

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
MARCH 24, 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 Ellingson, Knoff, Lowrie, Murphy, Specht, and Wenande. City Attorney Goetz and Acting City Manager Viereck were also present. Absent: Commissioners Carda and VanDerhule. Quorum present.

Action 08-79

Moved by Commissioner Wenande, seconded by Commissioner Lowrie, to approve the Minutes of the special meeting of March 3, 2008, and regular meeting of March 10, 2008.

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

Motion adopted.

Mayor Gross read proclamations declaring April 13 to 19, 2008, as *National Library Week* and the week beginning April 21, 2008, as *Arbor Week* and April 25, 2008, as *Arbor Day*.

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

Action 08-80

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

1. Permission for Alcoholic Beverages  
Consideration of a request from Phyllis Dingman to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for family gathering on August 8, 2008
2. Establish 7 p.m. Tuesday, May 27, 2008, as the time and date for the second City Commission meeting in May, due to the holiday on Monday
3. Alcohol Request – City Hall Gymnasium  
Consideration of a request from Scott Silvernail to carry in alcoholic beverages in the City Hall Gymnasium on Saturday, May 24, 2008 for a graduation.

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

Motion adopted.

Action 08-81

This was the time and place for the public hearing on the application for a New Retail (on-off sale) Malt Beverage License for July 1, 2007, to June 30, 2008, from Curtis M. Neuharth d/b/a Curt's Place Specialty Wines & Beers, 104 Capital Street, Yankton, South Dakota. (Memorandum 08-54) No one was present to speak for or against the license application. Moved by Commissioner Specht, seconded by Commissioner Knoff, to approve the license application.

**Roll Call:** Members present voting "Aye": Commissioners Knoff, Murphy, Specht, Wenande, and Mayor Gross; voting "Nay": Commissioner Ellingson; Abstaining: Commissioner Lowrie.

Motion adopted.

Action 08-82

This was the time and place for the public hearing on the application 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, South Dakota. (Memorandum 08-55) Moved by Commissioner Murphy, seconded by Commissioner Knoff, to approve the license application.

**Roll Call:** Members present voting "Aye": Commissioners Knoff, Murphy, Specht, Wenande, and Mayor Gross; voting "Nay": Commissioner Ellingson; Abstaining: Commissioner Lowrie.

Motion adopted.

Action 08-83

This was the time and place for the public hearing on the application 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, South Dakota. (Memorandum 08-56) Moved by Commissioner Murphy, seconded by Commissioner Wenande, to approve the application for transfer of location.

**Roll Call:** Members present voting "Aye": Commissioners Ellingson, Knoff, Murphy, Specht, Wenande, and Mayor Gross; voting "Nay": None; Abstaining: Commissioner Lowrie.  
Motion adopted.

Action 08-84

Parks and Recreation Director Todd Larson was present and spoke in support of the recommendation from the Park Advisory Board that the Parks and Recreation Department adopt a Mission Statement. (Memorandum 08-53) Moved by Commissioner Ellingson, seconded by Commissioner Knoff, to adopt the Mission, Vision, and Value Statement for the Parks and Recreation Department.

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

Friday, April 11, 2008, at 12:00 noon was established as the date and time of a "Notice to Call" for a Special City Commission meeting to canvass the election returns of the City of Yankton Municipal Election to be held on Tuesday, April 8, 2008.

The issue of pigeon population control in Yankton was discussed. Proposals included the use of a low-dose, non-lethal poison (Avitrol) that makes pigeons ill and discourages them from returning to the area of ingestion; birth control; a pigeon shoot; or trapping. Commissioners directed staff to bring back an amendment to City ordinances that would authorize the City Manager to issue permits for pigeon shoots under specific guidelines and restrictions as a way to control the pigeon population.

Action 08-85

Moved by Commissioner Ellingson, seconded by Commissioner Specht, to adopt Resolution 08-16. (Memorandum 08-58)

**RESOLUTION 08-16**

**BRIDGE REINSPECTION PROGRAM RESOLUTION  
FOR USE WITH SDDOT RETAINER CONTRACT**

WHEREAS, Title 23, Section 151, United States Code and tile 23, Part 650, Subpart C, Code of Federal Regulations, requires initial inspection of all bridges and re-inspection at intervals not to exceed two years.

