

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
FEBRUARY 12, 2018**

Board of City Commissioners of the City of Yankton was called to order by Mayor Hoffner.

Roll Call: Present: Commissioners Carda, Ferdig, Gross, Knoff, Maibaum and Miner. City Attorney Den Herder and City Manager Nelson were also present. Absent: Commissioners Johnson and Moser. Quorum present.

Action 18-28

Moved by Commissioner Gross, seconded by Commissioner Carda, to approve the Minutes of the regular meeting of January 22, 2018 and the Special City Commission Meeting of January 20, 2018.

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

Motion adopted.

Action 18-29

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

AOX Welding Supply Co Propane\$345.33; Ace Hardware Supplies\$33.96; Active Network Software \$7,399.86; Auto Value Parts Store Filters\$757.37; Aviands Strategic Planning\$ 323.54; Board of Operator Cert Recertification Fee\$12.00; Buhls Laundry Cleaners Linens \$14.00; Centurylink Phone \$1,392.61; Christensen Radiator & Repair Plow Shoe Assembly \$123.70; City Of Vermillion Jt Power Trans Station \$52,641.52; City Of Yankton City Hall Garbage \$12.00; City Of Yankton Compacted Garbage \$11,146.59; City Utilities Utilities \$4,641.43; Claritus Postage \$55.05; Community Partners Research Housing Study \$9,450.00; Complete Wireless Technologies Pager Repair \$314.42; Conduent Enterprises Solutions Software Maintenance \$2,138.00; Cornhusker International Truck Air Filters \$292.50; Country Pride Cooperative Fuel \$152.50; D & T Ventures LLC Web Support \$2,821.00; Dakota Beverage Beer \$54.70; Danko Emergency Equipment Gear Lockers \$2,114.98; Dept Of Corrections Doc Work \$1,551.06; Dept Of Revenue Lab Supplies \$786.00; Dex Media East Phone Book \$37.34; ECCO USA Golf Shoes \$1,681.00; Ehresmann Engineering Steel \$253.41; Erange Inc. Software License \$365.00; Fejfar Plumbing Water Heater \$153.07; Flannery/Kirt Officer Stipend \$25.00; Frick/Adam Officer Stipend \$25.00; Frick/Brian Officer Stipend \$50.00; Gerstner Oil Fuel \$1,779.80; Govconnection Plotter \$9,910.85; Graymont Capital Lime \$13,365.98; Hansen Locksmithing Repair Lock \$185.00; Hatch Furniture Carpet \$250.00; Hawkins Chemicals \$1,267.60; Hillcrest Golf Blade Sharpening \$1,890.00; IACP Membership IACP Membership \$875.00; Intl Inst Of Municipal Clerks Membership Renewal \$260.00; J & H Care Janitorial Service \$2,795.00; John T Jones Construction Water Plant Construction \$651,181.84; Kaiser Heating New Furnaces \$5,190.00; Larrys Home Center Maintenance \$185.26; Longs Propane Propane \$1,106.00; MailFinance Postage \$576.00; McLeods Printing Utility Bills \$1,439.80; Michael's Fence Repairs \$1,483.40; MidAmerican Fuel \$14,597.28; MidAmerican Fuel \$17,293.77; Midwest Tape Audiobook \$39.99; Millenium Recycling Single Stream \$1,686.50; Missouri Sedimentation Action Special Appropriation \$2,500.00; Moser/Brad Officer Stipend \$25.00; Jonathan May Summer Reading Program \$300.00; NAMI Sioux Falls Education \$120.00; National Field Archery Association Special Appropriation \$20,000.00; Nebraska Journal Leader Advertisement \$88.70; Northwestern Energy Elect \$69,597.55; Northwestern Energy Relocate Service \$251.37; Observer Advertisement \$408.00; Olson's Pest Technicians Pest Spray \$140.00; One Office Solution Toner \$250.95; Onward Yankton Special

