

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
SEPTEMBER 26, 2016**

Regular meeting of the Board of City Commissioners of the City of Yankton was called to order by Mayor Gross.

**Roll Call:** Present: Commissioners Carda, Ferdig, Hoffner, Johnson, Maibaum, Miner, and Sommer. City Attorney Den Herder was also present. Absent: Commissioner Knoff and City Manager Nelson. Quorum present.

Action 16-279

Moved by Commissioner Johnson, seconded by Commissioner Carda, to approve the Minutes of the regular meeting of September 12, 2016.

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

Finance Officer Viereck reviewed the City Manager's written report giving an update on community projects and items of interest.

Action 16-280

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

1. Approving Current Volunteer Firefighter List  
Consideration of Memorandum 16-221 regarding approving the current list of Volunteer Firefighters per Workers' Compensation and SDCL requirements: Brad Binde, Tim Binder, Troy Cowman, Don Cuka, Mike Fitzgerald, Kirt Flannery, Adam Frick, Brian Frick, Dan Frick, Steve Frick, Tom Frick, Mike Gullikson, Andy Haas, Adam Haberman, Richard Hladky, Kasey Hofer, Tom Holmstrom, Jody Johnson, Ryan Kaiser, Gary Kozak, John Kraft, Dave Kuehler, Mark Kuehler, Thomas Kurtenbach, Mark Mauch, Chad Miller, Pete Moore, Brad Moser, Terry Nickels, Larry Nickels, Mark Nickles, Matt Nighbert, Pat Nolz, Daniel Prendable, Larry Raab, Bill Taggart, Jeff Turman, Rodney Veldhuizen, Mike Villanueva, Dave Walsh, Jay Walsh, Toby Woehl, and Bill Ziegler.
2. Fireworks Request  
Consideration of Memorandum 16-222 regarding request to shoot small fireworks show
3. Establish public hearing for sale of alcoholic beverages  
Establish October 10, 2016, as the date for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for 1 day, October 13, 2016, from TST, Inc. dba Phinney's Pub & Casino, (John Tuttle, President) Yankton Mall, Yankton, South Dakota.

**Roll Call:** Members present voting "Aye:" Commissioners Carda, Ferdig, Hoffner, Johnson, Maibaum, Sommer, and Mayor Gross; voting "Nay:" None; Abstaining: Commissioner Miner.  
Motion adopted.

Action 16-281

This was the time and place for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License for one day, December 3, 2016, from TST, Inc. dba Phinney's Pub & Casino, (John Tuttle, President) Yankton, South Dakota. (Memorandum 16-214) No one was present

to speak for or against approval of the license application. Moved by Commissioner Ferdig, seconded by Commissioner Carda, to approve the license.

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

Motion adopted.

#### Action 16-282

This was the time and place for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License for one day, December 10, 2016, from TST, Inc. dba Phinney's Pub & Casino, (John Tuttle, President) Yankton, South Dakota. (Memorandum 16-215) No one was present to speak for or against approval of the license application. Moved by Commissioner Johnson, seconded by Commissioner Ferdig, to approve the license.

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

Motion adopted.

#### Action 16-283

This was the time and place for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License for one day, December 17, 2016, from TST, Inc. dba Phinney's Pub & Casino, (John Tuttle, President) Yankton, South Dakota. (Memorandum 16-216) No one was present to speak for or against approval of the license application. Moved by Commissioner Carda, seconded by Commissioner Miner, to approve the license.

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

Motion adopted.

#### Action 16-284

This was the time and place for the public hearing on the request for a Special Events RETAIL (on-sale) Liquor License for one day, October 8, 2016, from Leo's Sports Bar & Grill, LLC, (Rusty Jensen, Owner) dba Leo's Lounge, Ducks Unlimited held at NFAA, 800 Archery Lane, Yankton, South Dakota. (Memorandum 16-217) No one was present to speak for or against approval of the license application. Moved by Commissioner Johnson, seconded by Commissioner Ferdig, to approve the license.

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

Motion adopted.

