

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
SEPTEMBER 23, 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, Hunhoff, Miner, Moser, Webber, Villanueva, and Mayor Schramm. City Attorney Den Herder, City Manager Leon, and Finance Officer Yardley were also present. Absent: Commissioner Carda. Quorum present.

Action 24-270

Moved by Commissioner Webber, seconded by Commissioner Miner, to approve minutes of regular meeting of September 9, 2024. All present voted aye; motion carried, 8-0.

Action 24-271

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

2J Service (Repairs) \$1,268.16; Bailey Creative (Meridian Community Mural) \$800; A&B Business Solutions (Copies Lease) \$466.54; Associated Supply (Sand & Gravel) \$4,504.77; Blackstrap (Road Salt) \$3,421.08; Cedar Knox Public Power (Electricity) \$1,255.13; Centurylink (Phone) \$1,165.74; Civicplus (Annual Subscription) \$2,883.64; Deadwood Resorts (Lodging) \$720; Ehresmann Engineering (Part) \$177.22; Elks Lodge (Comp Plan) \$150; Flexible Pipe Tool (Ball Valve) \$926.55; Hanson Briggs (Cops Cards) \$173.06; Hawkins (Chemicals) \$21,766.79; Hunhoff, Brian (Meeting Mileage) \$58.96; JJ Benji's (Hats) \$33; Kaiser Heating (Repairs) \$1,321.31; Kleins Tree Service (Tree Removal) \$500; Knife River (Asphalt) \$28,154.72; Language Line (Prof Service) \$391.78; List Electric (Wiring Project) \$17,629.45; Michaels Fence (Pickleball Fencing) \$12,080; Millennium Recycling (Fees) \$2,181.55; Observer (Advertisement) \$60; Olson's Pest (Service) \$145; Pannier Corp (Plaque) \$1,370; Peterson Plumbing (Installation) \$345.92; Polydyne (Polymer) \$5,170; Press & Dakotan (Publication) \$669.34; Racom (Maintenance) \$210; RDG Planning (Comp Plan) \$15,502.10; Sanitation Products (Parts) \$4,922.12; Sign Solutions (Street Signs) \$626.68; South Dakota 811 (Message Fee) \$160.65; Southeast Technical College (Scholarship Program) \$5,000; Spencer Quarries (Seal Chips) \$4,588.76; TMA (Tires) \$13,312; Transource Truck (Parts) \$4,218.80; Truck Trailer Sales (Repairs) \$10,764.17; University Of South Dakota (Library Assessment Study) \$36,345; US Bank (Debt Service) \$675,253.14; Vessco (Repair) \$303.71; Williams & Company (2023 Audit) \$8,355; Xerox (Copies) \$1,715.53.

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

There were no public appearances at that time.

Action 24-272

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

1. Approve the recommendation of the Park Advisory Board for Garrett Haas' Eagle Scout project.

Action 24-273

This was the time and place for the second reading and public hearing for Ordinance 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. (Memorandum 24-197) No one was present to speak for or against the adoption of the ordinance. Moved by Commissioner Brunick, seconded by Commissioner Webber, to approve the ordinance. All present voted aye; motion carried, 8-0.

Action 24-274

This was the time and place for the public hearing regarding the request for the transfer of ownership of a Retail (On-off sale) Malt beverage & SD Farm Wine License from DBC LLC (Lauren Soukup, owner) to Nino Ventures LLC (Francisco Nino, owner) dba Bro Brgr Bar, 2101 Broadway Ave, Suite 40. This alcohol license is not endorsed with video lottery. (Memorandum 24-198) No one was present to speak for or against the application. Moved by Commissioner Webber, seconded by Commissioner Miner, to approve the license. All present voted aye; motion carried, 8-0.

Action 24-275

Moved by Commissioner Villanueva, seconded by Commissioner Webber, to approve the Health Insurance Committee's recommendation, which includes the following:

- Renew with the same health insurance carrier, Avera Health Plans, with a 2% increase. Avera will offer the same Low Deductible Health Plan traditional coverage plan and two High Deductible Health Plans Health Savings Account plan for 2025.
- Renew The Standard vision insurance core plan at 6.92% increase and the buy up plan at a 6.66% increase.
- Renew The Standard dental insurance plan at the 2024 rate.
- Continue the Avera EAP plan with no cost change for 2024.
- Continue with the City paying 100% of the single dental insurance plan, 100% of the single employee health insurance plan, as well as 100% of the premium for the \$15,000 life insurance policy for each employee.
- Offer a complimentary 2025 seasonal pass to the Huether Family Aquatics Center for full-time employees.
- Allocate additional time off to the Wellness Program as prizes.

(Memorandum 24-196) Voting Aye: Commissioners Benson, Brunick, Hunhoff, Miner, Villanueva, Webber, and Mayor Schramm. Commissioner Moser abstained. Motion carried, 7-0.