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Appropriation \$20,000.00; Peace Officers Assn/SD Membership Dues \$100.00; Peterson/Sharlotte Uniform Refund \$100.00; Pheasantland Industries Library Seed Shirts \$308.00; Ping Golf Clubs \$468.95; Plan & Development Dist III Membership Dues \$13,842.00; Portable Computer Systems Maintenance Renewal \$1,965.00; Power Source Electric Repair Motor \$571.33; Press Dakota MStar Solutions Bids \$33.35; Printing Specialists Purchase Order Stock \$1,552.70; Pro Auto Tow Vehicle \$80.00; Racom Corporation Radio Access \$760.96; Recorded Books Inc. Oneclickdigital Contract \$234.14; Reinhart Foods Entree \$279.73; Ricoh USA Printer \$419.01; SD Redbook Fund Books \$243.00; SD NAFVSA Membership Network \$200.00; Small Business Development Special Appropriation \$4,500.00; Smith Insurance /MT & RC Airport Insurance \$12,281.00; Smith/Tammy Marne Creek Easement \$200.00; Stern Oil Co Fuel \$23,441.32; Suriani/Mario Refund \$35.15; Toben Tree Service Tree Service \$1,462.50; Tom Week Landsurvey Survey \$500.00; Tom's Electric Repairs \$864.86; TORO NSN Renew Service Contract \$8,389.00; Tre Environmental Strategies Wet Test \$950.00; U.S. Post Office Utility Post \$1,200.00; United Parcel Service Postage \$294.11; United States Postal Service Postage \$1,135.00; United Way 1/4 Special Appropriation \$9,275.00; US Bank Equipment Finance Copier Lease \$304.13; USGA Club Membership Membership Dues \$110.00; Wage Works FSA Monthly Fee \$130.00; Woehl/Toby Officer Stipend \$25.00; Xerox Copier Lease \$239.93; Xerox Copier Lease \$1,137.87; Xtreme Car Wash Car Washes \$14.40; Yankton Ag Service Corn \$13.51; Yankton Area Convention 1/4 Special Appropriation \$107,582.50; Yankton Area Ice Association Reimbursement \$1,241.83; Yankton County Auditor Safety Center \$10,330.61; Yankton Redi Mix Fibermesh \$81.00; Yankton Transit Special Appropriation \$20,000.00; Yankton Vol Fire Department Fire Calls \$1,930.00; Zep Manufacturing TKO Cleaner \$408.34; Ziegler/William Officer Stipend \$50.00; AOX Welding Supply Repair Equipment \$341.86; Accucut Inc. Accucut Cases \$200.00; Aircraft Spruce Tow Bar \$2,797.97; Alamo Travel Expense \$252.02; Amazon Sensory Station \$1,167.11; Amazon Building Maintenance \$452.48; Amazon Door Actuator \$62.99; Appera Towels \$243.38; Applied Ind Tech Annual Belt Order \$314.55; AT&T Bill Payment Computer Connection Cars \$745.74; Autozone Antifreeze/Wiper Blades \$162.33; Baker-Taylor Book \$9,798.68; Barnes & Noble Book \$7.57; Battery Exchange Bobcat Battery \$156.45; Bee Electronics Pager Cases \$148.32; Best Western Hotel Lodging \$744.00; Best Western Travel Expense \$13.00; Bomgaars Table Saw \$1,825.74; Book Systems 2018 ILS Renewal \$3,195.00; Total Stops Travel Expense \$18.09; Carus Corporation Phosphate \$2,648.70; Casey's Gen Store Fuel \$25.00; Casey's Gen Store Training Supplies \$89.42; Caseys Gen Store Staff Training \$142.12; Casey's Vermillion K9 Training \$34.02; Centurion Technologies Smart Shield Renewal \$120.00; Christensen Radiator Snow Plow Repair \$353.30; Clark's Rentals Custom Rental 2 Wheel Cart \$247.00; Concrete Materials Park Supplies \$224.90; Conoco Travel Expense \$36.59; Cox Auto Supply Equipment Repair \$213.93; Crescent Electric Lights \$2,284.94; Dayhuff Enterprises Janitorial Supplies \$618.62; Delight Donuts Employee Appreciation \$21.07; Demco Office Supplies \$644.08; Dept Of Agriculture Pesticide Certification \$50.00; Don S Sinclair Fuel \$48.25; Dx Service Salt \$1,161.30; Echo Electric Supply Light Fixture \$75.98; Eco Water Water Rent \$108.00; Ehresmann Engineering Cutting Edge \$65.72; Embassy Suites Omaha Lodging \$109.87; Essick Air Products Golf Equipment \$29.99; Facebook Advertisement \$8.00; Facebook Job Ad Boost \$20.00; Fastenal Company Diaphragm Pump Bolts \$352.72; Filters Fast Humidifier Filter \$59.99; Fred Haar Company Yankton Fuel Filter \$26.39; Hard Drive Central Copier \$23.42; Hartford Pizza Ranch K9 Training \$19.36; Hedahls Repair Parts \$70.16; HyVee Gas Trail Expense \$1.88; HyVee Concession \$239.04; IACP Membership Dues \$450.00; Independence Waste Porta Pottys \$621.90; Int L Code Council Examination Fees \$222.59; Human Factor Training Material \$1,260.00; Niche Academy Niche Academy Subscription \$1,400.00; Intoximeters Inc. Repair \$162.50; IR Industrial Air Compressor Maint Kit \$708.79; JJ Benji Merchandise \$3,279.63; Jacks Uniforms & Equipment Uniform \$109.44; JCL Solutions Cleaning

