

2010 Legal and Public Notices

and a Special Retail (on-sale) Wine Dealers License for one day, April 17, 2010, from Yankton Catholic Community Development Office, (Brian Steward, Pres.), Mt. Marty College/Roncalli Center Dining Room.

3. **Budget Workshop Meeting Dates.** Consideration of Memorandum 10-43 regarding setting Budget workshop meeting dates.

4. **Permission for Alcoholic Beverages** Consideration of a request from Michelle Speckels to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a wedding rehearsal dinner on July 1, 2011.

5. **Solid Waste Management Program** Resolution 10-07 Authorizing Submission of an Application for Solid Waste Management Program Grant Funds.

RESOLUTION 10-07 AUTHORIZING SUBMISSION OF AN APPLICATION FOR SOLID WASTE MANAGEMENT PROGRAM GRANT FUNDS

WHEREAS, The City of Yankton has identified the need to enhance its existing yard waste composting operations; and

WHEREAS, The City of Yankton proposes to apply to the Department of Environment and Natural Resources (DENR) for Solid Waste Management Program (SWMP) funding to assist in the costs associated with improving its yard waste composting efforts; and

WHEREAS, The City of Yankton is eligible for Solid Waste Management Program funding assistance for the proposed project; and

WHEREAS, with the submission of the SWMP application the City of Yankton assures and certifies that all DENR and SWMP requirements will be fulfilled; and

THEREFORE, BE IT RESOLVED, that the City of Yankton duly authorizes the submission of the SWMP application requesting financial assistance in support of the proposed composting operation improvements.

THEREFORE, BE IT RESOLVED, that Doug Russell, City Manager be authorized to execute the SWMP application for the City of Yankton.

Prior to a vote being taken, Commissioner VanDerhule moved, seconded by Commissioner Carda, to change the date and time of the CIP Budget Workshop meeting to Tuesday April 13, 2010, at 5:30 in the 2nd floor meeting room of City Hall.

Roll Call (on amendment): All members present voting "Aye;" voting "Nay;" None. Motion adopted.

Roll Call (on original motion): All members present voting "Aye;" voting "Nay;" None. Motion adopted.

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Action 10-62 Rocky and Kristy Shultz, owners of the Airport Acres Mobile Home Court, 2800 Broadway Avenue, were present to request that the City grant a waiver to allow campers to park in their mobile home court on a temporary basis. (Memorandum 10-39) Moved by Commissioner Carda, seconded by Commissioner Gross, to approve the request. Following discussion, Commissioner Carda withdrew his motion and Commissioner Gross withdrew his second. It was then moved by Commissioner VanDerhule, seconded by Commissioner Carda, to approve a waiver for 2010 to allow campers to temporarily park in the Airport Acres Mobile Home Court-Alternate B as outlined in Memorandum 10-39-with the same restrictions that were approved in 2009.

Roll Call: Members present voting "Aye;" Commissioners Akland, Carda, Ellingson, Gross, Knoff, VanDerhule, and Wenande; voting "Nay;" Mayor Specht. Motion adopted.

Action 10-63

This was the time and place to award the bid for Concrete Removal and Replacement at Miscellaneous Locations. The following bids were received and opened on March 11, 2010: Doyle Stevens Construction, Inc., Crofton, Nebraska - \$101,163.20; D&G Concrete Construction, Inc., Sioux Falls, South Dakota - \$103,489.45; Masonry Components, Yankton, South Dakota - \$107,514.10; Smith & Smith Construction, Tea, South Dakota - \$110,139.50; Rexwinkel Concrete, Corsica, South Dakota - \$122,077.00; Carl V. Carlson Construction, Tea, South Dakota - \$145,148.92; KP Construction, Sergeant Bluff, Iowa - \$152,606.50. (Memorandum 10-40) Moved by Commissioner Ellingson, seconded by Commissioner Gross, to award the bid for Concrete Removal and Replacement at Miscellaneous Locations to the low bidder, Doyle Stevens Construction, Inc., Crofton, Nebraska, in the amount of \$101,163.20.

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

Action 10-64

Resolution 10-09 establishing rates associated with aviation self-fueling tanks at Chan Gurney Airport was considered. Jake Hoffner appeared and spoke in support of adoption of the Resolution. Chris Nelson appeared and spoke against adoption of the Resolution. Moved by Commissioner Ellingson, seconded by Commissioner Knoff, to adopt Resolution 10-09. (Memorandum 10-42)

RESOLUTION 10-09

WHEREAS, the Yankton City Commission acts on behalf of the

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citizens of Yankton to operate Chan Gurney Airport and;

WHEREAS, the City of Yankton has determined that it is necessary to establish rates associated with aviation self fueling tanks at Chan Gurney Airport;

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners: That the following rates associated with all self fueling aviation fuels and self fueling facilities shall be adopted and made effective July 1, 2010 for Chan Gurney Municipal Airport;

Aviation fuel flowage fee.....\$0.05 per gallon
Annual permit fee for self fueling tanks.....\$250.00 per tank

Following discussion and prior to a vote being taken, Commissioner Wenande moved to table action on Resolution 10-09. The motion died for lack of a second. A vote was then taken on the original motion.

