

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
NOVEMBER 28, 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, Knoff, Maibaum, Miner, and Sommer. City Attorney Den Herder and City Manager Nelson were also present. Absent: None. Quorum present.

Action 16-341

Moved by Commissioner Carda, seconded by Commissioner Johnson, to approve the Minutes of the regular meeting of November 14, 2016.

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

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

Action 16-342

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

1. Assessment Rolls, Douglas Avenue Construction, set public hearing
Consideration of Memorandum 16-285 and Resolution 16-86, recommending that December 12, 2016, be established as the date for a public hearing on the special assessment roll for 2016 Assessment Rolls–Douglas Avenue Construction from Anna Street to 31st Street.

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

Action 16-343

This was the time and place for the public hearing on the application for a Special Events RETAIL (on-sale) Liquor License for one day, January 14, 2017, from Boomer's Inc., (Gary W. Boom, President) dba Boomer's Lounge, NFAA, 800 Archery Lane, Yankton, South Dakota. (Memorandum 16-265) No one was present to speak for or against approval of the license application. Moved by Commissioner Knoff, seconded by Commissioner Sommer, to approve the license.

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

Action 16-344

This was the time and place for the public hearing on the New Retail (on-off sale) Wine License for January 1, 2017, to December 31, 2017, from The Fox Stop, Inc. dba The Fox Stop, Inc. (James Grotenhuis, President), 1316 W. 30th Street, Yankton, South Dakota. (Memorandum 16-266) No one was present to speak for or against approval of the license application. Moved by Commissioner Sommer, seconded by Commissioner Knoff, to approve the license.

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

Action 16-345

This was the time and place for the Public hearing on the New Retail (on-off sale) Malt Beverage License for July 1, 2016, to June 30, 2017, from The Fox Stop, Inc. dba The Fox Stop, Inc. (James Grotenhuis, President), 1316 W 30th Street, Yankton, South Dakota. (Memorandum 16-267) No one was present to speak for or against approval of the license application. Moved by Commissioner Johnson, seconded by Commissioner Knoff, to approve the license.

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

Motion adopted.

Action 16-346

This was the time and place for the public hearing on adoption of Resolution 16-60 approving the special assessment roll for 15th Street Construction from West City Limits Road to Dakota Street. (Memorandum 16-274) No one was present to speak for or against adoption of the Resolution.

Moved by Commissioner Knoff, seconded by Commissioner Sommer, to adopt Resolution 16-60

RESOLUTION 16-60

A RESOLUTION APPROVING THE 2016 SPECIAL ASSESSMENT ROLL FOR 15TH STREET CONSTRUCTION FROM WEST CITY LIMITS ROAD TO DAKOTA STREET

BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota:

SECTION 1. That the special assessment roll for the assessment of the property assessable for the 15th Street construction from West City Limits Road to Dakota Street in the city of Yankton, South Dakota, is hereby approved and the assessments as set out in said special assessment roll approved this date are hereby levied against such property upon filing of said special assessment roll in the office of the City Finance Officer.

SECTION 2. Said assessment may be paid in ten (10) annual installments and shall be collected under Plan Two "Collection by City Finance Officer", as provided in SDCL 9-43.

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

Motion adopted.

Action 16-347

Moved by Commissioner Knoff, seconded by Commissioner Sommer, to adopt Resolution 16-82. (Memorandum 16-82)

RESOLUTION 16-82

WHEREAS, the City of Yankton has determined that it is necessary to adjust the existing municipal cemetery rates to a level which will ease the current subsidy and help maintain the current cemetery, and

WHEREAS, the City of Yankton has conducted a cemetery rate analysis based on other rates charged by municipal cemeteries in South Dakota.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners:

That the following cemetery rates shall be adopted: Sale of Lots: Adult-\$600.00; Interments: Adult-Weekday-\$650.00; Cremains-Weekday-\$400.00

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

Action 16-348

Moved by Commissioner Sommer, seconded by Commissioner Ferdig, to adopt the proposed Summit Activities Center fee schedule, an approximate increase of 4 percent, as outlined in Memorandum 16-269 to be effective March 1, 2017.

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

Action 16-349

Moved by Commissioner Hoffner, seconded by Commissioner Carda, to adopt the proposed 2017 rate increases at Fox Run Golf Course as outlined in Memorandum 16-270, an approximately 4 percent increase, and to also adopt a discount program for Summit Activities Center annual members at Fox Run Golf Course.

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

Action 16-350

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to adopt the proposed 2017 Shelter House Rental Fees as outlined in Memorandum 16-271.

