

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
JULY 25, 2005**

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

Roll Call: Present: Commissioners Crandall, Dickinson, Goeden, Kraft, Specht, VanDerhule, and Wenande. City Attorney Goetz and City Manager Weldon were also present. Absent: Commissioner Ellingson. Quorum present.

Action 05-223

Moved by Commissioner Crandall, seconded by Commissioner Goeden, to approve the Minutes of the regular meeting of July 11, 2005.

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

Motion adopted.

Mayor Bernard introduced new City Manager Jeff Weldon.

Mayor Bernard read a proclamation declaring August 27 and 28, 2005, as *Great Plains Bison-ennial Dutch Oven Cook-off Day* in Yankton. Dianne Norton was present and spoke about the cook-off event.

Commissioner Ellingson entered the meeting at this time.

City Manager Weldon submitted a written report giving an update on the following community projects and items of interest:

- Peg Muller of Muller Industries has been contacted regarding a proposal to erect one of her company's windmills on City property near the Auld-Brokaw Trailhead. Yankton pharmacist Ken Jones has been in contact with Ms. Muller and Commissioner Kraft regarding this proposal.
- The annual Riverboat Days Festival is less than a month away. Preparations by City staff are being made to spruce up the public areas that are used during the festival. The Street Department has recently worked to clear dead trees and shrubs to accommodate the tractor pulling competition. These efforts are much appreciated and have improved the property's appearance on the east end of Riverside Park.
- Public Works Director Kevin Kuhl has reported that there has been a huge increase in water consumption by Yankton residents this month as compared to the very low use experienced this spring and early summer. July's water consumption may be close to the all-time high experienced in July 2002 of 167 million gallons.
- The Street Department has ordered the storm sewer pipe for the parking lot project at the 4-H grounds. City and County staff have worked out a plan to install the piping, grade the site, and pave the asphalt parking areas by the 4-H Building and the County Extension Office. The plan would provide 30 paved parking stalls at the 4-H site and asphalt pavement on the driveway between the 4-H Building and the County Extension Office. Material costs for the project will be approximately \$20,000. The asphalt material provided by the County will be about half of this amount and the pipe, concrete, and gravel supplied by the City will be the other half of the cost. The City and County crews will provide equipment and labor in approximately equal amounts to build the project in a cooperative effort.
- The Yankton Fire Department responded to a call of a barn on fire approximately three-quarters of a mile east of Bruno's in Nebraska at approximately 6 a.m. on Tuesday, July 12. The barn, which was fully involved in fire when the Fire Department arrived, contained 1,700 half-ton square bales, two front wheel drive assist tractors, two large balers, a semi truck with flatbed trailer loaded with hay bales and a combine. The fire also threatened a large grain bin, a baler, a large feed wagon, and a power pole. Yankton volunteer firefighters along with units from Gayville, Fordyce, and Crofton were successful in saving the threatened property. These departments worked for nearly 14 hours to suppress the fire. Unfortunately, the suppression effort was able to only save the grain bin, not put out the smoldering part of the fire deep inside the pile. Any additional effort would be very costly to the owner of the property and would be

a great stress on volunteer firefighting personnel. The decision was made to allow the pile to continue to burn and to start suppression efforts again only if the fire threatens to cause additional property damage. Fire Chief Tom Kurtenbach compared the situation to a forest fire. Residents of the area must "put up" with the inconvenience until the fire burns itself out. The Fire Department would like to recognize employers and families who gave up their employee's and family member's time at job and home to work fighting this fire.

