

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
November 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 Minor. Quorum present.

Action 22-293

Moved by Commissioner Villanueva, seconded by Commissioner Webber, to approve Minutes of regular meeting of November 14, 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.

Action 22-294

Prior to considering consent items, #4 was taken off and added to new business.

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

1. **Renewal of Private Collector of Refuse License for 2023**
Consideration of Memorandum #22-232 recommending approval of the renewal of applications for Private Collector of Refuse Licenses for the year 2023 (January 1, 2023–December 31, 2023) licensing period.
2. **Renewal of 2023 City Dance License Applications**
Consideration of Memorandum #22-230 recommending approval of the renewal of applications for 2023 City Dance Licenses.
3. **Establish Public Hearing for sale of alcoholic beverages**
Establish December 12, 2022 as the date for the public hearing on the request for a Special Events Retail (on-sale) Liquor License for 1 day, January 21, 2023, from Riverside Roadhouse, Inc. d/b/a/ Riverside Roadhouse, 44368 309th Street, Mission Hill, SD 57046 at The Meridian Venue, 101 E. 3rd Street, Yankton, SD.

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

Motion adopted.

Action 22-295

This was the time and the place for the public hearing on the application for a Special Events (on-sale) Liquor License for 1 day, December 10th, 2022 from VFW Post 791, 209 Cedar Street, Yankton, S.D., Meridian Venue, 101 E 3rd St, Yankton, S.D.

The above applicant is in compliance with the City Code of Ordinances, as checked by the Department

of Finance. A police check on the applicant revealed no felony convictions or wants. The applicant is in compliance with all building and fire codes. No one was present to speak against the application.

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

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

Action 22-296

This was the time and the place for a Special Events (on-sale) Liquor License for 1 day, December 2nd, 2022 from Stripes, Inc. dba Mojo’s 3rd Street Pizza, (Jeff Dayhuff, Owner), 106 E. 3rd Street. Meridian Venue, 101 E 3rd St, Yankton, S.D.

The above applicant is in compliance with the City Code of Ordinances, as checked by the Department of Finance. A police check on the applicant revealed no felony convictions or wants. The applicant is in compliance with all building and fire codes. No one was present to speak against the application.

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

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

Action 22-297

Commissioner Webber introduced and Mayor Moser read the title of Ordinance No. 1067, AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE #1055, THE 2022 ANNUAL APPROPRIATION ORDINANCE. THIS IS SUPPLEMENT #2, TO THE ANNUAL APPROPRIATION ORDINANCE. (Memorandum 22-227), and set the date of the second reading and public hearing as December 12, 2022

Action 22-298

Moved by Commissioner Maibaum, seconded by Commissioner Johnson, to authorize the write-off of \$1,888.04 as uncollectible per SDCL 9-22-4. (Memorandum 22-224).

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

Action 22-299

Moved by Commissioner Maibaum, seconded by Commissioner Schramm, to authorize Mayor Moser to sign the Water System Limited Joint Development Agreement for the Mead’s Addition. (Memorandum 22-225).

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

Action 22-300

Moved by Commissioner Johnson, seconded by Commissioner Webber, to approve Resolution 22-58. (Memorandum 22-207)

RESOLUTION #22-58

WHEREAS, the City of Yankton and Yankton County have entered into an agreement for the provision of library services for residents living outside corporate limits of the city; and,

WHEREAS, the current agreement is slated to expire December 31, 2022; and,

WHEREAS, Yankton County has contracted with the City of Yankton for library services since 1993; and,

WHEREAS, more than 777 Yankton County residents are cardholders at the Yankton Community Library; and,

WHEREAS, the current agreement between the City and County contains a provision for extending this service until December 31, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota that the Agreement for the Provision of Library Services between the City and Yankton County be extended for the term January 1, 2023, through December 31, 2023.

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

Action 22-301

Moved by Commissioner Benson, seconded by Commissioner Brunick, to approve the sub-lease of Hangar #15. (Memorandum 22-226)

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

Action 22-302

Moved by Commissioner Johnson, seconded by Commissioner Benson, to approve Resolution 22-60. (Memorandum 22-231).