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Supplies \$724.93; Johnson Controls HVAC System Renewal \$8,691.18; Jon Don Ecomm Vacuum Parts \$76.25; Kaiser Heating & Cooling Building Repair \$7.80; Kaiser Chain Saw \$545.77; Kopetskys Ace Building Repairs \$932.42; La Minestra Travel Expense \$32.00; Lakeshore Learning Mat Sensory Station Supplies \$154.39; Larry's Heating Humidifier \$202.09; Lewis And Clark Patrol Car Repair \$1,116.09; Locators And Supplies Supplies \$263.35; Mad Mary's Steakhouse Travel Expense \$39.00; Main Stop Travel Expense \$50.00; Mark's Machinery Batteries \$708.94; McDonald's Travel Expense \$5.76; McMaster Air Line Regulator \$633.76; Mead Lumber SAC Bathroom Repairs \$311.17; Menard's Storage Supplies \$1,828.34; Microfilm Imaging System Microfilm Service Renew \$910.00; Mid States Organized Moci Membership Dues \$200.00; Midwest Laboratories Monthly Nutrients \$107.56; Midwest Radiator Park Bench Repair \$395.89; Midwest Turf & Irrigation Equipment Supplies \$390.53; Monta's Framing And Decorating Picture Matting \$265.78; Netop Tech Software \$1,490.00; One Office Solution Badge Cards \$501.47; Onlineaha.Org CPR Class \$95.40; O'Reilly Auto Fan Clutch \$233.56; Overdrive Dist Ebooks \$3,378.32; Panda Express Travel Expense \$10.80; Paypal Fire Chaplain Membership \$100.00; Paypal DVD Spray \$62.65; Paypal Equipment Repair \$86.62; Photography By Jerry Retirement Photo \$124.00; Pizza Hut Employee Meeting \$38.55; Powersports Plus Repair Parts \$70.66; Provantage Software \$183.35; RedRossa Italian Grill Travel Expense \$15.00; Repl Remotes Office Supplies \$9.94; Rivistas Subscription 2018 Magazine Renewals \$2,923.71; Ron's Auto Glass Car Windshield Repair \$245.00; Royal Sport Shop Recreation Supplies \$160.90; SD Firefighters Association SD Fire Service Instruct \$310.00; SDSPLS SD Prof Land Surveyors \$390.00; SF Regional Airport Travel Expense \$48.00; Sherwin Williams SAC Bathroom Repairs \$146.46; Shops Travel Expense \$7.37; Shur-Co Tarp And Tarp Repairs \$680.00; Sigma Dmrqa \$320.26; Sioux Equipment Equipment Repair \$672.53; H W Wilson Books \$292.75; Stan Houston Equip Co Shop Supplies \$286.90; State Hygienic Lab Source Water Testing \$493.00; Sturdevants Heater Core \$52.20; Swank Motion Pictures Movie License \$437.00; The UPS Store Wet Test Shipping \$530.80; TMA Yankton Tires \$2,887.58; Tractor Supply K9 Meds \$24.99; Truck Trailer Sales Heater \$112.25; Turfwerks Omaha Equipment Repair \$754.55; Ultra Max Ammunition \$1,035.00; United Travel Expense \$50.00; USA Blue Book Repair Parts \$1,191.53; USPS Holiday Of Lights \$2.38; Vcn*Yanktonrodctr Recording Easements \$62.50; Viddler Video Hosting \$39.68; Villa Italian Kitchen Travel Expense \$9.19; VWR International Lab Supplies \$1,075.94; Vzwrllss Internet Access \$516.18; Wal-Mart DVDs \$434.85; Watchguard Video Video Repair \$210.00; Wilsons Lodge Oglebay Travel Expense \$27.02; Wm Supercenter Office Supplies \$494.27; Wm Supercenter TVs \$498.00; Ww Grainger Janitorial Supplies \$271.53; Yankton Area Chamber Membership Dues \$555.00; Yankton Medical Clinic Firefighter Physical \$1,742.50; Yankton Winnelson Co Boiler Recirculate Pump \$1,610.01; Ye Olde Alpha Travel Expense \$26.40; Domino's Pizza Xmas Party Supplies \$128.61; AFSCME Council Employee Deduction \$1,347.79; American Family Life Cancer & ICU Premiums \$7,736.92; Avera Health Plans Health Ins \$84,501.90; Brandt/Todd Meeting \$40.00; Delta Dental Dental Insurance \$16,358.12; Dept Of Environment Operator Cert Exam \$20.00; Dept Of Social Services Employee Deduction \$1,697.50; First National Bank South Dakota Employee Deduction \$2,682.46; Foote/Jason Training \$56.00; Mingo/Dave Travel \$300.00; Minnesota Life Insurance Life Ins \$760.31; Postmaster Box Fee \$144.00; Premier Pyrotechnics July 4th Fireworks \$20,000.00; SD Retirement Retirement \$78,918.34; SDSRP Employee Deduction \$7,098.06; Slowey Construction Force Main \$24,679.75; Summit Activity Center Employee Deduction \$775.60; United Way Employee Deduction \$118.00; US Bank Spa Lockbox Clean Water \$167,844.46; Vast Broadband Internet Services \$3,997.75; Yankton Area Prog Growth Sales Tax Reimbursement 4th \$68,653.93

