



CITY OF YANKTON

2022_05_23

**CITY COMMISSION
MEETING**



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

YANKTON BOARD OF CITY COMMISSIONERS

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

Monday, May 23, 2022

City of Yankton Community Meeting Room

Located at the Career Manufacturing Technical Education Academy formerly known as Technical Education Center • **1200 W. 21st 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

I. ROUTINE BUSINESS

1. **Roll Call**

2. **Approve Minutes of regular meeting of May 9, 2022**

Attachment I-2

3. **Proclamation – Aviation Month
Mental Wellness Conference**

Attachment I-3

4. **City Manager’s Report**

Attachment I-4

5. **Public Appearances – Retirement of Steve Frick & Tom Kurtenbach from Yankton Fire Department**

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. **Establish public hearing for sale of alcoholic beverages**

Establish June 13, 2022, as the date for the public hearing on the request for a Special Malt Beverage (on-sale) Retailers License, a Special (on-sale) Wine Retailers License for 1 day, July 12, 2022 from Yankton Area Arts, (Julie Amsberry, Executive Director), Riverside Park, Yankton, S.D.

Attachment II-1

2. Establish public hearing for sale of alcoholic beverages

Establish June 13, 2022, as the date for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for 1 day, July 23, 2022, from The Center (Kriss Thury, Executive Director), 900 Whiting Drive, Yankton, South Dakota.

Attachment II-2

3. Establish public hearing for sale of alcoholic beverages

Establish June 13, 2022, as the date for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for 1 day, July 8, 2022, from The Center (Kriss Thury, Executive Director), 900 Whiting Drive, Yankton, South Dakota.

Attachment II-3

4. Establish public hearing for sale of alcoholic beverages

Establish June 13, 2022, as the date for the public hearing on the request for a Special Events (on-sale) Liquor License for July 16, 2022 from Stripes, Inc. dba Mojo's 3rd Street (Jeff Dayhuff, Owner), 106 E. 3rd Street, Meridian Venue, 101 E. 3rd Street, Yankton, SD

Attachment II-4

5. Establish public hearing for sale of alcoholic beverages

Establish June 13, 2022, as the date for the public hearing on the request for a Special Events Retail (on-sale) Liquor License for 4 days, July 7, 14, 21, & 28, 2022, from Ben's Brewing Co. (Ben Hanten, Owner), 222 West 3rd Street, Music at the Meridian, Parking Lot and Green Space Westside of Meridian Bridge & the enclosed area of Levee Street, Yankton, S.D.

Attachment II-5

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 transfer of ownership

Consideration of Memorandum #22-91 regarding the transfer of ownership of a Retail (on-off-sale) Wine & Cider for January 1, 2022 to December 31, 2022, from TST, Inc. d/b/a Phinneys Pub & Casino (John Tuttle, President), to Phinney's, LLC., d/b/a Phinney's Pub & Casino (Deb Palmer, President), 2101 Broadway Tenancy Location 40 & 50, Yankton, S.D.

Attachment III-1

2. Public hearing for transfer of ownership

Consideration of Memorandum #22-92 regarding the transfer of ownership of a Retail (on-off-sale) Malt Beverage & SD Farm Wine for July 1, 2022, to June 30, 2023, from TST, Inc. d/b/a Phinneys Pub & Casino (John Tuttle, President), to Phinney's, LLC., d/b/a Phinney's Pub & Casino (Deb Palmer, President), 2101 Broadway Tenancy Location 40 & 50, Yankton, S.D.

Attachment III-2

3. Public hearing for sale of alcoholic beverages

Consideration of Memorandum #22-90 regarding the request for a Special Events Retail (on-sale) Liquor License for 1 day, June 4, 2022, from Stripes, Inc d/b/a Mojo's 3rd Street, 106 E 3rd St, Yankton, SD at The Meridian Venue, 101 E. 3rd Street, Yankton, SD.

Attachment III-3

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. Introduction and First Reading

Consideration of Memorandum #22-93, introduction, first reading and establish June 13th as the date for a public hearing to consider Ordinance #1062 a rezoning from A-1 Agricultural to B-3 Central Business on A tract of land in Government Lot 4 in southwest quarter (SW 1/4) of the southwest quarter (SW 1/4), of Section 18, Township 93, Range 55, West of the 5th PM, City of Yankton, Yankton County, South Dakota. Said tract being bounded on the west by Broadway Avenue and running southeast for a distance of 300 feet; bounded on the north by Riverside Drive and running southward to the boundary of the Missouri River. Address, 305 Riverside Drive. City of Yankton, owner.

Attachment IV-1

2. Planning Commission Recommendation – Conditional Use Permit

Consideration of Memorandum #22-94 regarding Resolution #22-23, a Conditional Use Permit for an addition to a self-storage facility in an ETJ, B-1 Local Business District located on The South 325' of the S. 1/2, NE 1/4, SE 1/4, EXC the N. 115' of the E. 778' EXC E. 50' Section 11, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Address, 1501 West City Limits Road. Affordable Self Storage, owner.

Attachment IV-2

3. Mayor's Appointments to City Advisory Boards and Commissions

Consideration of Memorandum #22-95 recommending approval of the Mayor's Appointments to various City Advisory Boards and Commissions

Attachment IV-3

4. Introduction and First Reading

Consideration of Memorandum #22-101, introduction, first reading and establish June 13th as the date for a public hearing to consider Ordinance #1063, an ordinance creating a framework for relocation of a licensed medical marijuana establishment

Attachment IV-4

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 INTO EXECUTIVE SESSION TO DISCUSS CONTRACTUAL, LITIGATION AND PERSONNEL MATTERS UNDER SDCL 1-25-2

Executive or closed meetings may be held by a majority vote of the governing body for the sole purposes of:

- Discussing the qualifications, competence, performance, character or fitness of any public officer or employee.*
- Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters.*
- Preparing for contract negotiations or negotiating with employees or employee representatives.*
- Discussing marketing or pricing strategies by a board or commission of a business owned by the City, when public discussion may be harmful to the competitive position of the business.*

Any official action concerning such matters shall be made at an open official meeting.

VII. RECONVENE AS BOARD OF CITY COMMISSIONERS

1. Roll Call

VIII. ADJOURN THE MEETING OF MAY 23, 2022

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.

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
MAY 9TH, 2022**

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.

Mayor Moser introduced Colton Griffin, a scout working on an Eagle Scout Project, and invited him to lead the Commission in the Pledge of Allegiance.

Action 22-103

Moved by Commissioner Villanueva, seconded by Commissioner Webber, to approve Minutes of regular meeting of April 25, 2022 and Work Session meeting of April 25, 2022.

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

Motion adopted.

Action 22-104

Moved by Commissioner Johnson, seconded by Commissioner Miner, that the Schedule of Bills be approved and warrants be issued.

1 Office Solution - Professional Services - \$50.20; 1-800-Hansons - Permit Overpayment - \$44.50; Adobe Creative Cloud - Computer Program - \$85.18; Adobe Stock - Computer Program - \$31.94; AFSCME Council 65 - AFSCME Deductions - \$1,353.00; Aggressive IND INT DYN - Dock Repairs - \$3,390.92; Allegiant Air - Travel - \$648.00; Al's Oasis - Travel - \$51.20; Al's Technologies - Training Rounds - \$968.68; Amazon - Office Supply - \$9.86; Amazon - Vacuum Cleaner - \$159.99; Amazon - Pool Basketballs - \$70.54; Amazon - Sunscreen - \$39.11; Amazon - DVD - \$7.49; Amazon - Janitorial Supplies - \$88.97; Amazon - DVD - \$13.99; Amazon - DVD - \$17.96; Amazon - Janitorial Supplies - \$69.87; Amazon - Program Supplies - \$372.33; Amazon - Adult Craft Night Supply - \$15.18; Amazon - Office Supplies - \$37.19; Amazon - Book - \$15.95; Amazon - Concession Supplies - \$374.75; Amazon - Lateral Filing Cabinet - \$185.99; Amazon - Postage Machine Supply - \$14.95; Amazon - Office Supplies - \$34.62; Amazon - Office Supplies - \$7.92; Amazon - Summer Program Supplies - \$14.98; Amazon - Summer Program Supplies - \$225.43; Amazon - Computer Monitor - \$214.96; Amazon - Summer Program Supplies - \$300.81; Amazon - Baseball Ground Anchors - \$60.90; Amazon - Summer Program Supplies - \$23.57; Amazon - Summer Program Supplies - \$138.86; Amazon - Foam Bags - \$53.99; Amazon - Chlorine Test Kits - \$162.66; Amazon - Summer Program Supplies - \$84.56; Amazon - SRT Connection - \$97.37; Amazon - Adult Craft Night Supply - \$9.28; Amazon - DVD's - \$53.91; Amazon - Book - \$36.57; American Family Life Corp - Cancer & ICU Premiums - \$5,876.94; American Red Cross - Lifeguard Registrations - \$1,158.32; A-Ox Welding Supply - Propane - \$144.70; A-Ox Welding Supply - Propane - \$164.30; Associated Supply - Crates For Pool - \$1,067.36; ATT Bill Payment - Mobile Data - \$1,178.77; Auch/Dawn - Shelter Refund - \$75.00; Aurora Training Advent - HR Live Trainings - \$599.00; Automatic Building Controls - Inspection - \$2,680.00; Avera Health - CRP Instructor Training - \$45.00; Avera Health Plans - Low Deductible Premiums - \$86,140.55; Avera Sacred Heart - Professional Services - \$408.00; Axvoice - Dialer Service - \$21.44; Banner Associates - Professional Services - \$43,406.76; Battery Space -

Battery Replacement - \$148.46; BB&T Governmental Finance - HFAC Bond - \$485,499.40; Blackstrap - Road Salt - \$6,659.70; Blue Rock Bar And Grill - Travel - \$38.86; Bomgaars - Floor Dry - \$4,728.69; Brent Mielke - Summer Program - \$350.00; Buhl's Cleaners - Cleaning Towels - \$395.60; Burger King - Travel Expense - \$17.80; C & B Yankton - Mower Supplies - \$38.41; Campbell/Stu - Large Print Book - \$15.16; Casey's - Travel Expense - \$86.03; Casey's - Employee Appreciation - \$66.71; Cedar Knox Public Power Dist. - Electricity - \$1,143.67; Cenex - Fuel - \$48.83; Cenex - Fuel - \$100.53; Center Point - Large Print Books - \$137.22; CenturyLink - Phone - \$1,297.19; Charlies Pizza - Employee Appreciation - \$117.00; CHS - Propane - \$247.50; Chucks Sanitary Service - Sewer Cleaning - \$125.00; City Of Vermillion - Jt Powers Cash Transfer - \$70,074.00; City Of Yankton-City Clean-Up - City Wide Clean Up - \$19,125.66; City Of Yankton-Parks - Landfill Charges - \$98.82; City Of Yankton-Solid Waste - Compacted Garbage - \$15,207.91; City Of Yankton-Water - Garbage - \$13.70; City Utilities - WTR-WW Charges - \$4,723.96; Clark's Rentals Custom - Tree Spade Rental - \$506.00; Clubhouse Hotel - Fees - \$21.96; Coffee Cup - Fuel - \$216.75; Construction & Aggregate - Straps - \$487.61; Cornhusker Intl Truck - Fuel Water - \$128.11; CPI Environmental - Lab Testing - \$175.96; Credit Collection Service - Ut Collection - \$293.63; Crescent Electric - Lights - \$725.46; Dakotamart Gas - Fuel - \$75.00; Danko Emergency Equipment - Spanner Wrench - \$34.06; Defensive Edge Training - AR Armorer Course - \$450.00; Delta - Professional Services - \$528.60; Demco - Bags - \$782.43; Den Herder Law Office, P.C. - Legal Services - \$1,380.66; Dept Of Ag - Membership Dues - \$35.88; Dept Of Environment - 2017-Rec-403 SW - \$63,173.59; Dept Of Social Services - State Of SD Child Supp - \$2,234.84; Desert Snow - Drug Interdiction Course - \$649.00; Diamond Vogel - Road Paint - \$1,737.50; Ditty's - Fuel - \$100.92; Dollar Tree - Summer Reading Program - \$83.75; Dollar Tree - Summer Reading Program - \$173.74; DRI Printplace - Office Supplies - \$84.45; Echo Electric Supply - Amphitheater Lights - \$461.73; Electair - Service Call - \$232.14; Electronic Frog Advertising - Billboards Ads - \$9,920.00; ESRI - Credits - \$200.00; Evolution Power Tools - Chop Saw - \$399.00; Exxon Mobil - Fuel - \$86.01; Faerber/Karen - Election Worker - \$112.73; Fastenal - Bolts/Washers/Nuts - \$437.37; FedEx - Mail Evidence - \$26.61; Ferguson Enterprises - 3" Meter - \$8,545.78; Finance, Dept Of - Election Workers - \$2,820.00; Findaway - Wonderbooks - \$512.88; Firehouse Subs - Travel - \$25.12; First Dakota Nat'l Bank Corp - Fire Station Debt Serv - \$14,127.50; First Dakota Nat'l Bank HSA - HSA Contributions - \$9,131.22; First National Bank FSA - Cafeteria Plan - \$1,410.00; Fisher/Bruce - Over Payment Utilities - \$89.26; Frey/Brandon - Per Diem - \$90.00; Frontier Mills - Grass Seed - \$272.28; Frontier Mills - Lawn Seed - \$90.76; Garys Repair Wrecker - Police Tow - \$150.00; General Traffic Controls - Traffic Signals - \$18,466.00; Geotek Eng & Testing Serv - Westside Park Testing - \$4,397.00; Gerstner Oil - Oil - \$306.82; Gerstner Oil - Fuel - \$41,641.79; Girton Adams - Sludge Heater Solenoid - \$1,311.16; Graymont WI- Chemicals - \$5,084.10; Great Shots Food - Travel Expense - \$21.80; Gregg/Judy - Election Worker - \$25.00; Grimms Pump - Motor - \$151.92; Guardian Alliance - Background Investigation - \$470.00; Hach Company - Lab Probe - \$3,535.78; Halvorson/Terry - Permit Reimbursement - \$355.50; Hanson Briggs - Business Cards - \$144.87; Hanson Briggs - Receipt Book - \$629.96; Hanson/Tanner - Travel Expense - \$47.00; Hardees - Travel Expense - \$8.05; Harding Glass - Replace Window Screen - \$22.90; Harn Ro Systems - Filters - \$11,480.86; Hawkins - Chemicals - \$26,335.28; HDR Engineering - WWTP EDA Improvements - \$85,842.99; Heiman Fire Equipment - Protective Equipment - \$27,271.00; Heritage Homes - 1/2 Sp Appropriation - \$1,250.00; Home Depot - Cordless Drills - \$1,047.00; Horn/Garrett - Sidewalk Reimbursement - \$416.75; Hotel Reservations - Travel/Training - \$390.58; Hu Hot Fargo - Travel Expense - \$42.59; Hy-Vee - Postage - \$75.70; ICMA Retirement Trust - 457 - ICMA Contributions - \$4,837.83; Indelco Plastics - Hypochlorite Pump - \$1,272.68; Industrial - Maintenance Kit - \$1,021.49; Intl Code Council - Membership Dues - \$245.70; Isa - Membership Dues - \$170.00; J & H Care & Cleaning Company - Janitorial Supplies - \$4,100.00; J2

