

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
AUGUST 24TH, 2020**

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

Roll Call: Present: Commissioners Benson, Brunick, Carda, Maibaum, Miner, Moser, Schramm and Webber. City Attorney Den Herder and City Manager Leon were also present.

Quorum present.

Action 20-324

Moved by Commissioner Schramm, seconded by Commissioner Moser, to approve Minutes of regular meeting of August 10, 2020 and Budget Workshop Meeting of August 10, 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.

Police Chief, John Harris, was there to commend the actions of two officers at a home invasion where shots were fired on March 3rd. Officer Dylan Wilson arrived on the scene to find an individual bleeding profusely. He immediately took action by applying a tourniquet to the individual. Officer Jericho Osborn secured the situation by making sure that Officer Wilson and the individual were safe. The individual ended up surviving the wound. Doctors believe that the individual may have died if it were not for the actions of these two officers.

Discussion was held on the Consent Agenda Item to remind everyone of the Bridge Dedication Ceremony on September 12, 2020, 10:00 am, in front of Yankton County Courthouse. No official commission action was taken.

Action 20-325

This was the time and place for the public hearing of the application for a Special Events Retail (on-sale) Malt Beverage License and Special Retail (on-sale) Wine Dealers License for 1 day, September 12, 2020, from Ag United for South Dakota, Families Feeding Families Event, located at NFAA 800 Archery Lane, Yankton, SD 57078. (Memorandum 20-156) No one was present to speak for or against the application.

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

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

Motion adopted.

Action 20-326

This was the time and place for second reading and the public hearing of Ordinance No. 1037, AN ORDINANCE AMENDING THE PARKING FINE REGULATION IN THE CITY OF YANKTON. (Memorandum 20-153) No one was present to speak for or against the ordinance. Moved by Commissioner Moser, seconded by Commissioner Brunick, to approve Ordinance No. 1037.

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

Motion adopted.

Action 20-327

Moved by Commissioner Carda, seconded by Commissioner Miner, to approve Resolution 20-57. (Memorandum 20-159)

RESOLUTION 20-57
ETJ Conditional Use Permit

WHEREAS, Powder River Development Services, LLC is the applicant of a tower request located on 1/2 of the SW 1/4, Section 11, T93N, R56W of the 5th P.M., Yankton County, South Dakota, and

WHEREAS, the above described property is zoned ETJ A-1 Agricultural which allows conditional uses under the City of Yankton's Extraterritorial Jurisdiction Zoning Ordinance No. 797 as amended, and

WHEREAS, this conditional use permit request is necessary for a 20-foot addition, plus lightning rod, to an existing 300-foot-tall tower and the proposed project 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 a 20-foot addition, plus lightning rod, to an existing 300-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 20-328

Moved by Commissioner Webber, seconded by Commissioner Miner, to approve Resolution 20-58. (Memorandum 20-160)

RESOLUTION 20-58
Conditional Use Permit Amendment

WHEREAS, WDM Properties, LLC., is the applicant for a project on property legally described as the North half of Lot 9, except the south 20 feet, Block 1, Airport Acres addition, City and County of Yankton being directly adjacent to a previously approved Conditional Use Permit location, and

WEREAS, the applicant is requesting an amendment to the previously approved Conditional Use Permit to include the property legally described above, 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

represented and 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.

Commissioner Moser introduced and Mayor Johnson read the title of Ordinance No. 1039, AN ORDINANCE TO REZONE PROPERTY DESCRIBED HEREIN; FROM R-2 SINGLE FAMILY RESIDENTIAL TO B-2 HIGHWAY BUSINESS, 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 5TH 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. JTG PROPERTIES, LLC, OWNER. ADDRESS, 3007 WEST CITY LIMITS ROAD, and set the date of the second reading and public hearing as September 14th, 2020.

Action 20-329

Moved by Commissioner Benson, seconded by Commissioner Schramm, to approve Resolution 20-59. (Memorandum 20-162)

RESOLUTION 20-59

Plat

WHEREAS, it appears from an examination of the plat of Lots 1, 2, 3, 4, 5, 6, and 7 in Block 10 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 20-330

Moved by Commissioner Benson, seconded by Commissioner Moser, to approve Resolution 20-56. (Memorandum 20-158)

RESOLUTION 20-56

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 for 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:

PROPERTY TO BE TRADED-IN
2006 Bobcat S205 VIN. #530512051

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

Action 20-331

Moved by Commissioner Brunick, seconded by Commissioner Carda, to approve the utility and street improvements for West Street - Phase II of the Dakota West Estates Addition. (Memorandum 20-121)

