECIAL CHARGE OR SURCHARGE FOR THE PAYMENT OF THE BONDS.

WHEREAS, one of the purposes of SDCL Chapter 9-40 (the “Act”) as found and determined by the Legislature is to provide for financing the acquisition, maintenance, operation, extension or improvement of any system or part of any system of waterworks for the purpose of providing water and water supply for domestic, municipal, together with extensions, additions, and necessary appurtenances; and,

WHEREAS, a municipality is authorized by Section 6 of the Act to issue revenue bonds to defray the cost of extensions, additions and improvements to any utility previously owned without pledging its credit and is authorized to pledge the net income or revenues from the Project in accordance with Section 15 of the Act; and,

WHEREAS, the City of Yankton (the “City”) currently operates a water distribution system to supply municipal, industrial and domestic water to its inhabitants and has determined that improvements to the drinking water facilities are necessary for the conduct of its governmental programs and qualifies as an improvement, extension or addition to its drinking water system; and,

WHEREAS, the City has determined to issue its revenue bonds to finance the improvements to its system of waterworks for the purpose of providing water and water supply for domestic, municipal, and industrial purposes (the “System”) and has applied to the South Dakota Conservancy District (the “District”) for a Drinking Water State Revolving Fund Loan to finance the improvements;

WHEREAS, the City shall adopt special rates or surcharges for the improvements to be pledged, segregated and used for the payment of the Bonds.

NOW THEREFORE BE IT RESOLVED by the City as follows:

SECTION 1. Definitions. The terms when used in this Resolution shall have the following meanings set forth in this section unless the context clearly requires otherwise. All terms used in this Resolution which are not defined herein shall have the meanings assigned to them in the Loan Agreement unless the context clearly otherwise requires.

“Act” means South Dakota Codified Laws Chapter 9-40.

“Loan” means the Loan made by the South Dakota Conservancy District to the City pursuant to the terms of the Loan Agreement and as evidenced by the Revenue Bond.

“Project” means the City of Yankton Water Treatment Plant Project.

“Revenue Bond” means the revenue bond or bonds issued the date of the Loan Agreement by the City to the South Dakota Conservancy District to evidence the City’s obligation to repay the principal of and pay interest and Administrative Expense Surcharge on the Loan.

“System” means the City’s system of waterworks used for the purpose of providing water and water supply for domestic, municipal, and industrial purposes.

SECTION 2. Declaration of Necessity and Findings.

2.1. Declaration of Necessity. The City hereby declares and determines it is necessary to construct and finance improvements to its drinking water facilities within its System described as the Project.

2.2. Findings. The City does hereby find as follows:

2.2.1. The City hereby expressly finds that if the Project is not undertaken, the System will pose a health hazard to the City and its inhabitants, and will make the City unable to comply with state and federal law.

2.2.2. Because of the functional interdependence of the various portions of the System, the fact that the System may not lawfully operate unless it complies with State and federal laws, including SDCL Chapter 34A-3A, and the federal Safe Drinking Water Act, and the nature of the improvements financed, the City hereby finds and determines that the Project will substantially benefit the entire System and all of its users within the meaning of Sections 15 and 17 of the Act.

2.2.3. The City hereby determines and finds that for the purposes of the Act, including, in particular, Sections 15 and 17 of the Act, that only the net income from the Project financed by the Revenue Bond be pledged for its payment.

SECTION 3. Authorization of Loan, Pledge of Revenue and Security.

3.1. Authorization of Loan. The City hereby determines and declares it necessary to finance up to \$37,000,000 of the costs of the Project through the issuance of bonds payable from the revenue of the Project and other funds secured by the City. The City hereby determines that because the Revenue Bond is issued in connection with a financing agreement described in SDCL 46A-1-49, pursuant to Section 15 of the Act no election is required to issue the Revenue Bond.

3.2. Approval of Loan Agreement. The execution and delivery of the Revenue Obligation Loan Agreement (the "Loan Agreement"), the form of which is on file with the City Finance Officer (the "Finance Officer") and open to public inspection, between the City as Borrower and the District, is hereby in all respects authorized, approved and confirmed, and the Mayor and Finance Officer are hereby authorized and directed to execute and deliver the Loan Agreement in the form and content attached hereto, with such changes as the Attorney for the City deems appropriate and approves, for and on behalf of the City. The Mayor and Finance Officer are hereby further authorized and directed to implement and perform the covenants and obligations of the City set forth in or required by the Loan Agreement. The Loan Agreement herein referred to and made a part of this Resolution is on file in the office of the Finance Officer and is available for inspection by any interested party.

