



Mission Statement

To provide exemplary experiences, services & spaces that create opportunities for everyone to learn, engage and thrive.

YANKTON BOARD OF CITY COMMISSIONERS

Regular City Commission Meeting beginning at 7:00 P.M.

Monday, January 9, 2023

City of Yankton Community Meeting Room

Located at the Career Manufacturing Technical Education Academy formerly known as Technical Education Center • **1200 W. 21st Street • Room 114**

If you would like to watch the City Commission meeting you can do so by accessing the City of Yankton’s YouTube Live Channel.

<https://www.youtube.com/channel/UCD1a1hf1dIkiLVSXnmDRQg/live>

Rebroadcast Schedule: Tuesday @ 7:30pm, on Channels 3 & 45

I. ROUTINE BUSINESS

- 1. **Roll Call**
- 2. **Approve Minutes of Regular Meeting of December 22, 2022** **Attachment I-2**
- 3. **Schedule of Bills** **Attachment I-3**
- 4. **City Manager’s Report** **Attachment I-4**
- 5. **Public Appearances**

Public appearances is a time for persons to address the City Commission on items not listed on the agenda. No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. Each person has up to three minutes to speak. Comments made during the Public Appearance Comment period of the agenda may be on any subject. There shall be no personal attacks against the Mayor, members of the City Commission, City Staff, or any other individual.

II. CONSENT ITEMS

Matters appearing on the Consent Agenda are expected to be non-controversial and will be acted upon by the City Commission at one time, without discussion. Approval constitutes following the recommendation of the City Manager on each item.

- 1. **Work Session**
Setting date of January 23, 2023, at 6:00 pm in Room #114 of the Career Manufacturing Technical Education Academy for the next work session of the Yankton City Commission

2. **Establish Public Hearing for Transfer of Ownership of Retail Liquor License**
Establish January 23, 2023 as the date for the public hearing on the request for transfer of ownership of a Retail (on-sale) Liquor License for January 1, 2023 to December 31, 2023 from W R Capital, LLC (Don Anderson, President), dba Minerva's Grill & Bar to LLTD1, LLC (Kimberly Ocampo, Owner), dba Boss' Pizza & Chicken Sports Bar, 1607 E. Hwy 50, Suite 1, PO Box 146, Yankton, SD.

Attachment II-2

3. **Establish Public Hearing for sale of alcoholic beverages**
Establish January 23, 2023 as the date for the public hearing on the request for a Special Events Retail (on-sale) Liquor License for 1 day, February 4, 2023, from BPO Elks Lodge 994 (Lindsay Stotz, Secretary), 504 W 27th Street, NFAA, 800 Archery Lane, Yankton, SD.

Attachment II-3

4. **Establish Public Hearing for sale of alcoholic beverages**
Establish January 23, 2023 as the date for the public hearing on the request for a Special Events Retail (on-sale) Liquor License for 2 days, February 10 and 11, 2023, from BPO Elks Lodge 994 (Lindsay Stotz, Secretary), 504 W 27th Street, NFAA, 800 Archery Lane, Yankton, SD.

Attachment II-4

5. **Establish Public Hearing for sale of alcoholic beverages**
Establish January 23, 2023 as the date for the public hearing on the request for a Special Events Retail (on-sale) Liquor License and a Special (on-sale) Wine Retailers License for 1 day, February 16, 2023, from The Center (Kriss Thury, Executive Director), 900 Whiting Drive, Yankton, SD.

Attachment II-5

6. **Establish Public Hearing for sale of alcoholic beverages**
Establish January 23, 2023 as the date for the public hearing on the request for a Special Events (on-sale) Liquor License for February 18, 2023 from Hanten, Inc., (Ben Hanten, Owner) dba Ben's Brewing Company, 222 West 3rd Street, NFAA, 800 Archery Lane, Yankton, South Dakota.

Attachment II-6

III. OLD BUSINESS

Old business includes items that have previously appeared on the City Commission's agenda and require further consideration or action by the board.

1. **Planning Commission Recommendation – Second Reading & Public Hearing**
Second Reading and Public Hearing - The City Commission acting as the Zoning Board of Adjustment regarding Memorandum #23-06, a public hearing to consider a variance from the City's maximum front yard fence height in a residential district on Lot 16, Block 2, Mayer's Addition to the City of Yankton, South Dakota. Address, 203 West 25th Street. Travis Arens and Kelly Arens, owners.

