

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
MARCH 9, 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 09-66

Moved by Commissioner VanDerhule, seconded by Commissioner Lowrie, to approve the Minutes of the regular meeting of February 23, 2009.

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

Motion adopted.

Action 09-67

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

A & B BUSINESS EQUIPMENT INC-RICOH COPIER-\$169.20; A-OX WELDING SUPPLY CO INC-WELDING GASES-\$281.65; ACE HARDWARE-CABLE-\$662.83; ACS GOVERNMENT INF SERVICE-MAINT PROGRAM SUPPORT-\$1,545.48; ACTIVE NETWORK-TRANSACTION FEES-\$154.04; ALLTEL-CELL PHONE BILL-\$338.21; ALTEX INT LLC-ACCESSORIES-\$572.00; AMERICAN FAMILY LIFE CORP-FLEX SERV FEE-MAR-\$125.00; AMERICAN WATER WORK ASSN-MEMBERSHIP DUES-\$295.00; ANW-SOFT DRINKS-\$1,327.40; APPEARA-TOWEL SERVICE-\$151.35; APWA-MEETING-\$70.00; ASHWORTH INC-MERCHANDISE-\$1,114.27; AVERA HEALTHWORKS-DOT ALCOHOL/DRUG TESTING-\$54.00; AVERA SACRED HEART HOSPITAL-DOT ALCOHOL/DRUG TESTING-\$68.00; B&L COMMUNICATIONS-REPAIR PAGER-\$450.35; BAKER & TAYLOR BOOKS-BOOKS-\$2,608.71; BATTERY EXCHANGE-BATTERY-\$84.95; BAUER BUILT INC-GARAGE PARTS-\$293.72; BEST WESTERN RAMKOTA HOTEL-LODGING-\$148.00; BINDER/TIM-REIMBURSE-EMT COURSE-\$470.00; BOBS CANDY INC-TRASH BAGS-\$56.10; BOMGAARS INC-GRINDER-\$905.85; BONANZA SIRLOIN PIT #305-DOC WORK PROGRAM-\$41.79; BORDER STATES ELECTRIC SUPPLY-PARTS-\$4,656.00; BOUND TREE MEDICAL LLC-SUPPLIES-\$202.40; BOW CREEK METAL INC-PARTS-\$262.44; BROADWAY CHRYSLER-PARTS-\$28.15; BROWN & SAENGER-OFFICE SUPPLIES-\$715.88; BUREAU OF PERSONNEL-CONFERENCE/TRAINING-\$448.00; BUSINESS COMPUTER SERVICES-SOFTWARE-\$390.00; CALLAWAY GOLF-GOLF CLUBS/GOLF BALLS-\$2,450.60; CARLSON AVIATION-AIRPORT MGMT CONTRACT-\$529.31; CARROT-TOP INDUSTRIES INC-FLAGS-\$288.98; CEDAR COUNTY NEWS-CLASSIFIED ADS-\$272.70; CHAMBER OF COMMERCE-REGISTRATION FEE-\$75.00; CHRISTENSEN RADIATOR & REPAIR-INSTALLED SNOW PLOW-\$4,459.51; CITY OF SIOUX FALLS-TESTING-\$405.60; CITY OF VERMILLION-JT POWER CASH TRANSFER-\$21,996.20; CITY OF YANKTON-CENTRAL GARAGE-RUBBISH-\$10.00; CITY OF YANKTON-SOLID WASTE-COMPACTED GARBAGE-\$6,865.56; CITY UTILITIES-WTR-WW CHARGES-\$2,201.80; CLARK'S RENTAL-ROAD MATERIALS-\$33.00; COLE PAPERS INC-PAPER TOWELS-\$183.60; COLLISION FORENSIC SOLUTIONS-EQUIPMENT-\$13,935.00; COMFORT INN OF PIERRE-LODGING EXPENSE-\$280.00; CONCRETE MATERIAL-ROAD MATERIALS-\$3,305.49; COX AUTO INC-GARAGE PARTS-\$733.29; CREATIVE FORMS & CONCEPTS-ENVELOPES-\$130.23; CREDIT COLLECTION SERVICE INC-UTIL COLLECTION-JAN-\$194.62; CRESCENT ELECTRIC-LIGHT BULBS-\$520.53; CUT-RATE BATTERIES INC-BATTERIES-\$92.10; D-P TOOLS-REPAIR PARTS-\$74.36; DAKOTA SUPPLY GROUP-METER PARTS-\$4,817.02; DANKO EMERGENCY EQUIPMENT-REPAIR VALVES-\$1,378.12; DEPARTMENT OF REVENUE-MEDICAL TEST-\$13.00; DEPT OF CORRECTIONS-DOC WORK PROGRAM-\$489.64; DEPT OF ENVIROMENTAL CERTIFICATION-RENEWALS-\$138.00; DEPT OF REVENUE-LAB FEES-\$200.00; DESKTOP PUBLISHING SUPPLIES INC-SUPPLIES-\$219.88; DOWNTOWN SCREENPRINTING-LEAGUE T-SHIRTS-\$1,662.50; ECHO-ELECTRICAL PARTS-\$1,116.81; EHRESMANN ENGINEERING INC-ANGLE IRON-\$8.33; EISENBRAUN AND ASSOCIATES-COPIES-\$18.00; EMBROIDERY WORKS-UNIFORM SHIRTS-\$194.00; ENERGY LABORATORIES INC-LAB TESTS-\$435.00; ETHANOL PRODUCTS LLC-CARBON DIOXIDE-\$480.11; FARMERS ELEVATOR COMPANY-SOLAR SALT-\$2,146.20; FASTENAL COMPANY-NUTS & BOLTS-\$272.09; FEDEX-SHIPPING-\$118.80; FINANCE DEPT OF-PETTY CASH-\$45.38; FIRE CHIEF ASSN SD-MEMBERSHIP DUES-\$50.00; FIRE GUARD-PARTS-\$69.84; FIRE SAFETY MEDIA-FIRE PREVENTION DVD-\$1,010.00; FIRST NATIONAL

