

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
AUGUST 22, 2016**

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

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

Action 16-241

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to approve the Minutes of the Special Budget meeting of August 8, 2016, and regular meeting of August 8, 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.

Action 16-242

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

1. Establishing public hearing for sale of alcoholic beverages
Establish September 12, 2016, as the date for the public hearing on the request for a New Retail (on-off sale) Malt Beverage & SD Farm Wine License for July 1, 2016, to June 30, 2017, Yankton Missouri River KOA (Donald E. Starzl, Manager), to Yankton Missouri River KOA, 807 Bill Baggs Road, Yankton, South Dakota.
2. Establishing public hearing for sale of alcoholic beverages
Establish September 12, 2016, as the date for the public hearing on the request for a Special (on-sale) Liquor License for one day, October 21, 2016, from Avera Sacred Heart Health Services (Taylor Tramp, Foundation Assistant), such event to be held at Pavilion Center, 1st, 2nd & 3rd Floors and 1st and 2nd Floor of Surgical Center on Avera Campus, Yankton, South Dakota.

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

Motion adopted.

Action 16-243

This was the time and place for the public hearing on the application for a Special Malt Beverage (on-sale) Retailers License for one day, September 1, 2016, from Missouri River Assoc. LLC (Julie Fischer, Member), dba Team Hope, 124 Walnut Parking Lot and Green Area, Yankton, South Dakota. (Memorandum 16-190) No one was present to speak for or against approval of the license application. Moved by Commissioner Carda, seconded by Commissioner Knoff, to approve the license.

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

Motion adopted.

Action 16-244

This was the time and place for the public hearing on the application for a Special Malt Beverage (on-

sale) Retailers License for one day, August 27, 2016, from Missouri River Assoc. LLC (Julie Fischer, Member), dba Team Hope, 124 Walnut Parking Lot and Green Area, Yankton, South Dakota. (Memorandum 16-191) No one was present to speak for or against approval of the license application. Moved by Commissioner Hoffner, seconded by Commissioner Johnson, to approve the license.

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

Motion adopted.

Action 16-245

This was the time and place for the public hearing on the application for a New Retail (on-off sale) Wine License for January 1, 2016, to December 31, 2016, from Addar, Inc. dba Luigi's Italian Restaurant (Shujah S. Khan, President), 1208 Broadway, Yankton, South Dakota. (Memorandum 16-192) No one was present to speak for or against approval of the license application. Moved by Commissioner Carda, seconded by Commissioner Johnson, to approve the license.

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

Motion adopted.

Action 16-246

This was the time and place for the public hearing on the application for a New Retail (on-off sale) Malt Beverage License for July 1, 2016, to June 30, 2017, from Addar, Inc. dba Luigi's Italian Restaurant (Shujah S. Khan, President), 1208 Broadway, Yankton, South Dakota. (Memorandum 16-193) No one was present to speak for or against approval of the license application. Moved by Commissioner Sommer, seconded by Commissioner Ferdig, to approve the license.

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

Motion adopted.

Action 16-247

This was the time and place for the public hearing on the application for the transfer of location and ownership of a Retail (on-off sale) Malt Beverage License for July 1, 2016, to June 30, 2017, from YASS, INC. dba 5 O'Clock Somewhere Parrots Cove (Dipan Patel, President), 2007 Broadway Ave. Suite M-A to R B Beer & Burgers, LLC dba/ Rock Bottom (Toby Woehl, President), 2901 Broadway Suite C, Yankton, South Dakota. (Memorandum 16-194) No one was present to speak for or against approval of the license application. Moved by Commissioner Sommer, seconded by Commissioner Johnson, to approve the license.

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

Motion adopted.

Action 16-248

This was the time and place for the public hearing on the application for the transfer of location of a Retail (on-off sale) Malt Beverage License for July 1, 2016, to June 30, 2017, from YASS, INC. dba 5 O'Clock Somewhere (Dipan Patel, President), 2007 Broadway Ave. Suite M to 401 Picotte, Yankton, South Dakota. (Memorandum 16-195) No one was present to speak for or against approval of the license application. Moved by Commissioner Ferdig, seconded by Commissioner Carda, to approve the license.

