

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
APRIL 25, 2016**

Regular meeting of the Board of City Commissioners of the City of Yankton was called to order by Mayor Carda.

Roll Call: Present: Commissioners Ferdig, Gross, Hoffner, Johnson, Knoff, Miner, Sommer, and Woerner. City Attorney Den Herder and City Manager Nelson were also present. Absent: None. Quorum present.

Action 16-126

Moved by Commissioner Gross, seconded by Commissioner Woerner, to approve the Minutes of the regular meeting of April 11, 2016.

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

City Manager Nelson submitted a written report giving an update on community projects and items of interest.

Mayor Carda read proclamations declaring April 29, 2016, as *Arbor Day* in Yankton and the Month of May, 2016, as *Motorcycle Awareness Month* in Yankton.

Action 16-127

Moved by Commissioner Johnson, seconded by Commissioner Knoff, that the following items on the consent agenda be approved.

1. Establishing public hearing for sale of alcoholic beverages
Establish May 9, 2016, as the date for the public hearing on the request for a Special Events (on-sale) Liquor License for July 22-23, 2016, from Dayhuff Enterprises, Inc., (Jeff Dayhuff, President) d/b/a Dayhuff Enterprises, the block of 3rd Street between Douglas & Capital Street, Yankton, South Dakota.
2. Establish public hearing for renewal of Malt Beverage Licenses
Establish May 9, 2016, as the date for the public hearing on the applications for renewal of Malt Beverage Licenses for the 2016-17 licensing period.
3. Establishing public hearing for sale of alcoholic beverages
Establish May 9, 2016, as the date for the public hearing on the request for a Special Events (on-sale) Liquor License for June 3-4, 2016, from Drotzmann & Portillo, LLC (Steve Drotzmann, Partner), dba Rounding 3rd Bar and Casino, the area in front of 309 Cedar Street, Yankton, South Dakota.

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

Action 16-128

This was the time and place for the public hearing on the request for a Special Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for one day, July 16, 2016, from Yankton Area Arts, (Julie Amsberry, Executive Director) Meridian Bridge, rain date set for

City Hall Auditorium, 416 Walnut, Yankton, South Dakota. (Memorandum 16-99) No one was present to speak for or against approval of the license application. Moved by Commissioner Knoff, seconded by Commissioner Hoffner, to approve the license.

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

Motion adopted.

Action 16-129

This was the time and place for the public hearing on the New Retail (on-off sale) Wine License for January 1, 2016, to December 31, 2016, from City of Yankton dba Fox Run Golf Course, 600 West 27th Street, Yankton, South Dakota. (Memorandum 16-100) No one was present to speak for or against approval of the license application. Moved by Commissioner Knoff, seconded by Commissioner Johnson, to approve the license.

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

Motion adopted.

Action 16-130

Gary Therkelsen, from G.J. Therkelsen and Associates, presented a power-point program and distributed handouts titled “City of Yankton Police Department, Needs Assessment, Land Mobile Radio,” evaluating recommended solutions and the steps needed to replace aging and outdated 911 radio consoles, police mobile radios, and police portable radios. (Memorandum 16-114) Moved by Commissioner Sommer, seconded by Commissioner Johnson, to proceed with Phase 1 of the project, which includes the replacement of the subscriber radios—mobiles and portables—for an estimated cost of \$185,961.00; to adopt Resolution 16-31; and to authorize the City Manager to execute the “Consultant Contract, Land Mobile Radio Subscriber Procurement Services,” with G.J. Therkelsen and Associates, Chaska, Minnesota, for a cost of \$3,610.90 for services to assist in procuring the replacement of the subscriber radios.

**RESOLUTION 16-31
Radio Project Phase 1**

WHEREAS, the City of Yankton has identified the need to replace police mobile and portable radios, and

WHEREAS, the City of Yankton proposes contract with G. J. Therkelsen and Associates to provide consultant services to assist with subscriber radio procurement, then

NOW, THEREFORE BE IT RESOLVED, that the Yankton City Commission duly authorizes the execution of the Consultant Contract for Land Mobile Radio Subscriber Procurement Services, and

BE IT FURTHER RESOLVED, that the City Manager be authorized to execute the contract documents for land mobile subscriber procurement services.

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

Motion adopted.

