

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
AUGUST 28, 2017**

Board of City Commissioners of the City of Yankton was called to order by Mayor Hoffner.

Roll Call: Present: Commissioners Carda, Ferdig, Gross, Johnson, Maibaum, Miner, and Moser. City Attorney Den Herder and City Manager Nelson were also present. Absent: Commissioner Knoff. Quorum present.

Action 17-242

Moved by Commissioner Carda, seconded by Commissioner Johnson, to approve the Minutes of the special meeting of August 8, 2017, and the regular meeting of August 14, 2017.

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.

Todd Van Maanen with Yankton County Supporters of Production Agriculture was present to encourage and promote value-added agriculture and environmentally safe farming aspects.

Michael Shumacher representing AME Church was present to encourage community discussion beginning with a public meeting on September 11, 2017, at the AME Church.

Action 17-243

Moved by Commissioner Johnson, seconded by Commissioner Gross, that the following items on the Consent Agenda be approved.

1. Establishing public hearing for sale of alcoholic beverages
Establish September 11, 2017, as the date for the public hearing on the request for a Special Events (on-sale) Liquor License for September 12, 2017, from Chamber of Commerce, (Carmen Schramm, Director) dba Chamber of Commerce, Avera Professional Pavilion, 409 Summit, Street, Yankton, South Dakota.
2. Establishing public hearing for sale of alcoholic beverages
Establish September 11, 2017, as the date for the public hearing on the request for a Special Events (on-sale) Liquor License for October 10, 2017, from Chamber of Commerce, (Carmen Schramm, Director) dba Chamber of Commerce, Lewis & Clark Theatre Company, 328 Walnut Street, Yankton, South Dakota.
3. Establishing public hearing for sale of alcoholic beverages
Establish September 11, 2017, as the date for the public hearing on the request for a Special Events (on-sale) Liquor License for November 14, 2017, from Chamber of Commerce, (Carmen Schramm, Director) dba Chamber of Commerce, Broadway Chrysler, 2720 Broadway Avenue, Yankton, South Dakota.
4. Establishing public hearing for sale of alcoholic beverages
Establish September 11, 2017, as the date for the public hearing on the request for a Special Events (on-sale) Liquor License for December 12, 2017, from Chamber of Commerce,

(Carmen Schramm, Director) dba Chamber of Commerce, First National Bank, 332 Broadway Avenue, Yankton, South Dakota.

5. Special Events Dance License
Consideration of Memorandum 17-183 recommending approval of the application from the VFW for:
A) Special Events Dance License for September 30, 2017
6. Possible Quorum Event
September 28, 2017, for Chamber event, no official commission action
7. Possible Quorum Event
September 29, 2017, for Chamber event, no official commission action
8. Approving Current Volunteer Firefighter List
Consideration of Memorandum 17-186 regarding approving the following list of Volunteer Firefighters per Workers' Compensation and SDCL requirements: Brad Binde, Tim Binder, Cole Blom, Troy Cowman, Mike Fitzgerald, Kirt Flannery, Adam Frick, Brian Frick, Dan Frick, Steve Frick, Tom Frick, Mike Gullikson, Andy Haas, Adam Haberman, Samual Harris, Richard Hladky, Kasey Hofer, Tom Holmstrom, Jody Johnson, Ryan Kaiser, Adam King, Gary Kozak, John Kraft, Dave Kuehler, Mark Kuehler, Thomas Kurtenbach, Mark Mauch, Chad Miller, Pete Moore, Brad Moser, Terry Nickels, Larry Nickles, Mark Nickles, Matt Nighbert, Pat Nolz, Daniel Prendable, Larry Raab, Levi Rohde, Bill Taggart, Jeff Turman, Rodney Veldhuizen, Mike Villanueva, Dave Walsh, Jay Walsh, Brook Woehl, Toby Woehl, and Bill Ziegler.
9. Establishing public hearing for sale of alcoholic beverages
Establish September 11, 2017, as the date for the public hearing on the request for a Special Events (on-sale) Liquor License for 1 day, October 7, 2017, from Drotzmann & Portillo, LLC (Steve Drotzmann, Partner), dba Rounding 3rd Bar and Casino, NFAA, 800 Archery Lane, Yankton, South Dakota.
10. Establishing public hearing for sale of alcoholic beverages
Establish September 11, 2017, as the date for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License for one day, September 28, 2017, from the Center (Christy Hauer, Executive Director), 900 Whiting Drive, Yankton, South Dakota.

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

Motion adopted.