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

Motion adopted.

Action 16-249

Graham Forbes, auditor with Williams & Co. P. C., was present to review the 2015 City of Yankton Comprehensive Annual Financial Reports (CAFR). Moved by Commissioner Johnson, seconded by Commissioner Ferdig, to accept the CAFR.

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

Motion adopted.

Action 16-250

Adoption of Resolution 16-52 approving the proposed Pine Street Bridge Replacement Project was considered. (Memorandum 16-200) Lois Varvel, Debbie Bailey, and Ed Gleich appeared to speak in favor of rehabilitation, rather than replacement, of the bridge. Moved by Commissioner Carda, seconded by Commissioner Knoff, to adopt Resolution 16-52.

RESOLUTION 16-52

A RESOLUTION APPROVING PINE STREET BRIDGE REPLACEMENT PROJECT

WHEREAS, at the August 22, 2011, City Commission Meeting, Resolution 11-35 was passed by the Yankton City Commission supporting the rehabilitation of Pine Street Bridge if it was found the structure could be rehabilitated; and

WHEREAS, recent bridge inspections have placed load limits on Pine Street Bridge at 8 tons; and

WHEREAS, a Concrete Observation Report conducted in February, 2012, and a Pine Street Bridge Rehabilitation Inspection and Recommendation Report conducted in May, 2012, indicate the condition of the Pine Street Bridge poses an unacceptable risk of structural failure and threat to public safety; and

WHEREAS, the Pine Street Bridge has deteriorated to the point where it is no longer salvageable; and

WHEREAS, design plans for a replacement bridge have been completed; and

WHEREAS, a Bridge Improvement Grant was approved by the Department of Transportation to replace the Pine Street Bridge in April, 2016, was also approved by the South Dakota Department of Transportation Commission;

NOW, THEREFORE, BE IT RESOLVED, by the Yankton City Commission that the City of Yankton move forward with a total replacement of the Pine Street Bridge as recommended.

Roll Call: Members present voting “Aye:” Commissioners Carda, Ferdig, Johnson, Knoff, Maibaum, Miner, Sommer, and Mayor Gross; voting “Nay:” Commissioner Hoffner.

Motion adopted.

Action 16-251

Moved by Commissioner Ferdig, seconded by Commissioner Johnson, to adopt Resolution 16-48. (Memorandum 16-196)

RESOLUTION 16-48

AUTHORIZING GRANT APPLICATION TO SOUTH DAKOTA DEPARTMENT OF ENVIRONMENTAL AND NATURAL RESOURCES SOLID WASTE MANAGEMENT PROGRAM

WHEREAS, the City of Yankton has taken steps to move forward with the implementation of single stream recycling and roll cart solid waste collection; and

WHEREAS, the City of Yankton has requested the assistance of District III in preparation of a grant application to the South Dakota Department of Environmental and Natural Resources; and

WHEREAS, with the submission of the grant application, the City of Yankton assures and certifies that all South Dakota Department of Environmental and Natural Resources Solid Waste Management Program requirements will be fulfilled,

NOW THEREFORE BE IT RESOLVED, that the Yankton City Commission duly authorizes the submission of the grant application, and

BE IT FURTHER RESOLVED, that the City Manager be authorized to execute the grant application to the South Dakota Department of Environmental and Natural Resources for the City of Yankton.

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

Action 16-252

Commissioner Carda introduced and Mayor Gross read the title of Ordinance No. 989, 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, 2017, AND ENDING DECEMBER 31, 2017, and set September 12, 2016, as the date for the second reading and public hearing.

