

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
MARCH 10, 2008**

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

**Roll Call:** Present: Commissioners Carda, Ellingson, Knoff, Murphy, Specht, VanDerhule, and Wenande. City Attorney Goetz and Acting City Manager Viereck were also present. Absent: Commissioner Lowrie. Quorum present.

Action 08-63

Moved by Commissioner Wenande, seconded by Commissioner VanDerhule, to approve the Minutes of the regular meeting of February 25, 2008.

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

Motion adopted.

Action 08-64

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

ACE HARDWARE-VALVES-\$612.65; ACS GOVERNMENT INF SERVICE-MAINT PROGRAM SUPPORT-\$2,094.82; ADVANCED HVAC & REFRIGERATION-CLEAN/SERVICE FURNACE-\$120.00; AGT BATTERY-BATTERIES-\$72.87; AIR LIQUIDE INDUSTRIAL US LP-CARBON DIOXIDE-\$451.00; ALBENESIUS INC/MARK-WTR MAIN EXTENS-\$121,388.58; ALLTEL-CELL PHONE BILL-\$364.46; ANW-MERCHANDISE-\$594.10; APPEARA-TOWEL SERVICE-\$140.10; APWA-CONFERENCE REGISTRATION-\$35.00; ARBORISTS ASSN/SD-MEMBERSHIP FEES-\$110.00; ASSOCIATED SUPPLY CO-MERCHANDISE-\$668.40; BAKER & TAYLOR BOOKS-BOOKS-\$824.55; BARTON SOLVENTS INC-CHEMICALS-\$346.05; BAUER BUILT INC-TIRES-\$639.64; BENJAMIN/JEFF AND JACI-VB & BB SHIRTS-\$2,308.56; BEST ACCESS SYSTEMS-KEYS-\$21.78; BEST BUSINESS PRODUCTS-CANON COPIER-\$90.33; BEST PROCESS EQUIPMENT LLC-PARTS-\$784.24; BIERSCHBACH EQUIP & SUPPLY-CART PATH FORMS/TOOLS-\$1,250.85; BOBS CANDY INC-TOWELS-\$117.40; BOLLER PRINTING INC-PRINTING-\$215.00; BOMGAARS INC-ROAD MATERIALS-\$1,094.16; BONANZA SIRLOIN PIT #305-DOC WORK PROGRAM-\$56.90; BOW CREEK METAL INC-REPAIRS-\$120.00; BOYCE GREENFIELD PASHBY & WELK-LEGAL SERVICES-\$5,005.00; BRODART COMPANY-PROFESSIONAL SERVICES-\$1,869.84; BUSINESS COMPUTER SERVICES-PARTS-\$1,306.40; BUTLER MACHINERY CO-CUTTING EDGES-\$10,445.18; CALLAWAY GOLF-GOLF CLUBS-\$5,672.47; CAMPBELL PET COMPANY-PET TAGS-\$117.65; CAP AMERICA INC-MERCHANDISE-\$697.22; CARLSON AVIATION-AIRPORT MGT CONTRACT-FEB-\$2,051.41; CARROLL DISTRIBUTING-FENCE-\$636.97; CEDAR COUNTY NEWS-CLASSIFIED ADS-\$129.48; CHAMBER OF COMMERCE-REGISTRATION FEES-\$316.00; CHECKER AUTO PARTS-GARAGE PARTS-\$117.20; CITY OF SIOUX FALLS-LAB FEES-\$202.80; CITY OF VERMILLION-JT POWER CASH TRANSFER-\$26,024.69; CITY OF YANKTON-PARKS-LANDFILL CHARGES-\$25.20; CITY OF YANKTON-POLICE-LANDFILL CHARGES-\$12.30; CITY OF YANKTON-SOLID WASTE-COMPACTED GARBAGE-\$7,474.80; CITY OF YANKTON-STREET-RUBBISH-\$26.91; CITY UTILITIES-WATER-WW CHARGES-\$2,424.54; CLARITUS--OSTAGE MACHINE INK-\$154.54; COAST TO COAST SOLUTIONS-FINGER PRINT SUPPLIES-\$210.28; COLE PAPERS INC-JANITORIAL SUPPLIES-\$197.16; CONCRETE MATERIAL-CONCRETE-\$276.50; COX AUTO INC-TIRE IRON-\$519.79; CREDIT COLLECTION SERVICE INC-UTIL COLLECTION-JAN-\$142.31; CRESCENT ELECTRIC-PARTS-\$674.34; CUT-RATE BATTERIES INC-BATTERIES/CHARGERS-\$252.70; DAKOTA ARCHERY & SPORTS-GUN CLEANING SUPPLIES-\$4.97; DAKOTA SIGN SUPPLY INC-ROAD MATERIALS-\$12.45; DAKOTA SUPPLY GROUP-METER PARTS-\$5,164.92; DANKO EMERGENCY EQUIPMENT-MAP LIGHTS-\$137.39; DEPT OF CORRECTIONS-DOC WORK PROGRAM-\$559.49; DEPT OF REVENUE-LAB FEES-\$100.00; DEX MEDIA EAST-PHONE BOOKS-\$26.40; DIGITAL ALLY INC-CAR VIDEO SYSTEMS-\$9,352.50; DOCKENDORF EQUIPMENT CO INC-PARTS-\$85.19; EHRESMANN ENGINEERING INC-ROAD MATERIALS-\$179.40; ELLIS AUTO SALES-REPAIRS-\$10.00; ENERGY LABORATORIES INC-LAB TESTS-\$435.00; ETONIC INC-GOLF GLOVES-\$1,295.65; FALCON ASSOCIATED INC-CLASSIFIED ADS-\$135.00; FASTENAL COMPANY-PARTS-\$768.16; FEDEX-SHIPPING CHARGES-\$130.28; FEJFAR PLUMBING INC-REPAIRS-\$618.81; FELD EQUIPMENT CO INC-PASSPORTS-\$150.00; FINANCE, DEPT OF-PETTY CASH-\$59.81; FIRST DAKOTA NAT'L BANK-CREDIT CARD PAYMENT-JAN-\$193.19; FIRST NATIONAL BANK-CLEAR WATER #3 PRINCIPAL-

