

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
FEBRUARY 22ND, 2021**

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

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

Action 21-42

Moved by Commissioner Webber, seconded by Commissioner Carda, to approve Minutes of regular meeting of February 8, 2021.

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.

Commissioner Miner arrived at 7:05 p.m.

Action 21-43

Moved by Commissioner Benson, seconded by Commissioner Brunick, to the Special Events Dance License for August 6, 2021 from the Yankton County 4H. (Memorandum 21-27)

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

Motion adopted.

Action 21-44

Moved by Commissioner Carda, seconded by Commissioner Benson, to establish March 8, 2021, as the date for the public hearing on the request for a Special Events RETAIL (on-sale) Liquor License for 1 day, April 24, 2021, from BPO Elks Lodge 994 d/b/a Elks Lodge 994 (Cindy Goeden, Secretary), NFAA, 800 Archery Lane, Yankton, South Dakota.

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

Motion adopted.

Action 21-45

This was the time and place for the public hearing for a a Special Malt Beverage (on-sale) Retailers License for 2 day, August 20-21, 2021, from Yankton Rodeo Association (Douglas O Hevle, President), Rodeo Grounds, 404 Paddle Wheel Drive, Yankton, SD. (Memorandum 21-25) 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 21-46

This was the time and place for the public hearing for a Special Events (on-sale) Liquor License for February 27, 2021 from Flusswerks, LLC, (Paul Lowrie, Man. Member) d/b/a The Landing, Big River Burrito Co., 100 Douglas, Suite 101, Yankton, S.D. (Memorandum 21-26) No one was present to speak for or against the application.

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

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

Motion adopted.

Amy Leon, City Manager, gave an update from the Health Board. She explained the identified metrics proposed to extend the mask ordinance; either a vaccination rate of 50% or available to the general public, or both, active cases are below 25 for three consecutive weeks and hospitalizations are three or less for three consecutive weeks.

The Health Board recommended allowing the mask ordinance to expire on March 1st, 2021.

This was the time and place for the second reading and public hearing for Ordinance No. 1046, TEMPORARY MASK ORDINANCE. (Memorandum 21-38) Citizen, Curt Bernard, appeared to speak against adopting Ordinance 1046.

No motion or seconded was made to adopt the Ordinance No. 1046.

Action 21-47

This was the time and place for the second reading and public hearing for Ordinance No. 1047, AN ORDINANCE REMOVING RESTRICTIONS ON THE SALE OF ALCOHOL ON CHRISTMAS DAY IN THE CITY OF YANKTON. (Memorandum 21-39) No one was present to speak for or against adoption of the ordinance.

Moved by Commissioner Benson, seconded by Commissioner Carda, to approve Ordinance No. 1047.

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

Motion adopted.

Action 21-48

Moved by Commissioner Moser, seconded by Commissioner Webber, to approve Resolution 21-13. (Memorandum 21-32)

RESOLUTION 21-13

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the City of Yankton (the “City”) has determined it is necessary to proceed with improvements to its wastewater system, including but not limited to improvements associated with its sewer treatment plant (the “Project”); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the “Board”) will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project,

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$4,500,000 at an interest rate of 2.0% and term of 20 years to the South Dakota Board of Water and Natural Resources for the Project.

2. The City pledges to repay the loan by using wastewater system revenues.

3. The City Manager is hereby authorized to execute the Application and submit it to the South Dakota Board of Water and Natural Resources, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.

4. The City Manager is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

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

Commissioner Moser introduced and Mayor Johnson read the title of the SRF Application for the Wastewater Plant Project, establishing March 8, 2021 as the date for a public hearing.

Action 21-49

Moved by Commissioner Brunick, seconded by Commissioner Carda, to approve Resolution 21-09. (Memorandum 21-28)

RESOLUTION 21-09

WHEREAS, the City of Yankton owns over 40 acres of land in the State of Nebraska, and

WHEREAS, the Yankton Board of City Commissioners has determined it is in the City’s best interest to transfer approximately 34 acres of said land, identified in the associated “Exhibit A,” to the National Park Service, and

WHEREAS, the National Park Service has committed to make improvements to the property thereby enhancing the public’s outdoor experience in the riparian area, and

WHEREAS, if the National Park Service ever decides to liquidate the described property, ownership will return to the City of Yankton, and

WHEREAS, this resolution, along with the associated “Letter of Intent” will provide the guidance for the contractual obligations and transfer between the two entities.

NOW, THEREFORE BE IT RESOLVED that the Board of City Commissioners of the City of

Yankton, South Dakota, hereby approves the transfer of the approximate 34 acres of City owned property in Nebraska to the National Park Service as identified in Exhibit A, and

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

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

Action 21-50

Moved by Commissioner Benson, seconded by Commissioner Brunick, to establish March 22, 2021 as the date for a public hearing to consider Resolution #21-10, an Alley Right of Way Vacation request in Block 2, Redmond’s Subdivision in the City of Yankton, South Dakota. Location, north - south alley between 8th Street and 9th Street, between Dakota Street and Redmond Street. Yankton Medical Clinic, applicant and adjacent property owner.

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

Action 21-51

Moved by Commissioner Schramm, seconded by Commissioner Moser, to approve Resolution 21-11. (Memorandum 21-30)

RESOLUTION 21-11

Plat

WHEREAS, it appears from an examination of the plat of Lots 26, 27, 49, 50, 51 & 52 of 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 21-52

Moved by Commissioner Schramm, seconded by Commissioner Brunick, to approve Resolution 21-12. (Memorandum 21-31)

RESOLUTION 21-12

Plat

WHEREAS, it appears from an examination of the plat of Lots 21, 22, 23, 24 and 25, 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.

