



CITY OF YANKTON

2022_09_26

**CITY COMMISSION
MEETING**



Mission Statement
To provide exemplary experiences, services & spaces that create opportunities for everyone to learn, engage and thrive.

YANKTON BOARD OF CITY COMMISSIONERS

Regular City Commission Meeting beginning at 7:00 P.M.

Monday, September 26, 2022

City of Yankton Community Meeting Room

Located at the Career Manufacturing Technical Education Academy formerly known as Technical Education Center • **1200 W. 21st Street • Room 114**

If you would like to watch the City Commission meeting you can do so by accessing the City of Yankton's YouTube Live Channel.

<https://www.youtube.com/channel/UCD1a1hf1dIkiLVSXnmdRQg/live>

Rebroadcast Schedule: Tuesday @ 7:30pm, on channels 3 & 45

I. ROUTINE BUSINESS

1. **Roll Call**

2. **Approve Minutes of regular meeting of September 12, 2022**

Attachment I-2

3. **City Manager's Report**

Attachment I-3

4. **Public Appearances**

Public appearances is a time for persons to address the City Commission on items not listed on the agenda. No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. Each person has up to three minutes to speak. Comments made during the Public Appearance Comment period of the agenda may be on any subject. There shall be no personal attacks against the Mayor, members of the City Commission, City Staff, or any other individual.

II. CONSENT ITEMS

Matters appearing on the Consent Agenda are expected to be non-controversial and will be acted upon by the City Commission at one time, without discussion. Approval constitutes following the recommendation of the City Manager on each item.

1. **Transient Merchant License**

Consideration of Memorandum #22-178 recommending approval of the application from Country Fresh Farms for September 28-October 1, 2022

Attachment II-1

2. **Transient Merchant License**

Consideration of Memorandum #22-179 recommending approval of the application from Mount Marty University for October 1, 2022 – October 31, 2022

Attachment II-2

III. OLD BUSINESS

Old business includes items that have previously appeared on the City Commission's agenda and require further consideration or action by the board.

1. Public hearing for sale of alcoholic beverages

Consideration of Memorandum #22-176 regarding the request for a Special Events Malt Beverage (on-sale) Retailers License for 3 days, October 7, 8 & 9, 2022 from National Field Archery Association Foundation (Morgan Palmer, Marketing & Events Coordinator), 800 Archery Lane, Yankton, South Dakota.

Attachment III-1

Adoption of an ordinance is typically a two-meeting process. At the first meeting, an ordinance is introduced, and the first reading is held. During the second meeting, the ordinance is discussed by the commission and the public and then considered for adoption.

IV. NEW BUSINESS

New business items are those that have not been discussed by the Commission previously.

1. Final Project Acceptance – Huether Family Aquatics Center

Consideration of Memorandum #22-177 regarding Final Project Acceptance for The Huether Family Aquatics Center

Attachment IV-1

2. Change Order and Close-out of Whiting Drive Project

Consideration of Memorandum #22-175 regarding Change Order Number 1, Final Project Acceptance and Final Payment for the Whiting Drive Project

Attachment IV-2

3. Change Order and Close-out of 21st Street, Summit Street, West City Limits Pavement Replacement Project

Consideration of Memorandum #22-174 regarding Change Order Number 1, Final Project Acceptance and Final Payment for the 21st Street, West City Limits Road (WCLR) and Summit Street Pavement Replacement Projects

Attachment IV-3

4. Cold Applied Plastic Pavement Marking Installation Closeout

Consideration of Memorandum #22-168 regarding Cold Applied Plastic Pavement Marking Installation Closeout.

Attachment IV-4

5. Funding Request for Swim Team

Consideration of Memorandum #22-173 regarding Funding Request for Swim Team

Attachment IV-5

6. BID Board #1 Recommendation

Consideration of Memorandum #22-169 recommending approval of Resolution #22-42, the addition of the 72 Unit Fairfield Inn and Suites located at 508 W. 21st Street to the Yankton Business Improvement District Number One.

Attachment IV-6

7. Introduction, First Reading and Establishing Public Hearing - Rezoning

Consideration of Memorandum #22-171, introduction, first reading and establish October 10th as the date for a public hearing to consider Ordinance #1065 a rezoning from I-1 Industrial to B-2 Highway Business on Lot 2 except the North 247.14' of the West 360.15' in the SW 1/4 of the NE 1/4 of Section 12, T93N, R56W of the 5th P.M., City of Yankton, Yankton County, South Dakota. Address, 2000 Summit Street. List Construction, applicant.

Attachment IV-7

8. Dashboard

Consideration of Memorandum #22-172 regarding Dashboard for Commission

Attachment IV-8

9. Introduction and First Reading

The City Commission acting as the Zoning Board of Adjustment; Memorandum #22-170 establishing October 10, 2022 as the date for a public hearing to consider a variance from the City's maximum lot coverage in an R-4 Multiple Family District on the North 32 feet of Lot 12 and all of Lot 13, Block 50 of Todd's Addition to the City of Yankton, South Dakota. Address, 507-509 Douglas Avenue. Gary Johnson and Christine Munson, owners.

Attachment IV-9

**V. ADJOURN INTO EXECUTIVE SESSION TO DISCUSS
CONTRACTUAL, LITIGATION AND PERSONNEL MATTERS
UNDER SDCL 1-25-2**

Executive or closed meetings may be held by a majority vote of the governing body for the sole purposes of:

- Discussing the qualifications, competence, performance, character or fitness of any public officer or employee.*
- Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters.*
- Preparing for contract negotiations or negotiating with employees or employee representatives.*
- Discussing marketing or pricing strategies by a board or commission of a business owned by the City, when public discussion may be harmful to the competitive position of the business.*

Any official action concerning such matters shall be made at an open official meeting.

VI. RECONVENE AS BOARD OF CITY COMMISSIONERS

1. Roll Call

VII. OTHER BUSINESS

Other business is a time for City Commissioners to address the commission regarding matters not on the agenda. These items will be deliberated by the governing body and will not be acted upon at this time. Items mentioned may be added to a future City Commission meeting or work session for deliberation or action.

VIII. ADJOURN THE MEETING OF SEPTEMBER 26, 2022

The City of Yankton Community Meeting Room is accessible to everyone. If you have any additional accommodation requirements, please call 668-5221.

Should you have any reason to believe an open meetings law has been violated please contact the Open Meetings Commission at the South Dakota Office of the Attorney General at: 1302 E. Hwy 14, Suite 1, Pierre, SD 57501-8501 or by phone at 605-773-3215.

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
SEPTEMBER 12TH, 2022**

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

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

Quorum present.

Action 22-217

Moved by Commissioner Webber, seconded by Commissioner Johnson, to approve Minutes of regular meeting of August 22, 2022 and Special City Commission meeting of August 29, 2022.

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

Motion adopted.

Action 22-218

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

1st Dakota - HSA Cont - \$7,058.56; 1st Dakota - Cafeteria Plan - \$1,450.00; 4 Wheel Parts - Pickup Air Spring - \$103.13; A & B Business Equip - Copier Lease - \$356.24; A Ox Welding - Compressed Gas - \$85.99; A Ox Welding - Propane - \$177.29; Ace Hardware - Riverboat Days Supplies - \$562.03; Acuity Brands Lighting - Install Lights - \$127.50; Adams/Brian - Music At The Meridian - \$3,800.00; Adobe - Adobe Pro - \$14.99; Adobe - Computer Program - \$31.94; Aflac - Cancer & ICU Premiums - \$5,741.30; Afsme Council 65 - Afsme Deductions - \$856.90; Allegiant - Seating & Luggage - \$176.00; All-Terrain Medical - Pool Cover - \$983.10; Amazon - Air Canisters - \$44.05; Amazon - Hard Drive - \$49.99; Amazon - Office Supplies - \$107.50; Amazon - Patch Cables \$101.34; Amazon - Patch Cables - \$19.08; Amazon - Patrol Folding Knives - \$31.88; Amazon - First Aid Kits - \$198.36; Amazon - Office Supplies - \$40.85; Amazon - Office Supplies - \$15.98; Amazon - Wiring Project - \$124.69; Amazon - Pressure Washer - \$99.99; Amazon - Cat6 Wire - \$189.99; Amazon - Books - \$387.53; Amazon - Fiber - \$26.88; Amazon - Power Cord - \$9.98; Amazon - Book - \$27.92; Amazon - Cat6 Wire - \$189.99; Amazon - Wiring Project - \$24.95; Amazon - Book - \$12.29; Amazon - DVD - \$31.98; Amazon - Program Supplies - \$295.00; Amazon - Pool Tests - \$23.48; Amazon - Fiber Cable - Returned - \$26.88; Amazon - Gun Safe - \$36.99; Amazon - Proteam Vacuum Drain Cap - \$13.71; Amazon - Paper - \$5.76; Amazon - Flashlight Batteries - \$46.99; Amazon - Equipment Parts - \$177.21; Amazon - Office Sign - \$11.99; Amazon - Concessions - \$110.47; Amazon - DVD - \$9.99; Amazon - DVD - \$13.73; Amazon - Program Supplies - \$25.39; Amazon - Pool Balls - \$119.94; Amazon - Office Supplies - \$80.94; Amazon - Two Gun Safes - \$79.98; Amazon - Books - \$80.91; American Engineering - Testing - \$557.50; American Library - Staff Training - \$129.00; American Ramp - Skate Park Equip - \$8,354.64; Att - Mobile Data - \$1,267.32; Autozone - Antifreeze - \$165.49; Avera - Health Insurance Prem - \$84,793.99; Avera - Prof Serv - \$116.00; Axvoice - Dialer Serv - \$21.44; Baker-Taylor - Books - \$5,809.55; Banner Associates - Engineering Serv - \$18,927.17; Beringer/Eric - Music At The Meridian - \$100.00; Best Western - Travel - \$784.44; Blue Valley Public Safety - Tornado Siren Repair - \$2,430.00; Bluepeak - Internet Serv - \$3,903.14; Bomgaars - Shop Towels - \$1,356.25; Bomgaars - Misc Parts - \$14.41; Brandt/Todd - Per Diem -\$52.00; Brock White - Road Materials - \$2,228.94; Buhls Cleaners - Cleaning Towels - \$404.00; Builders Book -

Code Commentary - \$128.95; Burger King - Travel Expense - \$22.51; Butler Machinery - Repairs - \$870.41; BWR Aberdeen - Travel Expense - \$35.49; C & B Yankton - Equipment Supplies - \$23.87; Calvary Baptist Church - Touch A Truck Event - \$200.00; Caseys - Fuel - \$71.11; Cedar Knox Power - Electricity - \$1,287.62; Cenex Cubbys - Travel - \$50.42; Cenex Tabor - Travel Fuel - \$87.11; Center Point - Large Print Books - \$137.82; Central Square Tech - Annual Subscription - \$120.00; Centurylink - Phone - \$1,430.94; Chesterman Co - Concessions - \$716.00; CHS - Lubricants - \$85.88; City Of Vermillion - Jt Power Cash Trans - \$80,414.08; Clarks Rentals - Rental - \$15.00; Clubhouse Hotel - Travel - \$165.63; Co Auditor - Cost Component - \$42,421.68; Co Rod - Register Of Deeds - \$125.20; Core & Main - Misc Parts - \$8,099.66; Cosmopolitan - Lodging - \$2,257.02; Cosmopolitan - Travel Expense - \$144.07; COY-Parks - Landfill Charges - \$404.60; COY-Solid Waste - Compacted Garbage - \$19,638.43; COY-Utilities - Wtr-Ww Charges - \$45,959.33; COY-Water - Garbage - \$85.41; Credit Collection - UT Collection - \$192.44; Crescent Elect - Led Lighting - \$1,204.20; Culvers - Travel Expense - \$15.47; Dalnodar/Alex M - Music At The Meridian - \$1,250.00; Danko - Annual Preventive Maint \$2,404.14; Dather/Roger - Per Diem - \$186.00; Den Herder Law - Contracted Serv - \$121.43; Dept Of Agri Permit Fee - \$635.50; Dept Of Corrections - Doc Work Program - \$817.28; Dept Of Health - Water Samples - \$2,219.41; Desert Cab - Travel - \$35.11; Design Solutions - Scada Work - \$3,997.00; Detco - Cleaner - \$3,112.75; Dianes Greenhouse - Flowers - \$107.73; Dist III - CNA Workforce CDBG - \$7,500.00; DMV - Title & License - \$38.20; Dollar Tree - Program Supplies - \$107.99; Donlevy - Selenium Testing - \$275.00; Dooley/Robert - Per Diem - \$64.00; DSS - SD Child Support - \$2,234.84; Duluth Trading - Cab Commander Organizer - \$68.12; Dunhams - Firearms Ear Muffs - \$229.76; Dwyer Instruments - Pressure Switch - \$155.82; Ebay - Toner - \$129.49; Ebay - Network Switch - \$158.39; Ebay - Toner - \$149.00; Ebay - Building Code Books - \$52.19; Eddy/Ryan - Boot Reimb - \$118.22; Ehresmann Eng - 2 X 2 Tube Steel - \$463.58; Eslinger/Jordan - Music At The Meridian - \$650.00; ESO Solutions - Software Support - \$868.72; Facebk - Ads - \$36.12; Facebk - Ads - \$50.00; Fairbank Equip - Irrigation Parts - \$194.42; Fedex - Mail Evidence - \$18.77; Feimer Const - Valve Replacement - \$44,753.00; Ferguson Ent - Meters - \$6,621.55; Frontier Mills - Grass Seed - \$454.40; Galls - Duty Belt Buckles - \$112.46; Gereaux/Jamie - Refund Deposit - \$116.72; Gerstner Oil - Fuel - \$55,998.42; Gofoodserv - Pretzel Warmer - \$1,468.63; Gotomtg -Gotomtg - \$192.00; Grainger - Signs - \$32.05; Granicus - Website - \$960.00; Graymont - Lime - \$5,080.07; Guardian Alliance - Background Checks - \$754.00; Gusso/Greg - Boot Reimb - \$109.88; Gvedashvili/Sierra - Music At The Meridian - \$100.00; H & K Oil - Balance/Mount - \$82.80; Hach Co - Replacement Cell - \$411.63; Hanson/Tanner - Per Diem - \$32.00; Harn Ro Systems - Filters - \$19,858.10; Hawkins - Chemicals - \$99,111.10; HDR Eng - WWTP EDA Improvements - \$71,355.32; Heady Heart Healing - Summer Reading Program - \$97.44; Heiman Fire Equip - Flashlight Equipment - \$70.79; Hobby Lobby - Scarecrow - \$95.82; Holiday Inn - Music At Meridian - \$639.00; Hyvee - Aquatic Center-Wednesday - \$318.52; Hyvee - Fuel - \$238.69; ICMA Retirement - ICMA Contributions - \$3,065.22; International Assoc - Membership Dues - \$315.00; Intl Code Council - Publications - \$176.25; Intoximeters - Test Supplies - \$650.00; J & H Cleaning - Janitorial Serv - \$4,100.00; J P Cooke - City Pet Tags - \$160.99; Jacks Uniforms - Handcuffs, Belt Keepers - \$884.16; Jason Mayer Prod - Music At The Meridian - \$1,800.00; JCL Solutions - Cleaning Supplies - \$3,499.23; Jebro - Asphalt Oil - \$46,415.80; JJ Benji - Volleyball T-Shirts - \$930.00; Jones Const/John T - Wastewater Eda C-10-22 - \$2,203,508.30; Kaiser Heating - Repairs - \$150.00; Kaiser Refrigeration - Tools - \$818.80; KC Entertainment - Replace Lost Check 67056 - \$375.00; Kiesler's Police Supply - Ammo - \$1,749.49; Kleins - Tree Removal - \$1,825.00; Kleinsasser/Bruce - Lifeguard Class - \$365.00; KLJ Engineering - Easement Assistance - \$2,000.00; Knife River - Road Materials - \$173,616.56; Koletzky Imp - Equipment Repairs - \$45.50; Kum&Go - K-9 Training Fuel - \$143.09; Larrys Heating - Filters - \$45.00; Larry's Heating - Finance Ac -

