

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
AUGUST 10, 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 15-247

Moved by Commissioner Gross, seconded by Commissioner Blaalid, to approve the Minutes of the regular meeting of July 27, 2015.

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

Action 15-248

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

A T & T-Cell Phone Bill-\$771.60; Academy of Dance Inc-Summer Programs-\$280.80; ACS Government Inf Service-Maint Program Support-\$1,814.52; AMG Occupational Medicine-DOT CDL Drug Testing-\$94.50; Autozone-Freon-\$79.99; Backdraft Magazine-Ad-\$155.00; Banner Associates Inc-Engineering Services-\$1,900.00; Beste/Tiffany-Summer Programs-\$448.00; BIC Corporation-Safety Town Video-\$12.00; Black Belt Academy-Summer Programs-\$358.40; Bomgaars Inc-Shop Towels/Credit-\$416.52; Brock White Company LLC-Concrete Cold Patch-\$432.60; Buhl's Laundry Cleaners Inc-Uniforms-\$20.40; Cedar Knox Public Power Dist-Electric-City Wells-\$1,368.44; Centurylink-Phone-July-\$3,310.91; Chesterman Company-Pop-\$1,282.28; City of Vermillion-Jt Power Cash Trans-\$41,341.21; City of Yankton-Central Garage-Rubbish-\$50.00; City of Yankton-City Hall Garbage-\$12.00; City of Yankton-Parks Landfill Charges-\$487.20; City of Yankton-Solid Waste Compacted Garbage-\$12,072.60; City Utilities Water-WW Charges-\$24,477.34; Concrete Material-Hot Mix-\$8,803.71; Conkling Dist-Beer-\$2,507.90; Cornhusker Intl Truck Inc-Wiper Blades-\$117.92; Credit Collection Service Inc-Util Collection June\$15-\$265.15; Dakota Beverage Co Inc-Beer-\$2,494.20; Dakota Territorial Museum-Cemetery Walk-\$532.00; Dept of Corrections-DOC Work Program-\$1,681.73; Dex Media East-Phone Book-\$30.28; Easy Picker Golf Products Inc-Parts-\$120.13; Ehresmann Engineering Inc-Angle Iron-\$34.89; Ethanol Products LLC-Carbon Dioxide-\$1,234.84; Falkenberg Construction-Property Maintenance-\$845.00; Fedex-Delivery Service-\$22.63; Feimer Construction-Water Main-\$534,036.34; Ferdig Transmission-Repairs-\$352.78; Finance, Dept Of-Water Meter-\$580.00; Freedom Valu Center Inc-Vehicle Washes-\$91.00; Gametime-Play Ground Equipment-\$6,637.50; Gary's Repair-Vehicle Tow-\$80.00; Geotek Eng & Testing Serv Inc-Douglas-Wilson Road-\$1,098.50; Gerstner Oil Co-Unleaded/Diesel Fuel-\$50,320.53; Gramps-Fuel-\$1,072.73; Graymont Capital Inc-Lime-\$17,751.67; Green Room Dance Studio-Summer Programs-\$422.40; Haar Co Inc-Repairs-\$1,299.11; Hawkins Inc-Chemicals-\$19,145.15; HD Supply Waterworks Ltd-Manhole Rings-\$3,865.80; Hedahl's Parts Plus-Filters-\$709.62; Heritage Homes Inc-1/2 Special Appropriation-\$1,250.00; Historic Downtown Yankton Inc-Ribfest Contribution-\$9,660.00; Independence Waste-Rentals-\$498.80; J & H Care & Cleaning Company-Janitorial Service-July-\$2,795.00; Jack's Uniforms-Uniforms-\$169.94; Janssen's Garbage Svs-Abatement-Circle C-\$192.15; Jebro Inc-Liquid Asphalt-\$80,276.24; Johnson Electric-Trenching-\$267.86; Kaiser Heating & Cooling Inc-Repairs-

