

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
JULY 11, 2022**

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

Roll Call: Present: Commissioners Benson, Brunick, Maibaum, Miner, Schramm, Webber and Villanueva. City Attorney Den Herder and City Manager Leon were also present. Absent: Johnson. Quorum present.

Action 22-174

Moved by Commissioner Benson, seconded by Commissioner Villanueva, to approve Minutes of work session meeting of June 27, 2022 and regular meeting of June 27, 2022.

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

Motion adopted.

Action 22-175

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

Office Solution - Office Supplies - \$44.44; 811 - Locate Fee - \$213.00; Adobe Creative Cloud Computer Program - \$85.18; Adobe Stock - Computer Program - \$31.94; Aerzen USA – Compressor Oil/Coolant - \$546.18; Amazon – HDMI Cable - \$9.86; Amazon - Scanner - \$397.00; Amazon - Monitor - \$129.99; Amazon - Mouse Pad - \$16.70; Amazon - Replacement Keyboard -\$39.99; Amazon - Rubber Bands - \$5.29; Amazon - DVD - \$19.99; Amazon - Program Supplies - \$33.54; Amazon - Summer Program Supplies - \$14.99; Amazon - Vial Wipes - \$142.03; Amazon - Office Supplies \$4.74; Amazon - Book - \$9.99; Amazon - Battery Backup - \$219.00; Amazon - Cable Printer \$248.99; Amazon - Janitorial Supplies - \$412.29; Amazon - Office Supplies - \$18.63; Amazon – Summer Program Supplies - \$35.74; Amazon - Summer Program Supplies - \$165.89; Amazon - Timer, Cable Labels - \$196.45; Amazon - DVD - \$23.99; Amazon - Office Supplies - \$18.97; Amazon – Summer Programs - \$37.88; Amazon - Summer Program Supplies - \$8.89; Amazon - Concessions - \$156.72; Amazon - Safety Warning Lights - \$13.83; Amazon - Lifeguard Fanny Packs - \$57.99; Amazon – Seat Covers - \$537.18; Amazon - Office Supplies - \$48.99; Amazon - Stamps - \$58.40; Amazon – Events Supplies - \$129.94; Amazon - Office Supplies - \$27.78; Amazon - Office Supplies - \$170.47; Amazon - Janitorial Supplies - \$114.18; Amazon - Printer Ink - \$351.47; Amazon - DVD - \$17.96; Amazon Book - \$10.99; American Red Cross - WSI Classes - \$425.00; A-Ox Welding Supply Co – Propane \$304.09; Association Preser - Workshop - \$175.00; AT&T - Mobile Data - \$1,165.07; Autel Software Update - \$1,379.17; Autozone - Brake Rotos And Pads - \$3,087.40; Avera Sacred Heart - Professional Services - \$512.75; Axvoice - Dialer Service - \$21.44; Baker-Taylor - Books - \$3,967.39; Banner Associates - Professional Services - \$9,768.87; Barnes,Caitlyn - Picnic Shelter Refund - \$75.00; Bierschbach Equip - Road Material - \$184.00; Blue Valley Public Safety - Storm Siren Maintenance \$5,002.95; Bluepeak - Phone - \$629.00; BMI - Annual Music Contract - \$391.00; Bomgaars - Shop Supplies - \$1,547.02; Buhls Cleaners - Towel Cleaning - \$370.80; BX Civil Construction - Dust Inhibitor - \$1,361.00; C & B - Air & Oil Filter - \$34.99; Carda,Brian - Boot Reimbursement - \$130.00; Carda,Garrett - Boot Reimbursement - \$130.00; Casey’s - Fuel - Dare Training - \$49.90; Cedar Knox Public Power Dist - Electricity - \$1,000.68; Cengage Learning - Books - \$43.38; Center Point - Large Print Books - \$137.82; CenturyLink - Phone - \$1,297.19; Charles,Kayla - Program Refund - \$47.93;