\$17,442.60; Lewis & Clark Bhs - Mmpi Screening - \$1,008.00; Lewis & Clark Ford - Sensors - \$1,271.22; Lincoln/Lori - Tree Reimb - \$100.00; LLRMI - Negotiations Training - \$175.00; Marks Machinery - Kubota RTV - \$19,063.22; Masonry Components - 5th St Water Replacement - \$402,399.75; Mcgrath North - Prof Serv - \$115.00; Mead Lumber - Riverside Park Repairs - \$278.07; Melissa And Doug - Stay & Play Toys - \$94.10; Menards - Anti Freeze - \$6,476.61; Meridian Eye Care - Vision Tests - \$250.00; Merkel Electric - Lights - \$5,064.13; Metrofax - Fax - \$11.95; Midam Energy - Fuel - \$2,043.41; Midam Energy - Fuel - \$10,070.19; Mid-Continental Restoration - Building Masonry Repair - \$59,362.00; Midwest Alarm Co - Alarm Monitoring - \$141.00; Midwest Laboratories - Shipping Labels - \$26.00; Midwest Tape - Av - \$479.88; Midwest Tire & Muffler - Medium Truck Tires - \$8,071.14; Mikkelsen Library - Lost Book - \$20.00; Millenium Recycling - Recycling - \$2,597.70; Minnesota Life Ins - Life Group Ins - \$602.95; Morrow/Joseph - Design Work - \$3,180.00; Motorola - Body Camera Parts - \$47.25; Motorola - Mobile Radio-Grant - \$5,560.04; Mulligan - Travel Expense - \$28.48; Mypilotstore - Radio - \$1,088.90; Napa Auto - Alternator - \$887.68; NBS Calibrations - Thermometer Repair - \$300.74; NE DOR - NE Tax Withholding - \$973.79; NFPA - Membership Dues - \$295.70; Nicolino/Kristina - Refund - \$320.00; Northwestern Energy - Labor - \$12,155.51; Northwestern Energy - Electricity - \$118,035.73; NRA Membership - NRA Membership - \$100.00; Observer - Ads - \$60.00; Ocean One Grille V - Travel Expense - \$37.64; O'Farrell/Sarah C - Per Diem - \$52.00; Olsons Pest - Pest Control - \$278.00; Olsons Pest - Pest Control - \$448.00; One Office - Office Supplies - \$333.06; O'Reilly Auto Parts - Battery - \$350.89; Osborne/Jericho - Per Diem - \$160.00; Overdrive Dist - E-Books - \$1,000.31; Overhead Door - Overhead Door - \$150.00; Overhead Door - Overhead Garage Doors - \$11,049.37; P&D - Commission Minutes - \$741.95; Paddock Pool Equip - Air Relief Valve - \$497.00; Palsma/Jennifer - Per Diem - \$111.00; Parkway Const - WS Park Renovations - \$261,900.00; Peters/Taylor - Server Cabinet - \$200.00; Pfeifer Implement - Tractor Repairs - \$1,199.37; Photography By Jerry - Retirement Photo - \$120.50; Pizza Ranch - Travel Expense - \$25.98; Pizza Ranch - Concessions - \$5,440.41; Power Source Elect - City Hall Data Project - \$4,935.62; Powers Port A Pot - Porta Potts - \$375.00; Principal Life - Dental Insurance - \$6,852.22; Project: Constellation - Music At The Meridian - \$100.00; Provantage - PDU - \$74.22; Qdoba - Travel Expense - \$13.33; Quill Corp - Repair Supplies - \$86.87; Racom Corp - Radio Access - \$35.80; Recreonics - Wibit Hurdle Modular - \$2,520.00; Riverside Hydraulic - Cylinders/Seals/Rings - \$1,453.07; Rm Holdings - Facade Grant Reimburse - \$15,450.00; Rodriguez/Daniel Edward - Music At The Meridian - \$1,800.00; Rons Auto - Replace Back Glass - \$348.40; Rons Auto - Repairs - \$785.00; RSVP Youth Theatre - Summer Program - \$789.60; Safariland - Holster - \$88.49; Sam - GPS Data Collection - \$54,000.00; Sanitation Products - Parts - \$1,761.60; Scalefusion - Library Tablet Software - \$240.00; SD 811 - Message Fee - \$789.60; SD Arbor - Membership Dues - \$100.00; SD Firefighters - Membership Fire Chief - \$125.00; SD Hist - Books - \$83.84; SD Let - SD Cvsa Certification - \$150.00; SD Library Assoc - SDla Membership Dues - \$32.00; SD Network - Membership To SD NAFV - \$206.28; SD Public Assurance Alliance - Street Truck Insurance - \$459.30; SD St His - Renting Microfilm - \$10.00; SD Water & Waste - SDWWA Conference - \$824.00; SDRS - SDRS Contributions - \$84,287.73; SDSRP - Retirement Plan - \$14,754.00; SF 2 Way Radio - Radio Repair - \$525.99; SF Regional Airport - Parking - \$45.00; Shell Oil - Travel - \$55.57; Sherwin Williams - Shop Supplies - \$307.43; Shur-Co - Supplies - \$1,230.73; Sign Solutions - Orange Cones - \$2,847.50; Sirchie Finger Print - Evidence Bags - \$125.92; Skydine - Travel - \$42.83; Smith Ins - Pickup Insurance - \$234.00; Standard Ins - Vision Insurance - \$661.82; State Game Lodge - Conference - \$1,839.20; Steffen/Karen - Swim Lesson Refund - \$95.86; Stibral/Mary - Music At The Meridian - \$100.00; Stockwell Engineers - Concrete - \$9,850.00; Stockwell Engineers - Mead Property Develop - \$141,440.00; Sturdevants - Snow Plow Project - \$863.15; Syn-Tech Sys - Software Support - \$187.00; Tessman -

Chemicals - \$1,140.18; Thatzza Pizza - Travel Expense - \$19.18; The Atlantic – Magazine Subscription - \$74.99; The Icee - Concessions - \$1,264.32; Third Millennium - Utility Billing - \$689.19; Titan Machinery - Landscape Rock - \$1,271.22; Toms Electric - Labor - \$3,782.08; Transource - Parts - \$1,715.85; Tre Environmental Strategies - 3rd Qtr Wet Retest - \$1,900.00; Trk Hosting - Internet Access - \$7.95; Trophy Place - Trophys - \$270.00; Truck Trailer - Shifter Pad - \$1,651.65; TSC - Pintle Hitch - \$438.96; Tuff-Go - Trash Cans - \$5,466.00; U.S. Plastic Corp - Sludge Sampling Bottles - \$188.46; UKG Ready - Payroll/Hr/Tlm Software - \$2,910.50; United Way - 1/4 Sp Approp - \$9,831.25; United Way - United Way - \$172.00; UPS - UPS Package - \$49.37; US Bank - Drinking Water C462038-6 - \$902,880.51; US Treasury - Fed WH Tax - \$184,786.94; USPS - Utility Billing Postage - \$2,395.68; USPS - Postage Meter - \$1,044.14; USPS - Mail Evidence - \$129.55; USPS - Utility Billing Postage - \$2,395.68; Verizon - Internet Access - \$1,246.17; Viddler - Video Hosting - \$40.45; Villanueva/Mike - Reimb - \$86.97; Vistaprint - Business Cards - \$192.99; Walgreens - Office Supplies - \$75.30; Walmart - First Aid Supplies - \$550.77; Walmart - Concessions - \$588.01; Water Technologies - HFAC Maintenance Plan - \$1,500.00; Wholesale Supply -Parade Supplies - \$169.10; Wholesale Supply - Concessions - \$4,580.90; Williams & Co - Audit - \$1,875.00; Xerox - Copier Lease - \$1,398.87; Yankton Area Prog. Growth - Sales Tax Reimb - \$10,836.72; Yankton Fire Dept - Fire Calls June/July - \$3,020.00; Yankton Janitor Supply - Cleaning Supplies - \$235.40; Yankton Nurseries - Plants - \$336.75; Yankton School Dist - SAC Shared Expenses - \$39,737.58; Yankton Thrive - CNA Workforce Cdbg - \$89,476.73; Yankton Winnelson - Shop Supplies - \$119.34; Ykt Janitorial - Janitorial Supplies - \$462.65; YMC - Firefighter Physicals - \$276.00; YMC - Pre-Employment Physicals - \$2,134.00; Zep Manufacturing - Cleaner - \$1,269.95; Zoro Tools - Convex Mirror - \$155.35;

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

Salaries by Department August 2022: Administration \$50,457.04; Finance \$31,639.53; Community Development \$25,181.73; Police/Dispatch \$186,422.23; Fire \$17,886.57; Engineering / Sr. Citizens \$46,699.80; Streets \$53,655.45; Traffic Control \$4,400.08; Library \$33,904.26; Parks / SAC \$101,553.52; Huether Aquatics \$94,125.17; Marne Creek \$5,861.69; Water \$43,846.42; Wastewater \$42,678.85; Cemetery \$1,465.57; Solid Waste \$26,431.85; Landfill / Recycle \$23,801.63; Central Garage \$8,424.83

New Hires: Police Department: Jordan Maxon, Officer, \$1,955.31 bi-weekly, Clayton Keown, Officer, \$1,955.31 bi-weekly, Ryan Eddy, Officer, \$1,955.31 bi-weekly, Adam Goodwillie, Officer, \$1,955.31 bi-weekly, Garrett Anderson, Officer, \$1,955.31 bi-weekly; Finance Office: Sandi Fox, Finance Generalist \$1,723.81 bi-weekly; Park, Recreation and City Event Dept: Kellie Geigle, Lifeguard, \$14.00/hr.

Position Changes: Finance Dept: Sara VanderTuig, Accounting Clerk \$1,681.76 to Finance Generalist \$1,723.81 bi-weekly; Park, Recreation and City Event Dept: Emilee LaBarge, Cashier/Concession Manager \$15.00/hr. to Police Department Crossing Guard, \$15.00/hr.

Mayor Moser read proclamations on Welcome Week and DPS Week – ABS.

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

There were no public appearances at that time.

Action 22-219

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

1. **Setting a Work Session:** The date of September 26, 2022 at 6:00 pm in Room #114 of the Career Manufacturing Technical Education Academy has been set for the next work session of the Yankton City Commission; and
2. **Establish public hearing for sale of alcoholic beverages:** The date of September 26, 2022 has been set as the date for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License for 3 days, October 7, 8 & 9, 2022 from National Field Archery Association Foundation (Morgan Palmer, Marketing & Events Coordinator), 800 Archery Lane, Yankton, South Dakota.

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

Action 22-220

This was the time and place for the second reading and public hearing for Ordinance 1064, AN ORDINANCE TO APPROPRIATE MONIES FOR DEFRAYING THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF YANKTON, SOUTH DAKOTA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023, AND PROVIDING FOR THE LEVY OF ANNUAL TAXES FOR ALL FUNDS CREATED BY ORDINANCE WITHIN SAID CITY. No one was present to speak for or against the adoption of the ordinance.

Moved by Commissioner Schramm, seconded by Commissioner Miner, to adopt Ordinance 1064 and approve Resolution 22-40 in one vote.

RESOLUTION #22-40

WHEREAS, a proposed annual budget for the fiscal year commencing January 1, 2023, has been prepared by the City Manager; and,

WHEREAS, the City Commission has examined, studied, and reviewed said proposed annual budget; and,

WHEREAS, the City Commission has after due consideration and deliberation, made such amendments and adjustments in the proposed annual budget as they consider necessary, desirable, or expedient.

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

1. The proposed annual budget attached hereto and made a part hereof is approved and effective January 1, 2023.
2. The City Manager is authorized to record all inter-fund transfers as contained in said approved annual budget.

3. The City Manager is authorized and directed to implement and to administer, within the budgetary funding limits and within adopted City policy and relevant State and City laws and regulations, said annual budget.

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

Action 22-221

This was the time and place for the public presentation and review of the 2020 City of Yankton Comprehensive Annual Financial Reports by Graham Forbes, auditor with Williams and Co. P.C. Moved by Commissioner Johnson, seconded by Commissioner Brunick, to approve the reports.

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

Action 22-222

Moved by Commissioner Johnson, seconded by Commissioner Webber, to approve Resolution 22-41. (Memorandum 22-159)

RESOLUTION #22-41

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

WHEREAS, the Yankton City Planning Commission hereby recommends to the Yankton Board of City Commissioners the creation of Tax Increment District Number Twelve 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 City of Yankton has the power, pursuant to SDCL § 11-9-2, to create the Tax Incremental District Number Twelve, 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 September 12, 2022

WHEREAS, the City of 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 Twelve, 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 Twelve 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. **Findings of Annual Appropriation TID.** Tax Increment District #12 will be designated as an Annual Appropriations TIF to ensure that it does NOT count against constitutional debt. The District does not constitute a debt within the meaning of Article 13, Section 4 of the South Dakota Constitution. No obligation is created beyond a fiscal year in which an annual appropriation has been made.
4. **Creation of District.** There is hereby created, pursuant to SDCL 11-9, the Tax Incremental District Number Twelve, City of Yankton (the "District"). The District is hereby created on the day this resolution becomes effective which shall be twenty days after publication.
5. **Designation of District Boundaries.** The District shall have boundaries which shall include the following described real property:
- Lots 1-3 in Block 1 of Mead's Addition to the City of Yankton, South Dakota. Approximately 16.4 acres.
6. **Creation of Tax Incremental Fund.** There is hereby created, pursuant to SDCL § 11-9-31, a Tax Incremental District Number Twelve Fund, a segregated asset account. All tax Increments collected pursuant to Tax Incremental District Number Twelve shall be deposited into the Tax Incremental District Number Twelve Fund. All funds in the Tax Incremental District Number Twelve Fund shall be used solely for those purposes expressly stated and reasonably inferred in SDCL 11-9.
7. **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 22-223

Moved by Commissioner Schramm, seconded by Commissioner Benson to approve Memorandum #22-160 authorizing the City Manager to execute the TID #11 Memorandum of Understanding between the City of Yankton and Yankton Thrive.

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

Motion adopted.

Action 22-224

Moved by Commissioner Benson, seconded by Commissioner Johnson, to approve the Proposal for Professional Services with Stockwell Engineers, Inc. and authorize the City Manager to sign and administer the contract as explained in Memorandum #22-164.

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

Motion adopted.

Action 22-225

Moved by Commissioner Johnson, seconded by Commissioner Miner, to approve Memorandum 22-166 accepting the City of Yankton Construction Change Order No. 1 to the Westside Park Pond Improvements contract with Parkway Construction of Tea, South Dakota.

Roll Call: Commissioners voting “Aye” were Benson, Brunick, Johnson, Miner, Schramm, Webber, Villanueva and Mayor Moser; voting “Nay” was Commissioner Maibaum.

Motion adopted.

Action 22-226

This was the time and place for the bid opening of the Labyrinth and The McVay Family Sundial & Reflection Garden Project. The following bids were received and opened on August 25, 2022 at 3:00 p.m.: Parkway Construction, Tea, SD Base Bid: \$232,454.00; Alternate #1: \$50,110.00.

(Memorandum 22-162)

Moved by Commissioner Villanueva seconded by Commissioner Benson to award the bid to Parkway Construction, Tea, SD in the amount of \$282,564.00.

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

Motion adopted.

Action 22-227

Moved by Commissioner Maibaum, seconded by Commissioner Benson to approve Memorandum #22-167 authorizing the City Manager to sign the State of South Dakota Department of Transportation Division of Secretariat Office of Air, Rail, and Transit Agreement for Project No. 3-46-0062-036-2022 for the Taxiway “A” Rehabilitation Project.

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

Motion adopted.

Action 22-228

Moved by Commissioner Johnson, seconded by Commissioner Miner to pay the entire bill in the amount of \$12,775.13 out of Westside Park line item regarding the Territorial Museum Heritage building removal.

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

Motion adopted.

Action 22-229

Moved by Commissioner Villanueva, seconded by Commissioner Benson, to adjourn at 8:48 p.m.

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

Motion adopted.

Stephanie Moser
Mayor

ATTEST:

Al Viereck
Finance Officer

Published on September 22, 2022



OFFICE OF THE CITY MANAGER

www.cityofyankton.org

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Commission Information Memorandum

The Yankton City Commission meeting on Monday, September 26, 2022 will begin at 7:00 pm.

Non-Agenda Items of Interest

1) Community & Economic Department Update

Staff will soon begin the annual process of measuring street and sidewalk tree branch clearance. Over the next several weeks residents may notice staff with measuring poles checking for a 12 foot clearance over streets and a 10 foot clearance over public sidewalks. Properties noted in the initial survey will receive a follow-up letter describing the trimming requirements and how to dispose of the trimmings free of charge at the Transfer Station. The September utility billing includes an insert reminding residents of the requirements. This is the third year of a transition to a utility bill insert from the former separate postcard mailing we did in the past. This process saves the staff time preparing the nearly 4000-piece mailing as well as having significant printing and postage savings. In addition to the insert, staff will be utilizing local print and radio media along with City of Yankton social media to spread the word.

2) Police Department Update

We went live with ECitations. We have had some hiccups that we are still working through. Most have found that this is an easy quick process when issuing citations and warnings.

On September 15th we swore in Officers Garret Anderson and Ryan Eddy. They began their field training after the successful completion of our classroom training process. Ryan Eddy was joined by his wife who is a med student at USD. Ryan's wife pinned his badge on after he was sworn in. Garret Anderson was joined by his 3 children, his mother, and his grandmother. Garret's wife was unable to attend due to work. Garrett's Grandmother pinned his badge on after he was sworn in.

Chief Foote and SROs Russenberger and Olson toured schools and assisted with some suggestions for school safety.

Interviews will be conducted for our vacant Investigations Sergeant position and soon to be vacant Patrol Sergeant position. The investigations position has been open since the retirement of Dean Larson and the Patrol Sergeant position will be vacant when Preston Crissey takes over as Sheriff in January.

The week of September 19th to the 23rd YHS held its homecoming festivities. SROs Olson and Russenberger showed their school spirit and participated in the dress-up days but also maintained a professional appearance. The rest of the department got involved when we assisted with the Homecoming parade.

3) Finance Department Update

The City of Yankton has received \$1,328,042.19 for the second and final tranche from the Coronavirus Local Fiscal Recovery Fund (CLFRF) for ARPA funding. These funds are restricted for the Wastewater Treatment Plant Renovation project.

Finance prepared the city levy for property taxes as part of the 2023 budget Ordinance No. 1064 and submitted it to the Yankton County auditor's office on September 16th. The Yankton Road Tax (YRT) levy per Resolution #22-39 and delinquent Special Assessments were also delivered to the county auditor.

The Finance Office is working with city departments to compile the annual surplus property listing of vehicles, equipment and other miscellaneous items that have been determined to be no longer necessary, useful or suitable for the purpose for which they were acquired. The surplus resolution will be presented for commission action in October with an online Purple Wave auction to follow. Surplus property may be sold, traded, loaned, destroyed or otherwise disposed of pursuant to SDCL 6-13-1.

Enclosed in your packet is the Monthly Finance Report for August.

