

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
JANUARY 26, 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, Lowrie, Murphy, VanDerhule, and Wenande. City Attorney Goetz and City Manager Russell were also present. Absent: None. Quorum present.

Action 09-12

Moved by Commissioner Gross, seconded by Commissioner Wenande, to approve the Minutes of the regular meeting of January 12, 2009.

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

Motion adopted.

Action 09-13

Moved by Commissioner Ellingson, seconded by Commissioner Wenande, that the Schedule of Bills be approved and warrants be issued.

A-OX WELDING SUPPLY CO INC-DRILL/CAMERA-\$441.74; ACE HARDWARE-HEATER-\$918.12; ACS GOVERNMENT INF SERVICE-MAINT SUPPORT-\$2,205.87; ACS SOLUTIONS SERVICES-SEMINAR-\$200.00; ADVANCED WEAPON TECHNOLOGY-CATCH NET-\$1,502.54; ADVANCED WEIGHING SYSTEMS INC-LANDFILL SUPPORT-\$1,450.00; AECOM ENVIRONMENT-TOXICITY TESTS-\$1,600.00; AIR LIQUIDE INDUSTRIAL US LP-CARBON DIOXIDE-\$426.40; ALLTEL-CELL PHONE BILL-\$339.99; ALTEX INT LLC-ACCESSORIES-\$944.00; AMERICAN FAMILY LIFE CORP-FLEX SER FEE-JAN-\$130.00; ANKENY CONSTRUCTION-CONCRETE REPAIRS-\$2,746.86; ANW-GATORADE-\$385.00; APCO INTERNATIONAL INC-DUES-\$184.00; APPEARA-TOWEL SERVICE-\$171.26; ARGUS LEADER-SUBSC RENEWAL-\$192.60; BAKER & TAYLOR BOOKS-BOOKS-\$6,883.32; BATTERY EXCHANGE-BATTERY-\$134.95; BAUER BUILT INC-GARAGE PARTS-\$208.54; BEST ACCESS SYSTEMS-KEYS-\$208.76; BEST BUSINESS PRODUCTS-CANON COPIER-\$100.27; BOBS CANDY INC-SUPPLIES-\$190.33; BOLLER PRINTING INC-LABELS-\$61.00; BOMGAARS INC-TOOLS-\$397.45; BOW CREEK METAL INC-CO2-\$73.50; BROWN & SAENGER SUPPLIES-\$78.29; BURBACH/SUE-REFUND-\$50.00; CARLSON AVIATION-AIRPORT MAINT CONT-\$620.41; CHAMBER OF COMMERCE-XMAS PARTY SUPPLIES-\$260.00; CHRISTENSEN RADIATOR & REPAIR-REPAIR PARTS-\$296.15; CITY OF VERMILLION-JT POWER CASH TRANS-\$33,452.66; CITY OF YANKTON-CENTRAL