

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
June 25, 2018**

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

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

Action 18-194

Moved by Commissioner Gross, seconded by Commissioner Miner, to approve the Minutes of the regular meeting of June 11, 2018.

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.

There were no public appearances.

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

Action 18-195

Moved by Commissioner Maibaum, seconded by Commissioner Carda, to establish July 9, 2018, as the date for the public hearing on the request for a Special Events RETAIL (on-sale) Malt Beverage License for 1 day, September 15, 2018 for Heritage Home Inc. (Rachel Cure, President), 509 Pine Street (yard party), Yankton, S.D. (Consent Agenda Item No. 1)

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

Action 18-196

Moved by Commissioner Carda, seconded by Commissioner Miner, to approve the application for a Peddler's License for Southwestern Advantage for 1 person to go house-to-house to sell Educational Books. (Memorandum 18-135) (Consent Agenda Item No. 2)

Roll Call: Commissioners voting "Aye" were Carda, Benson, Ferdig, Gross, Miner, Moser and Mayor Johnson; Commissioners voting "Nay" were Hoffner and Maibaum. Motion adopted.

Action 18-197

Moved by Commissioner Maibaum, seconded by Commissioner Carda, to approve June 27, 2018 as the date for a Meet & Greet Reception for Library Director Candidates, no official commission action. (Consent Agenda Item No. 3)

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

Action 18-198

This was the time and place for the public hearing on Resolution 18-29 approving the 2018 Assessment Roll of Noxious Vegetation and Tree Trimming. (Memorandum 18-131) No one was present to speak for or against the approval of the Resolution.

RESOLUTION 18-29
A Resolution Approving The 2018 Special Assessment Roll For
Abatement of Nuisances

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 abatement of nuisances 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. The assessments set forth in the assessment role will become due and payable in one (1) annual installment together with interest at a rate prescribed by the Board of City Commissioners, by resolution, per annum, in accordance with SDCL 9-43.

The above assessments may be paid without interest to the City Finance Officer on or before July 26, 2018, thereafter, the entire assessment may be paid with interest from the date of filing with the City Finance Officer at the rate established by resolution of the Board of City Commissioners.

Moved by Commissioner Gross, seconded by Commissioner Carda, to approve Resolution 18-29.
Roll Call: All members present voting "Aye;" voting "Nay:" None.
Motion adopted.

Action 18-199

This was the time and place for the public hearing for the application of a Special Events Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for one day, July 21, 2018, from the Center (Christy Hauer, Executive Director), 900 Whiting Drive, Yankton, South Dakota. (Memorandum 18-128) No one was present to speak for or against the application.

Moved by Commissioner Miner, seconded by Commissioner Moser, to approve the application.
Roll Call: All members present voting "Aye;" voting "Nay:" None.
Motion adopted.

Action 18-200

This was the time and place for the public hearing for the application for a Special Events Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for one day, July 28, 2018, from the Center (Christy Hauer, Executive Director), 900 Whiting Drive, Yankton, South Dakota. (Memorandum 18-129) No one was present to speak for or against the application.

Moved by Commissioner Miner, seconded by Commissioner Gross, to approve the application.
Roll Call: All members present voting "Aye;" voting "Nay:" None.
Motion adopted.

Action 18-201

This was the time and place for the second reading and public hearing for Ordinance No. 1009, AN ORDINANCE AMENDING THE PERMISSIBLE USES OF REVENUE FROM THE “SECOND PENNY” SALES TAX.

Moved by Commissioner Gross, seconded by Commissioner Carda, to adopt Ordinance No. 1009.

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

Motion adopted.

Action 18-202

This was the time and place to award the bid for the 2018-2019 Annual Supply of Transport/Tank wagon Petroleum Products. Bids from the following companies were received and opened on June 14, 2018 at 3:00pm: Stern Oil, Freeman, SD; Gerstner Oil, Yankton, SD; Petroleum Traders Corporation, Fort Wayne, IN; and Country Pride Cooperative, Winner, SD. (Memorandum 18-133)

Moved by Commissioner Gross, seconded by Commissioner Miner, to award the bid to Country Pride Cooperative at the prices notated on the attached memorandum.

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

Motion adopted.

