

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
FEBRUARY 8, 2010**

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 10-23

Moved by Commissioner Akland, seconded by Commissioner Wenande, to approve the Minutes of the regular meeting of January 25, 2010.

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

Motion adopted.

Action 10-24

Moved by Commissioner VanDerhule, seconded by Commissioner Carda, to suspend rules and move up New Business Item Number 4, Conflict of Interest, for discussion following the City Manager's Report.

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

Motion adopted.

Action 10-25

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

A&B BUSINESS EQUIPMENT INC-MAINTENANCE CONTRACT-\$153.06; ACE HARDWARE-ICE MELT-\$754.81; ACS GOVERNMENT INF SERVICE-MAINT PROGRAM SUPPORT-\$2,026.84; ALLTEL-WIRELESS SERVICE-\$358.41; ALS TECHNOLOGIES-SRT CAPITOL-\$1,124.16; AMERICAN FAMILY LIFE CORP-FLEX SERV FEE-FEB-\$110.00; ANW-GATORADE/BOTTLED WATER-\$907.10; APPEARA-TOWEL SERVICE-\$118.38; BATTERY EXCHANGE-BATTERY-\$144.95; BIG FRIEND LITTLE FRIEND-SPECIAL APPROP-\$2,250.00; BOLLER PRINTING INC-PRINTING-\$220.00; BOMGAARS INC-SPREADER-\$528.15; BOW CREEK METAL INC-WELDER PARTS-\$184.84; BOYS & GIRLS CLUB OF MISSOURI-SPECIAL APPROP-\$2,000.00; BROADWAY CHRYSLER-VEHICLE REPAIRS-\$842.75; BRODART COMPANY-LEASE PROGRAM-\$1,932.00; BUTLER MACHINERY CO-GARAGE PARTS-\$372.19; CARLSON AVIATION-AIRPORT MGMT CONTRACT-\$684.00; CHAMBER OF COMMERCE-1/4 SP APPROP-\$96,392.50; CITY OF BOX ELDER-WHEELS/TIRES-\$300.00; CITY OF SIOUX FALLS-BACTERIA TESTS-\$405.60; CITY OF VERMILLION-JT POWERS CASH TRANSFER-\$22,320.87; CITY OF YANKTON-SOLID WASTE-COMPACTED GARBAGE-\$7,629.48; CITY UTILITIES WATER-WW-CHARGES-\$2,685.87; CLARK'S RENTAL-RENTALS-\$35.00; COLE PAPERS INC-SAC SUPPLIES-\$209.08; CONTACT CENTER-SPECIAL APPROPRIATION-\$10,000.00; COX AUTO INC-GARAGE PARTS-\$519.89; CRESCENT ELECTRIC-LIGHT BULBS-\$264.75; CSI-SOFTWARE SUPPLIES-\$190.00; DAKOTA CONTRACTING CORPORATION-CONSTRUCTION SERVICES-\$79,756.80; DANKO EMERGENCY EQUIPMENT-VESTS-\$115.04; DEPT OF REVENUE-LAB TESTS-\$100.00; DEX MEDIA EAST-PHONE BOOKS-\$27.35; ECHO-BULBS-\$234.50; EHRESMANN ENGINEERING INC-METAL BARS-\$15.96; ELSTER AMCO-WATER INC-WATER METERS-\$3,696.00; ETHANOL PRODUCTS LLC-CARBON DIOXIDE-\$414.10; FASTENAL COMPANY-TOOLS-\$107.43; FEDERAL PROPERTY AGENCYSD-SRT VEHICLE-\$8,651.00; FEDERATION OF FIRE CHAPLAINS-MEMBERSHIP DUES-\$100.00; FINANCE DEPT OF-PETTY CASH-\$41.50; FIRE GUARD-CHEMICALS/GASES-\$404.00; FIRST DAKOTA NAT'L BANK CORP-PROFESSIONAL SERVICES-\$884.93; FLANNERY/KIRT-OFFICER STIPEND-JAN-\$25.00; FORE! RESERVATIONS INC-SOFTWARE LEASE-\$1,500.00; FRICK/BRIAN-OFFICER STIPEND-JAN-\$50.00; GA INDUSTRIES INC-REPAIR KITS-\$1,067.95; GENERAL PARTS LLC-PARTS-\$75.11; GRAMPS-FUEL-\$1,453.63; GRAYMONT CAPITAL INC-BULK LIME-\$4,466.03; GREAT PLAINS INTERNATIONAL-PARTS-\$580.48; HAAR CO INC-/FRED PARTS-\$307.20; HACH COMPANY-LAB SUPPLIES-\$1,023.06; HARDING GLASS-PARTS-\$101.39; HASLER FINANCIAL SERVICES-POSTAGE-\$507.00; HAWKINS INC-CHEMICALS-\$1,051.20; HD SUPPLY WATERWORKS LTD-REPAIR PARTS-\$460.21; HEALTHY YANKTON-HEALTHY YANKTON FUND BAL-\$9,114.46; HEDAHL'S PARTS PLUS-BATTERIES-\$865.30; HERMANSON/STEVE-OFFICER STIPEND-JAN-\$50.00; HOLCOMB FREIGHTLINER INC-

