

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
April 22nd, 2019**

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

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

Action 19-103

Moved by Commissioner Gross, seconded by Commissioner Moser, to approve the Minutes of regular meeting of April 8th, 2019 and Special City Commission Meeting of April 12th, 2019.

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

Motion adopted.

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

Mayor Johnson read the proclamations declaring June 5th, 2019 and June 6th, 2019 as Yankton Area Mental Wellness Conference Days and May 13th, 2019 as Charles “Charlie” Gross Day.

Matt Evans, citizen, discussed concerns and efforts regarding the equipment failures at the Skate Park. Funds of \$4,396 with a goal of \$10,000 have been privately raised. Matt is requesting the City match the goal of \$10,000 and that it be an item on the May 13th agenda.

Action 19-104

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

1. Special Events Dance License

Consideration of Memorandum 19-88 recommending approval of the application from Habitat for Humanity Clay & Yankton Counties to hold a street dance on June 13th, 2019, 218 Capital Street, Yankton, S.D.

2. Peddler’s License Application

Consideration of Memorandum 19-89 recommending approval of an application for a Peddler’s License for AT&T, for 2 people to go house-to-house to sell new TV, Internet and Cell Phone services from July 1st-31st, 2019.

3. Budget Workshop Discussion

Discussion to set Budget workshop meeting dates of June 24th and 25th & August 6th and 7th.

4. Establishing public hearing for New Retail (on-off sale) Malt Beverage License

Establish May 13, 2019, as the date for the public hearing on the application of a New Retail (on-off sale) Malt Beverage License for June 30, 2018, to July 1, 2019, P & P Lottery Enterprises, LLC (James Palmer, Member), 3010 Broadway Ave, Yankton, S.D.

5. **Establishing public hearing for transfer of ownership of Retail (on-off Sale) Malt Beverage License**

Establish May 13, 2019, as the date for the public hearing on the transfer of ownership and location of a Retail (on-off sale) Malt Beverage License for July 1, 2018, to June 30, 2019, from Bernard Properties, LLC (MelCena Bernard, Managing Partner), dba The Brewery, 200-204 West 3rd Street to P & P Lottery Enterprises, LLC (James Palmer, Member), 3010 Broadway Ave, Yankton, S.D.

6. **Establishing public hearing for transfer of ownership of Retail (on-off Sale) Malt Beverage License**

Establish May 13, 2019, as the date for the public hearing on the transfer of ownership and location of a Retail (on-off sale) Malt Beverage License for July 1, 2018, to June 30, 2019, from YC Library, LLC (Garrett Horn, President), dba Capitol Street Pub, 401 Capitol Street, to P & P Lottery Enterprises, LLC (James Palmer, Member), 3010 Broadway Ave, Yankton, S.D.

7. **Establishing public hearing for transfer of ownership of Retail (on-off Sale) Liquor License**

Establish May 13, 2019, as the date for the public hearing on the transfer of location and ownership of a Retail (on-sale) Liquor License for January 1, 2019, to December 31, 2019, from P & P Lottery Enterprises, LLC (James L. Palmer, Member), 3010 Broadway Avenue to YC Library, LLC (Garrett Horn, President), dba Capitol Street Pub, 401 Capitol Street, Yankton, S.D.

8. **Possible Quorum Event**

June 18, 2019, for Ag Gala, no official commission action

9. **Transient Merchant License – Meridian District**

Consideration of Memorandum 19-92 recommending approval of the application from Meridian District for Transient Merchant License for May 4 – June 3, 2019

10. **Possible Quorum Event**

April 30, 2019, for Mount Marty College Fieldhouse Groundbreaking, no official commission action

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

Motion adopted.

Action 19-105

This was the time and place for the public hearing to consider adoption of Ordinance 1021, AN ORDINANCE AMENDING ANIMAL CONTROL REGULATIONS WITHIN THE CITY OF YANKTON TO PERMIT THE OPERATION OF A TRAP, NEUTER, & RELEASE (TNR) PROGRAM WITHIN YANKTON’S JURISDICTIONAL LIMITS. (Memorandum 19-73) No one was present to speak for or against the ordinance. Moved by Commissioner Gross, seconded by Commissioner Carda, to adopt Ordinance No. 1021.

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

Motion adopted.