Metrofax - Fax Service - \$9.95; Jacks Uniforms - Uniform Shirts - \$279.78; Jackson/Brooke - Travel Expense - \$160.00; JCL Solutions - Cleaning Supplies - \$909.28; Jimmy Johns - Staff Appreciation - \$178.94; JJ Benji's - Employee Uniforms - \$2,404.00; JLC Piano Studio - Singers Choir Program - \$250.00; Johnson Controls - Lab Repairs - \$173.60; Kaiser Refrigeration - Weedeater Repairs - \$81.95; Kc Entertainment Services - Summer Program - \$375.00; Klein's Tree Service - Stump Removal - \$16,650.00; KLJ Engineering - Bidding & Design Service - \$25,737.09; Knife River - 23rd And Green St - \$1,938.00; Knowink - Election Pollbooks - \$3,600.00; Koletzky Implement - Filters - \$200.50; Kopetsky's Ace Hardware - Summer Reading Program - \$499.77; Lamb Motor Company - Vehicle Purchase - \$42,506.00; Lewis & Clark Bhs - 1/2 Sp Appropriation - \$10,000.00; Lewis & Clark Theatre Co - 1/2 Sp Appropriation - \$1,250.00; Lewis And Clark Ford - Replace Torque Converter - \$2,060.78; Lifespan Fitness - Under Desk Treadmill - \$1,599.00; Locators & Supplies - Locate Paint - \$885.96; Los Designs - Dog Park Signs - \$500.00; Main Access - Sunwalk Decking - Dock - \$671.00; Marathon Petro - Fuel - \$54.81; Mark's Machinery - Bobcat Repairs - \$29.72; MacArthur Sheet Metal - Suction Pipe - \$172.29; McLeod's Printing - Election Supplies - \$429.53; McLeod's Printing - Printing Of Citations - \$50.87; McMaster-Carr - Lagoon Electrical - \$125.88; Menard's - Pallet Jack - \$1,858.19; Meridian Eye Care - Pre-Employment Physical - \$50.00; MidAmerican Books - Books - \$843.81; MidAmerican Energy - Fuel - \$22,350.09; MidAmerican Energy - Fuel - \$10,954.11; Midwest Laboratories - Monthly Wastewater Tests - \$129.84; Midwest Tape - Av - \$523.87; Midwest Tire And Muffler - Tires - \$2,618.26; Millennium Recycling - Single Stream Recycling - \$4,922.75; Morrow/Joseph C. - Design Work - \$5,880.00; Motor Vehicle Dept, SD - Title & License - \$21.20; Mutt Mitt - Mutt Mitts - \$3,523.30; Napa Auto Parts - Kubota Repairs - \$338.01; Nartec - Cocaine Field Test Kits - \$24.40; National HR Assoc. - Membership - \$110.00; Neptune - Conference - \$585.00; Northland Trust Services - Fire Station Agent Fee - \$495.00; Northtown Automotive - Fuel Pump - \$864.91; Northwestern Energy - Electricity - \$90,427.60; Observer - Ads - \$48.00; Olson's Pest Technician - Pest Control - \$278.00; Olson's Pest Technicians - Pest Control - \$560.00; One Office Solution - Office Supplies - \$186.40; O'Reilly Auto Parts - Mechanic Wire - \$808.42; Osborne/Jericho - Travel Expense - \$225.00; OTC Brands - Programming - \$184.67; Overdrive Dist - Ebooks - \$138.00; Pack And Ship - Total Station Shipping - \$78.20; Paypal EBay - Peg Equipment - \$95.47; Peace Officers Assn/Sd - Dues - \$150.00; Pedersen/Brandi - Refund - \$42.60; Photography By Jerry - Retirement Photo - \$113.50; Pitney Bowes - Postage - \$200.00; Pizza Hut - Employee Appreciation - \$37.60; Pizza Ranch - Training - \$131.63; Pooler Sr/John - Election Worker - \$75.00; Powers Port A Pot - Sertoma Field - \$150.00; Press Dakota - Commission Minutes - \$759.28; Prime Video - Streamed Video - \$10.64; Principal Life Insurance - Dental Insurance - \$6,714.82; Push Pedal Pull - Workout Equipment Repair - \$1,502.98; Quadiant - Postage Machine Ink - \$139.73; Quadiant Leasing USA - Postage - \$678.00; Racom Corporation - Radio Access - \$35.80; Radisson - Hotel - \$1,229.90; Ramkota - Hotel - \$793.84; Ramkota - Hotel - \$22.21; Rayallen.Com - K9 Corona Harness - \$244.89; RDO Equipment Company - Parts - \$791.07; Reservations.Com - Hotel Reservation - \$19.99; Retirement, SD - SD Retirement - \$124,272.14; Riverside Hydraulics - Repair Cylinder - \$1,221.83; Road King Trailers - Treated Wood - \$424.60; Ron's Auto Glass - Windshield Repair - \$40.00; Ron's Auto Glass Repair - Parts - \$240.00; Rothermel/Jonah - Boot Reimbursement - \$130.00; Royal Sport Shop - Trophy Plaques - \$44.00; Sanitation Products - Parts - \$3,763.00; SD Code Enforcement - Conference - \$51.95; SD Public Assurance Alliance - Property Insurance - \$29.99; SD Water & Wastewater - Permit Fees - \$103.00; SDSRP - SD Retirement Plan - \$21,223.50; Shell Oil - Fuel - \$38.46; Shoplet.Com - Evidence Boxes - \$208.10; Shur-Co - Tarp Replacement - \$1,365.47; Sickies Garage - Travel Expense - \$42.15; Sign Solutions - Signs - \$505.98; Smartsign - Signs - \$578.08; South Dakota 811 - Locate Fee - \$184.80; South Dakota State Historical - Microfilm - \$10.00; Spencer Quarries - Type 2a Chips - \$2,053.94; Standard Insurance Company - Vision

Insurance - \$680.81; State Supply - Air Vent - \$124.16; Sturdevant's - Filters - \$1,293.76; Subway - Investigation Expense - \$12.77; Supplyhouse.Com - Water Double Check Valve - \$579.51; Target - Summer Reading Program - \$21.30; Tenneboe/Zachary D - Summer Program - \$225.00; Tessman Company - Chemicals - \$6,319.00; Texas Roadhouse - Travel Expense - \$47.75; The Lodge At Deadwood - Hotel For Conference - \$89.01; The Ups Store - Wet Shipping - \$544.33; Third Millennium Asso - Utility Billing - \$654.93; Tinting Pros - Tint Mower Tractor - \$800.00; Titan Machinery - Kubota Accessories - \$2,522.87; Tractor Supply Co - Tailgate Lift - \$266.24; Tractor Supply Co - Dog Food - \$217.40; Travelocity - Professional Services - \$10.78; TRK Hosting - Internet Access - \$7.95; Truck Trailer Sales - Landing Gear Kit - \$1,630.90; Truck Trailer Sales - Dot Inspection - \$7,161.33; Turfwerks - Brush - \$157.40; U.S. Post Office-Util - Utility Billing Postage - \$2,141.47; UKG Workforce Ready - Payroll/HR/TLM Software - \$2,022.00; Uline Ship Supplies - Aline Board - \$176.35; United - Professional Services - \$677.60; United Laboratories - Slide Gate Lubricant - \$356.28; United States Postal Service - Postage Meter - \$611.60; United States Treasury - Federal Withholding Tax - \$237,990.74; United Way - United Way Contributions - \$183.00; United Way - 1/4 Sp Appropriation - \$9,831.25; Us Bank Equipment Finance - Copier Lease - \$473.86; USA Blue Book - Main Break Boots - \$694.03; USPS PO - Mail Evidence - \$150.93; Utility Equipment Company - Radio Detection Locator - \$10,046.00; Vast Broad Band - Internet Service - \$4,249.69; Verizon - Internet Access - \$1,124.13; Vessco - Parts - \$3,869.78; Viddler - Video Hosting - \$41.49; Vista Print - Summer Reading Program - \$308.05; Walgreens - Trash Bags - \$11.99; Walmart - Resist Tube - \$552.69; Walmart - Office Supplies - \$56.48; Walmart - Concessions - \$84.91; Watchguard Video - DVR - \$480.00; WEF Main - Membership - \$82.50; Wegner Auto - 2022 Dodge Pickup - \$65,032.00; Western Iowa Tech Comm College - Training - \$475.00; Wilson/Dylan - Per Diem - \$160.00; Winckler/Danicka - Lifeguard Class Refund - \$213.00; Winn-911 Software - Tech Support - \$660.00; Woehl/Toby - Refund Licensing Fee - \$3,000.00; Xerox Financial Services - Copier Lease - \$1,494.19; Xtreme Car Wash - Patrol Car Washes - \$286.80; Yankton Area Arts Assn - 1/2 Sp Appropriation - \$2,500.00; Yankton Area Prog. Growth - Sales Tax Reimb 1st Qtr - \$93,399.61; Yankton County - Pictometry Payment - \$9,521.57; Yankton Fire & Safety Co - Fire Ext Inspection - \$459.25; Yankton Media - Advertisement - \$266.73; Yankton Police Department - Petty Cash - \$81.00; Yankton Redi Mix - Road Materials - \$557.00; Yankton Rod Ctr - Recording Fees - \$95.00; Yankton School District 63-3 - 1st Qtr Shared Expenses - \$50,269.17; Yankton Thrive - 1/4 Sp Appropriation - \$109,930.75; Yankton Title - Creek Land Purchase - \$3,675.50; Yankton Winnelson - Faucet - \$311.76; Ykt Janitorial & Dt Sc - Floor Finish And Pads - \$689.50; Zoro Tools - Sandblasting Cabinet - \$3,857.96

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

Motion adopted.

Salaries By Department: April 2022: Administration \$79,286.45; Finance \$54,442.08; Community Development \$42,444.82; Police/Dispatch \$269,911.98; Fire \$24,087.41; Engineering / Sr. Citizens \$59,555.27; Streets \$75,518.96; Traffic Control \$6,605.83; Library \$52,001.79; Parks / SAC \$111,892.15; Marne Creek \$7,997.07; Water \$61,939.37; Wastewater \$66,484.71; Cemetery \$6,891.99; Solid Waste \$32,545.27; Landfill / Recycle \$36,825.94; Central Garage \$12,480.53

New Hires: Recreation Dept - Lifeguard: Aubrey Herbolsheimer \$13 hr; Jackson Slowey \$13 hr. Aerobics Instr; Barb Law \$14 hr. Parks Dept – Grounds Maintenance: Rockie Wampol \$22 hr; John Gleich \$22 hr; Jay Walsh \$1,543.38 bi-weekly; Brandon Pavel \$1,543.38 bi-weekly. Communications

Dept – Dispatcher: Kelly Skrzypek \$1,620.30 bi-weekly. Police Dept – Police Officer: Kyler Pekarek \$26.36 hr; Crossing Guard: Madeline Hauser \$10 hr.

Wage Changes: Recreation Dept – WSI/WSI Instr: Dawn Bergeson \$12/\$20 to \$13/\$25 hr. Library – Library Asst: Tahlia Reynolds \$1,450.19 to \$1,468.46 bi-weekly. Police Dept – Police Officer: Dillon Bollinger \$2,007.30 to \$2,060.69 bi-weekly; Jon Todd \$2,007.30 to \$2,060.69 bi-weekly; Marcus Urban \$2,007.30 to \$2,060.69 bi-weekly.

Position Changes: Jordan Groves, Sanitation Truck Driver to Grounds Maintenance in Parks, \$1,601.30 to \$1,602.46 bi-weekly.

Mayor Moser read the proclamation, declaring May 15th – 21st, 2022 as National Police Week 2022 and presented it to Chief Jason Foote.

City Manager Leon thanked all officers and submitted a written report giving an update on community projects and items of interest.

There were no public appearances at that time.

Action 22-105

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

1. **Establishing public hearing for transfer of ownership**
Establish May 23, 2022, as the date for the public hearing on the request for a transfer of ownership of a Retail (on-off-sale) Wine & Cider for January 1, 2022 to December 31, 2022, from TST, Inc. d/b/a Phinney's Pub & Casino (John Tuttle, President), to Phinney's, LLC., d/b/a Phinney's Pub & Casino (Deb Palmer, President), 2101 Broadway Tenancy Location 40 & 50, Yankton, S.D.
2. **Establishing public hearing for transfer of ownership**
Establish May 23, 2022, as the date for the public hearing on the request for a transfer of ownership of a Retail (on-off-sale) Malt Beverage & SD Farm Wine for July 1, 2022, to June 30, 2023, from TST, Inc. d/b/a Phinney's Pub & Casino (John Tuttle, President), to Phinney's, LLC., d/b/a Phinney's Pub & Casino (Deb Palmer, President), 2101 Broadway Tenancy Location 40 & 50, Yankton, S.D.
3. **Budget Meeting Date**
Setting date of June 13, 2022, with a second date of June 14, 2022 (to be used if necessary) at 5:30 pm in CMTEA Room #114 for Budget Meetings to discuss CIP
4. **Work Session**
Setting date of May 23, 2022, at 6:00 pm in Room #114 of the Career Manufacturing Technical Education Academy for the next work session of the Yankton City Commission

5. **Establish public hearing for sale of alcoholic beverages**

Establish May 23, 2022, as the date for the public hearing on the request for a Special Events Retail (on-sale) Liquor License for 1 day, June 4, 2022, from Stripes, Inc d/b/a Mojo's 3rd Street, 106 E 3rd St, Yankton, SD at The Meridian Venue, 101 E. 3rd Street, Yankton, SD.

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

Action 22-106

Moved by Commissioner Johnson, seconded by Commissioner Villanueva, to adjourn Sine Die at 7:21 p.m.

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

City Attorney DenHerder administered the Oath of office to re-elected City Commissioners Jerry L. Webber, Mason Schramm and Amy Miner.

In absence of a Mayor, City Manager Leon called the meeting to order.

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

Quorum present.

City Manager Leon requested nominations for Office of Mayor for the 2022-2023 term. Commissioner Benson nominated Commissioner Moser for the Office of Mayor, seconded by Commissioner Schramm.

Action 22-107

Moved by Commissioner Webber, seconded by Commissioner Villanueva, that nominations cease and a unanimous ballot be cast for Commissioner Moser for the position of Mayor.

Roll Call: Commissioners voting "Aye" were Benson, Brunick, Johnson, Maibaum, Miner, Schramm, Webber and Villanueva; Commissioners voting "Nay:" None. Abstain: Commissioner Moser.

Motion adopted.

City Manager Leon turned the meeting over to Mayor Moser at this time.

Action 22-108

This was the time and place for the public hearing of the Renewal of Malt Beverage Licenses for the 2022-2023 Licensing period. (Memorandum 22-73) No one was present to speak for or against the application.

Moved by Commissioner Benson, seconded by Commissioner Webber, to approve the licenses.

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

Action 22-109

Moved by Commissioner Maibaum, seconded by Commissioner Webber, to approve Resolution 22-17. (Memorandum 22-85)

RESOLUTION 22-17

WHEREAS, the City of Yankton owns an approximate eight (8) acre parcel northwest of the Intersection of Broadway Avenue and 31st Street., and

WHEREAS, Dr. Kyle Kenfield, Paradigm Technologies, Inc. has offered \$200,000 to purchase the site, 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, that they hereby agree to transfer the below described property, subject to all provisions of the associated "Real Estate Purchase Agreement" to Yankton Thrive for the purpose of sale to Dr. Kyle Kenfield, Paradigm Technologies, Inc, and

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

The South Six Hundred Twenty-Two Feet (S 622') of the East Five Hundred Sixty Feet (E 560') of Tract 1, Lot A, in the Southeast Quarter (SE 1/4) of Section Thirty-Six (36), Township Ninety-Four North (94N), Range Fifty-Six West (56W) of the 5th P.M., City and County of Yankton, South Dakota, measuring approximately eight (8) acres, more or less ("the Property"). To be plated and named.

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

Action 22-110

Moved by Commissioner Miner, seconded by Commissioner Benson, to approve the contract for professional services with Stockwell Engineers in the amount of \$34,800.00 for design and construction administration of the labyrinth and sundial/meditative garden feature.
(Memorandum 22-75)

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

Action 22-111

Moved by Commissioner Brunick, seconded by Commissioner Villanueva, to approve the funding agreements for Westside Park Meditative Garden, Sundial and Labyrinth. (Memorandum 22-76)

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

Action 22-112

Moved by Commissioner Villanueva, seconded by Commissioner Johnson, to approve funding of 1/3 of the total cost, not to exceed \$4,666.00 utilizing the BBB fund for Riverside Baseball Stadium Turf Replacement. (Memorandum 22-77)

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

Motion adopted.

Action 22-113

Colton Griffin was present and informed the Commission that he is working on this project as a part of his 'Eagle Scout' process. He requested that the Commission support this project.

Moved by Commissioner Miner, seconded by Commissioner Webber, to confirm the matching funds for the Skate Park Equipment to a maximum of \$10,000 from the BBB Fund. (Memorandum 22-78)

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

Motion adopted.

Action 22-114

Moved by Commissioner Benson, seconded by Commissioner Brunick, to approve Resolution 22-16. (Memorandum 22-74)

RESOLUTION 22-16

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 Caterpillar 420 Backhoe CAT0420DLFD23133

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

Motion adopted.

Action 22-115

Moved by Commissioner Johnson, seconded by Commissioner Benson, to approve the contract with Surveying and Mapping, LLC, of Maryville, MO in the total amount of \$176,380.00 and authorize the City Manager to sign all related documents. (Memorandum 22-79)

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

Motion adopted.

Action 22-116

Moved by Commissioner Villanueva, seconded by Commissioner Benson, to approve a Sidewalk Cafe Permit to 100 West 3rd Street doing business as Walnut Tavern. (Memorandum 22-80)

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

Motion adopted.

Action 22-117

Moved by Commissioner Villanueva, seconded by Commissioner Benson, to approve the Music at the Meridian Concert Series and grant the City Manager the ability to sign all documents/contracts for the event. (Memorandum 22-82)

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

Motion adopted.

Action 22-118

Moved by Commissioner Villanueva, seconded by Commissioner Schramm, to approve the Kids in the Park event series and allow for the City Manager to be granted the ability to sign all documents/contracts needed for the event. (Memorandum 22-83)

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

Motion adopted.

Action 22-119

Moved by Commissioner Villanueva, seconded by Commissioner Webber, to approve the request for a public firework display hosted by Parks and Recreation on July 4, 2022. (Memorandum 22-81)

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

Motion adopted.

Action 22-120

Moved by Commissioner Johnson, seconded by Commissioner Villanueva, to approve Resolution 22-18. (Memorandum 22-84)

RESOLUTION 22-18

RESOLUTION GIVING APPROVAL TO CERTAIN SEWER FACILITIES IMPROVEMENTS; GIVING APPROVAL TO THE ISSUANCE AND SALE OF A REVENUE BOND TO FINANCE, DIRECTLY OR INDIRECTLY, THE IMPROVEMENTS TO THE FACILITIES; APPROVING THE FORM OF THE LOAN AGREEMENT AND THE REVENUE BOND AND PLEDGING PROJECT REVENUES AND COLLATERAL TO SECURE THE PAYMENT OF THE REVENUE BOND; AND CREATING SPECIAL FUNDS AND ACCOUNTS FOR THE ADMINISTRATION OF FUNDS FOR OPERATION OF THE SYSTEM AND RETIREMENT OF THE REVENUE BOND AND PROVIDING FOR A SEGREGATED SPECIAL CHARGE OR SURCHARGE FOR THE PAYMENT OF THE BONDS.

