

2010 Legal and Public Notices

Dakota - Employee Deduction - \$1,439.00; Freedom Valu Center - Training - \$12.68; Goodmans/Kyle - Workshop - \$240.00; Hyvee - Cooking Class Supplies - \$161.33; Icmia Retirement Trust - #457 - Employee Deduction - \$4,473.18; K Mart Store #4813 - Baby Gifts - \$52.50; Madison National Life Ins Co - Life Insurance September - \$1,277.05; Nebraska Child Support Payment - Employee Deduction - \$303.00; Newegg.Com - Hard Drives - \$239.97; Olson/Jeremy - Conference - \$50.00; Postmaster - Postage - \$822.00; Retirement Sd - Sd Retirement - August - \$58,198.26; Russel/Doug - Site Visit - \$100.00; Sd Public Assurance Alliance - Insurance Addition - \$301.35; Sdsrp - Employee Deduction - \$280.00; Smith & Wesson - Repairs - \$48.21; Summit Activity Center - Employee Deduction - \$904.70; Tiger Direct - Supplies - \$157.75; Tramp/Denise - Payroll Advance - \$250.00; United Way - Employee Deduction - \$2.00; Visa - Safety Town - \$508.00; Visa - Business Prospect - \$132.28; Visa - Printer Supplies - \$879.51; Visa - Crime Scene Meals - \$17.75; Visa - Training - \$419.45; Visa - Skate Lite - \$2,042.30; Visa - Supplies - \$858.29; Visa - Conference Registration - \$517.44; Visa - Pedometers - \$137.00; Visa - Summer Programs - \$270.00; Visa - Supplies - \$18.35; Visa - Supplies - \$8.52; Visa - Conference - \$575.50; Visa - Travel - \$5.23; Visa - Training - \$169.81; Visa - Water - \$4.20; Wal - Mart Stores Inc - Phone - \$851.63; WellN Construction Corp - Comfort Station - \$4,000.00.

Roll Call: All Members Present voting "Aye;" Voting "Nay;" None.
Motion Adopted.

Salaries - August 2010:

Administration - \$23,892.09; Finance - \$26,393.28; Community Development - \$14,492.32; Police - \$130,962.26; Fire - \$9,360.49; Engineering - \$35,479.55; Street - \$43,209.64; Traffic Control - \$1,416.60; Library - \$24,619.94; Parks/Sac - \$58,435.55; Memorial Pool - \$18,960.01; Marns Creek - \$3,498.04; Water - \$32,964.93; Wastewater - \$31,311.56; Cemetery - \$3,971.71; Solid Waste - \$18,387.99; Landfill - \$15,077.57; Golf Course - \$27,978.56; Central Garage - \$6,730.40.

PERSONNEL CHANGES & NEW HIRES:

New Hires: Elizabeth Bies - \$7.25 hr. - Golf; Harold Jones - \$20.00 gm. - Rec. Div.; Dana Marquardt - \$7.25 hr. - Golf; Bruce Tirrel - \$20.00 gm. - Rec. Div.

Longevity Increase: Dustin Hagemann - \$1451.00 bi - wk. - Police; Julia Hussein - \$1512.81 bi - wk. - Police/Dispatch; Tracey Kaufman - Blassl - \$1212.54 bi - wk. - Engineering.

Mayor Knoff read a proclamation declaring September 11, 2010, *Patriot Day*, in remembrance of the anniversary of the 9/11 attacks and a proclamation declaring the week of September 17 through September 23, 2010, as *National Society Daughters of the American Revolution, Constitution Week*.

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

A group of Mount Marty College students were in attendance to observe the actions of the Commission meeting.

Action 10-207

Moved by Commissioner Gross, seconded by Commissioner VanDerhule, that the following items be approved.

1. Permission for Alcoholic Beverages

Consideration of a request from Becky Snook to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for birthday party on October 15, 2010

2. Establish public hearing for transfer of ownership

Establish September 27, 2010, as the date for the public hearing on the request for the transfer of ownership of a Retail (on-sale) Liquor License for January 1, 2010, to December 31, 2010, from Dayhuff Development, Inc. (Jeff Dayhuff, President) to Dayhuff Enterprises, Inc. (Jeff Dayhuff, President) d/b/a Mojo's Pizza and Spirits, 102-104 E. 3rd Street, Yankton, South Dakota.

