

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
JANUARY 23RD, 2023**

Eagle Scout Colton Griffin led the Commission in the Pledge of Allegiance.

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 and Villanueva. City Attorney Den Herder and City Manager Leon were also present. Absent: Commissioner Webber. Quorum present.

Action 23-019

Moved by Commissioner Villanueva, seconded by Commissioner Benson, to approve Minutes of regular meeting of January 9, 2023.

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

Motion adopted.

Action 23-020

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

A-Ox Welding - propane - \$161.92; Banner Associates - prof services - \$48,844.32; Cedar/Knox Public Power Dist – electricity - \$1,378.75; Central Salt - salt - \$1,667.83; Century Link – phone - \$131.50; City of Vermillion - Jt Powers cash tran - \$55,890.90; City of Yankton central garage - rubbish \$31.50; City of Yankton parks - landfill charges - \$263.45; City of Yankton solid waste - compacted garbage \$16,136.07; Colliers Securities LLC - 2022 annual fee \$300.00; Core & Main - Hymax couplings - \$551.84; Den Herder Law Ofc - legal services - \$2,366.45; Dept of Corrections - DOC work program - \$204.00; Ehresmann Engineering - tubes - \$733.90; Feimer Construction - watermain break - \$8,998.43; Gavins Pt Rec Ctr - command post repair - \$358.18; GeoTek - service fee - \$7,240.00; HDR engineering - WWTP EDA improve - \$102,268.44; Kaiser Heating - diagnostic fee - \$150.00; List Ventures Steel – repairs - \$315.32; Masonry Components – reconstruction - \$82,772.00; Mayer Signs – labor - \$499.00; Merkel Electric - install outlet - \$623.06; MidAm Energy - fuel - \$4,510.05; Miracle Recreation Equip - playground equip - \$862.89; Motorola - body cam cords \$55.00; NW Electric - pump repair - \$18,932.13; Observer - ads - \$60.00; Parkway Const - Westside Park Pond - \$305,682.11; PG Plumbing Heating-carpentry - golf course repair - \$375.00; Press & Dakotan – Publication fees - \$851.30; South Dakota 811 - message fee - \$424.20; Stockwell Engineers - McVay Family Garden - \$3,480.00; Sweeney Controls company - lift station repair - \$6,817.81; Truck Trailer - brakes - \$306.00; USPS - postage meter - \$597.03; Xerox - copier lease \$1,336.03; Xtreme car wash - car washes - \$271.20; Yankton Co Auditor - Safety Ctr share - \$11,122.47; Yankton Thrive - Parade of Lights - \$250.00

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.

Colton Griffin presented a short power point presentation of his Eagle Scout Skate Park project consisting of upgrades to the Yankton Skate Park at Westside Park.

Action 23-021

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

1. Establishing public hearing for sale of alcoholic beverages

Establish February 13, 2023 as the date for the public hearing on the request for a New Retail (on-off sale) Malt Beverage & SD Farm Wine License for July 1, 2022 to June 30, 2023 from JoAnn D. Selves dba Selves Concessions, Sertoma Park, 15th & Ferdig Street, Yankton, SD.

Attachment II-1

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

Action 23-022

This was the time and place for the public hearing on the application for a 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 A, PO Box 146, Yankton, S.D. (Memorandum 23-12) No one was present to speak for or against the application. Moved by Commissioner Benson, seconded by Commissioner Miner, to approve the license.

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

Action 23-023

This was the time and place for the public hearing on the application for a Special Events RETAIL (on-sale) Liquor License for 1 day, February 4, 2023, from BPO Elks Lodge 994 d/b/a Elks Lodge 994 (Lindsay Stotz, Secretary), 504 W. 27th Street, NFAA, 800 Archery Lane, Yankton, S.D. (Memorandum 23-13) No one was present to speak for or against the application. Moved by Commissioner Brunick, seconded by Commissioner Miner, to approve the license.

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

Action 23-024

This was the time and place for the public hearing on the application for a Special Events RETAIL (on-sale) Liquor License for 2 days, February 10 & 11, 2023, from BPO Elks Lodge 994 d/b/a Elks Lodge 994 (Lindsay Stotz, Secretary), 504 W. 27th Street, NFAA, 800 Archery Lane, Yankton, S.D. (Memorandum 23-14) No one was present to speak for or against the application. Moved by Commissioner Johnson, seconded by Commissioner Benson, to approve the license.

