

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
MAY 26, 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 Blaalid, Ferdig, Hoffner, Johnson, Knoff, Sommer, and Woerner. Deputy City Attorney Hovden and City Manager Nelson were also present. Absent: Commissioner Gross.

Quorum present.

Action 15-151

Moved by Commissioner Knoff, seconded by Commissioner Blaalid, to approve the Minutes of the regular meeting of May 11, 2015.

**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.

Mayor Carda read proclamations declaring gratitude and appreciation in honor of the *90<sup>th</sup> Anniversary of the Catholic Daughters of the Americas Court Willard*, declaring June 3-4, 2015, as *Yankton Area Mental Wellness Conference Days*, and June, 2015, as *Bike to Work-Bike to Play Month*.

Action 15-152

Moved by Commissioner Blaalid, seconded by Commissioner Knoff, that the following items on the consent agenda be approved.

1. Establish public hearing for renewal of Malt Beverage Licenses  
Establish June 8, 2015, as the date for the public hearing on the applications for renewal of Malt Beverage Licenses for the 2015-16 licensing period.
2. Establishing public hearing for sale of alcoholic beverages  
Establish June 8, 2015, as the date 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 1 day, July 18, 2015 from Yankton Area Arts, (Julie Amsberry, Executive Director) Meridian Bridge, rain date set for Avera cared Heart Pavilion Center, Avera Campus, changed to City Hall Auditorium, 416 Walnut, Yankton, South Dakota.
3. Dance License  
Consideration of Memorandum 15-123 regarding Application from Dayhuff Enterprises, Inc., (Jeff Dayhuff, President) dba Dayhuff Enterprises for Special Events Dance License for August 1, 2015.
4. Establishing public hearing for sale of alcoholic beverages  
Establish June 8, 2015, as the date for the public hearing on the request for a Special Events (on-sale) Liquor License for August 1, 2015 from Dayhuff Enterprises, Inc., (Jeff Dayhuff, President) dba Dayhuff Enterprises, The block of 3<sup>rd</sup> Street between Douglas & Capital Street, Yankton, South Dakota.

5. Possible Quorum Event

June 6-14, 2015 during World Youth Archery Championship, no official commission action.

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

Action 15-153

This was the time and place for the public hearing for Ordinance No. 976, AN ORDINANCE AMENDING CHAPTER 17, PLANNING AND ZONING GENERALLY, ARTICLE III, SUBDIVISIONS, SECTIONS 17-42 AND 17-59 OF THE CITY OF YANKTON, SOUTH DAKOTA'S CODE OF ORDINANCES, ADDING A PROCEDURAL REQUIREMENTS FOR THE INVOLVEMENT OF THE B-Y WATER DISTRICT IN AREAS OF THE CITY UNDER THEIR WATER SERVICE JURISDICTION. (Memorandum 15-111) No one was present to speak for or against adoption of the ordinance. Moved by Commissioner Knoff, seconded by Commissioner Blaaid, to adopt Ordinance No. 976.

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

Action 15-154

This was the time and place for the public hearing for Ordinance No. 977, AN ORDINANCE TO REZONE PROPERTY DESCRIBED HEREIN. (Memorandum 15-112) No one was present to speak for or against adoption of the ordinance. Moved by Commissioner Sommer, seconded by Commissioner Knoff, to adopt Ordinance No. 977.

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

Action 15-155

This was the time and place for the public hearing to consider the creation of a City of Yankton/Yankton County Rail Authority. Mayor Carda called the meeting to order at 7:15 p.m. Toby Morris of Dougherty Company was present to give a short explanation and answer questions. Gary Moore was present to explain the County's participation in the Platte/NAPA Rail Authority. Moved by Commissioner Blaaid, seconded by Commissioner Johnson, to adopt Resolution 15-13. (Memorandum 15-113)

**RESOLUTION 15-13**

Authorization to Execute an Agreement to Become a Member of the  
Yankton County Regional Railroad Authority

BE IT RESOLVED, that the City of Yankton, South Dakota, hereby joins the YANKTON COUNTY REGIONAL RAILROAD AUTHORITY pursuant to a proposed agreement as provided for in SDCL Chapter 49-17A as amended.