4) Environmental Services Department Update

John T. Jones is scheduled to begin construction of the new primary effluent line at the Wastewater Plant. This is the line that has been the cause of several sink holes at the facility. This portion of the project requires significant bypass pumping and maintenance of operation concerns. The project continues to see delays in availability of certain materials.

City staff are scheduled to begin annual hydrant flushing starting October 3rd. Hydrant flushing allows water operators to identify broken or inoperable hydrants to assure that they are working at their maximum potential. During the flushing of a hydrant, operators can assess the water pressure and available flow rate for firefighting purposes. Over time, water settles and ages affecting the quality and taste of the water, so it is important to flush the water out of the mains and hydrants regularly. Flushing can remove water from areas of the distribution system that have low water use, and may no longer have the desired chlorine residual. When the flushing is taking place, water quality may temporarily be reduced. Using water for tasks such as dishwashing, laundry, or showering may result in the discoloration/staining of your clothes or household items. During the process, residents might experience a difference in the water pressure in your faucets as well as some discoloration in the water. In most cases, water should run clear with just a few minutes of faucet flow.

5) Human Resources & Employee Engagement Department Update

We continue to accept application for full time Sanitation Truck Operator which is open until filled.

We are accepting applications for a permanent Part Time Water Reclamation Plant Operator position which is open until filled.

We continue to accept applications for Part Time Lifeguard and Water Safety Instructors for the Summit Activities Center.

We are accepting applications for a Part Time Library Circulation Assistant position which is open until September 26, 2022.

Twenty one applications were received for the position of City Manager's Assistant. Interviews were held September 7, 8 and 9. Jean Barkley has been hired for this role and will officially begin her duties

on October 10. Jean has held similar positions in the Yankton School District and the University of South Dakota as well as several other universities. We are looking forward to having Jean join our team.

The Health Insurance Committee has worked with Midwest Benefits to get quotes on different options for the 2023 plan year. The committee has made a recommendation to the City Manager that will be coming before the Commission on October 10.

6) Public Works Department Update

Street Department crews have been patching asphalt on various streets throughout the city. Crews have completed the asphalt paving on Dakota Street from 12th Street to 15th Street.

5th Street from Spruce to Green

Work continues on the concrete portion of the project. The west block is paved, but not open to traffic. Curb and gutter on the east block is installed. Masonry Components will be concentrating on sidewalk and driveways, as well as retaining walls, during the next week. The schedule for the final mainline paving has not been provided, but it is anticipated to be done before the set completion date.

Westside Park Pond Improvements

The contractor is wrapping up the retaining wall installation around the island and the viewing deck. The new bridge remains scheduled for the delivery the week of September 26th. Once the bridge abutments are constructed, the new bridge can be set in place and the concrete deck can be poured. Once the bridge is set in place the contractor will finish grading the pond and begin installing the new clay liner.

Meridian Bridge Column Repair

Banner and Associates, the consulting engineer, and Schieffer Masonry, the contractor, are working together to determine how much patchwork can be completed yet this year. Banner will also be researching the fiber wrap that was discussed previously.

Active Transportation Projects

Sidewalk installation at the 19th Street and West City Limits Road locations is done. The remaining location, Westside Park, will need to be coordinated with the current pond reconstruction project. The contractor will wait to do the sidewalk when the majority of the pond construction is complete.

Chan Gurney Municipal Airport

Advertising is set to begin for the Airport Engineering Consultant Selection, which takes place every five years. Request for proposals for engineering services will be accepted and reviewed by a selection committee. Once a selection has been made, a recommendation will be brought before the City Commission for approval.

7) Information Services Department Update

Staff is working with an electrical contractor to initiate the City Hall project. The first phase of the project will be replacing some obsolete panels that no longer have replacement parts available. The plan for the project is to break it up into sections as funding and contractor availability allow. The entire process may take a few years to complete. Police and Streets are evaluating some new demo portable radios. The new radio system was designed and setup to handle additional departments. The addition of streets will replace outdated radios and move their radio traffic to the new system. This conversion will also allow for some additional interoperability with police during events such as a snow storm, etc.

8) Monthly reports

Joint Powers Solid Waste monthly reports are included for your review. Minutes from the Airport Board and Planning Commission are also attached.

Have an enjoyable weekend and do not hesitate to contact us if you have any questions about these or other issues. If you will not be able to attend the Commission meeting on Monday, please inform my office.

Sincerely,

Amy Leon
City Manager

FINANCE MONTHLY REPORT

ACTIVITY	AUGUST 2022	AUGUST 2021	AUGUST 2022 YTD	AUGUST 2021 YTD
UTILITY BILLING:				
Water				
Water Sold (in gallons per 1,000)	123,287 M	104,316 M	488,332 M	490,822 M
Water Billed	\$1,027,733.09	\$905,685.86	\$4,937,102.64	\$4,972,324.97
Basic Water Fee/Rate per 1000 ga	\$27.51/6.30	\$27.51/6.30		
Number of Accounts Billed	5,715	5,655	44,286	43,924
Number of Bills Mailed	5,715	5,655	44,286	43,924
Total Meters Read	5,939	5,887	47,350	46,920
Meter Changes/pulled	5	10	42	46
Total Days Meter Reading	1	1	8	8
Misreads found prior to billing	0	0	0	0
Customers requesting Rereads	0	0	0	1
Sewer				
Sewer Billed	\$434,638.44	\$415,518.59	\$2,917,137.02	\$2,852,624.65
Basic Sewer Fee/Rate per 1000 ga	\$11.22/\$6.80	\$11.22/\$6.80		
Solid Waste				
Solid Waste Billed	\$110,135.13	\$109,234.02	\$874,263.38	\$866,150.12
Basic Solid Waste Fee	\$23.61	\$23.61		
Tax Billed	\$7,124.43	\$7,059.73	\$56,527.49	\$55,977.29
Misc. Billed	\$1,140.00	\$855.00	\$10,890.00	\$13,727.98
Total Utility Billing:	\$1,580,771.09	\$1,438,353.20	\$8,795,920.53	\$8,760,805.01
Adjustment Total:	(\$485.60)	(\$165.00)	(\$2,947.02)	(\$1,810.79)
Misread Adjustments	\$0.00	\$0.00	\$0.00	(\$424.60)
Other Adjustments	(\$455.60)	\$0.00	(\$2,387.02)	(\$731.19)
Penalty Adjustments OFF	(\$60.00)	(\$175.00)	(\$700.00)	(\$765.00)
Penalty Adjustments ON	\$30.00	\$10.00	\$140.00	\$110.00
New Accounts/Connects	97	66	665	706
Accounts Finaled/Disconnects	77	76	444	497
New Accounts Set up	7	1	33	52
Delinquent Notices	408	433	3,047	2,925
Doorknockers	132	126	1,079	975
Delinquent Call List	96	54	521	501
Notice of Termination Letters	14	15	69	105
Shut-off for Non-payment	7	7	36	50
Delinquent Notice Penalties	\$4,080.00	\$4,330.00	\$30,470.00	\$29,250.00
Doorknocker Penalties	\$1,320.00	\$1,260.00	\$10,790.00	\$9,750.00
Other Office Functions:				
Interest Income	\$124,998.15	\$16,114.40	\$423,157.24	\$131,955.67
Interest Rate-Checking Account	2.64%	0.40%		
Interest Rate-CDs	N/A	N/A		
# of Monthly Vendor Checks	129	115		
Payments Issued to Vendors	\$4,931,965.15	\$3,075,051.58	\$20,274,216.71	\$19,527,319.30
# of Employees on Payroll	266	256		
Monthly Payroll	\$585,696.63	\$582,678.26	\$4,425,702.62	\$4,200,450.62

Joint Powers Solid Waste Authority
Financial Report Thru August 31, 2022

Description	Yankton Transfer	Vermillion Landfill	Total Joint	8 Month Budget	Legal 2022 Budget
Joint Power Transfer/Landfill					
<i>Total Revenue</i>	<u>\$1,125,328.45</u>	<u>\$698,095.90</u>	<u>\$1,823,424.35</u>	<u>\$1,575,586.67</u>	<u>\$2,363,380.00</u>
<i>Expenses:</i>					
Personal Services	230,741.14	249,352.74	480,093.88	531,024.00	796,536.00
Operating Expenses	230,532.59	335,693.86	566,226.45	643,035.33	964,553.00
Depreciation (est)	117,237.64	172,910.60	290,148.24	303,797.33	455,696.00
Trench Depletion	0.00	166,800.83	166,800.83	159,333.33	239,000.00
Closure/Postclosure Resrv	0.00	8,636.47	8,636.47	16,666.67	25,000.00
Amortization of Permit	0.00	1,389.76	1,389.76	1,000.00	1,500.00
<i>Total Operating Expenses</i>	<u>578,511.37</u>	<u>934,784.26</u>	<u>1,513,295.63</u>	<u>1,654,856.67</u>	<u>2,482,285.00</u>
<i>Non Operating Expense-Interest</i>	<u>4,083.84</u>	<u>27,054.33</u>	<u>31,138.17</u>	<u>52,430.67</u>	<u>78,646.00</u>
<i>Landfill Operating Income</i>	<u>542,733.24</u>	<u>(263,742.69)</u>	<u>278,990.55</u>	<u>(131,700.67)</u>	<u>(197,551.00)</u>
Joint Recycling Center					
<i>Total Revenue</i>	<u>0.00</u>	<u>118,476.82</u>	<u>118,476.82</u>	<u>67,000.00</u>	<u>100,500.00</u>
<i>Expenses:</i>					
Personal Services	0.00	150,982.55	150,982.55	165,985.33	248,978.00
Operating Expenses	0.00	93,741.22	93,741.22	87,300.00	130,950.00
Depreciation (est)	0.00	22,001.28	22,001.28	25,333.33	38,000.00
<i>Total Operating Expenses</i>	<u>0.00</u>	<u>266,725.05</u>	<u>266,725.05</u>	<u>278,618.67</u>	<u>417,928.00</u>
<i>Non Operating Expense-Interest</i>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<i>Recycling Operating Income</i>	<u>0.00</u>	<u>(148,248.23)</u>	<u>(148,248.23)</u>	<u>(211,618.67)</u>	<u>(317,428.00)</u>
<i>Total Operating Income</i>	<u>\$542,733.24</u>	<u>(\$411,990.92)</u>	<u>\$130,742.32</u>	<u>(\$343,319.33)</u>	<u>(\$514,979.00)</u>
Tonage in Trench:	<u>8/31/2021</u>	<u>8/31/2022</u>			
Asbestos	84.25	60.72	60.72	33.33	50.00
Centerville	248.48	220.08	220.08	733.33	1,100.00
Beresford	0.00	0.00	0.00	933.33	1,400.00
Clay County Garbage	10,175.82	11,079.52	11,079.52	9,666.67	14,500.00
Elk Point	740.02	710.75	710.75	173.33	260.00
Yankton County Garbage	16,567.91	16,717.25	16,717.25	15,933.33	23,900.00
<i>Total Tonage in Trench</i>	<u>27,816.48</u>	<u>28,788.32</u>	<u>28,788.32</u>	<u>27,473.33</u>	<u>41,210.00</u>
Operating Cost per ton			<u>\$52.57</u>	<u>\$62.14</u>	<u>\$62.14</u>

This report is based on the following:

Revenue accrual thru August 31, 2022

Expenses cash thru August 31, 2022 with September's bills

Joint Powers Solid Waste Authority
Financial Report Thru August 31, 2022

Description	Yankton Transfer	Vermillion Landfill	Total Joint	8 Month Budget	Legal 2022 Budget
Source of Funds					
<i>Beginning Balance</i>	(\$472,259.00)	\$2,906,126.00	\$2,433,867.00	\$1,785,196.00	\$1,785,196.00
<i>Operating Revenue:</i>					
Net Income	542,733.24	(411,990.92)	130,742.32	(343,319.33)	(514,979.00)
Depreciation	117,237.64	194,911.88	312,149.52	329,130.67	493,696.00
Trench Depletion	0.00	166,800.83	166,800.83	159,333.33	239,000.00
Amortization of Permit	0.00	1,389.76	1,389.76	1,000.00	1,500.00
<i>Non Operating Revenue:</i>					
Grant	0.00	0.00	0.00	0.00	0.00
Loan Proceeds	0.00	0.00	0.00	0.00	0.00
Contributed Capital	0.00	1,920.00	1,920.00	3,333.33	5,000.00
Sale Proceeds	0.00	0.00	0.00	0.00	0.00
Comp. for Loss & Damage	6,724.91	0.00	6,724.91	0.00	0.00
Fire Related Expenses	0.00	0.00	0.00	0.00	0.00
Interest	0.00	5,613.42	5,613.42	3,333.33	5,000.00
<i>Cash Flow Transfer:</i>					
Joint Power Transfer/Landfill	(570,132.06)	570,132.06	0.00	1,160,000.00	1,740,000.00
Joint Recycling Center	0.00	0.00	0.00	0.00	0.00
<i>Total Funds Available</i>	<u>(375,695.27)</u>	<u>3,434,903.03</u>	<u>3,059,207.76</u>	<u>3,098,007.33</u>	<u>3,754,413.00</u>
Application of Funds Available					
<i>Joint Power Transfer/Landfill</i>					
Equipment	121,356.41	260,051.33	381,407.74	545,333.33	818,000.00
Trench	0.00	0.00	0.00	0.00	0.00
Closure/Postclosure Cash Res.	0.00	8,636.47	8,636.47	16,666.67	25,000.00
<i>Joint Recycling Center</i>					
Equipment	0.00	31,756.56	31,756.56	38,000.00	57,000.00
<i>Payment Principal</i>	32,403.97	66,438.48	98,842.45	228,495.33	342,743.00
<i>Appropriation to Reserve</i>	0.00	0.00	0.00	0.00	0.00
<i>Total Applied</i>	<u>153,760.38</u>	<u>366,882.84</u>	<u>520,643.22</u>	<u>828,495.33</u>	<u>1,242,743.00</u>
<i>Ending Balance</i>	<u>(\$529,455.65)</u>	<u>\$3,068,020.19</u>	<u>\$2,538,564.54</u>	<u>\$2,269,512.00</u>	<u>\$2,511,670.00</u>

Joint Power Transfer/Landfill Description	Yankton Transfer	Vermillion Landfill	Total Joint	8 Month Budget	Legal 2022 Budget
<i>Revenue: (accrual)</i>					
Asbestos	\$0.00	\$3,944.25	\$3,944.25	\$4,000.00	\$6,000.00
Elk Point	0.00	37,919.45	37,919.45	41,600.00	\$62,400.00
Centerville	0.00	11,758.82	11,758.82	9,186.67	13,780.00
Beresford	0.00	0.00	0.00	0.00	0.00
Clay County Garbage	0.00	616,434.68	616,434.68	550,000.00	825,000.00
Compost-Yd Waste-Wood	0.00	4,188.42	4,188.42	6,333.33	9,500.00
Contaminated Soil	0.00	5,225.31	5,225.31	5,000.00	7,500.00
White Goods	0.00	2,706.27	2,706.27	4,000.00	6,000.00
Tires	0.00	14,393.02	14,393.02	3,333.33	5,000.00
Electronics	0.00	1,388.43	1,388.43	4,000.00	6,000.00
Other Revenue	151.09	137.25	288.34	10,066.67	15,100.00
Cash long	(6.51)	0.00	(6.51)	0.00	0.00
Rubble	48,381.69	0.00	48,381.69	34,666.67	52,000.00
Transfer Fees	1,069,060.33	0.00	1,069,060.33	900,000.00	1,350,000.00
Metal	7,741.85	0.00	7,741.85	3,333.33	5,000.00
Other Operational - Solid Waste	0.00	0.00	0.00	66.67	100.00
Total Revenue	1,125,328.45	698,095.90	1,823,424.35	1,575,586.67	2,363,380.00
<i>Expenses: (cash)</i>					
Personal Services	230,741.14	249,352.74	480,093.88	531,024.00	796,536.00
Insurance	18,851.44	6,595.87	25,447.31	21,752.00	32,628.00
Professional Service/Fees	44,344.91	49,313.96	93,658.87	120,000.00	180,000.00
Non Professional Fees	0.00	0.00	0.00	0.00	0.00
Processing- Reduction	0.00	6,650.25	6,650.25	6,666.67	10,000.00
State Fees	0.00	28,788.32	28,788.32	31,000.00	46,500.00
Professional - Legal/Audit	3,303.00	0.00	3,303.00	1,833.33	2,750.00
Publishing & Advertising	162.62	1,767.45	1,930.07	1,866.67	2,800.00
Rental	0.00	0.00	0.00	333.33	500.00
Hauling fee	0.00	0.00	0.00	0.00	0.00
Equipment repair	710.61	50,575.97	51,286.58	40,666.67	61,000.00
Motor vehicle repair	0.00	2,734.90	2,734.90	16,000.00	24,000.00
Vehicle fuel & maintenance	96,506.59	44,481.29	140,987.88	140,000.00	210,000.00
Equip, Mat'l & Labor	34,198.33	0.00	34,198.33	43,333.33	65,000.00
Building repair	6,232.56	1,028.62	7,261.18	16,000.00	24,000.00
Facility repair & maintenance	0.00	14,588.99	14,588.99	23,333.33	35,000.00
Postage	356.84	118.07	474.91	566.67	850.00
Office supplies	231.60	876.00	1,107.60	2,333.33	3,500.00
Copy supplies	75.80	10.46	86.26	250.00	375.00
Uniforms	0.00	5,870.59	5,870.59	4,333.33	6,500.00
Small Tools & Hardware	279.99	0.00	279.99	166.67	250.00
Travel & Training	0.00	3,909.99	3,909.99	3,000.00	4,500.00
Operating supply	487.61	93,160.02	93,647.63	121,733.33	182,600.00
Electricity	5,329.73	11,116.40	16,446.13	20,666.67	31,000.00
Heating Fuel - Gas	16,336.31	12,446.23	28,782.54	21,666.67	32,500.00
Water	1,544.36	736.95	2,281.31	2,333.33	3,500.00
WW service	655.52	0.00	655.52	866.67	1,300.00
Landfill	188.88	0.00	188.88	200.00	300.00
Telephone	735.89	923.53	1,659.42	2,133.33	3,200.00
Depreciation (est)	117,237.64	172,910.60	290,148.24	303,797.33	455,696.00
Trench Depletion		166,800.83	166,800.83	159,333.33	239,000.00
Closure/Postclosure Resrv		8,636.47	8,636.47	16,666.67	25,000.00
Amortization of Permit		1,389.76	1,389.76	1,000.00	1,500.00
Total Op Expenses	578,511.37	934,784.26	1,513,295.63	1,654,856.67	2,482,285.00