Chesterman CO - Concessions - \$1,392.00; Child Safety Solutions - Summer Programs - \$62.85; Christensen Radiator & Repair - Plow Part - \$6,260.62; City Of Vermillion - Jt Power Cash Trans - \$160,005.02; City Of Yankton-Parks - Landfill Charges - \$419.96; City Of Yankton-Solid Waste - Compacted Garbage - \$17,379.51; City Of Yankton-Water - Garbage - \$185.65; Civicplus – Annual Subscription - \$550.00; Clarks Rentals - Screed Shaker Rental - \$33.00; Cornwell D-P Tools Soldering Iron - \$128.95; CPI Environmental - Lab Supplies - \$90.67; Crescent Electric - Shop Supplies - \$776.94; Dakota Pump - Riverside Pump - \$7,973.90; DANR Fiscal Office – Drinking Water Permit - \$6,533.00; Demco - Program Supplies - \$262.53; Den Herder Law – Contracted Services - \$837.56; Dept of Agriculture - Permit Fees - \$440.75; Dept of Corrections - Doc Work Program - \$91.80; Diane’s Greenhouse - Flowers - \$449.25; Dollar Tree - Summer Reading Program - \$40.00; Dvorak,Matt - Tree Reimbursement - \$100.00; Echo Electric Supply - 3 Phase Voltage Monitor - \$368.26; Ehresmann Engineering - Garage Parts - \$56.80; Etrailer Corp - Air Lift Ride Control - \$103.19; Fastenal Co - Gloves - \$2,356.01; FedEx - Mail Evidence - \$15.89; Feimer Construction - Stabilization - \$61,160.00; Fejfar Plumbing - Repairs - \$775.00; Ferguson Ent - Meter Spuds - \$412.33; Fire Chief Assn - Annual Membership - \$125.00; Frontier Mills - Grass Seed \$90.88; Gary’s Repair Wrecker - Police Tow - \$220.50; General Traffic Controls - Pedestrian/School Cross - \$14,959.00; Geotek Eng & Testing Serv - Testing - \$1,315.00; Gerstner Oil - Equipment Repairs \$106.32; Gerstner Oil - Fuel - \$42,426.42; Gotomeeting - Gotomeeting - \$1,344.00; GPSI Club Car Connect - Cart Rental - June - \$3,840.00; Grainger - Alarms - \$533.16; Gramps - Patrol Car Fuel \$105.56; Graybar Electric - Vfd Drive Electrical - \$47.68; Graybar Electric - Service Work \$5,800.00; Graymont - Lime - \$5,080.07; Grimm,Natalie - Irrigation Repairs - \$918.00; Guardian Fleet Safety - Printers & Holders - \$2,349.61; Hach Company - Lab Supplies - \$336.62; Hallock, Hunter - Per Diem - \$81.00; Hancock Trap Co - Traps - \$850.00; Hansen Locksmith – New Keys For Truck #6 - \$8.00; Hanson Briggs Advertising - Signs - \$1,672.05; Harn Ro Systems Chemicals - \$6,590.00; Hawkins - Chemicals - \$57,935.64; HDR Engineering - Wtr-Ww Master Plan- \$19,798.01; Heiman Fire Equipment - Protective Boots - \$3,116.35; Holiday Inn - Lodging - \$1,973.44; Holiday Inn - Hotel Room - \$108.00; Holiday Inn - Goscoma Conference - \$773.91;HyVee - Fuel - \$32.00; Hy-Vee - Retirement Cupcakes - \$433.13; Icee - Concessions - \$2,009.39; In Book Page -Subscription - \$390.00; In Guardian Alliance - Employment - \$102.00; Hanson Briggs -Warning Tickets - \$219.88; In Johnny Sundby - Book - \$45.90; Powers Port A Pot - Port A Pot Rental - \$375.00; J & H Care & Cleaning - Janitorial Services - \$4,100.00; JCL Solutions – Cleaning Supplies - \$1,601.00; Jebro - Liquid Asphalt - \$60,954.49; Jimmy Johns - Budget Meeting - \$215.00; JJ Benji's - Safety City Shirts - \$1,958.75; John T Jones Construction - EDA Construction -\$362,909.66; John W Hock - Mosquito Trap - \$762.41; Kaiser Heating & Cooling - Service Call - \$340.00; Kaiser Refrigeration - Cordless Trimmer - \$768.95; Klein’s Tree Service - Tree Removal - \$1,415.00; KLJ Engineering -Construction Admin - \$12,409.31; Knife River - Concrete - \$2,306.00; Koletzky Implement - Tiller Repairs \$325.35; Kopetskys Ace - Hanging Baskets - \$1,134.31; Kwik Trip Fuel - \$56.00; LaCroix Construction - Repairs - \$7,959.20; Language Line - Interpretation Service \$129.26; Lewis & Clark BHA - Pre Employment - \$158.00; Lewis & Clark Bhs - MMPI Eval - \$1,956.00; Lewis and Clark Ford - Spark Plug Replacement - \$368.89; Lewis And Clark Vet - K9 Care-Corona -\$423.42; Maddale - Summer Reading Program - \$409.00; Martinson,Claire - Refund - \$50.00; Masonry Components - Whiting Dr Recon - \$403,083.46; McDonalds - Travel Expense - \$9.70; Mead Center - Cemetery Walk - \$544.00; Mead Lumber - Grid Marker - \$507.60; Menards -Batteries & Flashlight -\$2,105.63; Meridian Eye Care - Pre-Employment Eye Exam - \$50.00; Merkel Electric - Labor - \$4,904.11; Metrofax - Fax Service - \$9.95; Michaels - Summer Reading Program - \$81.34; Midwest Alarm Company - Alarm Testing - \$171.00; Midwest Laboratories - Nutrients Testing -\$1,782.12; Midwest Mini Melts - Concessions - \$4,752.00; Midwest Tape - Av - \$44.99; Midwest Tire - Truck Tires