\$76.32; Kaiser Refrigeration Inc-Repairs-\$109.90; Klein's Tree Service-Tree Stump Removal-\$140.00; Larry's Canvas & Shoe Repair-Repair Pool Umbrellas-\$50.00; Larry's Home Center-HVAC Equipment-\$2,392.35; Lewis & Clark BHS-JAIBG Flow Thru Grant-\$2,178.62; Long/Amy- Summer Programs-\$448.00; MailFinance-Postage-\$576.00; McGrath North Mullin & Kratz-Professional Services-\$568.00; Mid-American Energy-Fuel-July-\$1,928.84; MidAmerican Energy-Fuel-July-\$591.50; Midwest Tape-Audio Books-\$923.75; Midwest Turf & Irrigation-Irrigation Maintenance-\$190.74; Midwest Wheel Companies-Side Steps-\$500.64; Motor Vehicle Dept SD-License Plates-Title-\$28.00; National Field Archery Assn-Summer Programs-\$1,516.00; North Central International-Truck-\$78,133.00; Northtown Automotive-2015 Chevy Pickup-\$27,000.00; Northwest Electric-Rebuild Motor-\$4,675.62; Northwestern Energy-Electric-July-\$69,840.55; Observer-Memorial Pool Ads-\$435.01; Olson's Pest Technicians Inc-Pest Control-\$198.00; Overhead Door Co-Replace Door/Transfer Station-\$4,798.00; Peterson/Alan-Clean Floor Drain-\$61.45; Petroleum Traders Corp-Fuel-\$8,058.96; Pilger Sand and Gravel Inc-Sand-\$716.18; Polydyne Inc-Chemicals-\$4,180.00; Press Dakota Mstar Solutions-Ad-\$251.62; Printing Specialists-Envelopes-\$75.70; Pro Track And Tennis, Inc-Tennis Courts-\$7,342.00; R & R Products Inc-Oil/Hose Assembly-\$1,040.47; Racom Corporation-Radio Access-\$1,370.46; Rasmussen Mechanical Services-Repair Boiler-\$7,956.42; RDG Planning & Design-Meridian Plaza Design-\$5,674.44; Redlinger Bros-Plumbing Corp Repairs-\$191.59; Regional Technical Education-Summer Projects-\$1,459.20; Reinhart Foods Inc-Entrees-\$1,794.74; Ricoh USA-Printer-\$361.98; SD Public Assurance Alliance-Additional Insurance-\$502.95; Sheehan Mack Sales & Equip Inc-Excavator Repairs-\$2,736.51; Sioux City Foundry Co-Loader Blades-\$923.00; South Dakota Magazine-Advertisement-\$775.00; South Dakota One Call-Message Fee-\$234.15; Southeast Job Link Inc-Summer Programs-\$288.00; Stefani Roofing LLC-Reshingle Roofs-\$2,438.63; Stern Oil Co Inc-Fuel-\$12,063.03; Studio Art Center-Summer Programs-\$845.60; T & R Contracting Inc-Douglas Ave/Wilson-\$567,665.74; TMA-Tires-\$410.00; Todd, Inc-Road Signs-\$10,695.84; Tom's Electric-Install Mem Pool Lights-\$5,287.70; Traffic Control Corp-Traffic Lights-\$2,998.55; Trophy Place-Softball Trophies-\$588.00; Truck Trailer Sales Inc-Repairs-\$2,185.80; Turfwerks Parts-\$736.19; US Post Office-Utility Postage-July\$15-\$1,500.00; United Parcel Service, Inc-Delivery Service-July-\$133.52; United States Postal Service-Postage Meter-July-\$732.00; Vogel Paint Inc-Traffic Paint-\$2,069.80; Wage Works-Flex Serv Fee-June-\$85.00; Walt's Homestyle Foods Inc-Entrees-\$205.50; Water & Env Eng Research Ctr-Water Samples-\$200.00; Welfl Construction Corp-Collector Well-\$105,060.88; Wholesale Supply Inc-Pool Concessions-\$3,083.20; Williams Brother Roofing-Repairs-\$285.71; Williams/Ben-Refund-\$90.00; Wortmann/Carol-Re Taxes-\$164.66; Xerox Corporation-Copier Lease-\$623.39; Xerox Corporation-Copier Lease-\$3,188.60; Yaggie's Inc-Grass Seed-\$5,257.50; Yankton Ag Service-Ag Supplies-\$79.65; Yankton Area Arts Assn-Summer Programs-\$38.40; Yankton Area Convention-1/4 Special Approp-\$96,332.50; Yankton Bowl-Summer Programs-\$177.60; Yankton County EMS Association-Summer Programs-\$104.22; Yankton Janitor Supply Inc-Supplies-\$315.89; Yankton Medical Clinic-Drug/Alcohol Tests-\$894.00; Yankton Police Department-Reimburse Petty Cash-\$28.60; Zuercher Technologies LLC-Support & Maintenance-\$18,409.00; A & B Business Inc-Printer Maintenance-\$380.13; A-Ox Welding Supply-Guide For Saw-\$38.25; ACE Hardware-Supplies For Plants-\$841.48; Agland Coop-Vehicle Repair Tire-\$21.20; Amazon Mktplace Pmts-Dvds-\$188.32; Amazon.Com-Books-\$701.79; Amer Lib Assoc-Brightkey-Office Supplies-\$66.00; Appera-Towels-\$497.47; Arbys-Travel Expense-\$7.21; AT&T Bill Payment-AT&T Mobility-\$314.32; AWWA.Org-Book-\$49.50; Bachman's Nursery-Trees-\$2,533.80; Baker-Taylor-Books-\$2,569.58; Boller Printing-Printing-\$134.50; Bomgaars-Weed Spray-\$1,471.50; Bow Creek Metal Inc-Machine Caps-\$75.00; Bridgestone Sports USA-Golf Equipment-\$171.16; Bushnell Optics-Merchandise-\$556.66; Casey's Gen Store-Staff Appreciation-\$7.49; Cedar County Veterinary-Pound Supplies-\$7.68; CEI Enterprises Inc-Service Asphalt Plant-\$1,631.80; Centurion Technologies-

