

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
JULY 27<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, Brunick, Maibaum, Miner, Moser, Schramm and Webber. City Attorney Den Herder and City Manager Leon were also present. Absent: Commissioner Carda. Quorum present.

Action 20-297

Moved by Commissioner Webber, seconded by Commissioner Miner, to approve Minutes of regular meeting of July 13, 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.

Consent Agenda items were discussed and voted on separately.

Action 20-298

This was the time and place for the public hearing of the application from Rock 'n' Rumble, Inc. for a Transient Merchant License and a Special Events Dance License for August 29<sup>th</sup>, 2020. (Memorandum 20-133) No one was present to speak for or against the application.

Moved by Commissioner Benson, seconded by Commissioner Brunick, to approve the licenses.

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

Motion adopted.

Action 20-299

This was the time and place for the public hearing for the transfer of location of a Package (off-sale) Liquor License for January 1, 2020, to December 31, 2020, from Annis Properties, Inc. d/b/a Patriot Express 02 (Kevin Annis, President), 100 E. 4<sup>th</sup> Street, to Annis Properties, Inc. d/b/a Patriot Express (Kevin Annis, President), 2217 Broadway, Yankton, S.D. (Memorandum 20-134) 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 20-300

This was the time and place for the public hearing of the application for a Special Events (on-sale) Liquor License for 1 day August 29, 2020 from ROCK 'N' RUMBLE, INC. (Michael Carda, President), d/b/a/ Yankton RibFest, Block of 3<sup>rd</sup> Street between Cedar and Walnut plus half of Walnut to the Alley and half of block North and South on Walnut and 3<sup>rd</sup> Street, Yankton, S.D. (Memorandum 20-132) No one was present to speak for or against the application.

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

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

Action 20-301

Moved by Commissioner Moser, seconded by Commissioner Benson, to approve Resolution 20-44.  
(Memorandum 20-135)

**RESOLUTION 20-44**

Plat

WHEREAS, it appears from an examination of the plat of Lots 7, 8, 9, 10, 11, and 12 in Block 8 of Westbrook Estates in Tract 1 of Law Addition in the Southeast Quarter of Section 2, Township 93 North, Range 56 West of the 5th Principal Meridian, City of Yankton, Yankton County, South Dakota prepared by Paul A. Sandman, 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 and associated Developer’s Agreement for the above described property is hereby approved.

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

Action 20-302

Moved by Commissioner Schramm, seconded by Commissioner Benson, to approve Resolution 20-45.  
(Memorandum 20-136)

**RESOLUTION 20-45**

Plat

WHEREAS, it appears from an examination of the Lots 5A and 5B, Block 3, Westbrook Estates being a Replat of Lot 5 except the north 0.6 feet of Lot 5, Block 2, Westbrook Estates located in the East 700 feet of the East Half of the Southeast Quarter, except the South 560 feet and less R.O.W. thereof, Section 2, Township 93 North, Range 56 West of the 5th Principal Meridian, City of Yankton, South Dakota prepared by Brian J. Benson, 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 20-303

Moved by Commissioner Webber, seconded by Commissioner Miner, to approve Resolution 20-46.  
(Memorandum 20-137)

**RESOLUTION 20-46**

Plat

WHEREAS, it appears from an examination of the plat of Tract 1A and Replat of Tract 2 of Block 3, Missouri View Addition in the N1/2 of the NE1/4, Section 15, Township 93 North, Range 56 West of the 5th P.M., in Yankton County, South Dakota a prepared by Brett R. Kennedy, 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 20-304

Moved by Commissioner Brunick, seconded by Commissioner Schramm, to approve Resolution 20-47. (Memorandum 20-138)

**RESOLUTION 20-47**

Plat

WHEREAS, it appears from an examination of the plat of Lots 28 and 29, Crestview Homes Subdivision, in the NE 1/4 of Section 21, T93N, R56W of the 5th P.M., Yankton County, South Dakota prepared by John L. Brandt, 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 20-305

Moved by Commissioner Schramm, seconded by Commissioner Webber, to approve Resolution 20-48. (Memorandum 20-139)

**RESOLUTION 20-48**

Plat

WHEREAS, it appears from an examination of the plat of Lots 53 and 54, Crestview Homes Subdivision, in the NE 1/4 of Section 21, T93N, R56W of the 5th P.M., Yankton County, South Dakota prepared by John L. Brandt, 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 20-306

Moved by Commissioner Benson, seconded by Commissioner Brunick, to approve Resolution 20-49. (Memorandum 20-140)

**RESOLUTION 20-49**

WHEREAS, it appears from an examination of the plat of Tract 4A, DJ’s Addition, being Accretion Property Lying south of Tract 4, DJ’s Addition, Section 16, T93N, R55W, of the 5th P.M., Yankton County, 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 and is subject to County review.

