

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
FEBRUARY 24<sup>TH</sup>, 2020**

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

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

Action 20-56

Moved by Commissioner Webber, seconded by Commissioner Schramm, to approve and the Minutes of Regular Meeting of February 10<sup>th</sup>, 2020.

**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 that time.

JANUARY SALARIES BY DEPARTMENT: Administration \$20,336.70; Finance \$17,413.12; Community Development \$12,735.63; Police/A.C./Dispatch \$84,821.41; Fire \$6,521.73; Engineering / Sr. Citizens \$22,972.11; Streets \$23,145.96; Snow & Ice \$5,241.85; Traffic Control \$1,923.72; Library \$14,018.03; Parks / SAC \$41,740.61; Marne Creek \$1,883.27; Water \$17,567.68; Wastewater \$18,181.90; Cemetery \$1,975.04; Solid Waste \$8,661.22; Landfill / Recycle \$7,138.66; Central Garage \$3,987.13

NEW HIRES: Becky Frick \$15.00 Hr. Recreation Division; Susie Frick \$15.00 Hr. Recreation Division; Samuel Heitzman \$10.50 Hr. Recreation Division; Joe Morrow \$30.00 Hr. Information Services; Royce Reisner \$16.71 Hr. Solid Waste; Rodney Wecker \$11.25 Hr. Solid Waste; Ross Weisbecker \$10.50 Hr. Recreation Division; Lisa Yardley \$2,449.54 Bi-Wk. Finance

WAGE CHANGE: Rachel Houdek \$11.25 Hr. Recreation Dept; Madison Johnson \$11.25 Hr. Recreation Dept; Vanessa Rockne \$12.50 Hr. Recreation Dept

STATUS CHANGE: Jeremiah Braxton \$1,370.89 Bi-Wk. Joint Powers Transfer Station Attendant To Solid Waste Sanitation Truck Operator; Devin Gullickson \$1,405.66 bi-wk. Solid Waste Sanitation Truck Operator to Streets Equipment Operator; Ryan Moderegger \$11.00 hr. from Parks to Recreation Div.; Jennifer Palsma \$1,404.70 bi-wk. Temp. to Full-time Dispatch; Dylan Ruter \$1,475.78 bi-wk. Streets Equipment Operator to Senior Equipment Operator; David Walsh \$1,441.27 bi-wk. Joint Powers Transfer Station Attendant to Solid Waste Sanitation Truck Operator

Action 20-57

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

1. **Establish public hearing for sale of alcoholic beverages**  
Establish March 9, 2020, as the date for the public hearing on the request for a Special Malt Beverage (on-sale) Retailers License for 1 day, August 22, 2020, from Yankton Rodeo Association (Douglas O Hevle, President), Rodeo Grounds, 404 Paddle Wheel Drive, Yankton, S.D.
2. **Establish public hearing for new Liquor-Restaurant License**  
Establish March 9, 2020, as the date for the public hearing on the request for a New (on-sale) Liquor – Restaurant License for January 1, 2020, to December 31, 2020, from To Be Free, LLC (Courtney Opsahl, President), d/b/a R & B Beer & Burgers & River Rock, 2901 Broadway, Yankton, S.D
3. **Establish public hearing for sale of alcoholic beverages**  
Establish March 9, 2020, as the date for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License and a Special RETAIL (on-sale) Wine dealers License for 1 day, March 21, 2020, from Ag-Farmers (Tara Pirak, Board Member), NFAA, 404 Paddle Wheel Drive, Yankton, SD.
4. **Establish public hearing for transfer of ownership & location**  
Establish March 9, 2020, as the date for the public hearing on the request for a transfer of ownership and location of a Retail (on-off sale) Malt Beverage & SD Farm Wine License for July 1, 2019, to June 30, 2020, from I MART STORES, LLC (Muwafak Rizek, President), 301 Broadway Avenue to Shree, LLC (Dipan J. Patel, Landlord) d/b/a Shree, LLC, 821 Broadway Ave., Yankton, S.D.
5. **Establish public hearing for transfer of ownership & reduction of location**  
Establish March 9, 2020, as the date for the public hearing on the request for a transfer of name and reduction of location of a Retail (on-off sale) Malt Beverage & SD Farm Wine License for July 1, 2019, to June 30, 2020, from Shree, LLC (Dipan J. Patel, Landlord) d/b/a Shree, LLC, 821 Broadway Ave., Yankton, S.D.