BANK-SALES TAX REV BONDS-\$381,012.74; FIRST NATIONAL BANK-DRINKING WATER SRF-\$61,349.87; FIRST NATIONAL BANK-SRF LOAN #2-\$96,659.29; FIRST NATIONAL BANK-SRF #1-\$52,744.23; FLEET SAFETY EQUIPMENT INC-LIGHTBARS-VEHICLES-\$1,914.85; FLEXIBLE PIPE TOOL COMPANY-REPAIRS-\$320.25; FOOTJOY-MERCHANDISE-\$5,159.36; FRICK/ADAM-REIMBURSE-EMT COURSE-\$470.00; FULLERTON LUMBER-LUMBER-\$18.05; GALE-BOOKS-\$198.81; GIRTON ADAMS COMPANY-BOILER PARTS-\$182.65; GOSCOMA-ANNUAL DUES-\$100.00; GOVERNORS INN-LODGING/CONFERENCE-\$140.00; GOVT FINANCE OFFICER ASSN-GAAFR NEWSLETTER-\$85.00; GRAINGER-AIR FILTERS-\$2,104.96; GRAMPS-FUEL-\$2,395.22; GRAYMONT CAPITAL INC-PEBBLE LIME-\$4,273.49; HAAR CO INC-SNOW BLOWER-\$1,300.00; HACH COMPANY-LAB SUPPLIES-\$163.23; HAGEMANN/DUSTIN-UNIFORMS-\$105.95; HAROLD'S CAMERA STORES-PROCESS FILM-\$41.95; HARTINGTON SHOPPER-CLASSIFIED ADS-\$371.70; HAWKINS INC-FERRIC CHLORIDE-\$1,504.80; HD SUPPLY WATERWORKS LTD-WATER METERS-\$1,763.72; HEDAHLS PARTS PLUS-BATTERIES-\$1,250.74; HEIMAN FIRE EQUIPMENT INC-BUNKER GEAR-\$7,271.15; HOLCOMB FREIGHTLINER INC-GARAGE PARTS-\$29.51; HYVEE-CLEANING SUPPLIES/CREDIT-\$114.53; INLAND TRUCK PARTS CO-GARAGE PARTS-\$591.08; INTL CODE COUNCIL INC-MEMBERSHIP DUES-\$100.00; J&H CARE & CLEANING COMPANY-JANITORIAL SERVICES-FEB-\$2,300.00; JACK'S UNIFORMS-UNIFORMS-\$436.09; JAMES STEEL ERECTION-NORTH FIRE STATION-\$28,500.00; JANWAY CO-TOTE BAGS-\$173.17; JCL SOLUTIONS/JANITORS CLOSET-SUPPLIES-\$429.44; JODEAN'S-DOC WORK PROGRAM-\$49.50; JOHNSON ELECTRIC-RENTAL-BUCKET TRUCK-\$204.08; JOHNSON ENG CO INC-ENGINEERING SERVICES-\$38,290.00; K MART STORE #4813-TONER CARTRIDGES-\$249.45; KADRMAS LEE & JACKSON INC-ENGINEERING SERVICES-\$834.41; KAISER HEATING & COOLING INC-FURNACE FILTERS-\$197.71; KAISER REFRIGERATION INC-REPAIR CHAIN SAW-\$225.82; KAISER/RYAN-REIMBURSE-EMT COURSE-\$470.00; KING PAR CORPORATION-GOLF CLUBS-\$552.38; KLEIN'S TREE SERVICE-ROAD MATERIALS-\$275.00; KNOLOGY-PHONE BILL-\$2,812.72; KNOLOGY-INTERNET SERVICES-\$704.40; KOLETZKY IMPLEMENT INC-GARAGE PARTS-\$428.35; KRAFT/JOHN-REIMBURSE-EMT COURSE-\$470.00; KROHMER PLUMBING INC-CHIMNEYS-POOL BOILER-\$7,367.00; KUHL/KEVIN-TRAVEL REIMBURSEMENT-\$83.23; KVHT-FM-ADVERTISING-\$125.00; L&L MOTORS INC-GARAGE PARTS-\$33.65; LARRY'S CANVAS & SHOE REPAIR-REPAIR EQUIPMENT-\$165.00; LARRY'S PLUMBING