Action 18-203

This was the time and place to award the bid for the Highway 50 Sidewalk Project from Paddlewheel Drive to Ferdig. The following bids were received and opened on June 14, 2018 at 3:00pm: D&G Concrete Construction, Inc., Sioux Falls, SD for \$248,709.03; Masonry Components, Inc., Yankton, SD for \$253,291.80; C&C Concrete Construction, Inc., Shawnee, KS for \$304,605.65; and Hulstein Excavating, Inc., Edgerton, MN for \$486,663.15. (Memorandum 18-134)

Moved by Commissioner Miner, seconded by Commissioner Gross, to award the bid to D&G Concrete Construction, Inc., in the amount of \$248,709.03.

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

Motion adopted.

Commissioner Gross introduced and Mayor Johnson read the title of Ordinance No. 1010, AN ORDINANCE AMENDING VEHICLES FOR HIRE REGULATIONS WITHIN THE CITY OF YANKTON TO ACCOMMODATE TRANSPORTATION NETWORK COMPANIES, and set the date of the second reading and public hearing as July 9, 2018. (Memorandum 18-141)

Action 18-204

Moved by Commissioner Miner, seconded by Commissioner Moser, to approve the Funding Request from Cramer Kenyon Heritage Home. (Memorandum 18-130) Rachel Cure, President of the Board for the Cramer Kenyon Heritage House gave a short explanation of the needs and their fund raising efforts.

After some discussion, Miner amended her motion to include that the funding come from the Bed, Board, and Booze Fund, Moser seconded the amendment.

Roll Call: All members present voting “Aye;” voting “Nay:” None. Motion adopted to approve the amendment to the original request.

Action 18-205

Roll Call: All members present voting “Aye;” voting “Nay:” None. Motion adopted to approve the amended Funding Request from the Cramer Kenyon Heritage Home.

Action 18-206

Moved by Commissioner Gross, seconded by Commissioner Miner, to approve Resolution 18-39 and the purchase of a new 2018 Crafc0 Super Shot 125 crack and joint sealing machine for \$47,826.58 from Brock White Company, LLC of Sioux Falls, South Dakota based on the Minnesota State bid contract. (Memorandum 18-132)

RESOLUTION 18-39

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

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

PROPERTY TO BE SURPLUSED

2002 Crafc0 SS125 heated joint seal machine #1C9SY101521418031

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

Action 18-207

Moved by Commissioner Carda, seconded by Commissioner Moser, to adopt Resolution 18-40. (Memorandum 18-137)

RESOLUTION 18-40

Special Events Parking Request

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 area or areas and times specified for Special Events; and

WHEREAS, Meridian District has made a request to enact this no parking zone for their Crazy Days event to be held on July 14, 2018.

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 3rd Street from Broadway to Capitol, keeping all intersections open. The no parking zone shall be in effect on July 14, 2018 from 7:00 AM to 7:00 PM.

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

Action 18-208

Moved by Commissioner Gross, seconded by Commissioner Hoffner, to adopt Resolution 18-41. (Memorandum 18-136)

RESOLUTION 18-41
Special Events Parking Request

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 area or areas and times specified for Special Events; and

WHEREAS, Pathways Shelter for the Homeless has made a request to enact this no parking zone for their 5K event to be held on July 13, 2018.

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 3rd Street from Broadway to the alleyway between Capitol & Pine. The no parking zone shall be in effect on July 13, 2018 from 5:30 PM to 8:00 PM.

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

Action 18-209

Moved by Commissioner Moser, seconded by Commissioner Miner, to allow camping in Riverside Park on Saturday, August 11, 2018 into the morning of Sunday, August 12, 2018 for the Pathways Shelter for the Homeless event. (Memorandum 18-138)

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

Ross Den Herder gave an orientation/refresher information of roles for the City Commissioners and the City Manager. No official action was taken. (Memorandum 18-139)

City Manager Nelson and Commissioner Maibaum requested some discussion and clarification on conflicts of interest by commissioners. City Attorney Den Herder opinion was that no local laws are necessary as we are already covered by state statute. (Memorandum 18-140)

Action 18-210

Moved by Commissioner Moser, seconded by Commissioner Ferdig, to approve the City Manager’s appointment of Mr. John W. Harris as Interim Police Chief. (Memorandum 18-142)

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

Action 18-211

Moved by Commissioner Carda, seconded by Commissioner Gross, to adjourn at 8:28 p.m.

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

Motion adopted.

Nathan V Johnson
Mayor

ATTEST:

Al Viereck
Finance Officer

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