

2010 Legal and Public Notices

Residential on the south 201.53 feet of the west 346.75 feet of the SW 1/4, NW 1/4, Section 12-93-56 to be known in the future as Outlot 4, Summit Heights Addition to the City of Yankton, South Dakota-location, northeast of the intersection of 19th Street and West City Limits Road, Jim and Jason Tramp, owners. (Memorandum 13-131)

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

Action 13-164

This was the time and place to award the bid for Water Plant No. 2 Improvements. The following bids were received and opened on June 12, 2013: Welf Construction, Yankton, South Dakota-\$661,800.00; Industrial Process Technology, Inc., Fargo, North Dakota-\$690,420.00; Gridor Construction, Plymouth, Minnesota-\$768,500.00; Eriksen Construction Co., Inc., Blair, Nebraska-\$797,450.00; Gil Haugen Construction, Sioux City, Iowa-\$844,701.00. (Memorandum 13-133) Moved by Commissioner Knoff, seconded by Commissioner Woerner, to award the bid to the low bidder, Welf Construction, Yankton, South Dakota, in the amount of \$661,800.00, contingent upon concurrence of the South Dakota Department of Environment and Natural Resources.

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

Action 13-165

This was the time and place for the public hearing on Resolution 13-22 in conformance with the State Revolving Fund Loan Application for the Yankton Water Supply Project. No one was present to speak for or against adoption of Resolution 13-22. Moved by Commissioner Gross, seconded by Commissioner Woerner, to adopt Resolution 13-22. (Memorandum 13-134)

RESOLUTION 13-22

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS

WHEREAS, the City of Yankton (the "City") has determined it is necessary to proceed with a project involving construction of a new collector well to increase the city's water supply (the "Project"); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the "Board") will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project,

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$26,000,000.00 at an interest rate of 3.00% and term of 20 years to the South Dakota Board of Water and Natural Resources for the Project.

2. The City Manager is hereby authorized to execute the Application and submit it to the South Dakota Board of Water and Natural Resources, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.

3. The City Manager is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

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

Action 13-166

Moved by Commissioner Knoff, seconded by Commissioner Woerner, to approve setting water rates as proposed in Option I of Memorandum 13-136 in order to raise revenue for debt service for planned water projects, with a minimum monthly surcharge of \$15.00 for residential and commercial/industrial users with 5/8 to 3/4 inch meters, a monthly surcharge of \$26.74 for commercial/industrial users with 1 inch meters, a monthly surcharge

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of \$60.18 for commercial/industrial users with 1-1/2 inch meters, a monthly surcharge of \$106.91 for commercial/industrial users with 2 inch meters, a monthly surcharge of \$189.90 for commercial/industrial users with 2-1/2 inch meters, a monthly surcharge of \$240.50 for commercial/industrial users with 3 inch meters, a monthly surcharge of \$425.60 for commercial/industrial users with 4 inch meters, a monthly surcharge of \$959.23 for commercial/industrial users with 6 inch meters, a monthly surcharge of \$1,967.34 for commercial/industrial users with 8 inch meters, a monthly surcharge of \$26.74 for sprinkler system meters, and all water consumption to be billed at \$4.93 per 1,000 gallons of water used.

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

Action 13-167

Moved by Commissioner Gross, seconded by Commissioner Knoff, to approve the Mayor's 2013-2014 Appointments to City Advisory Boards and Commissions:

Library Board (Three-Year Term): Tonja Koenigs and Brooke Blaaid (Commission Representative).

Park Advisory Board (Three-Year Term): Carson Schott, Tom Nelson, and Craig Sommer (Commission Representative).

Planning Commission (Three-Year Term): Mike Healy, Scott Schindler, Deb Specht, and Jake Hoffner (Commission Representative).

Fox Run Advisory Board (Three-Year Term): Daniel Kortan, Michael Brinkerhoff, and Jake Hoffner (Commission Representative).

Airport Advisory Board (Three-Year Term): Marke Yonke, Roger Huntley, Dan Specht, and Brad Woerner (Commission Representative)

Yankton Housing and Redevelopment Commission (Five-Year Term): Audrea Hecht

ADA Advisory Committee (Three-Year Term): Brooke Blaaid (Commission Representative).

Disability Education Awareness Committee: Kathy Walsh, Sam Carda, Tom Bixler (Alternate), Leo Hallen, Gloria Pearson, Sarah Carda, Twila Stibral, Krista Roth, Pat Grant, Sean McGovern, Sharon Heisinger, and Pauline Akland (Commission Representative).

Yankton Rural Fire Association/Yankton Volunteer Fire Department: Dave Carda (Commission Representative).

Personnel Committee: Charlie Gross (Commission Representative).

Yankton County Courthouse and Safety Center Advisory Board: Charlie Gross (Commission Representative).

Federal Prison: Nancy Wenande (Commission Representative).