THEREFORE, the City of Yankton is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds. The City of Yankton requests SDDOT to hire Johnson Engineering Company for the inspection work. SDDOT will secure federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the City for 20% of the cost. The City of Yankton will be responsible for the required 20% matching funds.

There are a total of (9) bridges in the City of Yankton that require inspection.

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

Action 08-86

This was the time and place to award the bid for the Annual Supply of Liquid Asphalt. One bid was received and opened on March 12, 2008: Jebro, Inc., Sioux City, Iowa—AC Grade Asphalt-\$417.60 per ton; MC Grade Asphalt-\$2.5200 per gallon; RC Grade Asphalt-\$2.3750 per gallon. (Memorandum 08-57) Moved by Commissioner Knoff, seconded by Commissioner Wenande, to award the bid for the Annual Supply of Liquid Asphalt to the only bidder, Jebro, Inc., Sioux City, Iowa, in the amounts stated.

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

Action 08-87

Moved by Commissioner Specht, seconded by Commissioner Wenande, to approve a Service Agreement with Planning and Development District III, at a cost of \$15,500.00 to be taken out of second penny funds, to perform a field GPS survey and create a data base in support of the preparation of an evaluation and transition plan to address the city's right-of-way needs in accordance with the American's with Disabilities Act in order to fulfill Federal Highway Administration requirements. In addition, Planning and Development District III will provide basic ESRI ArcGIS training to Public

Works staff (if needed) and twelve months of customer support at no additional cost. (Memorandum 08-59)

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

Action 08-88

Moved by Commissioner Murphy, seconded by Commissioner Lowrie, to approve the request from the Missouri River Corridor Group for a \$500.00 contribution from the City, with money to be taken from BBB funds, to help pay for the production of a brochure promoting the hiking/biking/primitive trail system along the Missouri River. (Memorandum 08-62)

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

Action 08-89

Moved by Commissioner Knoff, seconded by Commissioner Wenande, to designate a 5.8 acre parcel of city-owned property in the northwest corner of Fox Run Subdivision (Parcel B) as a "Technology Park." (Memorandum 08-61)

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

Action 08-90

Moved by Commissioner Wenande, seconded by Commissioner Lowrie, to adopt Resolution 08-17. (Memorandum 08-60)

**RESOLUTION 08-17**

WHEREAS, it appears from an examination of the plat of Tract A and Tract B, in Lot 3, Block 10, Willow Ridge Subdivision, City and County of Yankton, South Dakota prepared by Thomas Lynn Week, 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.

South Dakota Codified Law (SDCL) 9-55, Business Improvement Districts, was discussed as a possible revenue source for the City. Commissioners directed Staff to draft a clear summary of the law (statute), and to gather information on how Aberdeen and Rapid City have used Business Improvement Districts and bring this information to a future meeting for further discussion. (Memorandum 08-63)

Ron Kraft, Interim Executive Director of the Yankton Economic Development Council, distributed and reviewed the *Yankton Economic Development Council 2008 First Quarter Report*.

Action 08-91

Moved by Commissioner Knoff, seconded by Commissioner Wenande, to adjourn into Executive Session at 8:48 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 Ellingson, Knoff, Lowrie, Murphy, Specht, and Wenande. City Attorney Goetz and Acting City Manager Viereck were also present. Absent: Commissioners Carda and VanDerhule.  
Quorum present.

Action 08-92

Moved by Commissioner Lowrie, seconded by Commissioner Specht, to adopt Resolution 08-08 (sets Finance Officer's salary at \$69,000.00 as of January 1, 2008.)

**RESOLUTION 08-08**

WHEREAS, SDCL 9-14-28 requires that the salaries of municipal officers be fixed and determined by City resolution,

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, effective January 1, 2008, that the salary of the Finance Officer shall be at an annual rate of \$69,000.00.

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

Action 08-93

Moved by Commissioner Murphy, seconded by Commissioner Lowrie, to adjourn at 9:06 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