3.3. Approval of Revenue Bond. The issuance of a revenue bond in a principal amount not to exceed \$37,000,000 as determined according to the Loan Agreement in the form and content set forth in Appendix B attached to the form of Loan Agreement (the "Revenue Bond") shall be and the same is, in all respects, hereby authorized, approved, and confirmed and the Mayor, Finance Officer, and other appropriate officials shall be and are hereby authorized and directed to execute and seal the Revenue Bond and deliver the Revenue Bond to the District, for and on behalf of the City, upon receipt of the purchase price, and to use the proceeds thereof in the manner set forth in the Loan Agreement. The Mayor and Finance Officer are hereby authorized to approve the final terms of the Revenue Bond and their execution and delivery thereof shall evidence that approval. The Revenue Bond shall be issued under the authority of SDCL Chapter 9-40 and SDCL Chapter 6-8B, and the provisions of the Act are hereby expressly incorporated herein as provided in Section 19 of the Act.

3.4. Pledge of Revenues. The Revenue Bond together with the interest thereon, shall not constitute a charge against the City's general credit or taxing power, but shall be a limited obligation of the City payable solely out of the Project Debt Service Account, which payments, revenues and receipts are hereby and in the Loan Agreement pledged and assigned for the equal and ratable payments of the Revenue Bond and shall be used for no other purpose than to pay the principal, interest and Administrative Surcharge on the Revenue Bond, except as may be otherwise expressly authorized in the Loan Agreement (including the purpose of securing Additional Bonds issued as permitted by the terms thereof). The City covenants and agrees to charge rates for all services from the Project or establish special charges or surcharges which will be sufficient to provide for the payments upon the Revenue Bond issued hereunder as and when the same become due, and as may be necessary to provide for the operation and maintenance and repairs of the Project, and depreciation, and the Rate Resolution shall be

revised from time to time so as to produce these amounts. The City hereby reserves the right to determine on a periodic basis the appropriate allocation of operation and maintenance expenses, depreciation, repair and reserves associated with the facilities financed with the Revenue Bond, provided that such determination of allocable operation and maintenance expenses shall in no event abrogate, abridge or otherwise contravene the covenant of the City set forth in this Section 3 or any other covenant or agreement in the Loan Agreement.

SECTION 4. Special Charge or Surcharge for Revenue Bond. The City does hereby create the Revenue Bond Special-Surcharge District (the “Surcharge District”) which shall include all users which benefit from the Project. There shall be charged a special charge or surcharge pursuant to Section 15 of the Act for the services provided by Project financed by the Revenue Bond. The special charge or surcharge shall be segregated from other revenues of the System and shall be used for the payment of the Revenue Bond. The special charge or surcharge shall create net income, remaining from time to time after first paying all reasonable and current expenses of maintenance, repairs, replacements and operation, sufficient to fund interest, reserve and debt service fund annual requirements and shall be 110% of the debt service requirements on the Revenue Bond.

4.1. Rates and collection. The rate herein specific will be collected as a special charge or surcharge for the Project. This special charge or surcharge shall remain in effect until such time as the Revenue Bond is defeased or paid in full.

4.2. Initial Surcharge. The initial special charge or surcharge shall be set by resolution and collected at the same time as other charges of the utility. All users within the Surcharge District which benefit from the Project, current and future, shall be charged the special charge or surcharge. The special charge or surcharge is found to be equitable for the services provided by the Project. The special charge or surcharge shall begin at such time as will produce sufficient revenue to pay principal, interest and Administrative Surcharge on the Revenue Bond when due.

4.3. Segregation. The Finance Officer shall set up bookkeeping accounts in accordance with South Dakota Legislative Audit guidelines for the segregation of the revenue, special charges and surcharges.

4.4. Periodic review. The amount of the surcharge shall be reviewed from time to time, not less than yearly, and shall be modified in order to produce such funds as are necessary and required to comply with the Loan Agreement’s rate covenant and to pay principal of, interest and Administrative Surcharge on the Revenue Bond when due. The surcharge may be set by resolution in accordance with this Section. The rate resolution shall be necessary for the support of government and shall be effective upon passage.