WHEREAS, one of the purposes of SDCL Chapter 9-40 (the “Act”) as found and determined by the Legislature is to provide for financing the acquisition, maintenance, operation, extension or improvement of any system or part of any system for the collection, treatment and disposal of sewage and other domestic, commercial and industrial wastes; or any system for the control of floods and drainage; or any combination thereof, together with extensions, additions, and necessary appurtenances; and,

WHEREAS, a municipality is authorized by Section 6 of the Act to issue revenue bonds to defray the cost of extensions, additions and improvements to any utility previously owned without pledging its credit and is authorized to pledge the net income or revenues from the Project in accordance with Section 15 of the Act; and,

WHEREAS, the City of Yankton (the “City”) currently operates a sewer system for the collection, treatment and disposal of sewage and other domestic, commercial and industrial wastes; and for the control of floods and drainage and has determined that improvements to the sewer facilities are necessary for the conduct of its governmental programs and qualifies as an improvement, extension or addition to its sewer system; and,

WHEREAS, the City has determined to issue its revenue bonds to finance the improvements to its sewer system for the purpose of collecting, treating and disposing of sewage and other domestic, commercial and industrial wastes (the “System”) and has applied to the South Dakota Conservancy District (the “District”) for a Clean Water State Revolving Fund Loan to finance the improvements;

WHEREAS, the City shall adopt special rates or surcharges for the improvements to be pledged, segregated and used for the payment of the Bonds.

NOW THEREFORE BE IT RESOLVED by the City as follows:

SECTION 1. Definitions. The terms when used in this Resolution shall have the following meanings set forth in this section unless the context clearly requires otherwise. All terms used in this Resolution which are not defined herein shall have the meanings assigned to them in the Loan Agreement unless the context clearly otherwise requires.

“**Act**” means South Dakota Codified Laws Chapter 9-40.

“**Loan**” means the Loan made by the South Dakota Conservancy District to the City pursuant to the terms of the Loan Agreement and as evidenced by the Revenue Bond.

“**Project**” means the City of Yankton Treatment Plant Improvements.

“**Revenue Bond**” means the revenue bond or bonds issued the date of the Loan Agreement by the City to the South Dakota Conservancy District to evidence the City’s obligation to repay the principal of and pay interest and Administrative Expense Surcharge on the Loan.

“**System**” means the City’s system of collecting, treating and disposing of sewage and other domestic, commercial and industrial wastes.

SECTION 2. Declaration of Necessity and Findings.

2.1.1. Declaration of Necessity. The City hereby determines and declares it is necessary to construct and finance improvements to its System described as the Project.

2.2. Findings. The City does hereby find as follows:

2.2.1. The City hereby expressly finds that if the Project is not undertaken, the System will pose a health hazard to the City and its inhabitants and will make the City unable to comply with state and federal law.

2.2.2. Because of the functional interdependence of the various portions of the System, the fact that the System may not lawfully operate unless it complies with State and federal laws, including SDCL Chapter 34A-2, and the federal Clean Water Act, and the nature of the improvements financed, the City hereby finds and determines that the Project will substantially benefit the entire System and all of its users within the meaning of Sections 15 and 17 of the Act.

2.2.3. The City hereby determines and finds that for the purposes of the Act, including, in particular, Sections 15 and 17 of the Act, only the net income from the Project financed by the Revenue Bond be pledged for its payment.

SECTION 3. Authorization of Loan, Pledge of Revenue and Security.

3.1. Authorization of Loan. The City hereby determines and declares it necessary to finance up to \$23,318,450 of the costs of the Project through the issuance of bonds payable from the revenue of the Project and other funds secured by the City. The City hereby determines that because the Revenue Bond is issued in connection with a financing agreement described in SDCL 46A-1-49, pursuant to Section 15 of the Act no election is required to issue the Revenue Bond.

3.2. Approval of Loan Agreement. The execution and delivery of the Revenue Obligation Loan Agreement (the "Loan Agreement"), the form of which is on file with the Finance Officer (the "Finance Officer") and open to public inspection, between the City as Borrower and the District, is hereby in all respects authorized, approved and confirmed, and the Mayor and Finance Officer are hereby authorized and directed to execute and deliver the Loan Agreement in the form and content attached hereto, with such changes as the Attorney for the City deems appropriate and approves, for and on behalf of the City. The Mayor and Finance Officer are hereby further authorized and directed to implement and perform the covenants and obligations of the City set forth in or required by the Loan Agreement. The Loan Agreement herein referred to and made a part of this Resolution is on file in the office of the Finance Officer and is available for inspection by any interested party.

3.3. Approval of Revenue Bond. The issuance of a revenue bond in a principal amount not to exceed \$23,318,450 as determined according to the Loan Agreement in the form and content set forth in Appendix B attached to the form of Loan Agreement (the "Revenue Bond") shall be and the same is, in all respects, hereby authorized, approved, and confirmed and the Mayor, Finance Officer, and other appropriate officials shall be and are hereby authorized and directed to execute and seal the Revenue Bond and deliver the Revenue Bond to the District, for and on behalf of the City, upon receipt of the purchase price, and to use the proceeds thereof in the manner set forth in the Loan Agreement. The Mayor and Finance Officer are hereby authorized to approve the final terms of the Revenue Bond and their execution and delivery thereof shall evidence that approval. The Revenue Bond shall be issued under the authority of SDCL Chapter 9-40 and SDCL Chapter 6-8B, and the provisions of the Act are hereby expressly incorporated herein as provided in Section 19 of the Act.

3.4. Pledge of Revenues. The Revenue Bond together with the interest thereon, shall not constitute a charge against the City's general credit or taxing power, but shall be a limited obligation of the City payable solely out of the Project Debt Service Account, which payments, revenues and receipts are hereby and in the Loan Agreement pledged and assigned for the equal and ratable payments of the Revenue Bond and shall be used for no other purpose than to pay the principal of, interest and Administrative Surcharge on the Revenue Bond, except as may be otherwise expressly authorized in the Loan Agreement (including the purpose of securing Additional Bonds issued as permitted by the terms thereof). The City covenants and agrees to charge rates for all services from the Project or establish special charges or surcharges which will be sufficient to provide for the payments upon the Revenue Bond issued hereunder as and when the same become due, and as may be necessary to provide for the operation and maintenance and repairs of the Project, and depreciation, and the Rate Resolution shall be revised from time to time so as to produce these amounts. The City hereby reserves the right to determine on a periodic basis the appropriate allocation of operation and maintenance expenses, depreciation, repair and reserves associated with the facilities financed with the Revenue Bond, provided that such determination of allocable operation and maintenance expenses shall in no event abrogate, abridge or otherwise contravene the covenant of the City set forth in this Section 3 or any other covenant or agreement in the Loan Agreement.

SECTION 4. Special Charge or Surcharge for Revenue Bond.

4.1. The City does hereby create the Revenue Bond Special-Surcharge District (the “Surcharge District”) which shall include all users which benefit from the Project. There shall be charged a special charge or surcharge pursuant to Section 15 of the Act for the services provided by Project financed by the Revenue Bond. The special charge or surcharge shall be segregated from other revenues of the System and shall be used for the payment of the Revenue Bond. The special charge or surcharge shall create net income, remaining from time to time after first paying all reasonable and current expenses of maintenance, repairs, replacements and operation, sufficient to fund interest, reserve and debt service fund annual requirements and shall be 110% of the debt service requirements on the Revenue Bond.

4.2. Rates and collection. The rate herein specific will be collected as a special charge or surcharge for the Project. This special charge or surcharge shall remain in effect until such time as the Revenue Bond is defeased or paid in full.

4.3. Initial Surcharge. The initial special charge or surcharge shall be set by resolution and collected at the same time as other charges of the utility. All users within the Surcharge District which benefit from the Project, current and future, shall be charged the special charge or surcharge. The special charge or surcharge is found to be equitable for the services provided by the Project. The special charge or surcharge shall begin at such time as will produce sufficient revenue to pay principal of, interest and Administrative Surcharge on the Revenue Bond when due.

4.4. Segregation. The Finance Officer shall set up bookkeeping accounts in accordance with South Dakota Legislative Audit guidelines for the segregation of the revenue, special charges and surcharges.

4.5. Periodic review. The amount of the surcharge shall be reviewed from time to time, not less than yearly, and shall be modified in order to produce such funds as are necessary and required to comply with the Loan Agreement’s rate covenant and to pay principal of, interest and Administrative Surcharge on the Revenue Bond when due. The surcharge may be set by resolution in accordance with this Section. The rate resolution shall be necessary for the support of government and shall be effective upon passage.

SECTION 5. Additional Bonds. As permitted by Sections 8 and 9 of the Act, Additional Bonds payable from revenues and income of the System or Project may be issued, as permitted in the Loan Agreement, and no provision of this Resolution shall have the effect of restricting the issuance of, or impairing the lien of, such additional parity bonds with respect to the net revenues or income from the extensions, additions or improvements. The City shall have the right to issue additional bonds secured by a lien subordinate to the lien from the Revenue Bond pursuant to the Loan Agreement.

SECTION 6. Project Fund Accounts. For the purpose of application and proper allocation of the income of the Project and to secure the payment of principal, Administrative Surcharge and interest on the Revenue Bond, the following mandatory asset segregations shall be included in the sewer system account of the City and shall be used solely for the following respective purposes until payment in full of the principal of and interest on the Revenue Bond:

6.1. Project Revenue Account. There shall be deposited periodically into the Project Revenue Account the net revenues as defined in Section 17 of the Act derived from the operation of the Project collected pursuant to the resolutions and ordinances of the City of Yankton, South Dakota (collectively the “Rate

Resolution”). Moneys from the Project Revenue Account shall be transferred periodically into separate funds and accounts as provided below.

6.2. Project Debt Service Account. Out of the revenues in the Project Revenue Account, there shall be set aside no later than the 25th day of each month into the account designated Project Debt Service Account, a sum sufficient to provide for the payment as the same become due of the next maturing principal of, interest and Administrative Surcharge on the Revenue Bonds and any reserve determined by the City’s governing body to be necessary. The amount set aside monthly shall be not less than one-third of the total principal, interest, and Administrative Surcharge payable on the following February 15, May 15, August 15 or November 15 and if there shall be any deficiency in the amount previously set aside, then the amount of such deficiency shall be added to the current requirement.

6.3. Depreciation Account. There shall be established a General Depreciation Account. Out of the revenues of the Project Revenue Account there shall be set aside each month into the General Depreciation Account an amount determined by the Common Council to be a proper and adequate amount for repair and depreciation of the Project.

6.4. Project Surplus Account. There shall be established the Project Surplus Account. Revenues remaining in the Project Revenue Account at the end of any fiscal year after all periodic transfers have been made therefrom as above required, shall be deemed to be surplus and shall be transferred to the Project Surplus Account. If at any time there shall exist any default in making any periodic transfer to the Project Debt Service Account, the Common Council shall authorize the Finance Officer to rectify such default so far as possible by the transfer of money from the Project Surplus Account. If any such default shall exist as to more than one account or fund at any time, then such transfer shall be made in the order such funds and accounts are listed above.

When not required to restore a current deficiency in the Project Debt Service Account, moneys in the Project Surplus Account from time to time may be used for any of the following purposes and not otherwise:

- (a) To redeem and prepay the Revenue Bond when and as such Revenue Bond becomes prepayable according to its terms;
- (b) To pay for repairs of or for the construction and installation of improvements or additions to the System; and, if the balances in the Project Debt Service Account and the Project Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made there from prior to the end of the then current fiscal year, then:
- (c) To be held as a reserve for redemption and prepayment of any bonds of the System which are not then but will later be prepayable according to their terms; or
- (d) To be used for any other authorized municipal purpose designated by the Common Council.
- (e) No moneys shall at any time be transferred from the Project Surplus Account or any other account of the Fund to any other fund of the City, nor shall such moneys at any time be loaned to other municipal funds or invested in warrants, special improvements bonds or other obligations payable from other funds, except as provided in this Section.

SECTION 7. Approval of Paying Agent/Registrar. The Revenue Bond shall be payable at the office of U.S. Bank National Association, St. Paul, Minnesota, hereby designated as paying agent and registrar.

SECTION 8. Approval of Bond Counsel. Meierhenry Sargent LLP is hereby retained as Bond Counsel with respect to the Revenue Bond.

SECTION 9. Tax Matters. The Interest on the Revenue Bond shall be excludable from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (“the Code”) and applicable Treasury Regulations (the “Regulations”).

SECTION 10. Covenants. The City hereby covenants and agrees with the District and other owners of the Revenue Bond as follows:

10.1. The City will punctually perform all duties with reference to the Project, the System and the Revenue Bond required by the constitution and laws of the State of South Dakota and by this Resolution.

10.2. The City agrees and covenants that it will promptly construct the improvements included in the Project.

10.3. The City covenants and agrees that pursuant to Sections 25 through 27 of the Act, the lawful holders of the Revenue Bond shall have a statutory mortgage lien upon the Project and the extensions, additions and improvements thereto acquired pursuant to the Act, until the payment in full of the principal and interest on the Revenue Bond, and the City agrees not to sell or otherwise dispose of the System, the Project, or any substantial part thereof, except as provided in the Loan Agreement and shall not establish, authorize or grant a franchise for the operation of any other utility supplying like products or services in competition therewith, or permit any person, firm or corporation to compete with it in the distribution of water for municipal, industrial, and domestic purposes within the City.

10.4. The City covenants and agrees with the District and other owners of the Revenue Bond that it will maintain the System in good condition and operate the same in an efficient manner and at a reasonable cost, so long as any portion of the Revenue Bond remains outstanding; that it will maintain insurance on the System for the benefit of the holders of the Revenue Bond in an amount which usually would be carried by private companies in a similar type of business; that it will prepare, keep and file records, statements and accounts as provided for in this Resolution and the Loan Agreement. The Revenue Bond shall refer expressly to this Resolution and the Act and shall state that it is subject to all provisions and limitations thereof pursuant to Section 19 of the Act.

SECTION 11. Depositories. The Finance Officer shall cause all moneys pertaining to the Funds and Accounts to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of SDCL Ch. 4-6A, in a deposit account or accounts, which shall be maintained separate and apart from all other accounts of the City, so long as any of the Bonds and the interest thereon shall remain unpaid. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No money shall at any time be withdrawn from such deposit accounts except for the purposes of the Funds and Accounts as authorized in this Resolution; except that moneys from time to time on hand in the Funds and Accounts may at any time, in the discretion of the City’s governing body, be invested in securities permitted by the provisions of SDCL 4-5-6; provided, however, that the Depreciation Fund may be invested in such securities maturing not

later than ten years from the date of the investment. Income received from the deposit or investment of moneys shall be credited to the Fund or Account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys therein.

SECTION 12. Consent to Appointment. In the event of mismanagement of the Project, a default in the payment of the principal or interest of the Revenue Bond, or in any other condition thereof materially affecting the lawful holder of the Revenue Bond, or if the revenues of the Project are dissipated, wasted or diverted from their proper application as set forth in the Loan Agreement, Revenue Bond, or herein, the City hereby consents to the appointment of a receiver pursuant to Section 33 of the Act, and agrees that the receiver will have the powers set forth therein, and in Sections 34 and 35 of the Act to operate and administer the Project, and charge and collect rates as described therein.

SECTION 13. Severability. If any section, paragraph, clause or provision of this Resolution, the Loan Agreement, the Revenue Bond, or any other Loan Document shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution or said Loan Agreement, Revenue Bond, or any other Loan Document.

SECTION 14. Repeal of Resolution. At such time as the Revenue Bond is defeased or paid in full, this Resolution and the special charge or surcharge shall automatically be repealed without any further action of the City.

SECTION 15. Authorization of City Officials. The Mayor, Finance Officer, City Attorney and City officials shall be and they are hereby authorized to execute and deliver for and on behalf of the City any and all other certificates, documents or other papers and to perform such other acts as they may deem necessary or appropriate in order to implement and carry out the actions authorized herein.

SECTION 16. Effective Date. This Resolution shall take effect on the 20th day following its publication, unless suspended by a referendum.

Adopted at Yankton, South Dakota, this 9th day of May, 2022.

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

Action 22-121

Moved by Commissioner Brunick, seconded by Commissioner Johnson, to approve Resolution 22-19.
(Memorandum 22-86)

RESOLUTION 22-19

RESOLUTION GIVING APPROVAL TO CERTAIN SEWER FACILITIES IMPROVEMENTS; GIVING APPROVAL TO THE ISSUANCE AND SALE OF A REVENUE BOND TO FINANCE, DIRECTLY OR INDIRECTLY, THE IMPROVEMENTS TO THE FACILITIES; APPROVING THE FORM OF THE LOAN AGREEMENT AND THE REVENUE BOND AND PLEDGING PROJECT REVENUES AND COLLATERAL TO SECURE THE PAYMENT OF THE REVENUE BOND; AND CREATING SPECIAL FUNDS AND ACCOUNTS FOR THE ADMINISTRATION OF FUNDS FOR OPERATION OF THE SYSTEM AND RETIREMENT OF THE REVENUE BOND AND PROVIDING FOR A SEGREGATED SPECIAL CHARGE OR SURCHARGE FOR THE PAYMENT OF THE BONDS.

