

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
JANUARY 12, 2009**

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 City Manager Russell were also present. Absent: Commissioner Lowrie.

Quorum present.

Action 09-01

Moved by Commissioner Wenande, seconded by Commissioner Knoff, to approve the Minutes of the regular meeting of December 23, 2008.

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

Motion adopted.

SALARIES-DECEMBER 2008:

ADMINISTRATION-\$28,810.94; FINANCE-\$28,228.12; POLICE-\$133,780.70; FIRE-\$9,305.31; ENGINEERING-\$41,378.59; STREET-\$43,425.83; SNOW & ICE-\$6,613.41; TRAFFIC CONTROL-\$2,035.80; LIBRARY-\$27,950.11; PARKS/SAC-\$47,169.91; MARNE CREEK-\$3,270.94; WATER-\$37,272.31; WASTEWATER-\$26,823.33; CEMETERY-\$3,144.84; SOLID WASTE-\$17,501.68; LANDFILL-\$14,254.51; GOLF COURSE-\$13,197.56; CENTRAL GARAGE-\$6,906.60

PERSONNEL CHANGES & NEW HIRES:

New Hires:

Jake Broscha-\$15.00 gm.-Rec. Div.; Amy Petrik-\$8.00 gm.-Rec. Div.; William Stueman-\$7.25 gm.-Rec. Div.; David Werner-\$15.00 gm.-Rec. Div.

Wage Increase:

Todd Buehlmann-\$8.25 gm.-Rec. Div.; Larry Guthmiller-\$15.00 gm.-Rec. Div.; Francis Horacek-\$8.25 gm.-Rec. Div.; Tyler Hudson-\$7.75 hr.-Rec. Div.; Derek Schenkel-\$7.50 hr.-Rec. Div.; Jeffrey Simonsen-\$8.50 gm.-Rec. Div.; Landon Treftz-\$7.50 hr.-Rec. Div.; Sonya Wattier-\$7.50 hr.-Rec. Div.

CITY OF YANKTON EMPLOYEE WAGES 2009:

BI-WEEKLY:

BAILEY/COLLEEN-\$1,220.72; BERKE HANSON/SUSAN-\$1,960.15; MINGO/DAVID-\$2,695.50; RUSSELL/DOUGLAS-\$3,367.30; CLOUGH/ANN-\$1,867.08; DURHAM/CATHY-\$1,327.42; LAMMERS/JOAN-\$1,319.72; LOCKWOOD/LAURIE-\$1,531.50; O'GRADY/SUSAN-\$1,323.57; PARR/BETH-\$1,315.88; VIERECK/AL-\$2,758.61; WADSWORTH/TAMARA-\$1,319.72; JOHNSON/DUANE-\$2,341.30; BAILEY/TODD-\$1,740.27; BASS/STEWART-\$1,345.65; BRANDT/TODD-\$1,794.42; BRASEL/VIRGIL-\$1,256.96; BUECHLER/ROBERT-\$1,522.50; BURGESSON/MICHAEL-\$1,655.23; BURNS/JASON-\$1,369.00; DATHER/ROGER-\$1,193.46; FOOTE/JASON-\$1,688.72; GIBBS/MELISSA-\$1,072.27; GOEMAN/DEANNA-\$1,109.46; HAGEMANN/DUSTIN-\$1,369.00; HANSON/DOUGLAS-\$1,643.80; HEENEY/DUANE-\$3,051.38; HISEK/JEROME-\$2,392.11; HUSSEIN/JULIA-\$1,429.53; JOHNSON/DOUGLAS-\$1,967.84; JOHNSON/JEFFREY-\$1,569.11; KOLDA/ERIC-\$1,545.84; LARSON/DEAN-\$1,624.34; MOSER/DARREN-\$1,736.42; NOLZ/PATRICK-\$1,509.00; O'FARRELL/SARAH-\$1,429.11; PARKER/BRAD-\$1,628.19; PAYER/MARK-\$2,139.08; ROTHENBERGER/MONTY-\$1,392.34; SHOBERG/GREGORY-\$1,569.11; SILVERNAIL/SCOTT-\$1,748.46; SORENSEN/JEFFREY-\$1,789.15; SPRAKEL/MARIETTA-\$1,234.84; STANAGE/SAMUEL-\$1,137.69; STEINBACH/DONNA-\$1,238.69; STORGAARD/KIMBERLY-\$1,234.50; WUEBBEN/STEVE-\$1,565.27; ZAJIC/JACOB-\$1,378.61; BRASEL/LISA-\$1,126.23; KURTENBACH/THOMAS R-\$2,594.88; NICKLES/LARRY E-\$2,004.84; BENDA/MICHAEL-\$1,682.42; BINDE/BRAD-\$1,671.08; HABERMAN/ADAM-\$1,529.46; HORTON/ANN-\$2,200.88; KAUFMAN BLASSL/TRACEY-\$1,137.27; KUHL/KEVIN-\$3,253.19; MORROW/JOSEPH-\$1,908.92; MOSER/BRADLEY-\$2,202.04; CHRISTENSEN/LEONARD-\$1,276.53; DELOZIER/DARRIK-\$1,200.92; FRICK/DAN-\$1,560.42; HACECKY/KIM-\$1,389.57; HUBER/MARLON-\$1,276.53; LEYDEN/DAVID-\$2,334.42; MUELLER/PETER-\$1,778.61; ROTH/DANNY-\$1,365.57; SCHROEDER/ROGER-\$1,389.57; SIMONSEN/ROBERT-\$1,385.72; TRAMP/JASON-\$1,230.42; ULMER/BRUCE-\$1,350.42; VELLEK/RICHARD-\$1,200.92; FERDIG/CONNIE-\$1,078.61; MILES/CONNIE-\$1,339.42; HAAS/DAVID-\$1,611.84; BRUNKEN/JOYCE-\$1,462.57; HARENS/LOLA-\$1,611.84; JACOBS/KATHLEEN-\$2,198.15; KOLAR/IRENE-\$1,462.57; BRADLEY/KATHIE-\$1,246.04; FRICK/BRIAN-\$1,356.72; GLEICH/JOHN-\$1,185.00;

HOFFART/STANLEY-\$1,535.34; LARSON/TODD-\$2,357.96; SNOOK/JAMES-\$1,992.30; SNYDER/ROBERT-\$1,099.15; VANWINKLE/MICHAEL-\$1,146.88; WUBBEN/ROBERT-\$1,246.04; MELARAGNO/ELLEN-\$1,002.88; TEACHOUT/NANCY-\$1,560.19; OTTEMAN/DANIEL-\$1,385.46; BUSBY/JERRY-\$2,223.15; JORGENSEN/RANDY-\$1,573.11; KUEHLER/DAVE-\$1,389.46; MASON/DANIEL-\$1,394.96; NELSON/WILLIAM-\$2,169.50; PETERSON/ALAN-\$1,569.27; SCHANTZ/DWAYNE-\$1,163.08; TWEEDY/RAY-\$1,865.27; VELLEK/FRANK-\$1,561.57; ARENS/R MICHAEL-\$1,234.19; CHABANE/DELORES-\$1,651.50; DEWALD/RICHARD-\$1,911.23; GARVEY/TIMOTHY-\$1,608.00; GOODMANSON/KYLE-\$2,230.57; GORMAN/MICHAEL-\$2,278.04; HABERMAN/DAROLD-\$1,402.50; KIRCHNER/LESLIE-\$1,163.08; ROBINSON/DONNIE-\$1,224.65; BORNITZ/CHRIS-\$1,352.23; CARDA/BRIAN-\$1,332.30; FLYNN/JAMES-\$1,359.92; GOBEL/DYLAN-\$1,028.04; HARRIS/BENJAMIN-\$1,064.27; LEE/MICHAEL-\$1,288.38; NIGHBERT/MATTHEW-\$1,082.42; SIMONSEN/JOSEPH-\$1,028.04; FEILMEIER/MICHAEL-\$1,405.08; LEE JR/LARRY-\$1,110.19; ROBB/MARY-\$1,002.88; RYKEN/ROBERT-\$1,288.38; STOCKING/GAIL-\$1,197.15; GEVENS/JAMES-\$1,074.15; JENSEN/DOUGLAS-\$1,358.11; LARSON/SCOTT-\$1,400.69; WAMPOL/ROCKIE-\$2,058.50; SLEMP/JOHN-\$1,820.38; STEFFEN/MARVIN-\$1,391.11.