GARAGE-RUBBISH-\$28.00; CITY OF YANKTON-SOLID WASTE-COMPACTED GARBAGE-\$9,314.64; CITY UTILITIES-WATER/WW CHGS-DEC-\$3,501.52; CLARK'S RENTAL-FILTERS-\$12.60; CONCRETE MATERIAL-CONCRETE-\$616.00; COX AUTO INC-PARTS-\$350.99; CREDIT COLLECTION SERVICE INC-UT COL-NOV-\$67.40; CRESCENT ELECTRIC-AIRPORT REMODEL-\$39.36; CROFTON LAKEVIEW GOLF COURSE-PARTS-\$2,000.00; DAKOTA ARCHERY & SPORTS-SUPPLIES-\$28.65; DAKOTA BEVERAGE CO INC-MALT BEVERAGES-\$22.70; DAKOTA FLUID POWER INC-GARAGE PARTS-\$42.50; DAKOTA SUPPLY GROUP-WATER METERS-\$6,991.68; DANKO EMERGENCY EQUIPMENT-FLASHLIGHT-\$48.00; DATHER/COLE-MEMBERSHIP REFUND-\$29.52; DEMCO-SUPPLIES-\$175.41; DEPT OF CORRECTIONS-DOC WORK PROGRAM-\$1,354.19; DEPT OF ENV & NATURAL RESOURCE-ANNUAL WASTEWATER FEE-\$12,500.00; DEX MEDIA EAST-ADVERTISING-\$432.00; DEX MEDIA EAST-PHONE BOOK-\$39.93; DIGITAL ALLY INC-REPAIRS-\$60.00; DOWNTOWN SCREENPRINTING-UNIFORMS-\$85.00; EBSCO SUBSCRIPTION SERVICES-SUBSC RENEWAL-\$976.45; ECHO-BULBS-\$74.27; EISENBRAUN AND ASSOCIATES-SURVEYING-\$3,498.00; EMBROIDERY WORKS-UNIFORMS-\$530.40; ENERGY LABORATORIES INC-LAB WORK-\$435.00; FASTENAL COMPANY-SUPPLIES-\$1,272.54; FEDERATION OF FIRE CHAPLAINS-MEMBERSHIP-\$75.00; FEDEX-SHIPPING-\$254.22; FINANCE DEPT OF-PETTY CASH-\$111.46; FIRE GUARD-BATTERY PACK-\$523.40; FLANNERY/KIRT-OFFICER STIPEND-JAN-\$25.00; FOOTJOY-MERCHANDISE-\$215.71; FRICK/BRIAN-OFFICER STIPEND-JAN-\$50.00; FULLERTON LUMBER-SAW BLADE-\$13.49; GALE-BOOKS-\$119.52; GALL'S INC-UNIFORMS-\$110.97; GARY'S REPAIR-TOWING-\$780.00; GILLIS/LILAH-REFUND-\$24.99; GODFATHERS PIZZA-DOC WORK PROGRAM-\$45.96; GRAMPS-FUEL-\$2,023.52; HARTINGTON SHOPPER-CLASSIFIED AD-\$134.75; HAWKINS INC-CHEMICALS-\$854.40; HD SUPPLY WATERWORKS LTD-REPAIRS-\$941.40; HDR ENGINEERING INC-HYDRO INVESTIGATION-\$62,475.18; HEDAHL'S PARTS PLUS-PARTS-\$383.88; HERMANSON/STEVE-OFFICER STIPEND-JAN-\$50.00; HOWE HEATING & PLUMBING-