WHEREAS, one of the purposes of SDCL Chapter 9-40 (the “Act”) as found and determined by the Legislature is to provide for financing the acquisition, maintenance, operation, extension or improvement of any system or part of any system for the collection, treatment and disposal of sewage and other domestic, commercial and industrial wastes; or any system for the control of floods and drainage; or any combination thereof, together with extensions, additions, and necessary appurtenances; and,

WHEREAS, a municipality is authorized by Section 6 of the Act to issue revenue bonds to defray the cost of extensions, additions and improvements to any utility previously owned without pledging its credit and is authorized to pledge the net income or revenues from the Project in accordance with Section 15 of the Act; and,

WHEREAS, the City of Yankton (the “City”) currently operates a sewer system for the collection, treatment and disposal of sewage and other domestic, commercial and industrial wastes; and for the control of floods and drainage and has determined that improvements to the sewer facilities are necessary for the conduct of its governmental programs and qualifies as an improvement, extension or addition to its sewer system; and,

WHEREAS, the City has determined to issue its revenue bonds to finance the improvements to its sewer system for the purpose of collecting, treating and disposing of sewage and other domestic, commercial and industrial wastes (the “System”) and has applied to the South Dakota Conservancy District (the “District”) for a Clean Water State Revolving Fund Loan to finance the improvements;

WHEREAS, the City shall adopt special rates or surcharges for the improvements to be pledged, segregated and used for the payment of the Bonds.

NOW THEREFORE BE IT RESOLVED by the City as follows:

SECTION 17. Definitions. The terms when used in this Resolution shall have the following meanings set forth in this section unless the context clearly requires otherwise. All terms used in this Resolution which are not defined herein shall have the meanings assigned to them in the Loan Agreement unless the context clearly otherwise requires.

“**Act**” means South Dakota Codified Laws Chapter 9-40.

“**Loan**” means the Loan made by the South Dakota Conservancy District to the City pursuant to the terms of the Loan Agreement and as evidenced by the Revenue Bond.

“Project” means the City of Yankton Wastewater Collection Improvements.

“Revenue Bond” means the revenue bond or bonds issued the date of the Loan Agreement by the City to the South Dakota Conservancy District to evidence the City’s obligation to repay the principal of and pay interest and Administrative Expense Surcharge on the Loan.

“System” means the City’s system of collecting, treating and disposing of sewage and other domestic, commercial and industrial wastes.

SECTION 18. Declaration of Necessity and Findings.

18.1.1. Declaration of Necessity. The City hereby determines and declares it is necessary to construct and finance improvements to its System described as the Project.

18.2. Findings. The City does hereby find as follows:

18.2.1. The City hereby expressly finds that if the Project is not undertaken, the System will pose a health hazard to the City and its inhabitants and will make the City unable to comply with state and federal law.

18.2.2. Because of the functional interdependence of the various portions of the System, the fact that the System may not lawfully operate unless it complies with State and federal laws, including SDCL Chapter 34A-2, and the federal Clean Water Act, and the nature of the improvements financed, the City hereby finds and determines that the Project will substantially benefit the entire System and all of its users within the meaning of Sections 15 and 17 of the Act.

18.2.3. The City hereby determines and finds that for the purposes of the Act, including, in particular, Sections 15 and 17 of the Act, only the net income from the Project financed by the Revenue Bond be pledged for its payment.

SECTION 19. Authorization of Loan, Pledge of Revenue and Security.

19.1. Authorization of Loan. The City hereby determines and declares it necessary to finance up to \$7,200,000 of the costs of the Project through the issuance of bonds payable from the revenue of the Project and other funds secured by the City. The City hereby determines that because the Revenue Bond is issued in connection with a financing agreement described in SDCL 46A-1-49, pursuant to Section 15 of the Act no election is required to issue the Revenue Bond.

19.2. Approval of Loan Agreement. The execution and delivery of the Revenue Obligation Loan Agreement (the “Loan Agreement”), the form of which is on file with the Finance Officer (the “Finance Officer”) and open to public inspection, between the City as Borrower and the District, is hereby in all respects authorized, approved and confirmed, and the Mayor and Finance Officer are hereby authorized and directed to execute and deliver the Loan Agreement in the form and content attached hereto, with such changes as the Attorney for the City deems appropriate and approves, for and on behalf of the City. The Mayor and Finance Officer are hereby further authorized and directed to implement and perform the covenants and obligations of the City set forth in or required by the Loan Agreement. The Loan Agreement herein referred to and made a part of this Resolution is on file in the office of the Finance Officer and is available for inspection by any interested party.

19.3. Approval of Revenue Bond. The issuance of a revenue bond in a principal amount not to exceed \$7,200,000 as determined according to the Loan Agreement in the form and content set forth in Appendix B attached to the form of Loan Agreement (the “Revenue Bond”) shall be and the same is, in all respects, hereby authorized, approved, and confirmed and the Mayor, Finance Officer, and other appropriate officials shall be and are hereby authorized and directed to execute and seal the Revenue Bond and deliver the Revenue Bond to the District, for and on behalf of the City, upon receipt of the purchase price, and to use the proceeds thereof in the manner set forth in the Loan Agreement. The Mayor and Finance Officer are hereby authorized to approve the final terms of the Revenue Bond and their execution and delivery thereof shall evidence that approval. The Revenue Bond shall be issued under the authority of SDCL Chapter 9-40 and SDCL Chapter 6-8B, and the provisions of the Act are hereby expressly incorporated herein as provided in Section 19 of the Act.

19.4. Pledge of Revenues. The Revenue Bond together with the interest thereon, shall not constitute a charge against the City's general credit or taxing power, but shall be a limited obligation of the City payable solely out of the Project Debt Service Account, which payments, revenues and receipts are hereby and in the Loan Agreement pledged and assigned for the equal and ratable payments of the Revenue Bond and shall be used for no other purpose than to pay the principal of, interest and Administrative Surcharge on the Revenue Bond, except as may be otherwise expressly authorized in the Loan Agreement (including the purpose of securing Additional Bonds issued as permitted by the terms thereof). The City covenants and agrees to charge rates for all services from the Project or establish special charges or surcharges which will be sufficient to provide for the payments upon the Revenue Bond issued hereunder as and when the same become due, and as may be necessary to provide for the operation and maintenance and repairs of the Project, and depreciation, and the Rate Resolution shall be revised from time to time so as to produce these amounts. The City hereby reserves the right to determine on a periodic basis the appropriate allocation of operation and maintenance expenses, depreciation, repair and reserves associated with the facilities financed with the Revenue Bond, provided that such determination of allocable operation and maintenance expenses shall in no event abrogate, abridge or otherwise contravene the covenant of the City set forth in this Section 3 or any other covenant or agreement in the Loan Agreement.

SECTION 20. Special Charge or Surcharge for Revenue Bond.

20.1. The City does hereby create the Revenue Bond Special-Surcharge District (the “Surcharge District”) which shall include all users which benefit from the Project. There shall be charged a special charge or surcharge pursuant to Section 15 of the Act for the services provided by Project financed by the Revenue Bond. The special charge or surcharge shall be segregated from other revenues of the System and shall be used for the payment of the Revenue Bond. The special charge or surcharge shall create net income, remaining from time to time after first paying all reasonable and current expenses of maintenance, repairs, replacements and operation, sufficient to fund interest, reserve and debt service fund annual requirements and shall be 110% of the debt service requirements on the Revenue Bond.

20.2. Rates and collection. The rate herein specific will be collected as a special charge or surcharge for the Project. This special charge or surcharge shall remain in effect until such time as the Revenue Bond is defeased or paid in full.

20.3. Initial Surcharge. The initial special charge or surcharge shall be set by resolution and collected at the same time as other charges of the utility. All users within the Surcharge District which benefit from the Project, current and future, shall be charged the special charge or surcharge. The special charge

or surcharge is found to be equitable for the services provided by the Project. The special charge or surcharge shall begin at such time as will produce sufficient revenue to pay principal of, interest and Administrative Surcharge on the Revenue Bond when due.

20.4. Segregation. The Finance Officer shall set up bookkeeping accounts in accordance with South Dakota Legislative Audit guidelines for the segregation of the revenue, special charges and surcharges.

20.5. Periodic review. The amount of the surcharge shall be reviewed from time to time, not less than yearly, and shall be modified in order to produce such funds as are necessary and required to comply with the Loan Agreement's rate covenant and to pay principal of, interest and Administrative Surcharge on the Revenue Bond when due. The surcharge may be set by resolution in accordance with this Section. The rate resolution shall be necessary for the support of government and shall be effective upon passage.

SECTION 21. Additional Bonds. As permitted by Sections 8 and 9 of the Act, Additional Bonds payable from revenues and income of the System or Project may be issued, as permitted in the Loan Agreement, and no provision of this Resolution shall have the effect of restricting the issuance of, or impairing the lien of, such additional parity bonds with respect to the net revenues or income from the extensions, additions or improvements. The City shall have the right to issue additional bonds secured by a lien subordinate to the lien from the Revenue Bond pursuant to the Loan Agreement.

SECTION 22. Project Fund Accounts. For the purpose of application and proper allocation of the income of the Project and to secure the payment of principal, Administrative Surcharge and interest on the Revenue Bond, the following mandatory asset segregations shall be included in the sewer system account of the City and shall be used solely for the following respective purposes until payment in full of the principal of and interest on the Revenue Bond:

22.1. Project Revenue Account. There shall be deposited periodically into the Project Revenue Account the net revenues as defined in Section 17 of the Act derived from the operation of the Project collected pursuant to the resolutions and ordinances of the City of Yankton, South Dakota (collectively the "Rate Resolution"). Moneys from the Project Revenue Account shall be transferred periodically into separate funds and accounts as provided below.

22.2. Project Debt Service Account. Out of the revenues in the Project Revenue Account, there shall be set aside no later than the 25th day of each month into the account designated Project Debt Service Account, a sum sufficient to provide for the payment as the same become due of the next maturing principal of, interest and Administrative Surcharge on the Revenue Bonds and any reserve determined by the City's governing body to be necessary. The amount set aside monthly shall be not less than one-third of the total principal, interest, and Administrative Surcharge payable on the following February 15, May 15, August 15 or November 15 and if there shall be any deficiency in the amount previously set aside, then the amount of such deficiency shall be added to the current requirement.

22.3. Depreciation Account. There shall be established a General Depreciation Account. Out of the revenues of the Project Revenue Account there shall be set aside each month into the General Depreciation Account an amount determined by the Common Council to be a proper and adequate amount for repair and depreciation of the Project.

22.4. Project Surplus Account. There shall be established the Project Surplus Account. Revenues remaining in the Project Revenue Account at the end of any fiscal year after all periodic transfers have

been made therefrom as above required, shall be deemed to be surplus and shall be transferred to the Project Surplus Account. If at any time there shall exist any default in making any periodic transfer to the Project Debt Service Account, the Common Council shall authorize the Finance Officer to rectify such default so far as possible by the transfer of money from the Project Surplus Account. If any such default shall exist as to more than one account or fund at any time, then such transfer shall be made in the order such funds and accounts are listed above.

When not required to restore a current deficiency in the Project Debt Service Account, moneys in the Project Surplus Account from time to time may be used for any of the following purposes and not otherwise:

- (a) To redeem and prepay the Revenue Bond when and as such Revenue Bond becomes prepayable according to its terms;
- (b) To pay for repairs of or for the construction and installation of improvements or additions to the System; and, if the balances in the Project Debt Service Account and the Project Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made there from prior to the end of the then current fiscal year, then:
- (c) To be held as a reserve for redemption and prepayment of any bonds of the System which are not then but will later be prepayable according to their terms; or
- (d) To be used for any other authorized municipal purpose designated by the Common Council.
- (e) No moneys shall at any time be transferred from the Project Surplus Account or any other account of the Fund to any other fund of the City, nor shall such moneys at any time be loaned to other municipal funds or invested in warrants, special improvements bonds or other obligations payable from other funds, except as provided in this Section.

SECTION 23. Approval of Paying Agent/Registrar. The Revenue Bond shall be payable at the office of U.S. Bank National Association, St. Paul, Minnesota, hereby designated as paying agent and registrar.

SECTION 24. Approval of Bond Counsel. Meierhenry Sargent LLP is hereby retained as Bond Counsel with respect to the Revenue Bond.

SECTION 25. Tax Matters. The Interest on the Revenue Bond shall be excludable from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (“the Code”) and applicable Treasury Regulations (the “Regulations”).

SECTION 26. Covenants. The City hereby covenants and agrees with the District and other owners of the Revenue Bond as follows:

26.1. The City will punctually perform all duties with reference to the Project, the System and the Revenue Bond required by the constitution and laws of the State of South Dakota and by this Resolution.

26.2. The City agrees and covenants that it will promptly construct the improvements included in the Project.

26.3. The City covenants and agrees that pursuant to Sections 25 through 27 of the Act, the lawful holders of the Revenue Bond shall have a statutory mortgage lien upon the Project and the extensions, additions and improvements thereto acquired pursuant to the Act, until the payment in full of the principal and interest on the Revenue Bond, and the City agrees not to sell or otherwise dispose of the System, the Project, or any substantial part thereof, except as provided in the Loan Agreement and shall not establish, authorize or grant a franchise for the operation of any other utility supplying like products or services in competition therewith, or permit any person, firm or corporation to compete with it in the distribution of water for municipal, industrial, and domestic purposes within the City.

26.4. The City covenants and agrees with the District and other owners of the Revenue Bond that it will maintain the System in good condition and operate the same in an efficient manner and at a reasonable cost, so long as any portion of the Revenue Bond remains outstanding; that it will maintain insurance on the System for the benefit of the holders of the Revenue Bond in an amount which usually would be carried by private companies in a similar type of business; that it will prepare, keep and file records, statements and accounts as provided for in this Resolution and the Loan Agreement. The Revenue Bond shall refer expressly to this Resolution and the Act and shall state that it is subject to all provisions and limitations thereof pursuant to Section 19 of the Act.

SECTION 27. Depositories. The Finance Officer shall cause all moneys pertaining to the Funds and Accounts to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of SDCL Ch. 4-6A, in a deposit account or accounts, which shall be maintained separate and apart from all other accounts of the City, so long as any of the Bonds and the interest thereon shall remain unpaid. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No money shall at any time be withdrawn from such deposit accounts except for the purposes of the Funds and Accounts as authorized in this Resolution; except that moneys from time to time on hand in the Funds and Accounts may at any time, in the discretion of the City's governing body, be invested in securities permitted by the provisions of SDCL 4-5-6; provided, however, that the Depreciation Fund may be invested in such securities maturing not later than ten years from the date of the investment. Income received from the deposit or investment of moneys shall be credited to the Fund or Account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys therein.

SECTION 28. Consent to Appointment. In the event of mismanagement of the Project, a default in the payment of the principal or interest of the Revenue Bond, or in any other condition thereof materially affecting the lawful holder of the Revenue Bond, or if the revenues of the Project are dissipated, wasted or diverted from their proper application as set forth in the Loan Agreement, Revenue Bond, or herein, the City hereby consents to the appointment of a receiver pursuant to Section 33 of the Act, and agrees that the receiver will have the powers set forth therein, and in Sections 34 and 35 of the Act to operate and administer the Project, and charge and collect rates as described therein.

SECTION 29. Severability. If any section, paragraph, clause or provision of this Resolution, the Loan Agreement, the Revenue Bond, or any other Loan Document shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution or said Loan Agreement, Revenue Bond, or any other Loan Document.

SECTION 30. Repeal of Resolution. At such time as the Revenue Bond is defeased or paid in full, this Resolution and the special charge or surcharge shall automatically be repealed without any further action of the City.

SECTION 31. Authorization of City Officials. The Mayor, Finance Officer, City Attorney and City officials shall be and they are hereby authorized to execute and deliver for and on behalf of the City any and all other certificates, documents or other papers and to perform such other acts as they may deem necessary or appropriate in order to implement and carry out the actions authorized herein.

SECTION 32. Effective Date. This Resolution shall take effect on the 20th day following its publication, unless suspended by a referendum.

Adopted at Yankton, South Dakota, this 9th day of May, 2022.

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

Action 22-122

Moved by Commissioner Villanueva, seconded by Commissioner Miner, to approve Resolution 22-20. (Memorandum 22-87)

RESOLUTION 22-20

RESOLUTION GIVING APPROVAL TO CERTAIN DRINKING WATER FACILITIES IMPROVEMENTS; GIVING APPROVAL TO THE ISSUANCE AND SALE OF A REVENUE BOND TO FINANCE, DIRECTLY OR INDIRECTLY, THE IMPROVEMENTS TO THE FACILITIES; APPROVING THE FORM OF THE LOAN AGREEMENT AND THE REVENUE BOND AND PLEDGING PROJECT REVENUES AND COLLATERAL TO SECURE THE PAYMENT OF THE REVENUE BOND; AND CREATING SPECIAL FUNDS AND ACCOUNTS FOR THE ADMINISTRATION OF FUNDS FOR OPERATION OF THE SYSTEM AND RETIREMENT OF THE REVENUE BOND AND PROVIDING FOR A SEGREGATED SPECIAL CHARGE OR SURCHARGE FOR THE PAYMENT OF THE BONDS.

