

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
JUNE 22, 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 Akland, Carda, Ellingson, Gross, Knoff, Lowrie, VanDerhule, and Wenande. City Attorney Hosmer and City Manager Russell were also present. Absent: None. Quorum present.

Action 09-168

Moved by Commissioner Gross, seconded by Commissioner Wenande, to approve the Minutes of the regular meeting of June 8, 2009.

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

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

Action 09-169

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

1. Permission for Alcoholic Beverages
Consideration of a request from Amber Dennison to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a wedding on July 17-18, 2009.
2. Dance License
Consideration of Memorandum 09-105 regarding the application for a Type B dance license for Neuharth Enterprises, Inc. dba "7", 104 Capital Street, Yankton, South Dakota.

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

Action 09-170

This was the time and place for the second reading and public hearing for Ordinance No. 924, AN ORDINANCE TO REPEAL AND RECREATE APPENDIX A ARTICLE I DIVISION 1 AND 2 AND ALL SUBSECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF YANKTON RELATED TO AUTHORIZING THE GRANT OF CABLE COMMUNICATIONS FRANCHISES IN THE CITY OF YANKTON; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE(S). Dan Nelson and Mike Drummond, representing Midcontinent Communications, were present and discussed the proposed franchise ordinance. Moved by Commissioner Gross, seconded by Commissioner Knoff, to adopt Ordinance No. 924. Following discussion and prior to a vote being taken, moved by Commissioner Knoff, seconded by Commissioner Carda, to table action on Ordinance No. 924 until the July 13, 2009, City Commission meeting.

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

Action 09-171

This was the time and place for the second reading and public hearing for Ordinance No. 923, AN ORDINANCE AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES OF THE CITY OF YANKTON BY AMENDING VARIOUS SECTIONS THERIN. No one was present to speak for or against adoption of the ordinance. Moved by Commissioner Knoff, seconded by Commissioner Wenande, to adopt Ordinance No. 923.

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

Action 09-172

Moved by Commissioner Ellingson, seconded by Commissioner Wenande, to adopt Resolution 09-27. (Memorandum 09-108)

RESOLUTION 09-27

WHEREAS, it appears from an examination of the plat of Tract A and Tract B, in the West ½ of Lot 16, and Tract A and Tract B in the West ½ of Lot 17, Block 66, Lower Yankton, City and County of Yankton, SD 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 09-173

Moved by Commissioner Knoff, seconded by Commissioner Ellingson, to approve Mayor Specht’s request to attend the South Dakota Municipal League Class A Mayors’ Meeting in Chamberlain on July 2, 2009, and the South Dakota Municipal League Elected Officials’ Meeting in Pierre on July 10, 2009, and to reimburse Mayor Specht for expenses to attend these meetings.

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

Action 09-174

This was the time and place to award the bid for the Annual Supply of Transport/Tankwagon Petroleum Products and Petroleum Products for 2009-2010. The following bids were received and opened on June 10, 2009—bids received represent the suppliers handling costs (profit margin), which are added to the OPIS (Oil Price Information Service) daily published price on the date the product is ordered: (Memorandum 09-106)

Transport-Tankwagon Petroleum Products:

Stern Oil Co., Inc. Freeman, South Dakota – Gasoline, Lead Free (Transport)- \$.02250 gal.; Gasoline, Lead Free (Tankwagon)-\$.0965 gal.; Diesel Fuel Dyed, No. 1 (Transport)-\$.0800 gal.; Diesel Fuel Dyed, No. 1 (Tankwagon)-\$.1700 gal.; Diesel Fuel Dyed, No 2 (Transport)-\$.02250 gal.; Diesel Fuel

Dyed, No. 2 (Tankwagon)-\$.1200 gal.; Diesel Fuel Dyed, No 1 & No. 2 50/50 Mix (Transport)-\$.0800 gal.; Diesel Fuel Dyed, No. 1 & No.2 50/50 Mix (Tankwagon)-\$.1700 gal.; Clear or Hwy., No. 1 (Transport)-\$.0800 gal.; Clear or Hwy., No. 2 (Transport)-\$.02250 gal.; Clear or Hwy., No. 1 & No. 2 50/50 Mix (Transport)-\$.0600 gal.

Gerstner Oil Co., Yankton, South Dakota – (Price quotes based on product availability at Yankton NuStar terminal on order date. Any additional costs resulting from order date outage will be added to the price of the product.) Gasoline, Lead Free (Transport)- \$.0008 gal.; Gasoline, Lead Free (Tankwagon)-\$.0908 gal.; Diesel Fuel Dyed, No. 1 (Transport)-\$.0288 gal.; Diesel Fuel Dyed, No. 1 (Tankwagon)-\$.1188 gal.; Diesel Fuel Dyed, No 2 (Transport)-\$.0008 gal.; Diesel Fuel Dyed, No. 2 (Tankwagon)-\$.0908 gal.; Diesel Fuel Dyed, No 1 & No. 2 50/50 Mix (Transport)-\$.0144 gal.; Diesel Fuel Dyed, No. 1 & No.2 50/50 Mix (Tankwagon)-\$.1144 gal.; Clear or Hwy., No. 1 (Transport)-\$.0288 gal.; Clear or Hwy., No. 2 (Transport)-\$.0008 gal.; Clear or Hwy., No. 1 & No. 2 50/50 Mix (Transport)-\$.0144 gal.

The bid submitted by Gerstner Oil Co. for transport/tankwagon petroleum products contained conditions, therefore did not meet specifications, and was not considered.