REPAIRS-\$570.30; HYVEE-SERVICE AWARDS-\$378.49; IN THE SWIM-REC PGM SUPPLIES-\$536.34; J&H CARE & CLEANING COMPANY-JANITORIAL SERVICE-\$2,300.00; JACK'S UNIFORMS-UNIFORMS-\$4.85; JAMESDUGAN INCORPORATED-SDGA BOOTH SPACE-\$350.00; JCL SOLUTIONS/JANITORS CLOSET-SUPPLIES-\$187.06; JOHNSON ELECTRIC-AIRPORT REMODEL-\$10.20; K MART STORE 4813-REC PGM SUPPLIES-\$194.97; KADRMAS LEE & JACKSON INC-ENGINEERING SERVICE-\$6,205.52; KAISER REFRIGERATION INC-PROFESSIONAL SERVICE-\$200.00; KAISER/RYAN-TRAVEL EXPENSE-\$153.60; KNOLOGY-PHONE BILL-\$2,871.85; KNOLOGY-INTERNET SERVICES-\$704.40; KOLETZKY IMPLEMENT INC-PARTS-\$22.07; LANDMARK AUDIOBOOKS-CD SLEEVES-\$133.00; LANE/DICK-OFFICER STIPEND-JAN-\$25.00; LEXISNEXIS MATTHEW BENDER-LOCAL GOV LAW-\$792.70; LIBRARY STORE-SUPPLIES-\$189.24; LIBRARY-CHANGE FUND-SUPPLIES-\$25.84; LINWELD INC-CO2-\$17.89; LOCATORS & SUPPLIES INC-SAFETY VEST-\$100.00; LONG'S PROPANE INC-PROPANE-\$417.50; LYLE SIGNS INC-ROAD MATERIALS-\$1,186.20; MANNES ARCHITECT/GLENN-REIMBURSEMENT EXP-\$3,727.80; MARKS MACHINERY-GARAGE PARTS-\$3,138.39; MCGRATH NORTH MULLIN & KRATZ-PROF SERVICES-\$4,200.67; MICROFILM IMAGING SYSTEMS-MNT AGREEMENTS-\$1,510.00; MIDAMERICAN ENERGY-FUEL-DEC-\$12,728.34; MIDAMERICAN ENERGY-FUEL-DEC-\$9,478.80; MIDWEST LABORATORIES INC-SLUDGE ANALYSIS-\$462.44; MIDWEST TAPE-DVD'S-\$158.47; MIDWEST TURF & IRRIGATION-REPAIR MOWER-\$248.89; MIDWEST WHEEL COMPANIES-GARAGE PARTS-\$58.67; MILLS DISTRIBUTING-DEICING SALT-\$6,735.06; MINERVA'S-EMPLOYEE XMAS PARTY-\$1,325.73; MOORE/PETE-TRAVEL EXPENSE-\$43.88; NEW YORK TIMES-SUBSC RENEWAL-\$405.60; NORTHERN BALANCE & SCALE INC-SERVICE BALANCE-\$202.00; NORTHERN TRUCK EQUIPMENT CORP-SNOW PLOW-\$6,778.00; NORTHWESTERN ENERGY-ELECT-DEC-\$54,053.22; PRESS DAKOTA MSTAR SOLUTIONS-BIDS-\$806.62; PRO-BUILD-FOX RUN SHELTER-\$2,932.06; PUMP'N'STUFF-CAR WASHES-\$57.00; QUILL CORPORATION-SHREDDER/SUPPLIES-\$275.92; QUIZNOS 9406-DOC WORK PROGRAM-\$17.18; QWEST COMMUNICATIONS-PHONE-DEC-\$1,547.34; R&R PRODUCTS INC-TOOLS-\$236.94; RACOM CORPORATION-RADIO ACCESS-\$1,860.30; RANDOM HOUSE INC-BOOKS ON CD-\$503.20; REGIONAL TECHNICAL EDUCATION-LEASE-DEC-\$1,466.67; ROBINSON MOTORS-VEHICLE REPAIRS-\$1,235.59; RON'S AUTO GLASS-REPAIR GARAGE PARTS-\$250.00; ROYAL SPORTS SHOP-ICE PACKS-\$28.00; RURAL DEVELOPMENT-SR CITIZENS