

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
SEPTEMBER 22, 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, Murphy, VanDerhule, and Wenande. City Attorney Goetz and Acting City Manager Viereck were also present. Absent: Commissioner Lowrie and City Manager Russell. Quorum present.

Action 08-251

Moved by Commissioner Gross, seconded by Commissioner Wenande, to approve the Minutes of the regular meeting of September 8, 2008.

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

Motion adopted.

Mayor Specht read proclamations declaring the week of September 17 through 23, 2008, as *Constitution Week*, October, 7, 2008, as *Disability Awareness Day in Yankton*, and October, 2008, as *Disability Employment Awareness Month*.

The written report from City Manager Russell giving an update on community projects and items of interest was reviewed. Commissioner Knoff brought the 4<sup>th</sup> and Burleigh property up for discussion and the need to move it forward. The Commission agreed, at Mayor Specht's suggestion, to include this item on the next meeting agenda.

Yankton citizen Ed Gleich was present and asked how the 4<sup>th</sup> and Burleigh property was zoned and expressed support for a grocery store in downtown Yankton. Mr. Gleich was informed that the property is zoned industrial.

Yankton citizen Loretta Sorensen was present and extended an invitation to Commissioners to attend the 1<sup>st</sup> Annual Mayor's Prayer Breakfast scheduled for Friday, October 3, at 7:00 a.m., at Minerva's.

Action 08-252

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 Crystal Mensch to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for family gathering on July 11, 2009
2. Permission for Alcoholic Beverages  
Consideration of a request from Jane York to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a wedding on September 18-20, 2009
3. Dance License Request – Yankton Ministerial Association  
Consideration of Memorandum 08-169 recommending approval of an application for a Special Events Dance License from the Yankton Ministerial Association for a dance in the City Hall Gymnasium on Wednesday, October 29, 2008, from 7 p.m. to 10:00 p.m.
4. Alcohol Request – Yankton Volunteer Fire Department  
Consideration of a request from the Yankton Volunteer Fire Department to carry in and blend alcoholic beverages in the City Hall Gymnasium on Saturday, November 22, 2008, for the Annual Fireman's Harvest Ball.
5. Dance License Request – Yankton Volunteer Fire Department  
Consideration of Memorandum 08-170 recommending approval of an application for a Special Events Dance License from the Yankton Volunteer Fire Department for its annual Firemen's Harvest Ball in the City Hall Gymnasium on Saturday, November 22, 2008, from 8 p.m. to midnight.
6. Establishing public hearing for sale of alcoholic beverages  
Establish October 13, 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 31, 2008, from Lewis & Clark Theatre Co, Captain's Inn, (Robert R. Badura, owner) 517 Mulberry Street, Yankton, S.D.
7. Establishing public hearing for sale of alcoholic beverages  
Establish October 13, 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,

November 20, 2008, from Keep Yankton Beautiful, Chamber of Commerce, 803 E 4<sup>th</sup> Street, Yankton, S.D.

8. Approving Current Volunteer Firefighter List

Consideration of Memorandum 08-184 regarding approving the current list of Volunteer Firefighters per Workers' Compensation and SDCL requirements: Brad Binde, Tim Binder, Troy Cowman, Mike Fitzgerald, Kirt Flannery, Adam Frick, Brian Frick, Dan Frick, Steve Frick, Tom Frick, Kyle Goodmanson, Aaron Greer, Mike Gullikson, Adam Haberman, Steve Hermanson, Richard Hladky, Tom Holmstrom, Jody Johnson, Steve Johnson, Ryan Kaiser, Gary Kozak, John Kraft, Dave Kuehler, Thomas R. Kurtenbach, Dick Lane, Mark Mauch, Pete Moore, Brad Moser, Darren Moser, Larry E. Nickles, Mark Nickles, Matt Nighbert, Pat Nolz, Jason Nowak, Larry E. Raab, Tom Rockne, Tom Sonichsen, Bill Taggart, Jeff Turman, Rodney Velduizen, Dave Walsh, Jay Walsh, Toby Woehl, William (Bill) Ziegler.