WHEREAS, one of the purposes of SDCL Chapter 9-40 (the “Act”) as found and determined by the Legislature is to provide for financing the acquisition, maintenance, operation, extension or improvement of any system or part of any system of waterworks for the purpose of providing water and water supply for domestic, municipal, together with extensions, additions, and necessary appurtenances; and,

WHEREAS, a municipality is authorized by Section 6 of the Act to issue revenue bonds to defray the cost of extensions, additions and improvements to any utility previously owned without pledging its credit and is authorized to pledge the net income or revenues from the Project in accordance with Section 15 of the Act; and,

WHEREAS, the City of Yankton (the “City”) currently operates a water distribution system to supply municipal, industrial and domestic water to its inhabitants and has determined that improvements to the drinking water facilities are necessary for the conduct of its governmental programs and qualifies as an improvement, extension or addition to its drinking water system; and,

WHEREAS, the City has determined to issue its revenue bonds to finance the improvements to its system of waterworks for the purpose of providing water and water supply for domestic, municipal, and industrial purposes (the “System”) and has applied to the South Dakota Conservancy District (the “District”) for a Drinking Water State Revolving Fund Loan to finance the improvements;

WHEREAS, the City shall adopt special rates or surcharges for the improvements to be pledged, segregated and used for the payment of the Bonds.

NOW THEREFORE BE IT RESOLVED by the City as follows:

SECTION 33. Definitions. The terms when used in this Resolution shall have the following meanings set forth in this section unless the context clearly requires otherwise. All terms used in this Resolution which are not defined herein shall have the meanings assigned to them in the Loan Agreement unless the context clearly otherwise requires.

“**Act**” means South Dakota Codified Laws Chapter 9-40.

“**Loan**” means the Loan made by the South Dakota Conservancy District to the City pursuant to the terms of the Loan Agreement and as evidenced by the Revenue Bond.

“**Project**” means the City of Yankton Water Distribution and Storage Improvements.

“**Revenue Bond**” means the revenue bond or bonds issued the date of the Loan Agreement by the City to the South Dakota Conservancy District to evidence the City’s obligation to repay the principal of and pay interest and Administrative Expense Surcharge on the Loan.

“**System**” means the City’s system of waterworks used for the purpose of providing water and water supply for domestic, municipal, and industrial purposes.

SECTION 34. Declaration of Necessity and Findings.

34.1. Declaration of Necessity. The City hereby declares and determines it is necessary to construct and finance improvements to its drinking water facilities within its System described as the Project.

34.2. Findings. The City does hereby find as follows:

34.2.1. The City hereby expressly finds that if the Project is not undertaken, the System will pose a health hazard to the City and its inhabitants, and will make the City unable to comply with state and federal law.

34.2.2. Because of the functional interdependence of the various portions of the System, the fact that the System may not lawfully operate unless it complies with State and federal laws, including SDCL Chapter 34A-3A, and the federal Safe Drinking Water Act, and the nature of the improvements financed, the City hereby finds and determines that the Project will substantially benefit the entire System and all of its users within the meaning of Sections 15 and 17 of the Act.

34.2.3. The City hereby determines and finds that for the purposes of the Act, including, in particular, Sections 15 and 17 of the Act, that only the net income from the Project financed by the Revenue Bond be pledged for its payment.

SECTION 35. Authorization of Loan, Pledge of Revenue and Security.

35.1. Authorization of Loan. The City hereby determines and declares it necessary to finance up to \$8,202,000 of the costs of the Project through the issuance of bonds payable from the revenue of the Project and other funds secured by the City. The City hereby determines that because the Revenue Bond is issued in connection with a financing agreement described in SDCL 46A-1-49, pursuant to Section 15 of the Act no election is required to issue the Revenue Bond.

35.2. Approval of Loan Agreement. The execution and delivery of the Revenue Obligation Loan Agreement (the "Loan Agreement"), the form of which is on file with the City Finance Officer (the "Finance Officer") and open to public inspection, between the City as Borrower and the District, is hereby in all respects authorized, approved and confirmed, and the Mayor and Finance Officer are hereby authorized and directed to execute and deliver the Loan Agreement in the form and content attached hereto, with such changes as the Attorney for the City deems appropriate and approves, for and on behalf of the City. The Mayor and Finance Officer are hereby further authorized and directed to implement and perform the covenants and obligations of the City set forth in or required by the Loan Agreement. The Loan Agreement herein referred to and made a part of this Resolution is on file in the office of the Finance Officer and is available for inspection by any interested party.

35.3. Approval of Revenue Bond. The issuance of a revenue bond in a principal amount not to exceed \$8,202,000 as determined according to the Loan Agreement in the form and content set forth in Appendix B attached to the form of Loan Agreement (the "Revenue Bond") shall be and the same is, in all respects, hereby authorized, approved, and confirmed and the Mayor, Finance Officer, and other appropriate officials shall be and are hereby authorized and directed to execute and seal the Revenue Bond and deliver the Revenue Bond to the District, for and on behalf of the City, upon receipt of the purchase price, and to use the proceeds thereof in the manner set forth in the Loan Agreement. The Mayor and Finance Officer are hereby authorized to approve the final terms of the Revenue Bond and their execution and delivery thereof shall evidence that approval. The Revenue Bond shall be issued under the authority of SDCL Chapter 9-40 and SDCL Chapter 6-8B, and the provisions of the Act are hereby expressly incorporated herein as provided in Section 19 of the Act.

35.4. Pledge of Revenues. The Revenue Bond together with the interest thereon, shall not constitute a charge against the City's general credit or taxing power, but shall be a limited obligation of the City payable solely out of the Project Debt Service Account, which payments, revenues and receipts are hereby and in the Loan Agreement pledged and assigned for the equal and ratable payments of the Revenue Bond and shall be used for no other purpose than to pay the principal, interest and Administrative Surcharge on the Revenue Bond, except as may be otherwise expressly authorized in the Loan Agreement (including the purpose of securing Additional Bonds issued as permitted by the terms thereof). The City covenants and agrees to charge rates for all services from the Project or establish special charges or surcharges which will be sufficient to provide for the payments upon the Revenue Bond issued hereunder as and when

the same become due, and as may be necessary to provide for the operation and maintenance and repairs of the Project, and depreciation, and the Rate Resolution shall be revised from time to time so as to produce these amounts. The City hereby reserves the right to determine on a periodic basis the appropriate allocation of operation and maintenance expenses, depreciation, repair and reserves associated with the facilities financed with the Revenue Bond, provided that such determination of allocable operation and maintenance expenses shall in no event abrogate, abridge or otherwise contravene the covenant of the City set forth in this Section 3 or any other covenant or agreement in the Loan Agreement.

SECTION 36. Special Charge or Surcharge for Revenue Bond. The City does hereby create the Revenue Bond Special-Surcharge District (the “Surcharge District”) which shall include all users which benefit from the Project. There shall be charged a special charge or surcharge pursuant to Section 15 of the Act for the services provided by Project financed by the Revenue Bond. The special charge or surcharge shall be segregated from other revenues of the System and shall be used for the payment of the Revenue Bond. The special charge or surcharge shall create net income, remaining from time to time after first paying all reasonable and current expenses of maintenance, repairs, replacements and operation, sufficient to fund interest, reserve and debt service fund annual requirements and shall be 110% of the debt service requirements on the Revenue Bond.

36.1. Rates and collection. The rate herein specific will be collected as a special charge or surcharge for the Project. This special charge or surcharge shall remain in effect until such time as the Revenue Bond is defeased or paid in full.

36.2. Initial Surcharge. The initial special charge or surcharge shall be set by resolution and collected at the same time as other charges of the utility. All users within the Surcharge District which benefit from the Project, current and future, shall be charged the special charge or surcharge. The special charge or surcharge is found to be equitable for the services provided by the Project. The special charge or surcharge shall begin at such time as will produce sufficient revenue to pay principal, interest and Administrative Surcharge on the Revenue Bond when due.

36.3. Segregation. The Finance Officer shall set up bookkeeping accounts in accordance with South Dakota Legislative Audit guidelines for the segregation of the revenue, special charges and surcharges.

36.4. Periodic review. The amount of the surcharge shall be reviewed from time to time, not less than yearly, and shall be modified in order to produce such funds as are necessary and required to comply with the Loan Agreement’s rate covenant and to pay principal of, interest and Administrative Surcharge on the Revenue Bond when due. The surcharge may be set by resolution in accordance with this Section. The rate resolution shall be necessary for the support of government and shall be effective upon passage.

SECTION 37. Additional Bonds. As permitted by Sections 8 and 9 of the Act, Additional Bonds payable from revenues and income of the System or Project may be issued, as permitted in the Loan Agreement, and no provision of this Resolution shall have the effect of restricting the issuance of, or impairing the lien of, such additional parity bonds with respect to the net revenues or income from the extensions, additions or improvements. The City shall have the right to issue additional bonds secured by a lien subordinate to the lien from the Revenue Bond pursuant to the Loan Agreement.

SECTION 38. Project Fund Accounts. For the purpose of application and proper allocation of the income of the Project and to secure the payment of principal, Administrative Surcharge and interest on the Revenue Bond, the following mandatory asset segregations shall be included in the water system account of the City and shall be used solely for the following respective purposes until payment in full of the principal, interest and Administrative Surcharge on the Revenue Bond:

38.1. Project Revenue Account. There shall be deposited periodically into the Project Revenue Account the net revenues as defined in Section 17 of the Act derived from the operation of the Project collected pursuant to the resolutions and ordinances of the City of Yankton, South Dakota (collectively the “Rate Resolution”). Moneys from the Project Revenue Account shall be transferred periodically into separate funds and accounts as provided below.

38.2. Project Debt Service Account. Out of the revenues in the Project Revenue Account, there shall be set aside no later than the 25th day of each month into the account designated Project Debt Service Account, a sum sufficient to provide for the payment as the same become due of the next maturing principal of, interest and Administrative Surcharge on the Revenue Bonds and any reserve determined by the City’s governing body to be necessary. The amount set aside monthly shall be not less than one-third of the total principal, interest, and Administrative Surcharge payable on the following February 15, May 15, August 15 or November 15 and if there shall be any deficiency in the amount previously set aside, then the amount of such deficiency shall be added to the current requirement.

38.3. Depreciation Account. There shall be established a General Depreciation Account. Out of the revenues of the Project Revenue Account there shall be set aside each month into the General Depreciation Account an amount determined by the Common Council to be a proper and adequate amount for repair and depreciation of the Project.

38.4. Project Surplus Account. There shall be established the Project Surplus Account. Revenues remaining in the Project Revenue Account at the end of any fiscal year after all periodic transfers have been made therefrom as above required, shall be deemed to be surplus and shall be transferred to the Project Surplus Account. If at any time there shall exist any default in making any periodic transfer to the Project Debt Service Account, the Common Council shall authorize the City Finance Officer to rectify such default so far as possible by the transfer of money from the Project Surplus Account. If any such default shall exist as to more than one account or fund at any time, then such transfer shall be made in the order such funds and accounts are listed above.

When not required to restore a current deficiency in the Project Debt Service Account, moneys in the Project Surplus Account from time to time may be used for any of the following purposes and not otherwise:

- (a) To redeem and prepay the Revenue Bond when and as such Revenue Bond becomes prepayable according to its terms;
- (b) To pay for repairs of or for the construction and installation of improvements or additions to the System; and, if the balances in the Project Debt Service Account and the Project Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made there from prior to the end of the then current fiscal year, then:

(c) To be held as a reserve for redemption and prepayment of any bonds of the System which are not then but will later be prepayable according to their terms; or

(d) To be used for any other authorized municipal purpose designated by the Common Council.

(e) No moneys shall at any time be transferred from the Project Surplus Account or any other account of the Fund to any other fund of the City, nor shall such moneys at any time be loaned to other municipal funds or invested in warrants, special improvements bonds or other obligations payable from other funds, except as provided in this Section.

SECTION 39. Approval of Paying Agent/Registrar. The Revenue Bond shall be payable at the office of U.S. Bank National Association, St. Paul, Minnesota, hereby designated as paying agent and registrar.

SECTION 40. Approval of Bond Counsel. Meierhenry Sargent LLP is hereby retained as Bond Counsel with respect to the Revenue Bond.

SECTION 41. Tax Matters. The Interest on the Revenue Bond shall be excludable from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (“the Code”) and applicable Treasury Regulations (the “Regulations”).

SECTION 42. Covenants. The City hereby covenants and agrees with the District and other owners of the Revenue Bond as follows:

42.1. The City will punctually perform all duties with reference to the Project, the System and the Revenue Bond required by the constitution and laws of the State of South Dakota and by this Resolution.

42.2. The City agrees and covenants that it will promptly construct the improvements included in the Project.

42.3. The City covenants and agrees that pursuant to Sections 25 through 27 of the Act, the lawful holders of the Revenue Bond shall have a statutory mortgage lien upon the Project and the extensions, additions and improvements thereto acquired pursuant to the Act, until the payment in full of the principal, interest and Administrative Surcharge on the Revenue Bond, and the City agrees not to sell or otherwise dispose of the System, the Project, or any substantial part thereof, except as provided in the Loan Agreement and shall not establish, authorize or grant a franchise for the operation of any other utility supplying like products or services in competition therewith, or permit any person, firm or corporation to compete with it in the distribution of water for municipal, industrial, and domestic purposes within the City.

42.4. The City covenants and agrees with the District and other owners of the Revenue Bond that it will maintain the System in good condition and operate the same in an efficient manner and at a reasonable cost, so long as any portion of the Revenue Bond remains outstanding; that it will maintain insurance on the System for the benefit of the holders of the Revenue Bond in an amount which usually would be carried by private companies in a similar type of business; that it will prepare, keep and file records, statements and accounts

as provided for in this Resolution and the Loan Agreement. The Revenue Bond shall refer expressly to this Resolution and the Act and shall state that it is subject to all provisions and limitations thereof pursuant to Section 19 of the Act.

SECTION 43. Depositories. The Finance Officer shall cause all moneys pertaining to the Funds and Accounts to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of SDCL Ch. 4-6A, in a deposit account or accounts, which shall be maintained separate and apart from all other accounts of the City, so long as any of the Bonds and the interest thereon shall remain unpaid. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No money shall at any time be withdrawn from such deposit accounts except for the purposes of the Funds and Accounts as authorized in this Resolution; except that moneys from time to time on hand in the Funds and Accounts may at any time, in the discretion of the City's governing body, be invested in securities permitted by the provisions of SDCL 4-5-6; provided, however, that the Depreciation Fund may be invested in such securities maturing not later than ten years from the date of the investment. Income received from the deposit or investment of moneys shall be credited to the Fund or Account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys therein.

SECTION 44. Consent to Appointment. In the event of mismanagement of the Project, a default in the payment of the principal or interest of the Revenue Bond, or in any other condition thereof materially affecting the lawful holder of the Revenue Bond, or if the revenues of the Project are dissipated, wasted or diverted from their proper application as set forth in the Loan Agreement, Revenue Bond, or herein, the City hereby consents to the appointment of a receiver pursuant to Section 33 of the Act, and agrees that the receiver will have the powers set forth therein, and in Sections 34 and 35 of the Act to operate and administer the Project, and charge and collect rates as described therein.

SECTION 45. Severability. If any section, paragraph, clause or provision of this Resolution, the Loan Agreement, the Revenue Bond, or any other Loan Document shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution or said Loan Agreement, Revenue Bond, or any other Loan Document.

SECTION 46. Repeal of Resolution. At such time as the Project Revenue Bond is defeased or paid in full, this Resolution and the special charge or surcharge shall automatically be repealed without any further action of the City.

SECTION 47. Authorization of City Officials. The Mayor, Finance Officer, City Attorney and City officials shall be and they are hereby authorized to execute and deliver for and on behalf of the City any and all other certificates, documents or other papers and to perform such other acts as they may deem necessary or appropriate in order to implement and carry out the actions authorized herein.

SECTION 48. Effective Date. This Resolution shall take effect on the 20th day following its publication, unless suspended by a referendum.

Adopted at Yankton, South Dakota, this 9th day of May, 2022.

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

Action 22-123

Moved by Commissioner Benson, seconded by Commissioner Johnson, to approve a Sidewalk Cafe Permit to 301 East 3rd Street doing business as The Boat House. (Memorandum 22-88)

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

Motion adopted.

Action 22-124

Moved by Commissioner Villanueva, seconded by Commissioner Benson, to adjourn into Executive Session at 8:42 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, Schramm, Webber and Villanueva. City Attorney Den Herder and City Manager Leon were also present.

Quorum present.

Action 22-125

Moved by Commissioner Miner, seconded by Commissioner Benson, to adjourn at 10:05 p.m.

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

Motion adopted.