\$945.70; Millennium Recycling - Single Stream Recycling - \$2,615.55; Miracle Recreation Equipment - Sand Digger - \$1,513.00; Muttmitt.Com - Dog Bags - \$2,799.75; Napa Auto Parts – Equipment Repairs - \$182.75; Nartec - Drug Testing Equipment - \$99.49; National Audubon Soc – Magazine Subscription - \$30.00; National Field Archery - Summer Programs - \$1,792.00; New England Door - Door Closers-Gym - \$269.26; NICHA - Annual Membership - \$99.00; Northtown Auto – Garage Supplies - \$74.78; Observer - Ad - \$48.00; O'connor Company - Parts - \$617.86; Olsons Pest - Pest Control - \$608.00; O'reilly Auto - Parts - \$39.99; O'reilly Auto - Battery And Floor Mats - \$280.25; OTC Brands - Summer Programs - \$20.84; Overdrive Dist - Ebooks - \$2,926.90; PayPal -Professional Services - \$300.00; PayPal - Engraved Namepin - \$53.41; PayPal - Sexual Assault Conference \$100.00; PB Leasing - Postage - \$122.00; Pedersen,Brandi - Refund - \$47.93; PFS Healthworks - CDL - \$33.50; Phenova - DMRQA Microbiology Test - \$190.20; Pitney Bowes -Postage - \$200.00; Pizza Ranch - Concession Pizza - \$1,296.00; Ponca State Park - Summer Programs - \$617.00; Power Source Electric - Installed Camera System - \$3,949.12; Press Dakota - Ad \$4,312.17; Pro Auto - Equipment Repairs - \$20.00; Public Safety - Badges - \$238.68; Quality Inn -Finance School Lodging - \$137.00; Quill Corporation - Office Supplies - \$178.82; Racom Corporation - Speaker Mic Antena - \$238.35; Rapid City Journal - Newspaper Subscription - \$400.00; Recreation Supply - Pool Chairs -\$21,580.89; Reining,Austin - Travel Expense - \$139.50; Riverside Hydraulics - Fitting - \$139.49; Ron's Auto Glass Repair - Windshield Replacement - \$1,090.00; Rope Warrior -Summer Reading Program \$225.00; Saber Shred Solutions - Tire Disposal - \$7,456.40; Sam – GPS Data Collection - \$15,000.00; Sanitation Products - Garage Parts - \$816.49; Scale Fusion - Disputed Charge - \$480.00; Scred Tech - Taxiway A Rehab C-9-22 - \$34,395.75; Select Tech - Paddle Handle - \$158.35; Shell Oil – Goscma Conference - \$42.40; Sherwin Williams - Dugout Paint - \$85.99; Sign Solutions - Signs - \$4,844.83; Simply Medical - Medical Supplies - \$106.45; Smith Insurance -Notary Bond - \$160.00; Smith,Emily - Refund - \$63.90; Smith,Kyle - Refund - \$95.86; Southeast Pub - Ad - \$379.00; Sprinkler Warehouse - Irrigation Supplies - \$841.19; Staples - Office Supplies -\$37.79; Stryker Sales - AED Service \$1,611.20; Sturdevants - Filters - \$260.43; Supplyhouse.Com - Vacuum Breaker - \$33.75; Sweeney Controls - Update - \$959.00; Syn-Tech Systems - Fuel Island Repairs - \$4,200.00; Tarps Now - Gym Floor Tape - \$195.49; Termansen,Tanner - Per Diem - \$81.00; Tessman - Chemicals - \$5,344.62; Third Millennium - Utility Billing - \$676.82; Titan Machinery – Mower Repairs - \$526.95; Toms Electric - Labor - \$387.42; Tractor Supply - Dog Food-Corona - \$133.98; Tramp,Hannah - Refund - \$50.00; Transource - Volvo Loader - \$199,147.48; Trex Mart - Fuel -Training - \$94.48; Tri-State Natural Food - Summer Reading Program - \$325.00; TRK Hosting - Web Hosting - \$7.95; Truck Trailer Sales - Parts - \$532.75; Truck Trailer Sales - Filter - \$57.65; Trugreen Commercial - Lawn Service - \$254.35; Tube Pro - HFAC Tubes - \$1,900.00; Turfwerks - Equipment Repairs - \$249.05; Two Way Solutions - Programing Portables - \$450.00; United Laboratories - Inlet Building Air - \$432.80; UPS - Postage - \$13.41; Upton,Timothy - Refund - \$50.00; USA Blue Book - Flow Chart - \$65.28; USPS - Mail Evidence - \$64.85; USPS - Postage Meter-June 2022 - \$613.65; Vast - Internet Service - \$3,197.96; VCN - Register Of Deeds - \$217.00; Verizon - Internet Access - \$2,417.07; Vessco - Tubing Elements - \$2,324.56; Viddler - Video Hosting - \$41.08; Vitality Medical - Sharp Containers - \$961.70; Vogt,Tyler - Refund - \$42.60; VWR International - Lab Supplies \$331.02; Walmart - Concessions - \$558.27; Walmart - Monitor - \$121.54; Walmart - Parchment Paper - \$25.78; Walmart - Dehumidifiers - \$1,260.83; WEF - Membership Dues - \$82.50; Wholesale Supply - Concessions - \$9,060.65; Williams & Company - Audit - \$53,175.00; Yankton Baseball Assn - Field Maintenance - \$3,600.00; Yankton Co Auditor - Qtr Shared Expense - \$11,285.89; Yankton Comm Library - Cemetery Walk - \$544.00; Yankton Janitorial - Floor Cleaner,Towel Roll - \$942.15; Yankton Media - Subscription - \$76.10; Yankton Medical Clinic - Professional Services - \$1,881.00; Yankton Police Department - Petty Cash - \$67.02; Yankton School Dist - Summer Programs -

