

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
JUNE 22, 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 Blaalid, Ferdig, Gross, Hoffner, Johnson, Knoff, Sommer, and Woerner. City Attorney Den Herder and City Manager Nelson were also present. Absent: None. Quorum present.

Action 15-187

Moved by Commissioner Blaalid, seconded by Commissioner Ferdig, to suspend rules and add Consent Agenda Item No. 3, setting the date for a public hearing, to the Agenda.

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

Motion adopted.

Action 15-188

Moved by Commissioner Gross, seconded by Commissioner Blaalid, to approve the Minutes of the regular meeting of June 8, 2015.

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.

Yankton citizen Jerry Kloucek appeared with questions about Summit Activities hours and operations.

Action 15-189

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

1. Possible Quorum Event
June 23, 2015, during Pedal to the Parks, no official commission action
2. Possible Quorum Event
June 30, 2015, during Chamber Ag Gala, no official commission action
3. Establish Public Hearing for Sale of Alcoholic Beverages
Establish June 29, 2015, as the date for the public hearing on the Special Events (on-sale) Liquor License for one day, June 30, 2015, from Hanten, Inc., (Ben Hanten, Owner) dba Ben's Brewing, 4-H Grounds, Yankton, South Dakota.

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

Motion adopted.

Action 15-190

This was the time and place for the public hearing on the application for a Special Events (on-sale) Liquor License for July 4, 2015, from Riverfront Events Center, (Melcena Bernard, Manager) Walnut Street between 2nd and 3rd Street, Yankton, South Dakota. (Memorandum 15-143) No one was present to speak for or against approval of the license application. Moved by Commissioner Blaalid, seconded

by Commissioner Knoff, to approve the license.

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

Motion adopted.

Action 15-191

This was the time and place for the public hearing on the application for a Special Events RETAIL (on-sale) Malt Beverage and a Special RETAIL (on-sale) Wine dealers License for one day, June 27, 2015, from Mount Marty College, Inc., Mount Marty College Campus, 1105 West 8th Street, Yankton, South Dakota. (Memorandum 15-144) No one was present to speak for or against approval of the license application. Moved by Commissioner Sommer, seconded by Commissioner Knoff, to approve the license.

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

Motion adopted.

Action 15-192

This was the time and place for the public hearing on Resolution 15-26, regarding the Snow Removal and Tree Trimming 2015 Assessment Roll. (Memorandum 15-149) No one was present to speak for or against adoption of Resolution 15-26. Moved by Commissioner Knoff, seconded by Commissioner Johnson, to adopt Resolution 15-26.

RESOLUTION 15-26

**A RESOLUTION APPROVING THE 2015 SPECIAL ASSESSMENT ROLL FOR
SNOW REMOVAL AND TREE TRIMMING.**

BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota:

SECTION 1. That the special assessment roll for the assessment of the property assessable for the snow removal and tree trimming in the City of Yankton, South Dakota, is hereby approved and the assessments as set out in said special assessment roll approved this date are hereby levied against such property upon filing of said special assessment roll in the office of the City Finance Officer.

SECTION 2. The assessments set forth in the assessment role will become due and payable in one (1) annual installment together with interest at a rate prescribed by the Board of City Commissioners, by resolution, per annum, in accordance with SDCL 9-43.

The above assessments may be paid without interest to the City Finance Officer on or before December 14, 2015, thereafter, the entire assessment may be paid with interest from the date of filing with the City Finance Officer at the rate established by resolution of the Board of City Commissioners.

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

Motion adopted.

