

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
SEPTEMBER 9, 2024**

The regular meeting of the Yankton City Commission was called to order by Mayor Schramm at 7:00 p.m.

**Roll Call:** Present: Commissioners Benson, Brunick, Carda, Hunhoff, Miner, Villanueva, Moser, and Mayor Schramm. City Attorney Den Herder, City Manager Leon, and Finance Officer Yardley were also present. Absent: Commissioner Webber. Quorum present.

**Action 24-257**

Moved by Commissioner Carda, seconded by Commissioner Hunhoff, to approve minutes of work session and regular meeting of August 26, 2024. All present voted aye; motion carried, 8-0.

**Action 24-258**

Moved by Commissioner Miner, seconded by Commissioner Brunick, that the Schedule of Bills be approved and warrants be issued as listed below. All present voted aye; motion carried, 8-0.

Adams, Braxton (Year 2 Refund Lifeguard) \$100; Adobe (Program) \$78.39; Advanced Graphix, (Lettering) \$89; Aflac (Premiums) \$10,087.08; AFSCME (Union Deductions) \$1,581.68; Alex Air Apparatus (Nozzles) \$2,520; Alfa Laval (Parts) \$1,195.16; Amazon (Wall Pockets) \$376.99; Amazon (Cones) \$154.98; Amazon (Program Supplies) \$170.89; Amazon (DVDs) \$39.91; Amazon (Supplies) \$9.99; Amazon (Gloves) \$275.45; Amazon (First Aid) \$127.24; Amazon (Radio Supplies) \$48.93; Amazon (Towels) \$69.97; Amazon (DVD) \$19.96; Amazon (DVDs) \$179.74; Amazon (Program Supplies) \$103.31; Amazon (USB Adapter) \$8.99; Amazon (Office Supplies) \$45.06; Amazon (Program Supplies) \$59.32; Amazon (Program Supplies) \$59.32; Amazon (Janitorial Supplies) \$41.41; Amazon (Network Rack) \$63.82; Amazon (Tool Bag) \$52.48; Amazon (Textbooks) \$76.52; Amazon (Pager Batteries) \$241; Amazon (Cord) \$23.35; Amazon (Flashlights) \$281.33; Amazon (Name Tags) \$21.98; Amazon (Irrigation Parts) \$64.74; Amazon (Name Tags) \$29.80; Amazon (Tourniquets) \$59.98; Amazon (Program Supplies) \$12.98; Amazon (First Aid Kits) \$178.17; Amazon (Supplies) \$164; Amazon (Book) \$17.99; Amazon (Light Covers) \$209.80; Amazon (Program Supplies) \$38.21; Amazon (Irrigation Supplies) \$559.80; Amazon (Name Tag) \$10.99; A-OX (Propane) \$86.07; Arrow Mfg (Auto Eject) \$365; Arrow (Printer Paper) \$323.79; ATT (Mobile Data) \$1,265.91; Auto Value (Supplies) \$1,728.35; AutoZone (Supplies) \$212.49; Avera Health (CPR Instructor Training) \$55; Avera Health (Insurance Premiums) \$85,278.52; Avera Sacred Heart (Pre Employment) \$44; Axvoice (Dialer Service) \$21.44; Baker, Macy (Year 1 Refund Lifeguard) \$106.20; Baker-Taylor (Books) \$2,963.24; Banner Assoc (Water Main Crossings) \$26,035; Barnes, Nathan (Year 1 Refund Lifeguard) \$106.20; Bierschbach Equip & Suppl (Hose) \$1,839.79; Blackstrap (Road Salt) \$5,295.88; Blue To Gold (Training Guide) \$199.95; BluePeak (Phone/Internet) \$4,295.31; Boller Printing (Subscription) \$35; Bomgaars (Industrial Rack) \$2,489.07; Book Page (Subscription) \$414; Buhls Cleaners (Alterations) \$93; Caseys (Fuel) \$45.36; Centurylink (Phone) \$142.82; Certified Testing (Gehl Drive Testing) \$1,311; Chemtek (Asphalt Release Agent) \$3,574.20; City Of Vermillion (August Joint Powers) \$86,196.46; City Utilities (WTR-WW Charges) \$48,810.19; Combatreadyfire.com (Aerial Ladder Course) \$83.90; Conoco (Fuel) \$74.91; Counterfeit Catering (Summer Reading Program) \$985.50; CSG Forte (Fees) \$2,673.32; Dakota 911 Conference (Training) \$300; Dash Medical (Gloves) \$113.85; Den Herder, Harper (Year 1 Refund Lifeguard) \$106.20; Dept Of Social Services (Child Support) \$2,611.88; Diamond Vogel (Road Paint) \$344.20; Diy Engine (Course Registration)