Stephanie Moser
Mayor

ATTEST:

Al Viereck
Finance Officer

Proclamation - General Aviation Appreciation Month

WHEREAS, general aviation and Chan Gurney Municipal Airport play a critical role in the lives of our citizens, as well as in the operation of our businesses; and

WHEREAS, the City of Yankton has a significant interest in the continued vitality of general aviation, aerospace, aircraft manufacturing, educational institutions, aviation organizations, public airports, and airport operations; and

WHEREAS, Yankton has a full service airport serving small and large aircraft – both private and corporate -- and aviation businesses – Crop Dusters LLC, Roger Wilco Aviation Services, Hoffner Flying, and Dakota Aerials -- and two general aviation support groups – Yankton Regional Aviation Association and Yankton Experimental Aircraft Chapter 1029 – and serving 33 single-engine and one jet based aircraft and facilitates more than 7,700 general operations annually; and

WHEREAS, general aviation contributes to the Yankton economy and medical care, and boosts economic developments for Yankton and surrounding communities; and

WHEREAS, according to the South Dakota State Aviation System Plan 2010-2030, general and commercial aviation at Chan Gurney Municipal Airport supports nearly \$4.6 million in business sales, including nearly \$1 million in personal income and more than 40 jobs; of which agricultural spraying supports nearly \$2.2 million in business sales, including over \$328,000 in personal income and more than 10 jobs; and

WHEREAS, general aviation is integral to the City’s response to emergencies and natural disasters, as well as a key component of business at Chan Gurney Municipal Airport; and

WHEREAS, Yankton depends heavily on general aviation and Chan Gurney Municipal Airport for the continued flow of commerce, tourists, and visitors to our city and state;

NOW, THEREFORE, I, Stephanie Moser Mayor of the City of Yankton, do hereby proclaim June 2022 in the City of Yankton as:

GENERAL AVIATION APPRECIATION MONTH

Mayor Stephanie Moser

May 23, 2022

Finance Officer Al Viereck

May 23, 2022

~ Proclamation ~



“Caring for Self...Caring for Community”

**‘Yankton Area Mental Wellness, Inc
24th Annual Conference Days’**

WHEREAS, June 8 & 9, 2022 are the dates when Yankton Area Mental Wellness, Inc. will host the 24th Annual Yankton Regional Mental Wellness Conference virtually from Yankton, South Dakota; and,

WHEREAS, the overall mission is “Caring For Self...Caring For Community” and the 2022 conference theme is “New Hope for a New World” and,

WHEREAS, the commitment to training and networking is evident in Yankton, a community that is extremely concerned about serving those in need, strives to educate students for future employment in healthcare and mental health, and represents a region rich in resources and professional expertise to educate others; and,

WHEREAS, Yankton Area Mental Wellness, Inc. and professionals from Yankton, from South Dakota, from the Midwest, and beyond, have joined forces to present a variety of sessions to educate conference participants with current information, available resources, a network of support, regional expertise, and professional credit;

NOW, THEREFORE, I, Stephanie Moser, Mayor of Yankton, do hereby proclaim June 8 & 9, 2022, as

“YANKTON AREA MENTAL WELLNESS CONFERENCE DAYS”

in Yankton, South Dakota, and call upon the residents of this great city to join me in supporting mental wellness awareness.

Stephanie Moser, Mayor

Al Viereck, Finance Officer



OFFICE OF THE CITY MANAGER

www.cityofyankton.org

VOL. 57 NUMBER 10

Commission Information Memorandum

The Yankton City Commission meeting on Monday, May 23, 2022 will begin at 7:00 pm.

Non-Agenda Items of Interest

1) Finance Department Update

The Deputy Finance Officer will be attending the annual SD Governmental Finance Officers' School in Huron on June 8-10, 2022.

Audit and budget preparation is underway. The Finance Office is saving more reports electronically versus printing in paper. This helps enable sending files to our auditor prior to them coming in person and gives our auditors a head start.

The Finance Office is working towards operating a second cash register. This will boost productivity and efficiency by allowing the utility clerk to give receipts for water service connects and reconnect transactions.

Please see the enclosed Finance Monthly Report for April.

2) Fire Department Update

The captains have been participating in additional training, over the last two Mondays. We have been meeting prior to the full department meeting and drills. This has provided them the opportunity to learn more about fire alarm operations and elevator rescue. We plan on continuing to meet, hopefully two times a month, to discuss or train on various other topics, such as incident command and pre-planning for incidents.

The volunteers are also taking advantage of additional training opportunities. There are at least 3-4 that are already signed up to go to State Fire School in June.

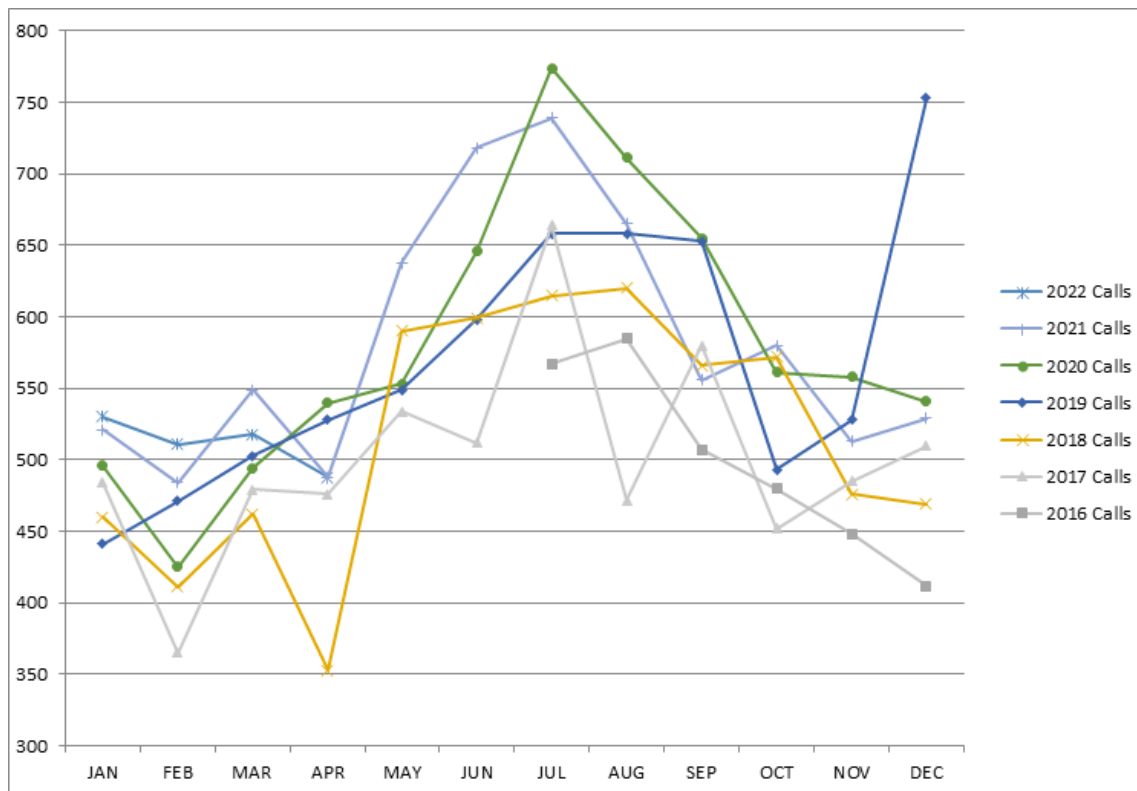
We are happy to report that it was relatively quiet during the recent severe weather for the Yankton Fire Department. This wasn't necessarily the case for the other emergency response agencies in neighboring communities.

The department was contacted by a representative of the Red Cross about participating in their Sound the Alarm program. It is an event that we have been a part of in the past. It is a program that gets more smoke detectors installed within the community. It has proven to be a valuable tool as there is already one record of a life being saved by a smoke detector installed through this program.

3) Information Services Department Update

Staff is continuing to work on fine tuning the new website. We have a few minor issues to correct and are also working to implement some new features that are available with the redesign. 911 call volume is nearly even 2022 vs. 2021. April in both years had 488 911 calls and year to date in 2022 we are 5 calls above 2021.

We have filled all of the openings in dispatch and new staff members are working thru the 12 week in house training program.



4) Public Works Department Update

Street Department crews have been working on curb and gutter replacement at various locations throughout the City. Crews have also been patching asphalt at the locations where curbs have been replaced. Crews have also been busy painting pavement markings in the streets and parking lots and mowing various right-of-way locations in the City.

2022 City Projects:

Whiting Drive: The contractor has removed all of the existing concrete and base material. Next, they will be concentrating on placing crushed concrete/asphalt material, for a base. The contractor anticipates beginning concrete work the week of May 16.

21st/WCLR/Summit Project: Masonry Components has contacted staff about starting this project. They would like to get going shortly after school gets out. Their plan is to start on the 21st Street location first. Staff will have further discussion with the contractor and will have a preconstruction meeting prior to the project starting.

Airport Parking and Access Road: Staff is working on putting a package together to obtain quotes from contractors for the curb and gutter and sidewalk installation. Once concrete replacement is complete, the Street Department will pave the access road and parking lot with asphalt.

5th Street Project: Staff will be processing the contract documents and issuing the Notice to Proceed for this project once a preconstruction meeting is held. Masonry Components is the successful bidder and will need to schedule this project around the Whiting Drive project and 21st/WCLR/Summit project.

5) Library Update

On May 25 and 26, the library will be again partnering with the Yankton County Extension Office to provide a Babysitting Clinic at the library. The sessions will be led by Lauren Hollenbeck and the participants will learn skills and techniques to become competent babysitters and to develop confidence to handle situations that could happen when they babysit. They will also discuss the “business” aspect of babysitting. This has been a very popular event in the past. We appreciate all that Lauren and the Yankton County Extension Office do to make this event possible.

The Library will be participating in the Kids Art Fest on Tuesday, May 31. This event is hosted by Yankton Area Arts and is a fun opportunity for us to connect with our patrons and others who have not been to the library before (or in a long time). We love these opportunities to engage with the community outside the walls of our library.

6) Environmental Services Department Update

The Water Treatment Plant has a Plant Operator position open. Staff is currently in the process of interviewing candidates. The position is open until filled.

Collection staff continue to jet and clean sewers. Staff’s goal is to jet and clean city sewer mains once every 3 years. Staff is experiencing an increase in roots due to the recent dry weather. Staff is also noticing an increase in non-flushable items. Product labels may claim to be “flushable” but disposal wipes and other products can cause expensive sewer line plugs and damage pumps and other equipment. Flushing these items can also lead to plugged sewer lines and raw sewage back ups into homes and businesses. Please refrain from flushing these items:

*SANITARY PRODUCTS, *PAPER TOWELS, *DISPOSABLE DIAPERS, *RAGS, SHOP TOWELS, *LINERS, *FOOD, GREASE, KITCHEN FAT, *COTTON BALLS, Q-TIPS, *TAMPONS & APPLICATORS, *COLOSTOMY BAGS, *SYRINGES, NEEDLES, *BABY WIPES, *BANDAGES, *RAZORS, HAIR, *CONDOMS, *MEDICINE, *TOYS, *TOOTHBRUSHES, *KITTY LITTER, *CONTACT LENSES, *DENTAL FLOSS, *FACIAL TISSUES, *CIGARETTE BUTTS

7) Community & Economic Department Update

After a dry start to the spring, recent rains mean lawns are greening up and growing faster around the community. Lawns, boulevards, and ditches must be maintained at 8 inches or lower and free of noxious weeds by ordinance. Weeds must be cut or chemically treated. Staff has published public notice of the 8-inch community standard as required by ordinance. For the most part, property owners are doing a good job of mowing, and staff has responded to typical number of complaints for this time in the season. Each year for a two to three week period at the beginning of the growing season we experience a higher than average volume of overgrown properties, but with outreach, education, and enforcement that number steadily decreases in the following weeks. We’ve already seen the volume of proactive enforcement and citizen complaints begin to drop off for this year. As with all of our code enforcement efforts we focus first on outreach and education before moving into an enforcement phase.

8) Human Resources & Employee Engagement Department Update

We are accepting applications for full time Police Officers which are open until filled.

We are accepting application for full time Sanitation Truck Operator which is open until filled.

We are advertising to fill a Water Plant Operations Specialist position. With the resignation of Ryan Dietsch on May 13, this left one open position. This position is open until filled.

Summer positions still available for lifeguards at the Huether Family Aquatics Center, Engineering Aide and Solid Waste Collectors.

Ten applications were received for the Recreation and Events Manager position and interviews have been completed. Luke Youmans, a teacher and coach in the Yankton School District for the past 18 years, has been hired as the Recreation and Events Manager. We had a very strong pool of candidates and the interviews were very good. Luke has to finish up the school year and he is also the head track and field coach so he has to finish out that season with a tentative start date as Recreation and City Events Manager in June.

Applications closed on May 13 for the Building Maintenance/Custodial Supervisor position. Interviews will be scheduled. A recommendation for hire will be forthcoming.

Dean Larson has announced his retirement.

9) Parks and Recreation Department Update

Enclosed in your packet is an update on the various activities in the Parks and Recreation Department.

10) Police Department Update

Sergeant Dean Larson has announced his retirement from the Yankton Police Department. Sergeant Larson's last day will be June 2nd. We will plan a send-off for Sergeant Larson thanking him for his years of service.

We continue to work on hiring new staff. Commander Rothenberger has been conducting interviews as we receive applications. We currently have 5 full-time police officer positions open. This has been a challenge for us, but we have modified how we hire by speeding the process up without compromising on the quality of the candidate we are hiring. We will continue to only hire those with high integrity.

Sergeant Crissey and Officer Jeremy Olson assisted the United Way and River City Domestic Violence Center with Alice Training. This is training on how to respond in an emergency and was received well by both agencies. ALICE training has modified how we train outside agencies and will now only allow for the training of nonprofits.

Sergeant Sam Bruening and Sgt. Scott Schindler attend the State's Law Enforcement Memorial service in Pierre on May 11th. Police week has brought all kinds of support from many people and agencies in the community. Many express thanks for the job we do and others have provided delicious snacks to keep us going as we patrol 24/7. This is greatly appreciated by all officers.

Officers and area first responders attended the Friends of the NRA Banquet on May 16th. An anonymous donor purchased tickets for first responders and their spouses and they were recognized at the Banquet for the work they do in the community.

11) Monthly reports

Joint Powers Solid Waste monthly reports are included for your review.

Have an enjoyable weekend and do not hesitate to contact us if you have any questions about these or other issues. If you will not be able to attend the Commission meeting on Monday, please inform my office.

Sincerely,

Amy Leon
City Manager

FINANCE MONTHLY REPORT

ACTIVITY	APRIL 2022	APRIL 2021	APR 2022 YTD	APR 2021 YTD
UTILITY BILLING:				
Water				
Water Sold (in gallons per 1,000)	44,182 M	43,523 M	168,229 M	159,714 M
Water Billed	\$505,667.35	\$513,886.45	\$1,947,409.91	\$1,912,933.84
Basic Water Fee/Rate per 1000 gal	\$27.51/6.30	\$27.51/\$6.30		
Number of Accounts Billed	5,429	5,388	21,716	21,537
Number of Bills Mailed	5,429	5,388	21,716	21,537
Total Meters Read	5,915	5,846	23,637	23,398
Meter Changes/pulled	9	5	24	25
Total Days Meter Reading	1	1	4	4
Misreads found prior to billing	0	0	0	0
Customers requesting Rereads	0	0	0	0
Sewer				
Sewer Billed	\$363,679.62	\$352,210.86	\$1,372,002.11	\$1,331,973.60
Basic Sewer Fee/Rate per 1000 gal	\$11.22/\$6.80	\$11.20/\$6.80		
Solid Waste				
Solid Waste Billed	\$109,017.60	\$107,875.67	\$435,379.43	\$431,099.72
Basic Solid Waste Fee	\$23.61	\$23.61		
Tax Billed	\$7,050.17	\$6,971.58	\$28,142.26	\$27,860.20
Misc. Billed	\$420.00	\$780.00	\$2,160.00	\$3,841.00
Total Utility Billing:	\$985,834.74	\$981,724.56	\$3,785,093.71	\$3,707,708.36
Adjustment Total:	(\$70.00)	(\$127.62)	(\$210.00)	(\$345.60)
Misread Adjustments	\$0.00	\$0.00	\$0.00	\$0.00
Other Adjustments	\$0.00	\$2.38	\$10.00	\$64.40
Penalty Adjustments OFF	(\$70.00)	(\$130.00)	(\$300.00)	(\$460.00)
Penalty Adjustments ON	\$0.00	\$0.00	\$80.00	\$50.00
New Accounts/Connects	39	56	174	195
Accounts Finaled/Disconnects	46	54	176	215
New Accounts Set up	6	7	15	27
Delinquent Notices	377	318	1,498	1,431
Doorknockers	168	121	518	437
Delinquent Call List	100	61	253	217
Notice of Termination Letters	14	4	28	40
Shut-off for Non-payment	6	1	15	19
Delinquent Notice Penalties	\$3,770.00	\$3,180.00	\$14,980.00	\$14,310.00
Doorknocker Penalties	\$1,680.00	\$1,210.00	\$5,180.00	\$4,370.00
Other Office Functions:				
Interest Income	\$31,882.62	\$16,850.04	\$88,108.24	\$66,682.17
Interest Rate-Checking Account	0.72%	0.40%		
Interest Rate-CDs	N/A	N/A		
# of Monthly Vendor Checks	107	104		
Payments Issued to Vendors	\$2,040,863.75	\$1,584,259.54	\$7,992,457.38	\$8,252,491.15
# of Employees on Payroll	175	183		
Monthly Payroll	\$715,379.98	\$680,853.19	\$2,196,314.22	\$2,076,959.12

*3 pay periods

*3 pay periods

SUMMIT ACTIVITIES CENTER and RECREATION PROGRAMS

- SAC member attendance for May 1-15 – 1,528 visits
(2021- 1,113; 2020- closed for Covid; 2019- 2,447 visits; 2018- 2,721 visits)
- New Members Joined–43
(2021- 26 people; 2020- closed for Covid; 2019- 33 new members; 2018- 42 people)

- **Summit Activities Center Membership Information:**
 - Active & Fit/Renew Active/Silver Sneakers – 62
 - City of Yankton Single – 49
 - Firefighter Single - 20
 - 10 Use Punch card – 53
 - Individual Annual – 296
 - Individual Corporate – 25
 - Individual EFT – 44
 - Individual Monthly – 141
 - Radio Single – 24
 - Total # of Active Members – 714**

- **Total Aquatics Center passes sold: 940 (649 in 2021).**

- **Total Cash Revenue in April 2022-** \$28,587.55 (\$24,602.10 in 2021).