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 20-307

Moved by Commissioner Schramm, seconded by Commissioner Miner, to approve Resolution 20-50. (Memorandum 20-141)

**RESOLUTION 20-50**

WHEREAS, JTG Properties, LLC is the owner of land adjacent to the City of Yankton’s Municipal Corporate Limits, and have petitioned the City, pursuant to SDCL 9-4-1, to annex certain real property into the corporate limits of the City of Yankton.

NOW, THEREFORE, BE IT RESOLVED by The Board of City Commissioners of the City of Yankton, South Dakota, that the following described real property is hereby annexed into the corporate limits of the City of Yankton, South Dakota:

DESCRIPTION OF TRACT TO BE ANNEXED

The part of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4), Section Two (2), Township Ninety-three (93) North, Range Fifty-six (56) West of the 5<sup>th</sup> PM, lying Northeast of the present right of way of the Chicago, Milwaukee, and St. Paul Railroad Company, now known as Chicago, Milwaukee, St. Paul and Pacific Railroad Company, consisting of a triangular parcel, EXCEPT Lot H-1 as platted in Book S9, page 56, Yankton County, South Dakota, less highways and roads.

As shown on the attached Exhibit A.

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

Motion adopted.

City Attorney, Ross Den Herder, led a discussion about commissioners' roles and responsibilities especially as it pertains to a city manager form of government and city commission meetings and actions. See memorandum 20-144 for more detailed information. No formal action was taken.

Action 20-308

Moved by Commissioner Webber, seconded by Commissioner Benson, to approve the agreement and authorize the City Manager enter into the School Resource Officer Agreement with the Yankton School District for the 2020-2021 School year. (Memorandum 20-126)

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

Motion adopted.

Action 20-309

Moved by Commissioner Webber, seconded by Commissioner Miner, to approve the City of Yankton Procurement and Conflict of Interest Policy. (Memorandum 20-145)

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

Motion adopted.

Action 20-310

Moved by Commissioner Benson, seconded by Commissioner Schramm, to approve Resolution authorizing the City of Yankton to apply for Bridge Improvement Grant (BIG) Preliminary Engineering funding for the Cedar Street Bridge. (Memorandum 20-143)

**BRIDGE IMPROVEMENT GRANT PROGRAM  
RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS**

WHEREAS, wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOCATION(S):

SN 68-121-204 on Cedar Street, 350 feet north of West 6th Street

and WHEREAS, 'NA' certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan\*;

and WHEREAS, City of Yankton agrees to pay the 50% match on the Bridge Improvement Grant funds;

and WHEREAS, City of Yankton hereby authorizes the Bridge Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s).

Vote of Commissioners/Council: Yes = 8 No = 0

Dated at Yankton, SD, this day 27<sup>th</sup> of July, 2020.

ATTEST:

Al Viereck, City Finance Officer

Nathan Johnson, Chairman/Mayor

\*NOTE – not applicable for cities applying for the grant – simply mark ‘NA’  
Minimum required is 20%; must match percent shown on application.

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

Action 20-311

Moved by Commissioner Benson, seconded by Commissioner Brunick, to approve the request to allow open container for the area of the Meridian District between Broadway and Mulberry Street and 4<sup>th</sup> and 2<sup>nd</sup> Street for the Put + Pub Crawl event on August 15, 2020 from 7:00 am – 7:00 pm. (Memorandum 20-146)

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

Action 20-312

Moved by Commissioner Moser, seconded by Commissioner Benson, to approve Resolution 20-51. (Memorandum 20-147)

**RESOLUTION 20-51**

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 Ribfest committee has made a request to enact this no parking zone for their event on August 29, 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 on 3<sup>rd</sup> Street from Cedar to the alley between Walnut and Douglas and also ½ block closures on Walnut Street from 2<sup>nd</sup> to 3<sup>rd</sup> and 3<sup>rd</sup> to 4<sup>th</sup> Streets, shown on the map attached, to be in effect from 6:00 AM on August 29, 2020 until 2:00 AM on August 30, 2020.

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

Action 20-313

Moved by Commissioner Webber, seconded by Commissioner Miner, to adjourn at 7:57 p.m.

July 27<sup>th</sup>, 2020

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**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