SERVICE-PLUMBING SUPPLIES-\$16.35; LIBRARY-CHANGE FUND-DOC WORK PROGRAM-\$35.21; LIGHT AND SIREN-PARTS-\$154.95; LOCATORS & SUPPLIES INC-LOCATING SUPPLIES-\$511.47; LONG'S PROPANE INC-PROPANE-\$581.25; LOWER JAMES RC & D-DUES-\$100.00; LYLE SIGNS INC-ROAD SIGNS-\$6,078.35; MCGRATH NORTH MULLIN & KRATZ-PROFESSIONAL SERVICES-\$3,023.62; MEAN GREEN HAND SCRUB-JANITORIAL SUPPLIES-\$80.00; MES-MIDAM-REPAIR & SHARPEN CHAINS-\$171.29; MIDAMERICAN ENERGY-FUEL-FEB-\$7,777.99; MIDAMERICAN ENERGY-WATER/WW FUEL-\$11,087.01; MIDWEST WHEEL COMPANIES-GARAGE PARTS-\$123.02; MILLS DISTRIBUTING-DEICING SALT-\$18,656.31; MOTOR VEHICLE DEPT SD-LICENSE PLATES/TITLES-\$13.00; MUNICIPAL CODE CORP-CODE SUPPLEMENT-\$879.42; MUNICIPAL LEAGUE SD-MEETING EXPENSE-\$26.00; NB GOLF CARS INC-GOLF CAR LEASE-\$4,834.00; NELSON/ASHLEY-REFUND-WOMEN'S B-BALL-\$150.00; NEW SIOUX CITY IRON CO-GARAGE PARTS-\$291.86; NORTHWEST ELECTRIC-PUMP REPAIRS-SAC POOL-\$667.49; NORTHWESTERN ENERGY-ELECTRIC-FEB-\$49,678.79; O'REILLY AUTO PARTS-POWER OUTLETS-\$11.98; OBORNEY/JOEY AND BRANDI-REFUND DEPOSIT-\$43.29; ONE CALL SYSTEMS INC-LOCATES-\$56.00; PACK & SHIP-SHIPPING-\$6.14; PAYER/MARK-REFUND-SWIM LESSON-\$6.36; PEACE OFFICERS ASSN/SD-SDPOA DUES-\$200.00; PFC EQUIPMENT INC-PUMP PARTS-\$731.54; PING-GOLF CLUBS-\$160.69; PIONEER BANK & TRUST-RICOH COPIER LEASE-\$198.83; PRESS DAKOTA MSTAR SOLUTIONS-RECYCLE ADS-\$3,592.65; PRO-BUILD-ROOF VENT-\$20.52; PUMP 'N' STUFF-CAR WASHES-\$90.00; PUSH PEDAL PULL-REPAIR EXERCISE EQUIP-\$201.00; QWEST COMMUNICATIONS-PHONE BILL-\$1,546.41; REGIONAL TECHNICAL EDUCATION-LEASE-JAN 09-\$1,466.67; REGISTER OF DEEDS-DEEDS-\$50.00; RELIABLE PRINTING SOLUTIONS-PRINTER CARTRIDGE-\$236.47; RIVERSIDE HYDRAULICS & LAB INC-PARTS-\$284.45; ROBINSON MOTORS-PARTS-\$359.03; RON'S AUTO GLASS REPAIR-REPAIR WINDSHIELD-\$50.00; ROTH/CURT-YBI-JFK BASKETBALL PGM-\$515.00; ROTHENBERGER/MONTY-UNIFORM-\$74.19; ROYAL SPORTS SHOP-ICE PACKS-\$46.60; RURAL DEVELOPMENT-SR CITIZEN LOAN-\$3,075.00; SCHOLASTIC LIBRARY-PUBLISHING BOOKS-\$247.00; SCHRAMM ARCHITECT LLC-ARCHITECT FEES-\$3,119.60; SDI-MERCHANDISE-\$841.52; SELECT PARTS INC-GARAGE PARTS-\$332.33; SESHM-CONFERENCE REGISTRATION-\$79.00; SHEEHAN MACK SALES & EQ INC-REPAIR LOADER-\$176.73; SHERWIN WILLIAMS CO-SHADES-\$256.26; SHOBERG/GREG-REIMBURSE-UNIFORM BOOTS-\$125.00; SHUR-CO-