\$500; Dollar Tree (Supplies) \$96.25; Dropbox (Prof Service) \$127.31; Echo Electric (Lamp) \$396.58; El Tapatio Mexican (Employee Appreciation) \$231.61; Electric Pump (Roller Assembly) \$504.23; Enfield, Melania (Year 2 Refund Lifeguard) \$100; Fairfield Inn (Music At Meridian) \$700; Family Dollar (Supplies) \$2.19; Fastenal (Towels) \$260.57; Fedex (Postage) \$34.05; Feimer, Lucas (Year 1 Refund Lifeguard) \$106.20; Ferguson Enterprises (Meter Project) \$82,563; Ferguson Enterprises (Meter Parts) \$798.04; First Dakota (HSA Contributions) \$11,415.82; First National Bank (Dependent Care) \$2,522.46; Flow, Kathleen (Irrigation Repair) \$918.09; Fridayparts Limited (Parts) \$114.24; Frontier Mills (Grass Seed) \$5,555; Garys Repair (Towing) \$5,510; Geotek Eng (Testing 21st Street) \$1,188; Gerstner Oil (Fuel) \$35,616.73; Goeden, Kaylee (Year 2 Refund Lifeguard) \$100; Gotomeeting (Subscription) \$192; Guardian Alliance (Background Check) \$12; Gutzmann, Gracie (Year 1 Refund Lifeguard) \$106.20; H &K Oil (Tire Repair) \$186.30; Hansen Lock (Keys) \$42.50; Hawkins (Chemicals) \$15,333.03; HDR Engineering (WWTP Plant Improvements) \$507,229.43; Holiday Inn (Lodging) \$1,421; Holophane (Lights) \$97,764; Hy-Vee (Comprehensive Plan) \$421.08; ICMA (Retirement) \$240; Intoximeters (Parts) \$135; Ireland, Faye (Year 1 Refund Lifeguard) \$106.20; ISA (Membership) \$170; J & H Cleaning (Janitorial Services) \$3,000; J.W. Pepper (Singers Fall Program) \$335.05; Jacks Uniforms (Shirts) \$320.79; JCL Solutions (Janitorial Supplies) \$945.08; Jimmy Johns (Travel Expense) \$15.54; Jimmy Johns (Travel Expense) \$16.15; John T Jones (WWTP CMAR Project) \$81,205.92; Kaiser (Repairs) \$500.31; Keep The Promise (Decals) \$285; Kennedy, Taeya (Year 1 Refund Lifeguard) \$106.20; Kinsman Garden (Liners) \$22.16; Kleins Tree Service (Tree Removal) \$15,000; Knife River (Asphalt Mix) \$476; Koerner, Karalyn (Year 1 Refund Lifeguard) \$106.20; Koletzky Implement (Repairs) \$679.36; Koletzky, Kobe (Year 2 Refund Lifeguard) \$100; Konrad, Natalie (Year 2 Refund Lifeguard) \$100; Kopetskys Ace (Supplies) \$726.40; Kouri, Jill (Irrigation Repair) \$2,410.93; Kramer, Claire (Year 2 Refund Lifeguard) \$100; Labstrong (Filter) \$315.32; Leadership Under Fire (Training) \$1,600; Leading Edge (Reimbursement) \$26.25; LLRMI (Arson Investigation) \$150; Locators & Supplies (Gloves) \$147.47; Los Designs (Parade Signs) \$153.06; Luellman, Kaylor (Year 1 Refund Lifeguard) \$106.20; Luken, Brie (Year 2 Refund Lifeguard) \$100; Lumen (Internet) \$372.44; Marshall Bond Pumps (Parts) \$342.68; Maska, Micah (Year 2 Refund Lifeguard) \$100; Masonry Components (Construction 8th St) \$401,740.81; Mead Lumber (Supplies) \$153.45; Menards (Supplies) \$2,554.21; Merkel Electric (Repair) \$1,475.99; Messler, Sarah (Year 1 Refund Lifeguard) \$106.20; Metrofax (Fax Service) \$12.69; Michaels (Music At Meridian) \$113.91; Midamerican Energy (Fuel) \$8,399.19; Midamerican Energy (WW Fuel) \$1,054; Midco (Internet) \$123.39; Midwest Alarm (Security) \$122.63; Midwest Alarm (Testing) \$76.85; Midwest Tire (Tires) \$3,680.74; Midwest Turf (Parts) \$227.77; Molten Audio (Music At Meridian) \$9,950; Money Movers (Fee) \$11; Morrow/Joseph C. (Design Work) \$3,600; Mortensen, Daric (Irrigation Repair) \$813.60; Motorola Solutions (Chargers) \$359.52; Mount Marty University (Parade Entrance Fee) \$25; Mutt Mitt (Dog Bags) \$3,658.30; Napa Auto Parts (Batteries) \$349.26; Nebraska DOR (NE State Income Tax) \$1,745.14; Nelson, Alaina (Year 1 Refund Lifeguard) \$106.20; Northern Truck Equip (Truck Box) \$35,085; Northtown Automotive (Parts) \$90.34; Northwestern Energy (Electricity) \$115,295.74; NRA (Membership) \$40; Olsons Pest (Service) \$497; One Office (Supplies) \$121.01; Oracl Waffle House (Travel Expense) \$29.50; OReilly (Part) \$125.81; Overdrive Distribution (Ebooks) \$1,501.33; Parkway Construction (Westside Park Pond) \$128,066.45; Payment Service Network (Fees) \$69.85; Ebay (Computer Monitor) \$262.92; PFS Healthworks (Pre Employment Exam) \$35.18; Pheasantland (Safety Apparel) \$67.62; Pietz, Camden (Year 1 Refund Lifeguard) \$106.20; Pizza Ranch (Concessions) \$7,002.85; Ponca State Park (Day Camp) \$644; Poolweb (Chemicals) \$255.98; Powers (Porta Pots) \$1,035; Racom (Supplies) \$104.77; Ram (Locator Mount) \$136.91; Redlinger Bros Plumbing (Repair) \$1,962.03; SDRS (SD Retirement) \$147,616.71; Riverboat Days (Parade Entry) \$54.26; Riverside Hydraulics (Parts) \$886.80; Rohde, Tanner (Year 2