Joint Powers Solid Waste Authority
Financial Report Thru August 31, 2022

Joint Power Transfer/Landfill Description	Yankton Transfer	Vermillion Landfill	Total Joint	8 Month Budget	Legal 2022 Budget
<i>Non Operating Expense-Interest</i>	4,083.84	27,054.33	31,138.17	52,430.67	78,646.00
<i>Bond Issuance Costs</i>	0.00	0.00	\$0.00	0.00	0.00
<i>Operating Income (Loss)</i>	\$542,733.24	(\$263,742.69)	\$278,990.55	(\$131,700.67)	(\$197,551.00)
<i>Capital:</i>					
Capital Outlay	\$121,356.41	\$260,051.33	\$381,407.74	\$545,333.33	\$818,000.00
Landfill Development	0.00	0.00	0.00	49,333.33	\$74,000.00
Capital Lease	0.00	0.00	0.00	0.00	\$0.00
<i>Total Capital Expenditures</i>	\$121,356.41	\$260,051.33	\$381,407.74	\$594,666.67	\$892,000.00
<i>Grant Reimbursement</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>Federal Grant thru State</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>Equipment Sale Proceeds</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>Cash Flow Transfer</i>	(\$570,132.06)	\$570,132.06	\$0.00	\$0.00	\$0.00
<i>Tonage in Trench:</i>					
Asbestos		60.72	60.72	33.33	50.00
Beresford		0.00	0.00	933.33	1,400.00
Centerville Garbage		220.08	220.08	733.33	1,100.00
Clay County Garbage		11,079.52	11,079.52	9,666.67	14,500.00
Elk Point		710.75	710.75	173.33	260.00
Yankton County Garbage		16,717.25	16,717.25	15,933.33	23,900.00
<i>Total Tonage in Trench</i>		28,788.32	28,788.32	27,473.33	41,210.00
Operating Cost per ton			\$52.57	\$62.14	\$62.14

Joint Powers Solid Waste Authority
Financial Report Thru August 31, 2022

Joint Recycling Center Description	Yankton Transfer	Vermillion Center	Total Joint	8 Month Budget	Legal 2022 Budget
<i>Revenue:</i>					
Tipping Fees	\$0.00	0.00	\$0.00	0.00	0.00
Metal/Tin	0.00	0.00	0.00	1,666.67	2,500.00
Plastic	0.00	12,396.05	12,396.05	10,000.00	15,000.00
Aluminum	0.00	14,047.50	14,047.50	10,666.67	16,000.00
Newsprint	0.00	7,015.95	7,015.95	6,000.00	9,000.00
Cardboard	0.00	84,442.56	84,442.56	30,000.00	45,000.00
High Grade Paper	0.00	0.00	0.00	3,333.33	5,000.00
Other Material	0.00	574.76	574.76	5,333.33	8,000.00
Contributions/Operating Grants	0.00	0.00	0.00	0.00	0.00
Total Revenue	0.00	118,476.82	118,476.82	67,000.00	100,500.00
<i>Expenses:</i>					
Personal Services	0.00	150,982.55	150,982.55	165,985.33	248,978.00
Insurance	0.00	939.27	939.27	1,600.00	2,400.00
Professional Service/Fees	0.00	428.10	428.10	333.33	500.00
Hazardous Waste Collection	0.00	39,611.57	39,611.57	33,333.33	50,000.00
Professional-Legal	0.00	0.00	0.00	0.00	0.00
Publishing & Advertising	0.00	856.27	856.27	1,000.00	1,500.00
Rental	0.00	0.00	0.00	0.00	0.00
Equipment repair	0.00	4,900.85	4,900.85	6,333.33	9,500.00
Vehicle repair & maintenance	0.00	19.16	19.16	400.00	600.00
Vehicle fuel	0.00	3,648.41	3,648.41	3,333.33	5,000.00
Building repair & maintenance	0.00	4,734.90	4,734.90	1,866.67	2,800.00
Postage	0.00	1.72	1.72	33.33	50.00
Freight	0.00	8,890.00	8,890.00	11,666.67	17,500.00
Office supplies	0.00	493.20	493.20	666.67	1,000.00
Uniforms	0.00	0.00	0.00	500.00	750.00
Materials Purchases	0.00	4,468.25	4,468.25	3,000.00	4,500.00
Travel & Training	0.00	1,613.40	1,613.40	1,333.33	2,000.00
Operating Supplies	0.00	5,645.69	5,645.69	6,666.67	10,000.00
Copy Supply	0.00	97.39	97.39	133.33	200.00
Electricity	0.00	3,970.52	3,970.52	4,333.33	6,500.00
Heating Fuel-Gas	0.00	5,475.71	5,475.71	3,166.67	4,750.00
Water	0.00	227.98	227.98	433.33	650.00
WW service	0.00	742.32	742.32	800.00	1,200.00
Telephone	0.00	433.63	433.63	566.67	850.00
Revenue Sharing	0.00	6,542.88	6,542.88	5,800.00	8,700.00
Depreciation (est)	0.00	22,001.28	22,001.28	25,333.33	38,000.00
Total Op Expenses	0.00	266,725.05	266,725.05	278,618.67	417,928.00
<i>Non Operating Expense-Interest</i>	0.00	0.00	0.00	0.00	0.00
Operating Income (Loss)	\$0.00	(\$148,248.23)	(\$148,248.23)	(\$211,618.67)	(\$317,428.00)
Capital Outlay	\$0.00	\$31,756.56	\$31,756.56	\$38,000.00	\$57,000.00
Grant Reimbursement/Donations	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Cash Flow Transfer	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

This report is based on the following:

Revenue accrual thru August 31, 2022

Expenses cash thru August 31, 2022 with September's bills

2022 Joint Powers Total Operations Recap

Month	Yankton Transfer	Vermillion Landfill	Total	Total Tons	\$ per ton	Recycling			Yankton Operations	Vermillion Operations	Total Operations
						Yankton	Vermillion	Total			
January	42,818.80	(37,653.09)	5,165.71	3,001.98	53.37	0.00	8,540.61	8,540.61	42,818.80	(29,112.48)	13,706.32
February	20,433.97	(48,393.67)	(27,959.70)	2,578.89	71.09	0.00	(19,765.60)	(19,765.60)	20,433.97	(68,159.27)	(47,725.30)
Subtotal	63,252.77	(86,046.76)	(22,793.99)	5,580.87	62.09	0.00	(11,224.99)	(11,224.99)	63,252.77	(97,271.75)	(34,018.98)
March	57,675.49	(50,930.75)	6,744.74	3,355.35	62.21	0.00	(8,826.73)	(8,826.73)	57,675.49	(59,757.48)	(2,081.99)
Subtotal	120,928.26	(136,977.51)	(16,049.25)	8,936.22	62.14	0.00	(20,051.72)	(20,051.72)	120,928.26	(157,029.23)	(36,100.97)
April	61,717.12	(53,530.54)	8,186.58	3,441.44	61.19	0.00	(16,693.14)	(16,693.14)	61,717.12	(70,223.68)	(8,506.56)
Subtotal	182,645.38	(190,508.05)	(7,862.67)	12,377.66	61.87	0.00	(36,744.86)	(36,744.86)	182,645.38	(227,252.91)	(44,607.53)
May	88,622.30	(20,745.52)	67,876.78	4,034.28	46.99	0.00	(56,865.99)	(56,865.99)	88,622.30	(77,611.51)	11,010.79
Subtotal	271,267.68	(211,253.57)	60,014.11	16,411.94	58.22	0.00	(93,610.85)	(93,610.85)	271,267.68	(304,864.42)	(33,596.74)
June	100,537.14	(12,787.35)	87,749.79	4,038.44	44.13	0.00	(16,830.21)	(16,830.21)	100,537.14	(29,617.56)	70,919.58
Subtotal	371,804.82	(224,040.92)	147,763.90	20,450.38	55.43	0.00	(110,441.06)	(110,441.06)	371,804.82	(334,481.98)	37,322.84
July	71,817.80	(11,629.42)	60,188.38	3,986.98	48.15	0.00	(20,058.94)	(20,058.94)	71,817.80	(31,688.36)	40,129.44
Subtotal	443,622.62	(235,670.34)	207,952.28	24,437.36	54.24	0.00	(130,500.00)	(130,500.00)	443,622.62	(366,170.34)	77,452.28
August	103,046.66	(1,018.02)	102,028.64	4,350.96	43.14	0.00	(17,748.23)	(17,748.23)	103,046.66	(18,766.25)	84,280.41
Subtotal	546,669.28	(236,688.36)	309,980.92	28,788.32	52.57	0.00	(148,248.23)	(148,248.23)	546,669.28	(384,936.59)	161,732.69

9/2/2022

City of Yankton Transfer Station
Landfill Tons

Date	City	Licensed Haulers				Sub-Total	All Other	Total Transfer
	Compactors (577)	Janssen (547)	Arts (586)	Loren Fischer (648)	Kortan (673)			
January 2021	236.20	525.19	420.65	82.07	23.66	1,051.57	507.40	1,795.17
February 2021	209.71	469.53	428.60	52.03	28.90	979.06	375.91	1,564.68
March 2021	268.59	625.10	504.42	75.16	27.90	1,232.58	537.56	2,038.73
April 2021	278.20	645.30	524.53	64.28	35.94	1,270.05	884.36	2,432.61
May 2021	253.20	652.38	457.22	76.67	28.49	1,214.76	614.82	2,082.78
June 2021	291.90	749.78	530.93	85.89	33.61	1,400.21	562.06	2,254.17
July 2021	284.89	724.18	561.10	74.00	38.61	1,397.89	578.80	2,261.58
August 2021	292.03	674.93	536.59	77.66	34.27	1,323.45	592.98	2,208.46
September 2021	282.22	689.94	507.29	76.85	32.65	1,306.73	588.08	2,177.03
October 2021	257.29	665.67	491.96	63.53	38.04	1,259.20	555.98	2,072.47
November 2021	279.00	668.48	485.90	68.71	31.24	1,254.33	496.57	2,029.90
December 2021	283.07	570.11	445.12	84.57	38.20	1,138.00	432.06	1,853.13
2021 Total	3,216.30	7,660.59	5,894.31	881.42	391.51	14,827.83	6,726.58	24,770.71
January 2022	258.69	515.97	411.98	59.08	29.31	1,016.34	331.11	1,606.14
February 2022	217.91	548.02	370.93	67.84	29.20	1,015.99	304.16	1,538.06
March 2022	262.23	665.38	479.74	61.13	35.34	1,241.59	536.56	2,040.38
April 2022	249.31	581.31	446.18	65.70	36.42	1,129.61	682.08	2,061.00
May 2022	279.47	705.94	565.54	64.83	36.49	1,372.80	680.16	2,332.43
June 2022	284.91	790.62	532.96	55.20	45.33	1,424.11	664.58	2,373.60
July 2022	266.85	664.17	513.64	71.59	41.42	1,290.82	685.21	2,242.88
August 2022	299.82	727.50	588.65	62.56	36.52	1,415.23	650.07	2,365.12
2022 Total	2,119.19	5,198.91	3,909.62	507.93	290.03	9,906.49	4,533.93	16,559.61

CITY OF VERMILLION
LANDFILL TONS

	2022	Art's Garbage	City of Elk Point	Fischer Disposal	Loren Fischer	Herm's Sanitation	Turner County	Vermillion Garbage	Waste Mgmt of Sioux City	Other	2022 Tons	
\$53.00 PER TON	Jan	18.45	77.97	192.36	439.25	25.79	16.64	66.39	199.67	217.79	1254.31	
	Feb	32.68	72.96	177.91	353.42	27.01	16.86	58.15	180.46	85.39	1004.84	
	Mar	8.25	98.62	213.95	458.65	35.35	26.46	57.19	224.86	179.16	1302.49	
	April	12.47	81.41	215.56	496.52	34.20	31.97	60.88	188.94	327.84	1449.79	
	May	29.00	105.65	266.28	711.14	52.88	32.39	70.24	241.82	231.86	1741.26	
	June	17.89	91.14	236.58	626.16	34.66	29.54	59.09	201.45	347.74	1644.25	
	July	32.06	83.13	216.39	580.54	45.24	28.40	56.90	200.28	520.05	1762.99	
	Aug	24.81	99.87	267.81	704.11	53.07	37.82	68.59	234.75	420.31	1911.14	
	Sept											0.00
	Oct											0.00
	Nov											0.00
	Dec											0.00
			----- 175.61 =====	----- 710.75 =====	----- 1786.84 =====	----- 4369.79 =====	----- 308.20 =====	----- 220.08 =====	----- 497.43 =====	----- 1672.23 =====	----- 2330.14 =====	----- 12071.07 =====
	2021	Art's Garbage	City of Elk Point	Fischer Disposal	Loren Fischer	Herm's Sanitation	Turner County	Vermillion Garbage	Waste Mgmt of Sioux City	Other	2021 Tons	
\$51.00 PER TON	Jan	26.78	80.53	177.08	491.69	23.71	20.96	58.58	125.47	110.82	1115.62	
	Feb	27.53	75.95	163.93	401.90	21.21	22.79	53.88	167.56	78.31	1013.06	
	Mar	12.87	102.80	228.01	605.13	30.59	28.11	64.98	170.23	116.10	1358.82	
	April	38.29	95.35	208.06	592.76	48.35	26.63	62.06	211.00	259.65	1542.15	
	May	29.03	92.80	240.31	664.31	42.35	35.57	60.34	188.88	190.19	1543.78	
	June	10.99	92.29	214.10	770.61	54.73	41.94	51.76	186.03	339.63	1762.08	
	July	22.00	96.64	213.24	528.51	46.06	39.74	46.21	177.70	73.47	1243.57	
\$53.00 PER TON	Aug	32.62	103.66	247.46	570.97	52.15	32.74	71.74	172.08	205.96	1489.38	
	Sept	46.10	99.21	229.47	621.38	36.07	14.75	85.56	180.12	176.37	1489.03	
	Oct	-	83.70	220.79	533.32	35.35	35.15	61.13	227.63	111.91	1308.98	
	Nov	9.16	96.44	277.77	536.71	45.65	34.48	65.84	224.22	315.73	1606.00	
	Dec	9.40	93.61	228.93	519.25	31.98	14.84	72.70	208.72	91.87	1271.30	
		----- 264.77 =====	----- 1112.98 =====	----- 2649.15 =====	----- 6836.54 =====	----- 468.20 =====	----- 347.70 =====	----- 754.78 =====	----- 2239.64 =====	----- 2070.01 =====	----- 16743.77 =====	

City of Yankton

Airport Advisory Board Meeting Minutes For July 20th, 2022

The July 20th, 2022 Airport Advisory Board Meeting was called to order at 8:00AM by Chairman Jim Cox.

ROLL CALL:

Present from the Airport Advisory Board: Jim Cox, Dan Specht, Rick Daugherty, and Jake Hoffner.

Present from the City of Yankton: Mike Roinstad, Adam Haberman, Brad Moser, and Brooke Goeden.

Attending from General Public: Chris Nelson and John Halsted.

Unable to attend: Steve Hamilton, Mary Boyer, and City Commission Representative Tony Maibaum.

Minutes from April 20th, 2022

22-05 MOTION -- It was moved by Specht and seconded by Hoffner to approve the minutes of the April 20th, 2022.

VOTE - Voting "Aye" - all members present. Voting "Nay" - none.

MOTION – PASSED

Monthly Fuel Report

Mike Roinstad provided the monthly fuel report for May 2022. In May 2022, there were 73 transactions, totaling 4,374.0 gallons sold. For comparison, in May 2021, there were 70 transactions, totaling 4,135.90 gallons sold.

Additionally, in June 2022, there were 65 transactions, totaling 5,718.7 gallons sold. For comparison, in June 2021, there were 100 transactions, totaling 5,675.00 gallons sold.

Staff Report

Adam Haberman gave an update on the airport parking lot project and stated the entrance road has been torn up and removals are completed. Masonry Components will be handling the curb and gutter. Also, Northwestern Energy is looking into installing new lighting. More updates to follow.

Taxiway “A” Rehab Project Update

Adam Haberman provided an update on the Taxiway “A” Rehab Project and stated project has been completed. Project close out reports are in progress.

2022 Oshkosh Air Show – July 25th – 31st

Airport Manager, Mike Roinstad, stated that as part of the upcoming Oshkosh Airshow, YKN Airport will be featuring a \$0.50/gallon discount on fuel starting Thursday, July 21, 2022. This fuel promotion will last for 10 days. Also during this time, Roinstad and his wife will be providing food for pilots, crew and passengers who make their way to Oshkosh via Yankton.