Action 19-106

This was the time and place for the public hearing on the application for a Special (on-sale) Liquor License for 1 day, June 8, 2019, from VFW (Colin Reisner, Quartermaster), 209 Cedar Street, City Hall Gym, 416 Walnut Street, Yankton, S.D. (Memorandum 19-80) No one was present to speak for or against the application. Moved by Commissioner Moser, seconded by Commissioner Benson, to approve the license.

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

Action 19-107

This was the time and place for the public hearing on the application for a Special Events (on-sale) Liquor License for June 8, 2019 from Hanten, Inc., (Ben Hanten, Owner) dba Ben's Brewing Company, 222 West 3rd Street, RASKAK ROUNDUP, Parking Lot and Green Space West Side of Meridian Bridge & The enclosed area of Levee Street, Yankton, S.D. (Memorandum 19-81) No one was present to speak for or against the application. Moved by Commissioner Miner, seconded by Commissioner Ferdig, to approve the license.

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

Action 19-108

This was the time and place for the public hearing on the application for a Special Events Retail (on-sale) Liquor License for 7 days, July 4, 11, 18, 25 and August 1, 8 & 15 2019, from Ben's Brewing Co. (Ben Hanten, Owner), 222 West 3rd Street, Music at the Meridian, Parking Lot and Green Space West Side of Meridian Bridge & the enclosed area of Levee Street, Yankton, S.D. (Memorandum 19-82) No one was present to speak for or against the application. Moved by Commissioner Benson, seconded by Commissioner Miner, to approve the license.

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

Action 19-109

This was the time and place for the public hearing for the transfer of ownership of a Retail (on-off sale) Malt Beverage License for July 1, 2018, to June 30, 2019, from JAY AMBE-8, LLC (Kamleshkumar Patel, Owner) d/b/a Freedom Valu Center to I MART STORES, LLC (Muwafak Rizek, President), 301 Broadway Avenue, Yankton, S.D. (Memorandum 19-83) No one was present to speak for or against the 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 19-110

This was the time and place for the public hearing for the transfer of ownership ownership of a Retail (on-off sale) Malt Beverage License for July 1, 2018, to June 30, 2019, from JAY AMBE-8, LLC (Kamleshkumar Patel, Owner) d/b/a Freedom Valu Center to I MART STORES, LLC (Muwafak Rizek, President), 301 Broadway Avenue, Yankton, S.D. (Memorandum 19-85) No one was present to speak for or against the application. Moved by Commissioner Gross, seconded by Commissioner Miner, to approve the license.

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

Motion adopted.

Action 19-111

This was the time and place for the public hearing for the transfer of ownership and location for a Retail (on-off sale) Malt Beverage License for July 1, 2018, to June 30, 2019, from BPO Elks Lodge 994 dba Elks Lodge 994, 504 W. 27th Street, to Zaccon, Inc. (Robert A Zacher, President), d/b/a Roadrunner Convenience Mart, 300 West 23rd Street, Suite II, Yankton, SD. (Memorandum 19-84) No one was present to speak for or against the application. Moved by Commissioner Carda, seconded by Commissioner Moser, to approve the license.

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

Motion adopted.

Action 19-112

Moved by Commissioner Ferdig, seconded by Commissioner Maibaum, to approve the recommended location of the public parking lot at the NE corner of 2nd and Douglas or continued use of the Lawn until an application and all the corresponding materials are turned into the City for evaluation, processing, and eventual Commission approval if needed. (Memorandum 19-93) Veronica Trezona and Paul Harens, representing the Farmer’s Market, were present to answer questions.

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

Motion adopted.

Action 19-113

Moved by Commissioner Ferdig, seconded by Commissioner Carda, to adopt Resolution 19-17. (Memorandum 19-86)

RESOLUTION 19-17

Conditional Use

WHEREAS, the Benedictine Convent of the Sacred Heart is the owner of Monastery Lot A2 except C, Lot H2 & Lots B, B1, C, C1, C2, C4, C5 & F, Benedictine Hilltop Addition in the City and County of Yankton, South Dakota, and

WHEREAS, the above described property is zoned R-2 Single Family Residential which allows conditional uses under the City of Yankton's Zoning Ordinance No. 711 as amended, and

WHEREAS, this Conditional Use Permit request is necessary for the construction of an Athletic Fieldhouse as described in the associated plans and has been reviewed and recommended for approval by a vote of the City Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves a Conditional Use Permit for an Athletic Fieldhouse, as depicted in the associated documentation, on the above described property.

Roll Call: Commissioners present voting “Aye” were Benson, Carda, Ferdig, Maibaum, Miner and Mayor Johnson; voting “Nay:” None. Abstain: Commissioners Gross and Moser.