Convention Visitor Bureau (CVB): Brooke Blaaid (Commission Representative).

Towing: Nancy Wenande (Commission Representative).

City/County Planning Committee: Craig Sommer (Commission Representative).

B-Y Water Committee: Nancy Wenande (Commission Representative).

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

Action 13-168

Moved by Commissioner Woerner, seconded by Commissioner Sommer, to adjourn into Zoning Board of Adjustment at 8:00 p.m.

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 Wenande.

Roll Call: Present: Commissioners Akland, Blaaid, Gross, Hoffner, Knoff, Sommer, and Woerner. City Attorney Hosmer and City Manager Nelson were also present. Absent: Commissioner Carda. Quorum present.

Action 13-169

Moved by Commissioner Woerner, seconded by Commissioner Akland, to adjourn into Executive Session at 8:03 p.m. to discuss contractual and personnel matters under SDCL 1-25-2.

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

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

Roll Call: Present: Commissioners Akland, Blaaid, Gross, Hoffner, Knoff, Sommer, and Woerner. City Attorney Hosmer and City Manager Nelson were also present. Absent: Commissioner Carda. Quorum present.

Action 13-170

Moved by Commissioner Woerner, seconded by Commissioner Akland, to adjourn at 9:40 p.m.

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

Nancy Wenande
Mayor

ATTEST:

Al Viereck
Finance Officer
Published once at the approximate cost of \$302.37.

City

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rector Dave Mingo.

It was advertised by the city that the bid would have to meet the 90 percent threshold. However, Hosmer later discovered that state law does not apply to the sealed-bid process.

Last week, Drotzmann Construction submitted a bid of \$150,101.01.

The appraised value was revealed at the bid-opening to be \$195,300 — 90 percent of which is \$175,770.

When the city purchased the property as the desired location for a new fire station, it paid \$34,712 per acre.

The Drotzmann bid represents \$26,899 per acre, according to Mingo.

"The bid is about \$43,000 short of what we have invested in it," he said. "But as it sits empty, it's not generating taxes. If it was occupied, it would be generating income for the community. There are multiple variables to consider."

It was determined that the commission had four options Monday:

- accept the \$150,101.01 bid;
- reject the bid and list the property with a broker, which would then require

School

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The budget also calls for an increase in pay to staff members across the board. However, the Yankton Education Association (YEA) and YSD board members are still negotiating the terms of the pay raise.

"Compared to last year, this budget includes 12 months of health premiums paid for, in comparison to six months last year," Kindle said. "The budget also calls for an increase of about 35 percent in water spending, due to some issues the City is having with water treatment."

The preliminary budget also includes a decrease in utility expenses due to a law that allows districts in the state to use parts of the capital outlay fund to pay for utility costs.

YSD business manager Jason Bietz said the district has been able to save money due in part to a few very successful programs.

"The early retirement program has been extremely beneficial to the budget," he said. "It's successful in terms of quantifiable payback to the district. In addition to early retirement, we've had

that the buyer meet the 90 percent bar;

- reject the bid and start the bidding process over again; or
- reject the bid and conduct a public auction where the highest bidder would acquire the property.

"I really think that you should re-bid, because if you award the bid tonight to somebody, that bid could be challenged," Hosmer told the commission. "I don't think they'd win, but I think you have an obligation to make sure who you give it to gets the bid."

"As a result of my mistake in doing this, I'd pay for the re-publication fee," he added.

Dan Specht of Yankton's Vision Real Estate argued that the commission should accept the current bid.

"It's a unique property with a unique set of covenants on it, which probably does reduce the value," he said. "You can't do whatever you want with it."

"You have a developer who went through the process and who is ready to go," Specht added. "You've got a good project here. You've got a bird in hand. Take it."

Commissioner Charlie Gross made a motion to re-bid the property and broaden the scope of the advertising beyond Yankton. During the first bid process, it was only



KELLY HERTZ/P&D

New Yankton school board member Sarah Carda is shown placing her nameplate in front of her as she takes her seat on the school board during its annual reorganizational meeting Monday night.

significant savings through attrition."

Board members also heard a proposal from Yankton Basketball Incorporated (YBI) about a donation of statistic boards for the Yankton High School (YHS) gym.

Buddy Hovland of YBI said the group wants to make a donation to help the district and gym.

"YBI is currently active in promoting basketball to the youth of the Yankton area," Hovland said. "We would like to donate stat boards to the district, which would go right next to the big scoreboard in the Summit Center gym. This would bring YHS up to grade with other schools across the area."

The donation of the boards would cost YBI about \$17,000. However, it would cost the district, or another outside group, around \$5,000 to install the boards.

Because of the \$5,000 cost, board members tabled the proposal to the August school board meeting in hopes of finding an outside group to donate the \$5,000 to have the boards installed.