\$7,611.75; Yankton Transit - 1/2 Sp Appropriation - \$22,500.00; Yankton Vol Fire Dept - Fire Calls May/June -\$760.00; Yankton Winnelson - Cleaning Supplies - \$394.71; Zoro Tools - Toolbox - \$1,434.41.

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

June Salaries by Department: June 2022:

Administration \$53,263.87; Finance \$33,746.11; Community Development \$27,562.11; Police/Dispatch \$198,761.16; Fire \$14,055.30; Engineering / Sr. Citizens \$44,586.88; Streets \$50,674.53; Traffic Control \$4,382.87; Library \$33,961.10; Parks / SAC \$100,391.53; Huether Aquatic Center \$83,193.33; Marne Creek \$3,392.87; Water \$42,196.52; Wastewater \$42,475.45; Cemetery \$4,652.41; Solid Waste \$24,022.15; Landfill / Recycle \$23,860.14; Central Garage \$8,381.86

New Hires: Dispatch: Tamra Ruzicka, Dispatcher, \$1620.30 bi-weekly. Fire Dept: Timothy Linke, Fire Chief, \$3856.26 bi-weekly. Water Dept: Thomas Miles, Water Plant Operations Specialist, \$1660.84 bi-weekly. Parks, Recreation & City Event Dept: Luke Youmans, \$2901.35 bi-weekly. Community Development Dept: Brandon Mastalir, Building Maintenance/Custodial Supervisor, \$1769.35 bi-weekly. Park, Recreation & City Event Dept: Park Maintenance - Emily Nowak \$12.50 hr; Dylan Lau \$13.50 hr; Lindsey Hale \$13.75 hr. Umpire – Lynne Gurney \$25/game; Corey Enfield \$25/game; Jason Kral \$25/game; Brian Fejfar \$25/game; Rick Kline \$25/game; Doug Gurney \$25/game; Tyler Hudson \$25/game. Lifeguards – Owen Phillips \$14.50 hr; Brianne Brandt \$14.00 hr; Jordan Houdek \$14.00 hr; Grayson Lange \$14.50 hr; Water Park Attendant – Jayden Horrach \$11 hr; Program Instructor – Allison Kirschenman \$12.00 hr. Water Dept: Terry Rye \$16 hr.

Wage Changes: Park, Recreation & City Event Dept: Lifeguards – Zache Rohde \$13.50 to \$14.50 hr; Abigail Schmidt \$13.25 to \$14.25 hr; Brianna Berger \$13.00 to \$14.00 hr; Timothy Upton \$13.00 to \$14.00; Hannah Tramp \$13.00 to \$14.00 hr; Nicolas Taylor \$13.00 to \$14.00 hr; Allie Taggart \$13.00 to \$14.00 hr; Abigail Steffen \$13.00 to \$14.00; Rori Schmidt \$13.00 to \$14.00; Jaden Plooster \$13.00 to \$14.00; Tim Merchen \$13.25 to \$14.25; Camille McDermott \$13.00 to \$14.00; Chloe McDermott \$13.25 to \$14.25; Sarah Liebig \$13.00 to \$14.00; Savannah Frank \$13.00 to \$14.00; Calli Barnes \$13.00 to \$14.00; Program Instructor – Kayla Loecker \$14.50 to \$14.75. Police Dept: Marietta Sprakel, Police Records Clerk \$1858.42 to \$1932.23 bi-weekly. Finance Dept: Tamara Wadsworth, Utilities Customer Service Clerk \$2001.30 to \$2029.19 bi-weekly; Sara VanderTuig \$1600.76 to \$1660.84 bi-weekly; Laurie Lockwood, Lead Accounting Clerk/Computer Operator \$2354.07 to \$2412.23 bi-weekly; Susan O’Grady, Accounting Clerk \$2001.30 to \$2054.77 bi-weekly. Public Works Dept: Brooke Goeden, Public Works Attendant \$1746.73 to \$1768.73 bi-weekly. Water Dept: Brian Ballard, Wastewater Plant Operations Specialist \$1724.42 to \$1746.15 bi-weekly.

Position Changes: Water Dept: Joshua Monson, Wastewater Plant Operations Specialist \$1790.42 to Senior Wastewater Plant Operations Specialist \$1903.46 bi-weekly.

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

Charlie Gross made a public appearance and requested that the Commissioner's cell phone numbers be on the City's website.

Action 22-176

Moved by Commissioner Webber, seconded by Commissioner Miner, to approve the following consent agenda items:

1. Possible Work Session
Setting date of July 25, 2022, at 6:00 pm in Room #114 of the Career Manufacturing Technical Education Academy for the next work session of the Yankton City Commission
2. Establish public hearing for sale of alcoholic beverages
Establish July 25, 2022, as the date for the public hearing on the request for a Special Malt Beverage (on-off sale) Retailers License for 2 days, September 17, and October 29, 2022, from Backspace Brewing Company LLC d/b/a Backspace Brewing Company (Chris Allington, Partner), Memorial Park, 2000 Douglas, Yankton, S.D.
3. Transient Merchant License
Consideration of Memorandum #22-139 recommending approval of the application from Yankton Antique Mall for July 23, 2022
4. Budget Workshop Meeting Dates
Setting date of August 8, 2022, at 5:30 pm in Room #114 of the Career Manufacturing Technical Education Academy for the next budget workshop meeting date
5. Peddler's License
Consideration of Memorandum #22-140 recommending approval of a Peddler's License from Working with People for four (4) individuals to go house to house selling cleaner from July 12, 2022 – August 12, 2022
6. Establishing public hearing for transfer of ownership & location
Establish July 25, 2022, as the date for the public hearing on the request for a transfer of ownership and location of a Retail (on-off-sale) Malt Beverage & SD Farm Wine for July 1, 2022, to June 30, 2023, from Annis Properties, Inc. d/b/a Patriot Express 02, 104 E 4th Street, Suite A (Kevin Annis, President), to Phinney's Casino, LLC d/b/a Phinney's Casino (Deb Palmer, President), 2101 Broadway, Yankton, S.D. (See attached Exhibit A).
7. Establishing public hearing for transfer of ownership & location
Establish July 25, 2022, as the date for the public hearing on the request for a transfer of ownership and location of a Retail (on-sale) Liquor License for January 1, 2022, to December 31, 2022, from YC Library, LLC (Garrett Horn, President), dba Capitol Street Pub, 401 Capitol Street, to Shree, LLC d/b/a Shree, Suite 3 (Dipan Patel, Manager), 821 Broadway, Suite 3, Yankton, S.D.

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

Action 22-177

Moved by Commissioner Miner, seconded by Commissioner Brunick, to approve Resolution 22-29. (Memorandum 22-135)

RESOLUTION #22-29

RIGHT-OF-WAY VACATION

WHEREAS, the City of Yankton has conducted the process to vacate the identified Right-of-Way known as the south 4.3 feet of the west 143 feet of 7th Street right of way adjacent to Lot 1, Block 6, Lower Yankton Addition to the City of Yankton. Please reference the attached map and surveyor's certificate. City of Yankton applicant and Tammy Craig and Alan W. Voracek, adjacent property owner.

WHEREAS, the proposed Right-of-Way vacation has been reviewed by the City Planning Commission and a recommendation has been made thereof, and

WHEREAS, due and proper notice of hearing regarding said process has been given, and

WHEREAS, the City of Yankton, South Dakota, after due investigation and consideration with applicable utilities involved has determined that good cause exists for vacating the described Right-of-Way.

NOW THEREFORE BE IT RESOLVED, that the south 4.3 feet of the west 143 feet of 7th Street right of way adjacent to Lot 1, Block 6, Lower Yankton Addition to the City of Yankton be vacated.

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

Action 22-178

This was the time and place for the public hearing on the application for a Special Events Retail (on-sale) Liquor License for 3 days, October 7th, 22nd and November 12th, 2022, from Ben's Brewing Co. (Ben Hanten, Owner), 222 West 3rd Street, Mount Marty University Tailgating, Memorial Park, 2000 Douglas, Yankton, S.D. (Memorandum 22-133) No one was present to speak for or against the application.

Moved by Commissioner Benson, seconded by Commissioner Webber, to approve the license.

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

Action 22-179

Moved by Commissioner Schramm, seconded by Commissioner Benson, to approve Resolution 22-33. (Memorandum 22-134)

RESOLUTION #22-33

RESOLUTION PROVIDING FOR THE CREATION OF YANKTON TAX INCREMENTAL DISTRICT NUMBER ELEVEN

WHEREAS, the Yankton City Planning Commission hereby recommends to the Yankton Board of City Commissioners the creation of Tax Increment District Number Eleven after publishing a Notice of Hearing at which interested parties were afforded a reasonable opportunity to express their views on the proposed creation of a tax Incremental district; and

WHEREAS, the Yankton has the power, pursuant to SDCL § 11-9-2, to create the Tax Incremental District Number Eleven, City of Yankton and define its boundaries; and

WHEREAS, such Notice was published in the official newspapers in City of Yankton not less than ten (10) nor more than thirty (30) days from the date of the hearing which was held on July 11th, 2022

WHEREAS, the Yankton pursuant to SDCL § 11-9-17 has the power to adopt a project plan for the district.