Refund Lifeguard) \$100; Rons Auto Glass (Windshield) \$384.80; Ruby Tuesday (Travel Expense) \$35.55; Safety Benefits (Conference) \$75; Schramm, Zayne (Year 2 Refund Lifeguard) \$100; Schweiss Doors (Parts) \$223.21; SD Library Association (Registration) \$818; SD Water & Wastewater (Conference Fees) \$465; SDMUNL (Conference) \$128.69; SDSRP (Retirement) \$30,610.66; Sherwin Williams (Supplies) \$89.67; Site Works (Construction Gehl Drive) \$1,199,961.43; Slowey Construction (Mead Property Development) \$98,695.68; Snapfish (Photos) \$276.59; South Dakota Magazine (Centennial) \$600; South Dakota Network (Membership) \$207.14; Sprinklerwhse (Supplies) \$390.50; Stan Houston Equip (Gloves) \$107.12; Standard Insurance (Dental Ins Premiums) \$9,260.70; Stockwell Engineers (Westside Park Project) \$9,850; Stockwell Engineers (Gehl Drive Engineering) \$11,268.44; Swank Motion Pictures (Movie License) \$325; Taco Johns (Travel Expense) \$20.54; Tessman (Chemicals) \$6,099.61; The Dam Fools (Registration) \$150; The J. P. Cooke (Dog Tags) \$131.95; Third Millennium (Utility Billing) \$779.25; Titan Machinery (Mower Parts) \$1,942.72; Titan Machinery (Part) \$29.02; TNT Inflatables (Music At Meridian) \$1,000; Tractor-Supply (Repairs) \$892.41; Traffic Solutions (Pavement Marking) \$60,082.51; Tramp, Emily (Year 2 Refund Lifeguard) \$100; TRK (Internet Hosting) \$7.95; Truck Trailer Sales (Part) \$2,275.60; UKG (Payroll/HR/TLM Software) \$3,446.56; US Treasury (Federal Withholding Tax) \$326,420.28; United Way (Employee Contributions) \$129; UPS (Postage) \$67.63; USABLUEBOOK (Supplies) \$170.77; USPS (Shipping) \$105.03; USPS (Postage) \$646.83; Vessco (Parts) \$996; Viddler (Video Hosting) \$41.49; Villanueva, Maya (Year 1 Refund Lifeguard) \$106.20; VWR International (Supplies) \$57.86; Walgreens (Summer Reading Program) \$56.97; Wal-Mart (Supplies) \$892.75; Walmart (Supplies) \$1,265.80; Wendys (Travel Expense) \$20.52; Wholesale Supply (Parade Supplies) \$393.60; Wieman, Caden (Year 1 Refund Lifeguard) \$106.20; Wintz, Isabelle (Year 2 Refund Lifeguard) \$100; Wintz, Madeline (Year 1 Refund Lifeguard) \$106.20; Wintz, Olivia (Year 2 Refund Lifeguard) \$100; X Corp. (Social Media) \$84; Yankton County Auditor (Capital Improve Cost) \$15,740.81; Yankton County Observe (Receipt Books) \$267.50; Yankton County Sharpshooters (Rental) \$100; Yankton Janitorial (Supplies) \$709.60; Yankton Media (Subscription) \$8.99; Yankton Medical Clinic (Examinations) \$912; Yankton Radio (Ads) \$454; Yankton Thrive (Sales Tax Reimbursement) \$7,313.74; Yankton Thrive (Employee Appreciation) \$195; Yankton Vol Fire Department (State Fire Premiums) \$78,884.20; Yankton Winnelson (Repairs) \$147.85; Yanktonmediainc (Ads) \$569.57; Yanktonrodctr (Deed Recording) \$32.50.