PARTS-\$95.78; HYVEE-DOC WORK PROGRAM-\$531.37; IACP-NET FEES-\$800.00; IN CONTROL INC-PARTS-\$351.74; INDUSTRIAL CHEM LABS & SERVICE-SUPPLIES-\$943.39; INFO USA MARKETING INC-SUBSCRIPTION-\$1,250.00; INFOPRINT SOLUTIONS CO-PRINTER-\$360.97; INTL INST OF MUN CLERKS-ANNUAL DUES-\$50.00; IZAAK WALTON LEAGUE OF AMERICA-CONTINUING EDUCATION FEE-\$700.00; J&H CARE & CLEANING COMPANY-SAC JANITORIAL-JAN-\$2,300.00; JACK'S UNIFORMS-UNIFORMS-\$109.83; JAMES STEEL ERECTION-N FIRE STAT-\$21,737.90; JANWAY CO-BOOK BAGS-\$266.98; JODEAN'S-DOC WORK PROGRAM-\$99.00; JOHNSON CONTROLS INC-MAINTENANCE CONTRACT-\$5,372.00; JOHNSON ELECTRIC-INSTALL COMPACTOR-\$595.93; JUSTRA'S BODY SHOP INC-VEHICLE REPAIRS-\$3,334.66; K MART STORE #4813-SUPPLIES-\$488.02; KADRMAS LEE & JACKSON INC-ENGINEERING SERVICE-\$11,582.38; KNOLOGY-PHONE BILL-\$2,144.03; KNOLOGY-INTERNET SERVICES-\$704.40; KOLETZKY IMPLEMENT INC-PARTS-\$969.26; KVHT RADIO STATION-2010 RADIO ADS-\$1,625.00; L&L MOTORS INC-TURN ROTORS-\$30.54; LANE/DICK-OFFICER STIPEND-JAN-\$25.00; LARRY'S PLUMBING SERVICE-REFUND-LICENSE FEE-\$50.00; LOCATORS & SUPPLIES INC-MARKERS-\$250.35; LONG'S PROPANE INC-PROPANE-\$1,213.75; LOWER JAMES RC&D-DUES-\$100.00; LYLE SIGNS INC-ROADWORK SIGNS-\$1,523.03; MARKS MACHINERY-MUFFLER-\$556.27; MERIDIAN GRAIN-DE-ICING SALT-\$14,199.96; MIDAMERICAN ENERGY-FUEL-JAN-\$14,163.09; MIDAMERICAN ENERGY-WATER/WW FUEL-\$11,380.19; MIDSTATE ORG CRIME INFO CTR-DUES-\$200.00; MIDWEST WHEEL COMPANIES-PARTS-\$521.46; MISSOURI SEDIMENTATION ACTION-SPECIAL APPROPRIATION-\$2,500.00; MOTION PICTURE LICENSING CORP-MOVIE LICENSE-\$150.00; MOTOR VEHICLE DEPT SD-LICENSE PLATES/TITLE-\$14.00; MOVIE LICENSING USA-MOVIE LICENSE-\$350.00; NICKLES/LARRY-REIMBURSE-LIGHT-\$4.68; NORTHERN TRUCK EQUIPMENT CORP-PARTS-\$707.98; NORTHERN WATER WORKS-SUPPLY METER REPAIRS-\$8,866.90; NORTHTOWN AUTOMOTIVE-PARTS-\$19.50; NORTHWESTERN ENERGY-ELECT-JAN-\$51,564.70; O'CONNOR COMPANY-PARTS-\$1,292.19; O'REILLY AUTO PARTS-GARAGE PARTS-\$137.99; OFFICE OF FIRE MARSHAL-BOILER INSPECTIONS-\$120.00; ONE CALL SYSTEMS INC-LOCATES-\$40.70; OVERHEAD DOOR CO-REPAIRS-\$183.00; PEACE OFFICERS ASSN/SD-DUES SDPOA-\$175.00; PEITZ GMC SERVICE INC-PARTS-\$39.53; PIONEER BANK & TRUST-RICOH COPIER LEASE-\$198.83; PRAIRIE SUPPLY INC-ICE BITE-\$920.00; PRINTING