

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
JUNE 26TH, 2023**

Board of City Commissioners of the City of Yankton was called to order by Mayor Stephanie Moser.

Roll Call: Present: Commissioners Benson, Brunick, Hunhoff, Johnson, Miner, Schramm, Villanueva and Webber. City Attorney Den Herder and City Manager Leon were also present. Absent: None. Quorum present.

Action 23-147

Moved by Commissioner Brunick, seconded by Commissioner Webber, to approve CIP Budget Workshop Minutes and Minutes of regular meeting of June 12, 2023.

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.

Mayor Moser thanked City Staff and other agencies that helped address concerns with an apartment building structural issue and their efforts to address safety concerns with this building.

Citizen Scotty Borman appeared to talk about June 2024 150th anniversary of Grand Lodge of Mason’s IWSD.

Citizen Cohan Pietz, representing his organization, Somewhere Over The Rainbow, discussed a recent Pride book display referenced recently at the public library and comments that it should be taken down. He handed out the Library’s *Collection Development Policy*, which addresses the mission of the Yankton Community Library to “uphold the public’s freedom of access to information by providing a dynamic collection in a variety of formats and technologies, and to respond to the needs of the community through timely services and programs. We seek to foster an atmosphere of free inquiry and to provide information without bias or discrimination”.

Citizen Paul Harens also commented on his theory that if you don’t like a book, don’t read it and don’t check it out.

Action 23-148

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

1. Special Events Dance for Elks Lodge 994, Outdoor Event

Consideration of Memorandum #23-113 regarding the request for a special events outdoor dance on July 8, 2023 at the Elks Lodge 994 at 504 W. 27th Street, Yankton, South Dakota.

2. Establish Public Hearing for Sale of Alcoholic Beverages

Establish July 10, 2023 as the date for the public hearing on the transfer of ownership and location of a Retail (on-off sale) Malt Beverage & SD Farm Wine License for June 30, 2023 to July 1, 2024 from Morgen LLC d/b/a South Point Gaming Lounge (Kirby Muilenburg, President), 1101 Broadway, Suite 109 to Morgen, LLC d/b/a South Point Gaming Lounge 5 (Kirby Muilenburg, President), 1101 Broadway Suite 107B, Yankton, South Dakota.

3. Establish Public Hearing for Sale of Alcoholic Beverages

Establish July 10, 2023 as the date for the public hearing on the transfer of ownership and location of a Retail (on-off sale) Liquor License for January 1, 2023 to December 31, 2023 from JoDeans Corp. d/b/a/ JoDeans (John Nielson, Owner), 2809 Broadway, Yankton, SD to Morgen, LLC d/b/a South Point Gaming Lounge 5 (Kirby Muilenburg, President), 1101 Broadway, Suite 109, Yankton, South Dakota.

4. Establish Public Hearing for Sale of Alcoholic Beverages

Establish July 10, 2023 as the date for the public hearing for a Special Events Malt Beverage (on-sale) Retailers license and a Special (on-sale) Wine Retailers License for 1 day, August 12, 2023 from The Center (Kriss Thury, Executive Director), 900 Whiting Drive, Yankton, South Dakota.

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

Motion adopted.

Action 23-149

This was the time and place for the public hearing on the application for a Special Events (on-sale) Liquor License for 1 day, August 13th, 2023, from VFW, Inc., 209 Cedar Street, Yankton, SD at the Meridian Venue, 101 E. 3rd Street, Yankton, SD.

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. (Memorandum 23-109)

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

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

Motion adopted.

Action 23-150

This was the time and place for the public hearing on the application for a Special Events Retail (on-sale) Liquor License for 7 days (July 6, 13, 20, 27, August 3, 10, and 17, 2023) from Ben’s Brewing Co. (Ben Hanten, Owner), 222 West 3rd Street, Music at the Meridian, Parking Lot and Green Space Westside of Meridian Bridge and the enclosed area of Levee Street, Yankton, South Dakota.