Action 17-244

This was the time and place for the public hearing on Resolution 17-31 approving the special assessment roll for the Assessment Project to Pave the North-South Alley from 13th Street to 14th Street, between Pearl Street and Picotte Street. Resident Jim Starr was present to question the estimates presented in the memorandum. Moved by Commissioner Carda, seconded by Commissioner Johnson, to adopt Resolution 17-31. (Memorandum 17-175)

RESOLUTION 17-31
A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING
IMPROVEMENTS FOR THE ALLEY FROM 13TH STREET TO 14TH STREET, BETWEEN
PEARL STREET AND PICOTTE STREET

BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota:

SECTION 1. That it is deemed and declared necessary to construct improvements in accordance with plans and specifications therefore, prepared under the direction of the Department of Public Works on the alley from 13th Street to 14th Street, between Pearl Street to Picotte Street, in the City of Yankton, South Dakota, abutting upon the following described property to be assessed therefore:

Lots 1 through 10, Block 5 of Taylor & Sargent's Addition
W60' of Lots 11 thru 15, Block 5 of Taylor & Sargent's Addition
Lot 16, 17 & the S6'-6" of the E82', Lot 18, Block 5 of Taylor & Sargent's Addition
W68' of Lots 18 thru 20, Block 5 of Taylor & Sargent's Addition

SECTION 2. That the nature of said improvements is to construct a three inch asphalt pavement surface, along with items such as six inches of gravel base course, unclassified excavation/earthwork and grading, seeding and approach pavements, as needed, and all other incidentals in the above named location.

This project does not include improvements outside of the alley right-of-way, concrete driveway approaches. The project does include some slope work on private property, as necessary.

SECTION 3. That the cost and expense of the above listed improvements shall be levied by special assessment upon the above described properties in accordance with Chapter 9-43 of the South Dakota Codified Laws. Said improvements shall be assessed upon the above described properties abutting thereon according to the benefits derived in accordance with Chapter 9-45 of the South Dakota Codified Laws.

SECTION 4. Said assessment may be paid in ten (10) equal annual installments. Any such assessment or any installment thereof unless paid within thirty (30) days after the filing of the Assessment Roll in the Office of the City Finance Officer shall be collected under Plan Two, with interest in accordance with the procedure provided in SDCL 9-43-42 through 9-43-53, as amended. In all cases where interest on such assessment or the installment thereof is to be charged and collected in accordance with the law, the rate to be charged shall be as established by the Board of City Commissioners.

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

Action 17-245

This was the time and place for the public hearing to consider adoption of Ordinances No. 996, ADOPTION OF THE 2015 INTERNATIONAL BUILDING CODE, Ordinance No. 997, ADOPTION

OF THE 2015 INTERNATIONAL RESIDENTIAL BUILDING CODE, Ordinance No. 998, ADOPTION OF THE 2015 UNIFORM PLUMBING CODE, and Ordinance No. 999, ADOPTION OF THE 2017 NATIONAL ELECTRIC CODE. (Memorandum 17-191) Lee Redig representing the Home Builders Association was present to encourage adoption of the ordinances and to commend Building Official Joe Morrow and his staff for a balanced plan. Moved by Commissioner Carda, seconded by Commissioner Gross, to adopt Ordinances No. 996, No. 997, No. 998, and No. 999. **Roll Call:** All members present voting "Aye;" voting "Nay:" None. Motion adopted.

Action 17-246

This was the time and place for the Public hearing to consider adoption of Ordinance No. 1000, ADOPTION OF THE 2015 INTERNATIONAL FIRE CODE. No one was present to speak for or against adoption of the ordinance. Moved by Commissioner Ferdig, seconded by Commissioner Carda, to adopt Ordinance No. 1000.

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

Action 17-247

This was the time and place for the public hearing on the application for a Special Events (on-sale) Liquor License for September 30, 2017, from VFW (Colin Reisner, Quartermaster), 209 Cedar Street including the parking lot and Cedar Street from the North side of the building to 2nd Street, Yankton, South Dakota. (Memorandum 17-182) No one was present to speak for or against approval of the license application. Moved by Commissioner Johnson, seconded by Commissioner Miner, to approve the license.