SECTION 5. Additional Bonds. As permitted by Sections 8 and 9 of the Act, Additional Bonds payable from revenues and income of the System or Project may be issued, as permitted in the Loan Agreement, and no provision of this Resolution shall have the effect of restricting the issuance of, or impairing the lien of, such additional parity bonds with respect to the net revenues or income from the extensions, additions or improvements. The City shall have the right to issue additional bonds secured by a lien subordinate to the lien from the Revenue Bond pursuant to the Loan Agreement.

SECTION 6. Project Fund Accounts. For the purpose of application and proper allocation of the income of the Project and to secure the payment of principal, Administrative Surcharge and interest on the Revenue Bond, the following mandatory asset segregations shall be included in the water system account of the City and shall be used solely for the following respective purposes until payment in full of the principal, interest and Administrative Surcharge on the Revenue Bond:

6.1. Project Revenue Account. There shall be deposited periodically into the Project Revenue Account the net revenues as defined in Section 17 of the Act derived from the operation of the Project collected pursuant to the resolutions and ordinances of the City of Yankton, South Dakota (collectively the “Rate Resolution”). Moneys from the Project Revenue Account shall be transferred periodically into separate funds and accounts as provided below.

6.2. Project Debt Service Account. Out of the revenues in the Project Revenue Account, there shall be set aside no later than the 25th day of each month into the account designated Project Debt Service Account, a sum sufficient to provide for the payment as the same become due of the next maturing principal of, interest and Administrative Surcharge on the Revenue Bonds and any reserve determined by the City’s governing body to be necessary. The amount set aside monthly shall be not less than one-third of the total principal, interest, and Administrative Surcharge payable on the following February 15, May 15, August 15 or November 15 and if there shall be any deficiency in the amount previously set aside, then the amount of such deficiency shall be added to the current requirement.

6.3. Depreciation Account. There shall be established a General Depreciation Account. Out of the revenues of the Project Revenue Account there shall be set aside each month into the General Depreciation Account an amount determined by the Common Council to be a proper and adequate amount for repair and depreciation of the Project.

6.4. Project Surplus Account. There shall be established the Project Surplus Account. Revenues remaining in the Project Revenue Account at the end of any fiscal year after all periodic transfers have been made therefrom as above required, shall be deemed to be surplus and shall be transferred to the Project Surplus Account. If at any time there shall exist any default in making any periodic transfer to the Project Debt Service Account, the Common Council shall authorize the City Finance Officer to rectify such default so far as possible by the transfer of money from the Project Surplus Account. If any such default shall exist as to more than one account or fund at any time, then such transfer shall be made in the order such funds and accounts are listed above.

When not required to restore a current deficiency in the Project Debt Service Account, moneys in the Project Surplus Account from time to time may be used for any of the following purposes and not otherwise:

- (a) To redeem and prepay the Revenue Bond when and as such Revenue Bond becomes prepayable according to its terms;

(b) To pay for repairs of or for the construction and installation of improvements or additions to the System; and, if the balances in the Project Debt Service Account and the Project Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made there from prior to the end of the then current fiscal year, then:

(c) To be held as a reserve for redemption and prepayment of any bonds of the System which are not then but will later be prepayable according to their terms; or

(d) To be used for any other authorized municipal purpose designated by the Common Council.

(e) No moneys shall at any time be transferred from the Project Surplus Account or any other account of the Fund to any other fund of the City, nor shall such moneys at any time be loaned to other municipal funds or invested in warrants, special improvements bonds or other obligations payable from other funds, except as provided in this Section.

SECTION 7. Approval of Paying Agent/Registrar. The Revenue Bond shall be payable at the office of The First National Bank in Sioux Falls, Sioux Falls, South Dakota, hereby designated as paying agent and registrar or its successor or assigns.

SECTION 8. Approval of Bond Counsel. Meierhenry Sargent LLP is hereby retained as Bond Counsel with respect to the Revenue Bond.

SECTION 9. Tax Matters. The Interest on the Revenue Bond shall be excludable from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (“the Code”) and applicable Treasury Regulations (the “Regulations”).

