

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
OCTOBER 26, 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, Johnson, Knoff, Miner, Sommer, and Woerner. City Attorney Den Herder and City Manager Nelson were also present. Absent: Commissioner Hoffner.

Quorum present.

Action 15-339

Moved by Commissioner Gross, seconded by Commissioner Knoff, to approve the Minutes of the regular meeting of October 12, 2015.

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

Motion adopted.

New Business Item Number 9 was removed from the Agenda.

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

Mayor Carda welcomed members of Boy Scout Troop 102.

Action 15-340

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

1. Meeting Date Change
Discussion to establish Monday, December 21, 2015, at 12:00 noon as the date and time for the second City Commission meeting in December.
2. Establish public hearing for a transfer of location
Establish November 9, 2015, as the date for the public hearing on the transfer of location of a Package (off-sale) Liquor License for January 1, 2015, to December 31, 2015, from Annis Properties, Inc. dba Patriot Express, (Kevin Annis, President) 2217 Broadway to Annis Properties, Inc. dba Patriot Express 02, (Kevin Annis, President) 100 E 4th Street, Yankton, South Dakota.
3. Establish public hearing for a New Retail Malt Beverage License
Establish November 9, 2015, as the date for the public hearing on the New Retail (on-off sale) Malt Beverage License for July 1, 2015, to June 30, 2016, from Coraima's LLC., dba Coraima's Mexican Store, (Edras Chua, Partner) 401 Picotte Street, Yankton, South Dakota.
4. Establishing public hearing for sale of alcoholic beverages
Establish November 9, 2015, as the date for the public hearing on the request for a Special RETAIL (on-sale) Wine Dealers License for one day, November 13, 2015, from Lewis & Clark Theatre Company, (Tara Gill, President) 328 Walnut, Yankton, South Dakota.
5. Establish public hearing for a transfer of ownership and location
Establish November 9, 2015, as the date for the public hearing on the transfer of ownership and location of a Retail (on-off sale) Malt Beverage License for July 1, 2015, to June 30, 2016,

from CCC II dba Custom Computer II, (Michael Kabeiseman, Treasurer) 2217 Broadway to Diggers, Inc., dba Smokey Hollow, (Larry Olson, President) 2020 Elm Street, Suite C, Yankton, South Dakota.

6. Establishing public hearing for sale of alcoholic beverages

Establish November 9, 2015, as the date for the public hearing on the request for a Special (on-sale) Wine Retailers License for one day, November 16, 2015, from The Center (Christy Hauer, Executive Director), 900 Whiting Drive, Yankton, South Dakota.

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

Motion adopted.

Action 15-341

This was the time and place for the public hearing on the application for a New Retail (on-off sale) Wine License for January 1, 2015, to December 31, 2015, from A'viands, LLC, dba Mount Marty College, (Ron Villani, CEO) 1105 West 8th Street, Yankton, South Dakota. (Memorandum 15-266) No one was present to speak for or against approval of the license application. Moved by Commissioner Knoff, seconded by Commissioner Johnson, to approve the license.

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

Motion adopted.

Action 15-342

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, 2015, to June 30, 2016, from A'viands, LLC, dba Mount Marty College, (Ron Villani, CEO) 1105 West 8th Street, Yankton, South Dakota. (Memorandum 15-267) No one was present to speak for or against approval of the license application. Moved by Commissioner Knoff, seconded by Commissioner Woerner, to approve the license.

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

Motion adopted.

Action 15-343

This was the time and place for the public hearing on the application for a transfer of ownership of a Retail (on-off sale) Wine License for January 1, 2015, to December 31, 2015, from Tward, LLC, dba The Old Lighthouse, (Jeff Christensen, owner) to RB Beer & Burgers, LLC, dba RB Beer & Burgers, (Toby Woehl, President) 2901 Broadway, Suite C, Yankton, South Dakota. (Memorandum 15-268) No one was present to speak for or against approval of the license application. Moved by Commissioner Johnson, seconded by Commissioner Sommer, to approve the license.

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

Motion adopted.

Action 15-344

This was the time and place for the public hearing on the application for a transfer of ownership of a Retail (on-off sale) Malt Beverage License for July 1, 2015, to June 30, 2016, from Tward, LLC, dba The Old Lighthouse, (Jeff Christensen, owner) to RB Beer & Burgers, LLC, dba RB Beer & Burgers, (Toby Woehl, President) 2901 Broadway, Suite C, Yankton, South Dakota. No one was present to speak for or against approval of the transfer of ownership of the license. (Memorandum 15-269) Moved by Commissioner Johnson, seconded by Commissioner Sommer, to approve the transfer of ownership of the license.

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

Motion adopted.

Action 15-345

Moved by Commissioner Gross, seconded by Commissioner Sommer, to adopt Resolution 15-69. (Memorandum 15-263)

RESOLUTION 15-69

WHEREAS, it appears from an examination of the plat of Lot 1 in Outlot 95, and in a Portion of Outlots 96 and 108 of County Auditor's Plat of Outlots in the City and County of Yankton, 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.

WHEREAS, the described property does not have direct access to right-of-way because of a city-owned former railroad corridor tract of land.

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, and

BE IT FURTHER RESOLVED that the City of Yankton, hereby grants one crossing point over the fee title property (former railroad corridor) at an easement location to be determined at the time of property development with said access also subject to the approval of the South Dakota Department of Transportation.