Action 15-193

Moved by Commissioner Knoff, seconded by Commissioner Sommer, to adopt Resolution 15-20. (Memorandum 15-129)

**RESOLUTION 15-20
AUTHORIZING SUBMISSION OF AN APPLICATION FOR
SOLID WASTE MANAGEMENT PROGRAM GRANT FUNDS**

WHEREAS, The City of Yankton has identified an need to replace its scale at the Yankton Solid Waste Transfer Station and Recycling Center; and

WHEREAS, The City of Yankton proposes to apply to the Department of Environment and Natural Resources (DENR) for Solid Waste Management Program (SWMP) funding to assist in the costs associated with improving its operational capabilities and increase efficiencies; and

WHEREAS, The City of Yankton is eligible for Solid Waste Management Program funding assistance for the proposed project; and

WHEREAS, with the submission of the SWMP application the City of Yankton assures and certifies that all DENR and SWMP requirements will be fulfilled; and

THEREFORE, BE IT RESOLVED, that the City of Yankton duly authorizes the submission of the SWMP application requesting financial assistance in support of the City's current solid waste and recycling operations.

THEREFORE, BE IT RESOLVED, that Dave Carda, Mayor be authorized to execute the SWMP application for the City of Yankton.

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

Action 15-194

Moved by Commissioner Knoff, seconded by Commissioner Blaalid, to proceed with Phase II of the Meridian Bridge Plaza Project as outlined in Memorandum 15-146 for an estimated cost of \$125,565.00 to be funded in the 2016 budget.

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

Action 15-195

Moved by Commissioner Knoff, seconded by Commissioner Hoffner, to approve the request from Welfl Construction, Yankton, South Dakota, for a time extension of 56 days for substantial completion of Phase I of the Meridian Bridge Plaza Project, thereby waiving penalty fees, with a new projected completion date of June 26, 2015. (Memorandum 15-145)

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

Action 15-196

Moved by Commissioner Gross, seconded by Commissioner Knoff, to adopt Resolution 15-27.

(Memorandum 15-150)

RESOLUTION 15-27

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 disposed of in accordance with SDCL 6-13-1, et sequential:

SURPLUS PROPERTY TO BE SOLD, TRADED, OR DESTROYED:

- 1995 Chevrolet Lumina 4-door passenger car–VIN #2G1WL52M459209824
- 2000 Caterpillar Motor grader, Model 140H-Serial No. 02K4718
- 2001 Chevrolet pickup-Model 1500, 4 x 4–VIN #1GCEK14U31Z264452
- 1994 GMC Suburban, Model 1500SL–VIN #1GKFKJCK8BRT745660
- 2008 Ford Crown Victoria police K-9 car–VIN #2FAHP71V48X148298
- 2011 Ford Crown Victoria police car–VIN #2FABP7BV3BX159613
- 2 Setina prisoner divides for Crown Victoria police car
- 2 Havis center consoles for Crown Victoria police car (destroy)
- 1993 Concrete saw, Target, Model Pr0651126–Serial No. B372061
- 1999 Snapper lawn tractor, 14.5 hp, 38” cut, Serial No. LT145H38DRU
- 4 Tires and wheels 9.00 X 20-straight tread with split rims
- 8 wheels with 15” rim, white, 8 lug
- Tire Cage-steel tube split rim cage
- Mower deck-Tiger TM-60, Serial No. T3427
- Fleet Roll Tarp for 1-ton dump box
- Turfco Sod Cutter–walk behind with Honda 8 hp engine
- Roper Tiller–walk behind
- 1996 Cushman PTO sprayer with monitor, Model Brohill 150 gallon, Serial No. A92030041
- 1996 Cushman fertilizer spreader, Model Vicon (PTO driven)
- 4 Anco wiper blades 16” (destroy)
- 1 Anco wiper blade 20” (destroy)
- 6 Automotive belts (destroy)
- 1 Gates V-belt K060594 (destroy)
- 4 motor seal part #408 (destroy)
- 11 United fuel mate 930 parts (destroy)
- 5 Penray transmission sealer and conditioner (destroy)
- Infocus projector, Model LP500–Serial No. AALN24990238 (destroy)
- 5 chairs–oak frame with light tan vinyl seat and back
- 2 wooden locking display cases
- 3 fire extinguisher metal cases–32” L x 12” H approximately (scrap metal)
- Lincoln Arc Welder, Ideal Arc Model DC400–Serial No. AC 631029, 3PH, 60Hz, 38 amp
- 1955 Lincoln Arc Welder, 200 amp–Serial No. A279959
- 1991 Snapper commercial push mower, Model Hi Vac, 5hp self-propelled, Serial No. 16368645