THEREFORE, IT IS HEREBY RESOLVED:

1. **Authority and Declaration of Necessity.** The City declares the necessity for the creation of the Tax Incremental District Number Eleven, City of Yankton pursuant to SDCL 11-9. Further, the City finds that the improvement of the area is likely to enhance significantly the value of substantially all of the other real property in the District and is necessary for economic development within the City.
2. **Findings.** The City Commission makes the following findings with regard to the creation of The District:
 - a. The proposed District is contiguous.
 - b. The proposed District does not exceed 10% of the issuing authority's valuation.
 - c. The proposed District will be for economic development purposes through the construction of public infrastructure.
 - d. The South Dakota Department of Revenue has reviewed the TIF Plan and classified the Tax Increment District Eleven of City of Yankton to be Economic Development.
 - e. Not less than twenty-five percent, by area, of the real property within the district is a blighted area as defined under SDCL 11-9-11.
 - f. At least fifty percent of the real property within the district will stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources development
 - g. The improvement of the area is likely to significantly enhance the value of substantially all other real property in the district;
 - h. The aggregate assessed value of the taxable property does not exceed 10% of the total assessed value of all taxable property in the municipality per SDCL 11-9-7

3. **Creation of District.** There is hereby created, pursuant to SDCL 11-9, the Tax Incremental District Number Eleven, City of Yankton (the "District"). The District is hereby created on the day this resolution becomes effective which shall be twenty days after publication.
4. **Designation of District Boundaries.** The District shall have boundaries which shall include the following described real property:

Blocks 1 and 2 of Tyler's Addition except Lot H1 and except H2; and Lot 4 except Lot A, Lot 5 except Lots 1, 2, and 3 of Grace Estates, and Lot 6, and part of Lot 13 of Whiting's Subdivision; and Lots 2 and 12 of Tucker's Addition; and East Side Industrial Park except Lots 3-5; and Doris Schenk Addition except Lot 1, and except that portion lying south of the railroad; as shown on the associated City of Yankton TID #11 Map, all in the City of Yankton, Yankton County, South Dakota. Approximately 138 acres.
5. **Creation of Tax Incremental Fund.** There is hereby created, pursuant to SDCL § 11-9-31, a Tax Incremental District Number Eleven Fund, a segregated asset account. All tax Increments collected pursuant to Tax Incremental District Number Eleven shall be deposited into the Tax Incremental District Number Eleven Fund. All funds in the Tax Incremental District Number Eleven Fund shall be used solely for those purposes expressly stated and reasonably inferred in SDCL 11-9.
6. **Adoption of project plan.** The City does hereby approve the project plan as presented and finds that the plan is feasible and in conformity with the master plan of the City.

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

Action 22-180

This was the time and place for the bid opening of the 2022-2023 Annual Supply of Transport/Tankwagon Petroleum. The following bids were received and opened on June 23, 2022 at 3:00 pm.: Gerstner Oil, Yankton, SD, Gasoline lead free transport \$0.0299/gal; Gasoline lead free tankwagon \$0.1419/gal; Diesel dyed No. 1 transport \$0.0329/gal; Diesel dyed No. 1 tankwagon \$0.1419/gal; Diesel dyed No. 2 transport \$0.0329/gal; Diesel dyed No. 2 tankwagon \$0.1419/gal; Diesel clear or Hwy No. 1 transport \$0.0329/gal; Diesel clear or Hwy No. 2 transport \$0.0329/gal. (Memorandum 22-109)

Moved by Commissioner Schramm, seconded by Commissioner Benson, to award the bid.

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

Action 22-181

This was the time and place for approving the Mayor's appointment to the Housing and Redevelopment Board. (Memorandum 22-137)

Moved by Commissioner Miner, seconded by Commissioner Brunick, to approve the appointment.

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

Action 22-182

This was the time and place to consider the funding request from Heartland Humane Society. (Memorandum 22-121) Kerry Fielmeier, Executive Director of Heartland Humane Society, was present to request \$45,000 in funding for a portion of estimated expenditures to expand and improve their facility. Dick Thompson was also present to explain the facility project. After Commission discussion and questions, Schramm moved and Miner seconded to fund the full request from a general fund transfer. Prior to vote, Maibaum moved to amend the motion to fund half of the project now (\$22,500) and request that Kerry return to a Commission meeting after completion before the Commission would fund the second half. Brunick seconded vote on Amendment.