MONTHLY:

CARDA/DAVID-\$233.33; ELLINGSON/WILLIAM-\$233.33; GROSS/CHARLES-\$233.33; KNOFF/DAVID-\$233.33; LOWRIE/PAUL-\$233.33; MURPHY/CHARLES-\$233.33; SPECHT/DAN-\$316.67; VANDERHULE/JUDY-\$233.33; WENANDE/NANCY-\$233.33

HOURLY:

GOETZ/JAMES-\$51.3077; KLIMISCH/WILLIAM-\$25.6154; ST PIERRE/SHAY-\$10.00; BERTSCH/AMY-\$11.25; HANNEMANN/PEGGY-\$8.00; WARREN/JEANNETTE-\$10.50; SILVERNAIL/JOHN-\$8.25; SIMPSON/GUY-\$12.00; BOSCH/TERESA-\$7.9550; CROSS/MARY ELLEN-\$7.8250; HAAS/JEANNE-\$12.4005; HUNTLEY/AIMEE-\$7.44; JORDAHL/CORRIENE-\$14.3026; LANNING/GLENDA-\$13.5265; REIFENRATH/LOREN-\$10.1455; UHING/NICOLE-\$7.21; WEBERG/LINDA-\$14.2545; ALTON/JORDAN-\$7.50; BREWER/MICHAEL-\$7.75; GLEICH/TIFFANY-\$7.50; HAAS/REBECCA-\$8.00; OPSAHL/ANN-\$7.50; STARR/JAMES-\$8.25; STUCKY/JAKE-\$7.25; TACKE/BRIAN-\$7.50; UHING/LYNNETTE-\$7.50; BUHL/SARAH-\$8.25; ADAM/KATELYN-\$7.25; ALTHOFF/GINA-\$7.25; AUCH/ZACHARY-\$7.25; BENDER/COLTON-\$7.25; BERGESON/DAWN-\$8.00; BLANKENFELD TRAMP/JAMIE-\$8.00; BOYLE/MEGHAN-\$7.50; BREEN/BETH-\$7.50; BRENNER/TRAVIS-\$7.75; BROSCHA/JAKE-\$15.00; BROWN/DENISE-\$7.25; BUEHLMANN/TODD-\$8.25; BURBACH/ABBY-\$7.50; BURBACH/TYLER-\$7.75; BUTLER/JUSTINE-\$7.25; CAMPBELL/MORGAN-\$7.75; CIHAK/JOHN-\$16.00; COFFMAN/LAURA-\$15.00; CONKLING/WILLIAM-\$15.00; COWMAN/TODD-\$15.00; CRONIN/BAILIE-\$8.50; DAVIS/MOLLY-\$7.75; DAVIS/PATRICK-\$8.25; DEWALD/AARON-\$8.50; DREESEN/TAYLOR-\$8.50; DUFF/JENNIFER-\$15.00; FENDER/DAVID-\$16.00; FITZSIMMONS/RAMSEY-\$9.00; FITZSIMMONS/SEAN-\$7.00; FUKS/DIANE-\$7.25; GARVEY/LACEY-\$7.50; GEVENS/GWEN-\$8.25; GRANFLATEN/GLEN-\$15.00; GROSS/KYLIE-\$10.00; GURNEY/DOUG-\$16.00; GUTHMILLER/LARRY-\$15.00; HACK/CASSANDRA-\$