- A number of personnel changes have taken place. Deanna Sherrill was hired to fill a vacant Communication Dispatcher position. Her first day of employment was July 11. Doug Jensen transferred departments on June 13. He was previously Senior Equipment Operator in the Street Department. He is now at Fox Run Golf Course. Bruce Ulmer, Equipment Operator in the Street Department, was promoted to Senior Equipment Operator on June 25. Rich Vellek, Sanitation Truck Operator in Solid Waste, will be transferring to the Street Department to fill the vacant Equipment Operator position. Mark Payer, Police Sergeant, has been promoted to Police Lieutenant due to the resignation of Mike Moser. Mark's first day as Lieutenant is to be determined when Mike is definite on the date he will be moving to Rapid City. In other employee news, Jim Anderson will be retiring from the Wastewater Department on August 19. He has been employed with the City since 1987.
- Gov. Mike Rounds' office sent formal notification that the City of Yankton will receive an additional \$26,000 to assist in extending water and sewer lines needed for the expansion of the Gehl manufacturing facility.
- A letter has been received from the South Dakota Department of Military and Veterans Affairs outlining changes that will be made to the South Dakota Army National Guard force structure in 2007-08. Most notably, Yankton's Charlie Battery will be replaced by a Quartermaster Company, which is a water purification and distribution company.
- Late on the morning of Monday, July 18, the State Department of Health notified the City that the water at the Memorial Park Swimming Pool had failed a test (sent in the previous Wednesday, July 13) for bacteria levels. This test is done on a weekly basis by sending a water sample to the State Lab in Pierre. In addition to the water sample that is sent to the state on a weekly basis, water is sampled and tested three times daily to check the chlorine levels and pH balance. Typically, if kept at the proper levels, bacteria problems are avoided. Unfortunately, this is not a fail-safe method and is further compounded by weather, bather load, and the aging mechanical chlorine feeding system at the Memorial Park facility. The hot, windy weather encourages attendance at the facility as well as accelerates chemical loss. The more bodies that take to the water, the greater the likelihood new bacteria are introduced. During hot weather, the mechanical chlorine feeding system has trouble keeping up with the increased water usage caused by increased spillage and evaporation. The S.D. Department of Health requires that all public pools and recreation areas send in weekly water samples to be checked for quality. If a report of unsafe bacteriological conditions is received, the facility must shut down to take corrective measures and can reopen only after the new sample tests are negative. On Monday, the pool was "shocked" by adding large amounts of chlorine. Samples were sent in and driven to labs in both Sioux Falls and Pierre on Tuesday, July 19. Word was received at 1 p.m. on Wednesday, July 20, that the Memorial Park Pool was able to reopen. No reports of illness or other problems caused by swimming in the Memorial Pool were received.

The Memorial Park pool has become very labor intensive to keep in running order. The filters are long overdue for renovation and function at less than half the rate of turnover of a newer facility such as the Summit Activities Center. The park staff repaired drain gutters just last week due to large gaps that had recently developed. Gutter systems that don't function properly can provide a breeding ground for bacteria. The chlorinator has also required repair in the last week. To put this in perspective, Yankton was one of eight pools in the state that was closed the week of July 18. Factors that could cause problems for the swimming pool will continue to be monitored and City staff will continue to work with state officials to avoid additional pool closures this summer.

- Mayor Curt Bernard has been asked to participate in the 2006 March for Meals program on March 22, 2006. Mayor Bernard will assist the Yankton Senior Citizen's Center in delivering Meals on Wheels that day and, in turn, Yankton will be eligible to be one of three communities to receive a double grant award for its Meals on Wheels program. The winners of the extra grant funding will be decided in a drawing held in conjunction with the March for Meals.

- On Monday, July 18, the Park Advisory Board (PAB) and the Outdoor Aquatic Center Task Force met in joint session to review the status of the proposed Aquatic Center. The goal of the meeting was to consider a recommendation to the City Commission regarding a schedule for moving the project forward. After substantial discussion about the timing of a possible General Obligation Bond election, the PAB and Outdoor Aquatic Center Task Force unanimously recommended that the City Commission set an early December date for an election. This timeframe was selected in order to ensure 2006 design and construction with an opening day in May of 2007 if successful. Other information that was considered as a part of the recommendation included: considering a \$5.7 million project funded through the use of General Obligation Bonds, the project debt could be retired in 20, 25 or 30 years. For example, a property in the city with an equalized value of \$100,000 would be impacted as follows: 20 Year Bond @ .94 mill rate = \$94.00 per year; 25 Year Bond @ .83 mill rate = \$83.00 per year; 30 Year Bond @ .72 mill rate = \$72.00 per year. As equalized values increase in the city during the course of normal development, the referenced rates would decrease proportionally. Approval of General Obligation Bonds would require an election. The vote would require a 60 percent (plus one) approval to succeed.
- A recent letter to the editor by Ron and Mary Lou Deuschle about the mountain lion incident that occurred in June of 2004 has raised concern by a number of City of Yankton officials as well as some area citizens. An estimated \$1,616.50 worth of damage occurred to the Deuschle property and they submitted a claim to the City of Yankton's insurance carrier. The insurance carrier denied the claim based on the fact that there was no negligence on the part of police officers in how they handled the situation. They suggested to the Deuschles that they submit it to their own insurance carrier. Unfortunately, the Deuschles have a \$2,000 deductible, so they received nothing from their insurance carrier. Roger Smith, the City's local insurance agent was asked to resubmit the claim to the City's insurance carrier at the time of the loss (EMC Insurance Company) with a strong recommendation that they settle the claim. A call was also received this week from the South Dakota State Office of Risk Management, who is involved because of the Game, Fish and Parks officers' presence at the original incident. They offered to immediately pay \$800 toward settlement regardless of how the insurance company finally handles the claim. It is proposed that the City pay the other \$816.50 to settle with the Deuschles. Both entities are not admitting to any liability but want to settle the matter in an equitable manner for all parties. If the insurance company agrees to pay the claim, the check will be made out to the City of Yankton as reimbursement for what the City and State have already paid out.

