

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
APRIL 28, 2008 – 6:30 P.M.**

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, Lowrie, Murphy, Specht, VanDerhule, and Wenande. City Attorney Goetz and Acting City Manager Viereck were also present. Absent: None. Quorum present.

Action 08-111

Moved by Commissioner VanDerhule, seconded by Commissioner Wenande, to adjourn into Executive Session at 6:30 p.m. to discuss a pending legal matter.

**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, Lowrie, Murphy, Specht, VanDerhule, and Wenande. City Attorney Goetz and Acting City Manager Viereck were also present. Absent: None.

Quorum present.

Action 08-112

Moved by Commissioner Wenande, seconded by Commissioner Carda, to approve the Minutes of the special meeting of April 11, 2008, and regular meeting of April 14, 2008.

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

Motion adopted.

Mayor Gross read a proclamation calling upon all citizens of the City of Yankton to observe *National Police Week*, May 11-17, 2008, and to also observe *Peace Officers' Memorial Day* on May 15, 2008.

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

Pastor Joseph Mason of Kingsway Christian Church was present and invited Commissioners to the *National Day of Prayer Service* at the County Government Center at 12:00 noon on May 1<sup>st</sup>.

Action 08-113

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

1. Peddler's License  
Consideration of Memorandum 08-83 regarding approval of an application for a Peddler's License for Leo Kaiser d/b/a River City Produce, to go house-to-house for the purpose of selling apples, oranges, and grapefruit.
2. Permission for Alcoholic Beverages  
Consideration of a request from Julia Hussein to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a graduation reception on May 23, 2008.
3. Upcoming Work Session  
The City Commission will meet for an informal work session on Monday, May 5, 2008, at 6:30 pm in Room 113 of the RTEC.
4. Temporary Suspension of Ordinance  
Consideration of Memorandum 08-90 regarding requesting a temporary suspension of an ordinance to allow serving of alcoholic beverages between the hours of 11:00 AM, Sunday, May 11, 2008, and 12:00 AM, Monday, May 12, 2008.

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

Motion adopted.

Action 08-114

Moved by Commissioner Ellingson, seconded by Commissioner Knoff, to approve the application for the transfer of ownership of a Retail (on-off sale) Malt Beverage License for July 1, 2007, to June 30,

2008, from Weekends with Bernie, Inc. d/b/a Weekends with Bernie, (Bernard Esser, President), to Slowey Management Company d/b/a Weekends with Bernie, (Steve Slowey, President), 401 Capital Street, Yankton, S.D. (Memorandum 08-84)

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

Action 08-115

This was the time and place for the second reading and public hearing for Ordinance No. 910, AN ORDINANCE AMENDING CHAPTER 16, ARTICLE II, SECTION 16-23, OF THE CODE OF ORDINANCES OF THE CITY OF YANKTON BY AMENDING VARIOUS SECTIONS THERIN. (Memorandum 08-78) No one was present to speak for or against adoption of the ordinance. An e-mail message from Rebecca Gindin-Clarke voicing opposition to adoption of the ordinance was distributed. (Memorandum 08-78) Following discussion, it was moved by Commissioner Murphy, seconded by Commissioner Knoff, to adopt Ordinance No. 910.

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

Action 08-116

Moved by Commissioner Murphy, seconded by Commissioner Lowrie, to adopt Resolution 08-20. (Memorandum 08-88)

**RESOLUTION 08-20**

WHEREAS, it appears from an examination of the plat of Lots 1 through 10, 12A, 12B, 13A, 13B, and 14, Thon's Addition Located in the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼), Section 15, T93N, R56W of the 5<sup>th</sup> 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, 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:** Members present voting "Aye": Commissioners Carda, Ellingson, Knoff, Lowrie, Murphy, VanDerhule, Wenande, and Mayor Gross; voting "Nay": None; Abstaining: Commissioner Specht.  
Motion adopted.