7.75; HACK/DIANNE-\$8.50; HANSEN/DEAN-\$7.00; HEGGE/BROOKS-\$7.00; HENRICKSON/MEG-\$8.00; HERRBOLDT/JOLEEN-\$7.25; HILSON/MEGAN-\$7.50; HORACEK/FRANCIS-\$8.25; HUDSON/TYLER-\$7.75; HUMMEL/VALERIE-\$7.85; JANSEN/HANNA-\$7.25; JENSEN/REBECCA-\$7.50; JOHNSON/EARL-\$10.00; JOHNSON/MICHELLE-\$15.00; JOHNSON/REBECCA-\$10.00; JOHNSON/ZACHARY-\$7.25; JONES/CAITLIN-\$7.25; JONES/HAROLD-\$16.00; KACHENA/GABBIE-\$7.50; KANE/KALEENA-\$7.50; KINSLEY/ANNE-\$7.85; KINSLEY/CARISSA-\$7.85; KLEINSCHMIT/DANIELLE-\$7.25; KLINE/RICK-\$20.00; KLING/CAROLE-\$8.75; KLUG/SARAH-\$10.00; KNEIFL/ASHLEY-\$7.50; KOKESH/DAVE-\$16.00; KOPEJTKA/KRISTINA-\$7.75; KUCHTA/COLBY-\$7.50; LABAY/STEVEN-\$7.00; LACOMBE/DAVID-\$15.00; LEYDEN/KELLY-\$7.25; LIKNESS/KALLI-\$8.15; LILLIE/JORDAN-\$7.25; LOECKER/MARY-\$7.75; LORENZEN/LAVONNE-\$9.00; MABEE/BENNETT-\$7.50; MABEE/MICHAEL-\$7.50; MARQUARDT/JOHN-\$16.00; MARX/LISA-\$7.25; MILLER/DANIEL-\$15.00; MILLER/TRAVIS-\$8.50; MUDDER/ALAINA-\$7.75; MULLICAN/BLAINE-\$7.75; NEUKIRCH/ALEX-\$7.75; NEUKIRCH/TRAVIS-\$7.50; NOVAK/SARAH-\$7.75; OLSON/HEIDI-\$7.25; ORR/EVANGELINE-\$8.00; PETERSON/SHARLOTTE-\$8.75; PETRIK/AMY-\$8.00; PIGNEY/GARY-\$15.00; PINKELMAN/LONNIE-\$16.00; POLLOCK/PAUL-\$8.00; PONS/BAILEY-\$7.75; PRATER/RONNIE-\$8.25; PRIVETT/JAMIE-\$15.00; RASMUSSEN/EMILY-\$10.00; REDERICK/BRITTANY-\$10.00; REHUREK/TERRA-\$7.25; REICHLE/ROY-\$7.25; ROUSE/JANICE-\$7.00; SAILER/JOSH-\$7.50; SANTOS/SAMUEL-\$7.50; SCHENKEL/DEREK-\$7.50; SCHIEFFER/ANGELA-\$7.25; SCHIEFFER/PATTY-\$7.50; SCHOENFELDER/JOE-\$7.25; SCHUMACHER/TIERNEY-\$7.25; SCHURRER/KEELIN-\$7.50; SCHUURMANS/BRITTANY-\$7.25; SIMONSEN/JEFF-\$8.50; SKONHOVD/CAROL-\$9.00; STEFFEN/DYLAN-\$7.75;