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

Action 16-351

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to adopt the proposed 2017 Memorial Pool and Summer Pool Pass fees as outlined in Memorandum 16-272.

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

Action 16-352

Moved by Commissioner Johnson, seconded by Commissioner Ferdig, to adopt the proposed *City of Yankton Special Events Application Handbook*.

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

Action 16-353

Moved by Commissioner Carda, seconded by Commissioner Johnson, to adopt Resolution 16-81. (Memorandum 16-264)

Resolution 16-81
Request for Special Events Parking Ordinance No. 933 to be in place during
Yankton Holiday Festival of Lights

WHEREAS, the City Commission adopted an Ordinance allowing for no parking designation for special events within the City of Yankton; and

WHEREAS, this Resolution would authorize the City of Yankton to tow vehicles that are parked in the defined are or areas and times specified for Special Events; and

WHEREAS, the Holiday Festival of Lights Committee has made a request to enact this no parking zone for their events on December 1, 2016.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves the Special Event Parking Request on Third Street from Capitol to Cedar to be closed from 4:00 p.m. to 9:00 p.m. on December 1, 2016.

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

Action 16-354

Moved by Commissioner Johnson, seconded by Commissioner Sommer, to approve change orders No. 2 and No. 3 from D&G Concrete Construction, Inc., Sioux Falls, South Dakota, for the Highway 50 Utilities Phase I Project, a decrease of \$11,939.53, for a new contract total of \$357,161.74; to accept the project as complete; and to authorize the City Finance Officer to issue a manual check in the amount of \$51,359.65 to D&G Concrete Construction, Inc., as final payment for the project.

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

Action 16-355

Moved by Commissioner Ferdig, seconded by Commissioner Carda, to adopt Resolution 16-83.
(Memorandum 16-276)

RESOLUTION 16-83

A RESOLUTION APPROVING THE REVISED PERSONNEL MANUAL FILED BY THE CITY
MANAGER WITH THE CITY FINANCE OFFICER WHICH PROVIDES RULES AND
REGULATIONS RELATIVE TO ALL OFFICERS AND EMPLOYEES OF THE
CITY OF YANKTON, SOUTH DAKOTA

WHEREAS, it is recognized that a sound personnel program is a major element in securing and retaining qualified employees who will perform the municipal services most efficiently for the citizens of Yankton, and,

WHEREAS, the City Manager has determined that it is desirable that uniform policies and procedures concerning personnel matters are made applicable to all employees of the City of Yankton; and,

WHEREAS, under the provision of the Commission-Manager form of government of the State of South Dakota, SDCL 9-10-13 and the Yankton Code of Ordinances, the City Manager has the responsibility to provide rules and regulations in regard to their employment;

NOW, THEREFORE, BE IT RESOLVED, by the Board of City Commissioners of the City of Yankton, South Dakota:

Section 1. That the Personnel Manual filed with the City Finance Officer and the Board of City Commissioners is hereby approved, subject however to its further amendments as may from time to time be necessary or required.

Section 2. That the City Manager shall have the right to amend said Personnel Manual from time to time as may be required; said amendments shall be forwarded to an employee advisory committee for comment; and, that said amendment shall require the approval of the Board of City Commissioners. Provided, however, that nothing contained therein shall relieve the City Manager of her duty and obligation to administer the affairs of the various departments of the city and to make such administrative decisions as may be necessary for the proper administration of each department which are consistent and do not conflict with the Yankton Code of Ordinances, state statute, or federal law.

Section 3. That in the event any rules and regulations set forth in said Personnel Manual are in conflict with any federal or state laws or ordinances of the City of Yankton, South Dakota, such federal or state laws or ordinance of the City of Yankton, SD, shall be controlling.

Section 4. This resolution shall be in full force and effect from and after its adoption, repealing any previous resolutions adopted for same or similar purpose.

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

Action 16-356

Moved by Commissioner Sommer, seconded by Commissioner Johnson, to approve Change Order No. 1 from Masonry Components, Inc., Yankton, South Dakota, for the Douglas Avenue Project from Anna to 31st Street, a decrease of \$8,928.25 for a new contract total of \$1,182,092.15; to accept the project as complete; and to authorize the City Finance Officer to issue a manual check in the amount of \$128,496.84 to Masonry Components, Inc., as final payment for the project.

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

Action 16-357

Moved by Commissioner Johnson, seconded by Commissioner Ferdig, to approve the Lease Agreement with Yankton Area Senior Citizen's Center for use of the Senior Citizen Center Building located at 900 Whiting Drive, from January 1, 2017, through December 31, 2017.