Computer Security-\$56.00; Christensen Radiator- Condenser-\$353.80; Clarks Rentals-Custom Tool Rental-\$197.00; Vogue Magazine-Magazine Subscription-\$15.90; Coffee Cup #8-Travel Fuel-\$35.00; Cowboy #8-Travel Fuel-\$40.00; Cox Auto Supply-Ventilation Repair-\$97.61; Crescent Electric-Coupling-\$888.61; D-P Tools Inc-Inflator-\$79.95; Dairy Queen-Travel Expense-\$6.97; Dakota Archery-Gun Cleaning Supplies-\$59.98; Dayhuff Enterprises Inc-Jantiorial Supplies-\$514.10; Demco Inc-Office Supplies-\$234.13; Desert Snow-Training-\$1,180.00; Domino's-Teen Night-\$84.00; DX Service-Salt-\$2,734.71; Echo Electric Supply-Electrical Supplies-\$168.05; Fairbank Equipment-Hose and Ends-\$416.57; Fastenal Company-Nuts and Bolts-\$283.26; Faucet Parts Plus-Building Maintenance-\$8.30; Floral Designs-Funeral Flowers-\$18.00; Fort Pierre-Pizza Ranch-Travel Expense-\$9.70; Fred Haar Company-Mower Repair-\$30.15; Fresh Start-Travel Fuel-\$44.01; USA Today Circ-Newspaper Subscription-\$258.01; Gator's Pizza Pasta-Travel Expense-\$11.37; Godfathers Pizza-Staff Appreciation-\$26.99; Governors Inn-Travel Expense-\$81.95; Graham Tire-Tires-\$553.35; Guadalajara Mexican-Travel Expense-\$15.00; Hach Company-Reagent-\$107.58; Hard Drive Central-Copies-\$89.52; Hardwareonlinestore.Co-Chair Tips-\$94.73; Hartington Tree LLC-Morgan Park Trees-\$586.00; HD Supply Waterworks-Water Fittings-\$947.79; Hedahls-Brake Pads-\$1,093.75; Holiday Stnstore-Travel Fuel-\$138.00; Hy-Vee-Professional Services-\$37.10; Hy-Vee-Entree-\$1,220.33; Independence Waste-Rentals-\$491.85; Industrial Safety-Locate Flags-\$49.19; Jack's Uniforms-Uniform Boots-\$173.94; JCL Solutions-Cleaning Supplies-\$1,569.13; Johnson Controls-SS SAC Pool Agreement-\$6,542.79; Kaiser Refrigeration-Equipment Parts-\$647.66; KFC-Staff Appreciation-\$25.00; Kmart-Janitorial Supplies-\$267.30; Koletzky Implement Inc-Filters-\$202.32; Lakeview Sinclair-Fuel-\$23.06; Laser Barn-Laser Tag Summer Programs-\$212.00; Lewis & Clark Ford-Fuel Pump-\$600.16; Locators And Supplies-Supplies-\$662.13; Mark's Machinery Inc-Bobcat Repair-\$2,761.73; MAS-Modern Marketing-Promotional Items-\$518.82; McClellands Restaurant-Travel Expense-\$19.60; McDonald's-Travel Expense-\$20.73; McDonald's-Travel Expense-\$5.34; Mead Lumber-Siding-\$542.89; Menards-Building Repair-\$3,139.57; Midwest Radiator-Tubing-\$125.00; Midwest Turf-Equipment Repair-\$1,712.50; MSFT-E020013ZM1-Software-\$66.25; Mutt Mitt-Mutt Mitts-\$1,687.83; Northtown Automotive-Vehicle Repair-\$404.68; Novelty Machine-Repair Compressor-\$2,099.41; Hardees-Travel Expense-\$8.86; Oahe Marina & Resort-Travel Expense-\$28.00; Connor Company-Filters-\$185.86; O'Reilly Auto-Rotors-\$207.22; Overdrive Dist-Downloadable Books-\$1,154.11; Pepperjax Grill-Travel Expense-\$10.04; Coffee House-Travel Expense-\$8.75; Taco Johns-Travel Expense-\$14.83; Random House-Audio Books-\$478.50; Przcharge.Prezi.Com-Membership Dues-\$118.00; Motor Trend Magazine-Subscription-\$18.00; Pump & Pantry-Travel Fuel-\$30.00; Push Pedal Pull Corp-Equipment Repair-\$1,003.38; Quill Corporation-Office Supplies-\$96.86; Red Cross Store-WSI Books-\$110.59; Redrossa Italian Grill-Travel Expense-\$15.00; Booksontape.Com-Audio Book-\$90.75; Riverside Hydraulics-Hydraulic Hose-\$764.10; The Golfworks-Club Repairs-\$495.58; Rons Auto Glass Inc-Bathroom Repairs-\$200.00; Sanitation Products-Brake Spring-\$98.63; SD Dept of GF&P-Membership Dues-\$30.00; Sears Hometown-Shop Supplies-\$80.39; Sheehan Mack Sales-Valve-\$61.29; Shell Oil-Fuel-\$40.01; Shell Oil-Travel Fuel-\$36.00; Sherwin Williams-Paint-\$2,339.79; South Dakota Library Assoc-Conference Registration-\$215.00; Wyopass-Western Plan Conference-\$285.00; Sturdevants-Pump Assembly-\$384.70; Subway-Travel Expense-\$6.58; Subway-Travel Expense-\$26.43; Superior Tech Products-Chemicals-\$3,199.00; Swimoutlet.Com-Merchandise-\$67.50; Tessman Company-Sioux Chemicals-\$2,835.00; The Wooden Spoon-Staff Appreciation-\$16.00; TMA-Tires-\$850.40; Tractor Supply Co-Tire-\$138.84; Truck Trailer Sales-Fuel Treatment-\$390.10; Twin Creek-Animal Hosp K-9 Care-\$1,400.00; UPS-Postage-\$55.49; Vanderhule Moving-Oxygen, Argon-Gas-\$133.00; Yanktonrodctr-Filing of Plats-\$32.50; Vessco-Nozzle-\$127.53; Viddler Inc-Video Hosting-\$30.09; Vzwrllss-Internet Access-\$506.10; Vzwrllss-Prepaid Cell Phone Minutes-\$37.80; Wal-Mart-Office Supplies-\$845.73; Wendy's-