Attachment III-1

2. **Sertoma Park Shade Structures**
Consideration of Memorandum #23-10 regarding shade structures at Sertoma Park.

Attachment III-2

3. Public hearing for sale of alcoholic beverages

Consideration of Memorandum #23-11 regarding the request for a Special Events Retail (on-sale) Liquor License for 1 day, January 21, 2023, from Ben's Brewing Co. (Ben Hanten, Owner), 222 West 3rd Street, NFAA, 800 Archery Lane, Yankton, S.D.

Attachment III-3

Adoption of an ordinance is typically a two-meeting process. At the first meeting, an ordinance is introduced, and the first reading is held. During the second meeting, the ordinance is discussed by the commission and the public and then considered for adoption.

IV. NEW BUSINESS

New business items are those that have not been discussed by the Commission previously.

1. T-Hangar Lease Agreement Chan Gurney Municipal

Consideration of Memorandum #23-01 regarding the lease of Unit #2 of the city-owned T-Hangars at Chan Gurney Municipal Airport to Mr. Scott Olson.

Attachment IV-1

2. Music at the Meridian Concert Series

Consideration of Memorandum #23-02 regarding Music at the Meridian Concert Series.

Attachment IV-2

3. Kids in the Park

Consideration of Memorandum #23-03 regarding Kids in the Park summer event.

Attachment IV-3

4. T-Hangar Lease Agreement Chan Gurney Municipal

Consideration of Memorandum #23-04 regarding the lease of Unit #1 of the city-owned T-Hangars at Chan Gurney Municipal Airport to Mr. Jake Hoffner.

Attachment IV-4

5. Yankton County Abatement Request

Consideration of Memorandum #23-05 regarding the abatement write-off request for the property at 1402 Ash Street located within the City of Yankton jurisdiction.

Attachment IV-5

6. Professional Services Agreement with KLJ

Consideration of Memorandum #23-16 regarding engineering design services for Runway 20 Turnaround at Chan Gurney Airport.

Attachment IV-6

7. Boat House Sidewalk Cafe

Consideration of Memorandum #23-07 regarding 2023 Sidewalk Café permit application at 301 East 3rd Street, dba The Boat House.

Attachment IV-7

8. Mojo's Sidewalk Cafe

Consideration of Memorandum #23-08 regarding 2023 Sidewalk Café permit application at 102 & 104 East 3rd Street, dba Mojo's Third Street Pizza, and adopting Resolution #23-01 declaring the proposed boardwalk extension a portion of public sidewalk.

Attachment IV-8

9. First Reading - Camping Ordinance

Consideration of Memorandum #23-17 regarding Ordinance #1068 restricting camping within Yankton City Limits, and establish a public hearing for second reading of Ordinance #1068 for January 23, 2023.

Attachment IV-9

10. Setting Date for Annual Election and Combine with YSD's Possible Election

Consideration of Memorandum #23-09 setting a date for the proposed annual City Commission Election and agreeing to combine with the Yankton School District should they also have an election.

Attachment IV-10

V. OTHER BUSINESS

Other business is a time for City Commissioners to address the commission regarding matters not on the agenda. These items will be deliberated by the governing body and will not be acted upon at this time. Items mentioned may be added to a future City Commission meeting or work session for deliberation or action.

VI. ADJOURN INTO EXECUTIVE SESSION TO DISCUSS CONTRACTUAL, LITIGATION AND PERSONNEL MATTERS UNDER SDCL 1-25-2

Executive or closed meetings may be held by a majority vote of the governing body for the sole purposes of:

- Discussing the qualifications, competence, performance, character or fitness of any public officer or employee.*
- Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters.*
- Preparing for contract negotiations or negotiating with employees or employee representatives.*
- Discussing marketing or pricing strategies by a board or commission of a business owned by the City, when public discussion may be harmful to the competitive position of the business.*

Any official action concerning such matters shall be made at an open official meeting.

VII. RECONVENE AS BOARD OF CITY COMMISSIONERS

1. Roll Call

VIII. ADJOURN THE MEETING OF JANUARY 9, 2023

The City of Yankton Community Meeting Room is accessible to everyone. If you have any additional accommodation requirements, please call 668-5221.

Should you have any reason to believe an open meetings law has been violated please contact the Open Meetings Commission at the South Dakota Office of the Attorney General at: 1302 E. Hwy 14, Suite 1, Pierre, SD 57501-8501 or by phone at 605-773-3215.