RESOLUTION #22-60

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, trade, destruction or other disposals 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:

PROPERTY TO BE DECLARED SURPLUS

2015 Ford Explorer 1FM5K8ARXFGA94346

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

Action 22-303

Moved by Commissioner Maibaum, to fund the shade feature project at \$50,000 from BBB, seconded by Commissioner Schramm. Citizen Jeff Steppat, representing Friends of Sertoma Park, was present to explain the proposed shade structure, answer questions and request the Commission support and funding. After some Commission discussion and prior to a vote on the original motion, Commissioner Villanueva moved to amend the original motion to fund the project at \$25,000. That motion died from a lack of a second to the amended motion. Then the commission voted on the original motion. (Memorandum 22-216)

Roll Call: Commissioners voting “Aye;” were Brunick, Maibaum, Schramm, and Webber. Commissioners voting “Nay:” were Benson, Johnson and Villanueva. Abstain: Mayer Moser.
Motion adopted.

Action 22-304

Yankton Baseball Association Members Jason Nelson and Tom Stotz were present to discuss the proposed Riverside Park Baseball Field Project, answer questions and request commission funding. After discussion Commissioner Schramm moved to fund the request for the Riverside Park Baseball Field project at \$87,000 from BBB. Commissioner Maibaum seconded

Roll Call: All members present voting “Aye;” voting “Nay:” Commissioner Brunick.
Motion adopted.

Action 22-305

Moved by Commissioner Maibaum, seconded by Commissioner Benson, to approve Change Order No. 1 for the 5th Street Construction project in the amount of \$72,404.35. (Memorandum 22-233)

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

Action 22-306

Moved by Commissioner Johnson, seconded by Commissioner Schramm, to approve Change Order No. 1, accept the completed Active Transportation project and authorize the Finance Officer to issue a manual check to Masonry Components, Inc. in the amount of \$26,644.70. (Memorandum 22-235).

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

Action 22-307

Moved by Commissioner Weber, seconded by Commissioner Johnson, to approve Resolution 22-61. (Memorandum 22-236)

RESOLUTION #22-61

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, trade, 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, TRADED, DONATED OR DESTROYED

City Hall:

- 1) Outdoor Christmas Wreaths (Qty 2)

Finance:

- 1) IBM 6400 line matrix printer
- 2) IBM InfoWindowII computer monitor
- 3) IBM eserver i5

Police:

- 1) Taxers X2 (Qty 5)
Serial #X2190031XR
#X290005MT
#X29000T8V
#X290034TY
#X290005TW

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

Motion adopted.

Action 22-308

This was the time and the place for the bid opening of the Mead Property Development Project. Six bids were received and opened on November 22, 2022 at 3:00pm from, Feimer Construction, Inc., Yankton, SD \$5,243,554.00, Hulstein Excavating, Inc., Edgerton, MN \$3,950,369.60, Slowey Construction, Inc. \$3,482,260.50, Yankton, SD, BX Civil & Construction, Dell Rapids, SD \$4,220,000.00, First Rate Excavate, Sioux Falls, SD \$4,567,494.00 and D & G Concrete Construction, Sioux Falls, SD \$3,482,296.90. (Memorandum 22-220)

Moved by Commissioner Villanueva, seconded by Commissioner Johnson, to award the contract, to Slowey Construction, Yankton, South Dakota, in the amount of \$3,482,260.50.

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

Motion adopted.

Action 22-309

Moved by Commissioner Johnson, seconded by Commissioner Villanueva, to approve the original consent item #4. The Summit Activities Task Force. (Memorandum 22-237)

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

Action 22-310

Moved by Commissioner Villanueva, seconded by Commissioner Webber, to adjourn into Executive Session at 9:04 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 22-311

Moved by Commissioner Johnson, seconded by Commissioner Schramm, to adjourn at 9:41 p.m.

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

Stephanie Moser
Mayor

ATTEST:

Al Viereck
Finance Officer