Travel Expense-\$7.48; Western Office Product-Office Supplies-\$222.78; Wholesale Supply Co-Building Supplies-\$125.80; WM Supercenter- Summer Reading-\$480.38; Wilson Sptg Gds-Merchandise-\$489.20; WW Grainger-Janitorial Supplies-\$663.73; Yankton Winnelson Co-Building Repair-\$302.24; Zimco Supply Co-Course Supplies-\$1,337.54; Yankton Mall-Summer Reading-\$80.00; AFSCME Council 65-Employee Deductions-\$2,036.46; American Family Life Corp-Cancer & ICU Premiums-\$6,459.40; Assurant Employee Benefits-Vision Ins-August-\$538.84; Connections Inc-EAP Insurance-July-\$274.82; Delta Dental-Dental Insurance-August-\$7,267.78; Dept of Social Services-Employee Deductions-\$2,203.50; First Natl Bank South Dakota-Employee Deductions-\$3,036.10; Foote/Jason-Travel-\$485.00; Graymont Capital Inc-Bulk Pebble Lime-\$4,520.07; ICMA Retirement Trust No. 457-Employee Deductions-\$4,625.79; Lamb Motor Company-Vehicles-\$55,284.00; Larry's Home Center-Replace Check-\$202.20; Minnesota Life Insurance Co-Life Insurance-August-\$687.04; Motorola Replace Check-\$312.00; NBS Calibrations-New Balance-\$2,817.91; Retirement, SD-SD Retirement-July-\$98,654.93; Retirement SD-System 401(A) Special Pay-\$4,199.72; SDSRP-Employee Deductions-\$4,865.00; State of South Dakota-HSC Land Purchase-\$395,000.00; Summit Activity Center-Employee Deductions-\$810.35; United Way-Employee Deductions-\$105.00; Vast Broadband-Internet Services-June-\$6,961.49; Wellmark Blue Cross-Health Ins-August-\$88,582.58; Yankton Area Prog Growth-Sales Tax Reimbursement-\$91,877.40.

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

SALARIES-JULY 2015:

Administration-\$45,639.83; Finance-\$44,889.38; Community Development-\$27,417.40; Police-\$213,941.16; Fire-\$16,207.19; Engineering-\$66,512.47; Street-\$66,906.95; Traffic Control-\$2,605.16; Library-\$41,956.01; Parks/SAC-\$114,553.58; Memorial Pool-\$33,737.42; Marne Creek-\$7,563.75; Water-\$59,747.50; Wastewater-\$51,958.55; Cemetery-\$7,244.43; Solid Waste-\$28,941.07; Landfill-\$23,862.74; Golf Course-\$53,295.27; Central Garage-\$9,904.64.

PERSONNEL CHANGES & NEW HIRES:

New Hires: Holly Bouza-\$9.50 hr.-Rec. Division; Jim Gevens-\$14.00 hr.-Golf Division; Jessica Roth-\$8.75 hr.-Parks Division; Rebekah Schroeder-\$8.50 hr.-Library;

Wage Increase: Avery Brockberg-\$9.00 hr.-Rec. Division; Ramzie Cronin-\$9.25 hr.-Rec. Division; Cody Geary-\$9.25 hr.-Rec. Division; Brianna Geigle-\$9.25 hr.-Rec. Division; Katie Hauser-\$9.00 hr.-Rec. Division; Brianna Kelly-\$9.00 hr.-Rec. Division; Joseph Kelly-\$9.00 hr.-Rec. Division; Annie Kruse-\$9.00 hr.-Rec. Division; Kyra Liebig-\$9.00 hr.-Rec. Division; Alex McKee-\$9.00 hr.-Rec. Division; Tara Richardson-\$9.25 hr.-Rec. Division; Brett Sime-\$14.00 hr.-Golf Division; Kelsey Sutura-\$8.75 hr.-Rec. Division; Charlotte Taggart-\$9.25 hr.-Rec. Division.

Longevity:

Kevin Kuhl-\$3,728.12 bi-wk.-Public Works/Eng. & Insp.

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

Action 15-249

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

1. Transient Merchant License and Special Events Dance License

Consideration of Memorandum 15-207 recommending approval of the applications from Historic Downtown Yankton for:

- A) Transient Merchant License for September 19, 2015;
 - B) Special Events Dance License for September 19, 2015.
2. Establish public hearing for a transfer of ownership & location
Establish August 24, 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 Hanten, Inc., (Ben Hanten, President) dba Ben's Brewing Company, 222 W. 3rd Street, to Annisproperties, Inc., (Kevin Annis, President) dba Patriot Express 02, 100 E. 4th Street, Suite A, Yankton, South Dakota.
 3. Establish public hearing for a New Retail Malt Beverage License
Establish August 24, 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 Hanten, Inc., (Ben Hanten, President) dba Ben's Brewing Company, 222 W. 3rd Street, Yankton, South Dakota.
 4. Establish public hearing for sale of alcoholic beverages
Establish August 24, 2015, 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 1 day, October 23, 2015, from Avera Sacred Heart Health Services (Taylor Tramp, Foundation Assistant), such event to be held at Pavilion Center, 1st, 2nd & 3rd Floors and 1st and 2nd Floor of Surgical Center on Avera Campus, Yankton, South Dakota.
 5. Establish public hearing for sale of alcoholic beverages
Establish August 24, 2015, as the date for the public hearing on the request for a Special Malt Beverage (on-sale) Retailers License for 1 day, September 19, 2015, from Historic Downtown Yankton, Inc., (Kathy Church Sec./Treas.) for a street dance between 2nd & 3rd Street on Douglas Avenue, Yankton, South Dakota.

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

Action 15-250

This was the time and place for the public hearing on the application for a new Retail (on-sale) Liquor - Restaurant License for January 1, 2015, to December 31, 2015, from Bernard Properties, LLC, (Melcena Bernard, Managing Partner) dba Riverfront Events Center, 121-113 West 3rd Street, Yankton, South Dakota. (Memorandum 15-195) No one was present to speak for or against approval of the license application. Moved by Commissioner Knoff, seconded by Commissioner Gross, to approve the license.