STIBRAL/TWILA-\$8.00; STOGSDILL/VICKI-\$7.00; STUERMAN/WILLIAM-\$7.25; SUING/DONALD-\$16.00; TRAMP/DENISE-\$8.75; TREFTZ/LANDON-\$7.50; VAN MAANEN/JESSE-\$7.85; VAN MEETEREN/ALISSA-\$7.75; VIERECK/DANIEL-\$8.25; WALLIS/JOSHUA-\$7.50; WALLIS/MATTHEW-\$8.25; WATTIER/SONYA-\$7.50; WERNER/DAVID-\$15.00; WIEBELHAUS/TERRY-\$16.00; WIESELER/JOHN-\$15.00; WORTMANN/LAURA-\$7.25; WRIEDT/MALLORY-\$8.50; WRIGHT/ELIZABETH-\$7.50; SAYLER/BRICE-\$7.25; STODDARD/CHARLES-\$10.6090; ZWETZIG/CARL-\$11.6699; GOEDEN/ANDREW-\$7.50; BAILEY/BRUCE-\$8.00; BAILEY/PATRICIA-\$8.00; BARTUNEK/GAIL-\$7.75; BINDER/MARY-\$8.00; CASEY/MORGAN-\$7.25; COOK/RILEY-\$7.50; CYRANKOWSKI/WALTER-\$7.50; DELOZIER/JERRY-\$7.25; EVANS/KEVIN-\$8.15; FORD/KRIS-\$7.50; FREEMAN/AUDREY-\$7.25; GREENE/KATHERINE-\$7.75; GROETKEN/MICHAEL-\$8.25; HELLAND/ZACH-\$7.50; JOHNSON/ALLI-\$7.50; JOHNSON/KYLER-\$7.75; KAPPEL/KIMBERLEE-\$8.00; KOLETZKY/JIM-\$8.15; MARCHAND/ROBERT-\$9.15; MICHELS/COLLIN-\$7.75; NICKLES/JOEY-\$7.25; SCHRAMM/CARMEN-\$7.25; SIME/BRETT-\$8.00; SMITH/PATRICK-\$8.40; STEFFES/MARVIN-\$8.00; STENSTROM/HANNAH-\$7.25; TASA/BECKY-\$7.50; LSH/ADAM-\$7.25; WILLCUTS/AMBERLEE-\$7.50; ZAVADIL/GERALD-\$7.90; ZIMMERMAN/TONYA-7.25.

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

#### Action 09-02

Moved by Commissioner Gross, seconded by Commissioner Knoff, that the following items on the consent agenda be approved.

1. Establishing public hearing for sale of alcoholic beverages  
Establish January 26, 2009, 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 three days, August 21-23, 2009, from Yankton Area Riverboat Days Inc., (Bonnie Pinkelman, treasurer) Riverside Park, Yankton, South Dakota.
2. Establishing public hearing for sale of alcoholic beverages  
Establish January 26, 2009, 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 three days, August 21-23, 2009, from Yankton Area Riverboat Days Inc., (Bonnie Pinkelman, treasurer) City Hall Auditorium, Yankton, South Dakota.
3. Permission for Alcoholic Beverages  
Consideration of a request from Marilyn Obr to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a Christmas party on December 27, 2009
4. Peddler's License  
Consideration of Memorandum #09-01 regarding approval of an application for a Peddler's License for Huber Home Improvement, to go house-to-house for the purpose of sales and installation of home improvement items
5. Establishing public hearing for sale of alcoholic beverages  
Establish January 26, 2009, 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, April 18, 2009, from Yankton Catholic Community Development Office (Brian Steward, Pres) such event to be held at Mt. Marty College/Roncalli Center Dining Room
6. Establish Public hearing for Malt Beverage License  
Establish January 26, 2009, as the date for the public hearing on the application for a transfer of ownership of a Retail (on-off sale) Malt Beverage License for July 1, 2008, to June 30, 2009, from Dayhuff Enterprises, Inc. (Jeff Dayhuff, Pres.) d/b/a Waterfront to Jay Deb Enterprises, Inc. (Jay Deitloff, owner) d/b/a Waterfront, 201 Capital, Yankton, South Dakota.
7. Establish Public hearing for Liquor License  
Establish January 26, 2009, as the date for the public hearing on the application for a transfer of ownership of a Retail (on-sale) Liquor License for January 1, 2009, to December 31, 2009, from Dayhuff Enterprises, Inc. (Jeff Dayhuff, Pres.) d/b/a Waterfront to Jay Deb Enterprises, Inc. (Jay Deitloff, owner) d/b/a Waterfront, 201 Capital, Yankton, South Dakota.
8. Establish Public hearing for Liquor License a  
Establish January 26, 2009, as the date for the public hearing on the application for a transfer of location of a Retail (on-sale) Liquor License for January 1, 2009, to December 31, 2009, from Slowey Management Company d/b/a Weekends with Bernie, (Steve Slowey, President) 401

Capital Street to Steve Slowey d/b/a Slowey Management Company, 222 W. 3<sup>rd</sup> Street, Yankton, South Dakota.