\$106,494.59; FIRST NATIONAL BANK-DRINKING WATER SRF-PRINC-\$61,349.87; FIRST NATIONAL BANK-SRF LOAN #2 INTEREST-\$96,659.29; FIRST NATIONAL BANK-SRF #1 PRINCIPAL-\$52,744.23; FISCHER/NATHAN-REC PROGRAM SUPERVISOR-\$100.00; FLANNERY/KIRT-OFFICER'S STIPEND-\$25.00; FOREFRONT-GOLF BAG-\$139.50; FRICK/BRIAN-OFFICER'S STIPEND-\$50.00; FULLERTON LUMBER-DOOR-\$238.08; GEAR FOR SPORTS-CLOTHING-\$1,479.21; GEOTEK ENG & TESTING SERV INC-ENGINEERING/TESTING-\$909.00; GERSTNER OIL CO-OIL/HYDRAULIC FLUID-\$2,631.95; GODFATHERS PIZZA-DOC WORK PROGRAM-\$46.95; GOVERNORS INN-LODGING-\$67.00; GOVT FINANCE OFFICER ASSN-GAAFR REVIEW-\$85.00; GRAINGER-SUPPLIES-\$104.44; GRAYMONT CAPITAL INC-PEBBLE LIME-\$7,412.34; GREAT PLAINS INTERNATIONAL-GARAGE PARTS-\$144.22; GREER/AARON-TRAVEL EXPENSE-\$251.82; GUERIN RIFE PUTTERS LLC-GOLF CLUBS-\$518.81; H & K OIL CO-FUEL-\$708.00; HANSEN LOCKSMITHING-OFFICE SUPPLIES-\$20.00; HAROLD'S CAMERA STORES-DEVELOP FILM-\$38.45; HAWKINS INC-FERRIC CHLORIDE-\$2,040.85; HD SUPPLY WATERWORKS LTD-METER PARTS-\$333.15; HEDAHL'S PARTS PLUS-AIR COMPRESSOR-\$3,962.87; HERMANSON/STEVE-OFFICER'S STIPEND-\$50.00; HERRBOLDT CONSTRUCTION-REPAIR DOOR-\$122.40; HORNUNG'S PRO GOLF SALE INC-MERCHANDISE-\$1,936.23; HUETHER/AILEEN-BUY BACK GRAVESITE-\$241.80; HUNTLEY/ROGER-REIMBURSE CONFERENCE FEE-\$50.00; HYVEE-SUPPLIES-\$455.29; INLAND TRUCK PARTS CO-PARTS-\$339.81; J&H CARE & CLEANING COMPANY-CUSTODIAL SERVICE-MARCH-\$1,700.00; JACK'S UNIFORMS-UNIFORMS-\$364.46; JACOBS/KATHLEEN-MILEAGE REIMBURSEMENT-\$64.64; JAMES STEEL ERECTION-JET FACILITY-\$11,947.50; JCL SOLUTIONS/JANITORS CLOSET-LAB SUPPLIES-\$96.49; JODEAN'S-DOC WORK PROGRAM-\$31.16; JOHNSON ELECTRIC-REPAIR LIGHTS-\$326.12; JOHNSON ENG CO INC-ENGINEERING SERVICES-\$11,535.80; K MART STORE #4813-SUPPLIES-\$60.48; KADRMAS LEE & JACKSON INC-ENGINEERING SERVICES-\$3,673.26; KOLETZKY IMPLEMENT INC-OIL/FILTERS-\$460.40; KUHL/KEVIN-TRAVEL REIMBURSEMENT-\$29.01; KUSTOM SIGNALS INC-REPAIR RADAR-\$127.50; L&L MOTORS INC-PARTS-\$50.29; LANE/DICK-OFFICER'S STIPEND-\$25.00; LARRY'S HOME CENTER-FURNACE REPAIRS-\$753.85; LARRY'S PLUMBING SERVICE-REPAIR VALVE-\$77.44; LETTA-REGISTRATION FEES-\$1,150.00; LIBERTY TAX SERVICE-UTILITY REFUND-\$6.57; LINWELD INC-POOL CHEMICALS-\$90.05; LONG'S PROPANE INC-PROPANE-\$1,306.25; LOWER