TARPS/PARTS-\$514.58; SIOUX CITY JOURNAL-SUBSCRIPTION RENEWAL-\$218.00; SIOUX FALLS TWO WAY RADIO SVS-PROGRAM/INSTALL RADIOS-\$3,706.34; SKYHAWKE TECHNOLOGIES LLC-MERCHANDISE-\$901.29; SORENSEN/JEFFREY-UNIFORMS-\$125.00; SPECIALTY STORE SERVICES INC-LABELS-SECURITY-\$238.97; STERN OIL CO INC-DIESEL FUEL-\$14,542.79; STURDEVANT'S AUTO PARTS INC-FILTER-\$6.07; SUBWAY-MEETING SUPPLIES-\$13.96; SUN MOUNTAIN SPORTS INC-MERCHANDISE-\$750.92; TITLEIST AND FOOT-JOY-GOLF CLUBS-\$83.12; TMA-GARAGE PARTS-\$856.60; TRANSPORTATION DEPT/SD-REGISTRATION FEE-\$60.00; TRUCK TRAILER SALES INC-PARTS-\$97.50; TRUXEDO-COVER-\$538.00; TURFLINE INC-PARTS-\$505.46; US POST OFFICE-UTIL-UTILITY POSTAGE-\$1,200.00; UNITED STATES POSTAL SERVICE-POSTAGE METER-FEBRUARY-\$844.00; UPSTART-PROGRAM MATERIALS-\$29.45; VANDERHULE MOVING INC-CHEMICALS/GASES-\$166.50; VOGT'S-UNIFORM REPAIRS-\$108.75; VWR SCIENTIFIC LAB-SUPPLIES-\$999.92; WATER & ENV ENG RESEARCH CTR-TESTS-\$76.00; WESTERN OFFICE PRODUCTS-OFFICE SUPPLIES-\$9.98; WIESELER/MICHELLE-REFUND-WOMENS B-BALL-\$150.00; WOHL'S PLUMBING & HEATING-PLUMBING-\$61.22; XEROX CORPORATION-COPIER LEASE-\$1,307.64; YANKTON CO HISTORICAL-1/4 SP APPROPRIATION-\$2,025.00; YANKTON COUNTY HIGHWAY DEPT-MEETING SUPPLIES-\$48.12; YANKTON COUNTY TREASURER-SAFETY CENTER BILL-\$16,820.22; YANKTON FIRE & SAFETY CO-INSPECT EXTINGUISHERS-\$112.00; YANKTON INSURANCE AGENTS-AIRPORT LIABILITY INS-\$5,824.03; YANKTON JANITOR SUPPLY INC-SUPPLIES-\$1,394.99; YANKTON MEDICAL CLINIC-FIREMAN PHYSICAL-\$831.00; YANKTON MOTOR COMPANY-REPAIRS-\$708.24; YANKTON TITLE CO-TITLE SEARCH-\$200.00; YANKTON WINNELSON CO INC-FITTINGS/PIPE-\$275.43; ACE HARDWARE-TAX INCENTIVE-\$20,057.13; AMERICAN FAMILY LIFE CORP-CANCER & ICU PREMIUMS-\$5,424.18; ARGUS