

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
MARCH 23, 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 09-81

Moved by Commissioner VanDerhule, seconded by Commissioner Gross, to approve the Minutes of the special meeting of March 2, 2009, and regular meeting of March 9, 2009.

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

Motion adopted.

Mayor Specht read proclamations declaring March 26, 2009, as *James Goetz Day*; April 24, 2009, as *Arbor Day*; and June 3 and 4, 2009, as *Yankton Area Mental Wellness Inc. 11th Annual Conference Days*.

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

Action 09-82

Moved by Commissioner Knoff, seconded by Commissioner Carda, to suspend rules to allow Commissioner Gross to present the March 20, 2009, Missouri Sedimentation Action Coalition report.

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

Motion adopted.

Action 09-83

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

1. Transfer of Hangar Ground Lease at Chan Gurney Airport
Consideration of Memorandum 09-63 and approval of Assigned Lease Agreement and Resolution 09-17, regarding transfer of hangar lease from Robert Balatine by Ione Balatine to Keith Toczek and Dianne Toczek.

**RESOLUTION 09-17
A RESOLUTION TRANSFERRING A HANGAR LEASE AGREEMENT
FROM ROBERT BALATINE BY IONE BALATINE
TO KEITH TOCZEK AND DIANNE TOCZEK**

WHEREAS, The City of Yankton has been given the authority to approve the airport hangar lease agreement transfer for the airport hangar owned by Robert Balatine; and,

WHEREAS, Keith Toczek and Dianne Toczek wish to purchase the airport hangar from Robert Balatine by Ione Balatine; and,

WHEREAS, Keith Toczek and Dianne Toczek have signed an agreement assuming the responsibilities and obligations of the current lease agreement; and,

WHEREAS, it is in the best interest of the City of Yankton and the operations of Chan Gurney Airport to approve the transfer of the ownership of this airport hangar and to approve the assignment of the lease agreement to Keith Toczek and Dianne Toczek.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, SD, that the transfer of the ownership of the airport hangar and the assignment of the lease agreement from Robert Balatine by Ione Balatine to Keith Toczek and Dianne Toczek is hereby approved.

2. Meeting Date Change

Establish 7 p.m. Tuesday, May 26, 2009, as the time and date for the second City Commission meeting in May, due to the holiday on Monday.

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

Motion adopted.

Action 09-84

Moved by Commissioner Ellingson, seconded by Commissioner VanDerhule, to establish 12:00 p.m. on Friday, April 17, 2009, as the time and date of a "Notice of Call" for a Special City Commission meeting to canvass the election returns of the April 14, 2009, City of Yankton Municipal Election.

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

Motion adopted.

Action 09-85

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 14, 2009, from Chamber of Commerce (Lynn Peterson, President) d/b/a Chamber of Commerce, Midcontinent Communications, 2020 Elm Street, Yankton, South Dakota. (Memorandum 09-57) No one was present to speak for or against approval of the license application. Moved by Commissioner Carda, seconded by Commissioner Knoff, to approve the application for the special events license.

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

Motion adopted.

Action 09-86

This was the time and place 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. (Memorandum 09-58) No one was present to speak for or against approval of the license application. Moved by Commissioner Gross, seconded by Commissioner Wenande, to approve the transfer of ownership of the license.

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

Motion adopted.

Action 09-87

This was the time and place to award the bid for Cold Applied Permanent Pavement Marking. (Memorandum 09-54) One bid was received and opened on March 11, 2009: Dakota Traffic Services, LLC, Tea, South Dakota - \$42,548.50. Moved by Commissioner Knoff, seconded by Commissioner Carda, to award the bid to the only bidder, Dakota Traffic Services, LLC, Tea, South Dakota, in the amount of \$42,548.50.

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

Motion adopted.

Action 09-88

This was the time and place to award the bid for Cold Milling Asphalt. (Memorandum 09-55) One bid was received and opened on March 11, 2009: Dustrol, Inc., Lincoln, Nebraska - \$38,380.00. Moved by Commissioner Gross, seconded by Commissioner Knoff, to award the bid to the only bidder Dustrol, Inc., Lincoln, Nebraska in the amount of \$38,380.00.

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

Motion adopted.

Action 09-89

This was the time and place to award the bid for the Peninah Street and Water Replacement Project, Whiting Drive to Karen Drive. The following bids were received and opened on March 12, 2009: Smith & Smith Construction, Tea, South Dakota - \$840,601.51; Masonry Components, Yankton, South Dakota - \$844,694.49; Slowey Construction, Yankton, South Dakota - \$847,246.95; D&G Concrete Construction, Sioux Falls, South Dakota - \$872,513.53; LRC, Inc., Spicer, Minnesota - \$939,893.03; Dakota Contracting, Sioux Falls, South Dakota - \$958,765.58; Buskerud Construction, Inc., Sioux Falls, South Dakota - \$960,000.00. (Memorandum 09-62) Moved by Commissioner Wenande, seconded by Commissioner Gross, to award the bid to the low bidder Smith & Smith Construction, Tea, South Dakota, in the amount of \$840,601.51.

