

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
AUGUST 23<sup>RD</sup>, 2021**

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

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

Quorum present.

Action 21-224

Moved by Commissioner Johnson, seconded by Commissioner Webber, to approve Minutes of budget work session of August 9, 2021 and regular meeting of August 9, 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.

Action 21-225

Moved by Commissioner Benson, seconded by Commissioner Miner, to approve the following consent agenda items:

1. **Establishing public hearing for sale of alcoholic beverages**  
Establish September 13, 2021, as the date for the public hearing on the request for a Special Events Retail (on-sale) Liquor License for 1 day, September 25, 2021, from Ben’s Brewing Co. (Ben Hanten, Owner), 222 West 3<sup>rd</sup> Street, Zombie’s Realm, 101 E. 3<sup>rd</sup> Street, Yankton, S.D.
2. **Establishing public hearing for sale of alcoholic beverages**  
Establish September 13, 2021, as the date for the public hearing on the request for a Special Events Retail (on-sale) Liquor License for 1 day, September 25, 2021, from Ben’s Brewing Co. (Ben Hanten, Owner), 222 West 3<sup>rd</sup> Street, Cramer-Kenyon Heritage House, 509 Pine Street, Yankton, S.D.
3. **Establishing public hearing for sale of alcoholic beverages**  
Establish September 13, 2021, as the date for the public hearing on the request for a Special Events Retail (on-sale) Liquor License for 1 day, October 9, 2021, from Ben’s Brewing Co. (Ben Hanten, Owner), 222 West 3<sup>rd</sup> Street, NFAA, 800 Archery Lane, Yankton, S.D.
4. **Establish public hearing for a New Retail (on-off sale) Malt Beverage & SD Farm Wine License**  
Establish September 13, 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 Backspace Brewing Co, LLC d/b/a/Backspace Brewing Co. (Chris Allington, Partner), 200 Walnut Street, Suite 103, Yankton, S.D.

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

Action 21-226

This was the time and place for the second reading and public hearing for Ordinance 1054, AN ORDINANCE ADDING CERTAIN LANGUAGE IN IDENTIFIED SECTIONS OF CHAPTER 27. (Memorandum 21-182) No one was present to speak for or against the adoption of the ordinance. Moved by Commissioner Maibaum, seconded by Commissioner Webber, to adopt Ordinance 1054.

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

Action 21-227

Moved by Commissioner Benson, seconded by Commissioner Villanueva, to approve the updated special event map for the area of Market to the Meridian, which is the City Parking Lot on 2<sup>nd</sup> & Douglas, Northeast Corner for the remaining Saturdays of the farmer’s market season for 2021. (Memorandum 21-186)

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

Action 21-228

Moved by Commissioner Webber, seconded by Commissioner Benson, to approve Resolution 21-67. (Memorandum 21-179)

**RESOLUTION OF NECESSITY 21-67**

(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 2021, collectable in 2022, 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 21-229

Moved by Commissioner Johnson, seconded by Commissioner Benson, to approve Change Order No. 1 and to issue a manual check in the amount of \$29,535.00 to Traffic Solutions Inc. of Harrisburg, South Dakota. (Memorandum 21-180)

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

Motion adopted.

Commissioner Webber introduced and Mayor Moser read the title of Ordinance No. 1055, An ordinance to appropriate monies for defraying the necessary expenses and liabilities of the City of Yankton, South Dakota, for the fiscal year beginning January 1, 2022, and ending December 31, 2022, and providing for the levy of annual taxes for all funds created by ordinance within said City, and set the date of the second reading and public hearing as September 13<sup>th</sup>, 2021.

Action 21-230

Moved by Commissioner Benson, seconded by Commissioner Villanueva, to approve Resolution 21-68. (Memorandum 21-181)

**RESOLUTION 21-68**

Request for Special Events Parking Ordinance #933 to be in place during YHS Homecoming Parade

WHEREAS, the City Commission adopted an Ordinance allowing for no parking designation for special events within the City of Yankton; and

WHEREAS, this Resolution would authorize the City of Yankton to tow vehicles that are parked in the defined are or areas and times specified for Special Events; and

WHEREAS, the Yankton High School has made a request to enact this no parking zone for their events on September 24, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves the Special Event Parking Request along a portion of the YHS Homecoming Parade route that includes 3<sup>rd</sup> Street from Cedar to Capital Street from 1:00 PM to 4:00 PM on Friday, September 24, 2021.

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

Motion adopted.

Action 21-231

Moved by Commissioner Webber, seconded by Commissioner Miner, to approve the street closure for Pine Street from 15<sup>th</sup> to 19<sup>th</sup> Street from 12:00pm – 1:00pm requested by Mount Marty University for the Lancer March to the Stadium held before home football games on September 4, September 25, October 2, October 16, and October 30, 2021. (Memorandum 21-184)

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

Motion adopted.

Action 21-232

Moved by Commissioner Brunick, seconded by Commissioner Benson, to approve Resolution 21-69. (Memorandum 21-183)

**RESOLUTION 21-69**

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

K9 Kennel Pad & Equipment

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

Action 21-233

Moved by Commissioner Webber, seconded by Commissioner Johnson, to approve and authorize the City Manager to sign the contract for services with RDG Planning & Design for the 2022-2025 City Strategic Planning Process. (Memorandum 21-185)

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

Action 21-234

Moved by Commissioner Benson, seconded by Commissioner Villanueva, to approve Resolution 21-70. (Memorandum 21-187)

**RESOLUTION 21-70**

Special Events Parking Request

WHEREAS, the City Commission adopted an Ordinance allowing for no parking designation for special events within the City of Yankton; and

WHEREAS, this Resolution would authorize the City of Yankton to tow vehicles that are parked in the defined are or areas and times specified for Special Events; and

WHEREAS, the Mojo’s 3<sup>rd</sup> Street Pizza has made a request to enact this no parking zone for their event on August 28, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves the Special Event Parking Request on 3<sup>rd</sup> Street on both sides of the street, from the Douglas corner to east alley to be in effect from 8:00 AM until 5:00 PM on August 28, 2021.

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

Motion adopted.

Action 21-235

Moved by Commissioner Webber, seconded by Commissioner Villanueva, to adjourn into Executive Session at 7:36 p.m. to discuss **contractual, litigation and personnel matters** under SDCL 1-25-2.

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

Motion adopted.

Regular meeting of the Board of City Commissioners of the City of Yankton was reconvened by Mayor Moser.

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

Quorum present.

Action 21-236

Moved by Commissioner Johnson, seconded by Commissioner Miner, to adjourn at 8:56 p.m.

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

Motion adopted.

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Stephanie Moser  
Mayor

ATTEST:

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Al Viereck  
Finance Officer