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

Action 20-332

Moved by Commissioner Miner, seconded by Commissioner Carda, to approve Resolution 20-55. (Memorandum 20-157)

RESOLUTION OF NECESSITY 20-55
Yankton Road Tax

WHEREAS, the Board of City Commissioners of the City of Yankton has deemed that the City streets, alleys and roadways must be properly reconstructed and repaired, and;

WHEREAS, the City of Yankton’s streets are repaired by grading, crack filling, spall repair, patching and chip sealing, and;

WHEREAS, a yearly inventory of City streets is conducted in order to determine the streets in need of repair,

NOW, THEREFORE, BE IT RESOLVED, that for the purpose of maintaining and repairing the streets, and surfacing thereof, that an assessment of fifty cents per front foot be levied upon all parcels or portions of parcels fronted or abutting streets and fifty cents per front foot be levied upon parcels or portions of parcels fronted or abutting alleys within the City of Yankton.

The City Finance Officer is hereby directed to certify such assessments together with the regular assessments for 2020 collectable in 2021 to the County Auditor to be collected as municipal taxes for general purposes.

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

Action 20-333

Moved by Commissioner Benson, seconded by Commissioner Miner, to approve Resolution 20-60. (Memorandum 20-163)

RESOLUTION 20-60

No Parking On North Side Of East 6th Street From Pine Street To The Driveway Approach For 300 East 6th Street

WHEREAS, 6th Street is a narrow road, being only 27' in total width; and

WHEREAS, and adjacent property owner has indicated that there an issue with buses being able to drop off residents, and

WHEREAS, eliminating on-street parking, in this location, would alleviate congestion that occurs, and

WHEREAS, no parking, on front of 300 East 6th, would provide a safer environment for the residents, and

WHEREAS, The Board of City Commissioners of the City of Yankton has the authority to establish and revoke parking restrictions within the City of Yankton;

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, SD, that parking is prohibited on the north side of east 6th Street, from Pine street to the driveway approach for 300 East 6th Street.

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

Commissioner Miner introduced and Mayor Johnson read the title of Ordinance No. 1038, AN ORDINANCE APPROPRIATING MONIES FOR DEFRAYING THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF YANKTON, SOUTH DAKOTA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2021, AND ENDING DECEMBER 31, 2021, AND PROVIDING FOR THE LEVY OF THE ANNUAL TAX FOR ALL FUNDS CREATED BY THE ORDINANCE WITHIN SAID CITY, and set the date of the second reading and public hearing as September 14th, 2020.

Action 20-334

Moved by Commissioner Moser, seconded by Commissioner Carda, to approve the purchase of the Workforce Ready Proposal from Kronos and authorize the City Manager to sign any agreement documentation. (Memorandum 20-165)

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

Action 20-335

Moved by Commissioner Carda, seconded by Commissioner Maibaum, to approve Resolution 20-61. (Memorandum 20-164)

RESOLUTION 20-61

A Resolution To Set Fines For Parking Violations

WHEREAS Ordinance 14-161 allows the City Commission to establish a schedule of fines for parking violations set forth in Article 14 of the Municipal Code; and

WHEREAS the City Commission has not made adjustments to such schedule since 2006; and

WHEREAS the City Commission has determined that the fee schedule established in 2006 needs to be updated;

NOW, THEREFORE, BE IT RESOLVED by the Yankton Board of City Commissioners that except for violations of Ordinance Section 14-156, all fines for parking violations shall be \$25.00; and

IT IS ALSO HEREBY FURTHER RESOLVED that fines for violations of Ordinance Section 14-156 shall be \$50.00; and

IT IS ALSO HEREBY FURTHER RESOLVED that all fines that are not paid within fourteen (14) days after the citation is issued shall increase to \$100.00; and

IT IS ALSO HEREBY FURTHER RESOLVED that the City Attorney, or any Deputy City Attorney, or any employee of the Yankton Police Department shall be authorized to sign as “Plaintiff” on behalf of the City of Yankton on any and all documents submitted to the Yankton County Magistrate Court for purposes of enforcing the City of Yankton’s parking ordinances through the use of the small claims court procedures found in SDCL Chap. 15-39.

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

Action 20-336

Moved by Commissioner Moser, seconded by Commissioner Brunick, to adjourn at 7:58 p.m.

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

Nathan V Johnson
Mayor

ATTEST:

Al Viereck
Finance Officer