SPECIALISTS-PRINTING-\$278.38; QUILL CORPORATION-OFFICE SUPPLIES-\$198.01; QWEST COMMUNICATIONS-PHONE-JAN-\$1,549.87; R&R PRODUCTS INC-PARTS-\$670.55; RACOM CORPORATION-RADIO ACCESS-\$1,160.30; RADIO SHACK CORPORATION-SUPPLIES-\$47.98; RON'S AUTO GLASSREPAIR VEHICLE GLASS REPAIR-\$30.00; ROYAL SPORTS SHOP-CHALK-\$31.60; RURAL DEVELOPMENT-SR CITIZEN LOAN-JAN-\$6,150.00; SCHROEDER/ROGER-REIMBURSE-SAFETY GLASSES-\$60.00; SHEEHAN MACK SALES & EQ INC-PARTS-\$226.00; SHERWIN WILLIAMS CO-PAINT-\$92.60; SIMONSEN/DONALD-DELIVER TIRES-\$400.00; SMALL BUSINESS DEVELOPMENT CNT-SPECIAL APPROPRIATION-\$4,500.00; SOUTH DAKOTA PLANNER'S ASSN-MEMBERSHIP DUES-MINGO-\$55.00; STURDEVANT'S AUTO PARTS INC-STARTER-\$402.57; TERRY'S REPAIR-PARTS-\$380.00; TITAN MACHINERY-MOTOR/PARTS-\$432.48; TITLEIST AND FOOT-JOY-MERCHANDISE-\$16.69; TMA-REPAIR VEHICLE-\$4,167.48; TODD INC/MICHAEL-STROBE LIGHTS-\$547.49; TOM'S CUSTOM CABINETS-TROPHY CASE-\$4,000.00; TOM'S ELECTRIC-REPAIR FAN-\$410.50; TRACTOR SUPPLYPLAN CREDIT CARD-SHOVEL-\$16.00; TRI STATE BUSINESS SOLUTIONS-ANTI-VIRUS SERVICE-\$441.60; TRUCK TRAILER SALES INC-PARTS-\$193.79; TURFLINE INC-REPAIR KIT-\$2,253.01; TURFWERKS-PARTS-\$423.28; US POST OFFICE-UTIL-UTIL POSTAGE-JAN-\$1,200.00; UNITED PARCEL SERVICE INC-DELIVERY SERVICE-\$709.07; UNITED STATES POSTAL SERVICE-POSTAGE METER-JANUARY-\$1,137.00; UPSTART-PROGRAM SUPPLIES-\$17.75; USA BLUE BOOK-REPAIR PARTS-\$341.58; USGA-USGA DUES-\$110.00; VANDERHULE MOVING INC-OXYGEN/ACETYLENE/ARGON-\$182.50; VESSCO INC-PUMP PARTS-\$533.71; WALSH/JAY-OFFICER STIPEND-JAN-\$25.00; WESTERN OFFICE PRODUCTS-SUPPLIES-\$420.72; WILSON CO/HW-LOCKBOX FICTION COLLECTION-\$276.00; WOHL'S PLUMBING & HEATING-SERVICE CALL-\$140.31; XEROX CORPORATION-COPIER LEASE-\$3,230.75; YANKTON AUTOMOTIVE MACHINE INC-FUEL TREATMENT-\$352.49; YANKTON FAMILY VISITATION CNT-SPECIAL APPROPRIATION-\$2,250.00; YANKTON FIRE DEPARTMENT-JAN CALLS-\$2,670.00; YANKTON INSURANCE AGENTS-FIRE ACCIDENT INSURANCE-\$1,442.00; YANKTON JANITOR SUPPLY INC-SUPPLIES-\$770.88; YANKTON MEDICAL CLINIC-FIREFIGHTER EXAMS-\$1,996.00; YANKTON MOTOR COMPANY-REPAIR VEHICLE-\$246.81; YANKTON PAINT & DECORATING-INSTALL FLOOR TILE-\$2,472.50; YANKTON TITLE CO-TITLE POLICY-\$1,200.00; YANKTON TRANSIT INC-SPECIAL APPROPRIATION-\$15,000.00; YANKTON WOMEN'S-SHELTER SPECIAL APPROPRIATION-