LEADER-SUBSCRIPTION-\$234.55; AVERA HEALTH PLANS-HEALTH INSURANCE-MARCH-\$72,168.53; BOMGAARS INC-POUND SUPPLIES-\$78.69; BUSBY/JERRY-SEMINAR-\$150.00; CAMPBELL PET COMPANY-POUND SUPPLIES-\$59.42; DELTA DENTAL-DENTAL INSURANCE-MARCH-\$5,454.16; DEPT OF SOCIAL SERVICES-EMPLOYEE DEDUCTIONS-\$1,334.76; DIETZMANN/ELIZABETH-PROFESSIONAL SERVICE-\$1,250.00; EDUCATION ASSISTANCE CORP-EMPLOYEE DEDUCTIONS-\$153.72; FIRST NATL BANK SOUTH DAKOTA-STOP PAYMENT CHECK-\$780.00; FIRST NATL BANK SOUTH DAKOTA-EMPLOYEE DEDUCTIONS-\$1,711.34; FOOTE/JASON-K-9 VET APPOINTMENT-\$235.00; GALL'S INC-GALLS EQUIPMENT-\$184.07; GOLFSMITH INTERNATIONAL-SHAFT EXTENSIONS-\$19.92; GOVT FINANCE OFFICER ASSN-GFOA PUBLICATION-\$55.85; HAGEMANN/DUSTIN-SCHOOL-\$60.00; HYVEE-FIRST AID SUPPLIES-\$265.75; ICMA RETIREMENT TRUST-#457-EMPLOYEE DEDUCTIONS-\$4,364.56; MADISON NATIONAL LIFE INS CO-LIFE INSURANCE-MARCH-\$635.35; MCDONALDS-TRAVEL-\$5.98; MINNESOTA CHILD SUPPORT-EMPLOYEE DEDUCTIONS-\$99.05; NEBRASKA CHILD SUPPORT-PAYMENT EMPLOYEE DEDUCTIONS-\$303.00; NEWEGG.COM-COMPUTER SUPPLIES-\$56.97; PITNEY BOWES-POSTAGE-\$116.99; POSTMASTER-POSTAGE-\$84.00; RETIREMENT SD-SD RETIREMENT-FEB-\$54,842.22; RUSSELL/DOUG-TRAVEL-\$100.00; SD PUBLIC ASSURANCE ALLIANCE-PROPERTY/CASUALTY INS-\$232,659.18; SDSRP-EMPLOYEE DEDUCTIONS-\$125.00; SDWWA-REGISTRATION-\$90.00; SUMMIT ACTIVITY CENTER-EMPLOYEE DEDUCTIONS-\$554.34; TALON ARMS-SHOOT MAT-\$317.80; TIGER DIRECT-COMPUTER CABLES-\$35.97; U.S. POST OFFICE-UTIL-POSTAGE-\$1,187.74; UNITED WAY-EMPLOYEE DEDUCTIONS-\$56.00; VISA-CONFERENCE-\$760.00; VISA-TRAVEL-\$23.01; VISA-SUBSCRIPTION-\$123.90; VISA-PASSPORT PROCESSING FEE-\$25.00; WAL-MART STORES INC-DVD'S-\$241.88; YANKTON AREA ICE ASSOCIATION-ICE ASSOCIATION PAYMENT-\$1,572.56.