9. Permission for Alcoholic Beverages

Consideration of a request from Sandra Williams to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a shower on May 30, 2009.

10. Establishing public hearing for sale of alcoholic beverages

Establish January 26, 2009, 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, February 10, 2009, from Chamber of Commerce (Lynn Peterson, President) d/b/a Chamber of Commerce, National Field Archery Association, 800 Archery Lane, Yankton, South Dakota.

11. Establishing public hearing for sale of alcoholic beverages

Establish January 26, 2009, 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, February 21, 2009, from Ability Building Services Foundation, Inc., GAR Hall, 508 Douglas, Yankton, South Dakota.

**Roll Call:** Members present voting “Aye:” Commissioner Carda, Ellingson, Gross, Knoff, Murphy, VanDerhule, and Wenande; voting “Nay:” None; Abstaining: Mayor Specht.

Motion adopted.

Action 09-03

This was the time and place for the public hearing on Ordinance No. 919, AN ORDINANCE AMENDING ORDINANCE NO. 905, 2008 ANNUAL APPROPRIATION ORDINANCE. No one was present to speak for or against adoption of the Ordinance. Moved by Commissioner Gross, seconded by Commissioner Knoff, to adopt Ordinance No. 919.

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

Motion adopted.

Action 09-04

This was the time and place for the public hearing regarding adoption of Resolution 08-56, approving the special assessment roll for alley construction from between Linn Street and Broadway, 7<sup>th</sup> Street to 8<sup>th</sup> Street. (Memorandum 08-241) Area residents Marvis Tronvold and David Gratzfeld were present and spoke in favor of construction of the alley. Also in attendance were area residents Anna Schulte and David Blagg who spoke against the alley project. Moved by Commissioner Knoff, seconded by Commissioner Carda, to adopt Resolution 08-56.

**RESOLUTION 08-56  
A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING  
IMPROVEMENTS FOR THE ALLEY FROM  
7<sup>th</sup> ST. TO 8<sup>th</sup> ST. BETWEEN LINN ST. AND BROADWAY AVE.**

**BE IT RESOLVED** by the Board of City Commissioners of the City of Yankton, South Dakota:

SECTION 1. That it is deemed and declared necessary to construct improvements in accordance with plans and specifications therefore, prepared under the direction of the Department of Public Works on the alley from 7<sup>th</sup> Street to 8<sup>th</sup> Street Between Linn Street and Broadway Avenue in the City of Yankton, South Dakota, abutting upon the following described property to be assessed therefore:

**Lots 3B and 4B, and Lots 5 through 15, and the West ½ of Lot 16, Block 71 of Central Yankton Addition.**

SECTION 2. That the nature of said improvements is to construct a three inch asphalt pavement surface, six inches of gravel base course, unclassified excavation/earthwork and grading, seeding and approach pavements at each end of the alley project in the above named location.

This project does not include improvements outside of the alley right-of-way, concrete driveway approaches. The project does include some slope work on private property.

SECTION 3. That the cost and expense of the above listed improvements shall be levied by special assessment upon the above described properties in accordance with Chapter 9-43 of the South Dakota Codified Laws. Said improvements shall be assessed upon the above described properties abutting

thereon according to the benefits derived in accordance with Chapter 9-45 of the South Dakota Codified Laws.

SECTION 4. Said assessment may be paid in ten (10) equal annual installments. Any such assessment or any installment thereof unless paid within thirty (30) days after the filing of the Assessment Roll in the Office of the City Finance Officer shall be collected under Plan Two, with interest in accordance with the procedure provided in SDCL 9-43-42 through 9-43-53, as amended. In all cases where interest on such assessment or the installment thereof is to be charged and collected in accordance with the law, the rate to be charged shall be as established by the Board of City Commissioners.