- The 2022 digital summer recreation brochure is available on the City’s website. Registration is open on-line.

- Prime Time Senior Class- 35 participants
- Tabata- 52 participants
- Water Aerobics Class- 95 participants
- Work Out Express- 15 participants
- Zumba- 17 participants
- Birthday party rentals at the SAC- 4 rentals.
- Auxiliary Gym/Main Gym rentals- 0 rentals.
- Theater Rentals- 48 hours.
- Meeting Room Rentals- 4 hours.
- City Hall Rentals- 0 hours.

Capital Building Rentals

- Days Rented – 6 Dates

Park Shelter Rentals

- Riverside- 7 Rentals
- Memorial – 0 Rentals
- Westside – 1 Rentals
- Rotary – 0 Rentals
- Sertoma – 0 Rentals
- Tripp – 0 Rentals
- Meridian Bridge – 0 Rentals

The Recreation and Special Events Manager position will be filled by Luke Youmans. He will start in the month of June.

The Recreation staff have been hiring staff for this summer at The Huether Family Aquatics Center. Positions still needing more employees is Lifeguards.

PARKS

Todd has been working to change the format on the Parks, Recreation, and City Events website pages. The pages are utilizing the accordion style widget that allows for information to be accessed by clicking on the plus sign to the right of the heading.

The Parks Department has started to prepare The Huether Family Aquatics Center for the 2022 summer season.

The Parks Department prepared Riverside Baseball Field for the exhibition game between the Sioux Falls and Sioux City professional teams.

The Parks Department prepared Sertoma Park for the youth baseball tournament on Saturday, May 7, and Sunday, May 8.

The contractor finished working in Fante Memorial Park replacing the asphalt trail that runs east and west from the south comfort station past the concrete shelters on the west side of the park.

The ball fields at Sertoma Park, Summit Activities Center, and Riverside Park are being dragged and prepared each weekday according to practice and game schedules submitted to the Parks Department.

The parks staff has and will move bleachers, benches, goals, trash cans, and other items for youth baseball, youth softball, youth soccer, and swim team events which will be taking place in Yankton on weekends in May, June and July.

The Parks Department is beginning to prepare for 2022 Capital purchases.

Description	Yankton Transfer	Vermillion Landfill	Total Joint	4 Month Budget	Legal 2022 Budget
Joint Power Transfer/Landfill					
<i>Total Revenue</i>	\$471,827.03	\$286,163.35	\$757,990.38	\$787,793.33	\$2,363,380.00
<i>Expenses:</i>					
Personal Services	114,965.38	126,154.99	241,120.37	265,512.00	796,536.00
Operating Expenses	120,306.11	189,084.02	309,390.13	321,517.67	964,553.00
Depreciation (est)	53,910.16	87,164.40	141,074.56	151,898.67	455,696.00
Trench Depletion	0.00	69,957.15	69,957.15	79,666.67	239,000.00
Closure/Postclosure Resrv	0.00	3,713.30	3,713.30	8,333.33	25,000.00
Amortization of Permit	0.00	597.54	597.54	500.00	1,500.00
<i>Total Operating Expenses</i>	289,181.65	476,671.40	765,853.05	827,428.33	2,482,285.00
<i>Non Operating Expense-Interest</i>	4,083.84	8,933.51	13,017.35	26,215.33	78,646.00
<i>Landfill Operating Income</i>	178,561.54	(199,441.56)	(20,880.02)	(65,850.33)	(197,551.00)
Joint Recycling Center					
<i>Total Revenue</i>	0.00	74,086.76	74,086.76	33,500.00	100,500.00
<i>Expenses:</i>					
Personal Services	0.00	76,290.87	76,290.87	82,992.67	248,978.00
Operating Expenses	0.00	25,169.23	25,169.23	43,650.00	130,950.00
Depreciation (est)	0.00	9,371.52	9,371.52	12,666.67	38,000.00
<i>Total Operating Expenses</i>	0.00	110,831.62	110,831.62	139,309.33	417,928.00
<i>Non Operating Expense-Interest</i>	0.00	0.00	0.00	0.00	0.00
<i>Recycling Operating Income</i>	0.00	(36,744.86)	(36,744.86)	(105,809.33)	(317,428.00)
<i>Total Operating Income</i>	\$178,561.54	(\$236,186.42)	(\$57,624.88)	(\$171,659.67)	(\$514,979.00)
Tonage in Trench:	<u>4/30/2021</u>	<u>4/30/2022</u>			
Asbestos	36.29	23.31	23.31	16.67	50.00
Centerville	98.49	91.93	91.93	366.67	1,100.00
Beresford	0.00	0.00	0.00	466.67	1,400.00
Clay County Garbage	4,537.24	4,565.23	4,565.23	4,833.33	14,500.00
Elk Point	354.63	330.96	330.96	86.67	260.00
Yankton County Garbage	7,866.50	7,366.23	7,366.23	7,966.67	23,900.00
<i>Total Tonage in Trench</i>	12,893.15	12,377.66	12,377.66	13,736.67	41,210.00
Operating Cost per ton			\$61.87	\$62.14	\$62.14

This report is based on the following:

Revenue accrual thru April 30, 2022

Expenses cash thru April 30, 2022 with May's bills

Joint Powers Solid Waste Authority
Financial Report Thru April 30, 2022

Description	Yankton Transfer	Vermillion Landfill	Total Joint	4 Month Budget	Legal 2022 Budget
Source of Funds					
<i>Beginning Balance</i>	(\$472,259.00)	\$2,906,126.00	\$2,433,867.00	\$1,785,196.00	\$1,785,196.00
<i>Operating Revenue:</i>					
Net Income	178,561.54	(236,186.42)	(57,624.88)	(171,659.67)	(514,979.00)
Depreciation	53,910.16	96,535.92	150,446.08	164,565.33	493,696.00
Trench Depletion	0.00	69,957.15	69,957.15	79,666.67	239,000.00
Amortization of Permit	0.00	597.54	597.54	500.00	1,500.00
<i>Non Operating Revenue:</i>					
Grant	0.00	0.00	0.00	0.00	0.00
Loan Proceeds	0.00	0.00	0.00	0.00	0.00
Contributed Capital	0.00	1,920.00	1,920.00	1,666.67	5,000.00
Sale Proceeds	0.00	0.00	0.00	0.00	0.00
Comp. for Loss & Damage	6,724.91	0.00	6,724.91	0.00	0.00
Fire Related Expenses	0.00	0.00	0.00	0.00	0.00
Interest	0.00	1,380.70	1,380.70	1,666.67	5,000.00
<i>Cash Flow Transfer:</i>					
Joint Power Transfer/Landfill	(253,455.04)	253,455.04	0.00	580,000.00	1,740,000.00
Joint Recycling Center	0.00	0.00	0.00	0.00	0.00
Total Funds Available	(486,517.43)	3,093,785.93	2,607,268.50	2,441,601.67	3,754,413.00
Application of Funds Available					
<i>Joint Power Transfer/Landfill</i>					
Equipment	110,067.41	119,766.31	229,833.72	272,666.67	818,000.00
Trench	0.00	0.00	0.00	0.00	0.00
Closure/Postclosure Cash Res.	0.00	3,713.30	3,713.30	8,333.33	25,000.00
<i>Joint Recycling Center</i>					
Equipment	0.00	0.00	0.00	19,000.00	57,000.00
<i>Payment Principal</i>	32,403.97	18,385.70	50,789.67	114,247.67	342,743.00
<i>Appropriation to Reserve</i>	0.00	0.00	0.00	0.00	0.00
Total Applied	142,471.38	141,865.31	284,336.69	414,247.67	1,242,743.00
Ending Balance	(\$628,988.81)	\$2,951,920.62	\$2,322,931.81	\$2,027,354.00	\$2,511,670.00

Joint Power Transfer/Landfill Description	Yankton Transfer	Vermillion Landfill	Total Joint	4 Month Budget	Legal 2022 Budget
<i>Revenue: (accrual)</i>					
Asbestos	\$0.00	\$1,338.37	\$1,338.37	\$2,000.00	\$6,000.00
Elk Point	0.00	17,540.88	17,540.88	20,800.00	\$62,400.00
Centerville	0.00	4,872.29	4,872.29	4,593.33	13,780.00
Beresford	0.00	0.00	0.00	0.00	0.00
Clay County Garbage	0.00	251,100.46	251,100.46	275,000.00	825,000.00
Compost-Yd Waste-Wood	0.00	1,027.13	1,027.13	3,166.67	9,500.00
Contaminated Soil	0.00	92.81	92.81	2,500.00	7,500.00
White Goods	0.00	564.50	564.50	2,000.00	6,000.00
Tires	0.00	8,783.31	8,783.31	1,666.67	5,000.00
Electronics	0.00	843.60	843.60	2,000.00	6,000.00
Other Revenue	0.69	0.00	0.69	5,033.33	15,100.00
Cash long	(11.00)	0.00	(11.00)	0.00	0.00
Rubble	16,509.10	0.00	16,509.10	17,333.33	52,000.00
Transfer Fees	452,834.31	0.00	452,834.31	450,000.00	1,350,000.00
Metal	2,493.93	0.00	2,493.93	1,666.67	5,000.00
Other Operational - Solid Waste	0.00	0.00	0.00	33.33	100.00
Total Revenue	471,827.03	286,163.35	757,990.38	787,793.33	2,363,380.00
<i>Expenses: (cash)</i>					
Personal Services	114,965.38	126,154.99	241,120.37	265,512.00	796,536.00
Insurance	17,790.29	(80.38)	17,709.91	10,876.00	32,628.00
Professional Service/Fees	18,034.15	30,064.68	48,098.83	60,000.00	180,000.00
Non Professional Fees	0.00	0.00	0.00	0.00	0.00
Processing- Reduction	0.00	0.00	0.00	3,333.33	10,000.00
State Fees	0.00	12,377.66	12,377.66	15,500.00	46,500.00
Professional - Legal/Audit	0.00	0.00	0.00	916.67	2,750.00
Publishing & Advertising	29.66	1,578.20	1,607.86	933.33	2,800.00
Rental	0.00	0.00	0.00	166.67	500.00
Hauling fee	0.00	0.00	0.00	0.00	0.00
Equipment repair	172.35	37,176.40	37,348.75	20,333.33	61,000.00
Motor vehicle repair	0.00	2,653.92	2,653.92	8,000.00	24,000.00
Vehicle fuel & maintenance	46,852.50	15,092.27	61,944.77	70,000.00	210,000.00
Equip, Mat'l & Labor	14,697.70	0.00	14,697.70	21,666.67	65,000.00
Building repair	2,329.75	995.63	3,325.38	8,000.00	24,000.00
Facility repair & maintenance	0.00	11,472.39	11,472.39	11,666.67	35,000.00
Postage	163.84	4.88	168.72	283.33	850.00
Office supplies	16.09	350.63	366.72	1,166.67	3,500.00
Copy supplies	0.00	6.95	6.95	125.00	375.00
Uniforms	0.00	2,805.11	2,805.11	2,166.67	6,500.00
Small Tools & Hardware	279.99	0.00	279.99	83.33	250.00
Travel & Training	0.00	1,994.70	1,994.70	1,500.00	4,500.00
Operating supply	487.61	55,716.89	56,204.50	60,866.67	182,600.00
Electricity	2,870.98	5,643.05	8,514.03	10,333.33	31,000.00
Heating Fuel - Gas	15,044.16	10,562.81	25,606.97	10,833.33	32,500.00
Water	759.58	206.85	966.43	1,166.67	3,500.00
WW service	314.16	0.00	314.16	433.33	1,300.00
Landfill	94.44	0.00	94.44	100.00	300.00
Telephone	368.86	461.38	830.24	1,066.67	3,200.00
Depreciation (est)	53,910.16	87,164.40	141,074.56	151,898.67	455,696.00
Trench Depletion		69,957.15	69,957.15	79,666.67	239,000.00
Closure/Postclosure Resrv		3,713.30	3,713.30	8,333.33	25,000.00
Amortization of Permit		597.54	597.54	500.00	1,500.00
Total Op Expenses	289,181.65	476,671.40	765,853.05	827,428.33	2,482,285.00

Joint Power Transfer/Landfill Description	Yankton Transfer	Vermillion Landfill	Total Joint	4 Month Budget	Legal 2022 Budget
<i>Non Operating Expense-Interest</i>	4,083.84	8,933.51	13,017.35	26,215.33	78,646.00
<i>Bond Issuance Costs</i>	0.00	0.00	\$0.00	0.00	0.00
<i>Operating Income (Loss)</i>	\$178,561.54	(\$199,441.56)	(\$20,880.02)	(\$65,850.33)	(\$197,551.00)
<i>Capital:</i>					
Capital Outlay	\$110,067.41	\$119,766.31	\$229,833.72	\$272,666.67	\$818,000.00
Landfill Development	0.00	0.00	0.00	24,666.67	\$74,000.00
Capital Lease	0.00	0.00	0.00	0.00	\$0.00
<i>Total Capital Expenditures</i>	\$110,067.41	\$119,766.31	\$229,833.72	\$297,333.33	\$892,000.00
<i>Grant Reimbursement</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>Federal Grant thru State</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>Equipment Sale Proceeds</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>Cash Flow Transfer</i>	(\$253,455.04)	\$253,455.04	\$0.00	\$0.00	\$0.00
<i>Tonage in Trench:</i>					
Asbestos		23.31	23.31	16.67	50.00
Beresford		0.00	0.00	466.67	1,400.00
Centerville Garbage		91.93	91.93	366.67	1,100.00
Clay County Garbage		4,565.23	4,565.23	4,833.33	14,500.00
Elk Point		330.96	330.96	86.67	260.00
Yankton County Garbage		7,366.23	7,366.23	7,966.67	23,900.00
<i>Total Tonage in Trench</i>		12,377.66	12,377.66	13,736.67	41,210.00
 Operating Cost per ton			\$61.87	\$62.14	\$62.14

Joint Recycling Center	Yankton	Vermillion	Total	4 Month	Legal
Description	Transfer	Center	Joint	Budget	2022 Budget
<i>Revenue:</i>					
Tipping Fees	\$0.00	0.00	\$0.00	0.00	0.00
Metal/Tin	0.00	0.00	0.00	833.33	2,500.00
Plastic	0.00	9,670.60	9,670.60	5,000.00	15,000.00
Aluminum	0.00	14,047.50	14,047.50	5,333.33	16,000.00
Newsprint	0.00	3,162.45	3,162.45	3,000.00	9,000.00
Cardboard	0.00	47,130.22	47,130.22	15,000.00	45,000.00
High Grade Paper	0.00	0.00	0.00	1,666.67	5,000.00
Other Material	0.00	75.99	75.99	2,666.67	8,000.00
Contributions/Operating Grants	0.00	0.00	0.00	0.00	0.00
Total Revenue	0.00	74,086.76	74,086.76	33,500.00	100,500.00
<i>Expenses:</i>					
Personal Services	0.00	76,290.87	76,290.87	82,992.67	248,978.00
Insurance	0.00	58.66	58.66	800.00	2,400.00
Professional Service/Fees	0.00	243.15	243.15	166.67	500.00
Hazardous Waste Collection	0.00	52.40	52.40	16,666.67	50,000.00
Professional-Legal	0.00	0.00	0.00	0.00	0.00
Publishing & Advertising	0.00	309.97	309.97	500.00	1,500.00
Rental	0.00	0.00	0.00	0.00	0.00
Equipment repair	0.00	456.69	456.69	3,166.67	9,500.00
Vehicle repair & maintenance	0.00	19.16	19.16	200.00	600.00
Vehicle fuel	0.00	1,649.17	1,649.17	1,666.67	5,000.00
Building repair & maintenance	0.00	1,146.24	1,146.24	933.33	2,800.00
Postage	0.00	1.23	1.23	16.67	50.00
Freight	0.00	3,680.00	3,680.00	5,833.33	17,500.00
Office supplies	0.00	176.60	176.60	333.33	1,000.00
Uniforms	0.00	0.00	0.00	250.00	750.00
Materials Purchases	0.00	1,691.40	1,691.40	1,500.00	4,500.00
Travel & Training	0.00	1,075.60	1,075.60	666.67	2,000.00
Operating Supplies	0.00	3,810.55	3,810.55	3,333.33	10,000.00
Copy Supply	0.00	93.88	93.88	66.67	200.00
Electricity	0.00	1,890.51	1,890.51	2,166.67	6,500.00
Heating Fuel-Gas	0.00	4,652.64	4,652.64	1,583.33	4,750.00
Water	0.00	114.75	114.75	216.67	650.00
WW service	0.00	594.40	594.40	400.00	1,200.00
Telephone	0.00	213.67	213.67	283.33	850.00
Revenue Sharing	0.00	3,238.56	3,238.56	2,900.00	8,700.00
Depreciation (est)	0.00	9,371.52	9,371.52	12,666.67	38,000.00
Total Op Expenses	0.00	110,831.62	110,831.62	139,309.33	417,928.00
<i>Non Operating Expense-Interest</i>	0.00	0.00	0.00	0.00	0.00
Operating Income (Loss)	\$0.00	(\$36,744.86)	(\$36,744.86)	(\$105,809.33)	(\$317,428.00)
Capital Outlay	\$0.00	\$0.00	\$0.00	\$19,000.00	\$57,000.00
Grant Reimbursement/Donations	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Cash Flow Transfer	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