Salaries by Department: August 2024: Administration \$90,517.50; Finance \$51,416.80; Community Development \$47,602.33; Police/Dispatch \$341,411.04; Fire \$22,920.21; Engineering / Sr. Citizens \$91,155.45; Streets \$89,192.70; Traffic Control \$6,580.33; Library \$59,677.31; Parks / SAC \$174,377.36; The Huether Family Aquatics Center \$187,275.28; Marne Creek \$8,249.28; Cemetery \$11,818.52; Water \$67,538.07; Wastewater \$69,708.16; Solid Waste \$49,933.99; Joint Powers \$38,477.87; Central Garage \$14,069.67.

New Hires: Police Department: Adam Doyle, Officer, \$2,234.12 biweekly; Dax Johnson, Officer, \$2,234.12 biweekly; Lauren Walker, Crossing Guard, \$15.00/hr; Environmental Services Department: Jacob Johnson, Distribution/Collection Operations Specialist, \$1,786.23 biweekly; Chaz James, Water Plant Operation Specialist, \$1,830.92 biweekly; Housing Department, Amber Bagola, Housing Office Assistant Part time, \$18.00/hr.

Wage Changes: Public Works Department: Zach Hespe, Fleet Mechanic, \$2,046.57 to \$2,072.38 biweekly.