BE IT FURTHER RESOLVED, that the Mayor and the City Finance Officer are hereby authorized and directed to execute the Agreement referred to above, and any and all other necessary documents to effectuate the Agreement and create the YANKTON COUNTY REGIONAL RAILROAD AUTHORITY.

BE IT FURTHER RESOLVED, that City Manager Amy Nelson and City Commissioner Chris Ferdig are hereby designated as representatives of the CITY OF YANKTON to the YANKTON COUNTY REGIONAL RAILROAD AUTHORITY.

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

Action 15-156

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to adopt Resolution 15-14, subject to confirmation by the City and County of the joint persons appointed to the Rail Authority.

**RESOLUTION 15-14**

A Resolution Authorizing an Agreement to Create the  
Yankton County Regional Railroad Authority and the Execution Thereof

**WHEREAS**, a public hearing was held May 26, 2015, after public notice thereof was published in the official newspaper of the City on May 15, 2015; and

**WHEREAS**, the public was given opportunity to give public comment on the creation of a rail authority encompassing the jurisdiction of the City; and

**WHEREAS**, the City finds and does hereby declare it necessary for the creation of a rail authority.

**NOW THEREFORE, BE IT RESOLVED** by the City Commission of the City of Yankton, South Dakota (the "City"), as follows:

1. Authorization of Agreement. The City does hereby authorize the execution of an agreement by and between the City of Yankton and Yankton County in substantially the form on file with the Finance Officer and open to public inspection.
2. Authorization of Officers. The Mayor and Finance Officer are authorized to take such action as they deem necessary to carry out the intent of this resolution, including but not limited to the execution of the agreement described herein.
3. Designation of persons representing City. The following individuals are appointed as the initial representatives of the City to act as commissioners under the agreement:

- a) Amy Nelson, City Manager
- b) Chris Ferdig, City Commissioner

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

The Rail Authority public hearing was adjourned at 7:53 p.m.

Action 15-157

Commissioner Knoff introduced Memorandum 15-118—2015 Special Assessment Roll for Snow Removal and Tree Trimming—setting the date for the Public Hearing as June 22, 2015.

Action 15-158

Commissioner Blaalid introduced and Mayor Carda read the title of Ordinance No. 978, AN ORDINANCE TO REZONE PROPERTY DESCRIBED HEREIN, and set June 8, 2015, as the date for the second reading and public hearing. (Memorandum 15-114)

Action 15-159

Moved by Commissioner Blaalid, seconded by Commissioner Sommer, to adopt Resolution 15-19. (Memorandum 15-116)

**RESOLUTION 15-19**

WHEREAS, it appears from an examination of the plat of Tract A, B, C and D, in Lots 1, 2 and 3 of Block 2, Riverside Acres North Addition, in the SW ¼ of the NW ¼ of Section 22, T93N, R56W of the 5th P.M., Yankton County, 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 15-160

Moved by Commissioner Knoff, seconded by Commissioner Blaalid, to adopt Resolution 15-18. (Memorandum 15-115)

**RESOLUTION 15-18**

WHEREAS, it appears from an examination of the plat of Lots 1-20 of Block 1, and Lots 1-4 of Block 2, Drotzmann's Addition to the City of Yankton, 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 and the associated Developer's Agreement is hereby approved.

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

Action 15-161

Moved by Commissioner Knoff, seconded by Commissioner Woerner, to approve the purchase of a 2015 Barracuda I Model 60115M Fish Grinding Station from Quality Control Equipment Company,

Des Moines, Iowa, for a cost of \$34,283.50, to replace the fish cleaning station at Riverside Park. (Memorandum 15-109)

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

Action 15-162

Moved by Commissioner Blaalid, seconded by Commissioner Knoff, to approve the purchase of a 2015 Jacobsen Greensking IV Mower for Fox Run Golf Course for a cost of \$24,999.00. (Memorandum 15-110)

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

Action 15-163

Moved by Commissioner Knoff, seconded by Commissioner Woerner, to approve the Maintenance and Financial Agreement between the South Dakota Department of Transportation and the City of Yankton for Pavement Maintenance Project 3-46-4600-20-2014 at the Chan Gurney Municipal Airport for an estimated project cost of \$90,744.40, with the City’s share of the project being 5 percent or \$4,537.22, and to authorize the Mayor to execute the agreement. (Memorandum 15-119)

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

Action 15-164

Moved by Commissioner Knoff, seconded by Commissioner Blaalid, to adopt Resolution 15-21. (Memorandum 15-122)

**RESOLUTION 15-21**

Federal Aid Surface Transportation Program Delete Resolution for County and Urban Projects

WHEREAS, the City of Yankton, wishes to delete the referenced project from the Statewide Transportation Improvement Program (STIP):

LOCATION AND LENGTH (PROJECT NUMBER AND PCN IF AVAILABLE): 8<sup>th</sup> Street from Broadway Avenue to Summit Street, Project No. 4758(01)/PCN 04U0

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and requested to withdraw from the STIP project described above.