Roll Call: Members present voting "Aye;" Commissioners Akland, Carda, Ellingson, Gross, Knoff, VanDerhule, and Mayor Specht; voting "Nay;" Commissioner Wenande. Motion adopted.

Action 10-65

Moved by Commissioner Carda, seconded by Commissioner Knoff, to adopt Resolution 10-08. (Memorandum 10-41)

RESOLUTION 10-08 A RESOLUTION APPROVING A CHAN GURNEY AIRPORT FUEL TANK/EQUIPMENT SPACE LEASE AGREEMENT WITH GENE EBNETER, DAVE KLINE AND MARK YONKE

WHEREAS, The City of Yankton Board of City Commissioners has the authority to approve space for airport aviation fuel tank/equipment at Chan Gurney Airport; and,

WHEREAS, Gene Ebneter, Dave Kline and Mark Yonke desire to lease a 6' by 20' space at Chan Gurney Airport on which they intend to install a fuel tank adjacent to hanger # 25; and,

WHEREAS, it is in the best interest of the City of Yankton and Chan Gurney Airport for the Board of City Commissioners to approve the lease agreement with Gene Ebneter, Dave Kline and Mark Yonke.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, SD, that the airport fuel lease agreement with Gene Ebneter, Dave Kline and Mark Yonke adjacent to building location number 25 is hereby approved

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at a rate of \$0.10 per square foot of building space.

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

Action 10-66 Moved by Commissioner Knoff, seconded by Commissioner Carda, to adjourn at 8:17 p.m.

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

Dan Specht Mayor

ATTEST: Al Viereck Finance Officer

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Official: Minn. Fire Investigation Ongoing

BY BRIANA BIRSCHBACH Associated Press Writer

ST. PAUL, Minn. — A police official said Monday that the cause of a fire that killed six people has not been determined and that nothing has been ruled out, contradicting a fire official's statement earlier that arson had been ruled out.

Minneapolis Police Sgt. William Palmer said the investigation into what caused the Friday fire was ongoing. Earlier Monday, Fire Department Assistant Chief Cherie Penn said "suspicious causes," including arson, had been ruled out, but she later deferred to Palmer's explanation.

Both officials declined to further clarify their statements. It could take weeks for investigators to determine exactly what sparked the Friday blaze, Penn said.

The fire above McMahon's Irish Pub was the city's deadliest in more than two decades. Officials have said it probably started in a corner apartment on the 98-year-old building's second floor.

City inspection records for the apartments document complaints about lack of heat, bed bugs, cracked sheetrock and worn carpeting going back more than three years. One complaint cited an exposed circuit breaker with a "rats nest of wiring."

City Fire Marshal Bryan Tyner has said that the residential section of the building was due for an inspection. Penn said she doesn't expect the blaze to bring changes in the city's inspections system.

"We are already on an aggressive program," she said. "I don't foresee that the program will be reworked anytime soon."

Authorities have identified one victim, Ann Gervais, 43. A spokeswoman for the Hennepin County Medical Examiner said officials aim to identify the remaining victims within the next few days.

MIDWEST DIGEST

Neb. Governor Signs Transparency Measure

LINCOLN, Neb. (AP) — Nebraska Gov. Dave Heineman has signed into law a measure designed to make it harder for cities and other government entities to keep costly legal settlements secret.

The bill (LB742) he signed Tuesday would force government bodies to report such settlements on their meeting agendas. They also won't be able to use confidentiality agreements as an excuse not to open the settlements to the public, among other changes.

The measure from Sen. Beau McCoy of Omaha was prompted by a secret \$200,000 payment to an aide of a former Papillion mayor last year.

The claim was paid by the city's insurer to Racheal Cascio, an aide to former Mayor James Blinn, after Cascio alleged that Blinn had sexually harassed and assaulted her.

Rounds Signs Iran Divestment Bill

PIERRE (AP) — Gov. Mike Rounds has signed into law a bill barring the investment of state tax dollars and pension funds in certain oil companies that do business in Iran.

Rounds says South Dakota is the 20th state to prohibit such investments.

The Legislature overwhelmingly approved the bill earlier. It requires the state to dump stock in companies that do substantial business in Iran and are subject to sanction under a federal law. Supporters of the move say some oil companies help Iran make money that the country then uses to support insurgents who are killing U.S. troops in Iraq and Afghanistan.

S.D. Homeland Security Director Named

PIERRE (AP) — A South Dakota Highway Patrol veteran has been named director of South Dakota's Office of Homeland Security.

James Carpenter currently is director of the state Office of Highway Safety in the Department of Public Safety. He served with the Highway Patrol for nearly 30 years and was assistant superintendent when he retired in January 2008.

Carpenter begins his new duties Friday. He replaces Alan Bock, who resigned to return to Tennessee where his family lives.

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Friday, April 9th 3pm to 7pm
Saturday, April 10th 10am-4pm

It's the biggest day of a student's life, so make sure it's one to remember with a delicious assortment of their favorite foods. Pick up a copy of the 2010 Graduation Party Planner and let our professional staff take care of the rest.

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