

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
SEPTEMBER 26TH, 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 22-231

Moved by Commissioner Webber, seconded by Commissioner Johnson, to approve Minutes of regular meeting of September 12th, 2022.

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

Motion adopted.

City Manager Leon submitted a Commission Information Memorandum giving an update on community projects and items of interest.

There were no public appearances at that time.

Action 22-232

Moved by Commissioner Johnson, seconded by Commissioner Webber, to approve the following consent agenda items:

1. **Transient Merchant License**
Consideration of Memorandum #22-178 recommending approval of the application from Country Fresh Farms for September 28-October 1, 2022
2. **Transient Merchant License**
Consideration of Memorandum #22-179 recommending approval of the application from Mount Marty University for October 1, 2022 – October 31, 2022

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

Motion adopted.

Action 22-233

This was the time and place for the public hearing for a request for a Special Events Malt Beverage (on-sale) Retailers License for 3 days, October 7, 8 & 9, 2022 from National Field Archery Association Foundation (Morgan Palmer, Marketing & Events Coordinator), 800 Archery Lane, Yankton, South Dakota. (Memorandum #22-176) No one was present to speak for or against the application. Moved by Commissioner Webber, seconded by Commissioner Benson, to approve the license.

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

Motion adopted.

Action 22-234

Moved by Commissioner Webber, seconded by Commissioner Benson, to accept the completed construction of The Huether Family Aquatics Center by Welfl Construction Corporation, of Yankton, South Dakota (Memorandum #22-177)

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

Motion adopted.

Action 22-235

Moved by Commissioner Benson, seconded by Commissioner Webber, to approve Change Order No. 1, accept the completed construction project along Whiting Drive, and authorize the Finance Officer to issue a manual check to Masonry Components, Inc., in the amount of \$5,289.99. (Memorandum #22-175)

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

Motion adopted.

Action 22-236

Moved by Commissioner Brunick, seconded by Commissioner Johnson, to approve Change Order No. 1, accept the completed reconstruction on 21st Street, WCLR & Summit Street and authorize the Finance Officer to issue a manual check to Masonry Components, Inc., in the amount of \$22,518.83. (Memorandum #22-174)

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

Motion adopted.

Action 22-237

Moved by Commissioner Webber, seconded by Commissioner Villanueva, to approve Change Order #1, accept the project and authorize the final payment request for the 2022 Cold Applied Plastic Pavement Marking Installation Project and directing the Finance Officer to issue a manual check for \$57,733.20 to Dakota Traffic Services, LLC of Tea, South Dakota. (Memorandum #22-168)

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

Motion adopted.

Action 22-238

Moved by Commissioner Schramm, seconded by Commissioner Webber, to approve the Swim Team’s request for waiver of the \$1,500.00 rental fee associated with hosting the swim meet. (Memorandum #22-173)

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

Motion adopted.

Action 22-239

Moved by Commissioner Johnson, seconded by Commissioner Brunick, to approve Resolution #22-42 (Memorandum #22-169)

RESOLUTION #22-42

WHEREAS Ordinance #953, adopted and effective as of January 28, 2013, established “Appendix B – Business improvement District #1” of the City Code of Ordinances; and

WHEREAS Section 4 of Appendix B established the boundaries of the District as the corporate limits of the City of Yankton:

Sec. 4. Boundaries of District. Pursuant to SDCL 9-55-4, the boundaries of “the District” are the corporate limits of the City of Yankton. The businesses subject to the “Occupational Tax” are the following “business owners,” all of which operate their businesses within the established non-contiguous business areas with common zoning designations and which are located within the corporate limits of the City of Yankton:

	<u>Property</u>	<u>Rooms</u>	<u>Address</u>
a.	Best Western Kelly Inn	121	1607 E. Hwy 50
b.	Broadway Inn	37	1201 Broadway Ave
c.	Day’s Inn	46	2410 Broadway Ave.
d.	Holiday Inn Express	58	2607 Broadway Ave.
e.	Super 8 Motel	59	1603 E. Highway 50

Prior addition by resolution:

Econo Lodge (now the Comfort Inn) 59 rooms 611 W. 23rd St.

WHEREAS Section 6 of Appendix B allows for new properties in the district to be included by resolution per SDCL:

Sec. 6 New Properties in the District. Business Improvement District #1 may be expanded by resolution per SDCL to also include all hotel, motel and lodging establishments with 25 rooms or more which are constructed after the creation of the District.

NOW THEREFORE, BE IT RESOLVED that the new Fairfield Inn and Suites, with 72 rooms, located at 508 W. 21st Street, shall be included in Business Improvement District #1 upon receiving a completed “Certificate of Occupancy” from the City of Yankton.

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

Commissioner Benson introduced, and Mayor Moser read, the title of Ordinance No. 1065 AN ORDINANCE TO REZONE PROPERTY FROM I-1 INDUSTRIAL TO B-2 HIGHWAY BUSINESS ON LOT 2 EXCEPT THE NORTH 247.14’ OF THE WEST 360.15’ IN THE SW ¼ OF THE NE ¼ OF SECTION 12, T93N, R56W OF THE 5TH P.M., CITY OF YANKTON, YANKTON COUNTY, SOUTH DAKOTA. ADDRESS, 2000 SUMMIT STREET, LIST CONSTRUCTION, APPLICANT. (Memorandum #22-171) and set the date of the second reading and public hearing as October 10th, 2022.

City Attorney Den Herder presented his dashboard of recommendations for how the City Manager/City Commission structure of City government should occur in Yankton. (Memorandum #22-172) General questions and discussion ensued, but no official commission action took place on this agenda item.

While the City Commission was acting as the Zoning Board of Adjustment, Commissioner Webber introduced a variance from the City's maximum lot coverage in an R-4 Multiple Family Residential District on the North 32 feet of Lot 12 and all of Lot 13, Block 50 of Todd's Addition to the City of Yankton, South Dakota, 507-509 Douglas Avenue, Gary Johnson and Christine Munson, owners (Memorandum #22-170) and set the date of the second reading and public hearing as October 10th, 2022.

Action 22-240

Moved by Commissioner Benson, seconded by Commissioner Villanueva, to adjourn at 8:03 p.m.

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

Motion adopted.

Stephanie Moser
Mayor

ATTEST:

Al Viereck
Finance Officer

Published on October 5, 2022