3. Establish public hearing for New Retail Liquor

Establish September 27, 2010, as the date for the public hearing on the request for a New Full Service Restaurant (On-Sale) Liquor License for January 1, 2010, to December 31, 2010, from Jay Deb Enterprises, Inc. (Jay Deitloff, owner) d/b/a Waterfront, 201 Capital Street Lot Lines, Yankton, South Dakota.

4. Permission for Alcoholic Beverages

Consideration of a request from Rose Hauger to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for bridal shower on September 26, 2010.

5. Permission for Alcoholic Beverages

Consideration of a request

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from Lindsay Livingston to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a wedding on September 24, 2011.

Roll Call:

All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

Action 10-208

This was the time and place for the public hearing on the application for transfer of ownership of a Retail (on-off sale) Malt Beverage License for July 1, 2010, to June 30, 2011, from Steve Slowey d/b/a Slowey Management Company, to Yankton Missouri River Kampground, LLC, 807 Bill Buggs Road, Yankton, South Dakota. (Memorandum 10-150)

Moved by Commissioner Wenande, seconded by Commissioner Lowrie, to approve the license application.

Roll Call:

All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

Action 10-209

This was the time and place for the public hearing and second reading of Ordinance No. 935, AN ORDINANCE APPROPRIATING MONIES FOR DEDUCTING THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF YANKTON, SOUTH DAKOTA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2011, AND ENDING DECEMBER 31, 2011, AND PROVIDING FOR THE LEVY OF ANNUAL TAXES FOR ALL FUNDS CREATED BY ORDINANCE WITHIN SAID CITY. No one was present to speak for or against adoption of the ordinance. Moved by Commissioner Ellingson, seconded by Commissioner Akland, to adopt Ordinance No. 935.

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

Motion adopted.

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

Motion adopted.

Action 10-210

Moved by Commissioner Akland, seconded by Commissioner VanDerhule, to adopt Resolution 10-35.

RESOLUTION 10-35

WHEREAS, a proposed annual budget for the fiscal year commencing January 1, 2011, has been prepared by the City Manager; and,

WHEREAS, the City Commission has examined, studied, and reviewed said proposed annual budget; and,

WHEREAS, the City Commission has after due consideration and deliberation, made such amendments and adjustments in the proposed annual budget as they consider necessary, desirable, or expedient.

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of Yankton, South Dakota, that:

1. The proposed annual budget attached hereto and made a part hereof is approved and effective January 1, 2011.

2. The City Manager is authorized to record all inter-fund transfers as contained in said approved annual budget.

3. The City Manager is authorized and directed to implement and to administer, within the budgetary funding limits and within adopted City policy and relevant State and City laws and regulations, said annual budget.

Roll Call:

All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

Action 10-211

This was the time and place to award the bid for the Wildlife Fence Improvement Project at Chan Gurney Airport. The following bids were received and opened on August 24, 2010: Custom Fence, Logan, Utah-\$350,334.67; American Fence, Sioux Falls, South Dakota-\$395,423.60; Willard Schmidt, Yankton, South Dakota-\$859,749.00. (Memorandum 10-152) Moved by Commissioner VanDerhule, seconded by Commissioner Wenande, to award the bid to the low bidder, Custom Fence, Logan, Utah, in the amount of \$350,334.67; and, to approve the associated grant agreement with the Federal Aviation Administration (FAA) and authorize the City Manager to execute said agreement and related documents.

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

Motion adopted.

Action 10-212

Moved by Commissioner Gross, seconded by Commissioner Wenande, to approve Change Order Number 1 from Midstate Reclamation SD, Inc., a decrease of \$7,248.55, for a new contract total of \$54,568.30 for the Asphalt Milling Project; to accept the project as complete; and to authorize the Finance Officer to issue a manual check in the amount of \$54,568.30 to Midstate Reclamation SD, Inc., Lakeville, Minnesota, as final payment for the pro-

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ject. (Memorandum 10-151)
Roll Call: All members present voting "Aye;" voting "Nay;" None.
Motion adopted.