9. Alcohol Request – Yankton Search & Rescue

Consideration of a request from the Yankton Search & Rescue to carry in and blend alcoholic beverages in the City Hall Gymnasium on Saturday, September 27, 2008, for a fall social gathering.

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

Action 08-253

Moved by Commissioner Ellingson, seconded by Commissioner Gross, to adopt Resolution 08-35. (Memorandum 08-171)

**RESOLUTION 08-35**  
Conditional Use

WHEREAS, Saralyn Dimmer is the owner of Lot 2, Block 2, Oak Park Addition to the City of Yankton, South Dakota located at 1702 Pearl Street, and

WHEREAS, the above described property is zoned R-2 Single-Family residential which allows conditional uses under the City of Yankton's Zoning Ordinance No. 711 as amended, and

WHEREAS, this conditional use request is necessary for the property to be used as a daycare facility has been reviewed and recommended for approval by a vote of the City Planning Commission contingent upon the issues addressed in Memorandum #08-171.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves a conditional use permit for a daycare facility in accordance with all applicable ordinances and regulations on the above described property.

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

Action 08-254

Moved by Commissioner Gross, seconded by Commissioner Wenande, to adopt Resolution 08-36. (Memorandum 08-172)

**RESOLUTION 08-36**

WHEREAS, it appears from an examination of the plat of Tract A and Tract B, in Lot 4, 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.

Action 08-255

Moved by Commissioner Carda, seconded by Commissioner Gross, to adopt Resolution 08-37. (Memorandum 08-173)

**RESOLUTION 08-37**

WHEREAS, it appears from an examination of the Replat of Lakeview Townhouse Lots TL-23 and TL-24 of Lot 6, Block 15, Willow Ridge Subdivision in the City of Yankton, South Dakota. Now Known As: Lakeview Condominium Units 1-A and 1-B of Lot 6, Block 15, Willow Ridge Subdivision in the City of Yankton, 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 08-256

Commissioner Ellingson introduced and Mayor Specht read the title of Ordinance No. 915, AN ORDINANCE AMENDING CHAPTER 17, ARTICLE II, SECTION 17-18 OF THE YANKTON CODE OF ORDINANCES REGARDING THE LIMIT ON PLANNING COMMISSION MEMBER CONSECUTIVE TERMS and set October 13, 2008, as the date of the second reading and public hearing. (Memorandum 08-183)

Action 08-257

Sheila Woodward, member of the Board of Directors of the Women's Shelter, was present and requested sponsorship for a funding application for construction of a new facility to house a Women's Shelter and Family Visitation Center. Moved by Commissioner Carda, seconded by Commissioner VanDerhule, to set October 13, 2008, as the date for a Community Development and Housing Needs Assessment Hearing on a funding application for a Community Block Grant for the construction of a new Women and Children's Shelter. (Memorandum 08-180)

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

Action 08-258

Moved by Commissioner Gross, seconded by Commissioner Knoff, to approve Change Order No. 1, from Masonry Components, Inc., Yankton, South Dakota, a decrease of \$11,543.95 for a new contract total of \$419,160.70; to accept the project as complete; and to authorize the Finance Officer to issue a manual check in the amount of \$12,960.00 to Masonry Components, Inc., as final payment for the Green Street Assessment Project from 23<sup>rd</sup> Street to 25<sup>th</sup> Street. (Memorandum 08-176)

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

Action 08-259

This was the time and place to award the bids for the 21<sup>st</sup> Street Water Main Replacement Project from Kellen Gross Drive to West City Limits Road. The following bids were received and opened on September 16, 2008: Excel Underground, Sioux Falls, South Dakota-\$100,491.06; LRC Inc., Spicer, Minnesota-\$101,234.90. (Memorandum 08-174) Moved by Commissioner Gross, seconded by Commissioner Ellingson, to award the bid for the 21<sup>st</sup> Street Water Main Replacement Project from Kellen Gross Drive to West City Limits Road to the low bidder, Excel Underground, in the amount of \$100,491.06.

