

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
AUGUST 24, 2015**

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, Sommer, and Woerner. City Attorney Den Herder and City Manager Nelson were also present. Absent: None. Quorum present.

Action 15-267

Moved by Commissioner Gross, seconded by Commissioner Woerner, to approve the Minutes of the regular meeting of August 10, 2015.

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

Mayor Carda read a proclamation declaring September 17 to 20, 2015, as *American Cribbage Congress Week in Yankton*.

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

Frank Kloucek was present to speak in support of a Yankton truck bypass and presented a petition signed by approximately 800 people in support of a bypass. Comments both for and against were registered by citizens in attendance. Rod Gall from the Yankton Office of the South Dakota Department of Transportation was present to answer questions.

Action 15-268

This was the time and place for the public hearing for the administrative process to apply for a Community Development Block Grant (CDBG) for the Yankton Regional Technical Education Center to purchase Computerized Numerical Controlled (CNC) robotics training equipment to complement a revitalized CNC curriculum as part of the Governor's Workforce Initiative. Eric Ambrosen, District III, was present to open the public hearing at 7:43 p.m. John Svatos, RTEC Director, was also present to explain the request and answer questions.

Moved by Commissioner Johnson, seconded by Commissioner Hoffner, to adopt Resolution 15-48. (Memorandum 15-206)

**RESOLUTION 15-48  
DESIGNATING CDBG PROJECT CERTIFYING OFFICER  
AND  
ENVIRONMENTAL CERTIFYING OFFICER  
CNC-Robotics Training Equipment project**

**WHEREAS, *The City of Yankton*** is applying to the Community Development Block Grant from the U.S. Department of Housing and Urban Development as administered by the State of South Dakota, and;

**WHEREAS, *The City of Yankton*** is required to designate a certifying officer for the purpose of signing required documents pertaining to these grants, and;

**WHEREAS, *The City of Yankton*** is required to designate an environmental certifying officer for the purpose of signing required environmental documents pertaining to these grants, and;

**NOW THEREFORE, BE IT RESOLVED,** that the City Manager of *The City of Yankton* be hereby designated as the City's certifying officer for the purpose of signing correspondence, pay requests, and other required documents.

**AND BE IT FURTHER RESOLVED,** that the City Manager of *The City of Yankton* be hereby designated as the City's environmental certifying officer for all environmental review procedures associated with these CDBG projects.

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

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to adopt Resolution 15-49.

#### **AUTHORIZING RESOLUTION 15-49**

**WHEREAS,** The City of Yankton of has identified the need to provide CNC training to its workforce, and

**WHEREAS,** The City of Yankton proposes to assist the Regional Technical Education Center (RTEC) in the purchase of CNC-Robotics equipment by submitting a Community Development Block Grant (CDBG) application; and

**WHEREAS,** the City of Yankton is eligible for federal assistance for the proposed project; and

**WHEREAS,** with the submission of the CDBG application The City of Yankton assures and certifies that all CDBG program requirements will be fulfilled; and

**WHEREAS,** The City of Yankton has published the required publications for the CDBG application.

**THEREFORE, BE IT RESOLVED,** that the City of Yankton of duly authorizes the submission of the CDBG application requesting approximately \$157,500 for the CNC-Robotics Training Equipment project.

**THEREFORE, BE IT RESOLVED,** that the Mayor be authorized to execute the CDBG application for The City of Yankton.

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

Action 15-269

This was the time and place for the public hearing on the transfer of ownership and location of a Retail (on-off sale) Malt Beverage License for July 1, 2015, to June 30, 2016, from Hanten, Inc., (Ben Hanten, President) dba Ben’s Brewing Company, 222 West 3rd Street, to Annisproperties, Inc., (Kevin Annis, President) dba Patriot Express 02, 100 East 4th Street, Suite A, Yankton, South Dakota. (Memorandum 15-211) No one was present to speak for or against approval of the license application. Moved by Commissioner Gross, seconded by Commissioner Woerner, to approve the license.