Motion adopted.

Action 19-114

Moved by Commissioner Carda, seconded by Commissioner Miner, to adopt Resolution 19-18.

(Memorandum 19-87)

RESOLUTION 19-18

WHEREAS, it appears from an examination of the plat of Monastery Lot C6, Benedictine Hilltop Addition, City of Yankton, Yankton, South Dakota prepared by Brett R. Kennedy, a registered land surveyor in the state of South Dakota, that all applicable requirements have been met, 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 of the above described property is hereby approved.

Roll Call: Commissioners present voting "Aye" were Benson, Carda, Ferdig, Maibaum, Miner and Mayor Johnson; voting "Nay:" None. Abstain: Commissioners Gross and Moser.
Motion adopted.

Action 19-115

This was the time and place to award the bid for the 21st Street Reconstruction from Broadway Avenue to Douglas Avenue. The following bids were received and opened on April 15th, 2019 at 3:00pm: Masonry Components, Inc., Yankton, SD for \$980,459.85; Feimer Construction, Inc., Yankton, SD for \$985,168.80; Slowey Construction, Inc., Yankton, SD for \$988,038.50; BX Civil & Construction, Inc., Dell Rapids, SD for \$1,100,195.40. (Memorandum 19-94)

Moved by Commissioner Moser, seconded by Commissioner Gross, award the contract, to Masonry Components, Inc., in the amount of \$980,459.85 for the 21st Street Reconstruction from Broadway Avenue to Douglas Avenue.

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

Action 19-116

Moved by Commissioner Ferdig, seconded by Commissioner Miner, to approve the BBB funding request for "Welcome at Walnut" in the amount of \$19,000. (Memorandum 19-63)

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

Action 19-117

Moved by Commissioner Moser, seconded by Commissioner Miner, to approve the Music at the Meridian Concert Series Event and street closure. (Memorandum 19-91)

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

Action 19-118

Moved by Commissioner Carda, seconded by Commissioner Miner, to approve the request for a public firework display hosted by Parks and Recreation on July 4, 2019. (Memorandum 19-90)

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

Action 19-119

Moved by Commissioner Carda, seconded by Commissioner Gross, to approve Resolution 19-19. (Memorandum 19-95)

RESOLUTION 19-19

WHEREAS, at the April 4, 2019, Joint Powers Advisory Board meeting in Yankton, the board voted to recommend that each city increase the tipping fees at each municipality’s respective facility; and

WHEREAS, the cost to operate per ton has exceeded the revenue per ton currently charged; and

WHEREAS, the Capital Cost needs continue to increase at both locations; and

WHEREAS, the Joint Powers member cities desire to provide solid waste services on a self-sustaining user fee basis;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Yankton, South Dakota, that the following Joint Powers Landfill and Recycling tipping rates are hereby adopted, effective for July 1, 2019, and July 1, 2020, and July 1, 2021

	Current	Proposed	Proposed	Proposed
	Per Ton	July 1, 2019	July 1, 2020	July 1, 2021
1. Garbage for Licensed Haulers	\$50.50	\$54.00	\$57.50	\$61.00
2. Garbage for Un-Licensed Haulers	\$56.00	\$59.50	\$63.00	\$66.50
3. Garbage / Out of County / Licensed	\$60.00	\$63.50	\$67.00	\$70.50
4. Garbage / Construction Debris	\$58.00	\$61.50	\$65.00	\$68.50

The City of Yankton reserves the right to impose additional fees on loads or items deemed to be not in keeping with the above rates. These fees will be set in accordance with the final recycling cost, transportation costs and operations cost affected.

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

Action 19-120

Moved by Commissioner Maibaum, seconded by Commissioner Benson, to approve the Memorandum of Understanding between the City of Yankton and AFSCME Local 3968 and the provisions of the agreement throughout the organization. (Memorandum 19-96)

Roll Call: Commissioners present voting “Aye” were Benson, Carda, Ferdig, Gross, Maibaum, Miner and Mayor Johnson; voting “Nay:” None. Abstain: Commissioner Moser. Motion adopted.

Adjournment into Executive Session was removed from the agenda.

Action 19-121

Moved by Commissioner Carda, seconded by Commissioner Maibaum, to adjourn at 8:22 p.m.

April 22nd, 2019

Page 7

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

Nathan V Johnson
Mayor

ATTEST:

Al Viereck
Finance Officer

Published April 29th, 2019