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

Motion adopted.

SALARIES- FEBRUARY 2009:

ADMINISTRATION-\$27,641.74; FINANCE-\$25,527.10; POLICE-\$116,977.15; FIRE-\$9,249.48; ENGINEERING-\$39,205.12; STREET-\$37,907.62; SNOW & ICE-\$1,899.81; TRAFFIC CONTROL-\$1,652.13; LIBRARY-\$25,043.36; PARKS/SAC-\$48,804.65; MARNE CREEK-\$2,770.93; WATER-\$32,976.58; WASTEWATER-\$27,335.54; CEMETERY-\$2,729.46; SOLID WASTE-\$14,799.35; LANDFILL-\$13,538.02; GOLF COURSE-\$11,950.16; CENTRAL GARAGE-\$6,422.98.

PERSONNEL CHANGES & NEW HIRES:

New Hires: Mario Briseno-\$15.00 gm.-Rec. Div.; Rhonda Olson-\$1322.30 bi-wk.-Police; Curtis Roth-\$15.00 gm.-Rec. Div.; Chantel Spurgin-\$7.50 hr.-Rec. Div.

Wage Increase: Denise Brown-\$7.50 hr.-Rec. Div.; Gwen Gevens-\$8.50 hr.-Rec. Div.; Dianne Hack-\$8.75 hr.-Rec. Div.; Brooks Hegge-\$7.50 hr.-Rec. Div.; Danielle Kleinschmit-\$7.50 hr.-Rec. Div.; Kristina Kopejtka-\$8.00 hr.-Rec. Div.; Paul Pollock-\$8.25 hr.-Rec. Div.; Ronnie Prater-\$8.50 hr.-Rec. Div.; Janice Rouse-\$7.25 hr.-Rec. Div.; Mallory Jo Wreidt-\$8.75 hr.-Rec. Div.

Mayor Specht read a proclamation declaring the month of March as *Developmental Disabilities Awareness Month*.

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

Action 09-68

At the Mayor's request, Commissioner Gross moved, seconded by Commissioner Ellingson, to suspend rules and add New Business Item Number 7 to the agenda and discussion of "Negotiation Items" to the Executive Session.

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

Action 09-69

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

1. Permission for Alcoholic Beverages
Consideration of a request from Katti Myers to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a family reunion on August 15, 2009.
2. Establishing public hearing for sale of alcoholic beverages
Establish March 23, 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 14, 2009, from Chamber of Commerce (Lynn Peterson, President) d/b/a Chamber of Commerce, Midcontinent Communications, 2020 Elm Street, Yankton, South Dakota.
3. Establish Public hearing for Liquor License
Establish March 23, 2009, as the date for the public hearing on the request for the public hearing on the application for the transfer of ownership of a Retail (on-sale) Liquor License for January 1, 2009, to December 31, 2009, from (Dave Tunge & Mick Odens as partners), d/b/a Dam Investments, 901 Broadway, Yankton, South Dakota, to First National Bank South Dakota, d/b/a First National Bank South Dakota, 901 Broadway, Yankton, South Dakota.

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

Action 09-70

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 JR's Oasis, Inc. (Jae Koletzky, Pres.) d/b/a JR's Oasis to S.M.M. Desai. LLC (Manoj Desai, Pres.) d/b/a JR's Oasis, 2400 East Hwy 50, Yankton, South Dakota. (Memorandum 09-44) No one was present to speak for or against approval of the license application. Moved by Commissioner Gross, seconded by Commissioner Carda, to approve transfer of ownership of the license.

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

Action 09-71

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 Steve Slowey d/b/a Slowey Management Company to Hanten, Inc. (Ben Hanten, President) d/b/a Ben's Brewing Company, 222 W 3rd Street, Yankton, South Dakota. (Memorandum 09-45) No one was present to speak for or against approval of the license application. Moved by Commissioner Knoff, seconded by Commissioner Lowrie, to approve transfer of ownership of the license.