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

Action 17-248

Moved by Commissioner Ferdig, seconded by Commissioner Gross, to adopt Resolution 17-33. (Memorandum 17-179)

RESOLUTION 17-33

RESOLUTION PROVIDING FOR THE CREATION OF TAX INCREMENTAL DISTRICT NUMBER NINE, YANKTON AND APPROVAL OF TAX INCREMENTAL DISTRICT NINE PROJECT PLAN

WHEREAS, the Planning Commission has recommended the creation of Tax Increment District Number Nine and adoption of a project plan for said district;

WHEREAS, the Yankton has the power, pursuant to SDCL § 11-9-2, to create the Tax Incremental District Number Nine, City of Yankton and define its boundaries; and

WHEREAS, the Yankton pursuant to SDCL § 11-9-17 has the power to adopt a project plan for the district.

THEREFORE, IT IS HEREBY RESOLVED:

1. **Authority and Declaration of Necessity.** The City declares the necessity for the creation of the Tax Incremental District Number Nine, City of Yankton pursuant to SDCL 11-9. Further, the City finds that the improvement of the area is likely to enhance significantly the value of substantially all of the other real property in the District and is necessary for economic development within the City.
2. **Findings of Economic Development.** The City Commission makes the following findings with regard to economic development:
 - a. Not less than twenty-five (25) percent, by area, of real property within the District is a blighted area as defined in SDCL 11-9-9 through 11-9-11;
 - b. The improvement of the area is likely to enhance significantly the value of substantially all of the other real property in the District;
 - c. the proposed improvements to Mall will likely stimulate new tenants and reduce the vacancy of the Mall;
3. **Findings of Maximum Percentage of Tax Incremental Districts.** The aggregate assessed value of the taxable property in the District, plus all other tax incremental districts, does not exceed ten percent of the total assessed valuation of the City.
4. **Creation of District.** There is hereby created, pursuant to SDCL 11-9, the Tax Incremental District Number Nine, City of Yankton (the "District"). The District is hereby created on the day this resolution becomes effective which shall be twenty days after publication.
5. **Designation of District Boundaries.** The District shall have boundaries which shall include the following described real property:

Lot 1A, Block 1 less Parcel 5, Slaughter's Subdivision, Lot 3A, Block 1, Section 12 less Parcel 4 and less part Parcel 5, Slaughter's Subdivision, Lots 5A, Block 1, Section 12, Slaughter's Subdivision, Lot 6 except Parcels 1, 2 and 3, Block 1, Slaughter's Subdivision all in the City of Yankton, South Dakota.
6. **Creation of Tax Incremental Fund.** There is hereby created, pursuant to SDCL § 11-9-31, a Tax Incremental District Number Nine Fund, a segregated asset account. All tax increments collected pursuant to Tax Incremental District Number Nine shall be deposited into the Tax Incremental District Number Nine Fund. All funds in the Tax Incremental District Number Nine Fund shall be used solely for those purposes expressly stated and reasonably inferred in SDCL 11-9.
7. **Adoption of project Plan.** The City does hereby approve the project plan as presented and finds that the plan is feasible and in conformity with the master plan of the City.

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

Action 17-249

Commissioner Gross introduced and Mayor Hoffner read the title of Ordinance No. 1001, 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, 2018, AND ENDING DECEMBER 31, 2018, AND PROVIDING FOR THE LEVY OF ANNUAL TAXES FOR ALL FUNDS CREATED BY ORDINANCE WITHIN SAID CITY, and set September 11, 2017, as the date for the second reading and public hearing.

Action 17-250

This was the time and place to award the bids for the Annual Water Plant and Wastewater Treatment Plant Sludge Removal. The following bids were received and opened on August 17, 2017: Dakota Rock Farms, Vermillion, South Dakota-Wastewater Treatment Plant Liquid Sludge-\$.0200/gallon; Willard Schmidt, Yankton, South Dakota-Wastewater Treatment Plant Liquid Sludge-\$.0325/gallon, Water Treatment Plant Caked Lime Sludge-\$10.00/ton. (Memorandum 17-184) Moved by Commissioner Johnson, seconded by Commissioner Miner, to award the bids to the low bidders as follows: Dakota Rock Farms, Vermillion, South Dakota, for Wastewater Treatment Plant Liquid Sludge removal for \$.0200 per gallon; and Willard Schmidt, Yankton, South Dakota, for Water Treatment Plant Caked Lime Sludge removal for \$10.00 per ton.

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

Action 17-251

Moved by Commissioner Gross, seconded by Commissioner Ferdig, to adopt Resolution 17-29. (Memorandum 17-173).