#### Action 16-285

This was the time and place to award the contracts for Sludge Removal for Water and Wastewater Plant. The following bids were received and opened on September 15, 2015: Dakota Rock Farms, Vermillion, South Dakota-Wastewater Treatment Plant Liquid Sludge-\$.0225/gallon; Willard Schmidt, Yankton, South Dakota-Wastewater Treatment Plant Liquid Sludge-\$.0325/gallon, Water Treatment Plant Caked Lime Sludge-\$10.00/ton. (Memorandum 16-225) Moved by Commissioner Sommer, seconded by Commissioner Carda, to award the bids to the low bidders: Dakota Rock Farms, Vermillion, South Dakota, for Wastewater Liquid Sludge for \$0.0225 per gallon and to Willard Schmidt, Yankton, South Dakota, for the Caked Lime Sludge for \$10.00 per ton.

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

Motion adopted.

#### Action 16-286

This was the time and place to award the bid for the Annual Supply of De-Icing Salt for the 2016-2017

season. The following bids were received and opened on September 7, 2017: Johnson Feed, Inc., Canton, South Dakota-\$55.00 per ton; Blackstrap Inc., Neligh, Nebraska-\$54.90 per ton; Nebraska Salt and Grain Co., Gothenburg, Nebraska-\$56.50 per ton; Meridian Grain, Freeman, South Dakota-\$53.50 per ton. (Memorandum 16-220) Moved by Commissioner Johnson, seconded by Commissioner Sommer, to award the bid to the low bidder Meridian Grain of Freeman, South Dakota, in the amount of \$53.50 per ton.

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

Action 16-287

Moved by Commissioner Ferdig, seconded by Commissioner Sommer, to adopt Resolution 16-61. (Memorandum 16-218)

**RESOLUTION 16-61**

**WHEREAS**, SDCL 6-13-1 requires a municipality owning personal property which is no longer necessary, useful, or suitable for municipal purposes shall, by resolution, declare it surplus and may, by resolution, order the sale, trade, destruction or other disposal of said personal property.

**NOW, THEREFORE, BE IT RESOLVED** that the following personal property be declared no longer necessary, useful, or suitable for municipal purposes and said property shall be disposed of in accordance with SDCL 6-13-1, et sequential:

SURPLUS PROPERTY TO BE SOLD, TRADED, DONATED OR DESTROYED

2009 Elgin Street Sweeper – Serial No. PNP1259S  
 2005 Ford Crown Victoria 4-door sedan – VIN #2FAHP71W85X157154  
 2004 Chevrolet ½ ton K-10 pickup – VIN #1GCEK19T64Z2C5445  
 2001 Sterling Truck/Tractor, Model LT9500 – VIN #2FWJAZA8X2AK10316  
 2000 Chevrolet ½ ton pickup – VIN #1GCEK14T9YE331085  
 1995 Chevrolet van – VIN #1GN DU06L4ST149074  
 1975 SKNG 14 ft. boat trailer – S/N 750432  
 1988 60”x36” drafting table  
 1980 IBM Selectric typewriter – S/N #6851960  
 18 – Street sweeping brooms  
 Homemade box fan- 110 volt  
 12’x14’ wooden fold out stage  
 Kent commercial carpet shampooer with attachment (fair condition)  
 4 – HVAC condensate circulation pumps  
 Wilkerson air compressor and compressed air dryer  
 Oak book shelf with 7 adjustable shelves  
 2 – Metal shelving units (need to be braced)  
 7- ½ ft. double-sided shelving unit-good condition (donate to Dakota Territorial Museum)  
 14’ aluminum ladder  
 3 – KDI Paragon stainless steel life guard stands  
 14 – 6 ft. heavy wood/metal folding tables  
 10 – Large wood trash can holders  
 2 – Small wood trash can holders