Roll Call: Members present voting "Aye:" Benson, Brunick, Maibaum, Villanueva, and Mayor Moser. Members present voting "Nay:" Miner, Schramm, Webber.

Then a vote was held on the original motion as amended. Vote was 8-0.

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

Motion adopted.

Action 22-183

Moved by Commissioner Villanueva, seconded by Commissioner Benson, to approve Resolution 22-34. (Memorandum 22-136)

RESOLUTION #22-34

WHEREAS, the City has been negotiating on the Collective Bargaining Agreement with its employee labor union from the Yankton Police Officers Association Fraternal Order of Police Lodge #19, and

WHEREAS, the Labor Union has approved the proposed agreement,

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Yankton, South Dakota, that the attached Collective Bargaining Agreement between the City of Yankton and the Yankton Police Officers Association Fraternal Order of Police Lodge #19 be and is hereby approved and the City Manager is authorized to implement the provisions of the agreement throughout the organization, as applicable, and amend the current personnel manual as appropriate.

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

Motion adopted.

Action 22-184

This was the time and place for approving the Brownfields Program Applications. (Memorandum 22-117) Moved by Commissioner Brunick, seconded by Commissioner Webber, to approve the applications.

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

Motion adopted.

Action 22-185

Moved by Commissioner Villanueva, seconded by Commissioner Schramm, to approve Resolution 22-35. (Memorandum 22-138)

RESOLUTION #22-35

A Resolution Approving the Agreement between the State of South Dakota and the City of Yankton for an underwater inspection of the Meridian Pedestrian Bridge

WHEREAS, the City of Yankton and the State of South Dakota have previously entered into several Agreements regarding the Meridian Pedestrian Bridge; and

WHEREAS, the City of Yankton is the owner of the Meridian Pedestrian Bridge following the completed conversion of the Bridge from a motorized bridge to a pedestrian bridge; and

WHEREAS, as owner of the Meridian Bridge, the City of Yankton is responsible for all necessary replacements, repairs, maintenance and operation of the Meridian Pedestrian Bridge including but not limited to snow and ice removal, security, debris removal, lighting, system operation and maintenance, structural condition inspections and underwater inspections; and

WHEREAS, the most recent underwater inspection of the Meridian Pedestrian Bridge was completed in 2017 under a contract with the South Dakota Department of Transportation; and

WHEREAS, the City of Yankton would enter into an Agreement with the State of South Dakota Department of Transportation for the underwater inspection with actual cost reimbursement to be \$26,000.

NOW, THEREFORE, BE IT RESOLVED, that City of Yankton Board of Commissioners do hereby approve the Agreement between the State of South Dakota Department of Transportation and the City of Yankton for an underwater inspection of the Meridian Bridge, that the City of Yankton shall cost reimburse the State of South Dakota for said underwater inspection in the estimated cost of \$26,000 and that the City Manager shall be authorized to sign the Agreement and any further documents on behalf of the City of Yankton.

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

Action 22-186

This was the time and place for approving the request by Riverboat Days for a Fireworks Public Display on August 19, 2022. (Memorandum 22-141) Moved by Commissioner Benson, seconded by Commissioner Webber, to approve the fireworks public display.

Roll Call: Members present voting “Aye:” Benson, Brunick, Maibaum, Miner, Schramm, Webber, and Mayor Moser; voting “Nay:” none; “voting “Abstain:” Villanueva.
Motion adopted.

In Other Business – City Manager Amy Leon gave an update on the Westside Park project and concerns expressed about ducks and geese and turtles and fish. She discussed the proposed kayak

launch area and she commented on plans to remove the large cottonwood tree on the island. No official action was taken after discussion.

Action 22-187

Moved by Commissioner Webber, seconded by Commissioner Benson, to adjourn into Executive Session at 8:56 p.m. to discuss **contractual, litigation and personnel 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 Moser.

Roll Call: Present: Commissioners Benson, Brunick, Miner, Schramm, Webber and Villanueva. City Attorney Den Herder and City Manager Leon were also present. Absent: Johnson and Maibaum.

Quorum present.

Action 22-188

Moved by Commissioner Villanueva, seconded by Commissioner Benson, to adjourn at 9:56 p.m.

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

Motion adopted.

Stephanie Moser
Mayor

ATTEST:

Al Viereck
Finance Officer

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