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

Motion adopted.

Action 09-90

Moved by Commissioner Ellingson, seconded by Commissioner Knoff, to adopt Resolution 09-16. (Memorandum 09-61)

**RESOLUTION 09-16
A RESOLUTION AMENDING RESOLUTION 86-4**

WHEREAS, the Board of City Commissioners is authorized, by SDCL 9-31-3, to establish the speed at which motor vehicles may travel upon any street in the City, and

WHEREAS, the City of Yankton has reviewed the various speed regulations on Twenty-first Street from 500' west of Summit to West City Limits Road and have determined, and are making a recommendation to the Board of City Commissioners to reestablish the speed limit regulations on the above listed street.

WHEREAS, the Board of City Commissioners has determined that this is an appropriate speed for the traffic on this street.

NOW, THEREFORE, BE IT RESOLVED;

That no person shall drive a motor vehicle upon any highway or street in the City of Yankton at a speed greater than is reasonable and prudent under the conditions then existing, or any speed in excess of the designated speed on the designated streets as hereinafter provided and that Resolution No. 86-4 is hereby modified and expanded related to the speed limit designation for Twenty-first Street as follows:

- 30 miles per hour will be the speed limit designation for 21st (Twenty-first) Street from 500' west of Summit Street to West City Limits Road.

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

Action 09-91

Moved by Commissioner Carda, seconded by Commissioner Knoff, to adopt Resolution 09-15. (Memorandum 09-56)

**RESOLUTION 09-15
REQUEST FOR UTILITY EASEMENT VACATION**

WHEREAS, Jim Tramp has requested the vacation of the 12.5 foot utility easement located on Lot 13, Block 8, Hillcrest East Addition, Yankton South Dakota. Please reference the attached Exhibit A.

WHEREAS, all private and public utility providers have been contacted and have signed affidavits documenting their acceptance of this utility vacation

NOW THEREFORE BE IT RESOLVED, that the described property has received City of Yankton Board of Commission approval for the vacation of the 12.5 foot utility easement (see exhibit A) located on Lot 13, Block 8 of Hillcrest East Addition, Yankton South Dakota.

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

Action 09-92

Moved by Commissioner Gross, seconded by Commissioner Wenande, to adopt Resolution 09-14. (Memorandum 09-53)

RESOLUTION 09-14

WHEREAS, it appears from an examination of the plat of Tracts 1 and 2, Koletzky Addition in

the SW ¼ of the SW ¼ of Section 9, T93N, R55W of the 5th P.M., City and County of Yankton, South Dakota prepared by John L. Brandt, 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 and associated Developer's Agreement for the above described property is hereby approved.

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

Action 09-93

A request to allow campers to park in Airport Acres Mobile Home Court on a temporary basis was considered. Rocky and Kristie Schultz, owners of Airport Acres Mobile Home Court, were present to support their request. Moved by Commissioner Wenande, seconded by Commissioner Lowrie, to approve a temporary amendment to the City's Mobile Home Park Ordinance to allow parking of campers in Airport Acres Mobile Home Court according to the following specific conditions recommended by the Planning Commission: (Memorandum 09-59)

1. Permission for campers to occupy unoccupied slots should only be granted for 2009 based on the unique situation with the Keystone Project. If the Keystone Project continues on into 2010, the recommendation was to have a subsequent action to extend the request based on updated project information at that time.
2. Axle tie downs should be required so that campers have no greater possibility of damage (or damaging adjacent units) in high winds.
3. Electrical cords should be covered so they are not a hazard to court residents.
4. The owner should do his best to inform current residents of the situation.

Prior to a vote being taken, it was moved by Commissioner Ellingson, seconded by Commissioner Carda, to amend the motion to delete the requirement of axle tie downs.

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

Roll call was then taken on the original motion.

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

Action 09-94

Moved by Commissioner Knoff, seconded by Commissioner Gross, to approve a temporary land lease agreement for a nine-month period from April 1, through December 31, 2009, for a sum of \$18,000.00, between Price Gregory Construction, Inc., Houston, Texas, and the City for use of city-owned property, located at 3404 Broadway, as a temporary field operations location for the Keystone Pipeline project. (Memorandum 09-60)

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

Action 09-95

Moved by Commissioner Wenande, seconded by Commissioner VanDerhule, to adjourn into Executive Session at 8:05 p.m., to discuss contractual matters—labor and other 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, Lowrie, Murphy, VanDerhule, and Wenande. City Attorney Goetz and City Manager Russell were also present. Absent: None.
Quorum present.

Action 09-96

Moved by Commissioner Ellingson, seconded by Commissioner Carda, 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