Position Changes: Parks, Recreation and City Events Department: Adam Thompson, Grounds Maintenance to Recreation Facilities and Events Maintenance Supervisor, \$1,638.69 to \$2,072.38 biweekly; Brandon Pavel, Senior Grounds Maintenance to Recreation Facilities and Events Maintenance Coordinator, \$1,999.30 to \$2,593.46 biweekly; Luke Youmans, Recreation and City Events Manager to Recreation Facilities and Events Superintendent, \$3,405.00 to \$3,487.76 biweekly.

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

Mayor Schramm presented and read a proclamation on Welcoming Week. Sarah Brandt with Connecting Cultures thanked all and reflected on recent successes and upcoming events. Foreign exchange student Luca Pereira de Mello also spoke on his Yankton experience.

There were no public appearances at that time.

#### **Action 24-259**

Moved by Commissioner Hunhoff, seconded by Commissioner Miner, to approve the consent agenda items listed below. All present voted aye; motion carried, 8-0.

1. Set the date of September 23, 2024 at 6:00 pm in Room #114 of the Career Manufacturing Technical Education Academy for the next work session.
2. Change the City Commission meeting of October 14 to October 15 in recognition of Native American Day.
3. Establish September 23, 2024 as the date for the public hearing for a transfer of owner of a Retail (On-Off sale) Malt Beverage & SD Farm Wine License from DBC LLC to Nino Ventures LLC dba Bro Brgr Bar, 2101 Broadway Ave, Suite 40.
4. Consideration of Memorandum #24-195 recommending approval of the new application for private collector of refuse license (Construction Trash, LLC) for the 2024 licensing period.

#### **Action 24-260**

This was the time and place for the public hearing regarding the request for a new Retail (On-off sale) Malt Beverage & SD Farm Wine License effective to June 30, 2025 from Alfonso Alfredo dba Sabor Cubano, 2007 Broadway Ave Ste M. This alcohol license is not endorsed with video lottery. (Memorandum 24-188) No one was present to speak for or against the application. Moved by Commissioner Carda, seconded by Commissioner Moser, to approve the license. All present voted aye; motion carried, 8-0.

#### **Action 24-261**

This was the time and place for the public hearing regarding the request for a new Retail (On-off sale) Wine and Cider license effective to December 31, 2024 from Kourtney Erickson dba Korikyaybites LLC, 101 Douglas Avenue. This alcohol license is not endorsed with video lottery. (Memorandum 24-189) No one was present to speak for or against the application. Moved by Commissioner Moser, seconded by Commissioner Brunick, to approve the license. All present voted aye; motion carried, 8-0.

**Action 24-262**

Moved by Commissioner Carda, seconded by Commissioner Miner, to approve Resolution #24-42 and authorize the City Manager to execute all associated documents. (Memorandum 24-193)

**RESOLUTION #24-42**

WHEREAS, the City of Yankton owns property known as Lot 4 in Block 1 of Mead's Addition to the City of Yankton, South Dakota, and

WHEREAS, if approved by the Board of City Commissioners, Yankton Thrive will offer to purchase the approximate 2.47 acres as of the described lots for \$50,000 per acre (\$123,500) as agreed upon in the previously approved Option to Purchase and Assignment of Option to Purchase, and

WHEREAS, said transfer to Yankton Thrive is contingent upon the subsequent transfer to a third party for the same amount as described in the associated Memorandum, and

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

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, hereby agrees to transfer the described property to Yankton Thrive for the purpose of sale to a third party, and

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

Lot 4 in Block 1 of Mead's Addition to the City of Yankton, South Dakota as depicted on the associated plat.

Commissioner Villanueva introduced and Mayor Schramm read the title of Ordinance No.1083, AN ORDINANCE TO APPROPRIATE MONIES FOR DEFRAYING THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF YANKTON, SOUTH DAKOTA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2025, AND ENDING DECEMBER 31, 2025, AND PROVIDING FOR THE LEVY OF ANNUAL TAXES FOR ALL FUNDS CREATED BY ORDINANCE WITHIN SAID CITY, and set the date of the second reading and public hearing as September 23, 2024.