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

Action 15-165

Memorandum 15-120, regarding the possible purchase of State property located northwest of the Human Services Center (HSC) was considered. Ryan Brunner, SD State Commissioner of School and Public Lands, was present to explain the sale offer and property appraisal. Moved by Commissioner Blaalid, seconded by Commissioner Johnson, to approve the purchase of an 11.27 acre tract of land

from the State of South Dakota for a cost of \$395,000.00 and to authorize the City Manager to execute documents necessary to complete the transaction.

**Roll Call:** Members present voting “Aye:” Commissioners Blaalid, Hoffner, Johnson, Knoff, Sommer, Woerner, and Mayor Carda; voting “Nay:” Commissioner Ferdig.

Motion adopted.

Action 15-166

Moved by Commissioner Knoff, seconded by Commissioner Sommer, to approve the offer from JTG Properties, LLC, Yankton, South Dakota, to purchase City owned property described as the west two acres of Parcel B of Fox Run Subdivision, at a cost of \$0.85 per square foot for an approximate total price of \$74,052.00 contingent upon proceeds of the sale being used towards paying for part of the HSC land purchase approved in Action 15-165. (Memorandum 15-121)

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

Motion adopted.

Action 15-167

Moved by Commissioner Woerner, seconded by Commissioner Sommer, to approve the Mayor’s Appointments to the following Advisory Boards and Commissions: Planning Commission-Commissioner Ferdig; Library Board-Commissioner Johnson; Park Advisory Board-Commissioner Sommer; Fox Run Golf Advisory Board-Commissioner Hoffner; Airport Advisory Board-Commissioner Woerner; Yankton Housing and Redevelopment Board-Commissioner Woerner; Joint Powers Solid Waste Advisory Board-Commissioner Hoffner; Convention and Visitor’s Bureau-Commissioner Blaalid; City/School Summit Activities Center Committee-Commissioners Blaalid, Knoff and Mayor Carda; Human Services Center Advisory Commission-Commissioner Blaalid; Yankton Rural Fire Association/Volunteer Fire Department-Commissioners Ferdig and Johnson; Yankton County Courthouse and Safety Center Advisory Board-Commissioners Sommer and Gross; Federal Prison-Commissioner Johnson; Economic Development Council-Commissioners Knoff and Mayor Carda; Dakota Territorial Museum-Commissioner Johnson; Towing Committee-Commissioners Ferdig and Knoff; City/County Planning-Commissioners Gross and Sommer; B-Y Water Committee-Commissioners Ferdig, Gross, Knoff and Mayor Carda; I-29 Task Force-Commissioner Gross. (Memorandum 15-124)

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

Motion adopted.

Action 15-168

Moved by Commissioner Blaalid, seconded by Commissioner Knoff, to adjourn into Zoning Board of Adjustment at 8:20 p.m.

**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 Carda.

**Roll Call:** Present: Commissioners Blaalid, Ferdig, Hoffner, Johnson, Knoff, Sommer, and Woerner. Deputy City Attorney Hovden and City Manager Nelson were also present. Absent: Commissioner Gross. Quorum present.

Action 15-169

Moved by Commissioner Blaalid, seconded by Commissioner Knoff, to adjourn into Executive Session at 8:43 p.m. to discuss personnel and contractual matters.

**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 Carda.

**Roll Call:** Present: Commissioners Blaalid, Ferdig, Hoffner, Johnson, Knoff, Sommer, and Woerner. Deputy City Attorney Hovden and City Manager Nelson were also present. Absent: Commissioner Gross. Quorum present.

Action 15-170

Moved by Commissioner Woerner, seconded by Commissioner Sommer, to adjourn at 9:20 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

Published June 6, 2015