Mayor Johnson opened the public hearing for the Community Block Grant Proposal for the Pathways Shelter for Homeless Capacity Building Improvements Project.

Eric Ambrosion, Community Development Specialist for Planning and Development District III, conducted the public hearing and explained the proposed project. No one was present to speak for or against the proposed project.

Action 21-53

Moved by Commissioner Maibaum, seconded by Commissioner Moser, to vote on all three resolutions pertaining to this project in one vote; approving Resolution 21-14, Resolution 21-15 and Resolution 21-16. (Memorandum 21-33)

RESOLUTION 21-14
AUTHORIZING RESOLUTION

WHEREAS, The City of Yankton of has identified the need to increase the capacity of Pathways Shelter for the Homeless thereby providing essential services to the homeless population due to the recent COVID-19 pandemic, and

WHEREAS, The City of Yankton proposes to sponsor Pathways Shelter for the Homeless in making capacity improvements at its facility by submitting a Community Development Block Grant (CDBG) application, and

WHEREAS, the City of Yankton is eligible for federal assistance for the proposed project, and

WHEREAS, with the submission of the CDBG application, The City of Yankton assures and certifies that all CDBG program requirements will be fulfilled, and

WHEREAS, The City of Yankton has published the required publications for the CDBG application.

NOW THEREFORE, BE IT RESOLVED that the City of Yankton of duly authorizes the submission of the CDBG application requesting approximately \$269,491 for the Pathways Capacity Building Improvements Project, and

BE IT FURTHER RESOLVED that the Mayor be authorized to execute the CDBG application for The City of Yankton.

RESOLUTION 21-15
DESIGNATING CDBG PROJECT CERTIFYING OFFICER AND
ENVIRONMENTAL CERTIFYING OFFICER

Pathways Capacity Building Improvements Project.

WHEREAS, The City of Yankton is applying for a Community Development Block Grant from the U.S. Department of Housing and Urban Development as administered by the State of South Dakota, and

WHEREAS, The City of Yankton is required to designate a certifying officer for the purpose of signing required documents pertaining to these grants, and

WHEREAS, The City of Yankton is required to designate an environmental certifying officer for the purpose of signing required environmental documents pertaining to these grants.

NOW THEREFORE, BE IT RESOLVED that the City Manager of the City of Yankton be hereby designated as the City's Certifying Officer for the purpose of signing correspondence, pay requests, and other required documents, and

BE IT FURTHER RESOLVED that the City Manager of the City of Yankton be hereby designated as the City's Environmental Certifying officer for all environmental review procedures associated with the CDBG project.

RESOLUTION 21-16
RESOLUTION ASSURING FAIR HOUSING

WHEREAS, it is the City Commissions belief that discrimination in housing not only threatens the rights and privileges of the citizens of Yankton, but also menaces the institutions and foundations of a free and democratic society, and

WHEREAS, the City Commission desires to give meaning to the guarantees of equal rights contained in the Constitution and laws of this State and the United States of America and to encourage and bring about mutual self-respect and understanding among all citizens and groups in Yankton, and

WHEREAS, under the Federal Fair Housing act, (Title VIII of the Civil Rights Act of 1968), it is illegal to deny housing to any person because of race, color, religion, sex or national origin.

NOW THEREFORE BE IT RESOLVED that the City of Yankton, South Dakota, makes a firm commitment to do all within its power to eliminate prejudice, intolerance, disorder, and discrimination in housing, and
Therefore, be it also resolved that the Fair Housing and Equal Opportunity logo will be displayed at the Yankton city office.

AND BE IT FURTHER RESOLVED that the following procedures will be used to accomplish the purpose of the aforementioned resolution:

1. The City of Yankton shall inform all City employees of the City’s commitment to equal housing.
2. The City of Yankton shall direct all employees to forward immediately to the City Manager any reports they receive of housing discrimination.
3. The City of Yankton shall forward such complaints to the South Dakota Division of Human Rights within 10 days of receipt of said complaint.

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

Mayor Johnson closed the public hearing for this agenda item.

Action 21-54

Moved by Commissioner Benson, seconded by Commissioner Webber, to approve Resolution 21-18.
(Memorandum 21-35)

RESOLUTION 21-18

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 SURPLUS

2005 OTTAWA COMMANDO YARD TRACTOR VIN#312658

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

Action 21-55

Moved by Commissioner Brunick, seconded by Commissioner Moser, to approve Resolution 21-17.
(Memorandum 21-34)

RESOLUTION 21-17

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 SURPLUS

2007 STECO WALKING FLOOR TRAILER VIN# 5EWWS482571254315

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

Action 21-56

Moved by Commissioner Webber, seconded by Commissioner Carda, to approve the sewer, storm and street improvements for Phase 2A-2, of the Westbrook Estates Residential Subdivision. (Memorandum 21-36)

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

Action 21-57

Moved by Commissioner Miner, seconded by Commissioner Brunick, to approve the agreement between the City of Yankton and Third Millennium Associations, Inc. for outsourcing utility billing production, printing, and mailing and authorize the City Manager to sign said agreement and any other documents related. (Memorandum 21-37)

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

Action 21-58

Moved by Commissioner Schramm, seconded by Commissioner Moser, to adjourn at 8:19 p.m.

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

Nathan V Johnson
Mayor

ATTEST:

Al Viereck
Finance Officer