LOAN-\$3,075.00; RUSSELL/DOUG-PASSPORT-\$75.00; SANITATION PRODUCTS INC-GARAGE PARTS-\$859.60; SHERWIN WILLIAMS CO-PAINT-\$279.69; SHUR-CO-REPAIRS-\$611.52; SMITH/JACK-MARNE CREEK EASEMENT-\$200.00; SOUTHEAST FIREFIGHTERS ASSOC-MEMBERSHIP FEE-\$50.00; STAR TRIBUNE-SUBSC RENEWAL-\$358.80; STERN OIL CO INC-FUEL-\$17,743.02; STURDEVANT'S AUTO PARTS INC-GARAGE PARTS-\$47.27; SUN MOUNTAIN SPORTS INC-MERCHANDISE-\$57.02; TINTING PROS-TINTING-\$90.00; TRACTOR SUPPLYPLAN CREDIT CARD-GARAGE PARTS-\$49.98; TRI AIR TESTING INC-AIR TESTOR-\$417.00; TRUCK TRAILER SALES INC-REPAIRS-\$1,051.10; TWO RIVER'S TOWING-TOWING-\$155.00; US POST OFFICE-UTIL-UT POSTAGE-\$1,200.00; UNITED PARCEL SERVICE INC-POSTAGE-DEC-\$178.87; UNITED STATES POSTAL SERVICE-POSTAGE METER-DEC-\$1,214.00; USA BLUE BOOK-HYDRANT FLAGS-\$497.91; VANDERHULE MOVING INC-WELDING-\$63.00; VELLEK/FRANK-RANGE FEE-\$750.00; VESSCO INC-REPAIRS-\$599.12; VOGT'S-UNIFORM REPAIRS-\$10.00; WALSH/JAY-OFFICER STIPEND-JAN-\$25.00; WESTERN OFFICE PRODUCTS-FILE CABINET-\$174.83; WESTON WOODS-DVD'S-\$261.40; YANKTON AREA PROG GROWTH-PROPERTY ACQ NFAA-\$5,000.00; YANKTON FIRE DEPARTMENT-NOV/DEC FIRE CALLS-\$1,920.00; YANKTON INSURANCE AGENTS-ADDN INSURANCE-\$60.30; YANKTON JANITOR SUPPLY INC-SUPPLIES-\$72.00; YANKTON MEDICAL CLINIC-EXAMS-\$3,087.00; YANKTON MEDICAL CLINIC-ALCOHOL/DRUG TESTS-\$615.00; YANKTON MOTOR COMPANY-GARAGE PARTS-\$41.26; YANKTON SCHOOL DISTRICT 63-3-PROJECT EXPENSES-\$8,284.59; YANKTON WINNELSON CO INC-PARTS-\$68.13; ZEP MANUFACTURING CO-HAND CLEANER-\$115.81; ZIEGLER/BILL-OFFICER STIPEND-JAN-\$25.00; ALBENESIUS INC/MARK- PENINAH & 31ST-\$20,167.52; AMERICAN FAMILY LIFE CORP-CANCER & ICU PREMIUMS-\$4,766.84; AVERA HEALTH PLANS-HEALTH INS-JANUARY-\$71,764.09; CONVENTION VISITORS BUREAU-SPECIAL APPROPRIATION-\$25,000.00; CREDIT COLLECTION SERVICE INC-EMPLOYEE DEDUCTION-\$502.42; DELTA DENTAL-DENTAL INS-JANUARY-\$5,454.16; DEPT OF SOCIAL SERVICES EMPLOYEE DEDUCTION-\$1,672.76; EDUCATION ASSISTANCE CORP-EMPLOYEE DEDUCTION-\$270.12; FIRST NATL BANK SOUTH DAKOTA-NSF CHECK-\$500.00; FIRST NATL BANK SOUTH DAKOTA-EMPLOYEE DEDUCTION-\$2,032.84; FRICK/TERRY-REPLACE CHECK-\$175.95; ICMA RETIREMENT TRUST 457-EMPLOYEE DEDUCTION-\$3,134.22; JOHNSON CONTROLS INC-HVAC SYSTEM-\$37,949.00; KLEIN'S TREE SERVICE-REPLACE CK-\$700.00; MADISON NATIONAL LIFE INS