At the end of the meeting, board members met in executive session. No action was expected to be taken.

You can follow Andrew Atwal on Twitter at twitter.com/andrewatwal

advertised locally. "The last piece of property that was purchased for development in town was purchased by an out-of-town developer," Gross said. "I think we were remiss in not advertising more than just in Yankton."

Despite arguments by some commissioners that a minimum bid amount should be included in the motion, none was added.

Commissioner Jake Hoffner wanted to keep the bid advertising local and sought support to remove that part of Gross's motion. He received no support.

Additionally, Commissioner Brooke Blaaid asked that a covenant be added to the property requiring that materials for the housing development be purchased locally. Hosmer believed that such a requirement would be legal. However, it did not go to a vote.

When the motion by Gross finally came to a vote, it ended in a 4-4 tie, in part because Commissioner Brad Woerner was absent from the meeting. Commissioners Blaaid, Dave Carda, Hoffner and Dave Knoff opposed it.

Carda then made a motion to award Drotzmann Construction the bid as submitted.

"We went through the process," he said. "We've got an opportunity to develop

the land. We know we need to put housing in the community. In future years, we're going to bring in taxes off of those houses and we'll recoup that money. I think it's a win for the city."

However, the motion was defeated in a 5-3 vote by commissioners Pauline Akland, Gross, Hoffner, Craig Sommer and Mayor Nancy Wenande.

Sommer then proposed a motion wherein the commission would expand the scope of the bid advertising and set a minimum bid of \$160,000 for the property.

He received no second on the motion, and it died. Ultimately, the commission came together to unanimously table the item until a later meeting.

"I think we need to circle the wagons and figure out what we're doing," Knoff said. "There is too much information going on right now."

In other business Monday, the commission:

- agreed to not allow parking on Walnut Street between Third and Fourth streets July 21 so that a film can be shot by a Sioux Falls director named Dalton Coffey; and
- held a first reading to set a surcharge for city water.

You can follow Nathan Johnson on Twitter at twitter.com/AnInlandVoyage

Whiteclay

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curb alcohol abuse.govers."

Activists have targeted Whiteclay for well over a decade with marches, meetings with Nebraska officials and road blockades designed to stop alcohol from crossing into the reservation. But the situation has escalated in recent months. In May, vandals struck two beer trucks that were making deliveries to Whiteclay and clashed with

local law enforcement officers who were keeping watch over a third shipment.

Beer sales in Whiteclay have tumbled over the last two years, according to the Nebraska Liquor Control Commission. The town, which has roughly a dozen residents, sold the equivalent of nearly 3.9 million, 12-ounce cans of beer in 2012 — a 10 percent drop since 2011, according to the commission's year-end report.

Brewer said he also met Monday with Nebraska state Sen. Ernie Chambers of Omaha, a well-known advo-

cate for poor and minority populations. Brewer said he still hopes to work with state officials, including Chambers and the Nebraska Commission on Indian Affairs.

Had Monday's meeting continued, Brewer said he would have asked Heineman to help shutter Whiteclay by asking for Nebraska to restore a 50-square-mile buffer zone known as the Whiteclay extension, created in 1882 to protect Pine Ridge residents from whiskey peddlers. President Theodore Roosevelt eliminated it in 1904, which opened the land to settle-

ment and alcohol sales.

Restoring the zone would effectively give back the northwest Nebraska land to the tribe.

Frank LaMere, a Native American activist from Nebraska's Winnebago Tribe, said Heineman failed to show Brewer the respect owed to the leader of a sovereign tribe.

"I apologize for the way you were treated today," LaMere said at the news conference. "That to me is shameful."

River

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agenda includes the following items:

- funding request from Hutchinson County landowner repair a dam located 8 miles above the James River, about six miles east of Menno;
- funding request from Spink County on three bank stabilization projects on three bridge sites;
- funding request from Spink County landowner for wood pile cleanup;
- update on Total Maximum Daily Load (TMDL) ac-

tivities on the James River;

- any other business that may come before the board.

On Wednesday, the JRWDD will conduct a tour of the mouth of the James River in the Yankton area. All persons interested in attending should meet on the east side of Minerva's Restaurant by 6:30 p.m.

"This is a follow-up to the previous visit (to Yankton). I wanted to get the rest of my board members down there to look at the mouth of the river," Bartel said. "Hopefully, we'll have most of my board, the Lower James board and some people from the Corps."

In addition, the JRWDD budget committee will meet

Wednesday evening, Bartel said. Unlike past years, the board won't pass the annual budget at the July meeting, he said.

"They'll be going over preliminary stuff," he said. "We aren't going to finalize the budget until our Sept. 12 meeting in Aberdeen."

For further information on Thursday's meeting or other issues related to the water district, contact the JRWDD office in Huron at (605) 352-0600 or visit online at www.jrwdd.com.

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