Action 10-213

Moved by Commissioner Akland, seconded by Commissioner VanDerhule, to adopt Resolution 10-31. (Memorandum 10-144)

RESOLUTION 10-31

YANKTON ROAD TAX

WHEREAS, the Board of City Commissioners of the City of Yankton has deemed that the City streets, alleys and roadways must be properly maintained, plowed and repaired; and,

WHEREAS, the City of Yankton's streets are maintained and repaired by grading, sweeping, removing snow, crack filling, spill repair, patching and chip sealing; and,

WHEREAS, a yearly inventory of City streets is conducted in order to determine the streets in need of maintenance and repair,

NOW, THEREFORE, BE IT RESOLVED, that for the purpose of maintaining and repairing the streets, and surfacing thereof, that an assessment of forty cents per front foot be levied upon all parcels or portions of parcels fronted or abutting streets and forty cents per front foot be levied upon all parcels or portions of parcels fronted or abutting alleys within the City of Yankton.

The City Finance Officer is hereby directed to certify such assessments together with the regular assessments to the County Auditor to be collected as municipal taxes for general purposes.

Roll Call:

All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

Action 10-214

Moved by Commissioner VanDerhule, seconded by Commissioner Gross, to recognize the FAA acceptance of the Airport Layout Plan (ALP) for the Chan Gurney Airport and to authorize the Mayor to sign the cover sheet to complete adoption of the ALP dated April 10, 2007. (Memorandum 10-153)

Roll Call:

All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

Action 10-215

Moved by Commissioner Ellingson, seconded by Commissioner Gross, to approve the Highway 52-Eighth Street from Summit to West City Limits Road-Maintenance and Encroachment Agreement and the Traffic Signal Maintenance Agreement with the South Dakota Department of Transportation pertaining to traffic signals located on State routes throughout Yankton. (Memorandum 10-154)

Roll Call: Members present voting "Aye;" Commissioners Akland, Ellingson, Gross, Lowrie, VanDerhule, Woerner, and Mayor Knoff; voting "Nay;" None; Abstaining: Commissioner Wenande.

Motion adopted.

Action 10-216

Moved by Commissioner Gross, seconded by Commissioner Lowrie, to adopt Resolution 10-36. (Memorandum 10-155)

RESOLUTION 10-36

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, 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 OR DESTROYED

1989 Chevrolet pickup, VIN #1GDCD14Z7KZ228566, License plate CTY2398; 1989 Chevrolet Van, VIN #2GNDG15HSK4164665, License CTY2431; 1996 Chevy Ton 4x4 Truck VIN #1GCGK24R2T2182636, CTY2401, with Western Pro-Plow attachment; 2007 Ford Crown Victoria, B/W 4-door, VIN #2FAHP71W27X150185, License CTY6365; 2007 Ford Crown Victoria, B/W 4-door, VIN #2FAHP71W07X15014, License CTY6377; 2 - 3' x 3' solid metal shelf units (no doors); 2 - 3' x 3' metal shelf units; 2 - 32"H x 36" W metal frame, concrete top table; wall-hung shelf with sliding door; 1 - RCA VCR player; 1 - 31" x 22" table on wheels; 8 cases - Plastic sleeve protectors; Epson LQ-570+ printer; Office Jet Color Model 630 printer; 30 - 40 used computers; Bubble jet printer; Spotlight; Tool box; Clamp light; Old aircraft radio; 4 - one gallon cans; Small steel hardware case; 2 - vehicle mirrors; 2 - Federal si-