CO-LIFE INSURANCE-JAN-\$580.01; MINNESOTA CHILD SUPPORT-EMPLOYEE DEDUCTION-\$121.91; NEBRASKA CHILD SUPPORT-PAYMENT EMPLOYEE DEDUCTION-\$303.00; PICTOMETRY INTERNATIONAL CORP-IMAGERY DOWN PAYMENT-\$5,100.00; RETIREMENT SD-SD RETIREMENT-DEC-\$61,007.34; SAILER/JOSH-REPLACE LOST CHECK-\$22.52; SDSRP-EMPLOYEE DEDUCTION-\$125.00; SOUTHEAST PROPERTIES-TID REIMBURSEMENT-\$6,438.55; SUMMIT ACTIVITY CENTER-EMPLOYEE DEDUCTION-\$534.94; UNITED WAY-EMPLOYEE DEDUCTION-\$56.00; VISA-VESTS-\$471.52; VISA-COMPUTER CABLES-\$107.91; VISA-SERVER RACK PD-\$406.75; VISA-CONFERENCE-\$549.96; VISA-TRAINING-\$306.02; VISA-FIRST AID SUPPLIES-\$39.39; VISA-POUND SUPPLIES-\$51.42; VISA-SHOWER CURTAINS-\$1,792.62; VISA-VOLLEYBALLS-\$388.90; VISA-SUBSCRIPTIONS-\$1,022.03; VISA-MEETING-\$98.58; VISA-CONFERENCE-\$88.47; VISA-TRAVEL-\$13.79; VISA-POSTAGE & LEASE-\$121.23; VISA-TRAVEL-\$114.61; VISA-TRAVEL-\$7.21; A-OX WELDING SUPPLY CO INC-ARGON GAS-\$114.95; ACE HARDWARE-ROAD MATERIALS-\$60.25; ADAMSON INDUSTRIES CORP-RADIO CONSOLE-\$264.90; BLACKHAWK PRODUCTS GROUP-SRT SUPPLIES-\$301.63; BOMGAARS INC-SUPPLIES-\$205.56; BROCK WHITE COMPANY LLC-GARAGE PARTS-\$2,482.81; BROWN & SAENGER-OFFICE SUPPLIES-\$148.89; BUTLER MACHINERY CO-GARAGE PARTS-\$8,650.11; CALLAWAY GOLF-RANGE BALLS-\$1,975.00; CITY OF SIOUX FALLS-TESTING-\$229.84; CITY OF YANKTON-PARKS-LANDFILL CHARGES-\$39.96; COX AUTO INC-GARAGE PARTS-\$92.88; CREDIT COLLECTION SERVICE INC-UTIL COLLECTION-\$256.58; CRESCENT ELECTRIC-LIGHTING LAMP-\$980.84; DEPT OF REVENUE-LAB FEES-\$313.00; DOCKENDORF EQUIPMENT CO INC-FILTERS-\$102.91; FASTENAL COMPANY-HARDWARE-\$30.56; GREAT PLAINS INTERNATIONAL-PARTS-\$230.32; HAAR CO INC-SNOWBLOWER PARTS-\$44.40; HEDAHL'S PARTS PLUS-STARTER-\$73.84; HISTORIC DOWNTOWN YANKTON INC-SP APPROPRIATION-\$6,375.00; HYVEE-X-MAS PARTY SUPPLIES-\$87.52; IN CONTROL INC-MEDIA CONVERTER-\$185.84; INDUSTRIAL CHEM LABS & SERVICE-CHEMICALS-\$242.00; JACK'S UNIFORMS-UNIFORMS-\$21.94; JAMES STEEL ERECTION-INSTALL WINDOWS-\$1,178.00; JCL SOLUTIONS/JANITORS CLOSET-SUPPLIES-\$231.19; K MART STORE #4813-SUPPLIES-\$82.63; LEXISNEXIS MATTHEW BENDER-POLICE CIVIL LIAB-\$201.80; LONG'S PROPANE INC-PROPANE-\$310.00; MARKS MACHINERY-PART-\$111.37; MCGRATH NORTH MULLIN & KRATZ-PROF SERVICES-\$5,084.22; MCLEODS PRINTING MINUTE BOOKS-\$327.18; MCMASTER-CARR SUPPLY CO-COMPRESSOR HOSE-\$123.20; MILLS DISTRIBUTING-DEICING SALT-\$6,793.72; MOTOROLA-RADIOS-\$25,288.00; NICKLES/MARK-CPR CARDS-\$90.00; OBSERVER-CHRISTMAS CONCERT-\$254.00; ONE CALL SYSTEMS INC-LOCATES-\$123.00; PRESS DAKOTA-MSTAR SOLUTIONS PUBLISH ORDINANCES-\$2,248.53; PUSH PEDAL PULL-REPAIR EQUIPMENT-\$1,292.79; ROYAL SPORTS SHOP-REC SUPPLIES-\$135.30; SCOTT DERR PAINTING LLC-PAINTING-\$1,000.00; SHERWIN WILLIAMS CO-INSTALL CARPET-\$1,113.72; T JEAN-DESIGN WEBSITE-\$63.60; TRUCK TRAILER SALES INC-PARTS-\$82.33; TWO RIVER'S TOWING-TOWING-\$160.00; ULTRAMAX AMMUNITION-EQUIPMENT-\$617.60; VOGT'S UNIFORM-REPAIRS-\$7.00; WATER & ENV ENG RESEARCH CTR-TOC ANALYSIS-\$117.00; WESTERN OFFICE PRODUCTS-OFFICE SUPPLIES-\$163.60; XEROX CORPORATION-COPIER LEASE-\$2,547.78; YANKTON JANITOR SUPPLY INC-JANITORIAL SUPPLIES-\$109.64; YANKTON SCHOOL DISTRICT #63-3-RESTRIPED PARKING LOT-\$2,065.66.