Action 16-253

Moved by Commissioner Johnson, seconded by Commissioner Sommer, to adopt Resolution 16-50. (Memorandum 16-197)

RESOLUTION 16-50

A RESOLUTION APPROVING AN AIRPORT HANGAR LEASE AND FUEL TANK/ EQUIPMENT SPACE LEASE AGREEMENTS WITH GENE EBNETER, DAVE KLINE AND MARK A. YONKE REVOCABLE TRUST

WHEREAS, The Board of City Commissioners of the City of Yankton has been given the authority to approve airport hangar lease and fuel tank/equipment space lease agreements at Chan Gurney Airport; and,

WHEREAS, Gene Ebneter, Dave Kline, and Mark A. Yonke Revocable Trust desire to continue to lease a 60’ by 50’ lot at Chan Gurney Airport on which they had built a hanger in 2009

under Resolution 09-28 and the fuel tank/equipment space lease agreement which was initially approved in Resolution 10-08; and,

WHEREAS, it is in the best interest of the City of Yankton and Chan Gurney Airport for the Board of City Commissioners to approve the lease agreements with Gene Ebnetter, Dave Kline and Mark A. Yonke Revocable Trust.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota that the airport hangar lease and fuel tank/equipment space lease agreements with Gene Ebnetter, Dave Kline, and Mark A. Yonke Revocable Trust known as building location number 29 are hereby approved at a rate of \$0.10 per square foot of building space and fuel tank/equipment space.

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

Action 16-254

Moved by Commissioner Johnson, seconded by Commissioner Knoff, to adopt Resolution 16-51. (Memorandum 16-198)

RESOLUTION 16-51

WHEREAS, Section 16-23 of the Yankton Code of Ordinances permits the discharge of arrows at an approved location determined to be an archery range meeting the requirements of the National Field Archery Association, provided that the inspected, official archery range has been approved by the board of City Commissioners; and

WHEREAS, NFAA is interested in having an off-site archery range event to be held on October 29, 2016 on Walnut Street between 2nd Street and 3rd Street during Harvest Halloween; and

NOW THEREFORE, BE IT RESOLVED that the City Commission hereby authorizes the NFAA to hold an off-site archery range event on October 29, 2016, on Walnut Street between 2nd Street and 3rd Street during Harvest Halloween.

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

Action 16-255

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to approve the fuel funding request from the Yankton Regional Aviation Association, in the amount of \$1,662.50 to be taken from BBB funds, to help sponsor the “Miss Mitchell” B-25 aircraft to appear at this year’s Airport Fly-In Breakfast event. (Memorandum 16-199)

Roll Call: Members present voting “Aye;” Commissioners Ferdig, Johnson, Knoff, Maibaum, Miner, and Sommer; voting “Nay:” Commissioners Carda and Mayor Gross; Abstaining: Commissioner Hoffner.
Motion adopted.

Action 16-256

Moved by Commissioner Knoff, seconded by Commissioner Ferdig, to adopt Resolution 16-53.
(Memorandum 16-201)

**RESOLUTION OF NECESSITY 16-53
(Yankton Road Tax)**

WHEREAS, the Board of City Commissioners of the City of Yankton has deemed that the City streets, alleys and roadways must be properly reconstructed and repaired, and;

WHEREAS, the City of Yankton's streets are repaired by grading, crack filling, spall repair, patching and chip sealing, and;

WHEREAS, a yearly inventory of City streets is conducted in order to determine the streets in need of repair,

NOW, THEREFORE, BE IT RESOLVED, that for the purpose of maintaining and repairing the streets, and surfacing thereof, that an assessment of forty cents per front foot be levied upon all parcels or portions of parcels fronted or abutting streets and forty cents per front foot be levied upon parcels or portions of parcels fronted or abutting alleys within the City of Yankton.

The City Finance Officer is hereby directed to certify such assessments together with the regular assessments for 2016 collectable in 2017 to the County Auditor to be collected as municipal taxes for general purposes.

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

Action 16-257

Moved by Commissioner Johnson, seconded by Commissioner Carda, to adjourn into Executive Session at 8:07 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 Gross.

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

Action 16-258

Moved by Commissioner Hoffner, seconded by Commissioner Johnson, to adjourn at 10:05 p.m.

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

C.N. Gross
Mayor

ATTEST:

Al Viereck
Finance Officer