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

Action 15-251

This was the time and place for the public hearing on the application for transfer of location of a Retail (on-sale) Liquor License for January 1, 2015, to December 31, 2015, from Bernard Properties, LLC, (Melcena Bernard, Managing Partner) dba Riverfront Events Center, 121-113 West 3rd Street, to Bernard Properties, LLC, (Melcena Bernard, Managing Partner) dba The Brewery, 200-204 Walnut Street, Yankton, South Dakota. (Memorandum 15-196) No one was present to speak for or against approval of the license application. Moved by Commissioner Blaalid, seconded by Commissioner Johnson, to approve the license.

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

Action 15-252

This was the time and place for the public hearing for Resolution 15-58, a Resolution of Necessity Necessity for a Special Assessment District for Improvements on Lot One A (1A) less Parcel Five (5), Lot Three A (3A), less Parcel Four (4), and less part of Parcel Fifteen (15), Lot Five A (5A), Lot Six (6), except Parcels One (1), Two (2) and Three (3), Block One (1), Slaughter’s Subdivision in the City of Yankton, South Dakota, address 2101 Broadway, Yankton-Omaha Partnership, owner. (Memorandum 15-197) Terry Claugh, CEO of GP-Dial-Yankton, LLC, was present to explain the proposed project and to answer questions. Toby Morris, Dougherty, Inc., was also present to explain the process. Moved by Commissioner Knoff, seconded by Commissioner Johnson, to adopt Resolution 15-38, contingent upon all legal requirements being met.

RESOLUTION 15-38
A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING
IMPROVEMENTS AT THE YANKTON MALL

WHEREAS, GP-DIAL-YANKTON LLC, a Nebraska limited liability company (the “Developer”) operates/manages the Yankton Mall located in Yankton, South Dakota (hereinafter referred to as the “Mall”); and

WHEREAS, the Mall originally opened in 1969 and underwent an expansion in 1978; and

WHEREAS, in recent years, the Mall has experienced declining sales and increasing vacancies with increasing competition from larger and new retail development in the Yankton area; and

WHEREAS, Developer plans to redevelop the Mall to include the demolition of approximately 26,000 square feet of existing building and the reconstruction of approximately 9,200 square feet, make additional interior improvements, exterior improvements, parking lot repairs, milling, overlay and sidewalk improvements, remodeled entrances and doors, exterior landscaping, monuments, island, irrigation and lighting; and

WHEREAS, the improvements are being undertaken as the facades of the stores located within the Mall are outdated, and the overall appearance is in need of renovation to keep up with the changing styles adding an open-air court concept; and

WHEREAS, the City possesses economic development powers under SDCL Chapter 9-54.

WHEREAS, the City wishes to assist in retail economic development by assisting Developer in the rehabilitation of retail property located in the City by the purchase of easements; and

WHEREAS, the City has the power pursuant to SDCL §§ 9-12-1(2) and 9-43-76 to acquire easements and make local improvements for economic development; and

WHEREAS, the City finds that issuance of special assessment bonds and use of the proceeds to purchase façade, parking and emergency management easements from Developer and cause local improvements to be made thereon would further the commercial development of the city, encourage and assist in the location of new retail businesses, expand existing business development

and promote the economic stability of the City by providing greater employment opportunities.

BE IT RESOLVED THAT the Board of City Commissioners as follows:

Section 1. Declaration of Necessity. The Board of City Commissioners does hereby deem it necessary to construct a local improvement to be financed, in total or in part, by special assessments in accordance with the plans and specifications on file at City Hall and open to public inspection during regular business hours. The recitals are incorporated herein as findings.

Section 2. General Nature of Improvement. The proposed improvements shall consist of the demolition of approximately 26,000 square feet of existing building and the reconstruction of approximately 9,200 square feet, make additional interior improvements, exterior improvements, parking lot repairs, milling, overlay and sidewalk improvements, remodeled entrances and doors, exterior landscaping, monuments, island, irrigation and lighting.

Section 3. Materials to be used. The materials to be used or material from which a choice may be made are as follows:

Asphalt
Compressed and uncompressed earth, and landscape materials
Concrete
Composites
Thermal Protection, Moisture protection, and/or Building Insulation
Door - Windows
Electrical systems and equipment, including lighting
Surface finishing
Masonry, mortar, and/or grout
Metals
Plastics
Building and lot Security
Telecommunications
Wood

Section 4. Estimated Cost. The initial estimated total cost is One Million Five Hundred Thousand Dollars (\$1,500,000) to Two Million Dollars (\$2,000,000).

Section 5. Classes of Lots to Be Assessed. The classes of lots to be assessed are as follows:

All Commercial Lots

Section 6. Method of Apportioning Benefits. The method of apportioning the benefits to the lots is as follows:

All benefits shall be spread upon:

Lot One A (1A) less Parcel Five (5), Lot Three A (3A), less Parcel Four (4), and less part of Parcel Fifteen (15), Lot Five A (5A), Lot Six (6), except Parcels One (1), Two (2) and Three (3), Block One (1), Slaughter's Subdivision in the City of Yankton, South Dakota.

Section 7. City Assumption of Costs. The City has determined that it will not assume or pay any portion of the costs of the improvements.

Section 9. Plan of File with Finance Officer. The details, plans, and specifications may be reviewed at the finance office during regular office hours.

