

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
MARCH 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, and Schramm. City Attorney Den Herder and City Manager Leon were also present. Absent: Commissioners Miner and Webber. Quorum present.

Action 21-67

Moved by Commissioner Schramm, seconded by Commissioner Moser, to approve Minutes of regular meeting of March 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.

Police Chief Harris announced that Dylan Wilson is Officer of the Year and Kevin and Cortney Opsahl are Citizens of the Year.

There were no public appearances at that time.

Action 21-68

Moved by Commissioner Benson, seconded by Commissioner Moser, to establish April 12, 2021, as the date for the public hearing on the request for a Special Events (on-sale) Liquor License for June 12, 2021 from Rock ‘N Rumble, Inc. dba Yankton RibFest (Michael Carda, President), The block of 3rd Street between Cedar Street & Walnut Street plus Half of Walnut Street to alley & Half block North South on Walnut & 3rd Street, Yankton, S.D.

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

Motion adopted.

It was also discussed the possibility of a quorum event with no official commission action at the following: March 30, 2021 for City Commission Forum to be held at Discovery Church starting at 6:00 pm and April 6, 2021 for City Commission Forum to be held by Interchange and Chamber of Commerce.

City Manager Leon gave a Health Board update by giving current numbers on the metrics and the Board recommendation to continue to monitor and follow Covid CDC Guidelines.

Action 21-69

Moved by Commissioner Moser, seconded by Commissioner Brunick, to approve Resolution 21-10. (Memorandum 21-47)

RESOLUTION 21-10

RIGHT-OF-WAY VACATION

WHEREAS, the City of Yankton has conducted the process to vacate the identified Right-

of-Way known as the north - south alley in Block 2 of Redmond's Subdivision, between 8th Street and 9th Street, between Dakota Street and Redmond Street. Yankton Medical Clinic, applicant and adjacent property owner. Reference the attached "Exhibit A," and

WHEREAS, the proposed Right-of-Way vacation has been reviewed by the City Planning Commission and a recommendation has been made thereof, and

WHEREAS, due and proper notice of hearing regarding said process has been given, and

WHEREAS, the City of Yankton, South Dakota, after due investigation and consideration with applicable utilities involved has determined that good cause exists for vacating the described Right-of-Way.

NOW THEREFORE BE IT RESOLVED, that the north - south alley in Block 2 of Redmond's Subdivision, between 8th Street and 9th Street, between Dakota Street and Redmond Street be vacated.

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

Action 21-70

This was the time and place for the public hearing for the adoption of Ordinance No. 1048, AN ORDINANCE MODIFYING AND IMPROVING THE LICENSURE SYSTEM OF KENNELS WITHIN THE CITY OF YANKTON'S JURISDICTIONAL LIMITS. (Memorandum 21-45) No one was present to speak for or against the ordinance.

Moved by Commissioner Brunick, seconded by Commissioner Benson, to adopt Ordinance No. 1048.

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

Action 21-71

Moved by Commissioner Moser, seconded by Commissioner Schramm, to approve the election workers and establish their compensation for the City of Yankton election on April 13th, 2021. (Memorandum 21-46)

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

Action 21-72

Moved by Commissioner Benson, seconded by Commissioner Brunick, to approve Resolution 21-21. (Memorandum 21-48)

RESOLUTION 21-21

WHEREAS, the plat of Lots 8, 9, 10, 11 and 12, Block 10, Westbrook Estates being a Replat of Lots 1, 2, 3, 4, 5, 6 and 7, Block 10 of Westbrook Estates, in Tract 1 of Law Addition in the Southeast Quarter of Section 1, Township 93 North, Range 56 West of the 5th P.M., City of Yankton, Yankton County, South Dakota prepared by Brian J. Benson, a registered land surveyor in the state of South Dakota has been created, 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 21-73

Moved by Commissioner Carda, seconded by Commissioner Moser, to approve Resolution 21-22.
(Memorandum 21-49)