Labconco Dishwasher, Serial No. 30503033 (destroy)
Maytag Washer, front load (destroy)
ISCO Sampler, Model 1680, Serial No. A-71113 (destroy)
ISCO Sampler, Model 1580, Serial No. B-3568-071 (destroy)
Motorola Mag One BPR40 radio, Model AAH84KDS8AA1AN, Serial No. 0278HX3974 (destroy)

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

Action 15-197

Moved by Commissioner Knoff, seconded by Commissioner Blaalid, to approve the proposed Summit Activities Center Rental Rate Increases as outlined in Memorandum 15-151—an approximately 3 percent increase over 2016 rates—to be effective July 1, 2017.

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

Action 15-198

This was the time and place to award the bid for the Park Street Pavement Project from 3rd to 4th Street. The following bids were received and opened on June 15, 2015: Masonry Components, Yankton, South Dakota-\$71,802.30; Thorstad Construction, Dell Rapids, South Dakota-\$116,609.30. (Memorandum 15-153) Moved by Commissioner Knoff, seconded by Commissioner Blaalid, to award the bid to the low bidder, Masonry Components, Yankton, South Dakota, in the amount of \$71,802.30.

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

Action 15-199

This was the time and place to award the bid for the 5th Street Reconstruction Project from Mulberry to Burleigh. The following bids were received and opened on June 15, 2015: D & G Concrete Construction, Sioux Falls, South Dakota-\$247,225.20; Masonry Components, Yankton, South Dakota-\$253,087.15; Thorstad Construction, Dell Rapids, South Dakota-\$334,784.85. (Memorandum 15-152) Moved by Commissioner Knoff, seconded by Commissioner Sommer, to award the bid to the low bidder, D & G Concrete Construction, Sioux Falls, South Dakota, in the amount of \$247,225.20.

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

Action 15-200

Moved by Commissioner Knoff, seconded by Commissioner Blaalid, to approve Change Order No. 2, from T& R Contracting, Inc., Sioux Falls, South Dakota, an increase of \$130,884.75 for a new contract total of \$1,995,347.70, for the Douglas Avenue and Wilson Road Paving Project. (Memorandum 15-155)

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

Action 15-201

Commissioner Gross moved to nominate Jeff May as the Joint City/County Member to the Yankton

Regional Railroad Authority, seconded by Commissioner Sommer. (Memorandum 15-157)

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

Motion adopted.

Action 15-202

Moved by Commissioner Blaalid, seconded by Commissioner Sommer, to approve the proposal to hire Patrick Ibarra of the Mejoranda Group, Glendale, Arizona, to conduct a two-day strategic planning process for the City of Yankton, January 7 and 8, 2016, to be paid out of the 2016 City Manager’s Professional Services budget. (Memorandum 15-156)

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

Motion adopted.

Action 15-203

Moved by Commissioner Knoff, seconded by Commissioner Blaalid, to adopt Resolution 15-25. (Memorandum 15-147)

RESOLUTION 15-25

RESOLUTION PROVIDING FOR THE CREATION OF TAX INCREMENTAL DISTRICT NUMBER SIX, CITY OF YANKTON, APPROVAL OF TAX INCREMENTAL DISTRICT SIX PROJECT PLAN

WHEREAS, the Planning Commission has recommended the creation of a Tax Incremental District Six and adoption of a project plan for said district, and

WHEREAS, the City of Yankton has the power, pursuant to SDCL § 11-9-2, to create the Tax Incremental District Number Six, City of Yankton and define its boundaries, and

WHEREAS, the City of Yankton pursuant to SDCL § 11-9-17 has the power to adopt a project plan for the district, and

