

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
September 23rd, 2019**

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

Roll Call: Present: Commissioners Benson, Carda, Ferdig, Hoffner, Miner, Moser, Schramm and Webber. City Attorney Den Herder and City Manager Leon were also present. Absent: None. Quorum present.

Action 19-247

Moved by Commissioner Carda, seconded by Commissioner Webber, to approve the Minutes of Regular Meeting of September 9th, 2019.

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

Motion adopted.

Mayor Johnson read the National Association of Home Builders proclamation declaring October 2019 as the Careers in Construction Month and the proclamation declaring September 30th through October 4th as Yankton’s 2019 Manufacturers Week.

City Manager Leon gave a brief update about the upcoming Decennial Census and submitted a written report giving an update on community projects and items of interest.

In the public appearances portion of the meeting, Ed Gleich, citizen, inquired about Yankton’s plan to deal with possible ash borer problems. Yankton is continually monitoring the situation and in the meantime is removing older public ash trees and replacing them with a variety of other trees.

Action 19-248

Moved by Commissioner Webber, seconded by Commissioner Miner, that the following items on the Consent Agenda be approved.

1. Establishing public hearing for Transfer of Ownership & Location – Retail Malt Beverage License

Establish October 14, 2019, as the date for the public hearing on the request for a transfer of ownership and location for a Retail (on-off sale) Malt Beverage License for July 1, 2019, to June 30, 2020, from TST, Inc. (John Tuttle, Owner), d/b/a River City Harbor, Yankton Mall to Pump N Stuff Yankton Inc. (David Lockwood, President), d/b/a/ Pump N Stuff, Suite II, 215 W. 2nd Street, Yankton, S.D.

2. Establishing public hearing for Transfer of Location – Retail Malt Beverage License

Establish October 14, 2019, as the date for the public hearing on the request for a transfer of location of a Retail (on-off sale) Malt Beverage License for July 1, 2019, to June 30, 2020, from TST, Inc. (John Tuttle, Owner), d/b/a Phinney’s Pub & Casino adding River City Harbor Conference Room, Yankton Mall, Yankton, S.D.

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

Motion adopted.

Action 19-249

This was the time and place for the public hearing of the application for a Special Events RETAIL (on-sale) Liquor License for one day, October 4, 2019 from Dayhuff Enterprises, Inc. (Jeff Dayhuff, President), dba O'Malley's Bar, NFAA, 800 Archery Lane, Yankton, South Dakota. (Memorandum 19-195) 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 19-250

This was the time and place for the public hearing of the application for a Special Events RETAIL (on-sale) Liquor License for one day, October 12, 2019 from Dayhuff Enterprises, Inc. (Jeff Dayhuff, President), dba O'Malley's Bar, NFAA, 800 Archery Lane, Yankton, South Dakota. (Memorandum 19-203) No one was present to speak for or against the application.

Moved by Commissioner Webber, seconded by Commissioner Miner, to approve the license.

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

Motion adopted.

Action 19-251

This was the time and the place for the public hearing of the Bid Award for the Annual Wastewater Treatment Plant Sludge Removal. The following bids were received and opened on September 12th, 2019 at 3:00 p.m.: Dakota Rock Farms, Vermillion, SD at .055 per gallon; J & B Tanker Inc., Plainview, AR at .11 per gallon; and Willard Schmidt, Yankton, SD at .0325 per gallon. (Memorandum 19-198)

Moved by Commissioner Miner, seconded by Commissioner Moser, to award the low for the Annual Wastewater Treatment Plant Sludge Removal to Willard Schmidt for \$0.0325.

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

Motion adopted.

Action 19-252

Moved by Commissioner Carda, seconded by Commissioner Miner, to approve Resolution 19-49. (Memorandum 19-197)

RESOLUTION 19-49

WHEREAS, it appears from an examination of the Lot 1A and Lot 5 of GAMCO'S Addition to the City of Yankton, South Dakota prepared by Joshua R. Vanderwerf, 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 19-253

Moved by Commissioner Ferdig, seconded by Commissioner Miner, to approve Resolution 19-48. (Memorandum 19-196)

RESOLUTION 19-48

WHEREAS, the City of Yankton owns property in Block 25 of Todd's Addition that is not needed for any purpose, and

WHEREAS, South Dakota Codified Law allows the transfer of property to the local economic development corporation (Yankton Area Progressive Growth), and

WHEREAS, the City has determined that the remnant parcel of property has a value of \$1.50 per square foot and the site is 1,896 square feet which equals a total value of \$2,844. The eventual owner, Thomas Langdon will reimburse the City for administrative costs associated with title work and recording, and

WHEREAS, the Yankton Board of City Commissioners desires to sell the below described property for the long term goal of community and economic development.

