

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
NOVEMBER 13TH, 2023**

Board of City Commissioners of the City of Yankton was called to order by Mayor 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 23-310

Moved by Commissioner Johnson, seconded by Commissioner Villanueva, to approve Minutes of Regular Meeting of November 13th, 2023.

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

Motion adopted.

Action 23-311

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

A & B Business Equipment-Equipment Contract - \$1,957.31; A-Ox Welding Supply-Propane - \$138.00; BB&T Governmental Finance - Sales Tax Bond - \$191,582.61;Bbg Construction Law - Cmar Attorney Fees - \$9,904.90; Blackstrap Inc - Road Salt - \$13,618.45; Cedar Knox Public Power-Electric - \$1,211.15; Centurylink - Phone - \$1,163.66; CHS - Bulk Def - \$200.00; City Of Yankton - Solid Waste - \$75.19; Connecting Cultures - 2023 Translation Service - \$5,000.00; Den Herder Law Office - Legal Services - \$2,407.10; Dept Of Environment - Solid Waste Loan - \$63,173.59; Design Solutions & Integration - Service - Booster Station - \$761.25; Diamond Vogel-Road Paint - \$885.00; Ehresmann Engineering - Cutting Edge - \$1,443.72; Fejfar Plumbing-Generator Installation - \$1,198.99; Finance - Petty Cash - \$48.98; Fox Press - Supplies - Fire Prev Week - \$1,904.50; Gerstner Oil-Fuel - \$75,287.58; Growmark Fs-Corn For Ducks At Park - \$60.50; Hawkins Inc - Chemicals - \$11,781.17; Hdr Engineering - Wastewater Improvements - \$214,405.33; Inland Truck Parts-Parts - \$1,787.61; Kleins Tree Service - Mowing - Nuisance - \$200.00; Klj Engineering LLC - Engineering - Airport - \$19,688.28; Knife River-Road Sand - \$2,426.05; Koletzky Implement-Garage Parts - \$480.40; Mead Lumber - Fire Station Shelter - \$9,399.57; Michaels Fence-Repairs - Transfer Station - \$1,328.20; Midwest Alarm Company-Alarm Testing - \$404.85; Millenium Recycling - Single Stream Fee - \$2,214.45; Myers Tire-Parts - \$1,240.67; Office Of Weights & Measures - Annual Scale Inspection - \$103.00; Overhead Door Company - Door Repair - \$145.25; Posterick/Mark - Winterizing Pool - \$600.00; Press Dakota-Minutes - \$864.69; River District Counseling - New Hire Screen - \$350.00; Sanitation Products-Cylinder - \$9,449.24; Share Corp - Supplies - \$522.50; Shur - Co - Tarps - \$75.35; Sign Solutions - Traffic Signs - \$905.42; South Dakota State Treasurer - License Transfer - \$75.00; Tma - Tires - \$29,574.32; Transource - Accelerator Pedal - \$2,912.00; Truck Trailer Sales-Pump - \$10,060.08; Two Way Solutions-Radio Programming - \$4,080.94; Utility Equipment Company - Pump - \$306.19;

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.

Lucas Johnson from Banner Engineering, gave a Bridge Inspection PowerPoint presentation of his inspection of the 23RD Street Bridge, Cedar Street Bridge and Locust Street Bridge.

Yankton County EMS Ambulance Administrator Eric Van Dusen was also present and give a brief update of the progress of the Yankton County Ambulance study that is currently underway.

Action 23-312

This was the time and place for the public hearing on the application for a Special Events Alcoholic Beverage License Application for a Special (on-sale) Malt Beverage Retailers License and a Special (on-sale) Wine Retailers License for 1 day, December 23, 2023, from The Center (Kriss Thury, Executive Director), 900 Whiting Drive, Yankton, South Dakota. (Memorandum 23-233)

No one was present to speak for or against the application.

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 23-313

This was the time and place for the public hearing on the application for a transfer of location a Retail (on-off sale) Wine & Cider License for January 1, 2023 to December 31, 2023 from Morgen, LLC d/b/a South Point Gaming Lounge (Kirby Muilenburg, Owner), 1101 Broadway Ave., Suite 109, Yankton, South Dakota to 1101 Broadway Ave. Suite 109A, Yankton, South Dakota.

(Memorandum 23-227) No one was present to speak for or against the application.

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

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

Motion adopted.

Action 23-314

This was the time and the place for the public hearing on the applications for a New Retail (on-off sale) Malt Beverage and SD Farm Wine License for July 1, 2023 to June 30, 2024, from 6th Meridian, LLC d/b/a Farm House Food Co. (Ryan Heine, Member), 2503 Fox Run Parkway, Suite 1, Yankton, South Dakota. (Memorandum 23-234) No one was present to speak for or against the applications.