Other Business

Adam Haberman stated the 5-year haying lease will be up for renewal beginning in 2023. Staff will handle bids and contracts.

Election of Officers

Jake Hoffner made a motion stating that the Chairman and Vice Chairman should remain the same for the next term. Hoffner also made a motion to close the nominations. Dan Specht seconded both motions. As a result, Jim Cox remains the Chairman of the Airport Advisory Board and Steve Hamilton will remain the Vice Chairman of the Airport Advisory Board.

Adjournment

22-06 MOTION –It was moved by Daugherty and seconded by Hoffner to adjourn the meeting.
VOTE – Voting “Aye” – all members present. Voting “Nay” – none.

Meeting adjourned at 8:42AM.

Respectfully Submitted,

Adam Haberman, Secretary

CITY of YANKTON
PLANNING COMMISSION MEETING MINUTES
for
September 12th, 2022

The meeting was called to order at 5:30PM by Chairwoman Specht.

ROLL CALL:

Present: Evie Sime, Marc Mooney, Dave Carda, Steve Pier, John Kraft, Brad Wenande, City Commission liaison Mason Schramm and Deb Specht.

Unable to attend: Lynn Peterson and Warren Erickson.

MINUTES – August 8th, 2022

22-29 **MOTION** - It was moved by Commissioner Wenande and seconded by Commissioner Pier to approve the minutes from August 8th, 2022, with a correction regarding the attendance of Dave Carda.

VOTE - Voting “Aye” – all members present. Voting “Nay” – none.

MOTION – PASSED

CONSENT ITEMS:

Chairwoman Specht stated the following items on the Consent Agenda establishing a date for public hearings:

1. Establish October 10, 2022 as the date for a public hearing to consider a extraterritorial zoning jurisdiction rezoning from ETJ A-1 Agricultural to ETJ B-2 Highway Business the North 260 feet of the NE 1/4, SW 1/4 of the North 18 Acres, Excluding Lots H1 and H2 Section 8, T93N, R55W of the 5th PM Yankton County, South Dakota and Outlot 1, NE 1/4, NE 1/4, SW 1/4 Except a Parcels Beginning at the SW Corner of Outlot 1, Thence North 208', Thence Northeasterly Parallel with the South Boundary Line of Outlot 1 208' Thence South 208' Thence Southwesterly 208' to the Point of Beginning as depicted on the associated map. Address, the north side of the 1500 block of Whiting Drive. Justus and Michelle Hirschman, owners.
2. Establish October 10, 2022 as the date for a public hearing to consider a extraterritorial zoning jurisdiction conditional use permit on the North 260 feet of the NE 1/4, SW 1/4 of the North 18 Acres, Excluding Lots H1 and H2 Section 8, T93N, R55W of the 5th PM Yankton County, South Dakota and Outlot 1, NE 1/4, NE 1/4, SW 1/4 Except a Parcels Beginning at the SW Corner of Outlot 1, Thence North 208', Thence Northeasterly Parallel with the South Boundary Line of Outlot 1 208' Thence South 208' Thence Southwesterly 208' to the Point of Beginning as depicted on the associated map. Address, the north side of the 1500 block of Whiting Drive. Justus and Michelle Hirschman, owners.

22-30 **MOTION** - It was moved by Commissioner Wenande and seconded by Commissioner Mooney to approve the Consent Agenda.

VOTE - Voting "Aye" – all members present. Voting "Nay" – none.

MOTION – PASSED

OLD BUSINESS

1. Public hearing to consider the formation of City of Yankton Tax Incremental District Number 12, a tax incremental district to be located on the following described property: Lots 1 - 3 in Block 1 of Mead's Addition to the City of Yankton, South Dakota.

Dave Mingo described the proposed TID for the development of the infrastructure and site preparation in the Mead's Addition. The city is serving as the developer in this instance. The TID will serve as one of multiple funding sources for the estimated \$5 million project. The TID is not expected to create enough increment to cover all the costs, so the City Commission has budgeted accordingly. Toby Morris from Colliers Securities was also in attendance. He provided additional detail about the TID.

Commissioner Pier asked about the specifics of the budget related to the project. He requested clarification that the Planning Commission action on the TID was related to the plan and was not a recommendation regarding funding sources and the expenditure of the City's capital funds. Mr. Mingo stated that he was correct, and the City Commission is the body that approves the budget.

22-31 **MOTION** - It was moved by Commissioner Carda and seconded by Commissioner Mooney to recommend approval of the proposed TID #12 as presented.

VOTE - Voting "Aye" – all members present. Voting "Nay" – none

2. Public hearing to consider a rezoning from I-1 Industrial to B-2 Highway Business on Lot 2 except the North 247.14' of the West 360.15' in the SW 1/4 of the NE 1/4 of Section 12, T93N, R56W of the 5th P.M., City of Yankton, Yankton County, South Dakota. Address, 2000 Summit Street. List Construction, applicant.

Dave Mingo described the proposed rezoning to B-2. The owner is interested in restricting the outdoor storage of materials that would otherwise be allowed in an industrial district. The B-2 designation would not allow the outdoor storage of raw materials. The proposed zoning is compatible with adjacent districts.

22-32 **MOTION** - It was moved by Commissioner Wenande and seconded by Commissioner Sime to recommend approval of the proposed rezoning from I-1 Industrial to B-2 Highway Business on Lot 2 except the North 247.14' of the West 360.15' in the SW 1/4 of the NE 1/4 of Section 12, T93N, R56W of the 5th P.M., City of Yankton, Yankton County, South Dakota. Address, 2000 Summit Street. List Construction, applicant.

VOTE - Voting "Aye" – commissioners Kraft, Pier, Mooney, Carda, Sime and Wenande. Voting "Nay" - none. Abstained - Specht.

3. Public hearing to consider a conditional use permit for self-storage facilities on Lot 2 except the North 247.14' of the West 360.15' in the SW 1/4 of the NE 1/4 of Section 12, T93N, R56W of the 5th P.M., City of Yankton, Yankton County, South Dakota. Address, 2000 Summit Street. List Construction, applicant.

Dave Mingo stated that a recommendation on this item is contingent upon the approval of the pre-requisite rezoning in the previous agenda item. The proposed use of the site will include a mix of contractor condos and self storage facilities. The surrounding industrial zoning areas means that the owner has more flexibility regarding the orientation of the structures than they would if there were residential zones nearby.

22-33 **MOTION** - It was moved by Commissioner Mooney and seconded by Commissioner Pier to recommend approval of the proposed conditional use permit for self storage facilities on Lot 2 except the North 247.14' of the West 360.15' in the SW 1/4 of the NE 1/4 of Section 12, T93N, R56W of the 5th P.M., City of Yankton, Yankton County, South Dakota. Address, 2000 Summit Street. List Construction, applicant.

VOTE - Voting "Aye" – commissioners Kraft, Pier, Mooney, Carda, Sime and Wenande. Voting "Nay" - none. Abstained - Specht

NEW BUSINESS:

1. Public hearing to consider a variance from the City's maximum lot coverage in an R-4 Multiple Family District on the North 32 feet of Lot 12 and all of Lot 13, Block 50 of Todd's Addition to the City of Yankton, South Dakota. Address, 507-509 Douglas Avenue. Gary Johnson and Christine Munson, owners.

Dave Mingo described the proposed variance. The owner is requesting a permit to add onto an exiting garage. The addition would further increase the existing situation with the structures covering more than 35 percent of the lot as allowed by ordinance. Mr. Mingo explained that there is no apparent hardship at the site. He referred the commission to the associated action sheet for details about what constitutes a documentable hardship. Staff recommends the proposed variance be denied.

22-34 **MOTION** - It was moved by Commissioner Carda and seconded by Commissioner Wenande to recommend denial of the proposed variance from the City's maximum lot coverage in an R-4 Multiple Family District the North 32 feet of Lot 12 and all of Lot 13, Block 50 of Todd's Addition to the City of Yankton, South Dakota. Address, 507-509 Douglas Avenue. Gary Johnson and Christine Munson, owners.

VOTE - Voting "Aye" to recommend the permit be denied - all members present. Voting "Nay" - none.

OTHER BUSINESS ITEMS:

1. August, 2022 Building Permit Report. The Planning Commission discussed the August Building Permit Report.

ADJOURNMENT

22-35 **MOTION** – It was moved by Commissioner Sime and seconded by Commissioner Wenande to adjourn at 6:15 PM.

VOTE – Voting “Aye” – all members present. Voting “Nay” – none.

MOTION – PASSED

Respectfully submitted,

A handwritten signature in blue ink that reads "Dave Mingo". The signature is written in a cursive, flowing style.

Dave Mingo, Secretary

Memorandum #22-178

To: City Manager
From: Finance Department
Date: September 14, 2022
Subject: Transient Merchant

We have received the following application from Country Fresh Farms:

Country Fresh Farms
Menard's Frontage
3210 Broadway Avenue
Yankton, SD 57078

The applicant is requesting a license to sell USDA frozen Meats – Chicken, Seafood, Pork, & Beef on Menard's Frontage, 3210 Broadway Avenue on September 28th thru October 1st, 2022.

A check with the State Sales Tax office revealed that the applicant does pay State Sales Tax.

City Code also requires the applicant to pay a fee of \$50.00 per month and file insurance with the Finance Officer. We have received the fee.



Al Viereck
Finance Officer

Memorandum #22-179

To: City Manager
From: Finance Department
Date: September 22, 2022
Subject: Transient Merchant License Application

We have received the following application for a Transient Merchant License:

Mount Marty University
Memorial Park
2000 Douglas Avenue
Yankton, SD 57078

The applicant is requesting to hold a vendor fair at Memorial Park, 2000 Douglas Avenue, Yankton, SD on October 1 thru October 31, 2022.

City Code also requires the applicant to pay a fee of \$50.00 per month and file a bond with the Finance Officer. We have received the fee and bond.

The applicant is in compliance with all police codes as checked by the Police Department.



Al Viereck
Finance Officer

Memorandum #22-176

To: City Manager
From: Finance Department
Date: September 21, 2022
Subject: Special Events Licenses-NFAA

We have received an application for a Special Malt Beverage (on-sale) Retailers License for 3 days, October 7, 8 & 9, 2022 from National Field Archery Association Foundation (Morgan Palmer, Marketing & Events Coordinator), 800 Archery Lane, Yankton, South Dakota.

The above applicant is in compliance with the City Code of Ordinances, as checked by the Department of Finance. A police check on the applicant revealed no felony convictions or wants. The applicant is in compliance with all building and fire codes.



Al Viereck
Finance Officer

Memorandum #22-177

To: Amy Leon, City Manager
From: Adam Haberman, PE, Public Works Director
Subject: Final Project Acceptance of The Huether Family Aquatics Center
Date: September 21, 2022

In October of 2019, bids were received for The Huether Family Aquatics Center project. Welfl Construction was awarded the low bid of \$10,386,500, which was below the engineer's estimate of \$14,155,800. Construction crews began work on the project in December of 2019 and the new facility opened in May of 2021. As construction commenced, six change orders to the project were approved totaling \$587,729.61, bringing the final construction contract amount to \$10,974,229.61.

Punch list items have been addressed by the contractor and final warranty items are scheduled to be complete the week of September 26th. Stockwell Engineers, Inc., the project consultant, and City staff have completed final inspections on the facility and determined Welfl Construction has completed the project to specification, and the project is ready to be accepted. Attached is a letter of recommendation for acceptance from Stockwell Engineers, Inc.

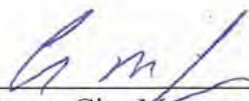
Respectfully submitted,



Adam Haberman, PE
 Public Works Director

Recommendation: It is recommended that the City Commission accept the completed construction of The Huether Family Aquatics Center by Welfl Construction Corporation, of Yankton, South Dakota as described in Memorandum #22-177.

I concur with this recommendation.
 I do not concur with this recommendation.



 Amy Leon, City Manager

September 19, 2022

Adam Haberman
City of Yankton
PO Box 176
Yankton, SD 57078

Re: The Huether Family Aquatics Center
Project & Warranty Acceptance

Dear Mr. Haberman:

A final inspection was completed on May 18, 2022, and September 19, 2022. We found the Work, including all punch list and warranty items, to be complete and acceptable.

Pay application #19 was the final payment to the Contractor for the project. Final payment constitutes a waiver of all Claims against either party. At this time, it is our recommendation that the owner relieve the contractor of any bonding.

If there are questions, please contact our office at your earliest convenience.

Respectfully submitted,

STOCKWELL ENGINEERS, INC.



David Locke, PLA
Project Landscape Architect

Memorandum #22-175

To: Amy Leon, City Manager
From: Bradley Moser, Civil Engineer
Subject: Change Order Number 1, Final Project Acceptance and Final Payment for the Whiting Drive Street Replacement from 13th Street to Ferdig Avenue
Date: September 20, 2022

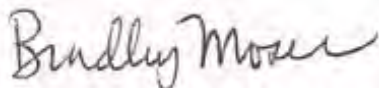
The Whiting Drive reconstruction project is complete and is ready to be accepted.

Initially this project was considered a joint replacement project. However, after additional inspection, it was discovered that the joint damage was more severe than anticipated. Therefore, the decision was made to change the scope of the project to a complete street reconstruction with curb and gutter, street pavement and driveway approaches being installed.

As you can see from the attached Change Order No. 1, the changes resulted in a net decrease of \$13,181.50. This adjusted the construction cost from \$455,417.00 to \$442,235.50. The majority of the project savings was due to the condition of the subgrade. We originally thought that there might be some base course issues, but found the existing material and conditions to be satisfactory for construction.

City staff has reviewed the project, the change order and the final pay request. We recommend that Change Order No. 1 be approved, that the project be accepted and that the City Finance Officer be authorized to issue a manual check in the amount of \$5,289.99, to Masonry Components, Inc., based on the attached final pay request.

Respectfully submitted,

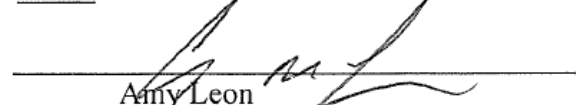


Bradley Moser
Civil Engineer

Recommendation: It is recommended that the City Commission approve Change Order No. 1, accept the completed construction project along Whiting Drive, and authorize the Finance Officer to issue a manual check to Masonry Components, Inc., in the amount of \$5,289.99, as detailed in Memorandum #22-175.

I concur with the recommendation.

I do not concur with the recommendation.


 Amy Leon
City Manager

cc: Adam Haberman (electronic)
file

____ Roll call

**CITY OF YANKTON
PROGRESS ESTIMATE**

CONTRACTOR: **Masonry Components**
PROJECT NO: 2021-013
DESCRIPTION: Whiting Dr. 13th to Ferdig

PROGRESS EST. NO: #4 AND FINAL
PERIOD: 8-23-22 to 9-22-22

DATE OF CONTRACT: 4/11/2022	CONTRACT PERIOD: 8/12/22 completion	PREVIOUS PAYMENTS AUTHORIZED:
AMOUNT OF CONTRACT AS AWARDED: \$455,417.00	% OF TIME USED: 70%	EST. PAYMENTS AUTH.
CHANGE ORDERS:	% COMPLETED: 100%	#1 \$164,398.29
#1 (\$13,181.50)		#2 \$248,562.44
#2		#3 \$23,984.78
#3		#4

TOTAL AMENDED CONTRACT AMOUNT: \$442,235.50 TOTAL PREVIOUS PAYMENTS AUTHORIZED \$436,945.51

BID ITEM	DESCRIPTION	BID QUANTITY	UNIT	UNIT PRICE	QUANTITY COMPLETED	TOTAL AMOUNT
REMOVALS						
1	MOBILIZATION	1	LS	\$17,790.45	1.0	\$17,790.45
2	SAW EXISTING CONCRETE	375	LF	\$10.00	300.0	\$3,000.00
3	SAW EXISTING ASPHALT	150	LF	\$4.00	130.0	\$520.00
4	REMOVAL OF CONCRETE PAVEMENT	5450	SY	\$4.75	5472.0	\$25,992.00
5	REMOVAL OF ASPHALT PAVEMENT	165	SY	\$4.00	160.0	\$640.00
6	REMOVAL OF CURB AND GUTTER	2351	LF	\$4.50	2351.0	\$10,579.50
7	UNCLASSIFIED EXCAVATION	1	LS	\$17,000.00	1.0	\$17,000.00
8	UNDERCUTTING	150	CY	\$25.00	20.0	\$500.00
9	TOPSOIL	1	LS	\$10,000.00	1.0	\$10,000.00
10	WATER FOR EMBK. OR GRAN. MATRL.	30	KGAL	\$20.00	0.0	\$0.00
EROSION CONTROL						
11	SEEDING	1	LS	\$2,250.00	1.0	\$2,250.00
12	VEHICLE TRACKING CONTROL	2	EA	\$500.00	0.0	\$0.00
13	INLET SEDIMENT CONTROL	10	EA	\$200.00	0.0	\$0.00
14	SILT FENCE	50	LF	\$10.00	30.0	\$300.00
15	GEOTEXTILE FABRIC	2000	SY	\$4.15	0.0	\$0.00
SANITARY SEWER						
16	REPLACE AND ADJUST MH FRAME & COVER	2	EA	\$650.00	0.0	\$0.00
TRAFFIC CONTROL						
17	TRAFFIC CONTROL	1422	UNIT	\$1.40	1362.0	\$1,906.80
18	TRAFFIC CONTROL MISC.	1	LS	\$4,500.00	1.0	\$4,500.00
SURFACING						
19	8" PCCP PAVEMENT	5025	SY	\$46.00	5032.0	\$231,472.00
20	8" PCCP FILLECT SECTION	1649	SF	\$8.50	1661.0	\$14,118.50
21	CONCRETE C & G TYPE B68	2107	LF	\$18.00	2129.0	\$38,322.00
22	8" VALLEY GUTTER	396	SF	\$7.00	345.0	\$2,415.00
23	6" APPROACH PAVEMENT	2411	SF	\$5.00	2247.0	\$11,235.00
24	6" SIDEWALK	1225	SF	\$5.00	1278.0	\$6,390.00
25	DETECTABLE WARNING PANELS	84	SF	\$30.00	84.0	\$2,520.00
26	AGGREGATE BASE COURSE	6085	SY	\$6.05	6085.0	\$36,814.25
CHANGE ORDER ITEMS						
	DRILL DOWEL BARS	0	EA	\$15.00	48.0	\$720.00
	MAILBOX R&R	0	EA	\$110.00	15.0	\$1,650.00
	ADJUST MH FRAME AND COVER	0	EA	\$400.00	4.0	\$1,600.00
TOTAL						\$442,235.50
GRAND TOTAL						\$442,235.50
LESS RETAINED 0%						\$0.00
NET TOTAL						\$442,235.50
LESS PAYMENTS AUTHORIZED						\$436,945.51
AMOUNT DUE CONTRACTOR THIS ESTIMATE						\$5,289.99

CERTIFICATION OF CONTRACTOR

I HEREBY CERTIFY THAT THE WORK PERFORMED AND THE MATERIALS SUPPLIED TO DATE AS SHOWN ON THIS PERIODIC COST ESTIMATE, REPRESENT THE ACTUAL VALUE OF ACCOMPLISHMENT UNDER THE TERMS OF THIS CONTRACT IN CONFORMITY WITH APPROVED PLANS AND SPECIFICATION; THAT THE QUANTITIES SHOWN WERE PROPERLY DETERMINED AND ARE CORRECT; AND THAT THERE HAS BEEN FULL COMPLIANCE WITH ALL LABOR PROVISION INCLUDED IN THE CONTRACT IDENTIFIED ABOVE.