JAMES RC & D-DUES-\$100.00; LYLE SIGNS INC-ROAD MATERIALS-\$2,257.45; MARKS MACHINERY-SERVICE CALL-\$113.10; MCGRATH NORTH MULLIN & KRATZ-PROFESSIONAL SERVICES-\$5,575.06; MEISNER MANAGEMENT SERVICE LLC-CONSULTING SERVICES-\$1,297.60; MERIDIAN GRAIN-DE-ICE SALT-\$7,896.68; MIDAMERICAN ENERGY-FUEL-FEB-\$18,637.52; MIDAMERICAN ENERGY-WATER/WW FUEL-\$19,641.26; MIDWEST TURF & IRRIGATION-PARTS-\$198.13; MIDWEST WHEEL COMPANIES-PARTS-\$11.78; MINERVA'S-LIBRARY DIRECTOR LUNCH-\$179.34; MINNEHAHA COUNTY AUDITOR-SALARY STUDY-\$3.00; MOBILE ELECTRONIC SERVICE INC-VIDEO REPAIR-\$267.90; MONTEREY CLUB-CLOTHING-\$1,591.49; MOTOR VEHICLE DEPT SD-LICENSE PLATES/TITLES-\$42.00; MOUNT MARTY COLLEGE-LITTLE LANCER PROGRAM-\$4,140.00; MOUNT MARTY COLLEGE-VOLLEYBALL ADULT VBALL OFFICIALS-\$2,870.00; NATIONAL GOLF GRAPHICS LLC-FLAGS-\$347.50; NEBRASKA JOURNAL-LEADER-CLASSIFIED ADS-\$87.38; NEOPOST LEASING INC-POSTAGE-\$405.14; NICKLES/MARK-RADIO-\$275.00; NORTHERN LIGHTS DISPLAY-LIGHT SOCKETS-\$29.00; NORTHERN WATER WORKS SUPPLY-METER REPAIRS-\$349.75; NORTHWESTERN ENERGY-ELECT-FEB-\$47,913.09; OFFICE OF FIRE MARSHAL-BOILER INSPECTION-\$60.00; ONE CALL SYSTEMS INC-LOCATE TICKETS-\$23.00; ORTEGA/LAURIE-LIBRARY DIRECTOR REIMBUR-\$341.89; OVERHEAD DOOR CO-DOOR REPAIR-\$983.85; PAPPAS/DAVID-LIBRARY DIRECTOR EIMBUR-\$659.25; PAYER/MARK-SWIM LESSONS-\$6.42; PIED PIPER FLOWERS-MEMORIALS-\$100.00; PING-GOLF CLUBS-\$903.91; PRAIRIEWAVE-PHONE BILL-\$2,913.47; PRAIRIEWAVE-INTERNET SERVICES-\$704.40; PRESS DAKOTA MSTAR SOLUTIONS-PUBLISH ORDINANCES-\$3,472.31; PUMP'N'STUFF-CAR WASHES-\$129.00; QUAD STATE-TASK FORCE DUES-\$15.00; QUALITY BOOKS INC-BOOKS-\$713.07; QUALITY FLOW SYSTEMS INC-SUPPLIES-\$75.14; QUILL CORPORATION-PRINTER LABELS-\$63.59; QWEST COMMUNICATIONS-PHONE-FEB-\$1,874.64; RACOM CORPORATION-INSTALL RADIO SYSTEM-\$4,796.26; RADIO EXPRESS INC-MOBILE RADIO-\$313.00; RADIO SHACK CORPORATION-BATTERIES-\$35.97; RDO EQUIPMENT CO-PARTS-\$69.79; REGIONAL TECHNICAL EDUCATION-LEASE-JAN-\$4,400.01; ROBINSON MOTORS-VEHICLE REPAIR-\$308.71; RON'S AUTO GLASS-REPAIR REPLACE WINDSHIELD-\$200.00; ROYAL SPORTS SHOP-2X8 PLATES-\$299.96; RURAL DEVELOPMENT-SR CITIZEN LOAN-\$3,075.00; RW RICE CO INC-BOILER PARTS-\$176.75; SANITATION PRODUCTS INC-PARTS-\$46.47; SDNLA-CONFERENCE-\$160.00; SHEEHAN