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

Action 15-270

This was the time and place for the public hearing on the New Retail (on-off sale) Malt Beverage License for July 1, 2015, to June 30, 2016, from Hanten, Inc., (Ben Hanten, President) dba Ben’s Brewing Company, 222 West 3rd Street, Yankton, South Dakota. (Memorandum 15-212) 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 15-271

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, October 23, 2015, from Avera Sacred Heart Health Services (Taylor Tramp, Foundation Assistant), such event to be held at Pavilion Center, 1st, 2nd and 3rd Floors, and 1st and 2nd Floor of Surgical Center on Avera Campus, Yankton, South Dakota. (Memorandum 15-213) No one was present to speak for or against approval of the license application. Moved by Commissioner Gross, seconded by Commissioner Sommer, approve the license.

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

Action 15-272

This was the time and place for the public hearing on the request for a Special Malt Beverage (on-sale) Retailers License for one day, September 19, 2015, from Historic Downtown Yankton, Inc., (Kathy Church Secretary/Treasurer) for a street dance between 2nd and 3rd Street on Douglas Avenue, Yankton, South Dakota. (Memorandum 15-214) No one was present to speak for or against approval of the license application. Moved by Commissioner Woerner, seconded by Commissioner Gross, to approve the license.

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

Action 15-273

Commissioner Woerner introduced and Mayor Carda read the title of Ordinance No. 981, AN ORDINANCE APPROPRIATING MONIES FOR DEFRAYING THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF YANKTON, SOUTH DAKOTA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016, AND PROVIDING FOR THE LEVY OF THE ANNUAL TAX FOR ALL FUNDS CREATED BY THE ORDINANCE WITHIN SAID CITY and set the date for the second reading and public hearing as September 14, 2015.

Action 15-274

Moved by Commissioner Knoff, seconded by Commissioner Woerner, to adopt Resolution 15-44. (Memorandum 15-209)

**RESOLUTION 15-44**

**WHEREAS**, SDCL 6-13-1 requires a municipality owning personal property which is no longer necessary, useful or suitable for municipal purposes shall, by resolution, declare it surplus and may, by resolution, order the sale, trade, destruction or other disposal of said personal property.

**NOW, THEREFORE, BE IT RESOLVED** that the following personal property be declared no longer necessary, useful or suitable for municipal purposes and authorize the surplused property to be used as trade in to reduce the cost of the new shotguns in accordance with SDCL 6-13-1 and SDCL 6-5-2, et sequential:

SURPLUS PROPERTY TO BE TRANSFERRED:

<u>Make</u>	<u>Model</u>	<u>Serial Number</u>	<u>Disposition</u>
Remington	870	B948283M	Destroy
Remington	870	B952690M	Trade
Remington	870	B952702M	Trade
Remington	870	V781185V	Trade
Remington	870	B952676M	Trade
Remington	870	V828284V	Trade
Remington	870	V841665V	Trade
Remington	870	V781185V	Trade
Winchester	1300	L2631065	Trade

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

Action 15-275

Moved by Commissioner Woerner, seconded by Commissioner Gross, to adopt Resolution 15-43. (Memorandum 15-208)

**RESOLUTION 15-43**

**A RESOLUTION APPROVING AN AIRPORT HANGAR LAND LEASE AGREEMENT WITH PHIL SPADY**

WHEREAS, The Board of City Commissioners of the City of Yankton has been given the authority to approve airport hangar land lease agreements at Chan Gurney Municipal Airport; and,

WHEREAS, Phil Spady desires to lease a 42' deep by 65' wide lot at Chan Gurney Municipal Airport on which he intends to build an airplane hangar; and,

WHEREAS, it is in the best interest of the City of Yankton and Chan Gurney Municipal Airport for the Board of City Commissioners to approve the land lease agreement with Phil Spady,

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, that the airport hangar land lease agreement with Phil Spady for building location 702 E 31<sup>st</sup> Street Number 35 is hereby approved at a rate of \$0.10 per square foot of building space.