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

Motion adopted.

SALARIES-JANUARY 2009:

ADMINISTRATION-\$28,626.52; FINANCE-\$26,097.50; POLICE-\$130,233.90; FIRE-\$10,294.23; ENGINEERING-\$40,708.07; STREET-\$44,151.09; SNOW & ICE-\$5,416.78; TRAFFIC CONTROL-\$1,759.12; LIBRARY-\$25,820.98; PARKS/SAC-\$48,028.71; MARNE CREEK-\$2,827.95; WATER-\$37,843.48; WASTEWATER-\$29,731.49; CEMETERY-\$2,715.60; SOLID WASTE-\$15,423.68; LANDFILL-\$13,337.40; GOLF COURSE-\$13,896.43; CENTRAL GARAGE-\$6,395.29

PERSONNEL CHANGES & NEW HIRES:

New Hires:

Tracey Grotenhuis-\$1438.30 bi-wk.- Rec. Superintendent; Daniel Sanders-\$10.00 hr.-Wastewater; Donnie Robinson-\$1224.66 bi-wk.-Wastewater

Wage Increase: none

Item V., Adjournment into Executive Session to Consult Legal Counsel, was added to the agenda.

Mayor Specht read a proclamation of appreciation expressing gratitude to the Santa Claus Lane Committee and volunteers.

City Attorney Goetz announced his resignation as of March 31, 2009.

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

#### Action 09-14

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

1. Transient Merchant License and Special Events Dance License  
Consideration of Memorandum 09-17 recommending approval of the applications from the Riverboat Days Committee for:
  - A) Transient Merchant License for August 21<sup>st</sup> to 23<sup>rd</sup> 2009;
  - B) Special Events Dance License for August 22<sup>nd</sup> and 23<sup>rd</sup>, 2009
2. Establishing public hearing for sale of alcoholic beverages  
Establish February 9, 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 1 day, May 2, 2009, from The Center, Inc. (Tamera Matuska, Executive Director) 900 Whiting Drive, Yankton, South Dakota.
3. Permission for Alcoholic Beverages  
Consideration of a request from Dixie Foss to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a rehearsal supper on May 15, 2009.
4. Establishing public hearing for sale of alcoholic beverages  
Establish February 9, 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 17, 2009, from Chamber of Commerce (Lynn Peterson, President) d/b/a Chamber of Commerce, National Field Archery Association, 800 Archery Lane, Yankton, South Dakota.
5. Peddler's License  
Consideration of Memorandum 09-18 regarding approval of an application for a Peddler's License for TAK, Inc, for one person to go house-to-house for the purpose of selling cable, internet, and phone service for MidContinent Communications.

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

Motion adopted.

#### Action 09-15

This was the time and place for the public hearing on the application 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. (Memorandum 09-07) River Boat Day's Chair, Mike Gullickson, and several Committee Members, were present in support of the license application. Moved by Commissioner Knoff, seconded by Commissioner Wenande, to approve the license application.

