

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
June 22nd, 2020**

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 Manager Leon was also present.

Quorum present.

Action 20-262

Moved by Commissioner Webber, seconded by Commissioner Carda, to approve minutes of Regular Meeting of June 8, 2020 and Special City Commission Meeting of June 5, 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.

City Attorney Den Herder arrived at 7:04 p.m.

There were no public appearances at that time.

Action 20-263

The Federal Aviation Administration (“FAA”) through the CARES Act allocated \$10 billion in funds to be awarded as economic relief to eligible U.S. airports affected by the prevention of, preparation for, and response to the COVID-19 pandemic. The South Dakota Aeronautics Commission approved a state financial assistance agreement to allocate \$30,000 to the Chan Gurney Municipal Airport.

Moved by Commissioner Moser, seconded by Commissioner Benson, to add the Cares Act Agreement FAA for \$30,000 to tonight’s agenda.

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

Motion adopted.

Consent Agenda items were discussed and voted on separately.

Action 20-264

Moved by Commissioner Benson, seconded by Commissioner Carda, to establish July 13, 2020, as the date for the public hearing on the request for a Special Events (on-sale) Liquor License for July 24, 2020 from Chamber of Commerce, (Carmen Schramm, Director) d/b/a Chamber of Commerce, Yankton Rodeo Grounds, 404 Paddle Wheel Drive, Yankton, SD.

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

Motion adopted.

Action 20-265

Moved by Commissioner Webber, seconded by Commissioner Benson, to approve a Transient Merchant License for July 25th, 2020 and a Special Events Dance License for July 25th, 2020 from Rock’n Rumble, Inc. (Memorandum 20-117)

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

Action 20-266

This was the time and place for the public hearing of the Special Events (on-sale) Liquor License for July 25, 2020 from ROCK ‘N’ RUMBLE, INC. (Michael Carda, President), The block of 3rd Street between Douglas & Capital Street, Yankton, S.D. (Memorandum 20-116) 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 20-267

This was the time and place for the bid opening of the 2020-21 Annual Supply of Petroleum & Transport Tankwagon Petroleum Products. Three bids were received and opened on June 11th, 2020 at 3:00 p.m. (Memorandum 20-114)

Moved by Commissioner Ferdig, seconded by Commissioner Schramm, to approve the low bids from Gerstner Oil, Yankton, SD and Petroleum Traders, Fort Wayne, Indiana for the 2020-21 Annual Supply of Petroleum & Transport Tankwagon Petroleum Products.

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

Action 20-268

Moved by Commissioner Webber, seconded by Commissioner Hoffner, to approve Change Order No. 1, accept the completed 5th Street reconstruction project from Green Street to Broadway Avenue, and authorize the final payment to Masonry Components, Inc., in the amount of \$17,419.02. (Memorandum 20-120)

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

Action 20-269

Moved by Commissioner Carda, seconded by Commissioner Webber, to approve Change Order No. 1, accept the completed reconstruction on the Marne Creek Bank Stabilization and Water Main Crossing project, and authorize final payment to Slowey Construction, Inc., in the amount of \$106,822.15. (Memorandum 20-118)

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

Action 20-270

Moved by Commissioner Benson, seconded by Commissioner Schramm, to approve the City Manager to apply for the SD City Manager’s Association SDDMA scholarship and, if awarded funds, attend Mount Marty’s Certificate of Integrated Leadership program. (Memorandum 20-109)

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

Action 20-271

Moved by Commissioner Carda, seconded by Commissioner Webber, to allow Fox Run Golf Course to purchase the Toro Groundsmaster 4500D mower off of the State of South Dakota Sourcewell contract for \$66,777.00. (Memorandum 20-115)

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

Motion adopted.

Commissioner Moser introduced and Mayor Johnson read the title of Ordinance No. 1035, AN ORDINANCE AMENDING THE DESIGNATION OF STREETS AND AVENUES AS TRUCK ROUTES, and set the date of the second reading and public hearing as July 13th, 2020.

Commissioner Carda introduced and Mayor Johnson read the title of Ordinance No. 1036, AN ORDINANCE TO REZONE PROPERTY DESCRIBED HEREIN BE IT ORDAINED, BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF YANKTON, SOUTH DAKOTA THAT THE FOLLOWING DESCRIBED PROPERTY HAS BEEN REZONED: FROM I-1 INDUSTRIAL TO R-4 MULTIPLE FAMILY RESIDENTIAL, THE N 1/2, N 1/2, E 1/2, NE 1/4, SE 1/4 EXCEPT MARNE CREEK LOT #21 AND EXCEPT THE S 176’ OF THE E 100’ AND THE S 1/2 OF THE ADJACENT VACATED 18TH STREET, CITY AND COUNTY OF YANKTON, SOUTH DAKOTA. ADDRESS, 1900 LOCUST STREET. GARY HAWERLANDER, OWNER, and set the date of the second reading and public hearing as July 13th, 2020.

Action 20-272

Moved by Commissioner Miner, seconded by Commissioner Webber, to approve Resolution 20-39. (Memorandum 20-111)

RESOLUTION 20-39

Plat

WHEREAS, it appears from an examination of the plat of Lot 6A, in Outlot 5 of Hillcrest East Addition of the City and County of Yankton, South Dakota. 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: All members present voting “Aye;” voting “Nay:” None.