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

Action 23-025

This was the time and place for the public hearing on the application for a Special Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for 1 day, February 16th, 2023, from The Center (Kriss Thury, Executive Director), 900 Whiting Drive, Yankton, S.D. (Memorandum 23-15) No one was present to speak for or against the application. Moved by Commissioner Villanueva, seconded by Commissioner Brunick, to approve the license.

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

Action 23-026

This was the time and place for the public hearing on the application for a Special Events Retail (on-sale) Liquor License for 1 day, February 18th, 2023, from Ben’s Brewing Co. (Ben Hanten, Owner), 222 West 3rd Street, NFAA, 800 Archery Lane, Yankton, S.D. (Memorandum 23-18) Moved by Commissioner Brunick, seconded by Commissioner Benson, to approve the license.

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

Action 23-027

This was the time and place for the second reading and public hearing for Ordinance No. 1068, AN ORDINANCE RESTRICTING CAMPING WITHIN YANKTON CITY LIMITS (Memorandum 23-19) No one was present to speak for or against the adoption of the Ordinance. Moved by Commissioner Benson, seconded by Commissioner Miner, to adopt Ordinance No. 1068.

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

Action 23-028

Moved by Commissioner Johnson, seconded by Commissioner Benson, to approve Resolution 23-02 (Memorandum 23-20)

RESOLUTION # 23-02

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, 2023, that the salary of the City Manager shall be increased by 7.26% to an annual rate of \$144,441.50, which is equivalent to the amount that was negotiated by the City of Yankton Collective Bargaining Unit for all eligible employees.

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

Action 23-029

Moved by Commissioner Maibaum, seconded by Commissioner Miner, to approve Resolution 23-03 (Memorandum 23-20)

RESOLUTION # 23-03

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, 2023, that the salary of the Finance Officer shall be increased by 7.26% to an annual rate of \$125,862.69, which is equivalent to the amount that was negotiated by the City of Yankton Collective Bargaining Unit for all eligible employees.

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

Action 23-030

Moved by Commissioner Benson, seconded by Commissioner Villanueva, to approve Resolution 23-04 (Memorandum 23-20)

RESOLUTION # 23-04

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, 2023, that the salary of the City Attorney shall be increased by 7.26% to an annual rate of \$71,350.08, which is equivalent to the amount that was negotiated by the City of Yankton Collective Bargaining Unit for all eligible employees.

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

Commissioner Johnson introduced and Mayor Moser read the title of Ordinance No. 1069, AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE #1064, THE 2023 ANNUAL APPROPRIATION ORDINANCE, and set the date of the second reading and public hearing as February 13, 2023.

Action 23-031

Moved by Commissioner Benson, seconded by Commissioner Miner, to approve Resolution 23-05 Conditional Use Permit (Memorandum 23-21) After the original Motion and Second, Commissioner

Maibaum moved, and Commissioner Miner seconded, an amendment to the original Motion to include “a waiver of the time limit for construction of the future additions.”

RESOLUTION #23-05
Conditional Use Permit

WHEREAS, The Yankton Public School District is the applicant for a project on property legally described as School Tract 1 of Ridgeway North Subdivision to the City of Yankton, South Dakota (a portion of the NW 1/4 of the NE 1/4 of Section 6, T93N, R55W of the 5th P.M., and Kuchta 3rd Addition, City and County of Yankton, South Dakota), and

WHEREAS, the above described property is zoned R-2 Single Family Residential which allows conditional uses under the City of Yankton's Zoning Ordinance No. 711 as amended, and

WHEREAS, this Conditional Use Permit request is necessary for the construction and occupancy of a school / early childhood development center at the described site and the associated plans have been reviewed and recommended for approval by a vote of the City Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves a Conditional Use Permit for a school / early childhood development center as depicted in the associated documentation, on the above described property including a time extension for ordinance compliant future additions to the facility.

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

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

Action 23-032

Moved by Commissioner Benson, seconded by Commissioner Miner, to approve a Sidewalk Cafe Permit to 100 East 3rd Street, doing business as Boomer’s Lounge. (Memorandum 23-23)

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

Action 23-033

Moved by Commissioner Villanueva, seconded by Commissioner Schramm, to authorize the City Manager to execute the contract for professional services with Banner Associates, Inc. in an amount not to exceed \$69,400.00. (Memorandum 23-24)

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

Action 23-034

Moved by Commissioner Villanueva, seconded by Commissioner Benson, to adjourn at 7:44 p.m.

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

Stephanie Moser
Mayor

ATTEST:

Al Viereck
Finance Officer

Published on January 31, 2023