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

Motion adopted.

#### Action 09-16

This was the time and place for the public hearing on the application 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. (Memorandum 09-08) Moved by Commissioner VanDerhule, seconded by Commissioner Knoff, to approve the license application.

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

Motion adopted.

#### Action 09-17

This was the time and place for the public hearing on the application 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 Mount Marty College/Roncalli Center Dining Room. (Memorandum 09-09) No one was present to speak for or against the license application. Moved by Commissioner Knoff, seconded by Commissioner Carda, to approve the license application.

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

Action 09-18

This was the time and place 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. (Memorandum 09-10) No one was present to speak for or against the license application. Moved by Commissioner Ellingson, seconded by Commissioner Knoff, to approve the application for transfer of ownership of the license.

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

Action 09-19

This was the time and place 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. (Memorandum 09-11) Moved by Commissioner Carda, seconded by Commissioner Gross, to approve the application for transfer of ownership of the license.

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

Action 09-20

This was the time and place 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. (Memorandum 09-12) No one was present to speak for or against the license application. Moved by Commissioner Lowrie, seconded by Commissioner Knoff, to approve the application for transfer of ownership of the license.

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

Action 09-21

This was the time and place for the public hearing on the application 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. (Memorandum 09-14) No one was present to speak for or against the license application. Moved by Commissioner VanDerhule, seconded by Commissioner Carda, to approve the license application.

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

Action 09-22

This was the time and place for the public hearing and second reading 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. No one was present to speak for or against adoption of the ordinance. Moved by Commissioner Ellingson, seconded by Commissioner Knoff, to adopt Ordinance No. 920.

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

Charles Peterson from HDR Engineering, Inc., presented a power point program on Source Water Alternatives for the City of Yankton and discussed the results of the report completed by his company.

Action 09-23

Commissioner Ellingson introduced and Mayor Specht read the title of Ordinance No. 921, AN ORDINANCE AMENDING ORDINANCE 913, THE 2009 ANNUAL APPROPRIATION

ORDINANCE, and set February 9, 2009, as the date for the second reading and public hearing. (Memorandum 09-19)

Action 09-24

Moved by Commissioner Carda, seconded by Commissioner Wenande, to approve Change Order Number 1 from Excel Underground Inc., Sioux Falls, South Dakota, an increase of \$1,842.77 for a new contract total of \$102,333.83, for the 21<sup>st</sup> Street Water Main Replacement Project, to accept the project as complete and to authorize the Finance Officer to issue a manual check in the amount of \$102,333.83, to Excel Underground, Inc., as final payment for the project. (Memorandum 09-16)

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

Action 09-25

Mike Dellinger, President of Yankton Area Progressive Growth (YAPG), was present to support the authorization of a transfer of a 7.2 acre parcel of City-owned property located in the southwest corner of the Fox Run Industrial Park to YAPG in Support of a Technology Based Economic Development Project. Moved by Commissioner Carda, seconded by Commissioner Wenande, to approve transferring the above described City-owned property to YAPG contingent upon the Economic Development Administration grant being made available for the project and to authorize the City Manager to execute the necessary documents for the transfer. (Memorandum 09-20)

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

A discussion regarding open meeting laws and restrictions and, also, how these laws apply to committee meetings was held by the Commission. It was the consensus of the Commission to direct City staff to try and list more on the City website calendar, including who serves on what committee.

Action 09-26

Moved by Commissioner Gross, seconded by Commissioner Knoff, to adjourn into Executive Session at 8:35 p.m.

**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 City Manager Russell were also present. Absent: None. Quorum present.

Action 09-27

Moved by Commissioner Ellingson, seconded by Commissioner Carda, to adjourn at 9:05 p.m.

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

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Dan Specht  
Mayor

ATTEST: \_\_\_\_\_  
Al Viereck  
Finance Officer

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