Motion adopted.

Action 20-273

Moved by Commissioner Schramm, seconded by Commissioner Carda, to approve Resolution 20-40. (Memorandum 20-112)

RESOLUTION 20-40

REQUEST FOR DRAINAGE EASEMENT VACATION

WHEREAS, Lawrence Leon, owner of Lot 6, Outlot 6, Hillcrest East Addition to the City and County of Yankton, South Dakota as shown in the attached “Exhibit A” has requested the existing

drainage easement be vacated, and

WHEREAS, all applicable utility providers have been contacted and have no objection to the drainage easement vacation, and

WHEREAS, the drainage easement is no longer needed because of the reconstruction of the retaining wall and associated property transfer along the drainage way as a part of a maintenance project.

NOW THEREFORE BE IT RESOLVED, that the described property has received City of Yankton Board of Commissioners approval for the vacation of the identified drainage easement located on Lot 6, Outlot 6 of Hillcrest East Addition to the City and County of Yankton, South Dakota as depicted in Exhibit A.

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

Action 20-274

Moved by Commissioner Moser, seconded by Commissioner Miner, to approve Resolution 20-41. (Memorandum 20-113)

RESOLUTION 20-41

Lien Waivers, Property Transfers and Associated Contracts
310 Pearl Street, 900 East 8th Street and 819 Birch Road

WHEREAS, the City of Yankton currently has liens against the properties at 310 Pearl Street on Lot 4, Block 50, Lower Yankton Addition; 900 East 8th Street on Lot 9, Block 8, Pine Acres Addition and 819 Birch Road on Lot 1, Block 8, Pine Acres Addition, and

WHEREAS, Yankton County has agreed to transfer the properties know as 900 East 8th Street on Lot 9, Block 8, Pine Acres Addition and 819 Birch Road on Lot 1, Block 8, Pine Acres Addition, when they have title, and

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

WHEREAS, the City has determined that the unpaid taxes, liens and pending abatement costs exceed the property’s values, and

WHEREAS, the Yankton Board of City Commissioners desires to transfer the described properties to YAPG free of liens for the long term goal of housing development in support of community and economic development.

NOW, THEREFORE BE IT RESOLVED that the Board of City Commissioners of the City of Yankton, South Dakota, upon receipt of title hereby agrees to transfer 900 East 8th Street on Lot 9, Block 8, Pine Acres Addition and 819 Birch Road on Lot 1, Block 8, Pine Acres Addition to YAPG, and

BE IT FURTHER RESOLVED that any and all city liens against said properties, and also against 310 Pearl Street legally described as Lot 4, Block 50, Lower Yankton Addition to the City of Yankton, South Dakota, shall be waived, and

BE IT FURTHER RESOLVED that the City Manager be authorized to execute all documents associated with the described transfers, lien waiver and memorandums of understanding including but not limited to contracts defining the goals for the described redevelopment.

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

Action 20-275

Moved by Commissioner Carda, seconded by Commissioner Webber, to approve Resolution 20-42. (Memorandum 20-122)

RESOLUTION 20-42
REQUEST FOR DRAINAGE EASEMENT RELOCATION
Easement Vacation and Dedication of New Alignment

WHEREAS, Fox Run Townhomes, LLC, owner of the West 206’ of Tract 3, Fox Run Subdivision No.2 in the N 1/2, SE 1/4 of Section 1, T93N, R56W of the 5th P.M., Yankton County, South Dakota, as shown in the associated attachments, has requested the relocation of the existing water line easement, and

WHEREAS, all applicable utility providers have been contacted and have no objection to the proposed relocation, and

WHEREAS, approval of this resolution vacates the current easement and establishes the newly described easement.

NOW THEREFORE BE IT RESOLVED, that the described property has received City of Yankton Board of Commissioners approval for the vacation of the identified water line easement and dedication of the new easement located in the West 206’ of Tract 3, Fox Run Subdivision No.2 in the N 1/2, SE 1/4 of Section 1, T93N, R56W of the 5th P.M., Yankton County, South Dakota as depicted in the associated attachments, and

BE IT FURTHER RESOLVED, the City Manager is hereby authorized to sign any documents associated with the actions described herein.

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

Action 20-276

Moved by Commissioner Benson, seconded by Commissioner Carda, to approve Resolution 20-38. (Memorandum 20-119)

RESOLUTION 20-38
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, the Rock’n Rumble Committee has made a request to enact this no parking zone for their event on July 25, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves the Special Event Parking Request and suspend the open container law for the area of 3rd Street between Douglas and Capitol and also a portion of Capitol Street, as shown on the attached map, to be in effect from 8:00 AM on Saturday July 25, 2020 until 2:00 AM on July 26, 2020.

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

Action 20-277

Moved by Commissioner Schramm, seconded by Commissioner Moser, to approve the Federal Aviation Administration Grant Agreement through the Cares Act for \$30,000 and authorize the City Manager to signoff and administer any documents or actions associated with said agreement.

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

Action 20-278

Moved by Commissioner Miner, seconded by Commissioner Carda, to adjourn at 7:45 p.m.

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

Nathan V Johnson
Mayor

ATTEST:

Al Viereck
Finance Officer