RESOLUTION 21-22

WHEREAS, the Replat of Lot 1 of the Replat of Lots 1, 2, 3, 10, 11 and 12 of Block 2, Airport Acres in the City of Yankton, Yankton County, South Dakota as filed in Book S11 on Page 15. To Be Hereinafter Known as; Lots 1A and 1B of Block 2, Airport Acres in the City of Yankton, Yankton County, South Dakota prepared by Brett R. Kennedy, a registered land surveyor in the state of South Dakota has been created, 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 21-74

Moved by Commissioner Schramm, seconded by Commissioner Carda, to approve Resolution 21-23.
(Memorandum 21-50)

RESOLUTION 21-23

WHEREAS Yankton Business Improvement District 1 was created in conformance with South Dakota Codified Law and defined in City Ordinance #953, and

WHEREAS, The Business Improvement District #1 Board of Directors is therein authorized to make recommendations to the Yankton Board of City Commissioners regarding governance of the District including its revenues and expenditures, and

WHEREAS, at their meeting on March 10, 2021, the Yankton Business Improvement District #1 approved a recommendation that the City Commission provide \$7,000 in funding to Mount Marty University to help with the costs associated with being the site of the 2021 NAIA Indoor Track and Field Championships, and

WHEREAS, the recommendation advised that Mount Marty University investigate the availability of said funds from the Yankton Convention and Visitor's Bureau (CVB) and if said funding from the CVB is available then BID proceeds would not be expended, and

WHEREAS the recommendation further advised that if said funds are reimbursed to the university or their partners at any time in the future for reasons related to the relocation of said event to MMU, the \$7,000 would be returned to the BID #1 account.

NOW THEREFORE, BE IT RESOLVED that the Yankton Board of City Commissioners, upon the recommendation of the Business Improvement District #1 Board of Directors does hereby authorize the above described disbursement of funds based on the conditions herein described, and

BE IT FURTHER RESOLVED that the Yankton City Manager be authorized to execute any documents associated with said disbursement.

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

Action 21-75

This was the time and place for the bid opening of the Annual Supply of Bituminous Mix for the Department of Public Works, Street Division. One bid was received and opened on March 11th, 2021 at 3:00 pm from Concrete Materials, Sioux Falls, SD. (Memorandum 21-51)

Moved by Commissioner Moser, seconded by Commissioner Benson, to award Concrete Materials of Sioux Falls, South Dakota at the price of \$71.00 per ton for the Annual Supply of Bituminous Mix.

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

Action 21-76

Moved by Commissioner Brunick, seconded by Commissioner Carda, to adopt Resolution 21-24. (Memorandum 21-52)

RESOLUTION 21-24

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
Police Department - 2020 Ford Explorer 3.3L Hybrid - VIN# 1FM5K8AW0LGA19737

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

Action 21-77

This was the time and place for the bid opening of the Spruce Street from 4th Street to 6th Street – Street & Utility Reconstruction. The following bids were received and opened on March 12th, 2021 at 3:00 pm: D&G Concrete Construction, Inc., Sioux Falls, SD at \$474,150.67; Masonry Components, Inc., Yankton, SD at \$500,886.40; Slowey Construction, Inc., Yankton, SD at \$527,125.75; and Hulstein Excavating, Inc., Edgerton, MN at \$582,100.50; Feimer Construction, Inc., Yankton, SD at \$694,088.60. (Memorandum 21-53)

Moved by Commissioner Schramm, seconded by Commissioner Brunick, to award the contract to D&G Concrete Construction, Inc., in the amount of \$474,150.67.

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

Motion adopted.

Action 21-78

Moved by Commissioner Benson, seconded by Commissioner Brunick, to adjourn at 7:49 p.m.

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

Motion adopted.

Nathan V Johnson
Mayor

ATTEST:

Al Viereck
Finance Officer