\$2,250.00; ZIEGLER/BILL-OFFICER STIPEND-JAN-\$25.00; ACE HARDWARE-HEATERS-\$79.98; AMERICAN FAMILY LIFE CORP- CANCER & ICU PREMIUMS-\$5,355.34; AVERA HEALTH PLANS-HEALTH INS-FEBRUARY-\$75,696.09; BOMGAARS INC-POUND SUPPLIES-\$104.83; DELTA DENTAL-DENTAL INS-FEBRUARY-\$5,825.74; DEPT OF SOCIAL SERVICES-EMPLOYEE DEDUCTION-\$1,072.00; FENDER/DAVID-REPLACE LOST CHECK-\$313.99; FIRST NATIONAL BANK-CLEAN WATER #3-\$106,494.59; FIRST NATIONAL BANK-DRINKING WATER-\$61,349.87; FIRST NATIONAL BANK-SRF LOAN #2-\$96,659.29; FIRST NATIONAL BANK-SRF LOAN #1-\$52,744.23; FIRST NATIONAL BANK-DRINKING WATER #2-\$14,996.74; FIRST NATL BANK SOUTH DAKOTA-EMPLOYEE DEDUCTION-\$1,605.68; HEWLETT-PACKARD COMPANY-HP PRINTER TRAY-\$141.00; HYVEE-OFFICE SUPPLIES-\$4.64; ICMA RETIREMENT TRUST #457-EMPLOYEE DEDUCTION-\$4,169.30; LARSON/SCOTT-SEMINAR-\$850.00; MADISON NATIONAL LIFE INS CO-LIFE INS-FEBRUARY-\$589.84; MUNICIPAL LEAGUE SD-MUNICIPAL DAY-\$30.00; NEBRASKA CHILD SUPPORT PAYMENT-EMPLOYEE DEDUCTION-\$303.00; QUILL CORPORATION-CALENDARS-\$106.91; RETIREMENT SD-SD RETIREMENT-JAN-\$63,045.07; RYKEN/ROBERT-SEMINAR-\$320.00; SDSRP-EMPLOYEE DEDUCTION-\$125.00; SEARS-FREEZER-\$1,396.73; SPORTSMITH-WEIGHT EQUIPMENT-\$194.43; SUMMIT ACTIVITY CENTER-EMPLOYEE DEDUCTION-\$813.16; TEICHROEW/VERLIN-PAYROLL ADVANCE-\$60.00; TIGER DIRECT-OFFICE SUPPLIES-\$237.84; TRK HOSTING LLC-WEB HOSTING-\$68.85; UNITED WAY-EMPLOYEE DEDUCTION-\$2.00; VISA-OSHGOSH PART-\$95.85; VISA-BATTERY-\$15.29; VISA-FIREWALL SUBSCRIPTION-\$3,160.06; VISA-VACUUM-\$822.06; VISA-PGA SHOW-\$235.40; VISA-BUSINESS CARDS-\$5.67; VISA-SUBSCRIPTIONS-\$930.87; VISA-MEETING-\$406.38; VISA-RESALE INVENTORY-\$966.00; VISA-POSTAGE-\$216.95; WAL-MART STORES INC-CAMERA-DIGITAL-\$696.70.