Action 16-131

Moved by Commissioner Knoff, seconded by Commissioner Gross, to adopt Resolution 16-30.
(Memorandum 16-101)

Resolution 16-30
AUTHORIZING RESOLUTION
STATE WATER PLAN

WHEREAS, the City of Yankton has identified the need to address the City's water supply and treatment needs; and

WHEREAS, the City of Yankton requests placement on the State Water Plan; and

WHEREAS, the City of Yankton is eligible for placement on the State Water Plan; and

WHEREAS, with the submission of the State Water Plan application, the City of Yankton assures and certifies that all State Water Plan program requirements will be fulfilled,

THEREFORE BE IT RESOLVED, that the Yankton City Commission duly authorizes the submission of this State Water Plan application, and

BE IT FURTHER RESOLVED, that the City Manager be authorized to execute the State Water Plan application for the City of Yankton.

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

Action 16-132

Moved by Commissioner Knoff, seconded by Commissioner Hoffner, to adopt Resolution 16-29.
(Memorandum 16-111)

RESOLUTION 16-29

WHEREAS, it appears from an examination of the plat of Plat of Lot 20A of Lot 20 of Railroad Subdivision in the NE 1/4 of the SE 1/4 of Section 18, T93N, R55W of the 5th P.M., City of Yankton, Yankton County, SD prepared by Brett R. Kennedy, a registered land surveyor in the State of South Dakota, and

WHEREAS, such plat has been prepared according to law and is consistent with the City's overall Comprehensive Development Plan.

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, that the plat for the above described property is hereby approved.

Roll Call: Members present voting "Aye:" Commissioners Ferdig, Gross, Hoffner, Johnson, Knoff, Miner, Sommer, and Mayor Carda; voting "Nay:" None; Abstaining: Commissioner Woerner.
Motion adopted.

Action 16-133

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to adopt Resolution 16-15. (Memorandum 16-63)

RESOLUTION 16-15

WHEREAS, the City of Yankton owns property in Railroad Subdivision that is not needed for the Marne Creek Flood Mitigation project or other purposes, and

WHEREAS, South Dakota Codified Law allows the transfer of property to the local economic development corporation (Yankton Area Progressive Growth), and

WHEREAS, the City has determined that the remnant parcel of property is worth 40 cents per square foot and the site is 7,840.8 square feet which equals a total value of \$3,136.32 plus administrative costs associated with platting and title work, and

WHEREAS, the Yankton Board of City Commissioners desires to sell the below described land for the long term goal of community and economic development.

NOW, THEREFORE BE IT RESOLVED that the Board of City Commissioners of the City of Yankton, South Dakota, hereby agrees to transfer the below described property to Yankton Area Progressive Growth for the purpose of sale to Extreme, Inc. as set for in the associated Purchase Agreement, and

BE IT FURTHER RESOLVED that the City Manager is authorized to execute all documents associated with the described transfer.

Lot 20A of Lot 20 of Railroad Subdivision in the NE 1/4 of the SE 1/4 of Section 18, T93N, R55W of the 5th P.M., City of Yankton, Yankton County, SD equaling 0.18 acres (7,840.9 square feet).

Roll Call: Members present voting "Aye:" Commissioners Ferdig, Gross, Hoffner, Johnson, Knoff, Miner, Sommer, and Mayor Carda; voting "Nay:" None; Abstaining: Commissioner Woerner. Motion adopted.

Action 16-134

Moved by Commissioner Gross, seconded by Commissioner Woerner, to adopt Resolution 16-23. (Memorandum 16-105)

RESOLUTION 16-23

ETJ Conditional Use

WHEREAS, Jerome Poeschl is the owner of North 406.8' of the SE 1/4, Section 35, T94N, R56W, East of the Railroad right-of-way Yankton County, South Dakota located at 3207 West City Limits Road, and

WHEREAS, the above described property is zoned ETJ B-2 Highway Business in the

City of Yankton's extraterritorial zoning jurisdiction which allows conditional uses under the City of Yankton's Zoning Ordinance No. 797 as amended, and

WHEREAS, this request for the owner construct and operate a self-storage facility at the described location has been reviewed and recommended for approval by a vote of the City Planning Commission including Extraterritorial Jurisdiction members.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves an ETJ Conditional Use Permit for the construction and operation of a self-storage facility at the referenced location in accordance with all applicable ordinances and regulations.

