

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
October 28th, 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 19-274

Moved by Commissioner Webber, seconded by Commissioner Schramm, to approve the Minutes of Regular Meeting of October 14th, 2019.

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

Mayor Johnson read that the City of Yankton does claim October 22, 2019, as: “Yankton as Monarch City USA Day” in the City of Yankton.

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

There were no public appearances at that time.

Action 19-275

Moved by Commissioner Carda, seconded by Commissioner Benson, that the following items on the Consent Agenda be approved.

1. **Assessment Roll; Noxious Vegetation and Abatement, set public hearing**
Consideration of Memorandum #19-228 and Resolution #19-61, recommending that November 25, 2019, be established as the date for a public hearing on the special assessment roll for removal of noxious vegetation and abatement
2. **Establish public hearing for renewal of Alcoholic Beverage Licenses**
Establish November 12, 2019, as the date for a public hearing and consideration of the applications for renewal of Alcoholic Beverage Licenses for the 2019 (January 1, 2020, to December 31, 2020) licensing period
3. **Fireworks Request by Holiday Lights Committee**
Consideration of Memorandum #19-227 regarding request to shoot small fireworks show during Holiday Lights Parade on December 5, 2019

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

Action 19-276

This was the time and place for the public hearing for the application for a Special Events RETAIL

(on-sale) Liquor License for one day, November 9, 2019 from Dayhuff Enterprises, Inc. (Jeff Dayhuff, President), dba O'Malley's Bar, NFAA, 800 Archery Lane, Yankton, South Dakota. (Memorandum 19-221) No one was present to speak for or against the application.

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

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

Motion adopted.

Action 19-277

This was the time and place for the public hearing to consider adoption of Ordinance No 1025, AN ORDINANCE AMENDING CERTAIN LANGUAGE IN THE DEFINITION OF "SIGN AREA" IN SECTION 27-71, CHAPTER 27, ARTICLE III. - SIGNS. (Memorandum 19-218) No one was present to speak for or against the ordinance. Moved by Commissioner Moser, seconded by Commissioner Webber, to adopt Ordinance No. 1025.

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

Motion adopted.

Action 19-278

This was the time and place for the public hearing to consider adoption of Ordinance No 1026, AN ORDINANCE AMENDING THE DESIGNATION OF STREETS AND AVENUES AS SNOW EMERGENCY ROUTES. (Memorandum 19-211) No one was present to speak for or against the ordinance. Moved by Commissioner Ferdig, seconded by Commissioner Webber, to adopt Ordinance No. 1026.

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

Motion adopted.

Action 19-279

This was the time and place for the public hearing to consider adoption of Ordinance No 1027, AN ORDINANCE AMENDING THE DESIGNATION OF STREETS AND AVENUES AS TRUCK ROUTES. (Memorandum 19-212) No one was present to speak for or against the ordinance. Moved by Commissioner Benson, seconded by Commissioner Schramm, to adopt Ordinance No. 1027.

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

Motion adopted.

Action 19-280

Moved by Commissioner Webber, seconded by Commissioner Carda, to approve Resolution 19-58. (Memorandum 19-219)

RESOLUTION 19-58

WHEREAS, the plat of Lot 1 and 2 of Parcel D, located in the NW 1/4 of the NW 1/4, Less Highway Lot H-1, Section 18, T93N, R55W of the 5th P.M., City and County of Yankton, South Dakota has been 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: Commissioners voting “Aye” were Benson, Carda, Ferdig, Hoffner, Miner, Moser, Webber and Mayor Johnson; voting “Nay:” None. Abstain: Commissioner Schramm. Motion adopted.

Action 19-281

Moved by Commissioner Miner, seconded by Commissioner Benson, to approve Change Order #1, accept the project and authorize the final payment request for the 2019 Cold Applied Plastic Pavement Marking Installation Project and directing the Finance Officer to issue a manual check in the amount of \$43,570.50 to Dakota Traffic Services, LLC. of Tea, South Dakota. (Memorandum 19-223)

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

Action 19-282

Moved by Commissioner Carda, seconded by Commissioner Webber, to approve the following surplus equipment bids be awarded to the highest bidders: Workout Equipment-1996 seated dip to Jordan Groves of Yankton for \$10.00; 1998 seated bicep to Brian Hunhoff of Yankton for \$30.00; 2000 C546 Precor elliptical crosstrainer to Jordan Groves of Yankton for \$105.00; 2002 Precor dual elliptical to Jenny Cole of Yankton for \$150.00, and the 2006 True recumbent bike to Jason Orr of Yankton for \$51.00. Other surplus: Sturdy solid wood bookshelf - 73.5-inch X 30.5-inch X 15-inch to Ann Clough of Yankton as detailed in Memorandum 19-220. (Memorandum 19-220)

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

Action 19-283

Moved by Commissioner Moser, seconded by Commissioner Miner, to approve Resolution 19-60. (Memorandum 19-224)

RESOLUTION 19-60

WHEREAS, the City of Yankton has determined that it is necessary to collect fees to a level which will help ease the current parks and special events subsidy, help maintain the current parks equipment used at events, and promote the submission of requests well in advance of events, and

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners:
The rates adopted shall be:

2020 Special Events Application Fee:

- \$0 – 90 days or more prior to event
- \$50 – 60 to 89 days prior to event
- \$100 – 30 to 59 days prior to event *

*any applications turned in within 30 days of the event may not be approved.

2020 Street Closure Application Fee:

- \$0 – 30 days or more prior to event
- \$25 – less than 30 days prior to event*

*any applications turned in within 30 days of the event may not be approved

2020 Equipment Use for Special Events Fee:

\$25 – delivery fee for any City of Yankton materials needing delivered and picked back up from event. Including, but not limited to, picnic tables, garbage barrels, benches, signage, and cones.

