



**Mission Statement**  
*To provide exemplary experiences, services & spaces that create opportunities for everyone to learn, engage and thrive.*

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## **YANKTON BOARD OF CITY COMMISSIONERS**

Regular City Commission Meeting beginning at 7:00 P.M.

**Monday, May 24, 2021**

**City of Yankton Community Meeting Room**

Located at the Career Manufacturing Technical Education Academy formerly known as Technical Education Center • **1200 W. 21<sup>st</sup> Street • Room 114**

If you would like to watch the City Commission meeting you can do so by accessing the City of Yankton's YouTube Live Channel.

<https://www.youtube.com/channel/UCD1a1hf1dIkiLVSXnmdRQg/live>

Rebroadcast Schedule: Tuesday @ 7:30pm, on channels 3 & 45

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### **I. ROUTINE BUSINESS**

1. **Roll Call**

2. **Approve Minutes of regular meeting of May 10, 2021**

**Attachment I-2**

3. **City Manager's Report**

**Attachment I-3**

4. **Public Appearances**

*Public appearances is a time for persons to address the City Commission on items not listed on the agenda. No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. Each person has up to three minutes to speak. Comments made during the Public Appearance Comment period of the agenda may be on any subject. There shall be no personal attacks against the Mayor, members of the City Commission, City Staff, or any other individual.*

### **II. CONSENT ITEMS**

*Matters appearing on the Consent Agenda are expected to be non-controversial and will be acted upon by the City Commission at one time, without discussion. Approval constitutes following the recommendation of the City Manager on each item.*

1. **Possible Quorum Event**

May 29, 2021, at Huether Family Aquatics Center, no official commission action

2. **Transient Merchant License**

Consideration of Memorandum #21-110 recommending approval of the applications from Rock 'N' Rumble, Inc. for:

A) Transient Merchant License for July 24, 2021;

B) Dance License for July 24, 2021.

**Attachment II-2**

**3. Transient Merchant License**

Consideration of Memorandum #21-112 recommending approval of the applications from 3<sup>rd</sup> on 3<sup>rd</sup> for:

- A) Transient Merchant License for July 3, 2021;
- B) Dance License for July 3, 2021.

**Attachment II-3**

**4. Establish public hearing for a New Retail (on-off sale) Malt Beverage**

Establish June 14, 2021, as the date for the public hearing on the request for a New Retail (on-off sale) Malt Beverage & SD Farm Wine License for July 1, 2021, to June 30, 2022, from South Dakota Publishing, LLC d/b/a Muddy Mo's Coffee House (Katie Hunhoff, Owner), 233 Broadway Avenue, Yankton, S.D.

**Attachment II-4**

**III. OLD BUSINESS**

*Old business includes items that have previously appeared on the City Commission's agenda and require further consideration or action by the board.*

**1. Public hearing for sale of alcoholic beverages**

Consideration of Memorandum #21-100 regarding the public hearing for the request for a Special Events (on-sale) Liquor License for July 3, 2021 from Rock 'N' Rumble, Inc. (Michael Carda, President), d/b/a 3<sup>rd</sup> on 3<sup>rd</sup>, Block of 3<sup>rd</sup> Street between Douglas & Capitol, Yankton, S.D.

**Attachment III-1**

**2. Public hearing for sale of alcoholic beverages**

Consideration of Memorandum #21-101 regarding the public hearing for the request for a Special Events (on-sale) Liquor License for July 24, 2021 from Rock 'N' Rumble, Inc. (Michael Carda, President), d/b/a Rock 'N' Rumble, 3<sup>rd</sup> St. from Douglas to ½ block East on Capitol, plus intersecting Capitol Street, ¼ Block North to ½ Block South, Yankton, S.D.

**Attachment III-2**

**3. Public hearing for renewal of Malt Beverage Licenses**

Consideration of Memorandum #21-102 regarding the public hearing for the applications for renewal of Malt Beverage Licenses for the 2021-22 licensing period

**Attachment III-3**

**4. Public hearing for sale of alcoholic beverages**

Consideration of Memorandum #21-103 regarding the public hearing for the request for a Special Malt Beverage (on-sale) Retailers License, a Special (on-sale) Wine Retailers License and a Special Events (off-sale) Package Wine & Malt Beverage Dealers License for 1 day, July 17, 2021 from Yankton Area Arts, (Julie Amsberry, Executive Director) Meridian Bridge, rain date set for City Hall Auditorium, 416 Walnut, Yankton, S.D.

**Attachment III-4**

**5. Public hearing for sale of alcoholic beverages**

Consideration of Memorandum #21-104 regarding the public hearing for the public hearing on the request for a Special Events Retail (on-sale) Liquor License for 9 days, July 1, 8, 15, 22, 29, August 5, 12, 19, 26, 2021, from Ben's Brewing Co. (Ben Hanten, Owner), 222 West 3<sup>rd</sup> Street, Music at the Meridian, Parking Lot and Green Space Westside of Meridian Bridge & the enclosed area of Levee Street, Yankton, S.D.