Action 05-224

Moved by Commissioner Goeden, seconded by Commissioner Ellingson, that the following items on the consent agenda be approved:

1. Consideration of Memorandum 05-137 recommending approval of a Transient Merchant's License for Rich and Brock Zautke of Zautke Produce, Norfolk, Nebraska, to sell summer produce in Yankton.

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

Motion adopted.

Action 05-225

Tom Frieberg, legal counsel for the City's Tax Increment District, was present to give a brief explanation of proposed Yankton Tax Increment District Number 2 and to answer any questions. Developer Marvellene Looby was also present and talked about the project. Moved by Commissioner Kraft, seconded by Commissioner Ellingson, to adopt Resolution 05-43.

**RESOLUTION 05-43
A RESOLUTION CREATING CITY OF YANKTON
TAX INCREMENTAL DISTRICT #2
TAX INCREMENTAL PLAN**

WHEREAS the Yankton City Commission has received a recommendation from the Yankton City Planning Commission that the adoption of a Tax Incremental Plan for Tax Incremental District Number 2 in the City of Yankton is appropriate; and

WHEREAS the Tax Incremental Plan meets the qualifications and criteria set forth in SDCL Chapter 11-9; and

WHEREAS the Yankton City Commission finds that the aggregate assessed value of the taxable property in this district plus all other existing districts does not exceed 10% of the total assessed value of the taxable property within the City of Yankton, Yankton County, South Dakota; and

WHEREAS, the Yankton City Commission finds that:

- (1) Not less than 25%, by area, of the real property in the district is a blighted area as defined by SDCL 11-9-9 through 11-9-11; and
- (2) 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
- (3) That there is a reasonable likelihood that there is or will be, one or more businesses engaged in any activity defined as commercial or industrial by the governing body that has zoning authority over the land contained within the tax incremental district.

NOW THEREFORE, be it resolved by the Yankton City Commission as follows:

That the Tax Increment Plan as executed on the same date as this resolution and designated as the plan for the City of Yankton Tax Increment District Number 2 is hereby adopted.

Roll Call: Members present voting "Aye": Commissioners Crandall, Dickinson, Ellingson, Goeden, Kraft, Specht, VanDerhule, and Mayor Bernard; voting "Nay": Commissioner Wenande.
Motion adopted.

Action 05-226

Moved by Commissioner Goeden, seconded by Commissioner Kraft, to adopt Resolution 05-44.

RESOLUTION 05-44

WHEREAS, it appears from an examination of the plat of Lot 1, Block 5; Lot 1, Block 6; Lots 2 and 3, Block 4 of Ridgeway North Subdivision to the City of Yankton: formerly known as Lots 1, Block 5; Lots 1, Block 6; Lots 2 and 3, Block 4 in Ridgeway North Subdivision and a portion of the S ½ of the NE ¼ of Section 6, T93N, R55w of the 5th P.M., Yankton County, South Dakota prepared by Brett R. Kennedy a registered land surveyor of Eisenbraun and Associates in the State of South Dakota.