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

Action 16-358

Moved by Commissioner Carda, seconded by Commissioner Johnson, to approve the purchase of two

2017 Ford Interceptor SUVs for a cost of \$81,601.00 from Lamb Motor Company, Onida, South Dakota, under the State bid price, for the Police Department. (Memorandum 16-277)

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

Motion adopted.

Action 16-359

Moved by Commissioner Sommer, seconded by Commissioner Carda, to approve the purchase of a 2017 Ford Taurus for a cost of \$23,776.00 from Lamb Motor Company, Onida, South Dakota, under the State bid price, for the Police Department. (Memorandum 16-278)

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

Motion adopted.

Action 16-360

Moved by Commissioner Knoff, seconded by Commissioner Carda, to approve the purchase of a 2017 Dodge Durango for a cost of \$32,270.00 from Wegner Auto Company, Pierre, South Dakota, under the State bid price, for the Police Department. (Memorandum 16-279)

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

Motion adopted.

Action 16-361

This was the time and place to award the bid for life insurance coverage for all regular City Employees in the amount of \$15,000.00. The following bids were received and opened on November 17, 2016:

Nicole Murphy, Ochs, Inc., Municipal Pool: \$0.135/\$1000.00 (3 year premium rate guarantee);

W.D. Metheny, Thrivent Financial, Mutual of Omaha: \$0.14/\$1000.00 (3 year premium rate guarantee);

Ken Bertsch, Northwestern Mutual, Midwest Employee Benefits: \$0.17/\$1000.00 (3 year premium rate guarantee);

Rod Colvin, Corinsurance, EMC National Life Work Place Life: \$0.215/\$1000.00 (3 year premium rate guarantee);

Brad Zomer, 1st National, EMC National Life Work Place Life: \$0.22/\$1000.00 (3 year premium rate guarantee);

Julie Auch, New York Life, Principal Life: \$0.231/\$1000.00 (3 year premium rate guarantee);

Brad Zomer, 1st National, Principal Life: \$0.276/\$1000.00 (3 year premium rate guarantee);

Julie Fischer, New York Life, Principal Life: \$0.298/\$1000.00 (2 year premium rate guarantee).

All bids included supplemental coverage offered to employees at their own expense.

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to award the bid for group term life insurance coverage for a three year period from 2017 through 2019 in the amount of \$15,000.00 for all regular employees to the low bidder, Nicole Murphy, Ochs, Inc., Municipal Pool, for a premium cost of \$0.135 per \$1,000.00 with the City being responsible for 50 percent of the cost and the employee being responsible for 50 percent of the cost, with options for employees to purchase at their own expense additional coverage in the amount of \$15,000.00 or \$30,000.00. (Memorandum 16-281).

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

Motion adopted.

Action 16-362

Moved by Commissioner Johnson, seconded by Commissioner Sommer, to adopt Resolution 16-84. (Memorandum 16-283)

RESOLUTION 16-84

WHEREAS, it appears from an examination of the plat of Lots 1A, 1B, 2A and 2B, Block 3, Westbrook Estates Addition to the City of Yankton, South Dakota prepared by Nicholas J Johannsen, a registered land surveyor in the State of South Dakota, and

WHEREAS, such plat has been prepared according to law and is consistent with the City's overall Comprehensive Development Plan.

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, that the plat for the above described property and the associated Developer's Agreement is hereby approved.

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

Action 16-363

Moved by Commissioner Carda, seconded by Commissioner Sommer, to adopt Resolution 16-85. (Memorandum 16-284)

RESOLUTION 16-85

WHEREAS, it appears from an examination of the plat of Lots 3A, 3B, 3C and 3D, Block 5, Westbrook Estates Addition to the City of Yankton, South Dakota, and

WHEREAS, such plat has been prepared according to law and is consistent with the City's overall Comprehensive Development Plan.

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, that the plat for the above described property and the associated Developer's Agreement is hereby approved.

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

Action 16-364

Moved by Commissioner Maibaum, seconded by Commissioner Sommer, to adjourn into Executive Session at 7:44 p.m. to discuss personnel and contractual matters under SDCL 1-25-2.

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

Regular meeting of the Board of City Commissioners of the City of Yankton was reconvened by Mayor Gross.

Roll Call: Present: Commissioners Carda, Ferdig, Hoffner, Johnson, Knoff, Maibaum, Miner, and Sommer. City Attorney Den Herder and City Manager Nelson were also present. Absent: None. Quorum present.

Action 16-365

Moved by Commissioner Carda, seconded by Commissioner Maibaum, to adjourn at 8:35 p.m.

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

Motion adopted.

C.N. Gross
Mayor

ATTEST:

Al Viereck
Finance Officer