MC By John Jan DATE 9-20-22
CONTRACTOR SIGNATURE

ACKNOWLEDGEMENT AND CONCURRENCE OF ENGINEER

I HAVE EXAMINED THIS PERIODIC COST ESTIMATE AND CONCUR IN THE CERTIFICATE OF THE CONTRACTOR.

Bradley Moore DATE 9-21-22
ENGINEER'S SIGNATURE

CITY OF YANKTON
CHANGE ORDER #1

CONTRACTOR: **Masonry Components**
 PROJECT NO. 2021-013
 DESCRIPTION: Whiting Dr. 13th to Ferdig

THE FOLLOWING CHANGES ARE HEREBY MADE TO THE CONTRACT DOCUMENTS

ITEM	ORIGINAL	FINAL QUANTITY	CHANGE IN QUANTITIES	PRICE	TOTAL
2. SAW EXISTING CONCRETE (LF)	375	300	-75	\$10.00	(\$750.00)
3. SAW EXISTING ASPHALT (LF)	150	130	-20	\$4.00	(\$80.00)
4. REMOVAL OF CONCRETE (SY)	5450	5472	22	\$4.75	\$104.50
5. REMOVAL OF ASPHALT (SY)	165	160	-5	\$4.00	(\$20.00)
8. UNDERCUTTING (CY)	150	20	-130	\$25.00	(\$3,250.00)
9. WATER FOR EMBK. OR GRAN. MATRL.(KGAL)	30	0	-30	\$20.00	(\$600.00)
12. VEHICLE TRACKING (EA)	2	0	-2	\$500.00	(\$1,000.00)
13. INLET SEDIMENT CONTROL (EA)	10	0	-10	\$200.00	(\$2,000.00)
14. SILT FENCE (LF)	50	30	-20	\$10.00	(\$200.00)
15. GEOTEXTILE FABRIC (SY)	2000	0	-2000	\$4.15	(\$8,300.00)
16. REPALCE AND ADJUST MH AND CONVER(EA)	2	0	-2	\$650.00	(\$1,300.00)
17. TRAFFIC CONTROL (UNITS)	1422	1362	-60	\$1.40	(\$84.00)
19. 8" PCCP	5025	5032	7	\$46.00	\$322.00
20. 8" FILLET SECTION (SF)	1649	1661	12	\$8.50	\$102.00
21. CONCRETE C&G (LF)	2107	2129	22	\$18.00	\$396.00
22. 8" VALLEY GUTTER (SF)	336	345	9	\$7.00	\$63.00
23. 6" APPROACH PVMT. (SF)	2411	2247	-164	\$5.00	(\$820.00)
24. 6" SIDEWALK (SF)	1225	1278	53	\$5.00	\$265.00
DRILL DOWEL BARS (EA)	0	48	48	\$15.00	\$720.00
MAILBOXES R&R (EA)	0	15	15	\$110.00	\$1,650.00
ADJUST MH FRAME AND COVER(EA)	0	4	4	\$400.00	\$1,600.00

TOTALS FOR CHANGE ORDER #1 **(\$13,181.50)**

ORIGINAL CONTRACT AMOUNT: 455,417.00
 THE CONTRACT AMOUNT DUE TO THIS CHANGE ORDER WILL BE INCREASED/ DECREASED BY: (13,181.50)

THE NEW CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER WILL BE: **442,235.50**

ORIGINAL COMPLETION DATE:
 ADJUSTED COMPLETION DATE NA

APPROVALS REQUIRED:
 ACCEPTED BY: 
 CONTRACTOR

ORDERED BY: _____
 CITY OF YANKTON

Memorandum #22-174

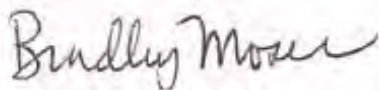
To: Amy Leon, City Manager
From: Bradley Moser, Civil Engineer
Subject: Change Order Number 1, Final Project Acceptance and Final Payment for the 21st Street, West City Limits Road (WCLR) and Summit Street Pavement Replacement Projects
Date: September 20, 2022

This project combined three pavement replacement locations into one bid package. The three locations, 21st Street, Summit Street and West City Limits Road are completed and are ready to be accepted.

The attached Change Order No. 1 provides for a change in quantities, which results in a net increase of \$11,650.16. This adjusted the construction cost from \$1,011,689.58 to \$1,023,339.74. The majority of the increase was due to the additional concrete replacement that was a result of sewer main replacement completed simultaneously with this project. Since the project was completed well in advance of the contract deadline, there were no liquidated damages assessed.

City staff has reviewed the project, the change order and the final pay request. We recommend that Change Order No. 1 be approved, that the project be accepted and that the City Finance Officer be authorized to issue a manual check in the amount of \$22,518.83, to Masonry Components, Inc., based on the attached final pay request.

Respectfully submitted,



Bradley Moser
Civil Engineer

Recommendation: It is recommended that the City Commission approve Change Order No. 1, accept the completed reconstruction on 21st Street, WCLR & Summit Street and authorize the Finance Officer to issue a manual check to Masonry Components, Inc., in the amount of \$22,518.83, as detailed in Memorandum #22-174.

I concur with this recommendation.
 I do not concur with this recommendation.



 Amy Leon, City Manager

cc: Adam Haberman (electronic)
file

_____ Roll call

CITY OF YANKTON PROGRESS ESTIMATE

CONTRACTOR: **MASONRY COMPONETS**
 PROJECT NO: 2022-010
 DESCRIPTION: 21ST, SUMMIT AND WCLR

PROGRESS EST. NO: #4th and Final
 PERIOD: 8-19-22 TO 9-16-22

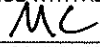
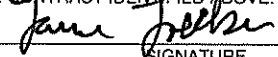
DATE OF CONTRACT: 4-19-22	CONTRACT PERIOD: COMPLETION BY 9-16-22	PREVIOUS PAYMENTS AUTHORIZED:
AMOUNT OF CONTRACT AS AWARDED: \$1,011,689.58	% OF TIME USED: 85%	EST. PAYMENTS AUTH.
CHANGE ORDERS:	% COMPLETED: 100%	#1 \$149,664.02
#1 \$11,650.16		#2 \$670,388.32
#2		#3 \$180,768.57
#3		#4

TOTAL CHANGE ORDERS: \$11,650.16	TOTAL PREVIOUS PAYMENTS AUTHORIZED	\$1,000,820.91
TOTAL AMENDED CONTRACT AMOUNT: \$1,023,339.74		

BID ITEM	DESCRIPTION	BID QUANTITY	UNIT	UNIT PRICE	QUANTITY COMPLETED	TOTAL AMOUNT
	REMOVALS AND GRADING					
1	MOBILIZATION	1	LS	\$46,417.66	1.0	\$46,417.66
2	SAW EXISTING CONCRETE	350	LF	\$12.00	228.0	\$2,736.00
3	SAW EXISTING ASPHALT	115	LF	\$5.00	120.0	\$600.00
4	REMOVAL OF CONCRETE	352	SY	\$7.70	451.0	\$3,472.70
5	REMOVAL OF ASPHALT	16581	SY	\$3.58	16707.0	\$59,811.06
6	REMOVAL OF CURB AND GUTTER	370	LF	\$5.50	497.0	\$2,733.50
7	UNCLASSIFIED EXCAVATION	1	LS	\$30,360.00	1.0	\$30,360.00
8	UNDERCUTTING	200	CY	\$15.40	0.0	\$0.00
9	TOPSOIL	1	LS	\$550.00	1.0	\$550.00
10	WATER FOR EMBK. OR GRANULAR MATERIAL	25	K GAL	\$40.00	30.0	\$1,200.00
	EROSION CONTROL					
11	SEEDING	1	LS	\$2,200.00	1.00	\$2,200.00
12	VEHICLE TRACKING CONTROL	3	EA	\$550.00	0.0	\$0.00
13	INLET SEDIMENT CONTROL	13	EA	\$93.50	15.0	\$1,402.50
14	SILT FENCE	120	LF	\$5.50	0.0	\$0.00
15	GEOTEXTILE FABRIC	400	SY	\$4.40	0.0	\$0.00
	TRAFFIC CONTROL					
16	TRAFFIC CONTROL	2432	UNITS	\$0.55	2417.0	\$1,329.35
17	TRAFFIC CONTROL MISC.	1	LS	\$4,928.00	1.0	\$4,928.00
	SURFACING					
18	6" PCC PAVEMENT	14820	SY	\$42.00	14905.0	\$626,010.00
19	8" PCC PAVEMENT	1746	SY	\$51.00	1747.0	\$89,097.00
20	4" SIDEWALK	292	SF	\$8.00	945.0	\$7,560.00
21	6" SIDEWALK	929	SF	\$8.00	701.0	\$5,608.00
22	6" CONCRETE FILLET SECTION	985	SF	\$11.00	1141.0	\$12,551.00
23	CONCRETE C & G TYPE B66	370	LF	\$25.00	497.0	\$12,425.00
24	6" APPROACH PAVEMENT	398	SF	\$8.00	747.0	\$5,976.00
25	6" AGGREGATE BASE COURSE	12296	SY	\$5.39	12423.0	\$66,959.97
26	INSERT STEEL BARS	2036	EA	\$12.00	2086	\$25,032.00
27	DETECTABLE WARNING PANELS	72	SF	\$50.00	80	\$4,000.00
28	6" VALLEY GUTTER	980	SF	\$9.00	970	\$8,730.00
	CHANGE ORDER ITEM					
	LANDSCAPE ROCK	0	LS	\$1,650.00	1	\$1,650.00
TOTAL						\$1,023,339.74
GRAND TOTAL						\$1,023,339.74
LESS RETAINED 0%						\$0.00
NET TOTAL						\$1,023,339.74
LESS PAYMENTS AUTHORIZED						\$1,000,820.91
AMOUNT DUE						
CONTRACTOR THIS ESTIMATE						\$22,518.83


CERTIFICATION OF CONTRACTOR

I HEREBY CERTIFY THAT THE WORK PERFORMED AND THE MATERIALS SUPPLIED TO DATE AS SHOWN ON THIS PERIODIC COST ESTIMATE, REPRESENT THE ACTUAL VALUE OF ACCOMPLISHMENT UNDER THE TERMS OF THIS CONTRACT IN CONFORMITY WITH APPROVED PLANS AND SPECIFICATION; THAT THE QUANTITIES SHOWN WERE PROPERLY DETERMINED AND ARE CORRECT; AND THAT THERE HAS BEEN FULL COMPLIANCE WITH ALL LABOR PROVISION INCLUDED IN THE CONTRACT IDENTIFIED ABOVE.

 By  DATE 9-20-22
 CONTRACTOR SIGNATURE

ACKNOWLEDGEMENT AND CONCURRENCE OF ENGINEER

I HAVE EXAMINED THIS PERIODIC COST ESTIMATE AND CONCUR IN THE CERTIFICATE OF THE CONTRACTOR.

 DATE 9-21-22
 ENGINEER'S SIGNATURE

CITY OF YANKTON
CHANGE ORDER #1

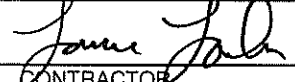
CONTRACTOR: **Masonry Components**
 PROJECT NO. 2022-010
 DESCRIPTION: 21ST, SUMMIT, AND WCLR

THE FOLLOWING CHANGES ARE HEREBY MADE TO THE CONTRACT DOCUMENTS

ITEM	ORIGINAL	FINAL QUANTITY	CHANGE IN QUANTITIES	PRICE	TOTAL
2. SAW EXISTING CONCRETE (LF)	350	228	-122	\$12.00	(\$1,464.00)
3. SAW EXISTING ASPHALT (LF)	115	120	5	\$5.00	\$25.00
4. REMOVAL OF CONCRETE (SY)	352	451	99	\$7.70	\$762.30
5. REMOVAL OF ASPHALT (SY)	16581	16707	126	\$3.58	\$451.08
6. REMOVAL OF C&G (LF)	370	497	127	\$5.50	\$698.50
8. UNDERCUTTING (CY)	200	0	-200	\$15.40	(\$3,080.00)
9. WATER FOR EMBK. OR GRAN. MATRL.(KGAL)	25	30	5	\$40.00	\$200.00
12. VEHICLE TRACKING (EA)	3	0	-3	\$550.00	(\$1,650.00)
13. INLET SEDIMENT CONTROL (EA)	13	15	2	\$93.50	\$187.00
14. SILT FENCE (LF)	120	0	-120	\$5.50	(\$660.00)
15. GEOTEXTILE FABRIC (SY)	400	0	-400	\$4.40	(\$1,760.00)
17. TRAFFIC CONTROL (UNITS)	2432	2417	-15	\$0.55	(\$8.25)
19. 6" PCCP (SY)	14820	14905	85	\$42.00	\$3,570.00
20. 8" PCCP (SY)	1746	1747	1	\$51.00	\$51.00
21. 4" SIDEWALK (SF)	292	945	653	\$8.00	\$5,224.00
22. 6" SIDEWALK (SF)	929	701	-228	\$8.00	(\$1,824.00)
23. 6" CONC. FILLET (SF)	985	1141	156	\$11.00	\$1,716.00
24. CONC. C&G (LF)	370	497	127	\$25.00	\$3,175.00
24. 6" APPROACH PVMT.	398	747	349	\$8.00	\$2,792.00
25. AGG BASE COURSE (SY)	12296	12423	127	\$5.39	\$684.53
26. INSERT STEEL BARS (EA)	2036	2086	50	\$12.00	\$600.00
27. DETECTABLE WARNING PANEL (SF)	72	80	8	\$50.00	\$400.00
28. 6" VALLEY GUTTER (SF)	980	970	-10	\$9.00	(\$90.00)
LANDSCAPE ROCK (LS)	0	1	1	\$1,650.00	\$1,650.00
TOTALS FOR CHANGE ORDER #1					\$11,650.16

ORIGINAL CONTRACT AMOUNT: 1,011,689.58
 THE CONTRACT AMOUNT DUE TO THIS CHANGE ORDER WILL BE INCREASED/ DECREASED BY: 11,650.16
 THE NEW CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER WILL BE: 1,023,339.74

ORIGINAL COMPLETION DATE:
 ADJUSTED COMPLETION DATE NA

APPROVALS REQUIRED:
 ACCEPTED BY: 
 CONTRACTOR

ORDERED BY: _____
 CITY OF YANKTON

Memorandum #22-168

To: Amy Leon, City Manager
From: Corey Potts, Public Works Manager
Subject: Cold Applied Plastic Pavement Marking Installation Project Acceptance
Date: September 19, 2022

The following is a change order and final acceptance with payment request for the 2022 Cold Applied Plastic Pavement Marking Installation Project. All the work for this project is complete and meets the requirements of the specifications. City staff has inspected the project and is recommending payment with one change order to Dakota Traffic Services LLC., of Tea, South Dakota in the amount of \$57,733.20.

Below is a summary of one (1) change order and final payment.

Original Contract Sum:	\$57,560.00
Schedule II Change Order:	\$173.20
Payment Due:	\$57,733.20

Change Order #1: Increase \$173.20 per actual field measurement quantities.

With the above Change Order, the project came in \$173.20 above the original contract sum of \$57,560.00. The amount to be paid to Dakota Traffic Services, LLC is \$57,733.20.

City Staff recommends that the City Commission approve Memorandum #22-168 to accept the project authorizing the Finance Officer to issue a manual check in the amount of \$57,733.20 to Dakota Traffic Services LLC, of Tea, South Dakota.

