

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
OCTOBER 26TH, 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 20-375

Moved by Commissioner Carda, seconded by Commissioner Benson, to approve Minutes of regular meeting of October 12, 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.

During the public appearances section of the meeting, Doug Ekeren with Avera Sacred Heart Hospital gave a short, remote, power point presentation reminding all citizens to try to slow down the recent surge in COVID-19 spread. He urged all citizens to require mask wearing in their organizations, practice social distancing and educate their follow organization members and other community members about these safe practices.

Action 20-376

Moved by Commissioner Moser, seconded by Commissioner Benson, to approve the request for
a
public firework display hosted by Parks and Recreation on October 31, 2020. (Memorandum 20-198)

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

Action 20-377

Moved by Commissioner Benson, seconded by Commissioner Brunick, to authorize the City Manager to sign the described pre-application and subsequent application and administrative documents associated with Chan Gurney Municipal Airport Project #3-46-0062-033-2021. (Memorandum 20-193)

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

Commissioner Moser introduced and Mayor Johnson read the title of Ordinance No. 1042, AN ORDINANCE TO REZONE FROM R-4 MULTIPLE FAMILY RESIDENTIAL TO B-2 HIGHWAY BUSINESS ON LOT 1 OF OUTLOT C OF MODEREGGER OUTLOTS; AND THE EAST 370 FEET OF LOT 10 OF TUCKER’S 3RD ADDITION AND PARCEL B IN THE NW 1/4 OF SECTION 17, T93N, R55W AS MEASURED ON THE LINE DIVIDING SAID TWO PARCELS ALL BEING IN THE CITY AND COUNTY OF YANKTON, SOUTH

DAKOTA. JOSEPH AND ROBERTA KLEINSCHMIT, OWNER, OWNER. ADDRESS, WEST SIDE OF THE 1000 BLOCK OF FERDIG AVENUE, and set the date of the second reading and public hearing November 9th, 2020.

Action 20-378

Moved by Commissioner Carda, seconded by Commissioner Schramm, to approve Resolution 20-73. (Memorandum 20-194)

RESOLUTION 20-73

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 disposed of in accordance with SDCL 6-13-1, et sequential:

SURPLUS PROPERTY TO BE SOLD, TRADED, DONATED OR DESTROYED

Parks Department:

- a) 1999 HH Trailer - VIN# 4J6US1011XB901161
- b) 2011 Dodge RAM 2500 Crew Cab - VIN# 3D7TT2CT7BG598582
- c) 1994 Chevrolet Suburban - VIN# 1GKFK16K8RT745660
- d) 2001 Ford F-250 ¾ ton 4x4 Crew Cab – VIN# 3FTNW21L01MA39291
- e) 2004 Cushman Utility Vehicle Model 898627
- f) 2000 Cushman Turf Truckster Model 898658
- g) Hobart Welder
- h) Chop Saw
- i) Drill Press
- j) Large portable water tank

Police Department:

- a) Gray Upholstered Roller Chairs (Qty 2)

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

Motion adopted.

Action 20-379

Moved by Commissioner Webber, seconded by Commissioner Miner, to approve Resolution 20-74. (Memorandum 20-195)

RESOLUTION 20-74

WHEREAS, the City of Yankton owns property known as Lot 35 Railroad Subdivision, City of Yankton, Yankton County, South Dakota, and

WHEREAS, Yankton Area Progressive Growth has offered to purchase the approximate 1.63-acre parcel of land. In consideration of the conveyance of the Property by Seller, Buyer agrees

to pay to the Seller the sum of Thirty-Five Thousand dollars (\$35,000.00) payable in full at closing. At closing, Sixteen Thousand Three Hundred Dollars (\$16,300.00) shall be tendered outright to Seller, and the remaining Eighteen Thousand Seven Hundred Dollars (\$18,700.00) shall be held and retained by Seller in escrow (hereafter the "Escrowed Funds"). If Buyer's third-party purchaser meets all construction deadlines in accordance with Section 11 in the associated agreement, Buyer's third-party purchaser (or its successor or assigns) shall receive the Escrowed Funds as a development rebate. If Buyer's third-party purchaser fails to meet all construction deadlines in accordance with Section 11 of the associated agreement, the Buyer's third-party purchaser (or its successor or assigns) shall not be entitled to the development rebate and the Escrowed Funds shall be released to General Fund of the City of Yankton), and

WHEREAS, said transfer to Yankton Area Progressive Growth is contingent upon the subsequent transfer to a third party as described in the associated agreement, and

WHEREAS, the Yankton Board of City Commissioners desires to sell the below described land for the long term goal of community and economic development.

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, hereby declares Lot 35 Railroad Subdivision, City of Yankton, Yankton County, South Dakota surplus and agrees to transfer it to Yankton Area Progressive Growth for the purpose of sale to a third party, and

BE IT FURTHER RESOLVED that the City Manager is authorized to execute all documents associated with the described transfer.

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

Action 20-380

Moved by Commissioner Schramm, seconded by Commissioner Webber, to approve the original Resolution 20-75.

RESOLUTION 20-75

A RESOLUTION AUTHORIZING THE PLACEMENT OF STOP SIGNS AT THE INTERSECTION OF MULBERRY STREET AND 5TH STREET.

WHEREAS, both Mulberry Street and 5th Street function as local streets, and;

WHEREAS, the volume of traffic is greater on 5th Street than Mulberry Street, and;

WHEREAS, there is a sight distance restriction on the northwest corner of the intersection, and;

WHEREAS, installing stop signs on Mulberry Street at the intersection with 5th Street would provide a solution to the sight restriction by stopping north and south bound traffic entering the intersection, and;

WHEREAS, it is provided by the Code of Ordinances of the City of Yankton that the City has the authority to place and maintain all regulatory signs that meet the requirements of the Manual on Uniform Traffic Control Devices.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, SD, that a stop condition, from the north and south, be established on Mulberry Street, at the intersection with 5th Street.

Neighborhood citizens, Ted and Jennifer Powell, Larry Hintgen, Fred Binder and Ray Wilson, all appeared to express concern about possibly having the stop signs stopping East and West traffic on 5th Street rather than North and South on Mulberry.

Action 20-381

After much discussion, Brunick moved and Miner seconded to table the discussion.

Roll Call: All members present voting “Aye” were Brunick, Miner, Webber and Mayor Johnson; voting “Nay” were Commissioners Benson, Carda, Maibaum, Moser and Schramm. Motion to table failed with a 4-5 vote.

Action 20-382

After more discussion, a vote was held on the original motion.

Roll Call: All members present voting “Aye” were Benson, Carda, Moser and Webber; voting “Nay” were Commissioners Brunick, Maibaum, Miner, Schramm and Mayor Johnson. Motion to approve Resolution 20-75 failed with a 4-5 vote.

Staff was directed to do some further analysis on the traffic in the neighborhood for a possible future commission action.

Action 20-383

Moved by Commissioner Brunick, seconded by Commissioner Carda, to adjourn at 8:27 p.m.

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

Nathan V Johnson
Mayor

ATTEST:

Al Viereck
Finance Officer