Roll Call: All Members Present Voting "Aye;" Voting "Nay:" None.
Motion Adopted.

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SALARIES JANUARY

Administration \$42,122.30; Finance \$34,251.10; Community Development \$26,473.21; Police/AC/Dispatch \$167,511.81; Fire \$14,478.01; Engineering / Sr. Citizens \$42,325.71; Streets \$47,794.47; Snow & Ice \$2,954.11; Traffic Control \$4,116.91; Library \$28,074.53; Parks/Sac \$67,112.29; Marne Creek \$4,983.03; Water \$43,618.54; Wastewater \$37,206.11; Cemetary \$4,794.67; Solid Waste \$23,027.32; Landfill/Recycle \$19,682.63; Golf Course \$23,038.68; Central Garage \$8,199.87

PERSONNEL CHANGES & NEW HIRES

New Hire: Kendra Morgan \$9.65 hr SAC

Wage Changes: Timothy Garvey \$31.43 hr Wastewater; Samantha Altwine \$9.90 hr Recreation Div; Lauren Bruening \$9.90 hr Recreation Div; Kellie Geigle \$9.90 hr Recreation Div; Danielle Gillis \$10.15 hr Recreation Div; Walker Hunhoff \$10.15 hr Recreation Div; Noel Kusek \$10.15 hr Recreation Div; Tristan Roy \$10.35 hr Recreation Div; Ross DenHerder \$1,698.58 Bi Weekly City Attorney

Mayor Hoffner read the Mayor's Proclamation proclaiming February 25, 2018 as Mike and Gerrie Healy Day.

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

Action 18-30

Mayor Hoffner stated that the Consent Agenda Items would be separated for individual consideration.

1. Establish public hearing for sale of alcoholic beverages
Establish February 26, 2018, as the date for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License for one day, March 16, 2018, from the Center (Christy Hauer, Executive Director), 900 Whiting Drive, Yankton, South Dakota.
2. Establish public hearing for sale of alcoholic beverages
Establish February 26, 2018, as the date for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for one day, March 3, 2018, from the Center (Christy Hauer, Executive Director), 900 Whiting Drive, Yankton, South Dakota.
3. Transient Merchant License and Special Events Dance License
Consideration of Memorandum #18-20 recommending approval of the applications from the Riverboat Days Committee for:
 - A) Transient Merchant License for August 17 to 19, 2018;
 - B) Special Events Dance License for August 17 to 19, 2018
4. Dance License
Consideration of Memorandum #18-25 regarding the application for a Type B dance license for Cheers Bar & Grill, Yankton, S.D