RESOLUTION 17-29

WHEREAS, in frequent instances the Yankton Police Department may need to continue investigations outside of our normal jurisdiction, to complete or gain successful resolution of the case; and

WHEREAS, it would benefit limited members of the Yankton Police Department to have state jurisdiction in our mission to limit contraband from entering the City of Yankton

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, enter into a Memorandum of Understanding with the South Dakota Attorney General’s Office allowing a limited number of employees to hold State Authority in the pursuit of justice as outlined in the Memorandum of Understanding and that the Chief of Police is authorized to sign said Memorandum of Understanding.

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

Action 17-252

Moved by Commissioner Ferdig, seconded by Commissioner Gross, to adopt Resolution 17-34 (Memorandum 17-180)

RESOLUTION 17-34

WHEREAS, it appears from an examination of the plat of Tract A in Lot 1 of W. G. & A. Addition to the City and County of Yankton, South Dakota 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.

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 17-253

Moved by Commissioner Carda, seconded by Commissioner Gross, to issue a position statement to Yankton County okaying the vacation of the Timberland Drive section line right-of-way between West 8th Street and West 11th Street, if the County so chooses, contingent upon the creation of a utility easement of at least 33 feet in width in the same alignment. (Memorandum 17-181)

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

Action 17-254

Moved by Commissioner Johnson, seconded by Commissioner Miner, to adopt Resolution 17-35. (Memorandum 17-187)

RESOLUTION 17-35
Special Events Parking Request

WHEREAS, the City Commission adopted an Ordinance allowing for no parking designation for special events within the City of Yankton; and

WHEREAS, this Resolution would authorize the City of Yankton to tow vehicles that are parked in the defined area or areas and times specified for Special Events; and

WHEREAS, the VFW 791 has made a request to enact this no parking zone for Saturday, September 30, 2017.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves the Special Event Parking Request for the portion of Cedar

Street from 2nd Street to the parking lot/alley to the south of First Dakota National Bank on Saturday, September 30, 2017 from 6am-midnight

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

Action 17-255

Moved by Commissioner Carda, seconded by Commissioner Miner, to adopt Resolution 17-36.
(Memorandum 17-188)

RESOLUTION 17-36
Special Events Parking Request

WHEREAS, the City Commission adopted an Ordinance allowing for no parking designation for special events within the City of Yankton; and

WHEREAS, this Resolution would authorize the City of Yankton to tow vehicles that are parked in the defined area or areas and times specified for Special Events; and

WHEREAS, the Yankton Chamber of Commerce and CVB have made a request to enact this no parking zone for Fireball Run on Friday, September 29, 2017 beginning at 3:00 AM to 9:30 AM.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves the Special Event Parking Request for 2nd Street from Capitol to Broadway, Walnut Street from 2nd to 3rd, 3rd Street from Walnut to Broadway and the Meridian Bridge Plaza on September 29, 2017 from 3:00 am to 9:30 a.m.

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

Action 17-256

Moved by Commissioner Johnson, seconded by Commissioner Gross, to approve the request from the Yankton Chamber of Commerce and Convention and Visitors Bureau (CVB) to close both levels of the Meridian Bridge on Friday, September 29, 2017, between the times of 7:00 a.m. to 10:00 a.m. for filming of the Fireball Run television series. (Memorandum 17-189)

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

Action 17-257

Moved by Commissioner Ferdig, seconded by Commissioner Carda, to approve the Memorandum of Understanding, from August 2017 through December 2019, between the City of Yankton and the Yankton Convention and Visitors Bureau authorizing the CVB to serve as the City’s primary external

agency to promote the community and surrounding area as a destination for tourism and conventions. (Memorandum 17-190)

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

Action 17-258

Moved by Commissioner Johnson, seconded by Commissioner Carda, to approve Amendment No. 2 to the agreement between the City of Yankton and the State of South Dakota Department of Transportation for South Dakota Highway 50 reconstruction project Number NH0050(99)381 PCN 6926 for sidewalk oversizing, resulting in an increase in the City’s portion of cost sharing in the amount of \$32,000.00 for a new contribution total of \$340,828.00. (Memorandum 17-185)

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

Action 17-259

Moved by Commissioner Maibaum, seconded by Commissioner Miner, to adjourn into executive session at 8:08 p.m. to discuss personnel, contractual, and litigation matters under SDCL 1-25-2.

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

Commissioner Knoff entered the meeting at 8:17 p.m.

Regular meeting of the Board of City Commissioners of the City of Yankton was reconvened by Mayor Hoffner.

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

Action 17-260

Moved by Commissioner Carda, seconded by Commissioner Knoff, to adjourn at 9:10 p.m.

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

Jake Hoffner
Mayor

ATTEST:

Al Viereck
Finance Officer