MACK SALES & EQ INC-PARTS-\$186.27; SHERWIN WILLIAMS CO-REMODEL-\$2,010.47; SIOUX CITY JOURNAL-SUBSCRIPTION RENEWAL-\$218.00; SIOUX EQUIPMENT COMPANY INC-SERVICE CONTRACT-\$970.00; SOUTH DAKOTA FIREFIGHTERS ASSN-MEMBERSHIP DUES-\$615.00; STURDEVANT'S AUTO PARTS INC-PARTS-\$80.01; SUNCO EQUIPMENT & SUPPLY-PARTS-\$215.32; SUPERIOR LAMP INC-LIGHT BULBS-\$776.04; SYNERGY GRAPHICS-ELECTION SUPPLIES-\$75.00; TAYLOR MADE-CLOTHING-SHOES-\$3,515.50; TERRY'S WELDING SERVICE-REPAIRS-\$145.00; THATCHER COMPANY-CARBON-\$10,552.32; TINTING PROS-VEHICLE REPAIRS-\$399.00; TMA-VEHICLE REPAIR-\$352.22; TOBYS TOWING INC-TOWING-\$75.00; TOMS ELECTRIC-INSTALL WATER COOLER-\$1,875.00; TOMS-2-WAY RADIO PARTS-\$13.50; TONEXPRICE.COM-PRINTER SUPPLIES-\$761.33; TOUR EDGE-MERCHANDISE-\$2,153.47; TRION:Z-MERCHANDISE-\$571.66; TRUCK TRAILER SALES INC-OIL-\$152.45; US POST OFFICE-UTIL-UTIL POSTAGE-\$1,200.00; UNITED BUILDING INC-FENCING-\$152.12; UNITED PARCEL SERVICE INC-DELIVERY SERVICE-\$670.40; UNITED STATES POSTAL SERVICE-POSTAGE METER-FEBRUARY-\$1,014.00; USA BLUE BOOK-LAB SUPPLIES-\$606.95; VESSCO INC-PUMP PARTS-\$559.69; VWR SCIENTIFIC-LAB SUPPLIES-\$1,125.10; WALSH/JAY-OFFICER'S STIPEND-\$25.00; WATER & ENV ENG RESEARCH CTR-LAB FEES-\$38.00; WESTERN OFFICE PRODUCTS-TRAINING-\$740.88; WINN INCORPORATED-GRIPS-\$97.29; WITTE/ANDY-LITTLE LANCER PROGRAM-\$300.00; XEROX CORPORATION-SUPPLIES-\$319.00; XEROX CORPORATION-COPIER LEASE-\$1,670.42; YANKTON AREA ICE ASSOCIATION-ICE ARENA REVENUE-\$3,532.52; YANKTON AREA PROG-GROWTH MEETING-\$30.00; YANKTON CO HISTORICAL-1/4 SP APPROPRIATION-\$2,025.00; YANKTON COUNTY TREASURER-SAFETY CENTER/JAIL-\$65,093.98; YANKTON FIRE DEPARTMENT-JAN/FEB CALLS-\$1,730.00; YANKTON INSURANCE AGENTS-FIRE PACK POLICY-\$13,230.00; YANKTON JANITOR SUPPLY INC-SUPPLIES-\$1,304.18; YANKTON MEDICAL CLINIC-FIREFIGHTER PHYSICAL-\$4,663.00; YANKTON MOTOR COMPANY-PARTS-\$358.25; YANKTON OFFICE EQUIPMENT-REPAIR CASH DRAWER-\$47.50; YANKTON PAINT & DECORATING-WINDOW TREATMENTS-\$454.00; YANKTON SCHOOL DISTRICT #63-3-SAC 4TH QTR BILLING-\$29,144.14; YANKTON SCHOOL FOOD SERVICE-MEETING SUPPLIES-\$24.00; YANKTON WINNELSON CO INC-PARTS-\$307.30; ZEP MANUFACTURING CO-CHEMICALS-\$776.06; ZIEGLER/BILL-OFFICER'S STIPEND-\$25.00; AMERICAN FAMILY LIFE CORP-CANCER & ICU PREMIUMS \$4,930.12; AVERA HEALTH PLANS HEALTH INS-MARCH \$70,789.57; BUILDING OFFICIALS/SD-SEMINAR-\$150.00; DELTA DENTAL- DENTAL INS-MARCH-\$5,190.00; DEPT OF SOCIAL SERVICES-EMPLOYEE DEDUCTIONS-\$2,014.16; EDUCATION ASSISTANCE CO-EMPLOYEE DEDUCTIONS-\$265.68; FIRST NATL BANK SD-EMPLOYEE DEDUCTIONS-\$2,197.56; GOODMANSON/KYLE-TRAINING-\$40.00; HARTS/RODGER-INSURANCE REIMBURSEMENT-\$560.22; ICMA RETIREMENT TRUST-EMPLOYEE DEDUCTIONS-\$4,097.96; LIKNESS/KALLI-PAYROLL ADVANCE-\$65.00; MADISON NATIONAL LIFE IN-LIFE INS- JANUARY-\$1,925.55; MAYER SIGNS-HEALTH ACTIVITY REQUEST-\$230.00; MINNESOTA CHILD SUPPORT-EMPLOYEE DEDUCTIONS \$77.57; MOBILE ELECTRONIC SERVICE-REPLACE CK-\$232.90; PING-REPLACE CK-\$5,973.42; PREISTER/ADAM-TRAINING-\$104.00; RETIREMENT, SD-SD RETIREMENT-FEB-\$55,250.19; ROBINSON MOTORS-POLICE VEHICLES-\$46,572.00; SD PUBLIC ASSURANCE-ALLI PROPERTY/CASUAL INS-\$237,270.84; SDSRP-EMPLOYEE DEDUCTIONS-\$75.00; SIOUX FALLS-TWO WAY RADIO-PAGER REPAIRS-\$127.00; SUMMIT ACTIVITY CENTER-EMPLOYEE DEDUCTIONS-\$554.16; US POST OFFICE-UTIL-POSTAGE-\$1,174.63; UNITED WAY-EMPLOYEE DEDUCTIONS-\$56.00; VISA-OFFICE SUPPLIES-\$439.47; VISA-TENNIS COURT TAPE-\$91.35; VISA-COMPUTER SUPPLIES-\$761.18; VISA-PUBLICATION-\$29.45; VISA-BEACONS/BAGS-\$495.29; VISA-REMOTE STARTER-\$299.00; VISA-TOWELS-\$37.20; VISA-SUPPLIES-\$226.18; VISA-LOLA H-POSTAGE \$133.98; SUPPLIES-\$4.77; SUPPLIES-\$13.59; FUEL-\$43.22; CONFERENCE-\$180.00; BOOKS-\$146.94; VISA-TODD B-OFFICE SUPPLIES-\$137.78; VISA-TODD B-OFFICE SUPPLIES-\$20.97; YANKTON COUNTY RED CROSS-HEALTHY ACTIVITY REQUEST-\$100.00; YANKTON SCHOOL DISTRICT-HEALTH ACTIVITY REQUEST-\$100.00;