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Action 18-31

Moved by Commissioner Knoff, seconded by Commissioner Ferdig, to establish February 26, 2018, as the date for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License for one day, March 16, 2018, from the Center (Christy Hauer, Executive Director), 900 Whiting Drive, Yankton, South Dakota. (Consent Agenda Item No. 1)

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

Action 18-32

Moved by Commissioner Carda, seconded by Commissioner Knoff, to establish February 26, 2018, as the date for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for one day, March 3, 2018, from the Center (Christy Hauer, Executive Director), 900 Whiting Drive, Yankton, South Dakota. (Consent Agenda Item No. 2)

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

Action 18-33

Moved by Commissioner Miner, seconded by Commissioner Carda, to approve the applications from the Riverboat Days Committee for a Transient Merchant License for August 17 to 19, 2018 and a Special Events Dance License for August 17 to 19, 2018. (Memorandum 18-20) (Consent Agenda Item No. 3)

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

Action 18-34

Moved by Commissioner Knoff, seconded by Commissioner Miner, to approve a Type B dance license for Cheers Bar & Grill, Yankton, S.D. (Memorandum 18-25) (Consent Agenda Item No. 4)

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

Action 18-35

This was the time and place for the Public hearing on the application for a Special Events RETAIL (on-sale) Liquor License for one day, February 24, 2018, from Boomer's Inc., (Gary W. Boom, President) d/b/a Boomer's Lounge, NFAA, 800 Archery Lane, Yankton, South Dakota. (Memorandum 18-15) No one was present to speak for or against approval of the license. Moved by Commissioner Carda, seconded by Commissioner Miner, to approve the license.

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

Action 18-36

This was the time and place for the Public hearing on the application for a Special Events (on-sale) Liquor License for 1 day, March 16, 2018 from Dayhuff Enterprises, Inc., (Jeff Dayhuff, President) d/b/a O'Malley's Bar, NFAA, 800 Archery Lane, Yankton, S.D. (Memorandum 18-16) No one was present to speak for or against approval of the license. Moved by Commissioner Ferdig, seconded by Commissioner Miner, to approve the license

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

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Motion adopted.

Action 18-37

This was the time and place for the Public hearing on the application for a Special Malt Beverage (on-sale) Retailers License for 3 days, August 17-19, 2018 from Yankton Area Riverboat Days, Inc. (Milissa Wuebben, Treasurer), Riverside Park, Yankton, S.D. (Memorandum 18-17) No one was present to speak for or against approval of the license. Moved by Commissioner Carda, seconded by Commissioner Miner, to approve the license.

Roll Call: Members present voting "Aye" were Commissioners Carda, Ferdig, Gross, Knoff, Maibaum and Miner; voting "Nay:" None. Mayor Hoffner abstained from voting.

Motion adopted.

Action 18-38

This was the time and place for the Public hearing on the application for a Special Malt Beverage (on-sale) Retailers License for 3 days, August 17-19, 2018 from Yankton Area Riverboat Days, Inc. (Milissa Wuebben, Treasurer), City Hall Auditorium, Yankton, S.D. (Memorandum 18-18) No one was present to speak for or against approval of the license. Moved by Commissioner Miner, seconded by Commissioner Carda, to approve the license.

Roll Call: Members present voting "Aye" were Commissioners Carda, Ferdig, Gross, Knoff, Maibaum and Miner; voting "Nay:" None. Mayor Hoffner abstained from voting.

Motion adopted.

Action 18-39

This was the time and place for the Public hearing on the application for the application for a Special Malt Beverage (on-sale) Retailers License and a Special Events RETAIL (on-sale) Wine dealers License for 1 day, March 17, 2018 from Lewis & Clark Theatre Company (Katie Fargo, Executive Director), 328 Walnut, Yankton, S.D. (Memorandum 18-19) No one was present to speak for or against approval of the license. Moved by Commissioner Ferdig, seconded by Commissioner Miner, to approve the license.

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

Motion adopted.

Action 18-40

This was the time and place for the second reading and public hearing for Ordinance No. 1003, AN ORDINANCE AMENDING ORDINANCE NO. 1001, THE 2018 ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF YANKTON, SD. No one was present to speak for or against adoption of the ordinance. Moved by Commissioner Gross, seconded by Commissioner Carda, to adopt Ordinance No. 1003.

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

Motion adopted.

