

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
November 25th, 2019**

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

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

Action 19-304

Moved by Commissioner Miner, seconded by Commissioner Webber, to approve the Minutes of Regular Meeting of November 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.

There were no public appearances at this time.

Action 19-305

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

1. **Establishing public hearing for Retail (on-off Sale) Malt Beverage License**
Establish December 9, 2019, as the date for the public hearing for the transfer of location of a Retail (on-off sale) Malt Beverage License for July 1, 2019, to June 30, 2020, from Morgen, LLC d/b/a South Point (Kirby Muilenburg, owner), 1101 Broadway, Suite 111C, to Morgen, LLC d/b/a South Point Gaming Lounge (Kirby Muilenburg, owner), 1101 Broadway, Suite 111A, Yankton, S.D.

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

Action 19-306

Moved by Commissioner Carda, seconded by Commissioner Miner, to approve Resolution 19-61. (Memorandum 19-239).

RESOLUTION 19-61

A RESOLUTION APPROVING THE 2019 SPECIAL ASSESSMENT ROLL FOR
NUISANCE VEGETATION ABATEMENT

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

SECTION 1. That the special assessment roll for the assessment of the property assessable for the abatement of nuisances and noxious vegetation in the City of Yankton, South Dakota, is hereby approved and the assessments as set out in said special assessment roll approved this date are hereby

levied against such property upon filing of said special assessment roll in the office of the City Finance Officer.

SECTION 2. The assessments set forth in the assessment role will become due and payable in one (1) annual installment together with interest at a rate prescribed by the Board of City Commissioners, by resolution, per annum, in accordance with SDCL 9-43.

The above assessments may be paid without interest to the City Finance Officer on or before December 26, 2019, thereafter, the entire assessment may be paid with interest from the date of filing with the City Finance Officer at the rate established by resolution of the Board of City Commissioners.

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

Action 19-307

This was the time and place for the public hearing for the application of a Special Events (on-sale) Liquor License for December 10, 2019 from Chamber of Commerce, (Carmen Schramm, Director) d/b/a Chamber of Commerce, First Dakota National Bank, 225 Cedar Street, Yankton, SD. (Memorandum 19-246) No one was present to speak for or against the application. Moved by Commissioner Miner, seconded by Commissioner Webber, to approve the license.

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

Action 19-308

Moved by Commissioner Schramm, seconded by Commissioner Carda, to approve Resolution 19-68. (Memorandum 19-240)

RESOLUTION 19-68

Conditional Use

WHEREAS, Becker Enterprises. LLC is the owner of Lot 1, Block 6, Hoffman’s Addition in the City of Yankton, South Dakota, and

WHEREAS, the above described property is zoned I-1 Industrial 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 85-foot-tall tower 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 85-foot-tall tower as depicted in the associated documentation, on the above described property.

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

Action 19-309

Moved by Commissioner Carda, seconded by Commissioner Benson, to approve Resolution 19-69. (Memorandum 19-241)

RESOLUTION 19-69

WHEREAS, The City of Yankton desires to enter into land leases for private hangar locations at the Chan Gurney Municipal Airport with said leases being titled "CHAN GURNEY AIRPORT HANGAR LEASE AGREEMENT", and

WHEREAS, Federal Aviation Administration (FAA) rules state that the City of Yankton has the authority to lease spaces for privately owned hangars, in accordance with FAA regulations, for occupancies at airports, and

WHEREAS, the City of Yankton has prepared a lease document, including a map that depicts the locations of leaseholder personal property.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the City of Yankton, South Dakota hereby approves the lease document and authorizes the City Manager to execute leases for each of the described hangar locations.

Roll Call: Commissioners voting "Aye" were Benson, Carda, Miner, Moser, Schramm, Webber and Mayor Johnson; voting "Nay:" None. Abstain: Commissioner Hoffner.
Motion adopted.

Action 19-310

Moved by Commissioner Moser, seconded by Commissioner Webber, to approve the 2020 Lease Agreement between the City of Yankton and The Center. (Memorandum 19-238)

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

Action 19-311

This was the time and place for the public hearing for the bid award for the 2020 Annual Supply for Transport Tankwagon Petroleum Products for Chan Gurney Airport. Bids were received and opened at 3:00 p.m. on November 25th. The following bids were received: Stern Oil, AV-Gas: Transport \$0.2800, Jet Fuel: Transport \$0.2000; Ascent Aviation Group, AV-Gas: Transport \$1.0350, Jet Fuel: Transport \$0.2200; Gerstner Oil, AV-Gas: Transport \$0.2489, AV-Gas: Tankwagon \$0.4489, Jet Fuel: Transport \$0.1489, Jet Fuel: Tankwagon \$0.3499; MG Oil Jet Fuel: Transport & Gas \$2.49256 per total platt rack. (Memorandum 19-243)

Moved by Commissioner Carda, seconded by Commissioner Miner, to award the bid for the 2020 Annual Supply for Transport Tankwagon Petroleum Products for Chan Gurney Airport to Gerstner Oil.
Roll Call: All members present voting "Aye;" voting "Nay:" None.
Motion adopted.

