

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
MAY 27, 2008**

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

Roll Call: Present: Commissioners Carda, Ellingson, Gross, Knoff, Lowrie, Murphy, VanDerhule, and Wenande. City Attorney Goetz and Acting City Manager Viereck were also present. Absent: None. Quorum present.

Action 08-151

Moved by Commissioner Knoff, seconded by Commissioner VanDerhule, to approve the Minutes of the regular meeting of May 12, 2008, and special meetings of May 17, 2008, and May 19, 2008.

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

Motion adopted.

Mayor Specht presented a proclamation of gratitude to Police Sergeant Jeff Sorensen and his wife Lorraine in honor of the city's first K-9 police dog, Babe, for her loyal and faithful service; and also read a proclamation declaring the month of May, 2008, as *National Exercise is Medicine Month*.

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

Action 08-152

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

1. Permission for Alcoholic Beverages
Consideration of a request from Sheryl Horacek to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a wedding on October 10, 2009.
2. Establishing public hearing for sale of alcoholic beverages
Establish June 9, 2008, as the date for the public hearing on the request for a Special Events Retail (on-sale) Malt Beverage and a Special Retail (on-sale) Wine Dealers License for one day, October 24, 2008, from Benedictine Health Foundation (Kelly Kathol, Director) such event to be held at Pavilion Surgery Center, Floors 1st & 2nd on ASHH Campus, Yankton, S.D.
3. Establish public hearing for renewal of Malt Beverage Licenses
Establish June 9, 2008, as the date for the public hearing on the applications for renewal of Malt Beverage Licenses for the 2008-09 licensing period.

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

Motion adopted.

Action 08-153

Moved by Commissioner Gross, seconded by Commissioner Carda, to authorize Acting City Manager Viereck to sign the engagement letter with Danforth & Meierhenry, LLP, to act as special counsel to the City in connection with the proposed Tax Increment District 3 (Yankton Mall Renovation Project). (Memorandum 08-107)

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

Motion adopted.

Action 08-154

Moved by Commissioner Gross, seconded by Commissioner Knoff, to authorize Acting City Manager Viereck to execute documents granting TransCanada Keystone Pipeline, LP, Calgary, Alberta, Canada, temporary road access easements across property owned by the City described as, Lots 3 and 4 of Frick's Subdivision, SW¹/₄ of NW¹/₄, of Sect. 17; Government Lot 4, Sect. 17, T93N, R55W; and Tract 1 and 3 of Outlot 97, Sect. 18, T93N, R55W. (Memorandum 08-67)

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

Motion adopted.

Action 08-155

Moved by Commissioner Ellingson seconded by Commissioner Carda, to reopen for consideration the proposed construction of a Comfort Station at the Summit Activities Center softball and soccer field complex that was table at the February 25, 2008, Commission meeting.

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

Motion adopted.

Action 08-156

Moved by Commissioner Ellingson, seconded by Commissioner Carda, to approve the agreement with Jim Schramm Architect, LLC, Yankton, South Dakota, to provide architectural services for the Summit Activities Center Comfort Station project as outlined in Memorandum 08-106.

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

Action 08-157

This was the time and place to award the bid for the Cold Milling Asphalt Project for various locations within the City of Yankton. The following bids were received and opened on May 14, 2008: Dustrol, Inc., Lincoln, Nebraska - \$64,020.40; Midstate Reclamation SD, Inc., Spearfish, South Dakota - \$22,006.80. Moved by Commissioner Gross, seconded by Commissioner VanDerhule, to award the bid to the low bidder, Midstate Reclamation SD, Inc., Spearfish, South Dakota, in the amount of \$22,006.80.

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

Action 08-158

Moved by Commissioner Gross, seconded by Commissioner VanDerhule, to adopt Resolution 08-21. (Memorandum 08-104)

RESOLUTION 08-21

WHEREAS, it appears from an examination of the plat of Heine Tract A, Located in the N ½ of the SW ¼ of Section 15, T93N, R56W, of the 5th P.M., Yankton County, 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.

Action 08-159

Moved by Commissioner Wenande, seconded by Commissioner Ellingson, to adjourn into Executive Session at 7:36 p.m. to discuss contractual and 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 Specht.

Roll Call: Present: Commissioners Carda, Ellingson, Gross, Knoff, Lowrie, Murphy, VanDerhule, and Wenande. City Attorney Goetz and Acting City Manager Viereck were also present. Absent: None.

Quorum present.

Action 08-160

Moved by Commissioner Murphy, seconded by Commissioner Gross, to approve the Employment Agreement between the City of Yankton and Douglas Russell for the position of City Manager.

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

Action 08-161

Moved by Commissioner VanDerhule, seconded by Commissioner Ellingson, to adjourn at 8:50 p.m.

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

Dan Specht
Mayor

ATTEST: _____
Al Viereck
Finance Officer