Action 18-41

Moved by Commissioner Carda, seconded by Commissioner Ferdig, adopt Resolution 18-06 authorizing the issuance of the \$1,585,000.00 Certificates of Participation Refunding Bonds, Series 2018. (Memorandum 18-24)

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RESOLUTION 18-06

A RESOLUTION AUTHORIZING THE REFUNDING OF CERTAIN CERTIFICATES OF PARTICIPATION, SERIES 2009, AUTHORIZING THE AMENDMENT OF THE LEASE AND APPROVING AND AUTHORIZATION OF RELATED DOCUMENTS

WHEREAS, the City of Yankton (the “City”) and First Dakota National Bank, Yankton, South Dakota (the “Trustee”) have entered into a Ground Lease, dated February 12, 2009 (the “Ground Lease”), whereby the City leases land to the Trustee; and

WHEREAS, the Trustee caused the acquisition, remodeling, expansion, construction or equipping of a new Fire Station on the Land (the “Facilities”) and the Trustee and City have entered into a Lease-Purchase Agreement, dated February 12, 2009 (the “Lease”), by which the Trustee subleases its leasehold interest in the Land and leases its interest in the Facilities to the City with the option to purchase the Facilities at the end of the Lease; and

WHEREAS, a Trust and Trust Fund have been created by the City and the Trustee where the City assigned to the Trust its interest in and to the Lease, including its right to receive Lease Payments thereunder, and the Ground Lease, and to issue Certificates of Participation (the “Series 2009 Certificates”), the Series 2009 Certificates together with any Additional Certificates issued as provided in the Trust Indenture (hereinafter referred to as the “Certificates”) in the trust, representing undivided interests in the Lease and the right to receive the Lease Payments thereunder; and

WHEREAS, the City at its option may refund the Series 2009 Certificates and amend the Lease; and

WHEREAS, the proceeds of the purchase, together with investment earnings thereon, will be used, pursuant to (1) pay the outstanding principal portions of the lease payments represented by the Series 2009 Certificates maturing December 1, 2018 to December 1, 2028 in the aggregate principal amount of \$1,530,000 (the “Refunded Series 2009 Certificates”) at a price equal to the principal amount thereof; and

WHEREAS, the Lease is to be assigned and amended in full conformance with SDCL 6-8B-30 through 6-8B-52.

NOW THEREFORE, BE IT RESOLVED by the Commission of the City of Yankton, South Dakota, as follows:

1. The Commission hereby finds and determines that the refunding of the Series 2009 Certificates will be in the best interests of the public and the health, safety and welfare of the citizens and taxpayers of this City. The Series 2009 Certificates were issued pursuant to a resolution passed on October 13, 2008, which shall remain in full force and effect to the effect not modified by this resolution. Capitalized terms not defined herein shall have the meanings as defined in the Lease or Trust Indenture.

2. The City hereby authorizes the Mayor, Finance Officer and Trustee to take such actions and enter into such agreements and amendments of existing documents as may be necessary to currently refund the Series 2009 Certificates under the Lease and Trust Indenture.

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3. The City authorizes the Mayor, Finance Officer and Trustee to amend the Lease, refunding the Series 2009 Certificates, assign the Lease and Ground Lease and terminate the Trust Indenture, all actions in full conformity with SDCL §6-8B-30 through 6-8B-50 and that after delivery of the Amended Lease for value, such actions shall be uncontestable for any cause.

The City will pay to the Purchaser promptly when due, all of the Lease Payments (as defined in the Lease) and other amounts required by the Lease, as amended. To provide moneys to make such payments, the City will include in its annual budget, for each fiscal year during the term of the Lease, moneys sufficient to pay and for the purpose of paying all Lease Payments and other amounts payable under the Lease, and will take all other actions necessary to provide moneys for the payment of the obligations of the City under the Lease from sources of the City lawfully available for this purpose. The agreements of the City in this paragraph are subject to the provisions for modification set forth in the Lease, which shall provide that the Lease will be subject to modification by the City, without penalty, at the end of any fiscal year of the City, if the City Council notifies the Purchaser, not later than July 1, of that fiscal year that it will no budget or appropriate money for the payment of the City's Obligations under the Lease for the succeeding fiscal year. The Certificates are payable from the Lease Payment Account (as defined in the Lease) and the moneys held in the funds and accounts established pursuant to the Trust Agreement, by the Trustee subject to the provisions of the Trust Agreement permitting the application thereof for or to the purposes and on the terms and conditions set forth in the Trust Agreement. Terms not defined herein shall have the meaning set forth in the Trust Agreement. THE OBLIGATION OF THE CITY TO MAKE LEASE PAYMENTS IS SUBJECT TO ANNUAL APPROPRIATION OF THE CITY FOR THE PAYMENT OF LEASE PAYMENTS WHEN DUE.