**Attachment III-5**

*Adoption of an ordinance is typically a two-meeting process. At the first meeting, an ordinance is introduced, and the first reading is held. During the second meeting, the ordinance is discussed by the commission and the public and then considered for adoption.*

#### **IV. NEW BUSINESS**

*New business items are those that have not been discussed by the Commission previously.*

1. **Establishing public hearing – Medical Cannabis**  
Consideration of Memorandum #21-117, introduction, first reading and establish June 14<sup>th</sup> as the date for a public hearing to Ordinance #1052 regarding medical cannabis  
**Attachment IV-1**
2. **Establishing public hearing – Ordinance #1049**  
Introduction and first reading and establish June 14<sup>th</sup> as the date for the public hearing for consideration of Memorandum #21-85 regarding Ordinance #1049 a rezoning from R-2 Single Family Residential to B-2 Highway Business on the North 220 feet of the West 700 feet of the SW 1/4 of the NW 1/4, Except KYNT Addition in Section 12, T93N, R56W of the 5th P.M., Yankton, South Dakota. Jim Tramp, LLC and Jason Tramp, LLC, owners. Address, 1301 W. 21st  
**Attachment IV-2**
3. **Establishing public hearing - Ordinance #1050**  
Introduction and first reading and establish June 14<sup>th</sup> as the date for the public hearing for consideration of Memorandum #21-86 regarding Ordinance #1050 a rezoning from R-2 Single Family Residential to R-3 Two Family Residential on future Lots 1A, 1B, 6A, 6B, 7A and 7B, in Block 9 and 1A and 1B in Block 10. And, from R-2 Single Family Residential to R-4 Multiple Family Residential on future Outlots 4 and 5, all in Summit Heights Addition to the City of Yankton in the SW 1/4 of the NW 1/4, Section 12, T93N, R56W of the 5th P.M., Yankton, South Dakota. Jim Tramp, LLC and Jason Tramp, LLC, owners. Address, the 1900 Blocks of Kellen Gross Drive and Dakota Street.  
**Attachment IV-3**
4. **Establishing public hearing – Ordinance #1051**  
Introduction and first reading and establish June 14<sup>th</sup> as the date for the public hearing for consideration of Memorandum #21-87 regarding Ordinance #1051 amendments to the City of Yankton Zoning Ordinance #711. The proposed amendments are in Chapter 27, Article II, Section 36 Part G and Section 37, Part G, and if approved, would change the maximum allowable height of structures in the B-2 Highway Business District and B-3 Central Business District from the current 50 feet to 65 feet.  
**Attachment IV-4**
5. **Planning Commission Recommendation – Replat**  
Consideration of Memorandum #21-88 and Resolution #21-35 Review of a Replat of Lots 4 and 5 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, hereafter to be known as: Lots 4A and 5A, Block 2, Airport Acres, City and County of Yankton, South Dakota. Anthony and Patricia Benjamin, Trustees, Tony and Pat Benjamin Revocable Trust, owner. Address, 3010 Broadway Avenue.  
**Attachment IV-5**

- 6. Planning Commission Recommendation – Plat Review**  
Consideration of Memorandum #21-89 and Resolution #21-36 Plat review of Lot 1, Whitetail Run, in the SE 1/4 of the NE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Dennis L. Christensen, President, Deerfield Truck and Equipment Company, owner. Location, South side of the 3900 Block of W. 8th Street.  
**Attachment IV-6**
- 7. Planning Commission Recommendation – Plat Review**  
Consideration of Memorandum #21-90 and Resolution #21-37 Plat review of Lot 2, Whitetail Run, in the SE 1/4 of the NE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Dennis L. Christensen, President, Deerfield Truck and Equipment Company, owner. Location, South side of the 3900 Block of W. 8th Street.  
**Attachment IV-7**
- 8. Planning Commission Recommendation – Plat Review**  
Consideration of Memorandum #21-91 and Resolution #21-38 Plat review of Lot 11, Whitetail Run, in the SE 1/4 of the NE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Dennis L. Christensen, President, Deerfield Truck and Equipment Company, owner. Location, North side of the 3900 Block of Buck Street.  
**Attachment IV-8**
- 9. Planning Commission Recommendation – Replat**  
Consideration of Memorandum #21-92 and Resolution #21-39 Review of a Replat of Lots 6 and 8, Whitetail Run, in the SE 1/4 of the NE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Hereafter to be known as: Lot 12, Whitetail Run, in the SE 1/4 of the NE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Dennis L. Christensen, President, Deerfield Truck and Equipment Company, owner. Address, 605 Deer Boulevard.  
**Attachment IV-9**
- 10. Planning Commission Recommendation – Plat Review**  
Consideration of Memorandum #21-93 and Resolution #21-40 Plat review of Lot 15, Whitetail Run, in the NE 1/4 of the SE ¼ of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Dennis L. Christensen, President, Deerfield Truck and Equipment Company, owner. Location, South side of the 3900 Block of Buck Street.  
**Attachment IV-10**
- 11. Planning Commission Recommendation – Replat**  
Consideration of Memorandum #21-94 and Resolution #21-41 Review of a Replat of Lot K-2 and the East 158’ of Parcel 2 of Lot K-1, in the N 1/2 of the NE 1/4 of Section 15, T93N, R56W of the 5th P.M., Yankton County, South Dakota, to be hereafter known as: Lots 1 and 2, Metz-Peterson Addition, in the N 1/2 of the NE 1/4 of Section 15, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Mark and Sharlotte Peterson Trustees of the Mark and Shar Peterson Revocable Trust, owner. Address, 2804 W. 8th Street.  
**Attachment IV-11**