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

SALARIES-JANUARY 2010:

ADMINISTRATION-\$30,506.63; FINANCE-\$27,034.21; POLICE-\$127,114.38; FIRE-\$10,524.58; ENGINEERING-\$41,596.32; STREET-\$43,259.59; SNOW & ICE-\$28,467.08; TRAFFIC CONTROL-\$1,388.92 ; LIBRARY-\$26,280.49; PARKS/SAC-\$45,327.69; MARNE CREEK-\$2,997.11; WATER-\$37,947.84; WASTEWATER-\$33,227.33; CEMETERY-\$2,729.45; SOLID WASTE-\$14,328.09; LANDFILL-\$13,704.79; GOLF COURSE-\$14,874.82; CENTRAL GARAGE-\$6,589.07.

PERSONNEL CHANGES & NEW HIRES:

New Hires: Brittany Jareske-\$7.25 hr.-SAC; Gabrielle Kachena-\$7.75 hr.-Rec. Div.; Daniel Kleinschmit-\$7.50 hr.-Rec. Div.

Wage Increases: Donnie Robinson-\$1245.19 bi-wk.-Wastewater

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

City Attorney Hosmer took some time to explain a written communication with Commissioners about situations that arise that could create a “conflict of interest” situation and his recommendation on “ex-parté communications.”

Action 10-26

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

1. Permission for Alcoholic Beverages
Consideration of a request from Abby Koller to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a wedding shower on April 10, 2010.
2. Permission for Alcoholic Beverages
Consideration of a request from Marty Keegan to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a family picnic on June 27, 2010.
3. Transient Merchant License and Special Events Dance License
Consideration of Memorandum #10-15 recommending approval of the applications from the Riverboat Days Committee for:
 - A) Transient Merchant License for August 20th to 22nd 2010;
 - B) Special Events Dance License for August 21st and 22nd, 2010.

4. Establish Public hearing for Malt Beverage License
Establish February 22, 2010, as the date for the public hearing on the New Retail (on-off sale) Malt Beverage License for July 1, 2009, to June 30, 2010, from Addar, Inc. d/b/a Coco Loco (Kristin S. Martin, Vice President), 1208 Broadway, Yankton, South Dakota.
5. Establish Public hearing for Retail On-Off Sale Wine License
Establish February 22, 2010, as the date for the public hearing on the New Retail (on-off sale) Wine License for January 1, 2010, to December 31, 2010, from Addar, Inc. d/b/a Coco Loco (Kristin S. Martin, Vice President), 1208 Broadway, Yankton, South Dakota.
6. Establish public hearing for sale of alcoholic beverages
Establish February 22, 2010, 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 March 7, 2010 with an alternate date of March 14, 2010, from The Center (Tamera Matuska, Executive Director), 900 Whiting Drive, Yankton, South Dakota.
7. Permission for Alcoholic Beverages
Consideration of a request from Paula Benson to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a family reunion on July 10, 2010.

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

Motion adopted.

Action 10-27

This was the time and place for the public hearing on Resolution 10-01 regarding the special assessment roll for an assessment project to pave the North-South Alley between Linn St. and Locust St. from 7th Street to 8th Street. (Memorandum 10-02) No one was present to speak for or against adoption of Resolution 10-01. Moved by Commissioner Ellingson, seconded by Commissioner Wenande, to adopt Resolution 10-01.

**RESOLUTION 10-01
A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING
IMPROVEMENTS FOR THE ALLEY FROM
7th ST. TO 8th ST. BETWEEN LINN ST. AND LOCUST ST.**

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 7th Street to 8th Street Between Linn Street and Locust Street in the City of Yankton, South Dakota, abutting upon the following described property to be assessed therefore:

Lots 4 through 14 and the W60’ of Lots 15 & 16, Block 70 of Central Yankton Addition.