NOW, THEREFORE BE IT RESOLVED that the Board of City Commissioners of the City of Yankton, South Dakota, hereby agrees to transfer the below described property to Yankton Area Progressive Growth for the purpose of sale to the adjoining property owner, Thomas Langdon, as set forth in the associated purchase agreement, and

BE IT FURTHER RESOLVED that the City Manager be authorized to execute all documents associated with the described transfer.

The West 60' of the South 7.6' of Lot 1 and the West 60' of the North 24' of Lot 2, Block 25, Todd's Addition to the City of Yankton, Yankton County, South Dakota equaling 1,896 sq. feet.

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

Action 19-254

Moved by Commissioner Miner, seconded by Commissioner Ferdig, to approve Resolution 19-50. (Memorandum 19-199)

RESOLUTION 19-50

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the City of Yankton (the "City") has determined it is necessary to proceed with improvements to its Solid Waste Systems, including but not limited to acquisition of a transfer trailer, skid loader, mini excavator and lawn mower to support the community's solid waste operations; and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the "Board") will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project,

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$150,000 to the South Dakota Board of Water and Natural Resources for the Project.

2. The City Manager is hereby authorized to execute the Application and submit it to the South Dakota Board of Water and Natural Resources, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.

3. The City Manager is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

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

Action 19-255

Moved by Commissioner Miner, seconded by Commissioner Ferdig, to approve Resolution 19-52. (Memorandum 19-201) Yankton School Band Director, Todd Carr, was present to answer questions and urge support. He explained that they currently have 17 bands that will be performing that day.

RESOLUTION 19-52

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 are or areas and times specified for Special Events; and

WHEREAS, Yankton High School has made a request to enact this no parking zone for Walnut Street from 2nd to 3rd Street, including the 2nd street intersection, 3rd Street from Walnut to Mulberry and Mulberry Street from 3rd to Levee, including the 2nd street intersection from 7:00 AM to 2:00 PM on October 12, 2019.

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 Walnut Street from 2nd to 3rd Street, including the 2nd street intersection, 3rd Street from Walnut to Mulberry and Mulberry Street

from 3rd to Levee, including the 2nd street intersection from 7:00 AM to 2:00 PM on October 12, 2019.

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

Action 19-256

Moved by Commissioner Carda, seconded by Commissioner Webber, to approve Resolution 19-51.
(Memorandum 19-200)

RESOLUTION 19-51

**NO PARKING ON THE WEST SIDE OF KELLEN GROSS DRIVE
AT THE ENTRANCES TO TRUXEDO, INC.**

WHEREAS, Kellen Gross Drive carries a large number of vehicles each day; and

WHEREAS, the vehicle parking currently allowed on this street creates a safety concern, and

WHEREAS, drivers of trucks making deliveries need ample room to access the business, 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 Kellen Gross Drive at the entrances to Truxedo, Inc., 2209 Kellen Gross Drive. There will be no parking allowed for 20 feet on each side of the three entrances into Truxedo, Inc., with the exception of the north side of the center entrance being 40 feet in length.

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

Action 19-257

Moved by Commissioner Webber, seconded by Commissioner Miner, to approve Resolution 19-53.
(Memorandum 19-202)

RESOLUTION 19-53

**A RESOLUTION AUTHORIZING THE ESTABLISHMENT
OF ADA PARKING SPACES ON WALNUT STREET
FROM 2ND STREET TO 4TH STREET**

WHEREAS, the City of Yankton desires to provide vehicle parking spaces, for persons with physical disabilities, within the community, and;

WHEREAS, in order to provide convenient parking for persons with disabilities, designated parking stalls need to be established, and;

WHEREAS, said parking spaces shall be reserved for the parking of vehicles displaying a physically

disabled parking permit or license plate, only;

NOW, THEREFORE IT BE RESOLVED, by the Board of City Commissioners of the City of Yankton, that two (2) disability parking stalls and an access aisle be designated, marked and maintained at the following locations (as depicted in the attached exhibits):

- East of the new Stockwell Engineering building
- At the east entrance to the old Stockwell Engineering building - 315 Walnut Street
- At the northwest entrance to the Riverfront Event Center
- At the entrance to 304 Walnut Street
- At the entrance to 307 Walnut Street
- In front of the Dakota Theatre Building – 328 Walnut

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

Action 19-258

Moved by Commissioner Webber, seconded by Commissioner Schramm, to adjourn into Executive Session at 7:38 p.m. to discuss **contractual litigation** 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 Johnson.

Roll Call: Present: Commissioners Benson, Carda, Ferdig, Hoffner, Miner, Moser, Schramm and Webber. City Attorney Den Herder and City Manager Leon were also present. Absent: None.
Quorum present.

Action 19-259

Moved by Commissioner Moser, seconded by Commissioner Schramm, to adjourn at 8:10 p.m.

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

Nathan V Johnson
Mayor

ATTEST:

Al Viereck
Finance Officer