Petroleum Products:

Stern Oil Co., Inc. Freeman, South Dakota – Motor Oil, SAE 15W-40-EO-I (drum)-\$6.56; Motor Oil, SAE 5W-20 (drum)-\$6.23; Motor Oil, SAE 52-30 (drum)-\$5.75; Hydraulic Oil-10W (55 gal. drum)-\$8.93; Dextron III (30 gal. drum)-\$6.50; Mobile Fluid 424 (30 gal. drum)-\$7.34

Gerstner Oil Co., Yankton, South Dakota – Motor Oil, SAE 15W-40-EO-I (drum)-\$7.23; Motor Oil, SAE 5W-20 (drum)-\$7.05; Motor Oil, SAE 52-30 (drum)-\$7.05; Hydraulic Oil-10W (55 gal. drum)-\$5.00; Dextron III (30 gal. drum)-\$6.60; Mobile Fluid 424 (30 gal. drum)-\$9.04

Barton Solvents, Council Bluff, Iowa – (Price quotes firm for 30 days from date of contract-notification by letter 30 days prior to price changes.) Motor Oil, SAE 15W-40-EO-I (drum)-\$9.24; Motor Oil, SAE 5W-20 (drum)-\$6.57; Motor Oil, SAE 52-30 (drum)-\$6.46; Hydraulic Oil-10W (55 gal. drum)-\$5.05; Dextron III (30 gal. drum)-\$6.04; Mobile Fluid 424 (30 gal. drum)-\$7.92

Johnston Auto, Sioux City, Iowa – Motor Oil, SAE 15W-40-EO-I (drum)-\$7.25; Motor Oil, SAE 5W-20 (drum)-\$6.32; Motor Oil, SAE 52-30 (drum)-\$6.32; Hydraulic Oil-10W (55 gal. drum)-\$5.41; Dextron III (30 gal. drum)-\$8.02; Mobile Fluid 424 (30 gal. drum)-\$9.22

The bid submitted by Barton Solvents for petroleum products contained conditions, therefore did not meet specifications, and was not considered.

Moved by Commissioner Gross, seconded by Commissioner Lowrie, to award the bids for the 2009-2010 Annual Supply of Petroleum and Transport/Tankwagon Petroleum Products to the lowest qualified bidders as follows:

Stern Oil Co., Inc., Freeman, South Dakota: Gasoline, Lead Free (Transport)- \$.02250 gal.; Gasoline, Lead Free (Tankwagon)-\$.0965 gal.; Diesel Fuel Dyed, No. 1 (Transport)-\$.0800 gal.; Diesel Fuel Dyed, No. 1 (Tankwagon)-\$.1700 gal.; Diesel Fuel Dyed, No 2 (Transport)-\$.02250 gal.; Diesel Fuel Dyed, No. 2 (Tankwagon)-\$.1200 gal.; Diesel Fuel Dyed, No 1 & No. 2 50/50 Mix (Transport)-\$.0800 gal.; Diesel Fuel Dyed, No. 1 & No.2 50/50 Mix (Tankwagon)-\$.1700 gal.; Clear or Hwy., No. 1 (Transport)-\$.0800 gal.; Clear or Hwy., No. 2 (Transport)-\$.02250 gal.; Clear or Hwy., No. 1 & No. 2 50/50 Mix (Transport)-\$.0600 gal.; Motor Oil SAE 15W-40-EO-L (Drum)-\$6.56 gal.; Motor Oil SAE 5W-20 (Drum)-\$6.23 gal.; Motor Oil SAE 5W-30 (Drum)-\$5.75 gal.; Dextron III Oil (30 gal. Drum)-\$6.50 gal.; Mobile Fluid 424 (30 gal. Drum)-\$7.34 gal.

Gerstner Oil Co., Yankton, South Dakota: Hydraulic Oil (55 gal. Drum)-\$5.00 gal.

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

Motion adopted.

Action 09-175

Moved by Commissioner VanDerhule, seconded by Commissioner Lowrie, to approve Amendment No. 1 to the Engineering Services Agreement with Kadrmas, Lee & Jackson, Inc., Dickinson, North Dakota, in the amount of \$60,652.77 with the City's share of the costs being \$1,819.58, for the Chan Gurney Airport Phase II Improvement Project. (Memorandum 09-109)

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

Motion adopted.

Action 09-176

Moved by Commissioner Akland, seconded by Commissioner VanDerhule, to authorize the City Manager to institute a Community Survey Program as outlined in Memorandum 09-107.

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

Motion adopted.

Action 09-177

The proposal to enact an ordinance limiting the number of cats allowed per household was considered.

Moved by Commissioner Carda, seconded by Commissioner Ellingson, to direct City staff to draft an ordinance limiting the number of cats per household, four months or older, to a maximum of three.

Following further discussion, and prior to a vote being taken, moved by Commissioner Carda, seconded by Commissioner Ellingson, to amend the motion to direct City staff to draft an ordinance limiting the number of cats per household, four months or older, to a maximum of five.

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

Motion to amend adopted.

A vote was then taken on the original motion as amended.

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

Motion failed.

It was the consensus of the Commission to pull consideration of contractual matters pertaining to the Public Safety Center Lease from the Executive Session and to place the item on the Agenda for the regular meeting of July 13, 2009.

Action 09-178

Moved by Commissioner Knoff, seconded by Commissioner Lowrie, to adjourn into Executive Session at 8:25 p.m., to discuss contractual and legal matters.

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 Akland, Carda, Ellingson, Gross, Knoff, Lowrie, VanDerhule, and Wenande. City Attorney Hosmer and City Manager Russell were also present. Absent: None.

Quorum present.

Action 09-179

Moved by Commissioner Carda, seconded by Commissioner Ellingson, to adjourn at 8:57 p.m.

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

Motion adopted.

Dan Specht
Mayor

ATTEST:

Al Viereck
Finance Officer