4. Forms of all documents referred to in this Resolution will be filed in the office of the Finance Officer of City of Yankton and are open for public inspection at regular business hours. The documents are approved for execution with such insertions, deletions and variances as deemed necessary. The amendment of the Lease and modification of the Trust Indenture is approved.

The Mayor and Finance Officer are authorized and directed to prepare and furnish a certified copy of this resolution and such other affidavits and certificates as may be required in connection with the amendment of the Lease and modification of the Trust Indenture. All such certified copies, certificates and affidavits shall constitute representations of the City as to the truth of all statements made by the City and contained therein. Such officers are further authorized and directed to execute and deliver such collateral certificates and agreements as may be necessary or convenient in connection with the amendment of the Lease. In the event any of the officers of the City authorized to execute documents under this resolution shall for any reason be unable to do so, any member of the commission, or any other officer of the City, is hereby directed and authorized to do so on behalf of the City, with the same effect as if executed by the officer authorized to do so in this resolution.

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

Action 18-42

Moved by Commissioner Gross, seconded by Commissioner Carda, approve moving forward with the Walnut Street Reconstruction and Streetscape/Landscape Plan for 2018. (Memorandum 18-27) David Locke from Stockwell Engineers was present and gave a PowerPoint presentation.

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

Action 18-43

Moved by Commissioner Knoff, seconded by Commissioner Gross, to approve an Amended Agreement with Stockwell Engineers regarding the Walnut Street Lighting project. (Memorandum 18-28)

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

Action 18-44

This was the time and place to award the bid for the 8th Street reconstruction and utility improvement project, from Linn Street to Summit Street. The following bids, with a base bid + alternative #1, were received and opened on January 31, 2018: BX Civil & Construction for \$3,115,649.46; Knife River Midwest for \$2,793,097.81; Thorstad Companies for \$2,900,683.00; Feimer Construction for \$2,957,680.05; D&G Concrete Construction for \$2,727,008.52; and Slowey Construction for \$2,533,271.30. (Memorandum 18-26) Moved by Commissioner Knoff, seconded by Commissioner Carda, award the contract for the 8th Street Reconstruction from Linn Street to Summit Street to Slowey Construction in the amount of \$2,533,271.30.

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

Action 18-45

This was the time and place to award the bid for the Hay Lease at Chan Gurney Airport. The following bids were received and opened on January 31, 2018: Justin Frick for \$66.51 per acre and Delos Warriner for \$51.00 per acre. (Memorandum 18-23) Moved by Commissioner Maibaum, seconded by Commissioner Ferdig, to approve the bid from Justin Frick, of 907 E. 18th Street, Yankton, South Dakota in the amount \$66.51 per acre for each year of the five-year lease.

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

Action 18-46

Moved by Commissioner Knoff, seconded by Commissioner Carda, to approve the “Shark Experience” entertainment system be added to the Fox Run Golf Carts for the lease years of 2018 – 2022 at the yearly cost of \$33,497.76. (Memorandum 18-21)

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

Action 18-47

Moved by Commissioner Knoff, seconded by Commissioner Ferdig, to adopt the Fox Run golf cart fees proposed for 2018. (Memorandum 18-22)

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

Toby Morris, Dougherty Company, gave an update on the Yankton Mall - Hotel Project.

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Action 18-48

Moved by Commissioner Carda, seconded by Commissioner Maibaum, to adjourn into Executive Session at 8:15 p.m. to discuss personnel and contractual litigation matters under SDCL 1-25-2.

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 Hoffner.

Roll Call: Present: Commissioners Carda, Ferdig, Gross, Knoff, Maibaum and Miner. City Attorney Den Herder and City Manager Nelson were also present. Absent: Commissioners Johnson and Moser. Quorum present.

Action 18-49

Moved by Commissioner Carda, seconded by Commissioner Maibaum, to adjourn at 8:47 p.m.

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

Motion adopted.

Jake Hoffner
Mayor

ATTEST:

Al Viereck
Finance Officer

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