Roll Call: Commissioners voting “Aye” were Benson, Carda, Ferdig, Miner, Moser, Schramm, Webber and Mayor Johnson; voting “Nay:” Commissioner Hoffner.
Motion adopted.

Action 19-284

Moved by Commissioner Schramm, seconded by Commissioner Benson, to approve Resolution 19-59. (Memorandum 19-222)

RESOLUTION 19-59

Request for Special Events Parking Ordinance #933 to be in place during
Yankton Holiday Festival of Lights

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, the Holiday Festival of Lights Committee has made a request to enact this no parking zone for their event on December 5, 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 on Third Street from Capitol Street to Cedar Street to be closed from 3:00pm to 9:00 pm on December 5, 2019.

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

Action 19-285

Moved by Commissioner Ferdig, seconded by Commissioner Moser, to approve a partnership with Larry Olson and authorize staff to spend up to \$1,000 from the BBB to fund outlet upgrades and installation of outlets on light poles in the Meridian District and downtown area. (Memorandum 19-225)

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

Action 19-286

Moved by Commissioner Moser, seconded by Commissioner Carda, to approve the Second Addendum to the Professional Services Agreement. (Memorandum 19-216)

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

Action 19-287

This was the time and place for the public hearing for the bid opening for the Huether Family Aquatics Center. Bids were opened on Thursday, October 17th, 2019. The bid package included the base bid and

three alternatives. Alternatives include additional irrigation, sidewalk/trail replacement along the perimeter of the project, and accommodation for future security cameras in the parking lot area of the facility. David Locke, Landscape Architect from Stockwell Engineers, was present to answer any bid questions. Eight bids were received. The low bidder was Welfl Construction from Yankton with a base bid with alternates of \$10,386,500. This bid is well below the engineer's estimate of \$14,155,800.00. (Memorandum 19-226)

Moved by Commissioner Webber, seconded by Commissioner Schramm, to award the bid of the Huether Family Aquatics Center to Welfl Construction of Yankton, South Dakota and authorizing the City Manager to sign all associated contracts and notice to proceed with construction.

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

Motion adopted.

Action 19-288

Moved by Commissioner Carda, seconded by Commissioner Webber, to approve Resolution 19-57. (Memorandum 19-217)

RESOLUTION 19-57

WHEREAS, the United States of America and the State of South Dakota have authorized the making of grants from the Land and Water Conservation Fund (LWCF) to public bodies to aid in financing the acquisition and/or construction of specific public outdoor recreation projects;

NOW, THEREFORE BE IT RESOLVED;

1. That Amy Leon is hereby authorized to execute and file an application on behalf of the City of Yankton with the National Park Service, U.S. Department of the Interior, through the State of South Dakota, Department of Game, Fish, and Parks, Division of Parks and Recreation, for an LWCF grant to aid in financing the Splash Pad at the Huether Family Aquatics Center for the City of Yankton, South Dakota and its Environs.
2. That Al Viereck, Finance Officer of the City of Yankton is hereby authorized and directed to furnish such information as the above mentioned federal and/or state agencies may reasonably request in connection with the application which is hereby authorized to be filed.
3. That the City of Yankton shall provide a minimum of 50% of the total cost of the project; and will assume all responsibility in the operation and maintenance of the project upon completion of construction, for the reasonable life expectancy of the facility.

That the City of Yankton shall dedicate for park and recreation purposes in perpetuity, the real property identified in the authorized application.

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

Motion adopted.

Action 19-289

Moved by Commissioner Carda, seconded by Commissioner Ferdig, to approve Resolution 19-62. (Memorandum 19-229)

RESOLUTION 19-62

A RESOLUTION CREATING THE CENSUS 2020 CITY OF YANKTON COMPLETE COUNTY COMMITTEE

WHEREAS the U.S. Census Bureau is required by the United States Constitution to conduct a count of all persons every 10 years; and

WHEREAS, the next decennial census of the population will be taken on April 1, 2020; and

WHEREAS the Census count requires extensive work, and the Census Bureau requires partners at the state and local level to insure a complete and accurate count; and

WHEREAS, the decennial census data compiled in the 2020 Census will be used to determine the allocation of federal and state funds for the next decade; and

WHEREAS, it is vitally important that every person in the City of Yankton, South Dakota, is counted in the 2020 Census; and

WHEREAS the Census 2020 City of Yankton Complete Count Committee will bring together a cross section of community members who will utilize their local knowledge and expertise to reach out to all persons of our community; and

WHEREAS, the Census 2020 City of Yankton Complete Count Committee will develop and implement an awareness campaign that motivates residents to respond to the 2020 Census and encourages participation by population groups that are often undercounted; and

WHEREAS the Census 2020 City of Yankton Complete Count Committee will work with the Census Bureau and the State of South Dakota to strive for an accurate count; and

WHEREAS a portion of the 2019 Leadership Yankton participants have expressed an interest in organizing the 2020 City of Yankton Complete Count Committee.

NOW THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota as follows:

1. The Census 2020 City of Yankton Complete Count Committee be established and the individuals listed below be appointed as Committee Members:
 - a. Committee Members - Kody Bruggeman, Matt Malloy, Nikki Doherty, Rajiv Somepalli, and Erica Aguilar
 - b. Commission Liaison – Mayor Nathan V Johnson
 - c. Staff Liaison – Brad Bies

The Committee shall undertake an awareness campaign that motivates residents to respond to the 2020 Census and encourages participation by population groups that are often undercounted.

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

Action 19-290

Moved by Commissioner Webber, seconded by Commissioner Benson, to adjourn at 8:03 p.m.

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

Motion adopted.

Nathan V Johnson
Mayor

ATTEST:

Al Viereck
Finance Officer

Published on November 6th, 2019