

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
MARCH 28, 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, Schramm, Webber and Villanueva. City Attorney Den Herder and City Manager Leon were also present.

Absent: Commissioner Miner. Quorum present.

Action 22-68

Moved by Commissioner Webber, seconded by Commissioner Villanueva, to approve Minutes of regular meeting of March 14th, 2022.

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.

Prior to Commission action, Consent Agenda Item II-2 was pulled and placed as New Business Item IV-6.

Action 22-69

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

1. Notice to Call for City of Yankton Election

Establish 12:00 pm, on Friday, April 15, 2022, as the time and date of a “Notice to Call” a Special City Commission meeting to canvass the election returns of the City of Yankton Election to be held on Tuesday, April 12, 2022

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

Motion adopted.

Action 22-70

This was the time and place for the public hearing for a Special Events Malt Beverage (on-off sale) License for 1 day, August 5, 2022, from Utica Hall/Rueb, LLC d/b/a Utica Hall, 801 McCarthy Street, Utica, SD at 4-H Fair Grounds, 901 Whiting Drive, Yankton, SD. (Memorandum 22-51) No one was present to speak for or against the application.

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

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

Motion adopted.

Action 22-71

This was the time and place for the public hearing for a Special Malt Beverage (on-sale) Retailers License for 2 day, August 19-20, 2022, from Yankton Rodeo Association (Douglas O Hevle, President), Rodeo Grounds, 404 Paddle Wheel Drive, Yankton, S.D. (Memorandum 22-52) No one was present to speak for or against the application.

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

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

Motion adopted.

Action 22-72

Moved by Commissioner Johnson, seconded by Commissioner Webber, to approve the Agreement for Professional Services with Stockwell Engineers, Inc. and authorize the City Manager to sign and administer documents for the 31st & Broadway Development Project. (Memorandum 22-53)

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

Motion adopted.

Action 22-73

This was the time and place for the bid opening for the Cold Applied Plastic Pavement Marking Installation Project #2022-008. The following bids were received and opened on March 17th, 2022 at 3:00 p.m.: Dakota Traffic Services, LLC for \$57,560.00 and Traffic Solutions Inc. for \$62,997.20. (Memorandum 22-49) Moved by Commissioner Maibaum, seconded by Commissioner Webber, to award the contract to Dakota Traffic Services, LLC in the amount of \$57,560.00.

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

Motion adopted.

Action 22-74

Moved by Commissioner Schramm, seconded by Commissioner Maibaum, to approve offering the Downtown Yankton Façade Grant 2022 Agreement to all seven projects selected by the committee in the amount of \$87,000 from the BBB fund. (Memorandum 22-54)

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

Motion adopted.

Action 22-75

Moved by Commissioner Webber, seconded by Commissioner Villanueva, to approve the Third Addendum to the Professional Services Agreement with the Den Herder Law Firm by appointing four Deputy City Attorneys: staff attorneys Lindsay Hovden and Beau Barrett, currently employed by the City Attorney, and Debra Lillie, Chief Deputy States Attorney, and Tyler Larsen, Deputy States Attorney. (Memorandum 22-56)

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

Motion adopted.

Action 22-76

Moved by Commissioner Brunick, seconded by Commissioner Schramm, to approve Resolution 22-11. (Memorandum 22-50)

RESOLUTION 22-11

WHEREAS, Barbara Hansen owns property in Block 43 of Lower Yankton Addition that is needed by the City of Yankton for Marne Creek flood mitigation and corridor management purposes, and

WHEREAS, South Dakota Codified Law allows the voluntary transfer of needed property from private landowners to local governmental entities, and

WHEREAS, the City has determined that the Marne Creek area property has a flood mitigation project property value of \$0.35 per square foot commensurate with the value of other similar transfers in the past, and

WHEREAS, the Yankton Board of City Commissioners desires to acquire the land for flood mitigation purposes and the total value of the unsurveyed area, based on the above square footage price, would equal an amount near \$3,003.

NOW, THEREFORE BE IT RESOLVED that the Board of City Commissioners of the City of Yankton, South Dakota, hereby agrees to purchase the below described property from a voluntary seller, Barbara Hansen, for a total of \$3003 with the City also paying all fees over and above that amount associated with the transfer, and

BE IT FURTHER RESOLVED that Ms. Hansen, and future owners and assigns are permitted to continue counting the square footage of the transferred creek property in the density calculations for the remaining, developable portion of the parcel, and

BE IT FURTHER RESOLVED that the City Manager be authorized to execute all documents associated with the described transfer.

The West Sixty-Foot (65') of Lots Sixteen (16),Seventeen (17) and Eighteen (18), Block Forty-three (43), Lower Yankton Addition to the City of Yankton, South Dakota

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

Action 22-77

Moved by Commissioner Johnson, seconded by Commissioner Benson, to approve to combine the April 12, 2022 City of Yankton Municipal Election with the April 12, 2022 Yankton School District Election, to share in the cost of said election, and ratify agreement signed by the Yankton School District representative and City of Yankton representative to share in the cost and administration of election.

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

Action 22-78

Moved by Commissioner Villanueva, seconded by Commissioner Webber, to adjourn into Executive Session at 7:44 p.m. to discuss **contractual, litigation and personnel matters** under SDCL 1-25-2.

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 Moser.

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

Absent: Commissioner Miner. Quorum present.

Action 22-79

Moved by Commissioner Villanueva, seconded by Commissioner Johnson, to adjourn at 8:48 p.m.

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

Motion adopted.

Stephanie Moser
Mayor

ATTEST:

Al Viereck
Finance Officer