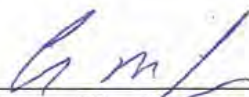
Respectfully submitted,



Corey Potts
Public Works Manager

Recommendation: It is recommended that the City Commission approve Change Order #1, accept the project and authorize the final payment request for the 2022 Cold Applied Plastic Pavement Marking Installation Project and directing the Finance Officer to issue a manual check for \$57,733.20 to Dakota Traffic Services, LLC of Tea, South Dakota.

I concur with this recommendation.
 I do not concur with this recommendation.



Amy Leon, City Manager

____ Roll call

Memorandum #22-173

TO: Mayor and City Commissioners
FROM: Amy Leon, City Manager
RE: Yankton Swim Team Request
DATE: September 20, 2022

The Yankton Swim Team would like to request a reimbursement for the rental fee of the Adventure Pool at the Huether Family Aquatics Center in the amount of \$1,500.00 from the BBB. The Yankton Swim Team rented the facility for the South Dakota Long Course B Championship Meet.

We have not billed the swim team yet so this would technically not be a reimbursement but rather a waiving of the fee. Additionally, we did place an ad in the Swim Team's promotional material for the Huether Family Aquatics Center which was a \$275.00 add fee trade so the amount to be waived would be \$1,225,00.

The swim meet hosted teams from all over South Dakota with a total of 258 participants. The Swim Team believes this request meets the intent of promoting Yankton and its businesses.

The attached letter provides more information regarding the request.

Operations were altered to accommodate the Swim Meet during the weekend. While we did experience meet attendees purchase day passes for the family area (slides, lazy river, play structure) revenue for the weekend of the swim meet was less then average of a regular in season weekend.

Recommendation: It is recommended that the City Commission discuss the request and make a motion to approve, deny, or table the request.



Yankton Swim Team

August 22, 2022

416 Walnut St
Yankton, SD 57078

Dear Amy Leon:

We are writing on behalf of the Yankton Swim Team in regards to the 2022 South Dakota Long Course B Championship Meet that was held in Yankton, at the Huether Family Aquatics Center, on July 15th thru July 17th, 2022. The swim team is seeking a reimbursement for the rental fee of the Adventure Pool at the cost \$1,500. We are requesting this reimbursement come from the City of Yankton's Bed, Board and Booze (BBB) Fund. As you may know this fund is specifically used for the promotion of events and economic development that drives increased hotel stays and restaurant usage for the City of Yankton. We were made aware of this fund by hearing of a similar request that had previously made by the bowling alley for the state bowling tournament.

As this was a State Swim Meet, we feel this request meets the goal of what the BBB Fund seeks to promote. During this three-day swim meet, there were sixteen swim teams from all over the state of South Dakota that participated for a total of 258 swimmers. This count does not include swimmers' family and/or spectators who attended the event as well. As a result of this, we feel the city benefited through the sale of hotel stays for the weekend and extra business was being pushed to local restaurants and businesses throughout the weekend by the visiting swim teams and spectators. Based on this information, we feel that our request meets the desired goals of the BBB Fund and we hope the commission will grant our request.

Thank you for your time and consideration on this matter. We look forward to hearing from you in regards to your decision on this matter.

Sincerely,

Melissa Wright, Co-President Yankton Swim Team

Kelli Fink, Co-President Yankton Swim Team

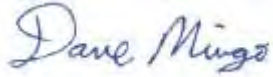
Memorandum #22-169

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Addition to the Business Improvement District #1
Date: September 16, 2022

At their meeting on June 17, 2022, the Yankton Business Improvement District #1 Board of Directors made a recommendation, per Ordinance #953, to add the new 72-unit Fairfield Inn and Suites located at 508 W. 21st Street to the district. It is anticipated that the facility will be open prior to the end of the year. Collection of the two dollar per night occupancy tax will begin immediately upon opening.

Approval of Resolution #22-42 would add the new hotel to the district.

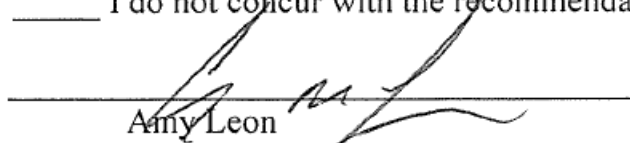
Respectfully submitted,



Dave Mingo, AICP
Community Development Director

Recommendation: It is recommended that the City Commission approve Resolution #22-42 per the Business Improvement District #1 Board of Director's recommendation.

I concur with the recommendation.
 I do not concur with the recommendation.



Amy Leon
City Manager

____ Roll Call

RESOLUTION #22-42

WHEREAS Ordinance #953, adopted and effective as of January 28, 2013, established “Appendix B – Business improvement District #1” of the City Code of Ordinances; and

WHEREAS Section 4 of Appendix B established the boundaries of the District as the corporate limits of the City of Yankton:

Sec. 4. Boundaries of District. Pursuant to SDCL 9-55-4, the boundaries of “the District” are the corporate limits of the City of Yankton. The businesses subject to the “Occupational Tax” are the following “business owners,” all of which operate their businesses within the established non-contiguous business areas with common zoning designations and which are located within the corporate limits of the City of Yankton:

	<u>Property</u>	<u>Rooms</u>	<u>Address</u>
a.	Best Western Kelly Inn	121	1607 E. Hwy 50
b.	Broadway Inn	37	1201 Broadway Ave
c.	Day’s Inn	46	2410 Broadway Ave.
d.	Holiday Inn Express	58	2607 Broadway Ave.
e.	Super 8 Motel	59	1603 E. Highway 50

Prior addition by resolution:

Econo Lodge (now the Comfort Inn) 59 rooms 611 W. 23rd St.

WHEREAS Section 6 of Appendix B allows for new properties in the district to be included by resolution per SDCL:

Sec. 6 New Properties in the District. Business Improvement District #1 may be expanded by resolution per SDCL to also include all hotel, motel and lodging establishments with 25 rooms or more which are constructed after the creation of the District.

NOW THEREFORE, BE IT RESOLVED that the new Fairfield Inn and Suites, with 72 rooms, located at 508 W. 21st Street, shall be included in Business Improvement District #1 upon receiving a completed “Certificate of Occupancy” from the City of Yankton.

Adopted:

Stephanie Moser, Mayor

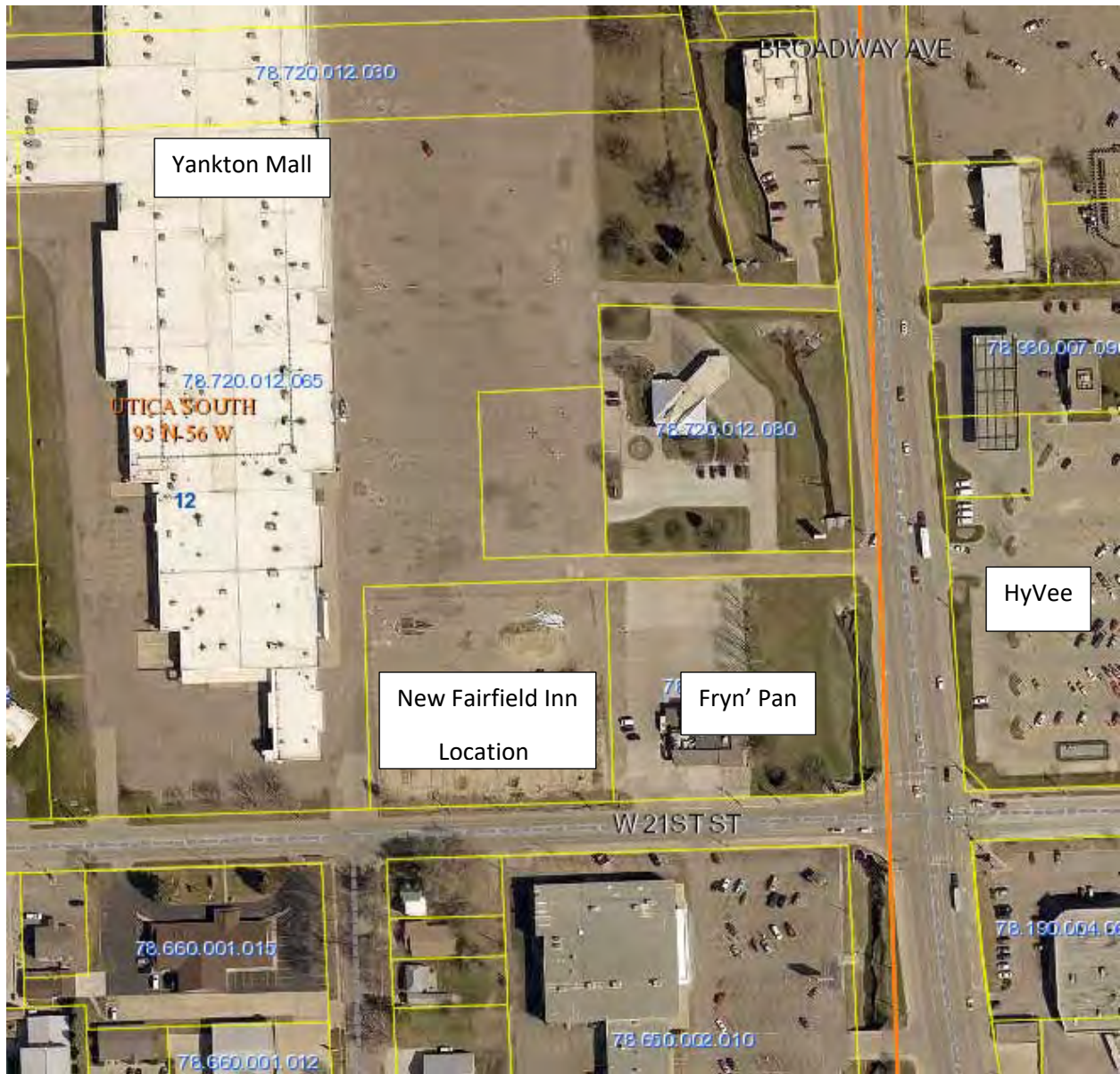
ATTEST

Al Viereck, Finance Officer

New Hotel Location Map

Addition to the Yankton Business Improvement District #1

North



***Introduction, First Reading and Establish
the Date for a Public Hearing***

Memorandum #22-171

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Proposed Rezoning, Ordinance #1065
Date: September 16, 2022

PROPOSED REZONING

ACTION NUMBER: 22-32

E.T.J. MEMBER ACTION REQUIRED: No

APPLICANT / OWNER: List Construction, owner.

ADDRESS / LOCATION: 2000 Summit Street.

REZONING REQUEST & PROPERTY DESCRIPTION:

From an existing zoning of I-1 Industrial to B-2 Highway Business, Lot 2 except the North 247.14' of the West 360.15' in the SW 1/4 of the NE 1/4 of Section 12, T93N, R56W of the 5th P.M., City of Yankton, Yankton County, South Dakota as identified on the associated Rezoning Location Map.

PREVIOUS ACTION: None.

COMMENTS: This is an owner petitioned rezoning request which means the owner circulated a petition and acquired enough signatures to bring the request to the city for consideration. The owner is requesting the rezoning because they want to develop a commercial / light industrial subdivision that does not allow exterior industrial occupancies and could contain some residential components (on site sleeping quarters).

As can be noted on the associated map, the land is in an area bounded by industrial and highway business zoning districts. As such, it is adjacent to either type of district so it is not considered a spot zone request which is something that could cause problems. The proposed change from the current I-1 zone to the proposed B-2 zone will reduce the impact of possible future occupancies, both on the site and on the adjacent sites. The B-2 zone does not allow the outdoor storage of materials associated with manufacturing and other higher intensity uses. The proposed B-2 zone is also a better fit with the proximity of school and city uses to the west.

Staff has been contacted by an adjacent property owner after mailing notices and the required publication. They were in favor of the proposal.

Our access management policies will limit the number of Summit Street access points. The owner is currently only planning two.

Staff recommends approval of the proposed rezoning.

HEARING SCHEDULE:

August 8, 2022	The Planning Commission established September 12, 2022, as the date for a public hearing.
September 12, 2022	The Planning Commission conducts a public hearing to consider the issue. All appropriate notices were published, and letters sent out.
September 26, 2022	The City Commission establishes October 10, 2022 as the date for a public hearing.
October 10, 2022	The City Commission holds a public hearing to consider the issue. All appropriate notices will have been published and mailed. A super majority (6-3) vote of the City Commission cannot be protested out by the neighborhood. A simple majority (5-4) could be.
October 21, 2022	Estimated date the City Commission action is published in the newspaper.
November 10, 2022	Estimated date the City Commission action is effective.

Planning Commission results: The Planning Commission recommended approval of the proposed rezoning.

ORDINANCE NO. 1065

AN ORDINANCE TO REZONE PROPERTY DESCRIBED HEREIN

BE IT ORDAINED, BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF YANKTON, SOUTH DAKOTA THAT THE FOLLOWING DESCRIBED PROPERTY HAS BEEN REZONED:

Section 1.

From an existing zoning of I-1 Industrial to B-2 Highway Business, Lot 2 except the North 247.14' of the West 360.15' in the SW 1/4 of the NE 1/4 of Section 12, T93N, R56W of the 5th P.M., City of Yankton, Yankton County, South Dakota.

As depicted on the associated map.

Section 2. Saving Clause.

Should any section, clause, or provision of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 3. Effective Clause.

This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

Adopted:

1st Reading:

2nd Reading:

Publication Date:

Effective Date:

Stephanie Moser, Mayor

ATTEST:

Al Viereck, Finance Officer



City of Yankton

Rezone From I-1 Industrial to B-2 Highway Business

Lot 2 except the N 247.14' of the W 360.15' thereof, in the SW1/4 of the NE1/4 of Section 12, T93N, R56W of the 5th PM, City of Yankton, Yankton County, South Dakota.

Aug.

City of Yankton, SD

Re: **Rezoning of Property in the City of Yankton**

Dear Commission Members:

This letter is a formal request for the City Planning Commission and City Commission to take action that will change the zoning of the following described property:

Address / Location: 2000 Summit Street, Yankton, South Dakota.

Legal Description: From an existing zoning of I-1 Industrial to B-2 Highway Business, Lot 2 except the North 247.14' of the West 360.15' in the SW 1/4 of the NE 1/4 of Section 12, T93N, R56W of the 5th P.M., City of Yankton, Yankton County, South Dakota as depicted on the associated map.

The reason for the zoning change is: To allow a mix if commercial and light industrial uses with the possibility of having sleeping quarters.

Thank you for your consideration.

Dated this 28 day of July, 2022



Signature Jason List
List Construction
222 Capital Street
Yankton, SD 57078

**ZONING ORDINANCE NO. 711 SECTION XIII
REZONING**

Prior to the introduction of any ordinance proposing changes in the Zoning Ordinance there shall first be filed with the City Finance Officer the written consent of forty (40) percent of the owners of equity in the lots included in any proposed district and the lands within two hundred and fifty feet (250) from any part of such proposed district measured by excluding streets and alleys. A corporation shall be construed to be a sole owner. When parcels of land are in the name of more than one person, ownership representation shall be in proportion to the number of signers who join in the petition in relation to the number of owners.

Proposed changes introduced by the City of Yankton, a municipal corporation and properties within one year after annexation shall be exempt from the provisions of this Section.

A fee of one hundred fifty dollars, (\$150), is required for processing this rezoning request. If it is a second request for the same property in less than twelve (12) months, the fee is three hundred dollars (\$300).

City Receipt Account Number 101.3231

Memorandum #22-172

TO: Mayor and City Commissioners

**FROM: Ross DenHerder, City Attorney
Amy Leon, City Manager**

RE: Commission Dashboard

DATE: September 22, 2022

City Attorney DenHerder will be leading the discussion. The City Commission will have the opportunity to discuss these items with the City Manager and City Attorney and ask any questions. This will also be a good time to remind the public of our procedures and how the City Manager form of government works.

There is no action at this time.

_____ No action

DASHBOARD FOR YANKTON BOARD OF CITY COMMISSIONERS¹

1. As a general rule, you should communicate with your constituents and other interested persons prior to taking “official action.” However, **do not** talk with a constituent (without first consulting the City Manager or City Attorney) or *personally investigate*, if you know that the conversation will concern an upcoming quasi-judicial or adjudicatory matter, such as:

- a. conditional use permit,
- b. variance application,
- c. petition to vacate a right of way,
- d. license applications, i.e. alcohol, dance, peddlers, mobile homes, taxicab, etc.
- e. resolution of necessity on a special assessment,
- f. award of a bid to a particular contractor or vendor, or
- g. tax abatement.

Although *ex parte* communication or independent site inspection or investigations are not permissible, sometimes they do occur (through lack of care or even a well-intended desire to be helpful to constituents). If a Commissioner has engaged in *ex parte* communications (written or verbal), made any site visits, or conducted any investigations prior to the hearing, the Commissioner must disclose such *ex parte* communications, site visits, or investigations prior to or at the start of the hearing. Specifically, (i) with respect to *ex parte* communications, the Commissioner shall disclose the subject of the communication and the identity of the person or group with whom the communication took place. If the communication was in writing, a copy of the written communication shall be given to City staff and shall be made a part of the hearing record and shared with the entire Commission at the hearing, and (ii) with respect to site visits and other investigations, the commissioner shall disclose the fact of such visits and investigations, and the Commissioner should abstain from the vote in order to protect the integrity of the vote if the matter is appealed to the Court.

(**Note:** City staffs reports which are included in the Commission’s agenda package are not considered *ex parte* communication).