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. (Memorandum 23-110)

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

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

Motion adopted.

Action 23-151

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, July 8th, 2023, from BPO Elks Lodge 994 d/b/a Elks Lodge 994 (Joe Sparks, President), 504 W. 27th Street, NFAA, 800 Archery Lane, Yankton, SD.

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. (Memorandum 23-111)

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

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

Motion adopted.

Action 23-152

This was the time and place for the public hearing on the application for a Special Events (on-sale) Liquor License for Saturday, September 2, 2023 from Stripes, Inc. (Jeff Dayhuff, President), d/b/a Mojo's 3rd Street Pizza, Meridian Venue, 101 E. 3rd Street, Yankton, South Dakota.

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. (Memorandum 23-112)

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

Roll Call: Commissioners voting "Aye": Benson, Brunick, Johnson, Miner, Schramm, Villanueva, Webber and Mayor Moser; voting "Nay:" Commissioner Hunhoff. Motion adopted.

This was the time and place for the Second Reading and Public hearing for Ordinance #1073, AN ORDINANCE AMENDING CERTAIN LANGUAGE IN IDENTIFIED SECTIONS OF CHAPTER 21, ARTICLE V. No one was present to speak for or against the adoption of the Ordinance. Moved by Commissioner Webber, seconded by Commissioner Miner, to adopt Ordinance #1073.

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

Motion adopted.

Action 23-153

City Manager Leon gave a short synopsis of the recent Summit Activity Center Task Force and their recommendations to the City Commission. If the Commission chooses to continue the Task Force, the Commission should give clear direction as to what they wish the Task Force to do and for what duration. Commissioner Hunhoff expressed his interest in continuing the Task Force. After some Commission discussion, Commissioner Hunhoff moved to appoint a two year Advisory Community Task Force to meet quarterly the first Thursday of each quarter. Commissioner Schramm seconded the Motion. More Commission discussion ensued. Members from the public speaking to the issue included Brian Bertsch, Vince Janess, Judy Vanderhule, Eugene Hornstra, Charlie Gross and Jim Means. After more discussion, roll call was taken.

Roll Call: Commissioner voting "Aye": Hunhoff; Commissioners voting "Nay": Benson, Brunick,

Johnson, Miner, Schramm, Villanueva, Webber and Mayor Moser.
Motion failed.

Action 23-154

Moved by Commissioner Johnson, seconded by Commissioner Villanueva to approve an expenditure of up to \$10,000 from the BBB to assist in moving the historic displays, cleaning up the remainder of the property, and reseeding the area. (Memorandum 23-105)

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

Action 23-155

Moved by Commissioner Webber, seconded by Commissioner Miner, to approve Resolution 23-24. (Memorandum 23-107)

RESOLUTION #23-24

WHEREAS, the City of Yankton has determined that it is necessary to establish fees associated with community organizations planning special events upon public property, and

WHEREAS, the City expects the cost to supply and deliver materials to special events to increase; and

WHEREAS, the City desires to recover some of the costs from the special events;

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of Yankton, South Dakota that the following rates are hereby adopted effective for events being held on January 1, 2024 or beyond:

| | |
|---|-------------------------|
| Tier 1 classification | \$100 application fee |
| Tier 2 classification | \$50 application fee |
| Tier 3 classification | \$25 application fee |
| If application is submitted less than 60 days prior to event- | \$50 administrative fee |

Delivery fees for each type of City of Yankton materials delivered and picked up from event:

- o \$25. Class 3 street closure barricades
- o \$25. Traffic barrels/candles
- o \$25. Orange cones
- o \$25. A-frame No-Parking signs
- o \$25. A-frame signs for special events no-parking display
- o \$25. Garbage barrels
- o \$25. Picnic tables
- o \$25. Benches
- o \$25. Bleachers

- o \$25. Plastic snow fence
- o \$25. Fence posts
- o \$25. Other material

Fees for Services Requested of City for Event:

- o \$50/hour- Police Department– traffic control
- o \$50/hour- Police Department- security walk-throughs
- o \$50/hour- Fire Department- fire protection

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

Action 23-156

Moved by Commissioner Brunick, seconded by Commissioner Schramm, to authorize the City Manager to execute the Use Restriction and any other documents associated with providing a clear area for a School District Propane Tank Installation on adjoining property. (Memorandum 23-115)

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

Action 23-157

Moved by Commissioner Villanueva, seconded by Commissioner Benson, to approve the request for a public firework display hosted by Parks and Recreation on July 4, 2023. (Memorandum 23-108)

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

Action 23-158

Moved by Commissioner Johnson, seconded by Commissioner Benson, to approve Resolution 23-25. (Memorandum 23-118)

RESOLUTION #23-25

Resolution of Local Commitment
South Dakota Housing Infrastructure Program Funding Application

BE IT RESOLVED by the City of Yankton that Yankton Thrive has shared preliminary plans for the public infrastructure of Garden Estates Housing Development and desires assistance from the South Dakota Housing Development Authority for the propose of providing housing development in South Dakota by providing grants and loans for housing infrastructure, and

WHEREAS, the City of Yankton’s has identified the need for housing of all types, and

WHEREAS, a Housing Study has been completed and periodically updated further documenting the need for all types of housing in the City, and

WHEREAS, Yankton Thrive is eligible for South Dakota Housing Development Authority “Housing Infrastructure Program” funding with the support of the City of Yankton acting as the local “political subdivision”, and

WHEREAS, the City of Yankton is supportive of Yankton Thrive’s efforts to develop “Garden Estates” which will create a location for 90 or more housing units, and

WHEREAS, the City of Yankton hereby affirms that through standard annexation, subdivision and development processes, Garden Estates will be provided with the applicable public infrastructure that will be maintained by the City, and

WHEREAS, said development will satisfy all the requirements for development in the City of Yankton, and

WHEREAS, the City of Yankton has the capacity to support the public infrastructure upon completion of the project.

NOW, THEREFORE, BE IT RESOLVED that the City of Yankton declares that through the standard annexation and subdivision development processes, Garden Estates will become a valuable addition to the City and be served by the necessary public infrastructure and supports Yankton Thrive’s application for housing infrastructure assistance.

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

Action 23-159

This was the time and place for the bid opening of Elm Street Reconstruction from 20th Street to 21st Street. The following bids were received and opened on June 15, 2023 at 3:00 p.m. (Memorandum 23-116) The bids received are listed below:

- | | |
|---|--------------|
| 1. Katzer Concrete, Inc., Sioux Falls, SD | \$479,995.00 |
| 2. Masonry Components, Inc., Yankton, SD | \$552,616.55 |
| 3. Feimer Construction, Inc., Yankton, SD | \$602,665.50 |

Moved by Commissioner Schramm, seconded by Commissioner Brunick, to award the contract to Katzer Concrete, Inc. in the amount of \$479,995.00.

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

Action 23-160

This was the time and place for the bid opening of 3rd Street Reconstruction from Spruce Street to Green Street and Green Street Reconstruction from 3rd Street to 4th Street. The following bids were received and opened on June 20, 2023 at 3:00 p.m. (Memorandum 23-117) The bids received are listed below:

- | | |
|---|--------------|
| 1. Masonry Components, Inc., Yankton, SD | \$715,245.10 |
| 2. Katzer Concrete, Inc., Sioux Falls, SD | \$939,997.20 |

Moved by Commissioner Benson, seconded by Commissioner Schramm, to award the contract to Masonry Components, Inc. in the amount of \$715,245.10.

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

Action 23-161

Moved by Commissioner Villanueva, seconded by Commissioner Benson, to adjourn at 8:50 p.m.

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

Stephanie Moser
Mayor

ATTEST:

Al Viereck
Finance Officer

Published on July 7, 2023