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rens; 1 - Motorola Radio; 2 - Radios - HT600; 1 - Motorola Encoder; 6 - Motorola Portable Radios; 16 - Breathing apparatuses; 6 - Mobile Radio, Maxtrac; 3 - Portable Radio & Charger, MT1000; 4 - P200 /radios for SCBA speaker system; 1 - Canon EOA Elan Camera; 1 - Dell Note Book, Model 220-3286; 3 - In Car Videos, MSV1 Model #CCDTRV87; 3 - In Car Video Cameras; 3 - Heliohe Top Lights; 1 - Command/Haz Mat Trailer; Toner cartridges (165 LP toner cassettes for Ricoh CL 3500N printer): 5 black, 2 cyan, 2 magenta, 3 yellow, 1 waste water toner bottle, 1 photo conductor unit (color); 1 - Cannon GPR-6 black toner; 1,500 - notched white book cards; 4,000 - white catalog cards; 500 - short card pockets; 800 - salmon index cards; 800 - salmon book cards; 4 four-drawer old filing cabinets; 1 - three-drawer filing cabinet; old laminator; old desk; four drawer wooden card catalog unit; 2 - two drawer metal card catalog units; 1 - old IBM Selectric II typewriter; 2 - metal two shelf storage cabinets without sliding doors; S.E.M. coin machine; 2 - wooden easels; 1 - chalk board easel; 4' x 6' chalk board on stand with wheels; Floor buffer; Eureka vacuum; 3 - surge protectors; Old video camera; Boxes of books; GAF 8mm projector, Model 438-M52, Serial #34979; Bell & Howell 8mm projector, Model 456A, SL-54273; GE Cassette player, model #3-5106A; Kodak carousel projector, Model EKTAGRAPHIC III, Serial #115462; Pole Star image transfer, Model PV-500PL - film/slide, photo to video tape; Electro-Voice microphone stand, Model 423A; Desk lamp; Reel F200 Bill Loosely's heat pump - film; Blank reel; JC Penny AC/DC cassette player/recorder, Model 3681-6572; Hip Quick splice splicing tape, Model T165-DP; Hip Quick splice splicing tape, Model T35-DP; Kodak Carousel slide tray, Model Transvuc 80; Kodak Ektographic universal slide tray, Model 2; Lamp; Bolex Super 8 sound camera, Model 551 XL; Kodak8mm press tape universal splicer, D550; 35mm Polaroid camera, Model 3300 BF; Wiko 4"-6" lens for Kodak carousel Ektographic; Lens; Metro Data vac, Model-shuttle; Joey Junior Roll-out bed liner (6-ft. long bed); Aquazone ozone dispenser for a swimming pool; Electric Air-O-Lator (pond aerator); Poulan Pro 6 HP push mower; Epson LQ 2550 printer, serial #OHA1053957; 2 - 1949 Flexible Buckets - 9 HP Asset #4611-1731-463 ; chassis/body undercoater paint sprayer; 1 - Winsmith speed reducer, Model #930CDSRX; 1 - computer monitor; 3 - small chemical feed pumps; 1 - intercom phone; 1 - spotlight without battery; 1 - lab water bath, Serial #11AR-11; 1 - Mettler analytical scale AE 160; 1 - amperometric titrator; 1 - Handee 1000 power washer.

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

Motion adopted.

Action 10-217

There was Commission discussion and clarification about when the City Commission last had a salary increase. (Memorandum 10-156)

Following discussion, moved by Commissioner Ellingson to increase Commissioner's salaries to \$300.00 monthly and then to automatically increase Commissioner's salaries by the annual base adjustment that other City employees receive. The motion died for lack of a second.

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

Motion adopted.

Action 10-218

Moved by Commissioner Ellingson, seconded by Commissioner Woerner, to adjourn into Executive Session at 7:32 p.m. to consult with legal counsel about labor and contractual negotiations and non-elected personnel.

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 Knoff.

Roll Call: Present: Commissioners Akland, Ellingson, Gross, Lowrie, VanDerhule, Wenande, and Woerner. City Attorney Hosmer and City Manager Russell were also present. Absent: Commissioner Carda. Quorum present.

Moved by Commissioner Woerner, seconded by Commissioner Akland, to adjourn at 8:22 p.m.

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

Motion adopted.

Moved by Commissioner Woerner, seconded by Commissioner Akland, to adjourn at 8:22 p.m.

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

Motion adopted.

Moved by Commissioner Woerner, seconded by Commissioner Akland, to adjourn at 8:22 p.m.

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

Motion adopted.

Moved by Commissioner Woerner, seconded by Commissioner Akland, to adjourn at 8:22 p.m.

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

Motion adopted.

Moved by Commissioner Woerner, seconded by Commissioner Akland, to adjourn at 8:22 p.m.

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

Motion adopted.

Moved by Commissioner Woerner, seconded by Commissioner Akland, to adjourn at 8:22 p.m.

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

Motion adopted.

TEST

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Tyndall Fire Department, the Yankton Fire Department, the Lesterville Fire Department, the Tabor EMS, the Tyndall EMS, the Yankton County EMS, the Yankton County Sheriff's Office, the Bon Homme County Sheriff's Office, the Yankton County Coroner's Office, the South Dakota Highway Patrol, the Yankton Police Department dispatch center and the Avera Sacred Heart Hospital Emergency Department were involved in the exercise.