Action 19-312

Moved by Commissioner Webber, seconded by Commissioner Miner, to approve Resolution 19-70. (Memorandum 19-244)

RESOLUTION 19-70

WHEREAS, the City of Yankton and Yankton County have entered into an agreement for the provision of library services for residents living outside corporate limits of the city; and,

WHEREAS, the current agreement is slated to expire December 31, 2019; and,

WHEREAS, Yankton County has contracted with the City of Yankton for library services since 1993; and,

WHEREAS, more than 1,060 Yankton County residents are cardholders at the Yankton Community Library; and,

WHEREAS, the current agreement between the City and County contains a provision for extending this service until December 31, 2020.

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota that the Agreement for the Provision of Library Services between the City and Yankton County be extended for the term January 1, 2020, through December 31, 2020.

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

Action 19-313

Moved by Commissioner Miner, seconded by Commissioner Carda, to authorize Commissioner Jerry Webber acting as Chaplain to attend the Peer Support Training in Rapid City and reimburse any training and travel expenses. (Memorandum 19-242)

Roll Call: Commissioners voting “Aye” were Benson, Carda, Hoffner, Miner, Moser, Schramm and Mayor Johnson; voting “Nay:” None. Abstain: Commissioner Webber.
Motion adopted.

Action 19-314

Moved by Commissioner Carda, seconded by Commissioner Miner, to accept the charitable donation of tee signs from Luken Memorials at the Fox Run Golf Course. (Memorandum 19-245)

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

Commissioner Webber introduced and Mayor Johnson read the title of Ordinance No. 1029, AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE 1011, THE 2019 ANNUAL APPROPRIATIONS ORDINANCE OF THE CITY OF YANKTON, and set the date of the second reading and public hearing as December 9th, 2019.

Action 19-315

Moved by Commissioner Benson, seconded by Commissioner Miner, to approve Resolution 19-71. (Memorandum 19-248)

RESOLUTION 19-71

WHEREAS, SDCL 6-13-1 requires a municipality owning personal property which is no longer necessary, useable or suitable for municipal purposes shall, by resolution, declare it surplus and may, by resolution, order the sale, destruction or other disposal of said personal property.

NOW, THEREFORE, BE IT RESOLVED that the following personal property be declared no longer necessary or suitable for municipal purposes and said property shall be disposed of in accordance with SDCL 6-13-1, et sequential:

SURPLUS PROPERTY TO BE SOLD OR DESTROYED

2011 Chevrolet Tahoe VIN: 1GNSK2E08BR307848
2016 Ford Interceptor SUV VIN: 1FM5K8AR8GGA28962

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

Action 19-316

Moved by Commissioner Carda, seconded by Commissioner Miner, to approve Resolution 19-72. (Memorandum 19-250).

RESOLUTION 19-72

WHEREAS, SDCL 6-13-1 requires a municipality owning personal property which is no longer necessary, useable or suitable for municipal purposes shall, by resolution, declare it surplus and may, by resolution, order the sale, destruction or other disposal of said personal property.

NOW, THEREFORE, BE IT RESOLVED that the following personal property be declared no longer necessary or suitable for municipal purposes and said property shall be disposed of in accordance with SDCL 6-13-1, et sequential:

SURPLUS PROPERTY TO BE SOLD OR DESTROYED

2004 Chevy 1-Ton Chassis Truck Serial #1GBJK34214E284747

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

Action 19-317

Moved by Commissioner Miner, seconded by Commissioner Webber, to approve Resolution 19-73. (Memorandum 19-251).

RESOLUTION 19-73

WHEREAS, SDCL 6-13-1 requires a municipality owning personal property which is no longer necessary, useable or suitable for municipal purposes shall, by resolution, declare it surplus and may, by resolution, order the sale, destruction or other disposal of said personal property.

NOW, THEREFORE, BE IT RESOLVED that the following personal property be declared

no longer necessary or suitable for municipal purposes and said property shall be disposed of in accordance with SDCL 6-13-1, et sequential:

SURPLUS PROPERTY TO BE SOLD OR DESTROYED

2011 Jeep Liberty	VIN: 1J4PN2GK3BW580177
2013 Chevrolet Caprice	VIN: 6G1MK5U28DL825238

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

Action 19-318

Moved by Commissioner Miner, seconded by Commissioner Carda, to adjourn into Executive Session at 7:28 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, Hoffner, Miner, Moser, Schramm and Webber. City Attorney Den Herder and City Manager Leon were also present. Absent: Commissioner Ferdig. Quorum present.

Action 19-319

Moved by Commissioner Carda, seconded by Commissioner Miner, to adjourn at 7:59 p.m.

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

Nathan V Johnson
Mayor

ATTEST: _____
Al Viereck
Finance Officer