2. As a general rule, the public may get copies of “public records” (which is in all formats, including digital) *and* copy them. However, **do not** disclose these records without consulting with the City Manager or City Attorney:

- a. Employee medical records, personnel information (other than directories, salaries and employee contracts), and employment applications with attachments (except those of executives or policy makers),
- b. Attorney-Client communications and attorney work product,
- c. Confidential criminal justice information (other than date, time and general location and subject matter of police call), except perhaps BAC reports and 911 tapes,

¹ If you are uncertain, contact the City Attorney in all cases.

- d. Appraisals or negotiation records to purchase or to sell property,
- e. Civil defense plans (in some instances),
- f. Private account payment information (such as credit information, social security numbers, driver's license numbers, and other identifying information),
- g. Library records (which reveal a patron's reading materials),
- h. "Correspondence, memoranda, calendars or logs of appointments, working papers, and records of telephone calls" and "notes, calendars or appointment logs, or other personal records or documents" of any "public officials or employees,"
- i. Any information that, if released, could endanger the life of safety or any person,
- j. "Financial, commercial and proprietary information," which is part of economic development, and
- k. records that could impair pending contract awards or collective bargaining negotiations.

3. In addition, do not reveal:

- a. Any comments communicated to or from your attorney (and you may request an opinion individually or as a group), or
- b. Any comments made to and from other commissioners when made in executive session.

4. The public has a right to attend every "official meeting" of the City Commission. When is there an "official meeting"?

- a. Proper notice of the meeting has been given to the media/public,
- b. a quorum of the Board is present, and
- c. there is (an intent) to deliberate and/or a vote upon matters of public concern.

NOTE: Do not deliberate or vote when a quorum is present (in person, digitally (such as e-mail) or through social media (such as Facebook)) unless proper notice has been given to the media. However, you may passively receive information, such as an email from the City Manager. **Do not** reply to the City Manager's (or another City Commissioner's) email by way of a group reply (or "reply all"). If such a group reply is created, then the email should be printed and distributed to local media.

5. An executive session is legal if:

- a. there is a motion identifying the purpose for the "closure motion," a second, and a majority vote of those present vote to enter executive session;
- b. the purpose of the deliberation in executive session is one of the following:
 - (i) **(Personnel matters)** Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee.

- (ii) **(Legal Consultations)** Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;
 - (iii) **(Contractual Matters)** Preparing for contract negotiations or negotiating with employees or employee representatives;
 - (iv) **(Business Matters)** Discussing marketing or pricing strategies by the Commission of a business owned by the City when public discussion may be harmful to the competitive position of the business; or
 - (v) **(Protection of People/Property)** Discussing information pertaining to the protection of public or private property and any person on or within public or private property specific to:
 1. Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;
 2. Emergency management or response;
 3. Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed.
- c. **do not** deliberate during the session on a topic not disclosed to the public, and
- d. **do not** vote in executive session.

Note: some information may only be shared with you in executive session to preserve the confidentiality of such information (i.e. attorney-client privilege, etc.).

6. The public **cannot** attend a legal executive session. Who may attend an executive session?

- a. The City Manager has a right to attend and to participate in all executive sessions, unless the topic is removal of the City Manager. SDCL 9-10-15(7).
- b. The City Attorney and City Finance Officer may attend an executive session at the discretion of the Board.
- c. Any other city employee may attend an executive session at the discretion of the Board.

7. As a general rule, you should participate in the deliberation at a meeting and then vote on every item. However, you **do not** debate *or* vote when

- a. there is not a quorum present (at least 5 commissioners),
- b. there is improper public notice of the *meeting* given,
- c. there is improper public notice of the *item* in question given,
- d. You have a conflict of interest or your vote would present the appearance of bias or conflict of interest as follows:

- a. If you have a direct pecuniary interest in the matter before the governing body benefitting your own property or affording a direct financial gain; or
- b. If at least two-thirds of the governing body votes that you have an identifiable conflict of interest that should prohibit you from voting on a specific matter; or
- c. In quasi-judicial matters, you should not vote if any of the following are present:
 - (a) An *indirect pecuniary interest* that financially benefits one closely tied to you, such as a spouse, employer, or family member;
 - (b) A *direct personal interest* that benefits you, or a blood relative or close friend in a non-financial way, but a matter of great importance, as in the case of a commissioner's mother being in the nursing home subject to a zoning issue before the board; and
 - (c) An *indirect personal interest* in which an individual's judgment may be affected because of membership in some organization and a desire to help the organization to further its policies.
- d. In rule-making or "legislative" matters (non-quasi-judicial matters) you should not vote if you have (or there is reasonable or objective evidence that you have) an unalterably closed mind on matters critical to the disposition of the matter or issue upon which you are voting.

8. As a general rule, you may talk with your fellow Commissioners about any topic outside of a meeting. However, do not:

- a. Talk about City business if you see that there is a quorum present.
- b. Agree to swap votes.
- c. Indicate that your vote is unchangeable. This should only occur after deliberation has occurred at a public meeting.

9. Social Media Guidelines – Here is some practical guidance in your use of social media to keep you from violating the rules mentioned above:

- a. Refrain from posting on each other's social media pages (e.g. Facebook, Instagram, Linked-In, or similar social media sites);
- b. Do not post confidential information or information discussed in executive session;
- c. Utilize a disclaimer that you speak for yourself when posting on matters of public interest;
- d. Politely rebuff comments and lobbying efforts of any type regarding quasi-judicial issues;
- e. Consider abstaining from voting on any quasi-judicial issue involving those who are Facebook "Friends" and/or consider utilizing separate public and private pages.

- 10.** The duties of the City Manager are the following:
- a. To enforce all City ordinances;
 - b. To supervise the administration of City affairs;
 - c. To prepare the agenda for the Body (in conjunction with the finance officer);
 - d. To make recommendations to the Body concerning City affairs;
 - e. To appraise the Body of the City's finances;
 - f. To submit an annual budget prior to August 1st of each year;
 - g. To perform and to enforce the terms of all contracts and franchises of which the City is a party;
 - h. To sign all warrants (legally approved by the Body) for the payment of money – all contracts over \$200.00 (except for necessities) must be approved by the Body;
 - i. To prepare, to introduce, and to discuss all ordinances and resolutions; and
 - j. To appoint and to remove all officers and employees, or to do the same through delegation to a department head. SDCL 9-10-13.

- 11.** The duties of each Commissioner, individually or as a body, are the following:
- a. To review issues presented by the City Manager;
 - b. To consider public input, with the limitations set forth herein;
 - c. To vote on all issues, with the limitations set forth herein;
 - d. To appoint and remove City Manager, Finance Officer, City Attorney, and members of the Library Board of Trustees. SDCL 9-10-9; and
 - e. If necessary, to inquire of City employees, (due to the restrictions of SDCL 9-10-16, “inquiry” is best limited to perfunctory questions of a factual nature);

NOTE: Commissioners are not permitted to give orders to any subordinate of the City Manager – a violation is a class 2 misdemeanor. Conviction also results in removal from office. SDCL 9-10-16.

- 12.** The additional duties of the Mayor in our Commissioner/City Manager form of government are the following:

- a. To preside over the commission. SDCL 9-10-7;
- b. To receive service of process in litigation;
- c. Be the head of the City for military and ceremonial purposes; and
- d. In times of “public danger or emergency,” the mayor may:
 - a. Take command of the police;

- b. Appoint additional police;
- c. Govern by proclamation;
- d. Call on adults to aid in the enforcement of laws; and
- e. Call out any “organized militia within the county” to suppress any riots or other disorderly conduct. SDCL 9-29-17.

***Zoning Board of Adjustment Introduction, First Reading
and
Establish the Date for a Public Hearing***

Memorandum #22-170

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Establish October 10, 2022 as the Hearing Date for Zoning Board of Adjustment Action on Planning Commission Action Number 22-34.
Date: September 16, 2022

REQUEST FOR VARIANCE TO ZONING REGULATIONS

ACTION NUMBER: 22-34

E.T.J. MEMBER ACTION REQUIRED: No

APPLICANT / OWNER: Gary Johnson and Christine Munson.

ADDRESS / LOCATION: 507 - 509 Douglas Avenue.

PROPERTY DESCRIPTION: North 32 feet of Lot 12 and all of Lot 13, Block 50 of Todd's Addition to the City of Yankton, South Dakota.

ZONING DISTRICT: R-4 Multiple Family Residential.

VARIANCE REQUEST: The proposed building addition would further exceed the 35 percent maximum lot coverage requirement in the referenced zoning district. If permitted, structures would occupy 38.7 percent of the property.

PREVIOUS ACTION: A previous owner of the property was granted a variance from the 35 percent maximum lot coverage requirements in 1981. That variance permitted the property to have 36.3 percent coverage.

COMMENTS: The provisions of the applicable ordinances make the requirements for lot coverage very clear. Structures can only cover 35 percent of a parcel in the applicable zoning district.

In the past when the city has considered issues like this, we have discussed whether we should change the ordinance for all like zoned property in the city rather than granting a special privilege for one property owner. There are several instances in the past, like with rear yard decks or corner lot rear yard setbacks, when the Planning Commission and

____ Introduce

City Commission have amended the ordinance as it applies to all rather than granting variances for individual property owners. Staff does not recommend an ordinance that would increase lot coverage percentages in R-4 Districts throughout the community. Other R-4 developments through the years have complied with the maximum lot coverage requirements.

Mr. Johnson owns a very nice multiple family dwelling with an accessory structure that have been approved through other applicable processes when they were built. Proof of hardship is the test that must be passed when considering a variance request. The below Section 27-11-2 of the code describes the parameters under which variances are considered by the city. The applicable section of the code states the reason for granting a variance is:

(2) The board shall be satisfied by the evidence heard before it that the granting of any variance permitted in SDCL will alleviate a hardship approaching confiscation as distinguished from special privileges sought by the owner, and be the minimum variance that will afford relief to the property owner.

The applicable section of South Dakota Codified Law related to granting a variance states:

11-6-25. Board of adjustment to consider variances in hardship cases-- Municipal planning and zoning adjustment provisions apply. The city council may provide for a board of adjustment, or may authorize the planning and zoning commission to serve as a board of adjustment to make special exceptions or grant variances to the regulations adopted under § 11-6-24 in specific cases, in order that unwarranted hardship, which constitutes an unreasonable deprivation of use as distinguished from the mere grant of a privilege, may be avoided.

Courts have determined the following related to a property having a true “hardship.”

Hardship Due to Unique Physical Limitations of the Property Hardship must be due to unique physical limitations of the property, i.e. compliance with ordinance requirements is prevented by limitations (steep slopes, wetlands, etc.) that are not generally shared by other properties. The circumstances of an applicant (growing family, need for larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance. Minor property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amendment of the ordinance.

Based on these criteria, staff does not feel that there is a proof of hardship on the site.

City staff has been contacted by one adjacent landowner subsequent to sending out the notice for the Planning Commission meeting. The landowner stated they were not opposed to the variance request.

Staff recommends that the variance request be denied.

HEARING SCHEDULE:

- September 12, 2022: Planning Commission hears testimony and makes a recommendation to the Zoning Board of Adjustment.
- September 26, 2022: Zoning Board of Adjustment sets October 10, 2022 as the date for a public hearing to consider the variance.
- October 10, 2022: Zoning Board of Adjustment hears testimony and makes final decision. Granting of a variance requires a vote of at least two-thirds of the Board.

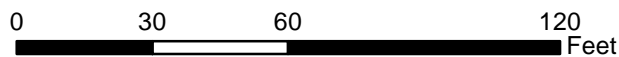
Planning Commission results: The Planning Commission recommended the proposed variance be denied.

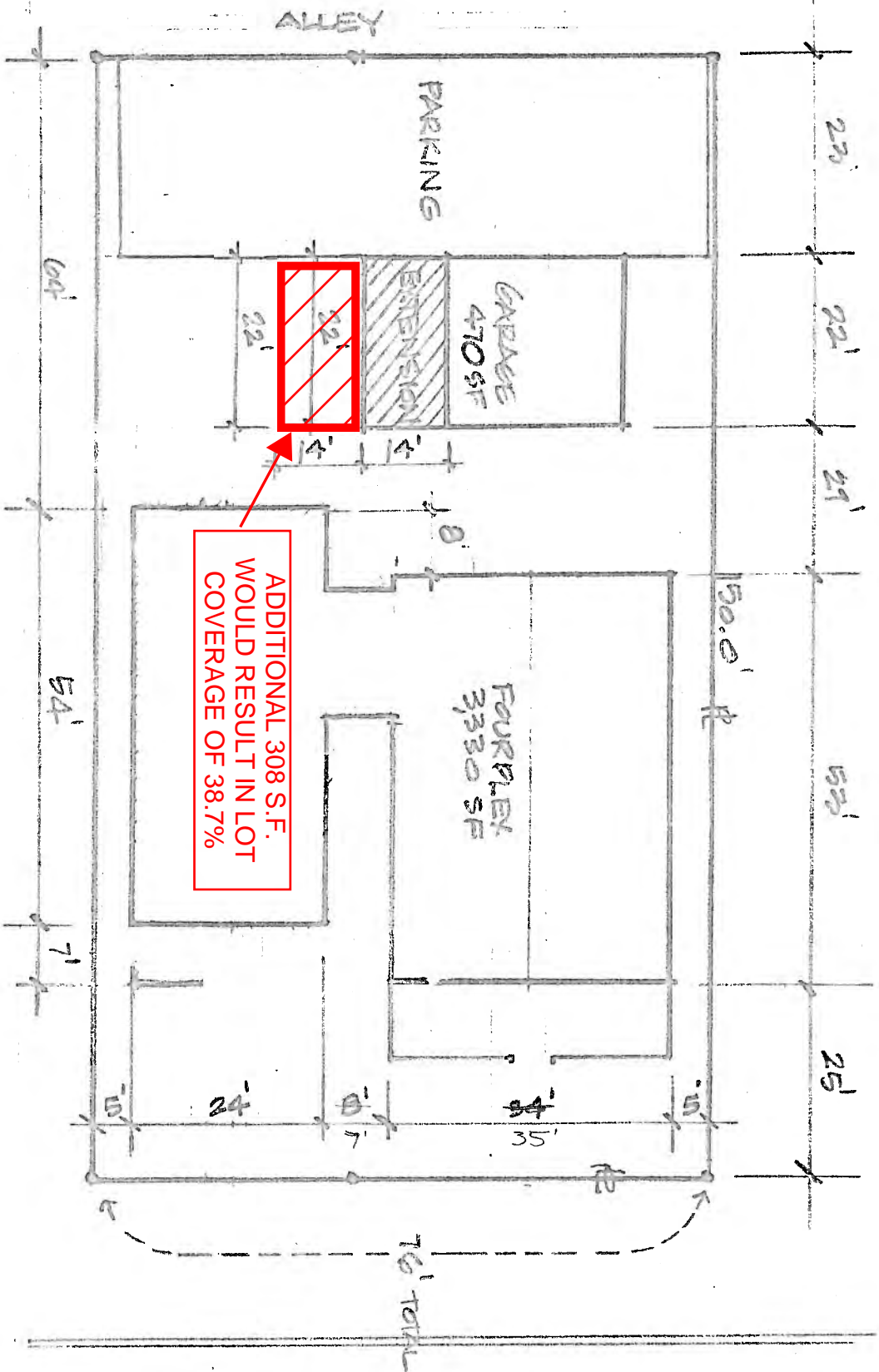


City of Yankton

Variance Request Location Map

507 - 509 Douglas Avenue
City of Yankton, Yankton County, South Dakota.





ADDITIONAL 308 S.F.
WOULD RESULT IN LOT
COVERAGE OF 38.7%

LOT AREA

44x150 = 6600 SF
 32x150 = 4800 SF
 TOTAL = 11,400 SF

COVERAGES

2280 SF = 34.6%
 1424 SF = 22.5%
 3710 SF = 32.5%
 ALLOWABLE 3990 SF = 35.0%

OFF-STREET PARKING REQUIRED = 4x1.3 = 5.2

EIGHTH OFF FOURPLEX
 SITE PLAN 1"=20'

DUPY, MANNE, PRYGER-ARCHS.

City of Yankton
Planning Commission and Zoning Board of Adjustment
Yankton, SD 57078

Re: Variance to Zoning Regulations

Dear Board Members:

This letter, pursuant to the City of Yankton's Zoning Ordinance, is an application hereby made for a variation in the regulations of said ordinance for the property herein described.

On the 11th day of July, 2022, the undersigned applied for a building permit to :
Description of permit desired: Construction of 14'x22' garage addition or carport

The permit was refused because: Lot coverage already exceeds the 35% limit as set forth in the Zoning Ordinance and a variance was previously granted for another garage addition in 1981.

The address of the property is: 507-509 Douglas Ave

Lot Number: North 32' of Lot 12 and All of Lot 13
Block Number: 50
Addition: Todd's Addition
Zoning District: R-4 Multi-family
of which I/we own.

I/We have included a set of drawings or site plan, to scale, showing all conditions as to lot dimensions, building dimensions (proposed and existing), proposed uses of buildings (proposed, existing and future), location of off street parking, dimensions and number of spaces, the location of landscaping and/or screening that is proposed, and any easements that might exist or are proposed.

I/We have included a receipt for Seventy-Five dollars (\$75.00), from the City Finance Department for processing this request.

I hereby depose and say that all the above statements and statements contained in this application and related attachments are true.

Thank you for your consideration,

Dated this 25 day of JULY, 2022

GARY R. JOHNSON
printed / typed name and title if applicable

Gary R. Johnson
signature

Yankton, SD 57078

address

City Receipt Account Number 101.3231