Action 24-276

Moved by Commissioner Benson, seconded by Commissioner Brunick, to approve the request for public fireworks display on December 5, 2024. (Memorandum 24-199) All present voted aye; motion carried, 8-0.

Commissioner Webber introduced and Mayor Schramm read the title of Ordinance No.1084 AN ORDINANCE TO REZONE PROPERTY DESCRIBED HEREIN: A REZONING FROM A-1 AGRICULTURAL TO R-3 TWO FAMILY RESIDENTIAL ON TRACTS 2 AND 3 OF LAW ADDITION IN THE N1/2 OF THE SE ¼ SECTION 2, TOWNSHIP 93 NORTH, RANGE 56 WEST OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA and set the date of the second reading and public hearing as October 15, 2024.

Action 24-277

Moved by Commissioner Villanueva, seconded by Commissioner Moser, to approve the purchase of body cameras and software from Motorola Solutions in the amount of \$81,501.00 for the Yankton Police Department Patrol Division and authorize the City Manager to sign related contracts and purchase orders. (Memorandum 24-202) All present voted aye; motion carried, 8-0.

Action 24-278

Moved by Commissioner Hunhoff, seconded by Commissioner Benson, to approve Resolution #24-43 (Memorandum 24-203) All present voted aye; motion carried, 8-0.

RESOLUTION #24-43

Sales Tax Agreement and Development Agreement Amendment

WHEREAS, SDCL permits a municipality to enter into agreements pertaining to sales tax reimbursements, and

WHEREAS, the Yankton Board of City Commissioners has previously approved Resolution #23-47 creating a Sales Tax Agreement and Development Agreement for the former Yankton Mall now known as Event Central, located at 2101 Broadway Avenue on property legally described as:

Lot One A (1A), as per plat recorded in Book S8, page 32, except Parcel 5 thereof; and Lot Three A (3A), as per plat recorded in Book S8, page 32, except Parcels 4 and 5 thereof; and Lot Five A (5A), as per plat recorded in Book S8, page 32; and Lot Six (6), as per plat recorded in Book S6, page 25A, except Parcels 1, 2, 3 and 6 thereof; and Parcel Seven (7) in Lot Six (6), as per plat recorded in Book S20, page 255; all located in Block One (1), Slaughter's Subdivision, City and County of Yankton, South Dakota.

WHEREAS, Page 4, Section 5, Paragraph b. shall be amended to read:

b. Developer shall provide Yankton Thrive with all sales tax license copies and such proofs of payment of the "City Sales Taxes" generated by Eligible Business from the existing shopping mall structure or outlots upon the "Property" no later than ~~January 20th~~ March 1st of each year. The information provided by the Developer to Yankton Thrive is private, proprietary and confidential, and in no manner shall it become a public record of the City.

WHEREAS, this amendment does not affect any other provision of the original agreement or other amendments thereof unless agreed to by all parties involved, and

WHEREAS, said agreement also includes Yankton Thrive acting as the pass-through agent between the City of Yankton and Event Central whereby Yankton Thrive would not receive proceeds from serving said function.

NOW, THEREFORE, BE IT RESOLVED that the above referenced date in the agreement is hereby amended.

Action 24-279

Moved by Commissioner Brunick, seconded by Commissioner Webber, to execute the attached CMAR contract amendment with a Guaranteed Maximum Price of \$45,929,602.00 and owner’s contingency of \$1,102,200.00. (Memorandum 24-201) City Environmental Services Director Kyle Goodmanson responded to several questions. City Wastewater Plant Superintendent Tanner Hanson, HDR Todd Mergen, and John T. Jones Construction Project Manager Tim Vanderzanden were also present. All present voted aye; motion carried, 8-0.

Action 24-280

Moved by Commissioner Moser, seconded by Commissioner Miner, to appoint Mr. Tyler Lohr as a Deputy City Attorney and approve the fourth addendum to the City Attorney’s Professional Services Agreement. (Memorandum #24-204) Tyler Lohr appeared and gave an introduction. All present voted aye; motion carried, 8-0.

Action 24-281

Moved by Commissioner Moser, seconded by Commissioner Benson, to adjourn into Executive Session at 7:34 p.m. to discuss personnel matters under SDCL 1-25-2. All present voted aye; motion carried, 8-0.

Regular meeting of the Board of City Commissioners of the City of Yankton was reconvened by Mayor Schramm at 7:50 p.m.

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

Action 24-282

Moved by Commissioner Moser, seconded by Commissioner Webber, to adjourn at 7:50 p.m. All present voted aye; motion carried, 8-0.

Mason Schramm, Mayor

ATTEST: _____
Lisa Yardley, Finance Officer