

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
JANUARY 24<sup>th</sup>, 2022**

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

**Roll Call:** Present: Commissioners Benson, Brunick, Johnson, Maibaum, Miner, Schramm, Webber and Villanueva. City Attorney Den Herder and City Manager Leon were also present.

Quorum present.

Action 22-007

Moved by Commissioner Johnson, seconded by Commissioner Webber, to approve Minutes of regular meeting of January 10, 2022.

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

Motion adopted.

Action 22-008

Moved by Commissioner Brunick, seconded by Commissioner Benson, that the Schedule of Bills be approved and warrants be issued.

Blaze Publications - Publications - \$1,875.00; Bouza/Ashley - Tuition Reimburse - \$1,893.96; Brightway Electric - Library Data Wiring - \$6,420.00; Cengage Learning/Gale - Books - \$313.66; City Of Yankton-Parks - Landfill Charges - \$113.22; Colliers Securitates - Annual Service Fee - \$500.00; Credit Collection Service - Ut Collection - \$73.83; Crescent Electric - Motor Saver - \$150.11; Den Herder Law Office, P.C - Contracted Services - \$12,981.42; Gerstner Oil Co. - Grease - \$58.10; HDR Engineering - Water/WW Collection - \$171,472.00; Houston Equipment - Metal Locator - \$391.20; Kaiser Refrigeration - Parts - \$67.49; KLJ Engineering - Design Services - \$10,000.00; Kuehler/Dave - Safety Glasses - \$60.00; List Electric - Gym Lighting Proj - \$11,989.82; Maximum Promotions - Sertoma Softball - \$872.40; Mayer Signs - Park Sign - \$127.80; McGrath North - Professional Serv - \$105.00; Merchant/Erica - Mural Consultation - \$500.00; Midwest Tape - Av - \$79.98; Missouri Valley Shopper - Ad - \$135.00; Northwestern Energy - Globe Replacement - \$202.87; Observer - Ads - \$60.00; Press Dakota Mstar Solutions - Ad - \$1,852.17; RDG Planning & Design - Strategic Planning - \$6,595.85; Smith Insurance Inc./MT & RC - Notary Insurance - \$80.00; Xtreme Car Wash - Patrol Car Washes - \$94.80

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

Motion adopted

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

There were no public appearances at that time.

Action 22-009

Moved by Commissioner Benson, seconded by Commissioner Schramm, to approve the following consent agenda items:

1. **Establishing public hearing for sale of alcoholic beverages**  
Establish February 14, 2022, as the date for the public hearing on the request for a Special Malt Beverage (on-sale) Retailers License for 3 days, August 19-21, 2022, from Yankton Area Riverboat Days, Inc. (Milissia Wuebben, Treasurer), Riverside Park, Yankton, S.D.
2. **Establishing public hearing for sale of alcoholic beverages**  
Establish February 14, 2022, as the date for the public hearing on the request for a Special Malt Beverage (on-sale) Retailers License for 3 days, August 19-21, 2022, from Yankton Area Riverboat Days, Inc. (Milissia Wuebben, Treasurer), City Hall Auditorium, Yankton, S.D.
3. **Special Events Dance License**  
Consideration of Memorandum #22-16 recommending approval of the application from Yankton County 4H for a Special Events Dance License for August 5, 2022
4. **Transient Merchant License**  
Consideration of Memorandum #22-17 recommending approval of the application from Yankton County 4H Transient Merchant License from August 5-6, 2022.

**Roll Call:** Commissioners voting “Aye” were Benson, Brunick, Johnson, Maibaum, Miner, Schramm, Webber and Mayor Moser; voting “Nay:” None. Abstain: Commissioner Villanueva.  
Motion adopted.

Action 22-010

Moved by Commissioner Johnson, seconded by Commissioner Miner, to approve Resolution 21-97.  
(Memorandum 22-04)

**RESOLUTION 21-97**

**A RESOLUTION APPROVING THE 2021 SPECIAL ASSESSMENT ROLL FOR  
NUISANCE ABATEMENT**

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 nuisance abatement 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 February 24, 2022, 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.

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

Action 22-011

This was the time and place for the public hearing for the application of transfer of ownership of a Retail (on-off sale) Malt Beverage License for July 1, 2021, to June 30, 2022, from Arrowhead Holdings, LLC (Rick Daugherty, Member) dba Gramps, to Yankton Convenience, Inc. d/b/a Total Stop Convenience Store #6112 (Jeff Nielsen, President), 700 East 4<sup>th</sup> Street, Yankton, S.D. (Memorandum 22-05) No one was present to speak for or against the application.

Moved by Commissioner Maibaum, seconded by Commissioner Miner, to approve the license.

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

Motion adopted.

Action 22-012

This was the time and place for the public hearing for a Special Events RETAIL (on-sale) Liquor License for 1 day, February 5, 2022, from BPO Elks Lodge 994 (Cindy Frank, Secretary), 504 W 27<sup>th</sup> Street, NFAA, 800 Archery Lane, Yankton, South Dakota. (Memorandum 22-06) No one was present to speak for or against the application.

Moved by Commissioner Schramm, seconded by Commissioner Benson, to approve the license.

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

Motion adopted.

Action 22-013

Moved by Commissioner Johnson, seconded by Commissioner Benson, to approve Resolution 22-04. (Memorandum 22-08)

**RESOLUTION 22-04**

WHEREAS, SDCL 9-14-28 requires that the salaries of municipal officers be fixed and determined by City resolution,

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, effective January 1, 2022, that the salary of the City Attorney shall be at an annual rate of \$66,473.83.