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

Action 20-58

This was the time and place for the public hearing for a New Retail (on-off sale) Wine & Cider License for January 1, 2020, to December 31, 2020, from YASO, LLC d/b/a Karibe Fusion (Yamlkis Rivero, Owner), 1208 Broadway Avenue, Yankton, S.D. (Memorandum 20-33) No one was present to speak for or against the application.

Moved by Commissioner Carda, seconded by Commissioner Benson to approve the license.

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

Action 20-59

This was the time and place for the public hearing for a Special Malt Beverage (on-sale) Retailers License for 1 day, March 17, 2020, from The Center (Christy Hauer, Executive Director), 900 Whiting Drive, Yankton, S.D. (Memorandum 20-34) No one was present to speak for or against the

application.

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

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

Motion adopted.

Action 20-60

This was the time and place for the public hearing for a New Retail (on-off sale) Wine & Cider License for January 1, 2020, to December 31, 2020, from Bur Oak LLC d/b/a Bur Oak Diner (William Nooney, Owner), 304 W. 3<sup>rd</sup> Street, Yankton, S.D. (Memorandum 20-35) No one was present to speak for or against the application.

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

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

Motion adopted.

Action 20-61

This was the time and place for the public hearing for a New Retail (on-off sale) Malt Beverage & SD Farm Wine License for July 1, 2019, to June 30, 2020, from Bur Oak LLC d/b/a Bur Oak Diner (William Nooney, Owner), 304 W. 3<sup>rd</sup> Street, Yankton, S.D. (Memorandum 20-36) 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 20-62

This was the time and place for the public hearing for a transfer of corporation of a Retail (on-off sale) Malt Beverage & SD Farm License for July 1, 2019, to June 30, 2020, from Dayhuff Enterprises, Inc. d/b/a Zebra Club & Cockatoo II & Safari Club (Jeff Dayhuff, Owner), to Lady Bird, Inc. d/b/a Zebra Club & Cockatoo Bar (Jeff Dayhuff, Owner), 106-112 E 3<sup>rd</sup> Street, Yankton, S.D. (Memorandum 20-37) No one was present to speak for or against the application.

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

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

Motion adopted.

Action 20-63

This was the time and place for the public hearing for a transfer of a corporation of a Retail (on-sale) Liquor License for January 1, 2020, to December 31, 2020, from Dayhuff Enterprises, Inc. d/b/a Mojos Pizza (Jeff Dayhuff, Owner), to Stripes, Inc. d/b/a Mojos Pizza (Jeff Dayhuff, Owner), 102-104 E. 3<sup>rd</sup> Street, Yankton, S.D. (Memorandum 20-38) No one was present to speak for or against the application.

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

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

Motion adopted.

Action 20-64

This was the time and place for the public hearing for a transfer of a corporation of a Retail (on-sale) Liquor License for January 1, 2020, to December 31, 2020, from Dayhuff Enterprises, Inc. d/b/a Zebra Club & Cockatoo Bar (Jeff Dayhuff, Owner), to Lady Bird, Inc. d/b/a Zebra Club & Cockatoo Bar (Jeff Dayhuff, Owner), 106-112 E. 3<sup>rd</sup> Street, Yankton, S.D. (Memorandum 20-39) 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 20-65

This was the time and place for the public hearing for a transfer of a corporation of a Package (off-sale) Liquor License for January 1, 2020, to December 31, 2020, from Dayhuff Enterprises, Inc. d/b/a Zebra Club & Cockatoo Bar (Jeff Dayhuff, Owner), to Lady Bird, Inc. d/b/a Zebra Club & Cockatoo Bar (Jeff Dayhuff, Owner), 106-112 E. 3<sup>rd</sup> Street, Yankton, S.D. (Memorandum 20-40) No one was present to speak for or against the application.