- 12. Introduction and First Reading**  
The City Commission acting as the Board of Adjustment; Memorandum #21-105 establishing June 14, 2021 as the date for a public hearing to consider a variance from the front yard setback requirements in a B-2 Highway Business District on Lot 4, Block 1, Walmart Addition in the City of Yankton, South Dakota. Address, 3007 Broadway Avenue. Jeff Koster, owner.

**Attachment IV-12**
- 13. Sidewalk Café License**  
Consideration of Memorandum #21-107 and Resolution #21-42 regarding Sidewalk Café License-102 & 104 East 3<sup>rd</sup> Street d/b/a Mojo’s Third Street Pizza

**Attachment IV-13**
- 14. Sidewalk Café License**  
Consideration of Memorandum #21-109 regarding Sidewalk Cafe Permit Application-100 East 3<sup>rd</sup> Street d/b/a Walnut Tavern

**Attachment IV-14**
- 15. Rock ‘N’ Rumble Inc. - Special Events Parking Request**  
Consideration of Memorandum #21-113 and Resolution #21-44 regarding request by Rock ‘N’ Rumble, Inc., for Special Events Parking Ordinance #933 to be in place during Rock ‘N’Rumble on July 24, 2021 and suspension of alcohol Consumption

**Attachment IV-15**
- 16. 3<sup>rd</sup> on 3<sup>rd</sup> - Special Events Parking Request**  
Consideration of Memorandum #21-114 and Resolution #21-45 regarding request by Rock ‘N’ Rumble, Inc. (Michael Carda, President), d/b/a 3<sup>rd</sup> on 3<sup>rd</sup>, for Special Events Parking Ordinance #933 to be in place during 3<sup>rd</sup> on 3<sup>rd</sup> Event on July 3, 2021 and suspension of alcohol Consumption

**Attachment IV-16**
- 17. Yankton Antique Mall Vendor Fair - Special Events Parking Request**  
Consideration of Memorandum #21-115 and Resolution #21-46 regarding request by Yankton Antique Mall Vendor Fair, for Special Events Parking Ordinance #933 to be in place during Yankton Antique Mall Vendor Fair on July 24, 2021

**Attachment IV-17**
- 18. Music at the Meridian Concert Series**  
Consideration of Memorandum #21-116 regarding Music at the Meridian Concert Series

**Attachment IV-18**
- 19. Bid Award – 23<sup>rd</sup> Street**  
Consideration of Memorandum #12-108 regarding Bid Award for 23<sup>rd</sup> Street from West City Limits Road (WCLR) to Approximately 1300’ West – Street & Utility Reconstruction

**Attachment IV-19**
- 20. Mayor’s Appointments to City Advisory Boards and Commissions**  
Consideration of Memorandum #21-111 recommending approval of the Mayor’s appointments to various City Advisory Boards and Commissions

**Attachment IV-20**

**21. K-9 Replacement**

Consideration of Memorandum #21-118 and Resolution #21-48 for the surplus of K-9 Reno, approve purchase of new K-9, and Adoption Agreement for K-9 Reno to Officer Pekarek

**Attachment IV-21**

**V. OTHER BUSINESS**

*Other business is a time for City Commissioners to address the commission regarding matters not on the agenda. These items will be deliberated by the governing body and will not be acted upon at this time. Items mentioned may be added to a future City Commission meeting or work session for deliberation or action.*

**VI. ADJOURN THE MEETING OF MAY 24, 2021**

*The City of Yankton Community Meeting Room is accessible to everyone. If you have any additional accommodation requirements, please call 668-5221.*

*Should you have any reason to believe an open meetings law has been violated please contact the Open Meetings Commission at the South Dakota Office of the Attorney General at: 1302 E. Hwy 14, Suite 1, Pierre, SD 57501-8501 or by phone at 605-773-3215.*