THEREFORE, IT IS HEREBY RESOLVED:

1. **Authority and Declaration of Necessity.** The City declares the necessity for the creation of the Tax Incremental District Number Six in the City of Yankton pursuant to SDCL 11-9. Further, the City finds that the improvement of the area is likely to enhance significantly the value of substantially all of the other real property in the District and is necessary for economic development within the city.
2. **Findings of Eligibility.** The City Commission makes the following findings with regard to blight:
 - a. More than 25% of the property in the District is a blighted area;

- b. Improvements to the District are likely to add thousands of dollars assessed valuation to the district and will significantly and substantially enhance the value of all property in the district;
 - c. There is a reasonable likelihood that there will be multiple structures built in the District.
 - d. The aggregate assessed value of the District plus the tax incremental base of all other existing districts in the City does not exceed ten percent of the total assessed valuation in the City.
 - e. The District is open bare land void of site improvements which impairs the sound growth of the City.
 - f. The District lacks adequate water connections which substantially impairs the sound growth of the District.
 - g. There exist inadequate street layouts which retards the provision of residential development.
 - h. The District lacks sewerage connections or treatment which substantially arrests the sound growth of the District.
 - i. The District constitutes a blighted area as defined in SDCL 11-9.
3. **Findings of Maximum Percentage of Tax Incremental Districts.** The aggregate assessed value of the taxable property in the District, plus all other tax incremental districts, does not exceed ten percent of the total assessed valuation of the City.
4. **Creation of District.** There is hereby created, pursuant to SDCL 11-9, the Tax Incremental District Number Six, City of Yankton (the "District"). The District is hereby created on the day this resolution becomes effective which shall be twenty days after publication.
5. **Designation of District Boundaries.** The District shall have boundaries which shall include the following described real property:
- The East 700 Feet of The East 1/2 of the South East 1/4 except the South 560 Feet and the Lot R.O.W., all in Section 2, Township 93 North Range 56 West of the 5th Principal Meridian, Yankton County, South Dakota (The "District").
6. **Creation of Tax Incremental Fund.** There is hereby created, pursuant to SDCL § 11-9-31, a City of Yankton Tax Incremental District Number Six Fund, a segregated asset account. All tax increments collected pursuant to Tax Incremental District Number Six shall be deposited into the Tax Incremental District Number Six Fund. All funds in the Tax Incremental District Number Six Fund shall be used solely for those purposes expressly stated and reasonably inferred in SDCL 11-9.
7. **Adoption of Project Plan.** The City does hereby approve the project plan as presented and finds that the plan is feasible and in conformity with the master plan of the City of Yankton.

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

Action 15-204

Moved by Commissioner Knoff, seconded by Commissioner Sommer, to adopt Resolution 15-24. (Memorandum 15-148)

RESOLUTION 15-24

WHEREAS, it appears from an examination of the plat of Lots 1–9 of Block 1; Lots 1–7 of Block 2; Lots 1–16 of Block 3; Lots 1–11 of Block 4; Lots 1–4 of Block 5; Lot 1 of Block 6 and Lot 1 of Block 7, Westbrook Estates located in the East 700 feet of the East Half of the Southeast Quarter except the South 560 feet and Less R.O.W. thereof, Section 2, Township 93 North, Range 56 West of the 5th P.M., City of Yankton, South Dakota prepared by Brian J. Benson, 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

WHEREAS, such action includes approval of a Developer’s Agreement that stipulates the transfer of a 6.06 acre tract of land from the Developer to the City, and

WHEREAS, approval of said transfer requires a super majority vote of the City Commission and authorizes the City Manager to execute documents associated with the transfer.

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 and the associated Developer’s Agreement is hereby approved.

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

Action 15-205

Moved by Commissioner Blaalid, seconded by Commissioner Knoff, to adjourn at 7:57 p.m.

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

David Carda
Mayor

ATTEST: _____
Al Viereck
Finance Officer