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

Motion adopted.

SALARIES-FEBRUARY 2008:

ADMINISTRATION-\$26,200.59; FINANCE-\$25,569.68; POLICE-\$115,420.05; FIRE-\$8,955.30; ENGINEERING-\$38,144.89; STREET-\$37,255.24; SNOW & ICE-\$6,399.77; TRAFFIC CONTROL-\$1,790.15; LIBRARY-\$21,502.15; PARKS/SAC-\$47,840.28; MARNE CREEK-\$2,678.80; WATER-\$32,816.79; WASTEWATER-\$30,117.67; CEMETERY-\$2,694.84; SOLID WASTE-\$14,696.92; LANDFILL-\$13,909.45; GOLF COURSE-\$11,816.19; CENTRAL GARAGE-\$6,311.68.

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

Action 08-65

Moved by Commissioner Wenande, seconded by Commissioner Knoff, that the following items on the consent agenda be approved:

1. Establishing public hearing for Malt Beverage License  
 Establish March 24, 2008, as the date for the public hearing on the request for a New Retail (on-off sale) Malt Beverage License for July 1, 2007, to June 30, 2008, from Curtis M. Neuharth d/b/a Curt’s Place Specialty Wines & Beers, 104 Capital Street, Yankton, S.D.
2. Establishing public hearing for Retail on-sale Wine License  
 Establish March 24, 2008, as the date for the public hearing on the request for a New Retail (on-sale) Wine License for January 1, 2008, to December 31, 2008, from Curtis M. Neuharth d/b/a Curt’s Place Specialty Wines & Beers, 104 Capital Street, Yankton, S.D.
3. Establishing public hearing for transfer of Malt Beverage License  
 Establish March 24, 2008, as the date for the public hearing on the request for the transfer of location of a Package (off-sale) Liquor License for January 1, 2008, to December 31, 2008, from Curtis M. Neuharth, d/b/a Curt’s Place Specialty Wines & Beers, 2020 Elm Street, Suite 1 to 104 Capital Street, Yankton, S.D.

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

Motion adopted.

Action 08-66

Moved by Commissioner Murphy, seconded by Commissioner VanDerhule, to adopt Resolution 08-12. (Memorandum 08-48)

**RESOLUTION 08-12**  
 Permissive Use of Right-of-Way

WHEREAS, the National Field Archery Association of 704 Archery Lane owns property adjacent to dedicated Right-of-Way (ROW) in Section 17-93-55 in the City of Yankton know as NFAA Road, George Road, Ramada Road and portions of Marsh Road as shown on the attached “Exhibits A and B,” and;

WHEREAS, The National Field Archery Association (owner) has requested permission to occupy public right-of-way for the purpose of constructing and operating an outdoor archery complex that may be used for other outdoor events as determined by the Association, and

WHEREAS, the City of Yankton has infrastructure (sanitary sewer) in the ROW and therefore must protect the viability of the continued operation of said infrastructure, and

WHEREAS, upon completion of the proposed improvements in public ROW, the owner, their heirs, assignees or successors shall not modify said improvements in any manner without first having the written approval of the Yankton City Commission and further shall abide by the following provisions of occupancy:

- Modification or improvements in the ROW beyond those presented in the attached exhibits shall not occur without first having the written approval from the City of Yankton.
- No structure shall be permitted in the ROW.
- Any connections to public facilities in the ROW are required to go through the standard design and connection permit process.
- The city reserves the right to access the ROW for facility maintenance and emergency service activities and is not responsible for damage to turf improvements resulting from heavy equipment access.
- In the event that emergency service may be necessary, the city’s on-site maintenance activities shall take precedence over all other activities.
- 1-800-one-call will need to be contacted prior to any sub grade activities on the site.
- The City Commission reserves the right to rescind this permissive use of ROW if the ownership of the land transfers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves the permissive use of right-of-way at the described location in the manner shown on the attached "Exhibits A and B."

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

Representatives from the Boys and Girls Club were present to discuss potential building sites for a new Boys and Girls Club facility, including a site located south of the proposed second Fire Station. Commissioners directed staff to prepare and bring a resolution to the next Commission meeting in support of the Boys and Girls Club to begin plans for building and give them first option for land south of the proposed second Fire Station.

Action 08-67

Moved by Commissioner Murphy, seconded by Commissioner Knoff, to appoint the following election workers to serve for the Municipal Election to be held on April 8, 2008, and to set compensation for election workers at \$150.00 for Superintendents and \$140.00 for Deputies, with an additional \$10.00 for those attending the Election School on Monday, April 7, 2008. (Memorandum 08-44)

PRECINCT I: Margaret Lyons, Superintendent; Beverly Christensen, Deputy; Edith Marchand, Deputy.

PRECINCT II: Sharon Fiedler, Superintendent; Malena Diede, Deputy; Wayne Diede, Deputy.

PRECINCT III: Phyllis Christiansen, Superintendent; Carol Rockne, Deputy; Kay Nickles, Deputy.

PRECINCT IV: Evelyn Cimpl, Superintendent; Mary Gannon, Deputy; Don Gannon, Deputy.

PRECINCT V: Elaine Harty, Superintendent; Choyce Vilhauer, Deputy; Carol Peterson, Deputy.

