

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
SEPTEMBER 28, 2015**

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

Roll Call: Present: Commissioners Ferdig, Gross, Hoffner, Johnson, Knoff, Miner, Sommer, and Woerner. City Attorney Den Herder was also present. Absent: City Manager Nelson.

Quorum present.

Action 15-303

Moved by Commissioner Gross, seconded by Commissioner Hoffner, to approve the Minutes of the regular meeting of September 14, 2015, and Special Work Session on September 21, 2015.

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

Motion adopted.

Finance Officer Viereck reviewed the written report submitted by City Manager Nelson giving an update on community projects and items of interest.

Action 15-304

Moved by Commissioner Woerner, seconded by Commissioner Sommer, that the following items on the consent agenda be approved.

1. Approving Current Volunteer Firefighter List
Consideration of Memorandum 15-231 regarding approving the current list of Volunteer Firefighters per Workers' Compensation and SDCL requirements: Brad Binde, Tim Binder, Troy Cowman, Don Cuka, Mike Fitzgerald, Kirt Flannery, Adam Frick, Brian Frick, Dan Frick, Steve Frick, Tom Frick, Mike Gullikson, Andy Haas, Adam Haberman, Richard Hladky, Kasey Hofer, Tom Holmstrom, Jody Johnson, Ryan Kaiser, Gary Kozak, John Kraft, Dave Kuehler, Mark Kuehler, Thomas Kurtenbach, Mark Mauch, Chad Miller, Pete Moore, Brad Moser, Terry Nickels, Larry Nickles, Mark Nickles, Matt Nighbert, Pat Nolz, Daniel Prendable, Larry Raab, Bill Taggart, Jeff Turman, Rodney Veldhuizen, Mike Villanueva, Dave Walsh, Jay Walsh, Toby Woehl, Bill Ziegler.
2. Establish public hearing for sale of alcoholic beverages
Establish October 12, 2015, as the date for the public hearing on the request for a Special RETAIL (on-sale) Wine dealers License for 1 day, October 17, 2015, from Hy-Vee Inc. (Richard N. Jurgens, President) d/b/a Hy-Vee, NFAA, 800 Archery Lane, Yankton, South Dakota.

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

Motion adopted.

Action 15-305

This was the time and place for the public hearing on the application for a Special (on-sale) Liquor License for one day, October 23, 2015, from Avera Sacred Heart Health Services (Taylor Tramp, Foundation Assistant), such event to be held at Pavilion Center, 1st, 2nd and 3rd Floors, and 1st and 2nd Floor of Surgical Center on Avera Campus, Yankton, South Dakota. (Memorandum 15-232) 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 Ferdig, Gross, Hoffner, Knoff, Miner, Sommer, Woerner, and Mayor Carda; voting “Nay:” None; Abstaining: Commissioner Johnson. Motion adopted.

Action 15-306

This was the time and place for the public hearing on the application for a Special Events (on-sale) Liquor License for November 17, 2015, from Chamber of Commerce, (Carmen Schramm, Director) dba Chamber of Commerce, Mount Marty College, 1105 West 8th Street, Yankton, South Dakota. (Memorandum 15-233) No one was present to speak for or against approval of the license application. Moved by Commissioner Woerner, seconded by Commissioner Knoff, to approve the license.

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

Action 15-307

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to accept the Facade, Parking and Emergency Access Easement at the Yankton Mall. (Memorandum 15-235)

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

Action 15-308

This was the time and place for the second reading and public hearing for Resolution 15-53, A Resolution Approving a Special Assessment Roll for Facade, Parking, and Emergency Access Easement Improvements of the City of Yankton. No one was present to speak for or against adoption of the Resolution. Moved by Commissioner Knoff, seconded by Commissioner Hoffner, to adopt Resolution 15-53. (Memorandum 15-236)

**RESOLUTION 15-53
RESOLUTION APPROVING A SPECIAL ASSESSMENT ROLL FOR FACADE, PARKING
AND EMERGENCY ACCESS EASEMENT IMPROVEMENTS
OF THE CITY OF YANKTON**

BE IT RESOLVED as follows:

1. Approval of Special Assessment Roll. The special assessment roll, including any corrections, and assessments levied for financing of the facade, parking and emergency access easement project is hereby adopted and approved this 28th day of September, 2015.
2. Levy of Assessments. There is hereby levied assessment in the amounts and covering the below described properties. The assessments shall constitute a continuing lien upon the properties assessed as against all persons except the United States and this state. The lien shall continue for fifteen years from the due date of the last installment.