Moved by Commissioner Hunhoff, seconded by Commissioner Johnson, to approve the licenses transfer.

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

Motion adopted.

Action 23-315

This was the time and place for the public hearing on the application for a New Retail (on-off sale) Wine and Cider License for January 1, 2024 to December 31, 2024, from 6th Meridian, LLC d/b/a Farm House Food Co. (Ryan Heine, Member), 2503 Fox Run Parkway, Suite 1, Yankton, South Dakota. (Memorandum 23-235) No one was present to speak for or against the application.

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

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

Motion adopted.

Action 23-316

Moved by Commissioner Johnson, seconded by Commissioner Hunhoff to have City Attorney Den Herder update the ordinance and present it to commission for the second meeting in January and present it to the commission for possible action and consider the current applicant by the second meeting in February. (Memorandum 23-232)

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

Motion adopted.

Action 23-317

Commissioner Johnson introduced and Mayor Moser read the title of Ordinance No. 1076, An Ordinance Modifying The Limits On Video Lottery Establishments Within Yankton Jurisdictional City Limits, and set the date of the second reading and public hearing as December 11, 2023.

Action 23-318

Commissioner Webber introduced and Mayor Moser read the Title of Ordinance No. 1075 The Second Supplement to the 2023 Annual Appropriation Ordinance No.1064, and set the date of the second reading and public hearing as December 11, 2023.

Action 23-319

Moved by Commissioner Miner, seconded by Commissioner Johnson, to authorize the write off of \$10,550.25 as uncollectible per SDCL 9-22-4. (Memorandum 23-231)

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

Motion adopted.

Action 23-320

Moved by Commissioner Hunhoff, seconded by Commissioner Webber, to approve Resolution #23-69 (Memorandum #23-236)

RESOLUTION #23-69

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, 2023; and,

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

WHEREAS, more than 883 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, 2024.

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, 2024 through December 31, 2024.

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

Action 23-321

Moved by Commissioner Miner, seconded by Commissioner Webber, approval of a video lottery license restriction agreement removing video lottery at Hanten, Inc. d/b/a Ben’s Brewing Company, and combined with request for video lottery endorsement on malt beverage license #RB-27600. (Memorandum 23-240)

Roll Call: All members present voting “Aye:” Benson, Brunick, Johnson, Miner, Schramm, Villanueva Webber and Mayor Moser, Voting “Nay:” Commissioner Hunhoff.
Motion adopted.

Action 23-322

Moved by Commissioner Johnson, seconded by the Hunhoff to deny the application. Applicant James Grotenhuis was present to request the commission to approve this application. After some commission discussion and comments from the applicant, Commissioner Schramm then moved to postpone until after the new Video Lottery ordinance is in effect. The motion was by seconded by Commissioner Brunick.

Roll Call: Members present voting “Aye:” Brunick and Schramm; voting “Nay:” Benson, Hunhoff, Johnson, Miner, Villanueva, Webber and Mayor Moser.
Motion failed.

After motion and seconded to postpone failed, the commission then voted on the motion to deny. (Memorandum 23-339)

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

Action 23-323

Move by Commissioner Villanueva, seconded by Commissioner Benson, to award the bid for two new steel transfer station walking floor trailers to Northern Truck & Equipment of Sioux Falls, South Dakota in the amount of \$223,212.00. (Memorandum 23-228)

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

Action 23-324

Move by Commissioner Johnson, seconded by Commissioner Villanueva, to approve the authorizing by the City Manager to execute the Agreement for Engineering Services for the replacement of structure number 68-121-204 on Cedar Street with Banner Associates, Inc. (Memorandum 23-221)

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

Action 23-325

Moved by Commissioner Villanueva, seconded by Commissioner Hunhoff, to accept the completed reconstruction on 5th Street reconstruction project and authorize the Finance Officer to issue a manual check to Masonry Components, Inc. in the amount of \$1000.00. (Memorandum 23-222).

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

Motion adopted.

Commissioner Hunhoff requested a future work session to discuss holidays. There was no concurrence from other commissioners.

Moved by Commissioner Villanueva, seconded by Commissioner Johnson, to adjourn into Executive Session at 9:15 p.m. to **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, Hunhoff, Johnson, Miner, Schramm, Villanueva, Webber, Mayor Moser and City Manager Leon. Absent: City Attorney Ross Den Herder
Quorum present.

Action 23-326

Moved by Commissioner Johnson, seconded by Commissioner Villanueva, to adjourn at 10:18 p.m.

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

Motion adopted.

Stephanie Moser
Mayor

ATTEST:

Al Viereck
Finance Officer

Published on December 7, 2023