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

Motion adopted.

Action 22-014

Moved by Commissioner Benson, seconded by Commissioner Maibaum, to approve Resolution 22-03. (Memorandum 22-07)

**RESOLUTION 22-03**

WHEREAS, SDCL 9-14-28 requires that the salaries of municipal officers be fixed and determined by City resolution,

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, effective January 1, 2022, that the salary of the Finance Officer shall be at an annual rate of \$117,260.90.

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

Action 22-015

Moved by Commissioner Maibaum, seconded by Commissioner Benson, to approve Resolution 22-02.  
(Memorandum 22-09)

**RESOLUTION 22-02**

WHEREAS, SDCL 9-14-28 requires that the salaries of municipal officers be fixed and determined by City resolution,

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, effective January 1, 2022, that the salary of the City Manager shall be at an annual rate of \$134,569.98.

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

Action 22-016

Moved by Commissioner Benson, seconded by Commissioner Maibaum, to approve Resolution 22-01.  
(Memorandum 22-02)

**RESOLUTION 22-01**

RESOLUTION OF SIDEWALK EXTENSION

WHEREAS, the City of Yankton, permits sidewalk cafes to operate on public sidewalks in the B-3 Central Business District, and

WHEREAS, the owner/operator of 102 & 104 East 3<sup>rd</sup> Street has requested a sidewalk cafe permit in a boardwalk extension to the existing public sidewalk, and

WHEREAS, the applicant has provided a detailed set of plans for a boardwalk extension to the public sidewalk, and

WHEREAS, the City of Yankton, South Dakota, after due review and consideration, has determined that applicant has met the minimum sidewalk cafe requirements, and

WHEREAS, the design:SD planning process and other redevelopment efforts in the Meridian District emphasize the creative use of public spaces, and

WHEREAS, the applicant has requested the boardwalk extension be formally recognized by the City Commission as a portion of the public sidewalk.

NOW THEREFORE BE IT RESOLVED, that boardwalk extension as shown in the 2022 sidewalk cafe application of 102 & 104 East 3<sup>rd</sup> Street be recognized as a portion of the public sidewalk during the time period during which it is installed.

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

Action 22-017

Moved by Commissioner Johnson, seconded by Commissioner Brunick, to approve a Sidewalk Cafe Permit to 100 East 3rd Street doing business as Boomers Lounge. (Memorandum 22-03)

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

Motion adopted.

Commissioner Brunick introduced and Mayor Moser read the title of Ordinance No. 1058, AN ORDINANCE SUPPLEMENTING THE 2022 ANNUAL APPROPRIATION ORDINANCE #1055, and set the date of the second reading and public hearing as February 14<sup>th</sup>, 2022.

Action 22-018

This was the time and place for the bid opening for the Fox Run Golf Course Vertical Turbine Variable Speed Prefabricated Pump Station. At the bid opening held on Tuesday, January 11, 2022 at 3:00 p.m., only one bid was received for the Fox Run Golf Course Pump Station Project. (Memorandum 22-11)

Moved by Commissioner Villanueva, seconded by Commissioner Maibaum, to award the bid from GreatLIFE Golf and Fitness, Inc., for \$183,588.01, which includes removal of the old pump and installation of the new system.

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

Motion adopted.

Action 22-019

Moved by Commissioner Schramm, seconded by Commissioner Benson, to authorize the City Manager to sign and administer the Amendment to the Agreement for Professional Services for Westside Park with Stockwell Engineers, Inc. (Memorandum 22-12)

**Roll Call:** Commissioners voting “Aye” were Benson, Brunick, Johnson, Miner, Schramm, Webber, Villanueva and Mayor Moser; voting “Nay” was Commissioner Maibaum.

Motion adopted.

Action 22-020

Moved by Commissioner Brunick, seconded by Commissioner Webber, to accept the Final Project and Payment for Crushed Salvaged Concrete Contract, for \$8,460.39 to CRC Sand and Gravel, LLC. (Memorandum 22-13)

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

Motion adopted.

Action 22-021

Moved by Commissioner Maibaum, seconded by Commissioner Benson, to approve the Sanitary Sewer, Storm Sewer and Street Improvements for 29<sup>th</sup> Street, Woodbine Avenue and Castlewood Circle – Phases 9 & 10, of the Ridgeway North Development Project. (Memorandum 22-14)

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

Motion adopted.

Action 22-022

Moved by Commissioner Johnson, seconded by Commissioner Miner, to approve Resolution 22-05. (Memorandum 22-15)

**RESOLUTION 22-05**

NO PARKING AREAS, ON GREEN STREET FROM 21<sup>ST</sup> STREET TO 23<sup>RD</sup> STREET

WHEREAS, Green Street carries a large number of vehicles each day; and

WHEREAS, that Astec Industries is a manufacturing company at this location; and

WHEREAS, traffic to and from Astec Industries, includes semi-trucks, daily; and

WHEREAS, semi-trucks require more area to maneuver and complete turns; and

WHEREAS, there is sufficient parking with both on-street and off-street parking available for the tenants of the apartment complex, and

WHEREAS, The Board of City Commissioners of the City of Yankton has the authority to establish and revoke parking restrictions within the City of Yankton;

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, SD, that parking is prohibited on Green Street, from 21<sup>st</sup> Street to 23<sup>rd</sup> Street, as described in Memorandum #22-15.

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

Action 22-023

Moved by Commissioner Benson, seconded by Commissioner Miner, to adjourn at 8:15 p.m.

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

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Stephanie Moser  
Mayor

ATTEST:

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Al Viereck  
Finance Officer