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

Action 08-260

Moved by Commissioner Ellingson, seconded by Commissioner Knoff, to adopt Resolution 08-38. (Memorandum 08-175)

**RESOLUTION 08-38  
STATE WATER PLAN**

**WHEREAS**, the City of Yankton has identified the need to make various improvements to its water supply and distribution system, and

**WHEREAS**, the City of Yankton proposes to apply for a place on the State Water Plan in order to meet local needs, and

**WHEREAS**, the City of Yankton is eligible for state assistance for the proposed projects, and

**WHEREAS**, with the submission of the State Water Plan application the City of Yankton assures and certifies that all State Water Plan program requirements will be fulfilled; then

**NOW, THEREFORE BE IT RESOLVED**, that the Yankton City Commission duly authorizes the submission of the State Water Plan application, that would include the proposed project list, and

**BE IT FURTHER RESOLVED**, that the City Manager be authorized to execute the State Water Plan application for the City of Yankton.

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

Action 08-261

Moved by Commissioner VanDerhule, seconded by Commissioner Carda, to accept the Library Roof Repair Project as complete and to authorize the Finance Officer to issue a manual check in the amount of \$27,964.00, to MJ Dalsin Roofing Company, Sioux Falls, South Dakota, as final payment for the project. (Memorandum 08-178)

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

Action 08-262

Moved by Commissioner Gross, seconded by Commissioner Wenande, to adopt Resolution 08-34. (Memorandum 08-168)

**RESOLUTION 08-34**

**WHEREAS**, SDCL 6-13-1 requires a municipality owning personal property which is no longer necessary, useful 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, useful 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 SOLD OR DESTROYED

2005 Ford Crown Victoria, VIN# 2FAHP71WX5X157155	Police
1996 Chevrolet Corsica, four door, VIN#1G1LD55M9TY231049	Engineering
1995 Intl Navistar 6X4 Truck, Model # 4700, VIN#1HTSCAAN7TH311143	Streets
1995 Chevrolet S10 Pickup, VIN#1GCCS14Z7S8255125	Water
1989 Dodge Dynasty, VIN#1B3BC4639KD614969	SAC
1988 Motor grader, Model 770B, VIN# DW770BX520595 (no title required)	Streets
1985 Chev Oil Distributor Chassis, Model KODIAK C70, VIN# 1GM7D1Y9FV215613	Streets
1979 Fruehauf Van Trailer, Model FB29-F2-40, SS# HPO672541	Streets
1976 American Trailer, SS# 28930	Streets
Sander, Monroe, Model MSV 120-84-50,SS# 97-03-7547	Streets
Sander, Monroe, Model MSV-120-84-56, SS# 00-09-7898	Streets
Sander, small Swenson SS#67777	Streets
ESECO Generator–Division of HK Porter Co., Inc., Model B4836, SS#12105	Streets
Old Fair Snow Boxes – 2-1960’s, 1-1981, 1-1984	Streets
1984 V-Plow Truck Mount, Frink V-Plow	Streets
Dispatch radio system	Engineering

Binding Machine	Engineering
6 miscellaneous office chairs	Engineering
½ desk table	Engineering
Metal magazine rack	Library
25' outdoor flag pole	Library
STAR Mfg. - hotdog cooker	Fox Run
4 tall bar stool chairs with black vinyl	Fox Run
18 – Artificial turf driving range mats (each 58” x 58”)	Fox Run
Modine gas-fired heater unit-Model #PA50A-Serial #01010370R	Animal Control
Blue, metal 2-door storage cabinet	Police
2 double-chair gray upholstered sets with metal frames	Police
1 yellow, upholstered chair with metal frame	Police
1 green upholstered chair with metal frame	Police
1 silver man’s wedding band (Lost and Found)	Police
1 Canon PowerShot A530 digital camera 5/0 mega pixels (Lost and Found)	Police
2 sets-metal lockers-15 lockers in a set, each locker 15”D x 15”Wx12”H, taupe	Police
74 resin chairs-residential grade, white, fan back, stackable	Recreation
16 Hon high back secretary chairs with arms-blue fabric	Recreation
5 – 42” round pedestal tables	SAC
1975 Rogers Sweeper-72” Leaf Rake, Model 720E-HL, 14hp Kohler motor	Parks
Swimming pool vacuum	Parks
9” Auger bit	Parks
Bleacher trailer	Parks
Miscellaneous computer equipment	Info Services
Fairbanks 1,000 lb. mobile platform scale (on wheels)	Airport
1968 RolleRoder #2H Hydraulic Rodder (flusher truck replaced this)	Water
Siren – 1965 Federal Model 3T22, single phase with some controls	Fire
38” round table (broken laminate wood grain)	City Hall
Wooden 4-shelf bookcase	City Hall
4 miscellaneous chairs	City Hall
3 large folding tables	City Hall
Old 3M projector	City Hall
Heavy, metal coat rack	City Hall
Large, beige, wooden drawing table	City Hall
Wood laminate phone stand	City Hall
Wood bi-fold door panels	City Hall
Old printer table	Finance
Victor 605 calculator (no LCD screen, has paper roll)	Finance
Answering machine/fax adaptor	Finance
IBM Selectric II electric typewriter	Finance