2 – Large metal trash can holders  
Red Snapper 38” cut riding lawn mower, Model LE 1438H, S/N 45824054 (needs battery)  
Snapper snow blower with chains – 10 hp, 30” wide cut  
10 pallets – miscellaneous landscape blocks  
Miscellaneous weeders and parts  
Troybilt Vac-chipper – 6.5 HP, E766-TB060, Serial No. 1J107H70099  
Christmas street decorations  
Broyhill 5 ft. brush groomer  
Top dresser Cushman truckster mount  
Toro Series irrigation satellite boxes and miscellaneous parts  
Snapper push mower - 6 hp  
Jacobsen mower-verda cut 12 hp  
Fire extinguisher trainer (trade)  
Sanyo television set, Model DS27630, Serial No. V7440328100950 (destroy)  
Daewoo VCR, Model DUR4280N, Serial No. 5CG00456 (destroy)  
Symphonic television, Model WF203, S/N J29380784 (destroy)  
Epson LCD projector, Model EMP-S1H, S/N FWDG4X0567F (destroy)  
1999 Monroe snow plow – 12’, S/N 98-10-1994 (destroy)  
Black leather bar stool (destroy)  
Gray office chair (destroy)  
7 – 2’x4’ drop in light fixtures (destroy)  
2006 12” Touchscreen computer monitor, S/N 544CA00225 (destroy)  
Wall Unit - Personnel (destroy)  
Platform scale (destroy)  
Antenna and feedline (destroy)  
Senior citizen sign (destroy)  
Parks freezer (destroy)  
SAC message board (destroy)  
2 RCA Televisions (destroy)  
Ithaca receipt printer (destroy)  
Old carpet (destroy)

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

Action 16-288

Moved by Commissioner Carda, seconded by Commissioner Johnson, to approve Change Order No. 1 from Gridor Construction, Inc., Buffalo, Minnesota, an increase of \$36,293.00, for a new contract total of \$2,432,293.00, for the Lift Station Project. (Memorandum 16-226)

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

Action 16-289

This was the time and place to award the bid for the Force Main Project to replace a portion of shallow gravity main located along Highway 50. The following bids were received and opened on September 15, 2016: Slowey Construction, Yankton South Dakota-\$615,377.25; H & W Contracting, Sioux Falls, South Dakota-\$820,294.75; Menning Backhoe, LLC, Mitchell, South Dakota-\$886,265.25; First

Rate Excavation, Sioux Falls, South Dakota-\$1,135,382.41; Feimer Construction, Yankton, South Dakota-\$1,318,826.00. Moved by Commissioner Sommer, seconded by Commissioner Hoffner, to award the bid to the low bidder, Slowey Construction, Yankton, South Dakota, in the amount of \$615,377.25 subject to the concurrence of the South Dakota Department of Environment and Natural Resources.

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

Action 16-290

Moved by Commissioner Johnson, seconded by Commissioner Carda, to adopt Resolution 16-62. (Memorandum 16-223)

**RESOLUTION 16-62**  
Conditional Use

WHEREAS, Hacecky Rentals, LLC. is the owner of the S. 227.4’ of Outlot D, Moderegger’s Outlots in the City of Yankton, South Dakota, located at 807 – 811 Ferdig Avenue, and

WHEREAS, the above described property is zoned B-2 Highway Business in the City of Yankton’s zoning jurisdiction which allows conditional uses under the City of Yankton's Zoning Ordinance No. 711 as amended, and

WHEREAS, this conditional use request is necessary for the owner to construct and operate a self-storage facility in the manner depicted on the attached site plan and has been reviewed and recommended for approval by a vote of the City Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves a Conditional Use Permit for the construction and operation of a self-storage facility in accordance with all applicable ordinances and regulations on the above described property.

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

Action 16-291

Commissioner Johnson introduced and Mayor Gross read the title of Ordinance No. 991, AN ORDINANCE TO REZONE PROPERTY DESCRIBED HEREIN, and set the date for the second reading and public hearing as October 10, 2016. (Memorandum 16-224)

Action 16-292

Moved by Commissioner Johnson, seconded by Commissioner Carda, to authorize the Mayor to execute the Encroachment Easement Agreement, as outlined in Memorandum 16-228, between the City of Yankton and Lewis and Clark Specialty Properties for City-owned property located east of the Fox Run Golf Course Driving Range.

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

Action 16-293

Moved by Commissioner Johnson, seconded by Commissioner Miner, to adjourn at 7:15 p.m.

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

Motion adopted.

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C.N. Gross  
Mayor

ATTEST:

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Al Viereck  
Finance Officer