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

Action 15-276

Moved by Commissioner Knoff, seconded by Commissioner Gross, to adopt Resolution 15-45. (Memorandum 15-210)

**RESOLUTION 15-45**

WHEREAS, the Yankton City Commission authorized a grant request to the Federal Aviation Administration (FAA) based on a proposal to prepare an Environmental Assessment to construct apron area improvements which includes the replacement of existing asphalt pavement with concrete, the relocation of two private hangars, and the demolition of a City-owned hangar; and,

WHEREAS, the FAA may provide Airport Improvement Program (AIP) Grant offer #3-46-0062-026-2015 to conduct an Environmental Assessment associated with the apron area improvements at Chan Gurney Municipal Airport adjacent to the fueling island based on the City's grant request; and,

WHEREAS, this project has been identified in the Airport Layout Plan (ALP).

NOW, THEREFORE, BE IT RESOLVED that the City of Yankton will accept the grant offer and authorizes proceeding to prepare an Environmental Assessment for the needed improvements at Chan Gurney Municipal Airport as outlined in AIP Grant #3-46-0062-026-2015.

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

Action 15-277

Commissioner Sommer introduced and Mayor Carda read the title of Ordinance 982, AN ORDINANCE TO REZONE PROPERTY DESCRIBED HEREIN, and set the date for the second reading and public hearing as September 14, 2015. (Memorandum 15-217)

Action 15-278

Moved by Commissioner Sommer, seconded by Commissioner Johnson, to adopt Resolution 15-47. (Memorandum 15-218)

**RESOLUTION 15-47**

WHEREAS, it appears from an examination of the plat of Tract 1 of Block 3, Missouri View Addition in the N 1/2 of the NE 1/4, Section 15, Township 93 North, Range 56 West of the 5<sup>th</sup> P.M., in Yankton County, South Dakota, prepared by Travis J. Kropuenske, 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, Sommer, Woerner, and Mayor Carda; voting "Nay:" None; Abstaining: Commissioner Knoff. Motion adopted.

Action 15-279

Moved by Commissioner Gross, seconded by Commissioner Johnson, to approve the contract with Delta Dental Insurance Company for 2016 dental insurance coverage, a premium increase of 3.2 percent over 2015 rates, with employees' cost remaining at the same level as the previous year. (Memorandum 15-215)

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

Action 15-280

Moved by Commissioner Gross, seconded by Commissioner Woerner, to adopt Resolution 15-46. (Memorandum 15-216)

**RESOLUTION 15-46  
NO PARKING ON THE WEST SIDE OF BROADWAY AVENUE  
FOR THE FRONTAGE OF SCOOTERS COFFEE**

WHEREAS, the owner of Scooters Coffee has requested no parking in front of their lot, located at 1907 Broadway Avenue; and

WHEREAS, parking in this area interferes with the ability of drivers assessing the property to see oncoming traffic and creates a hazard for the traveling public; and

**WHEREAS**, the Board of City Commissioners of the City of Yankton has the authority to establish and revoke parking restrictions, within the City of Yankton.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of City Commissioners of the City of Yankton, SD, that parking is prohibited on the west side of Broadway Avenue for the frontage of Scooters Coffee, which is legally described as Lots 31 & 32, in Block 10 of North Yankton Addition, in Yankton.

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

Action 15-281

Moved by Commissioner Johnson, seconded by Commissioner Knoff, to adopt Resolution 15-50. (Memorandum 15-219)

**RESOLUTION 15-50**

It is hereby resolved that the City of Yankton shall grant the attached Easement for Ingress and Egress and the attached Quit Claim Deed to James Flynn on the condition that he grant a similar quit claim deed to the East half of the vacated Burleigh Street. City Manager Amy Nelson is hereby directed to execute and deliver said instruments to Mr. Flynn on behalf of the City of Yankton.

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

Action 15-282

Moved by Commissioner Knoff, seconded by Commissioner Sommer, to authorize the City Manager to sign the finalized Transportation Alternative Program (TAP) Grant Agreement between the State of South Dakota and the City of Yankton and the associated engineering contract for the first phase of the Fox Run Trail System from the south side of 31<sup>st</sup> Street, from the Walmart site to Adkins Drive. (Memorandum 15-220)

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

Action 15-283

Moved by Commissioner Woerner, seconded by Commissioner Knoff, to adjourn at 8:05 p.m.

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

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David Carda  
Mayor

ATTEST:

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Al Viereck  
Finance Officer

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