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

Action 16-135

Moved by Commissioner Sommer, seconded by Commissioner Knoff, to adopt Resolution 16-24. (Memorandum 16-106)

RESOLUTION 16-24

WHEREAS, it appears from an examination of the plat of the Southeast Quarter of the Northwest Quarter and A Vacation of a Portion of Lot 2, Block 6A, Willow Ridge Subdivision to the City of Yankton, located in Section 6, Township 93 North, Range 55 West of the 5th P.M., Yankton, County, South Dakota to be hereafter known as: Lots 1 and 2, Block 1; Lots 1 through 6, Block 2 and Lots 1 through 3, Block 3, Cobh Addition, City of Yankton, Yankton County, South Dakota prepared by Brian J. Benson, a registered land surveyor in the State of South Dakota, and

WHEREAS, such plat has been prepared according to law and is consistent with the City's overall Comprehensive Development Plan, and

WHEREAS, such action includes approval of a Developer's Agreement, and

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, that the plat for the above described property and the associated Developer's Agreement is hereby approved.

Roll Call: Members present voting "Aye:" Commissioners Ferdig, Gross, Hoffner, Johnson, Knoff, Miner, Sommer, and Mayor Carda; voting "Nay:" None; Abstaining: Commissioner Woerner.
Motion adopted.

Action 16-136

Moved by Commissioner Knoff, seconded by Commissioner Gross, to adopt Resolution 16-25. (Memorandum 16-107)

RESOLUTION 16-25

WHEREAS, it appears from an examination of the plat of Halverson Addition, in the S. 1/2 of the N.E ¼ of Section 30, T94N, R55W of the 5th. P.M., Yankton County, SD prepared by Thomas Lynn Week, a registered land surveyor in the State of South Dakota, and

WHEREAS, such plat has been prepared according to law and is consistent with the City’s overall Comprehensive Development Plan and is subject to County review.

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, that the plat for the above described property is hereby approved.

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

Action 16-137

Moved by Commissioner Knoff, seconded by Commissioner Gross, to adopt Resolution 16-26. (Memorandum 16-108)

RESOLUTION 16-26

WHEREAS, it appears from an examination of the Replat of Lot 6 in Block 5, as recorded in Book S19 on Page 225 and a Vacation of a 25 foot Drainage Easement as recorded in Book S19 on Page 450 all in Ridgeway North Subdivision to the City of Yankton, South Dakota, and to be hereafter known as: Lots 6 – 9 in Block 5 of Ridgeway North Subdivision to the City of Yankton in the NE 1/4 of Section 6, T 93 N, R 55 W of the 5th P.M., Yankton, South Dakota prepared by Brett R. Kennedy, a registered land surveyor in the State of South Dakota, and

WHEREAS, such plat has been prepared according to law and is consistent with the City’s overall Comprehensive Development Plan.

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, that the plat for the above described property is hereby approved.

Roll Call: Members present voting “Aye:” Commissioners Ferdig, Gross, Hoffner, Johnson, Knoff, Miner, Sommer, and Mayor Carda; voting “Nay:” None; Abstaining: Commissioner Woerner.
Motion adopted.

Action 16-138

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to adopt Resolution 16-27. (Memorandum 16-109)

RESOLUTION 16-27

WHEREAS, Kirby Hofer, President, Hofer Construction Company, Inc. is the owner of, and has petitioned the City of Yankton, pursuant to SDCL 9-4-1, to annex certain real property into

the corporate limits of the City of Yankton.

NOW, THEREFORE, BE IT RESOLVED by The Board of City Commissioners of the City of Yankton, South Dakota, that the following described real property is hereby annexed into the corporate limits of the City of Yankton, South Dakota:

DESCRIPTION OF TRACT TO BE ANNEXED

The NW 1/4 of the NE 1/4, except Airport Lot A3 and except the south 160.76 feet of the east 266.0 feet and except the North 50 feet of Section 6, T93N, R55W of the 5th P.M., Yankton County, South Dakota containing 32.8 acres more or less.

Roll Call: Members present voting “Aye:” Commissioners Ferdig, Gross, Hoffner, Johnson, Knoff, Miner, Sommer, and Mayor Carda; voting “Nay:” None; Abstaining: Commissioner Woerner.
Motion adopted.