Moved by Commissioner Carda, seconded by Commissioner Benson to approve the license.

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

Motion adopted.

Action 20-66

This was the time and place for the public hearing for a transfer of a corporation of a Retail (on-sale) Liquor License for January 1, 2020, to December 31, 2020, from Dayhuff Enterprises, Inc. d/b/a O’Malleys Bar (Jeff Dayhuff, Owner), to Lucky Irish, Inc. d/b/a O’Malleys Bar (Jeff Dayhuff, Owner), 204 W. 3<sup>rd</sup> Street, Yankton, S.D. (Memorandum 20-41) No one was present to speak for or against the application.

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

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

Motion adopted.

Action 20-67

This was the time and place for the public hearing for a Special Malt Beverage (on-sale) Retailers License and a Special Events RETAIL (on-sale) Wine dealers License for 1 day, March 14, 2020 from Lewis & Clark Theatre Company (Michael Schumacher, President), 328 Walnut, Mount Marty College, 1105 W. 8<sup>th</sup> Street, Yankton, S.D. (Memorandum 20-42) 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 20-68

This was the time and place for the public hearing for a Special Events (off-sale) Package Dealers License for 1 day, March 27, 2020 from Yankton Area Chamber of Commerce, (Carmen Schramm, Executive Director), 803 E. 4<sup>th</sup> Avenue, for a fund raising raffle, River Rock Events Center, 2901 Broadway Avenue, Yankton, S.D. (Memorandum 20-43) No one was present to speak for or against the application.

Moved by Commissioner Hoffner, seconded by Commissioner Carda to approve the license.

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

Motion adopted.

Action 20-69

Moved by Commissioner Carda, seconded by Commissioner Webber to approve Resolution 20-12.  
(Memorandum 20-44)

**RESOLUTION 20-12**

Conditional Use

WHEREAS, the OK Properties, LLC., is the owner and WDM Properties, LLC., is the applicant for a project on property legally described as the South half of lot 10, Block 1, Airport Acres addition, City and County of Yankton, South Dakota, and

WHEREAS, the above described property is zoned B-2 Highway Business 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 and operation of a self-storage facility and the associated plans have 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 a self-storage facility as depicted in the associated documentation, on the above described property including a waiver of the time limit for construction.

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

Action 20-70

Moved by Commissioner Carda, seconded by Commissioner Moser to approve Resolution 20-13.  
(Memorandum 20-45)

**RESOLUTION 20-13**

WHEREAS, the plat of Lots 3, 4 and 5 of East Side Industrial Park, Yankton, South Dakota prepared by Brett R. Kennedy, a registered land surveyor in the state of South Dakota has been created, 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 20-71

Moved by Commissioner Webber, seconded by Commissioner Schramm to approve Resolution 20-14.  
(Memorandum 20-46)

**RESOLUTION 20-14**

WHEREAS, the plat of Lot 4, Chalk Stone Hill Addition in the SE 1/4 of the NE 1/4 of Section 14, T93N, R56W of the 5th P.M., Yankton County, South Dakota prepared by Brett R. Kennedy has been created, 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 20-72

Moved by Commissioner Webber, seconded by Commissioner Schramm to approve Resolution 20-15. (Memorandum 20-47)

**RESOLUTION 20-15**

WHEREAS, the plat of Lots 7A and 7B, Block 3, Westbrook Estates being a Replat of Lot 7, Block 3, Westbrook Estates in the City of Yankton, Yankton County, South Dakota prepared by Brian J. Benson, a registered land surveyor in the state of South Dakota has been created, 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 20-73