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

Action 09-05

This was the time and place for the public hearing regarding authorizing Resolution 09-01, Drinking Water State Revolving Fund Loan Program. No one was present to speak for or against adoption of the Resolution. Moved by Commissioner Gross, seconded by Commissioner Knoff, to adopt Resolution 09-01.

**RESOLUTION 09-01  
AUTHORIZING RESOLUTION  
Drinking Water State Revolving Fund Loan Program**

**WHEREAS**, the City of Yankton has identified the need for making substantial upgrades to the city's drinking water system, which includes replacing water mains in various areas of the community; and

**WHEREAS**, the City of Yankton proposes to apply for approximately \$3,000,000 in Drinking Water State Revolving Fund Loan Program funds at a rate of 3.25% for 20 years; and

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

**WHEREAS**, the City of Yankton pledges to repay the Drinking Water State Revolving Fund loan by using water utility revenues; and

**WHEREAS**, with the submission of the Drinking Water State Revolving Fund Loan Program application, the City of Yankton assures and certifies that all Drinking Water State Revolving Fund Loan Program requirements will be fulfilled; then

**THEREFORE, BE IT RESOLVED**, that the Yankton City Commission duly authorizes the submission of the Drinking Water State Revolving Fund Loan Program application; and

**BE IT FURTHER RESOLVED**, that the City Manager be authorized to execute the Drinking Water State Revolving Fund Loan Program application and be the authorized signatory on all pay requests and related documents concerning the project.

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

Action 09-06

Moved by Commissioner Carda, seconded by Commissioner Wenande, to approve the Multiple Listing Service Agreements for the sale of City Owned Commercial and Industrial Property with Anderson Realty, LLC, Century 21 Professional Real Estate, Lewis & Clark Realty, America's Best, Conkling Real Estate, and Vision Real Estate, for a period of one year from January 14, 2009, to January 14, 2010. (Memorandum 09-06)

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

Action 09-07

Moved by Commissioner Ellingson, seconded by Commissioner Knoff, to adopt Resolution 08-53, (Memorandum 09-02)

**RESOLUTION 08-53**

WHEREAS, the City of Yankton has completed an ADA Transition Plan (“Plan”), Road Right of Way Ramps including a self evaluation related to the provision of appropriate pedestrian facilities in the City’s public right-of-ways, and

WHEREAS, a primary goal of the Plan is to ensure the equal participation of individuals with disabilities in the "mainstream" of American society, and

WHEREAS, the public has been notified and provided the opportunity to comment on the Plan, and

WHEREAS, the Plan will continue to be made available for public inspection once adopted.

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners that the City of Yankton ADA Transition Plan, Road Right of Way Ramps is hereby adopted along with a commitment to meet or exceed the actions set forth in the plan.

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

Action 09-08

Commissioner Gross introduced and Mayor Specht read the title of Ordinance No. 920, AN ORDINANCE AMENDING THE CITY OF YANKTON’S NOXIOUS VEGETATION ORDINANCE TO INCLUDE CERTAIN VEGETATION THAT HAS GROWN TO A HEIGHT OF EIGHT INCHES OR MORE and set the date for the second reading and public hearing as January 26, 2008.

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

Action 09-09

Moved by Commissioner Wenande, seconded by Commissioner Carda, to approve Change Order No. 2 from Dakota Contracting Corporation, a decrease of \$1,699.50 for a new contract total of \$238,481.89, to accept the project as complete and to authorize the Finance Officer to issue a manual check in the amount of \$11,924.09, to Dakota Contracting Corporation, Sioux Falls, South Dakota, as final payment for 2007 Chan Gurney Airport Expansion Project. (Memorandum 09-03)

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

Action 09-10

Moved by Commissioner Gross, seconded by Commissioner Wenande, to adjourn into Executive Session at 7:29 p.m. to discuss contractual matters-labor negotiations.

**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, Murphy, VanDerhule, and Wenande. City Attorney Goetz and City Manager Russell were also present. Absent: Commissioner Lowrie. Quorum present.

Action 09-11

Moved by Commissioner Carda, seconded by Commissioner Murphy, to adjourn at 8:37 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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Al Viereck  
Finance Officer