Action 16-139

Moved by Commissioner Knoff, seconded by Commissioner Sommer, to adopt Resolution 16-28. (Memorandum 16-110)

RESOLUTION 16-28

WHEREAS, it appears from an examination of the plat of Lots 1 – 6 and Outlot 1 in Block 15 and Lots 1 and 18 in Block 16 of Ridgeway North Subdivision in the SW ¼ of the NW ¼ of the NE ¼ of Section 6, T 93 N, R 55 W of the 5th P.M., Yankton, South Dakota prepared by Brett R. Kennedy, a registered land surveyor in the State of South Dakota, and

WHEREAS, such plat has been prepared according to law and is consistent with the City’s overall Comprehensive Development Plan.

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, that the plat and associated Developer’s Agreement for the above described property is hereby approved.

Roll Call: Members present voting “Aye:” Commissioners Ferdig, Gross, Hoffner, Johnson, Knoff, Miner, Sommer, and Mayor Carda; voting “Nay:” None; Abstaining: Commissioner Woerner.
Motion adopted.

Action 16-140

Moved by Commissioner Gross, seconded by Commissioner Woerner, to approve the purchase of property described as Lot H1 in Parcel R, in the SW ¼ NW ¼ (221 sq. ft. more or less), and Parcel A in the SW ¼ SW ¼ NW ¼ (295 sq. ft., more or less), all in Section 17, T93N R55W; and, Lot U1 in Parcel R, in the SW ¼ NW ¼ (1,215 sq. ft., more or less) and Parcel A in the SW ¼ SW ¼ NW ¼ (2,069 sq. ft., more or less), all in Section 17, T93N R55W, Yankton County, South Dakota, from Kyle Hochstein, Erica Hochstein, and Kent Hochstein that is necessary for the East Highway 50 reconstruction project for a cost of \$14,516.00 plus relocation assistance of \$250.00, with the City’s

share of the cost being two-thirds and the South Dakota Department of Transportation's share being one-third; and, to authorize the City Manager to execute all associated documents. (Memorandum 16-112)

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

Motion adopted.

Action 16-141

Moved by Commissioner Gross, seconded by Commissioner Woerner, to approve Change Order No. 1, an increase of \$9,457.80 for a new contract total of \$378,559.07, from D & G Concrete Construction, Inc., Sioux Falls, South Dakota, for 4th Street (East Highway 50) Utility Reconstruction Project at the Burleigh Street intersection, and to authorize the City Finance Officer to issue a manual check in the amount of \$26,512.02 to D & G Concrete Construction, Inc., for the scheduled payment. (Memorandum 16-06)

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

Motion adopted.

Action 16-142

Moved by Commissioner Gross, seconded by Commissioner Johnson, to authorize Environmental Services Director Kyle Goodmanson to execute the Construction Administration Services, Phase I- Addendum #2, agreement with McLaury Engineering, Inc., Elk Point, South Dakota, for the 4th Street (East Highway 50) Utility Reconstruction project, an increase of \$40,000.00 for a new contract total of \$176,000.00. (Memorandum 16-103)

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

Motion adopted.

Action 16-143

City Manager Nelson introduced R. J. Rieger, President of Onward Yankton, who was present to request funding in the amount of \$7,500.00 to initiate implementation of Onward Yankton's strategic plan and to answer any questions about the request. Moved by Commissioner Johnson, seconded by Commissioner Gross, to approve the request for funding from Onward Yankton in the amount of \$7,500.00 to be taken from BBB Funds. (Memorandum 16-113)

Roll Call: Members present voting "Aye:" Commissioners Gross, Johnson, Knoff, Miner, Sommer, Woerner and Mayor Carda; voting "Nay:" None; Abstaining: Commissioners Ferdig and Hoffner.

Motion adopted.

Action 16-144

Moved by Commissioner Woerner, seconded by Commissioner Johnson, to adjourn into Executive Session at 8:17 p.m. to discuss personnel and contractual 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 Carda.

Roll Call: Present: Commissioners Ferdig, Gross, Hoffner, Johnson, Knoff, Miner, Sommer, and Woerner. City Attorney Den Herder and City Manager Nelson were also present. Absent: None.

Quorum present.

Action 16-145

Moved by Commissioner Johnson, seconded by Commissioner Gross, to adjourn at 8:29 p.m.

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

Motion adopted.

David Carda
Mayor

ATTEST:

Al Viereck
Finance Officer

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