Library/Art Items to be surplus and auctioned:

<u>Name or description</u>	<u>Height x width</u>
Bird on branch	18 1/2 x 11
Flowering branch w/dragonfly	18 1/2 x 11
Black & white landscape	25 x 18
Moonscape	19 1/4 x 21
Birds	33 1/4 x 24
A Dragon	33 1/4 x 24
Elephant, Lion, Fox, and Rooster	33 1/4 x 24
A Clown	33 1/4 x 24
The Seal and the Bear	33 1/4 x 24
Cat Family	30 x 27s
The Surey	26 1/2 x 32 1/4
Outin the toast	34 x 28
Statue of liberty	30 x 37
Wooden Flowers	26 x 28
Women admiring a child	28 x 32
Flowers	24 x 34
Work Shoes	29 1/4x 22
Rural Free Delivery	24x 29 1/4
Family of Saltimbanquea	25 x 26

The Prairie is in My Garden 21 x 32  
 The Milkmaid 24 x 22  
 Woodland 25 x 33  
 Funeral Roses 48 x 36  
 Felt Pen Drawing Multi-Colored Hills 23 x 20  
 Red Chair 38 1/4 x 25 1/4  
 Once Upon A Time 24 x 20  
 Trees and Buildings 38 x 50  
 Repairing the nets 33 x 44  
 Plains Indians 28 3/4 x 35  
 Two Zebras 22 x 27 1/2  
 Tiger 22 x 27 1/2  
 African Flower 31 x 22  
 Country Funeral  
 The Hunter  
 The Mustangs  
 The American Quarter Horse Jumping  
 The American Quarter Horse Racing  
 The American Quarter Horse Roping  
 The American Quarter Horse Cutting  
 The American Quarter Horse  
 The American Quarter Horse Blood  
 The American Quarter Horse Assoc  
 8 Red art bags  
 Numerous poster prints  
 CD Magician repair and cleaning kit  
 Very old desk lamp  
 Disc-Go-Pod disc repair machine/supplies  
 450 white plastic DVD/CD cases  
 Accura Flip Frames Display System for displaying DVD titles  
 59 white rail hanging channels  
 1,385 gray graphic flip frame display sleeves  
 Old, small gold metal tabletop podium

Surplus Property to be Destroyed:

<u>Qty.</u>	<u>Description</u>	<u>Make</u>	<u>Model</u>	<u>Serial No.</u>	<u>Dept.</u>
1	Radio	Motorola	D336YA3000CK	428FKS1378	Streets
1	Radio	Motorola	T43JJA3900BK	433HGG4024	Streets
1	Radio	Motorola	D33TRA1000BK	240FDE3878	Streets
1	Radio	Motorola	D43CCN1100AK	P2B226	Streets
1	Radio	Motorola	D43CCN1100A	P2B216	Streets
1	Radio	Motorola	D43CCN1100A	MB2625	Streets
1	Radio	Motorola	D33TSA3000CK	475FMC1089	Streets
1	Radio	Motorola	U43MHT1100A	3208142	Streets
1	Radio	Motorola	D33BMT1100CM	E49616	Streets
1	Radio	Motorola	U33BBA3000A	MB809X	Streets
1	Radio	Motorola	D33CMT1100AM	H34992	Streets
1	Radio	Motorola	D33TRA1000BK	T4E55H	Streets
1	Radio	Motorola	T43RTN3190B	303CEE0049	Streets
1	Radio - hand held	Motorola	33HMU3124AN	476AMUO118	Streets
1	Radio - hand held	Motorola	H23PRB1100A	N21A6T	Streets
1	Radio - hand held	Motorola	H23PRB1100A	N21A8T	Streets
3	Radio - Handie-com	Motorola	MH&		Streets
1	Radio	Motorola	0338MT(SCRATCH)1100CME9618		Streets
1	Radio	Ericsson	7.5V	19A705293P1	Streets
1	MIC-or 2-way FM Radio	THN6123A	3034358		Streets
1	Radio Base Unit Type	TSN6000A-1			Streets
1	OfficeJet T45 Fax machine	Hewlett Packard	OfficeJet T45		Streets
1	Base unit Radio	Motorola	L43GGB-1	40351U2	Water
2	Voice alert pager/chrager	Fed. Signal Corp.	RP119	Serial-5393	Water
				Serial-5629	Water
1	Pager shell		A03EBB2468AA		Water
2	Radio & battery	Motorola	HT90	15E05169J03	Water
			HT90	15E05169J03	Water
1	Battery Charger	Motorola	HT90	NLN7645A	Water

1	Radio & battery	Motorola	HT600	15E05525P	Water
1	Battery Charger	Motorola	HT600	15E05525P	Water
1	Calculator	Unisonic	Sharp EL-2617	51200131	Water
1	Base Unit Supply	Motorola	TPN-1136A		Water
1	Base Unit	Motorola	L33GMB1100AM	428FEL0201	Water
2	Pickup radios	Motorola	Maxar	240FCGB721	WW
		Motorola	Maxar	475FFY0040	WW
1	Pager (1982)	Motorola	NLN1492A		WW
1	2-channel radio	Motorola	HT90	476AFY0161	WW
1	Base unit	Motorola	Maxar 80	475FFY0041	WW
1	Radio	Motorola	Maxar 80	(from 1 ton truck)	WW
1	1989 amperometric titrator	Wallace & Tiernan	# 4611-1731-958	xx23808	WW
1	Fecal coliform water bath	Curtain Mathison	#11AR-11		WW
1	1982 Mettler AE 160 balance	Mettler	# 4611-1731-650	SNRB58120	WW
1	Raven blanket probe				WW
1	1996 passport gas detector	MSA	# 4611-1731-1475	co-6513	WW
1	Chlorine gas detector	Chlor Guard		#3527	WW
1	D.O./Temp analyzer	Delta Scientific		#4322	WW
2	Gas chlorinators	Regal	#4611-1731-1214	A131187	WW
		Regal		A131188	WW
1	Inf. Flow meter	Badger		#7357	WW
1	Hach InCutrol			#2856	WW

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

Action 08-263

Commissioner Gross, introduced and Mayor Specht read the title of Ordinance No. 914, AN ORDINANCE AMENDING CHAPTER 2, ARTICLE II, SECTION 2-37 PART (B) OF THE YANKTON CODE OF ORDINANCES REGARDING VOTING REQUIREMENTS and set the date for the second reading and public hearing as October 13, 2008. (Memorandum 08-182)

Action 08-264

Moved by Commissioner Knoff, seconded by Commissioner Carda, to suspend rules to add the Report on the Discovery Bridge Dedication to the agenda.

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

Jim Black, Chairman of the Discovery Bridge Committee, and Bob Cappel, member of the Bridge Dedication Committee, were present and addressed the Commission. Mr. Black reported that \$8,600.00 has been raised for the bridge dedication scheduled to be held on October 11. Mr. Cappel stated Governor Rounds will be in attendance at the dedication ceremony and they are estimating attendance at the event to be from 500 to 1,000 people.

Action 08-265

Moved by Commissioner Knoff, seconded by Commissioner Gross, to adjourn at 7:32 p.m.

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

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Dan Specht  
Mayor

ATTEST:

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Ann Clough  
Deputy Finance Officer