Section 10. Effective Date. This resolution shall become effective twenty days after publication upon which the City may cause the improvements to be made, may contract for the improvements, and may levy and collect special assessments as provided in SDCL Chapter 9-43

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

Action 15-253

Moved by Commissioner Knoff, seconded by Commissioner Blaalid, to approve the Development Agreement between the City of Yankton, South Dakota, and Yankton-Omaha Partnership, through GP-Dial-Yankton. LLC. (Memorandum 15-197)

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

Action 15-254

Moved by Commissioner Knoff, seconded by Commissioner Blaalid, to adopt Resolution 15-42. (Memorandum 15-197)

RESOLUTION 15-42

A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF THE CITY OF YANKTON SPECIAL ASSESSMENT BOND, SERIES 2015, IN THE PRINCIPAL AMOUNT OF UP TO \$2,000,000; FIXING THE FORM AND SPECIFICATIONS OF THE BOND; RATIFYING AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN RELATED INSTRUMENTS.

WHEREAS, the City of Yankton, South Dakota (the "City ") is authorized by SDCL Chapter 9-43, as amended (the "Law") to issue special assessment bonds which are not general obligations of the City, but which are payable from payments of assessments levied by the City against properties benefited by the Improvements paid for by the net proceeds of such Bond; and

WHEREAS, the City has authorized the Improvements which consist of the demolition of approximately 26,000 square feet of existing building and the reconstruction of approximately 9,200 square feet, make additional interior improvements, exterior improvements, parking lot repairs, milling, overlay and sidewalk improvements, remodeled entrances and doors, exterior landscaping, monuments, island, irrigation and lighting, (the "Improvements"), shall let construction contracts for the Improvements and shall direct assessments to be levied against the properties benefited by the Improvements; and

WHEREAS, the City requires financing to pay for the Improvements and desires to raise the money for the financing therefore by issuing its Special Assessment Bond, Series 2015 ("Bond"), in the principal amount of up to \$2,000,000; and

WHEREAS, the payments of assessments for all of the Improvements will be used to secure the Bond; and

WHEREAS, the City Commission (the "City") hereby finds and determines that issuing the Bond to finance the Improvements will promote the public welfare, safety, convenience and prosperity of the District and its inhabitants;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF YANKTON, YANKTON COUNTY, SOUTH DAKOTA:

Section 1. Ratification of Prior Actions and Declaration of Necessity. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the City and by the officers of the City directed toward the issuance of the bond are hereby ratified, approved and confirmed. The City hereby declares a necessity to issue Special Assessment Bond, Series 2015.

Section 2. Issuance of Special Assessment. To provide funds to pay the costs of the Improvements, the District shall issue, without a vote to its electors, its registered Bonds, in an aggregate principal amount of up to \$2,000,000, to be issued in full conformity with the provisions of SDCL 9-43-114 and 6-8B. The Bond shall be issued in lieu of Special Assessment Certificates and shall be payable solely from special assessments made against property benefited from the Improvements. The Bond does not constitute a debt within the meaning of the Constitution of the State of South Dakota.

The Bond will be dated in 2015 and shall also bear the date of authentication, shall be in fully registered form shall be on such terms and conditions as are determined by the Mayor and Finance Officer, and the Bond shall become due and payable as determined by the Mayor and Finance Officer.

The Bond shall be signed by the signatures of the Mayor and of the Finance Officer and countersigned by the signature of an Attorney Resident in the State of South Dakota and in case any officer whose signature shall appear on any bond shall cease to be such officer before the delivery of such bond, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

Section 3. Redemption. The Bond is redeemable prior to maturity at the option of the City, on the dates and terms set forth in the bond certificate. All redemptions shall be in accordance with SDCL §6-8B.

Prior to any redemption date, the City shall deposit with the Bond Registrar an amount of money sufficient to pay the redemption price of all the Bond or portions of Bond which are to be redeemed on that date.

Section 4. Authentication. The Bond shall have thereon a certificate of authentication substantially in the form hereinafter set forth duly executed by the Bond Registrar as authenticating agent of the City and showing the date of authentication. No bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this resolution unless and until such certificates of authentication shall have been duly executed by the Bond Registrar by manual signature, and such certificate of authentication upon any such bond shall be conclusive evidence that such bond has been authenticated and delivered under this resolution. The certificate of authentication on the bond shall be

deemed to have been executed by the Bond Registrar if signed by an authorized officer of the Bond Registrar.

Section 5. Registration of Bond; persons treated as owners. The City shall cause books (the "Bond Registrar") for the registration and for the transfer of the Bond as provided in this resolution to be kept at the principal office of the Bond Registrar, which is hereby constituted and appointed the registrar of the City. The City is authorized to prepare, and the Bond Registrar shall keep custody of, multiple bond blanks executed by the City for use in the transfer and exchange of Bond.

5.1. Transfer. Upon surrender for the transfer of any bond at the principal office of the Bond Registrar, duly endorsed by, or accompanied by a written instrument or instruments of transfer in form satisfactory to the Bond Registrar and duly executed by the registered owner or his attorney duly authorized in writing, the City shall execute and the Bond Registrar shall authenticate, date and deliver in the name of the transferee or transferees a new fully registered bond of the same maturity or authorized denominations, for a like aggregate principal amount. Any fully registered bond may be exchanged at said office of the Bond Registrar for a like aggregate principal amount of bond of the same maturity of other authorized denominations. The execution by the City of any fully registered bond shall constitute full and due authorization of such bond and the Bond Registrar shall thereby be authorized to authenticate, date and deliver such bond, provided, however, the principal amount of outstanding Bond of each maturity authenticated by the Bond Registrar shall not exceed the authorized principal amount of Bond for such maturity less previous retirements. The Bond Registrar shall not be required to transfer or exchange any bond which is subject to redemption, during the period of fifteen days next preceding mailing of a notice of redemption of any Bond.

5.2. Registered Owner. The person in whose name any bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes. The payment of the interest on any bond shall be made only to or upon the order of the registered owner thereof at the close of business on the fifteenth day in the month next preceding the interest payment date, or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such bond to the extent of the sum or sums so paid.