<u>Name of Owner as Shown by County Director of Equalization</u>	<u>Legal Description as of date of Resolution of Necessity</u>	<u>Total Amount Assessed</u>
Yankton Omaha Partnership c/o Dial Enterprise-TL Clauff 11506 Nicholas Street, #200 Omaha, NE 68154	Lot 1A, Block 1 less Parcel 5, Slaughter’s Subdivision, Lot 3A, Block 1, Section 12 less Parcel 4, and less part Parcel 5 Slaughter’s Subdivision, Lot 6 except Parcels 1, 2, and 3, Block 1, Slaughter’s Subdivision all in the City of Yankton, South Dakota.	\$2,000,000

3. Payment of Assessments. The total assessment may be paid in 17 equal annual installments, to which interest at a percentage per annum rate equal to the special assessment bond rate will be added before certification to the County Auditor, who will include both interest and principal amount to be collected along with ad valorem property taxes on above property. All special assessments shall be payable under Plan One--Collection by county treasurer pursuant to SDCL § 9-43-102.
4. Prepayment. Any assessment or installment under Plan One may be paid without interest to the Municipal Finance Officer at any time within thirty days after the approval of the assessment roll. Thereafter, and before the due date of the first installment, the entire assessment remaining, or any number of installments, plus interest from the approval date to the date of payment may be paid to the Municipal Finance Officer. After the due date of the first installment, if the installments that are due together with interest have been paid, any of the remaining installments not yet due may be paid without additional interest to the Municipal Finance Officer. All installments paid before their respective due dates shall be paid in inverse order of their due dates.
5. Filing of assessments. The Municipal Finance Officer shall number said assessments consecutively, create the special tax book in accordance with SDCL 9-43, publish this resolution and deliver the special assessment roll and this resolution to the municipal treasurer.
6. Publish Notice. The Finance Officer is directed to publish with this resolution a notice stating under which plan the special assessments are payable, that any such assessment or any installment thereof may be paid without interest to the municipal treasurer within thirty days after the filing of the roll in the office of the municipal treasurer stating where such assessments are payable, the due date, the date of filing the assessment roll with the municipal treasurer and the rate of interest.

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

Action 15-309

This was the time and place to award the bid for the Annual Water Treatment Plant and Wastewater Treatment Plant Sludge Removal. One bid was received and opened on September 22, 2015: Willard Schmidt, Yankton, South Dakota—Wastewater Treatment Plant Liquid Sludge-\$.0285/gal.; Water Treatment Plant Caked Lime Sludge-\$10.00/ton. Moved by Commissioner Gross, seconded by

Commissioner Woerner, to award the bid for the Annual Water Treatment Plant and Wastewater Treatment Plant Sludge Removal to the only bidder, Willard Schmidt, Yankton, South Dakota, in the amount of \$.0285 per gallon for Wastewater Treatment Plant Liquid Sludge and \$10.00 per ton for Water Treatment Plant Caked Lime Sludge. (Memorandum 15-244)

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

Motion adopted.

Action 15-310

Moved by Commissioner Gross, seconded by Commissioner Sommer, to adopt Resolution 15-60. (Memorandum 15-243)

RESOLUTION 15-60

WHEREAS, the City of Yankton endorses the Transportation Alternatives Program grant application for Phase II and Phase III for a project that will improve non-motorized vehicle access along South Dakota Highway 50 in the vicinity of the Fox Run Neighborhood; and

WHEREAS, the project will comply with all local planning and zoning requirements; and

WHEREAS, the City of Yankton assumes full responsibility for providing all necessary match funding, project coordination, and future site maintenance.

NOW, THEREFORE, BE IT RESOLVED by the Yankton City Commission that it will sponsor the Transportation Alternatives Program grant application for Phase II and Phase III as well as provide the administrative assistance needed to ensure compliance with all grant requirements; and

BE IT FURTHER RESOLVED that the Yankton City Commission authorizes the City Manager to execute all documents associated with the grant application or administration thereof.

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

Action 15-311

Moved by Commissioner Sommer, seconded by Commissioner Johnson, to adopt Resolution 15-57. (Memorandum 15-237)

RESOLUTION 15-57

WHEREAS, the Yankton City Commission authorized a grant request to the Federal Aviation Administration (FAA) based on a proposal to prepare an environmental assessment to construct apron area improvements which includes the replacement of existing asphalt pavement with concrete, the relocation of two private hangars, and the demolition of a City owned hangar; and,

WHEREAS, the Federal Aviation Administration may provide Airport Improvement Program (AIP) Grant offer #3-46-0062-026-2015 to conduct an environmental assessment associated with the

apron area improvements at Chan Gurney Municipal Airport adjacent to the fueling island based on the City's grant request; and,

WHEREAS, the South Dakota Department of Transportation Aeronautics Commission approved a State Financial Assistance Agreement for the above referenced project.

WHEREAS, this project has been identified in the Airport Layout Plan (ALP).

NOW, THEREFORE, BE IT RESOLVED that the City of Yankton will accept the South Dakota Department of Transportation Aeronautics Commission State Financial Assistance Agreement and authorizes the execution of the Agreement for an Apron Expansion Environmental Assessment as outlined in AIP Grant #3-46-0062-026-2015.