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

Action 15-346

Moved by Commissioner Gross, seconded by Commissioner Knoff, to adopt Resolution 15-71. Prior to a vote being taken Commissioner Gross and Commissioner Knoff withdrew their motion and second. It was then moved by Commissioner Johnson, seconded by Commissioner Knoff, to adopt Resolution 15-71 and to apply the proceeds from the sale towards offsetting debt from the City's earlier purchase of Human Services Center property from the State of South Dakota. (Memorandum 15-265)

RESOLUTION 15-71

WHEREAS, the City of Yankton owns property in the East Industrial Subdivision that is listed "for sale" for \$10,000 per acre, and

WHEREAS, Jake's Electric, Authorized Member Ben Verkilen is interested in purchasing the east 3.91 acres of the property at \$10,000 per acre with the possibility of a 50 percent purchase price rebate for the creation of 10 full time jobs within 36 months of closing, and

WHEREAS, the Yankton Board of City Commissioners desires to sell the below described land for the long term goal of community and economic development.

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, hereby agrees to transfer the below described property to Yankton Area Progressive Growth for the purpose of sale to Jake's Electric, Authorized Member Ben Verkilen, and

BE IT FURTHER RESOLVED that the City Manager is authorized to execute all documents associated with the described transfer.

The East 470 feet of Block 1 of East Industrial Subdivision lying in the N 1/2 of the SW 1/4, Section 9, T93N, R55W of the 5th PM., City and County of Yankton, South Dakota as depicted on the attached Exhibit A. Approximate land area 3.91 acres.

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

Action 15-347

Moved by Commissioner Knoff, seconded by Commissioner Sommer, to adopt Resolution 15-70. (Memorandum 15-264)

RESOLUTION 15-70

Support of Yankton County West Yankton Planning Efforts

WHEREAS, the Yankton Board of City Commissioners is aware of the need for Yankton County to continue its planning efforts related to the existing and future land uses in the West Yankton/Highway 52 Corridor, and

WHEREAS, the Yankton Board of City Commissioners is also aware of the potential for infrastructure needs in the area, and

WHEREAS, the City of Yankton understands the importance of planning for the appropriate land uses and the efficient provision of services in the area, and

WHEREAS, the City of Yankton has previously developed infrastructure capacity to West City Limits Road to assist with the appropriate development of the areas.

NOW THEREFORE BE IT RESOLVED that the Yankton Board of City Commissioners hereby supports Yankton County's continued study of the West Yankton Development Area and the County's pursuit of grant opportunities that may be available to assist with future planning activities.

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

City Manager Nelson presented a Power Point Program reviewing the 2015 City of Yankton Community Survey Results.

Action 15-348

Commissioner Gross introduced and Mayor Carda read the title of Ordinance No. 983, AN

ORDINANCE AMENDING ANIMAL CONTROL REGULATIONS WITHIN THE CITY OF YANKTON, and set the date of the second reading and public hearing as November 9, 2015.

Action 15-349

Moved by Commissioner Sommer, seconded by Commissioner Woerner, to approve Change Order Number 1 from Masonry Components, Inc., Yankton, South Dakota, for the Park Street Pavement Project from 3rd Street to 4th Street, an increase of \$2,059.60 for a new contract total of \$73,861.90; to accept the project as complete; and to authorize the City Finance Officer to issue a manual check to Masonry Components, Inc., in the amount of \$43,703.35, as final Payment for the project.

(Memorandum 15-276)

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

Motion adopted.

Action 15-350

Moved by Commissioner Johnson, seconded by Commissioner Gross, to approve Change Order Number 1 from Ankeny Construction, Yankton, South Dakota, for the Highway 81 Sidewalk Project from 33rd Street to Wilson Road, an increase of \$2,068.50 for a new contract total of \$48,028.50; to accept the project as complete; and to authorize the City Finance Officer to issue a manual check in the amount of \$5,165.00 to Ankeny Construction as final payment for the project. (Memorandum 15-275)

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

Motion adopted.

Action 15-351

Moved by Commissioner Knoff, seconded by Commissioner Sommer, to adopt Resolution 15-72. (Memorandum 15-270)

RESOLUTION 15-72

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

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

SURPLUS PROPERTY TO BE TRADED IN

2001 Camel Catch Basin / Sewer / High Pressure Cleaner (Flusher Truck)
VIN #2FZAATAK51AJ42713

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

Motion adopted.

Action 15-352

Moved by Commissioner Sommer, seconded by Commissioner Ferdig, to adopt Resolution 15-73. (Memorandum 15-274)

RESOLUTION 15-73

A Resolution Establishing Base Salary Adjustments at 3%, and a 1 step increase on the pay plan for Eligible City Employees of the City of Yankton, South Dakota

WHEREAS, adequate monies have been provided for in the adopted 2016 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 eligible City employees of 3% 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 3% and a 1 step increase on the pay plan on January 1, 2016 for all eligible regular full-time and regular part-time employees that are below the maximum of their respective pay range.

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

Action 15-353

Moved by Commissioner Gross, seconded by Commissioner Woerner, to authorize the City Manager to execute an agreement with Alternative HRD, LLC, Sioux Falls, South Dakota, to conduct a Compensation Study to evaluate City employees’ current compensation for a base cost of \$7,500.00 plus additional pre-approved charges as outlined in Memorandum 15-273.

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

Action 15-354

Moved by Commissioner Johnson, seconded by Commissioner Gross, to adjourn at 7:55 p.m.

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

David Carda
Mayor

ATTEST: _____
Al Viereck
Finance Officer