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

Action 08-68

This was the time and place to award the bid for the Walnut Street, from 15<sup>th</sup> to 19<sup>th</sup> Street, reconstruction project for replacement of curb and gutter, pavement, and water main. The following bids were received and opened on February 28, 2008: T&R Contracting, Sioux Falls, South Dakota-\$290,964.09; Feimer Construction, Yankton, South Dakota-\$302,137.10; Terin Corporation, Sioux Falls, South Dakota-\$304,493.60; Zacharias Construction, Inc., Hartford, South Dakota-\$305,785.50; Masonry Components, Yankton, South Dakota-\$308,033.75; Slowey Construction, Yankton, South Dakota-\$327,561.50; Dakota Contracting, Sioux Falls, South Dakota-\$348,487.34; A&R Construction Co., Plainview, Nebraska-\$362,370.90; Carstensen Contracting, Pipestone, Minnesota-\$371,404.20. (Memorandum 08-46) Moved by Commissioner Ellingson, seconded by Commissioner Carda, to award the bid for the Walnut Street Watermain and Storm Sewer Replacement Project from 15<sup>th</sup> Street to 19<sup>th</sup> Street to the low bidder, T&R Contracting, Sioux Falls, South Dakota, in the amount of \$290,964.09.

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

Action 08-69

Moved by Commissioner Specht, seconded by Commissioner Wenande, to adopt Resolution 08-10. (Memorandum 08-45)

**RESOLUTION 08-10**

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

**NOW, THEREFORE, BE IT RESOLVED** that the following personal property be declared no longer necessary 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 TRADED

4641-1731-1828	Kubota Tractor F2560E w/72" Deck s/n 81191	Fox Run
4641-1731-2012	New Holland MC22 w/72" Deck s/n TD00235	Fox Run
4641-1731-1761	1999 Jacobsen Tri-King 1800 s/n 670162010	Fox Run
4123-1731-470	1986 Fiat Allis FR15B Loader s/n 590384	Street Dept

4123-1731-471

SURPLUS PROPERTY TO BE DESTROYED

6 metal office desks with right hand drop	Police Dept.
1 metal office desk with left hand drop	Police Dept.
3 regular metal office desks	Police Dept.
Orange armless swivel office chair	Finance
Gray armless swivel office chair	Finance
4 vinyl with metal frame chairs-broken	Youth Center
12 metal folding chairs	Youth Center
Switch/panel box – 6 ft.	City Hall

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

Action 08-70

Mayor Gross appointed Commissioners Carda and Lowrie to serve on the Consolidated Board of Equalization. (Memorandum 08-51)

Action 08-71

Moved by Commissioner Specht, seconded by Commissioner Knoff, to adopt Resolution 08-11. (Memorandum 08-47)

**RESOLUTION 08-11**

**Compliance with the Americans with Disabilities Act of 1990**

WHEREAS, the U.S. Department of Justice has promulgated certain regulations pursuant to Section 504/Americans with Disabilities Act of 1990 (ADA); and

WHEREAS, to be compliant with the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 the City of Yankton is required to establish the attached NONDISCRIMINATION POLICY STATEMENT; and

WHEREAS, the City of Yankton is also required to clearly identify an ADA Coordinator to oversee said compliances;

NOW THEREFORE BE IT FURTHER RESOLVED that the attached NONDISCRIMINATION POLICY STATEMENT be adopted for compliance with the Americans with Disabilities Act 1990 and Section 504 of the Rehabilitation Act of 1973; and

BE IT FURTHER RESOLVED the City of Yankton Human Resources Coordinator is hereby appointed as ADA Coordinator in compliance with the conditions of the Americans with Disabilities Act.

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

Action 08-72

Moved by Commissioner Murphy, seconded by Commissioner VanDerhule, to adopt Resolution 08-14. (Memorandum 08-520)

**RESOLUTION 08-14**

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

WHEREAS, the City of Yankton accumulates scrap metals and irons in the normal course of work;

WHEREAS, these accumulations are related to small projects and each project estimate is less than \$500;

WHEREAS, the City Commission wishes to allow the City of Yankton to dispose of the surplus when they so determine to maintain safe, neat, and orderly work stations;

NOW, THEREFORE, BE IT RESOLVED, that the Board of City Commissioners of the City of Yankton declares these scrap metals and irons to be surplus throughout the year 2008 and said property shall be disposed of by means of sale without notice.

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

Yankton County Commissioner Bruce Jensen, Steve Frick, President of Truck Trailer Sales, and Brian Strahl from Dakota Trailer Manufacturing, were present to ask about the status of the East Yankton Sewer Expansion Project. Community Development Director Dave Mingo and Public Works Director Kevin Kuhl explained that the project was put on hold pending the determination of the location of the Keystone Pipeline. Mingo stated that the location of the pipeline should be determined very soon.

Action 08-73

The request from the Street Department for authorization to begin the bid process for the purchase of a used asphalt paving machine was considered. (Memorandum 08-50) Moved by Commissioner Ellingson, seconded by Commissioner Wenande, to authorize Staff to develop a set of equipment specifications and to proceed with the bid process for one reconditioned/used paving machine, year 2000 or newer, for the Public Works Department, Street Division.