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

Action 15-312

Moved by Commissioner Gross, seconded by Commissioner Sommer, to adopt Resolution 15-58 with the City requesting 100 percent highway-rail safety funding for the installation of signals at 8th and Capitol in exchange for closing 11th Street. (Memorandum 15-238)

RESOLUTION 15-58
Railroad Crossing Closures

WHEREAS, The Yankton Board of City Commissioners has determined it in the best interest of the community to permanently close the railroad crossings at the following two locations:

- 11th Street West of Broadway Avenue.
- The alley south of 8th Street and east of Mulberry Street.

and,

WHEREAS, said closures are in exchange for the Burlington Northern and Santa Fe Railroad's agreement to allow a new private crossing for Kolberg- Pioneer, Inc. KPI will need to enter into separate private crossing agreement with BNSF and meet all necessary requirements.

NOW THEREFORE, BE IT RESOLVED that the City of Yankton hereby relinquishes, vacates and declares the railroad crossings at the two described locations permanently closed to any form of surface transportation including but not limited to vehicular, bicycle and pedestrian modes of transportation from this date forward. The City will maintain the underground easements at the crossing locations for existing utilities. Any new utility must follow BNSF's current permitting process, and

BE IT FURTHER RESOLVED THAT the City of Yankton agrees to install barricades in accordance with the Manual on Uniform Traffic Control Devices at the two crossing closure locations prior to the Burlington Northern and Santa Fe Railroad's installation of the new private crossing at the KPI site.

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

Action 15-313

Moved by Commissioner Knoff, seconded by Commissioner Woerner, to adopt Resolution 15-56. (Memorandum 15-234)

RESOLUTION 15-56

WHEREAS, it appears from an examination of the Lots 31A and 31B, Crestview Homes Subdivision in the NE ¼ of Section 21, T93N, R56W of the 5th P.M., in Yankton County, South Dakota prepared by John L. Brandt, 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.

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

Action 15-314

This was the time and place to award the bid for a Standby Generator for the Vehicle Maintenance Garage. One bid was received and opened on September 16, 2016: Johnson Electric, Yankton, South Dakota-\$61,828.15. (Memorandum 15-240) Moved by Commissioner Woerner, seconded by Commissioner Knoff, to award the bid to the only bidder, Johnson Electric, Yankton, South Dakota, in the amount of \$61,828.15, with the City paying \$17,503.15 and the remaining balance being paid with Hazard Mitigation Grant Program funds.

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

Action 15-315

Moved by Commissioner Gross, seconded by Commissioner Woerner, to adopt Resolution 15-59. (Memorandum 15-242)

**RESOLUTION 15-59
AUTHORIZING STATE WATER PLAN APPLICATION**

WHEREAS, the City of Yankton has identified the need to address the City's water supply and treatment needs; and

WHEREAS, the City of Yankton requests placement on the State Water Plan; and

WHEREAS, the City of Yankton is eligible for placement on the State Water Plan; and

WHEREAS, with the submission of the State Water Plan application, the City of Yankton assures and certifies that all State Water Plan program requirements will be fulfilled,

NOW THEREFORE BE IT RESOLVED, that the Yankton City Commission duly authorizes the submission of this State Water Plan application, and

BE IT FURTHER RESOLVED, that the City Manager be authorized to execute the State Water Plan application for the City of Yankton.

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

Action 15-316

Moved by Commissioner Woerner, seconded by Commissioner Gross, to adopt Resolution 15-61.
(Memorandum 15-245)

**RESOLUTION 15-61
STATE WATER PLAN**

WHEREAS, the City of Yankton has identified the need to make various improvements to its wastewater collection system, and

WHEREAS, the City of Yankton proposes to apply for a place on the State Water Plan in order to meet local needs, and

WHEREAS, the City of Yankton is eligible for state assistance for the proposed projects, and

WHEREAS, with the submission of the State Water Plan application the City of Yankton assures and certifies that all State Water Plan program requirements will be fulfilled; then

NOW, THEREFORE BE IT RESOLVED, that the Yankton City Commission duly authorizes the submission of the State Water Plan application, and

BE IT FURTHER RESOLVED, that the City Manager be authorized to execute the State Water Plan application for the City of Yankton.

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

Action 15-317

Moved by Commissioner Knoff, seconded by Commissioner Woerner, to authorize the Mayor to execute a Sewer Service Easement Agreement between the City of Yankton and Ray Livingston and Darrell and Nancy Livingston on City-owned property described as Lots 4, 5, and 6, Block 2, Lower Yankton. (Memorandum 15-246)

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

Action 15-318

Moved by Commissioner Woerner, seconded by Commissioner Sommer, to adjourn at 7:27 p.m.

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

Motion adopted.

David Carda
Mayor

ATTEST:

Al Viereck
Finance Officer

Published October 9, 2015