Responders were called out to the intersection of 428th Avenue and 298th Road around 5:45 p.m. Monday where an actual school bus had been tipped over and a semi tractor was staged as if it had collided with it. The bus was obtained from the Yankton School District, which had to dispose of the vehicle after getting a more environmental-friendly bus through a grant program.

Dangel compared the exercise to staging a play.

"The biggest challenge, and our number one priority any time we do a field exercise like this, is safety," he said. "It's the thing I lose sleep over when we're doing full-scale exercises. We have to make sure we have controls in place so we don't get anybody hurt. That's compounded significantly when we add children to the mix."

Members of several Yankton-area Boy and Girl Scout troops were on hand to play the roles of injured students.

Greg Hill, a leader with Boy Scout Troop 102, said participation in the exercise by the scouts fits in with a desire to teach them about emergency preparedness.

"Hopefully, this will be the only time they have an experience like this," he said.

"Things went really well," Hill added. "The emergency responders were very professional and worked well as a team, even though they came from different areas."

Hill's daughter, Shanna, was one of the Girl Scouts who took part in the exercise. She said she would like to participate in

MENNO

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"They are grateful for the compassion, giving and caring that you (as a community) have given since the death of Gail," he said.

The Guthmillers have shown an inner strength rooted in their faith and the support they have received from the community, Nastasi said.

"I don't know if I could be as strong," he said.

Guthmiller's death continues to affect not only her family and friends but also the NorthWestern community, Glanzer said.

"We (at NorthWestern) feel your loss and pain," he told the audience.

Pohl reassured the gathering about the natural gas infrastructure in Menno. "We have one of the safest systems in the country," he said.

NorthWestern spends \$3 million annually on the infrastructure for its Yankton office, which serves Menno, Pohl said.

Many safeguards are taken to keep the natural gas supply safe at all times, said Mike Sydow, the general manager of NorthWestern operations for South Dakota and Nebraska.

"Natural gas is safe, but it takes teamwork," he said, describing the many employees and processes undertaken to ensure safety.

However, NorthWestern's role ends once the natural gas enters the home or business, Sydow said. Then, the customer must help ensure the safety and take steps to detect any problems, he said.

"One thing we promote is to have the inside piping checked annually," he said.

NorthWestern adds a distinctive smell, like rotten eggs, to signal the presence of natural gas which is naturally colorless and odorless, Sydow said. Customers who notice an unpleasant odor should leave the premises immediately and call for help from a different location, he said.

Other telltale signs of natural gas include an unusual hissing sound or leaking water, he said.

Should problems arise, customers should call 911 and NorthWestern officials, Sydow said.

another training exercise if the opportunity arose.

"I think it was really fun — except when you're playing dead," she said. "Then it was kind of boring because you just had to lay there."

Dangel said all the youngsters seemed to enjoy the experience.

"We had a pretty good briefing with the kids prior to the exercise," he said. "We went over safety and the fact that, if anything occurred that they were uncomfortable with, they should let us know right away. The kids had a blast by all accounts."

One of the most difficult tasks when an emergency occurs that requires the involvement of many different agencies is maintaining an effective line of communication.

"We knew going into it that we would have challenges, especially with radio communications and setting up the scene to get emergency vehicles in and out of an intersection where the accident happened," Dangel said. "Those challenges were managed and overcome. We're going to take away ways to do things differently on any kind of incident."

"There was also a lot of discussion about how we would coordinate information going out to the families and the media," he added. "That's going to be a discussion we're going to continue to have with the school district, the hospital, the local emergency planning committee and the local public safety agencies to find out how we can best get family members information quickly and accurately. We also want to make sure we're being sensitive to what just happened."

It's been a long time since Bon Homme and Yankton counties have collaborated on a large-scale training exercise like the one held Monday. However, Yankton County emergency responders have at least one big exercise a year, and it may cover anything from a severe weather event to a hazardous materials spill.

"The best thing that came out of this exercise is, we got agencies together that don't work together often to find out our limitations and capabilities," Dangel said. "We always find out we have a lot more capabilities than we have limitations. We just have to push ourselves a little bit."

"Call if you have any hint, if you have any problem at all," he said.