SECTION 10. Covenants. The City hereby covenants and agrees with the District and other owners of the Revenue Bond as follows:

10.1. The City will punctually perform all duties with reference to the Project, the System and the Revenue Bond required by the constitution and laws of the State of South Dakota and by this Resolution.

10.2. The City agrees and covenants that it will promptly construct the improvements included in the Project.

10.3. The City covenants and agrees that pursuant to Sections 25 through 27 of the Act, the lawful holders of the Revenue Bond shall have a statutory mortgage lien upon the Project and the extensions, additions and improvements thereto acquired pursuant to the Act, until the payment in full of the principal, interest and Administrative Surcharge on the Revenue Bond, and the City agrees not to sell or otherwise dispose of the System, the Project, or any substantial part thereof, except as provided in the Loan Agreement and shall not establish, authorize or grant a franchise

for the operation of any other utility supplying like products or services in competition therewith, or permit any person, firm or corporation to compete with it in the distribution of water for municipal, industrial, and domestic purposes within the City.

10.4. The City covenants and agrees with the District and other owners of the Revenue Bond that it will maintain the System in good condition and operate the same in an efficient manner and at a reasonable cost, so long as any portion of the Revenue Bond remains outstanding; that it will maintain insurance on the System for the benefit of the holders of the Revenue Bond in an amount which usually would be carried by private companies in a similar type of business; that it will prepare, keep and file records, statements and accounts as provided for in this Resolution and the Loan Agreement. The Revenue Bond shall refer expressly to this Resolution and the Act and shall state that it is subject to all provisions and limitations thereof pursuant to Section 19 of the Act.

SECTION 11. Depositories. The Finance Officer shall cause all moneys pertaining to the Funds and Accounts to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of SDCL Ch. 4-6A, in a deposit account or accounts, which shall be maintained separate and apart from all other accounts of the City, so long as any of the Bonds and the interest thereon shall remain unpaid. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No money shall at any time be withdrawn from such deposit accounts except for the purposes of the Funds and Accounts as authorized in this Resolution; except that moneys from time to time on hand in the Funds and Accounts may at any time, in the discretion of the City's governing body, be invested in securities permitted by the provisions of SDCL 4-5-6; provided, however, that the Depreciation Fund may be invested in such securities maturing not later than ten years from the date of the investment. Income received from the deposit or investment of moneys shall be credited to the Fund or Account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys therein.

SECTION 12. Consent to Appointment. In the event of mismanagement of the Project, a default in the payment of the principal or interest of the Revenue Bond, or in any other condition thereof materially affecting the lawful holder of the Revenue Bond, or if the revenues of the Project are dissipated, wasted or diverted from their proper application as set forth in the Loan Agreement, Revenue Bond, or herein, the City hereby consents to the appointment of a receiver pursuant to Section 33 of the Act, and agrees that the receiver will have the powers set forth therein, and in Sections 34 and 35 of the Act to operate and administer the Project, and charge and collect rates as described therein.

SECTION 13. Severability. If any section, paragraph, clause or provision of this Resolution, the Loan Agreement, the Revenue Bond, or any other Loan Document shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution or said Loan Agreement, Revenue Bond, or any other Loan Document.

SECTION 14. Repeal of Resolution. At such time as the Revenue Bond are defeased or paid in full, this Resolution and the special charge or surcharge shall automatically be repealed without any further action of the City.

SECTION 15. Authorization of City Officials. The Mayor, Finance Officer, City Attorney and City officials shall be and they are hereby authorized to execute and deliver for and on behalf of the City any and all other certificates, documents or other papers and to perform such other acts as they may deem necessary or appropriate in order to implement and carry out the actions authorized herein.

SECTION 16. Effective Date. This Resolution shall take effect on the 20th day following its publication, unless suspended by a referendum.

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

Action 17-107

Moved by Commissioner Johnson, seconded by Commissioner Maibaum, to adjourn into Executive Session at 7:44 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, Maibaum, and Sommer. City Attorney Den Herder and City Manager Nelson were also present. Absent: Commissioners Knoff and Miner. Quorum present.

Action 17-108

Moved by Commissioner Ferdig, seconded by Commissioner Johnson, to adjourn at 9:42 p.m.

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

C.N. Gross
Mayor

ATTEST:

Al Viereck
Finance Officer