Action 08-117

Lisa Scheve, Director of the Yankton Convention and Visitor's Bureau, was present to request an additional \$25,000.00 from the City for a project called "Southeast Digital Strategy" that will promote tourism in southeastern South Dakota. Moved by Commissioner Wenande, seconded by Commissioner Carda, to approve the request from the Convention and Visitors Bureau for \$25,000.00 with funding to be taken from BBB funds. (Memorandum 08-86)

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

Action 08-118

Moved by Commissioner Ellingson, seconded by Commissioner Lowrie, to approve the Fixed Base Operator Agreement between the City and Carlson Aviation authorizing Carlson Aviation to act as Specialized Aircraft Services Operator and Airport Manager at the Chan-Gurney Airport effective the date of signature through December 31, 2009, with automatic renewal for two consecutive one-year terms. (Memorandum 08-73)

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

Action 08-119

This was the time and place to award the bid for the Cold Applied Plastic Pavement Marking Installation Project. The following bids were received and opened on April 16, 2008: (Memorandum 08-82) Dakota Traffic Services, LLC, Tea, South Dakota - \$62,096.80; Construction Signing Corporation, Sioux Falls, South Dakota - \$74,518.40. Moved by Commissioner Murphy, seconded by Commissioner Wenande, to award the bid to the low bidder, Dakota Traffic Services, LLC, Tea, South Dakota, in the amount of \$62,096.80.

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

Action 08-120

Moved by Commissioner Specht, seconded by Commissioner Wenande, to approve change orders No. 1 and 2 from James Steel Erection, Yankton, South Dakota, for the new Hangar at the Chan Gurney Airport, an increase of \$4,824.61 for a new contract total of \$244,824.61; and to authorize the Finance Officer to issue a manual check in the amount of \$89,096.71 to James Steel Erection as final payment for the project. (Memorandum 08-80)

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

Action 08-121

Moved by Commissioner Specht, seconded by Commissioner Ellingson, to approve the request for vacation of a utility easement from Steve Drotzman for property described as Lot 6A And Lot 7, Block 1, North East Fox Run Subdivision. (Memorandum 08-81)

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

Action 08-122

Moved by Commissioner Carda, seconded by Commissioner Knoff, to adopt Resolution 08-19. (Memorandum 08-87)

**RESOLUTION 08-19**

**WHEREAS**, TJN Enterprises, Inc, has petitioned the City of Yankton, pursuant to SDCL 9-4-1, to annex certain real property into the corporate limits of the City of Yankton said property being contiguous to the corporate limits.

**NOW, THEREFORE, BE IT RESOLVED** by The Board of City Commissioners of the City of Yankton, South Dakota that:

1. 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 D in the SE ¼, SE ¼, Section 8, T93N, R55W, Yankton County, South Dakota as per plat recorded in Book S18, Page 73, and

That Part of Doris Schenk Addition as platted in Book S17, Page 120 lying South of the Railroad Right-of-Way, and that portion of the Bill Baggs Road Right-of-Way lying adjacent to the described land in the NE ¼, SE ¼, Section 8, T93N, R55W, Yankton County, South Dakota.

Said property containing 7.77 acres total, more or less.

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

Action 08-123

Moved by Commissioner Wenande, seconded by Commissioner Knoff, to approve Towing Agency Agreements between the City and Two Rivers Towing, Gary's Towing, and Pro Auto, for a term of two years. (Memorandum 08-89)

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

Action 08-124

Discussion regarding how to proceed with Memorial Park Pool improvements continued. (Memorandum 08-69) Yankton citizen Clifford Larson addressed the Commission encouraging them to decide on a plan and move forward. Moved by Commissioner Knoff, seconded by Commissioner Ellingson, to form a committee made up of Commissioners and Staff to formulate a viable plan to proceed with pool improvements/renovations, including identifying funding sources, and to bring the proposal back to the May 12, 2008, Commission Meeting for consideration. The committee will be comprised of Commissioners Ellingson, Knoff, Murphy, and Mayor Gross, and City Staff Members

Todd Larson, J.D. O'Grady, Nancy Teachout, and Al Viereck.

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

Motion adopted.

Action 08-125

Moved by Commissioner Knoff, seconded by Commissioner Specht, to adjourn into Executive Session at 9:16 p.m. to discuss contractual and legal 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, Lowrie, Murphy, Specht, VanDerhule, and Wenande. City Attorney Goetz and Acting City Manager Viereck were also present. Absent: None.

Quorum present.

Action 08-126

Moved by Commissioner Knoff, seconded by Commissioner VanDerhule, that the City no longer needs indemnification on property annexations based on South Dakota State Law.

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

Motion adopted.

Action 08-127

Moved by Commissioner Ellingson, seconded by Commissioner Knoff, to adjourn at 10:15 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