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 05-227

Moved by Commissioner Kraft, seconded by Commissioner Goeden, to accept the 8 inch sewer main going north from Eighth Street through Lot 4 of Wuestewald's Addition and into part of the N1/2, SW1/4, NW1/4 of Section 17-93-55 into the City's sewer collection system. (Memorandum 05-130)

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

Action 05-228

Moved by Commissioner Specht, seconded by Commissioner Goeden, to approve Change Order Number 3, from Koerner Construction, Freeman, South Dakota, an increase of \$6,933.42 for a final project cost of \$201,651.75, for the 2005 Fox Run Golf Course Clubhouse Addition and Comfort Station Construction Project; to accept the project as complete; and to authorize the Finance Officer to issue a manual check in the amount of \$84,516.75 to Koerner Construction as final payment for the project. (Memorandum 05-131)

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

Action 05-229

Moved by Commissioner Ellingson, seconded by Commissioner VanDerhule, to adopt Resolution 05-45. (Memorandum 05-132)

RESOLUTION 05-45
A RESOLUTION TRANSFERRING A HANGAR LEASE AGREEMENT
FROM
WAYNE BUSS TO BERNARD L. SINGER

WHEREAS, The City of Yankton has been given the authority to approve the airport hangar lease agreement transfer for the airport hangar owned by Wayne Buss; and,

WHEREAS, Bernard L. Singer wishes to purchase the airport hangar from Wayne Buss; and,

WHEREAS, Bernard L. Singer has signed an agreement assuming the responsibilities and obligations of the current lease agreement; and,

WHEREAS, it is in the best interest of the City of Yankton and the operations of Chan Gurney Airport to approve the transfer of the ownership of this airport hangar and to approve the assignment of the lease agreement to Bernard L. Singer.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, SD, that the transfer of the ownership of the airport hangar and the assignment of the lease agreement from Wayne Buss to Bernard L. Singer is hereby approved.

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

Action 05-230

Moved by Commissioner Dickinson, seconded by Commissioner Goeden, to approve a proposal for the installation and operation of a disc (frisbee) golf course at Memorial Park as outlined in Memorandum 05-133 and the associated Exhibit A.

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

Commissioner Ellingson left the meeting at this time.

Action 05-231

A proposal from Keep Yankton Beautiful (KYB) to install a sculptured fountain to be located in the northeast quadrant of the intersection of Fourth Street and Broadway as part of the Phase II Beautification Project was discussed. Gail Miner, Director of KYB, Bob Zylstra, KYB Board Member, and Scott Luken, fountain designer, were all present to talk about the project. First Federal Bank has committed to providing \$10,000 in support of the fountain and, in turn, has requested that the fountain be referred to as the "First Federal Fountain." Commissioners expressed concern about "naming" the fountain. Consensus was that it would be "referred" to as the "First Federal Fountain" by acknowledging the gift in the form of a plaque. Moved by Commissioner Specht, seconded by Commissioner Dickinson, to approve the sculptured fountain concept, authorize its placement at the proposed location, and to acknowledge the gift from First Federal Bank in the form of a plaque. (Memorandum 05-134)

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

Action 05-232

Moved by Commissioner Crandall, seconded by Commissioner Specht, to approve a contract with Meisner Management Services, LLC, Sioux City, Iowa, to provide consulting services to coordinate activities related to the proposed new bridge at the south end of Broadway, the conversion of the Meridian Bridge into a pedestrian crossing, and to assist in efforts to work with Nebraska to develop the associated recreational trails. (Memorandum 05-135)

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

Issues pertaining to remodeling the Yankton Safety Center were discussed. (Memorandum 05-136) Discussion centered on the current Safety Center Lease agreement and how it would be altered by the remodeling project. Four main topics were discussed: 1) The initial capital construction costs of the

Yankton Safety Center addition/remodel project; 2) The operating costs of the Safety Center building itself; 3) The operations and cost of operation of the Dispatch Center; 4) The operational costs of the jail portion of the Safety Center and the sharing of these costs. No formal action was taken, but direction was given to have a subcommittee meet and continue discussions, especially as they pertain to the operation of the jail.

Action 05-233

Moved by Commissioner Crandall, seconded by Commissioner Goeden, to adjourn at 9:06 p.m.

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

Motion adopted.

Curt Bernard
Mayor

ATTEST:

Al Viereck
Finance Officer