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

Action 08-74

Moved by Commissioner Murphy, seconded by Commissioner VanDerhule, to adopt Resolution 08-13. (Memorandum 08-49)

**RESOLUTION 08-13  
FEDERAL AID SURFACE TRANSPORTATION PROGRAM RESOLUTION FOR  
COUNTY AND URBAN PROJECTS**

WHEREAS, City of Yankton, desires the construction and improvement of the road and/or bridge as hereinafter described:

LOCATION, LENGTH, STRUCTURE NUMBER:

15<sup>th</sup> Street from Whiting Drive to Burleigh Street  
Douglas Avenue from 23<sup>rd</sup> Street to 25<sup>th</sup> Street  
Summit Street from 9<sup>th</sup> Street to 15<sup>th</sup> Street

Douglas Avenue from Anna Street to 31<sup>st</sup> Street (P 4701(00)) is removed from STIP plan.

TYPE OF CONSTRUCTION: Grading, pavement, curb and gutter, drainage system, sidewalk.

Major Collector Route Number (if applicable): 4718, 4701, 4727

AND WHEREAS, City of Yankton, is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for the project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, City of Yankton is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Surface Transportation Program (STP) Funds and associated State matching funds.

NOW THEREFORE BE IT RESOLVED that the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Secondary Road Plan" and the State's "Standard Specifications for Roads and Bridges," the project described.

Estimated Cost of Project Including Engineering: \$2,100,000  
STP Funds: \$1,900,000

Local Funds (if needed to meet construction year): \$200,000  
Proposed Year of Construction: 2010

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

Action 08-75

Moved by Commissioner Specht, seconded by Commissioner Carda, to table action on the proposed Mission Statement for the Parks and Recreation Department until the March 24, 2008, meeting. (Memorandum 08-53)

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

Action 08-76

Resolution 08-15, in support of Hyperion Energy Center's plans to build an oil refinery in Union County, South Dakota, was considered. Local citizens Jim Sorensen and Michael McDonald were present and voiced their concerns about the project. Moved by Commissioner Specht, seconded by Commissioner Ellingson, to adopt Resolution 08-15.

**RESOLUTION 08-15**  
**City of Yankton Resolution of Welcome and Support**  
**For Hyperion Energy Center**

WHEREAS, Hyperion Energy Center has announced plans to build the most environmentally sound, state-of-the art, green energy center in the United States, including the first oil refinery built in this country since 1976; and

WHEREAS, Hyperion Energy Center will help to enhance America's petroleum independence by processing North American crude oil here in North America, will enhance our nation's petroleum refining capacity, and will raise the standard for the entire petroleum industry; and

WHEREAS, the facilities associated with Hyperion Energy Center will be designed to ensure optimal production efficiency with minimal impact on the environment; and

WHEREAS, the Hyperion Energy Center project will be constructed and operated in a manner that meets or exceeds all applicable regulatory and environmental rules, regulations, permits, guidelines, and approvals; and

WHEREAS, the Hyperion Energy Center is committed to environmental stewardship and a green charter; and

WHEREAS, the Hyperion Energy Center is committed to outstanding corporate citizenship and community involvement; and

WHEREAS, the Hyperion Energy Center has identified an area in Union County, South Dakota, as a site of significant economic development and growth opportunities associated with this proposed project;

NOW THEREFORE BE IT FURTHER RESOLVED that the City of Yankton welcomes and supports the Hyperion Energy Center and looks forward to continuing to work with Hyperion, state and local officials, and area residents to advance this proposed project.

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

The on-going pigeon problem in the City was discussed. Jim Simpson from the Yankton K-Mart store was present and stated that the problem has gotten worse over the years and that they receive many complaints about the problem from customers. It was the consensus of the Commission to direct staff to come up with a list of proposals to control the pigeon population and bring these to a future city commission meeting.

Action 08-77

Moved by Commissioner Specht, seconded by Commissioner Knoff, to adjourn into Executive Session

at 8:33 p.m. to discuss personnel 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 Gross.

**Roll Call:** Present: Commissioners Carda, Ellingson, Knoff, Murphy, Specht, VanDerhule, and Wenande. City Attorney Goetz and Acting City Manager Viereck were also present. Absent: Commissioner Lowrie.

Quorum present.

Action 08-78

Moved by Commissioner Murphy, seconded by Commissioner Knoff, to adjourn at 9:17 p.m.

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

Motion adopted.

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C.N. Gross  
Mayor

ATTEST:

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Ann L. Clough  
Deputy Finance Officer