SECTION 2. That the nature of said improvements is to construct a three inch asphalt pavement surface, along with items such as six inches of gravel base course, unclassified excavation/earthwork and grading, seeding and approach pavements at each end of the alley project and all other incidentals 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 10-28

This was the time and place for the public hearing on Resolution 10-02 regarding the special assessment roll for an assessment project to construct improvements for Douglas Avenue from Anna Street to 31st Street. (Memorandum 10-03) Mayor Specht announced that he, along with Commissioners Carda, Knoff, and, Wenande, would be abstaining from discussion and voting on this issue since they believed they had a conflict of interest. Commissioner Ellingson moved to nominate Commissioner VanDerhule to act as temporary chair, seconded by Commissioner Lowrie. City Manager Russell gave a brief description of the proposed improvement project. Citizens Bill Bobzin, Tim Flemming, John Hughes, Craig Kennedy, Tom Heine, Steve VandeKop, and Jim Wintz appeared in opposition to the adoption of Resolution 10-02. Moved by Commissioner Gross, seconded by Commissioner Ellingson, to adopt Resolution 10-02.

RESOLUTION 10-02
A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING
IMPROVEMENTS FOR DOUGLAS AVENUE FROM
ANNA STREET TO 31ST STREET

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, estimates and specifications therefore, prepared under the direction of the Department of Public Works for Douglas Avenue from Anna Street to 31st Street, in the City of Yankton, South Dakota, abutting upon the following described property to be assessed therefore:

Lots 1-4, Block 1 of Airport Acres Addition.

S2, SW4, Sec. 6-93-55.

Tracts C, D, E and F of Willow Ridge Subdivision.

Lot 2, Block 6A Exc. Lots TL10 and TL11, Willow Ridge Subdivision.

SECTION 2. That the nature of said improvements is to construct a eight inch concrete pavement surface along with six inches of gravel base course, curb and gutter, unclassified excavation/earthwork and grading, erosion control, seeding, driveway approaches, storm sewer, sidewalk and all other incidental work at the above described location. The project will also include flagging and other traffic control devices as required.

This project does not include improvements outside of the right-of-way. The project may include some slope work with or without paving 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: Members present voting “Aye:” Commissioners Gross, Lowrie, and VanDerhule; voting “Nay:” Commissioners Akland and Ellingson; Abstaining: Commissioners Carda, Knoff, Wenande, and Mayor Specht.
Motion adopted.

Action 10-29

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 20-22,

2010, from Yankton Area Riverboat Days Inc., (Bonnie Pinkelman, treasurer) Riverside Park, Yankton, South Dakota. (Memorandum 10-16) John Hughes, representing the Riverboat Days Committee, appeared in support of approval of the application. Moved by Commissioner Carda, seconded by Commissioner Wenande, to approve the license application.

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

Action 10-30

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 20-22, 2010, from Yankton Area Riverboat Days Inc., (Bonnie Pinkelman, treasurer) City Hall Auditorium, Yankton, SD. (Memorandum 10-17) Moved by Commissioner Gross, seconded by Commissioner Akland, to approve the license application.

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

Action 10-31

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 1 day February 9, 2010 or as an alternate February 11, 2010, from Chamber of Commerce (Carmen Schramm, President) d/b/a Chamber of Commerce, First National Bank, 332 Broadway Ave, Yankton South Dakota. (Memorandum 10-18) No one was present to speak for or against approval of the license. Moved by Commissioner Ellingson, seconded by Commissioner VanDerhule, to approve the license application.

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

Action 10-32

Moved by Commissioner VanDerhule, seconded by Commissioner Knoff, to approve the request for additional funding in the amount of \$6,000.00, to be taken from BBB funds, for the Lewis & Clark Theatre roof restoration in 2010. (Memorandum 10-20)

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

Action 10-33

Moved by Commissioner Carda, seconded by Commissioner Ellingson, to approve the By-Laws for the Disability Education and Awareness Committee. (Memorandum 10-19)

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

Action 10-34

Moved by Commissioner Knoff, seconded by Commissioner Carda, to award the three-year audit agreement for the City of Yankton's annual audit to Williams & Company, Lemars, Iowa, as outlined in Memorandum 10-21.

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

Action 10-35

Moved by Commissioner VanDerhule, seconded by Commissioner Knoff, to adjourn at 9:17 p.m.

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

Dan Specht
Mayor

ATTEST: _____
Al Viereck
Finance Officer