**Action 24-263**

Moved by Commission Carda, seconded by Commissioner Moser, to approve Resolution #24-40. Commissioners Hunhoff, Brunick, Villanueva, Benson, Carda, Moser, and Charlie Gross spoke on the matter. (Memorandum 24-179) Benson, Brunick, Carda, Miner, Moser, Villanueva, and Mayor Schramm voted aye; Hunhoff voted nay; motion carried, 7-1.

**RESOLUTION #24-40**

WHEREAS Initiated Measure 28 was certified for the November 2024 General Election Ballot by the South Dakota Secretary of State;

WHEREAS Initiated Measure 28, if passed, would remove state, municipal and tribal taxes on all items sold for human consumption except alcohol and prepared food;

WHEREAS “human consumption” is undefined in South Dakota Codified Law or the South Dakota Constitution. Black’s Law Dictionary defines “consumption” as “the act of destroying a thing by using it; the use of a thing in a way that exhausts it.”;

WHEREAS South Dakota Codified Law 34-45-1(7) defines tobacco products as “any item made of tobacco intended for human consumption, including cigarettes, cigars, pipe tobacco, and smokeless tobacco, and vapor products as defined in § 34-46-20.”;

WHEREAS South Dakota Codified Law 10-52-2 allows incorporated municipalities to impose a tax on the sale, use, storage and consumption of items that conform in all respects to the state tax on such items up to two percent;

WHEREAS the Attorney General’s explanation of the measure states legislative or judicial clarification would be needed if the measure passes;

WHEREAS The City of Yankton levies a two-percent sales tax and collected \$12,616,403.61 in the 2023 fiscal year and \$7,340,511.56 year-to-date in the 2024 fiscal year;

WHEREAS The City of Yankton estimates annual lost revenue of \$1,314,678 or 10.3% unless Initiated Measure 28 is rejected by voters in South Dakota.

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of Yankton, that Initiated Measure 28 would negatively impact the municipal budget in our community.

**Action 24-264**

Moved by Commissioner Villanueva, seconded by Commissioner Benson, to approve the purchase of two (2) Apex Raman Spectrometers with warranties for the Yankton Police Department from DetactaChem, Inc. for \$65,775.00. (Memorandum 24-186) Detective Sara O’Farrell gave additional details. All present voted aye; motion carried, 8-0.

**Action 24-265**

Moved by Commissioner Brunick, seconded by Commissioner Moser, to approve the application for a Special On-sale Liquor License for one day, September 20, 2024 from Riverfront Brewery Inc d/b/a Brewery, 101 E. 3<sup>rd</sup> Street at Avera Pavilion, 501 Summit Street, Yankton, SD. (Memorandum 24-190) Benson, Brunick, Carda, Hunhoff, Miner, and Moser voted aye; Commissioner Villanueva and Mayor Schramm abstained; motion carried, 6-0.

**Action 24-266**

Moved by Commissioner Benson, seconded by Commissioner Carda, to approve the software use agreement with Caselle to update the City of Yankton’s financial and utility billing software and authorize the Finance Officer to issue a manual check for \$34,680.00 as a down payment. (Memorandum 24-191) All present voted aye; motion carried, 8-0.

**Action 24-267**

Moved by Commissioner Miner, seconded by Commissioner Villanueva, to approve the agreement and issue a kennel license to Jan E. Stenger dba Fish-N-Stuff. (Memorandum 24-192) Commissioners Brunick, Villanueva, Miner and City Attorney Den Herder discussed. All present voted aye; motion carried, 8-0.

**Action 24-268**

Moved by Commissioner Moser, seconded by Commissioner Villanueva, to award the storm sewer replacement contract to Slowey Construction, Inc in the amount of \$81,854.00. (Memorandum #24-194) All present voted aye; motion carried, 8-0.

**Action 24-269**

Moved by Commissioner Benson, seconded by Commissioner Villanueva, to adjourn at 7:45 p.m. All present voted aye; motion carried, 8-0.

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Mason Schramm, Mayor

ATTEST:

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Lisa Yardley, Finance Officer

Published on September 18, 2024