5.3. No Service Charge for Transfer. No service charge shall be made for any transfer or exchange of Bond, but the City or the Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer or exchange of Bond.

Section 6. Form of Bond. The Bond shall be prepared in substantially the form as approved by the Finance Officer. The Bond may be issued as a single or in multiple maturities, with optional or mandatory redemption provisions.

Section 7. Sale of Bond. The Mayor and Finance Officer are authorized to sell said Bond upon terms and conditions not inconsistent with this resolution. The Finance Officer shall deliver upon receipt of the purchase price therefore; the Bond to said purchaser.

Prior to the delivery of any of the Bond, the Finance Officer shall execute a certificate describing the improvements which are to be financed by the proceeds of the Bond being delivered,

stating the amount of unpaid assessments for such improvements, and stating that said assessments have been appropriated and pledged to the bond fund hereby created.

Section 8. Creation of Bond Fund. The proceeds of the Bond, including accrued interest thereon, upon receipt thereof, shall be deposited promptly by the Finance Officer and shall be accounted for in the following manner and are hereby pledged therefore:

8.1. Accrued interest received for the Bond shall be deposited in the Special Assessment Bond Series 2015 Bond Fund (the "Bond Fund") which is hereby created for the payment of the principal of and interest on the Bond. The accrued interest and funds deposited by the District at the time of the delivery of the Bond, shall be used for the first installment of interest on the Bond; and

8.2. The balance of such proceeds shall be credited to the improvement account created by the Finance Officer to pay the costs of, or reimburse the City for the costs of, the improvements.

Section 9. Authorization of Easements. The Mayor and Finance Officer are authorized to enter into easements upon which the Improvements are to be made.

Section 10. Pledge of Special Assessments. The Special Assessment Bond Fund 2015 (hereafter "Bond Fund") is hereby created. For the purpose of providing the necessary funds to make required payments of principal of and interest on the Bond, the City hereby irrevocably pledges all amounts derived from special assessments for all improvements and all moneys in the Bond Fund. No moneys may be transferred out of the fund until all obligations which are or may be charged against the Bond Fund have been discharged.

10.1. Deposit of Assessments into Bond Fund. Such assessments, when collected and received by the City, shall be deposited immediately into the Bond Fund. In the event the amount in the Bond Fund is insufficient to pay all principal and interest when due, such amount shall first be used to pay any past due interest and then in pro rata payment of current interest. Any balance shall be paid on Bond issued hereunder in order of serial numbers; provided that no bondholder shall be compelled to accept partial payment on any bond.

10.2. Transfer of Surplus Funds. In the event that the Bond Fund is insufficient to pay principal or interest on the Bonds the City covenants to transfer or loan surplus funds to the Bond Fund to pay principal or interest of the Bonds.

Section 11. Event Constituting Default. In event of nonpayment of principal or interest on the Bond, such action shall constitute a default and shall enable the holders of any outstanding Bond, whether or not the same shall be due, acting individually or collectively, to take such action as they may deem necessary to protect the security of their Bond.

Section 12. Registered Form. The City recognizes that Section 149(a) of the Code requires the Bond to be issued and to remain in fully registered form in order that interest thereon is exempt from federal income taxation under laws in force at the time the Bond is delivered. In this connection, the City agrees that it will not take any action to permit the Bond to be issued in, or converted into, bearer or coupon form.

Section 13. List of Bondholders. The Bond Registrar shall maintain a list of the names and addresses of the holders of the Bond and upon transfer shall add the name and address of the new bondholder and eliminate the name and address of the transferor bondholder.

Section 14. Authorization to Furnish Information. The Finance Officer is authorized and directed to furnish to bond counsel certified copies of all proceedings and records of the City relating to the Bond and to the Improvements financed thereby and to the right and power of the City to make the assessments securing payment of the Bond and all said certified copies and certificates shall be deemed representative of the District as to the facts therein stated.

Section 15. Authorization to Take Action. The Mayor and Finance Officer of the City are hereby authorized and directed to take all other action necessary or appropriate to effectuate the provisions of this resolution, including without limiting the generality of the foregoing, negotiating the final terms of the sale, the printing of the Bond, and the execution of such certificates as may reasonably be required, including, without limitation, certification relating to the signing of the Bond, the tenure and identity of the City's officials, the exemption of interest on the Bond from federal income taxation, the receipt of the bond purchase price and, if in accordance with the facts, the absence of litigation affecting the validity thereof.

Section 16. Resolution Constitutes Contract. After the Bond has been issued, this resolution shall constitute a contract between the City and the holder or holders of the Bond, and shall be and remain irrevocable and unalterable until the Bond and the interest accruing thereon shall have been duly paid, satisfied and discharged.

Section 17. This resolution shall become effective immediately upon its passage.

EXHIBIT A DESCRIPTION OF PROJECT

The Improvements shall consist of the demolition of approximately 26,000 square feet of existing building and the reconstruction of approximately 9,200 square feet, make additional interior improvements, exterior improvements, parking lot repairs, milling, overlay and sidewalk improvements, remodeled entrances and doors, exterior landscaping, monuments, island, irrigation and lighting. All benefits shall be spread upon:

Lot One A (1A) less Parcel Five (5), Lot Three A (3A), less Parcel Four (4), and less part of Parcel Fifteen (15), Lot Five A (5A), Lot Six (6), except Parcels One (1), Two (2) and Three (3), Block One (1), Slaughter's Subdivision in the City of Yankton, South Dakota.