Moved by Commissioner Benson, seconded by Commissioner Webber to approve Resolution 20-16. (Memorandum 20-51)

**RESOLUTION 20-16**

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

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

PROPERTY TO BE TRADED

Glock 22 Serial number UXA856; Glock 22 Serial number UXA857;Glock 22 Serial number UXA858;Glock 22 Serial number UXA859;Glock 22 Serial number UXA860;Glock 22 Serial number UXA861;Glock 22 Serial number UXA862;Glock 22 Serial number UXA863;Glock 22 Serial number UXA864;Glock 22 Serial number UXA865;Glock 22 Serial number UXA866;Glock 22 Serial number UXA867;Glock 22 Serial number UXA868;Glock 22 Serial number UXA869;Glock 22 Serial number UXA870;Glock 22 Serial number UXA871;Glock 22 Serial number UXA872;Glock 22 Serial number UXA873;Glock 22 Serial number UXA874;Glock 22 Serial number UXA875;Glock 22 Serial number

UXA876;Glock 22 Serial number UXA877;Glock 22 Serial number UXA878;Glock 23 Serial number VCP957;Glock 23 Serial number VCP958;Glock 23 Serial number VCP959;Glock 23 Serial number VCP960;Glock 23 Serial number VCP961;Glock 23 Serial number VCP962;Glock 23 Serial number VCP963;Glock 23 Serial number VCP964

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

Action 20-74

Moved by Commissioner Webber, seconded by Commissioner Schramm to approve Resolution 20-17. (Memorandum 20-52)

**RESOLUTION 20-17**

A RESOLUTION APPROVING THE REVISED PERSONNEL MANUAL FILED BY THE CITY MANAGER WITH THE CITY FINANCE OFFICER WHICH PROVIDES RULES AND REGULATIONS RELATIVE TO ALL OFFICERS AND EMPLOYEES OF THE CITY OF YANKTON, SOUTH DAKOTA

WHEREAS, it is recognized that a sound personnel program is a major element in securing and retaining qualified employees who will perform the municipal services most efficiently for the citizens of Yankton, and,

WHEREAS, the City Manager has determined that it is desirable that uniform policies and procedures concerning personnel matters are made applicable to all employees of the City of Yankton; and,

WHEREAS, under the provision of the Commission-Manager form of government of the State of South Dakota, SDCL 9-10-13 and the Yankton Code of Ordinances, the City Manager has the responsibility to provide rules and regulations in regard to their employment;

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

Section 1. That the Personnel Manual filed with the City Finance Officer and the Board of City Commissioners is hereby approved, subject however to its further amendments as may from time to time be necessary or required.

Section 2. That the City Manager shall have the right to amend said Personnel Manual from time to time as may be required; said amendments shall be forwarded to an employee advisory committee for comment; and, that said amendment shall require the approval of the Board of City Commissioners. Provided, however, that nothing contained therein shall relieve the City Manager of her duty and obligation to administer the affairs of the various departments of the city and to make such administrative decisions as may be necessary for the proper administration of each department which are consistent and do not conflict with the Yankton Code of Ordinances, state statute, or federal law.

Section 3. That in the event any rules and regulations set forth in said Personnel Manual are in conflict with any federal or state laws or ordinances of the City of Yankton, South Dakota, such federal or state laws or ordinance of the City of Yankton, SD, shall be controlling.

Section 4. This resolution shall be in full force and effect from and after its adoption, repealing any previous resolutions adopted for same or similar purpose

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

Motion adopted.

Action 20-75

Moved by Commissioner Webber, seconded by Commissioner Benson, to adjourn at 7:27 p.m.

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

Motion adopted.

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Nathan V Johnson  
Mayor

ATTEST:

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Al Viereck  
Finance Officer

Published March 2<sup>nd</sup>, 2020