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

Action 09-72

Moved by Commissioner Ellingson, seconded by Commissioner Carda, to adopt Resolution 09-12. (Memorandum 09-51)

**Resolution 09-12
AUTHORIZING RESOLUTION
Nebraska Well Site Source Water Development**

WHEREAS, the City of Yankton strives to produce a water quality that meets all local, state and federal requirements; and

WHEREAS, the City of Yankton has identified the need for an improved raw water source; and

WHEREAS, the City of Yankton has identified the need to replace the east intake structure; now

THEREFORE, BE IT RESOLVED, that the Yankton City Commission duly authorizes the source water development of raw water wells on the Nebraska well site; and

BE IT FURTHER RESOLVED, that the City of Yankton staff perform due diligence in reaching an agreement for easement acquisition by April 6, 2009.

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

Action 09-73

Moved by Commissioner Gross, seconded by Commissioner Knoff, to award the concession lease for the Fantle Memorial Pool for the summer seasons of 2009 and 2010 to Ability Building Services, Yankton, South Dakota. (Memorandum 09-48)

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

Action 09-74

Moved by Commissioner Gross, seconded by Commissioner Carda, to adopt Resolution 09-13. (Memorandum 09-50)

RESOLUTION 09-13

WHEREAS, John Hagemann and the National Field Archery Association have 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:

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

Lots 1, 2 and 3 of Hagemann Addition and Accretion Land, in the NE ¼ of Section 17, Township 93 North, Range 55 West of the 5th P.M., and the adjoining Bill Baggs Road Right-of-Way all being in Yankton County, South Dakota.

Said property containing 55 acres total, more or less.

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

Action 09-75

Moved by Commissioner Gross, seconded by Commissioner Knoff, to approve Change Order Number 1, a decrease of \$429.00 for a new contract total of \$554,303.50, from Welfl Construction Corporation, Yankton, South Dakota, for the Peninah Street Booster Pump Station Project; to accept the project as complete; and to authorize the Finance Officer to issue a manual check in the amount of \$8,000.00 to Welfl Construction as final payment for the project. (Memorandum 09-46)

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

Action 09-76

Moved by Commissioner Carda, seconded by Commissioner Wenande, to approve the following election workers for the City of Yankton election scheduled for April 14, 2009, and establish compensation for said election workers as \$160.00 for Superintendents and \$150.00 for Deputies, plus an additional \$10.00 for those attending the Election School on April 13, 2009. (Memorandum 09-49)

PRECINCT I: Margaret Lyons-Superintendent, Beverly Christensen-Deputy, Edith Marchand-Deputy

PRECINCT II: Sharon Fiedler-Superintendent, Malena Diede-Deputy, Wayne Diede-Deputy

PRECINCT III: Phyllis Christiansen-Superintendent, Carol Rockne-Deputy, Kay Nickles-Deputy

PRECINCT IV: Evelyn Cimpl-Superintendent, Mary Gannon-Deputy, Karen Abbott-Deputy

PRECINCT V: Elaine Harty-Superintendent, Audrey Locken-Deputy, Carol Peterson-Deputy

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

Motion adopted.

Action 09-77

Moved by Commissioner VanDerhule, seconded by Commissioner Lowrie, to approve the Mayor's Appointments of Commissioners Lowrie, Carda and Knoff to serve on the Consolidated Board of Equalization. (Memorandum 09-52)

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

Motion adopted.

Mayor Specht stated that the Lower James River Association has requested Commission representation. Mayor Specht volunteered to serve as the Commission representative at their monthly meetings.

Action 09-78

Moved by Commissioner VanDerhule, seconded by Commissioner Carda, to adjourn into Executive Session at 7:25 p.m., to discuss personnel matters (attorney selection and negotiation items).

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

Motion adopted.

Commissioner Knoff and City Attorney Goetz excused themselves from Executive Session.

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

Action 09-79

Moved by Commissioner Gross, seconded by Commissioner Ellingson, to hire Dave Hosmer for the position of City Attorney effective April 1, 2009.

Roll Call: Members present voting "Aye:" Commissioners Carda, Ellingson, Gross, VanDerhule, Wenande, and Mayor Specht; voting "Nay:" Commissioners Lowrie and Murphy.

Motion adopted.

Action 09-80

Moved by Commissioner Gross, seconded by Commissioner Wenande, to adjourn at 8:15 p.m.

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

Motion adopted.

Dan Specht
Mayor

ATTEST:

Ann L. Clough
Deputy Finance Officer