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

Action 15-255

This was the time and place for the second reading and public hearing for Ordinance No. 980, AN ORDINANCE TO REZONE PROPERTY DESCRIBED HEREIN. (Memorandum 15-198) There was no one present to speak for or against adoption of the ordinance. Moved by Commissioner Gross, seconded by Commissioner Blaalid, to adopt Ordinance No. 980.

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

Action 15-256

The request for a letter of support from the City of Yankton for the proposed purchase and rehabilitation of an existing 17-unit apartment complex located at 1006 Whiting Drive, by Costello Companies, Sioux Falls, South Dakota, was considered. (Memorandum 15-200) Bonnie Mogen, representing Costello Companies, was present to answer questions about the project. Moved by Commissioner Blaalid, seconded by Commissioner Johnson, to authorize the Mayor to sign a letter of support for the proposed 17-unit apartment complex rehabilitation project at 1006 Whiting Drive.

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

Action 15-257

Moved by Commissioner Blaalid, seconded by Commissioner Knoff, to adopt Resolution 15-39. (Memorandum 15-199)

RESOLUTION 15-39

WHEREAS, it appears from an examination of the plat of Tract 3, Ryken Addition in the W ½ of the NW ¼, Section 14, T93N, R56W of the 5th P.M., 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 15-258

Moved by Commissioner Sommer, seconded by Commissioner Blaalid, to adopt Resolution 15-40. (Memorandum 15-201)

RESOLUTION 15-40

WHEREAS, the Yankton Board of City Commissioners has determined that the below described city owned property should be included in the corporate limits as permitted by SDCL.

NOW, THEREFORE, BE IT RESOLVED by The Board of City Commissioners of the City of Yankton, South Dakota, that the following described real property is hereby annexed into the corporate limits of the City of Yankton, South Dakota:

DESCRIPTION OF TRACT TO BE ANNEXED

Tract 1 in Lot A in the Southeast Quarter (SE1/4), Tract 2 in Lot A in the Southeast Quarter (SE1/4), Section Thirty Six (36), Township Ninety Four (94) North, Range Fifty Six (56) West of the 5th P.M., and,

Tract 3 in Lot A in the Southeast Quarter (SE1/4), Section Thirty Six (36), Township Ninety Four (94) North, Range Fifty Six (56) West of the 5th P.M., and

The adjacent Broadway Avenue and 31st Street right of way.
All being approximately 55.8 acres.

As shown on the attached Exhibit A.

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

Action 15-259

Moved by Commissioner Blaalid, seconded by Commissioner Sommer, to approve change order No. 3 from AB Contracting, LLC, for the Wastewater Treatment Plant Outfall Improvements Project, a decrease in project cost of \$3,369.51 for a new contract total of \$571,640.54, to accept the project as complete, and to authorize the City Finance Officer to issue a manual check in the amount of \$54,902.20 to Northern Escrow, Inc. (AB Contracting, LLC), West St. Paul, Minnesota, as final payment for the project. (Memorandum 15-203)

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

Action 15-260

Moved by Commissioner Knoff, seconded by Commissioner Gross, to authorize Director of Environmental Services, Kyle Goodmanson, to sign the amendment to the contract with Bartlett & West, Inc., Wichita, Kansas, an increase in the amount of \$131,000.00, for additional design services for the Lift Station Project. (Memorandum 15-204)

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

Action 15-261

Moved by Commissioner Sommer, seconded by Commissioner Blaalid, to adopt Resolution 15-35. (Memorandum 15-205)

RESOLUTION 15-35
Special Events Parking Request

WHEREAS, the City Commission adopted an Ordinance allowing for no parking designation for special events within the City of Yankton; and

WHEREAS, this Resolution would authorize the City of Yankton to tow vehicles that are parked in the defined area or areas and times specified for said Special Events; and

WHEREAS, Historic Downtown Yankton, Inc. has made a request to enact this no parking

zone for their event on September 19, 2015.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves the Special Event Parking Request on Douglas Avenue from 2nd Street to 3rd Street for September 19, 2015 from 5:00 P.M. to 11:59 P.M.

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

Action 15-262

Commissioner Blaalid introduced and Mayor Carda set the date as August 24, 2015, for a public hearing regarding the Community Development Block Grant administrative process for Regional Technical Education Center in providing CNC-Robotics training equipment under the Governor’s Workforce Initiative.

Action 15-263

Moved by Commissioner Knoff, seconded by Commissioner Blaalid, to adopt Resolution 15-41. (Memorandum 15-202)

RESOLUTION 15-41
A RESOLUTION AUTHORIZING THE REMOVAL OF THE STOP
SIGNS, FOR THE NORTH-SOUTH BOUND TRAFFIC AT THE 29TH STREET & FOX RUN
PARKWAY INTERSECTION

WHEREAS, conditions at the intersection of 29th Street & Fox Run Parkway intersection does not meet the warrants for a multi-stop condition and;

WHEREAS, the traffic entering the intersection on the major street approaches should take preference over that traffic entering the intersection on the minor street approach and;

WHEREAS, it is provided by the Code of Ordinances of the City of Yankton that the City has the authority to place and maintain all regulatory signs that meet the requirements of the Manual on Uniform Traffic Control Devices.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, SD, that the stop condition for the north-south bound traffic, at the intersection of 29th Street and Fox Run Parkway, be removed.

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

Action 15-264

Moved by Commissioner Blaalid, seconded by Commissioner Sommer, to adjourn into Executive Session at 8:03 p.m. to discuss personnel and contractual matters.

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 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 15-265

Moved by Commissioner Blaalid, seconded by Commissioner Sommer, to adjourn at 8:35 p.m.

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

Motion adopted.

David Carda
Mayor

ATTEST:

Al Viereck
Finance Officer

Published August 19, 2015