This report is based on the following:

Revenue accrual thru April 30, 2022

Expenses cash thru April 30, 2022 with May's bills

2022 Joint Powers Total Operations Recap

Month	Yankton Transfer	Vermillion Landfill	Total	Total Tons	\$ per ton	Recycling			Yankton Operations	Vermillion Operations	Total Operations
						Yankton	Vermillion	Total			
January	42,818.80	(37,653.09)	5,165.71	3,001.98	53.37	0.00	8,540.61	8,540.61	42,818.80	(29,112.48)	13,706.32
February	20,433.97	(48,393.67)	(27,959.70)	2,578.89	71.09	0.00	(19,765.60)	(19,765.60)	20,433.97	(68,159.27)	(47,725.30)
Subtotal	63,252.77	(86,046.76)	(22,793.99)	5,580.87	62.09	0.00	(11,224.99)	(11,224.99)	63,252.77	(97,271.75)	(34,018.98)
March	57,675.49	(50,930.75)	6,744.74	3,355.35	62.21	0.00	(8,826.73)	(8,826.73)	57,675.49	(59,757.48)	(2,081.99)
Subtotal	120,928.26	(136,977.51)	(16,049.25)	8,936.22	62.14	0.00	(20,051.72)	(20,051.72)	120,928.26	(157,029.23)	(36,100.97)
April	61,717.12	(53,530.54)	8,186.58	3,441.44	61.19	0.00	(16,693.14)	(16,693.14)	61,717.12	(70,223.68)	(8,506.56)
Subtotal	182,645.38	(190,508.05)	(7,862.67)	12,377.66	61.87	0.00	(36,744.86)	(36,744.86)	182,645.38	(227,252.91)	(44,607.53)

5/9/2022

City of Yankton Transfer Station
Landfill Tons

Date	City	Licensed Haulers				Sub-Total	All Other	Total Transfer
	Compactors (577)	Janssen (547)	Arts (586)	Loren Fischer (648)	Kortan (673)			
January 2021	236.20	525.19	420.65	82.07	23.66	1,051.57	507.40	1,795.17
February 2021	209.71	469.53	428.60	52.03	28.90	979.06	375.91	1,564.68
March 2021	268.59	625.10	504.42	75.16	27.90	1,232.58	537.56	2,038.73
April 2021	278.20	645.30	524.53	64.28	35.94	1,270.05	884.36	2,432.61
May 2021	253.20	652.38	457.22	76.67	28.49	1,214.76	614.82	2,082.78
June 2021	291.90	749.78	530.93	85.89	33.61	1,400.21	562.06	2,254.17
July 2021	284.89	724.18	561.10	74.00	38.61	1,397.89	578.80	2,261.58
August 2021	292.03	674.93	536.59	77.66	34.27	1,323.45	592.98	2,208.46
September 2021	282.22	689.94	507.29	76.85	32.65	1,306.73	588.08	2,177.03
October 2021	257.29	665.67	491.96	63.53	38.04	1,259.20	555.98	2,072.47
November 2021	279.00	668.48	485.90	68.71	31.24	1,254.33	496.57	2,029.90
December 2021	283.07	570.11	445.12	84.57	38.20	1,138.00	432.06	1,853.13
2021 Total	3,216.30	7,660.59	5,894.31	881.42	391.51	14,827.83	6,726.58	24,770.71
January 2022	258.69	515.97	411.98	59.08	29.31	1,016.34	331.11	1,606.14
February 2022	217.91	548.02	370.93	67.84	29.20	1,015.99	304.16	1,538.06
March 2022	262.23	665.38	479.74	61.13	35.34	1,241.59	536.56	2,040.38
April 2022	249.31	581.31	446.18	65.70	36.42	1,129.61	682.08	2,061.00
2022 Total	988.14	2,310.68	1,708.83	253.75	130.27	4,403.53	1,853.91	7,245.58

CITY OF VERMILLION
LANDFILL TONS

	2022	Art's Garbage	City of Elk Point	Fischer Disposal	Loren Fischer	Herm's Sanitation	Turner County	Vermillion Garbage	Waste Mgmt of Sioux City	Other	2022 Tons	
\$53.00 PER TON	Jan	18.45	77.97	192.36	439.25	25.79	16.64	66.39	199.67	217.79	1254.31	
	Feb	32.68	72.96	177.91	353.42	27.01	16.86	58.15	180.46	85.39	1004.84	
	Mar	8.25	98.62	213.95	458.65	35.35	26.46	57.19	224.86	179.16	1302.49	
	April	12.47	81.41	215.56	496.52	34.20	31.97	60.88	188.94	327.84	1449.79	
	May										0.00	
	June										0.00	
	July										0.00	
	Aug										0.00	
	Sept										0.00	
	Oct										0.00	
	Nov										0.00	
	Dec										0.00	
			71.85	330.96	799.78	1747.84	122.35	91.93	242.61	793.93	810.18	5011.43
	2021	Art's Garbage	City of Elk Point	Fischer Disposal	Loren Fischer	Herm's Sanitation	Turner County	Vermillion Garbage	Waste Mgmt of Sioux City	Other	2021 Tons	
\$51.00 PER TON	Jan	26.78	80.53	177.08	491.69	23.71	20.96	58.58	125.47	110.82	1115.62	
	Feb	27.53	75.95	163.93	401.90	21.21	22.79	53.88	167.56	78.31	1013.06	
	Mar	12.87	102.80	228.01	605.13	30.59	28.11	64.98	170.23	116.10	1358.82	
	April	38.29	95.35	208.06	592.76	48.35	26.63	62.06	211.00	259.65	1542.15	
	May	29.03	92.80	240.31	664.31	42.35	35.57	60.34	188.88	190.19	1543.78	
	June	10.99	92.29	214.10	770.61	54.73	41.94	51.76	186.03	339.63	1762.08	
	\$53.00 PER TON	July	22.00	96.64	213.24	528.51	46.06	39.74	46.21	177.70	73.47	1243.57
		Aug	32.62	103.66	247.46	570.97	52.15	32.74	71.74	172.08	205.96	1489.38
		Sept	46.10	99.21	229.47	621.38	36.07	14.75	85.56	180.12	176.37	1489.03
		Oct	-	83.70	220.79	533.32	35.35	35.15	61.13	227.63	111.91	1308.98
		Nov	9.16	96.44	277.77	536.71	45.65	34.48	65.84	224.22	315.73	1606.00
		Dec	9.40	93.61	228.93	519.25	31.98	14.84	72.70	208.72	91.87	1271.30
				264.77	1112.98	2649.15	6836.54	468.20	347.70	754.78	2239.64	2070.01

WHEREAS, Steve Frick began his firefighting career with the City of Yankton on February 17, 1986; and

WHEREAS, Steve retired on April 15, 2022 after having served the City of Yankton for 36 years; and

WHEREAS, Steve has exemplified our values of honesty, integrity and teamwork, and maintained a steadfast commitment to serving the Yankton community;

NOW, THEREFORE, BE IT PROCLAIMED, that I, Stephanie Moser, Mayor of the City of Yankton, South Dakota, and my fellow members of the Yankton City Commission and City Manager Amy Leon do hereby express our gratitude to

Steve Frick

for the loyal and faithful service, he gave to the City of Yankton, by means of this proclamation dated May 23, 2022.

Attest:

Finance Officer

Mayor

City Manager

Interim Fire Chief

WHEREAS, Thomas Kurtenbach began his firefighting career with the City of Yankton on April 30, 2005; and

WHEREAS, Thomas retired on January 14, 2022 after having served the City of Yankton for 16 years; and

WHEREAS, Thomas has contributed valuable time and attention to all affairs and interests of the Fire Department by serving as Fire Chief; and

WHEREAS, Thomas has been an excellent leader for the volunteers and has dedicated himself to providing them with the knowledge and direction necessary to maintain exemplary service to the City of Yankton;

NOW, THEREFORE, BE IT PROCLAIMED, that I, Stephanie Moser, Mayor of the City of Yankton, South Dakota, and my fellow members of the Yankton City Commission and City Manager Amy Leon do hereby express our gratitude to

Thomas Kurtenbach

for the loyal and faithful service, he gave to the City of Yankton, by means of this proclamation dated May 23, 2022.

Attest:

Finance Officer

Mayor

City Manager

Interim Fire Chief

NOTICE OF HEARING UPON APPLICATION
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN that an application has been received by the Board of City Commissioners of the City of Yankton, South Dakota, for a Special Malt Beverage (on-sale) Retailers License, a Special (on-sale) Wine Retailers License for 1 day, July 12, 2022 from Yankton Area Arts, (Julie Amsberry, Executive Director), Riverside Park, Yankton, S.D.

NOTICE IS FURTHER GIVEN that a Public Hearing upon the application will be held on Monday, June 13, 2022 at 7:00 p.m. in the City of Yankton Community Meeting Room at the Career Manufacturing Technical Education Academy, 1200 West 21st Street, Yankton, South Dakota, where any person or persons interested in the approval or rejection of the above application may appear and be heard.

Dated at Yankton, South Dakota,
this 23rd day of May, 2022.



Al Viereck
FINANCE OFFICER

____ Voice vote

NOTICE OF HEARING UPON APPLICATION
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN that an application has been received by the Board of City Commissioners of the City of Yankton, South Dakota, for a Special Events Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for 1 day, July 23, 2022, from The Center (Kriss Thury, Executive Director), 900 Whiting Drive, Yankton, South Dakota.

NOTICE IS FURTHER GIVEN that a Public Hearing upon the application will be held on Monday, June 13, 2022 at 7:00 p.m. in the City of Yankton Community Meeting Room at the Career Manufacturing Technical Education Academy, 1200 West 21st Street, Yankton, South Dakota, where any person or persons interested in the approval or rejection of the above application may appear and be heard.

Dated at Yankton, South Dakota
this 23rd day of May, 2022.



Al Viereck
FINANCE OFFICER

____ Voice vote

NOTICE OF HEARING UPON APPLICATION
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN that an application has been received by the Board of City Commissioners of the City of Yankton, South Dakota, for a Special Events Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for 1 day, July 8, 2022, from The Center (Kriss Thury, Executive Director), 900 Whiting Drive, Yankton, South Dakota.

NOTICE IS FURTHER GIVEN that a Public Hearing upon the application will be held on Monday, June 13, 2022 at 7:00 p.m. in the City of Yankton Community Meeting Room at the Career Manufacturing Technical Education Academy, 1200 West 21st Street, Yankton, South Dakota, where any person or persons interested in the approval or rejection of the above application may appear and be heard.

Dated at Yankton, South Dakota
this 23rd day of May, 2022.



Al Viereck
FINANCE OFFICER

NOTICE OF HEARING UPON APPLICATION
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN that an application has been received by the Board of City Commissioners of the City of Yankton, South Dakota, for a Special Events (on-sale) Liquor License for July 16, 2022 from Stripes, Inc. dba Mojo's 3rd Street (Jeff Dayhuff, Owner), 106 E. 3rd Street, Meridian Venue, 101 E. 3rd Street, Yankton, SD.

NOTICE IS FURTHER GIVEN that a Public Hearing upon the application will be held on Monday, June 13, 2022 at 7:00 p.m. in the City of Yankton Community Meeting Room at the Career Manufacturing Technical Education Academy, 1200 West 21st Street, Yankton, South Dakota, where any person or persons interested in the approval or rejection of the above application may appear and be heard.

Dated at Yankton, South Dakota,
this 23rd day of May, 2022.



Al Viereck
FINANCE OFFICER

____ Voice vote

NOTICE OF HEARING UPON APPLICATION
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN that an application has been received by the Board of City Commissioners of the City of Yankton, South Dakota, for a Special Events Retail (on-sale) Liquor License for 4 days, July 7, 14, 21, & 28, 2022, from Ben's Brewing Co. (Ben Hanten, Owner), 222 West 3rd Street, Music at the Meridian, Parking Lot and Green Space Westside of Meridian Bridge & the enclosed area of Levee Street, Yankton, S.D.

NOTICE IS FURTHER GIVEN that a Public Hearing upon the application will be held on Monday, June 13, 2022 at 7:00 p.m. in the City of Yankton Community Meeting Room at the Career Manufacturing Technical Education Academy, 1200 West 21st Street, Yankton, South Dakota, where any person or persons interested in the approval or rejection of the above application may appear and be heard.

Dated at Yankton, South Dakota,
This 23rd day of May, 2022.



Al Viereck
FINANCE OFFICER

____ Voice vote

Memorandum #22-91

To: City Manager
From: Finance Department
Date: April 29, 2022
Subject: Transfer Retail (on-off sale) Wine & Cider – Phinney's

We have received an application for a transfer of ownership of a Retail (on-off-sale) Wine & Cider for January 1, 2022, to December 31, 2022, from TST, Inc. d/b/a Phinneys Pub & Casino (John Tuttle, President), to Phinney's, LLC., d/b/a Phinney's Pub & Casino (Deb Palmer, President), 2101 Broadway Tenancy Location 40 & 50, Yankton, S.D.

The above applicant is in compliance with the City Code of Ordinances, as checked by the Department of Finance. A police check on the applicant revealed no felony convictions or wants. The applicant is in compliance with all building and fire codes.



Al Viereck
Finance Officer

Memorandum #22-92

To: City Manager
From: Finance Department
Date: April 29, 2022
Subject: Transfer Retail (on-off sale) Malt Bev. & SD Farm Wine – Phinney's

We have received an application for a transfer of ownership of a Retail (on-off-sale) Malt Beverage & SD Farm Wine for July 1, 2022, to June 30, 2023, from TST, Inc. d/b/a Phinneys Pub & Casino (John Tuttle, President), to Phinney's, LLC., d/b/a Phinney's Pub & Casino (Deb Palmer, President), 2101 Broadway Tenancy Location 40 & 50, Yankton, S.D.

The above applicant is in compliance with the City Code of Ordinances, as checked by the Department of Finance. A police check on the applicant revealed no felony convictions or wants. The applicant is in compliance with all building and fire codes.



Al Viereck
Finance Officer

Memorandum #22-90

To: City Manager
From: Finance Department
Date: May 9, 2022
Subject: Special Events RETAIL (on-sale) Liquor License-Mojo's

We have received an application for a Special Events (on-sale) Liquor License for 1 day, June 4, 2022 from Stripes, Inc. dba Mojo's 3rd Street Pizza, (Jeff Dayhuff, Owner), 106 E. 3rd Street, Meridian Venue, 101 E. 3rd Street, Yankton, S.D.

The above applicant is in compliance with the City Code of Ordinances, as checked by the Department of Finance. A police check on the applicant revealed no felony convictions or wants. The applicant is in compliance with all building and fire codes.



Al Viereck
Finance Officer

***Introduction, First Reading and Establish
the Date for a Public Hearing***

Memorandum #22-93

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Proposed Rezoning, Ordinance #1062
Date: May 12, 2022

PROPOSED REZONING

ACTION NUMBER: 22-11

E.T.J. MEMBER ACTION REQUIRED: No

APPLICANT / OWNER: The City of Yankton

ADDRESS / LOCATION: 305 Riverside Drive.

REZONING REQUEST & PROPERTY DESCRIPTION:

From A-1 Agricultural to B-3 Central Business, A tract of land in Government Lot 4 in SW 1/4 of the SW 1/4, of Section 18, T 93, R 55, West of the 5th PM, City of Yankton, Yankton County, South Dakota. Said tract being bounded on the west by Broadway Avenue and running southeast for a distance of 300 feet; bounded on the north by Riverside Drive and running southward to the boundary of the Missouri River.

PREVIOUS ACTION: City Commission action on the Comprehensive Plan initiating / supporting a rezoning of the property.

COMMENTS: The proposed rezoning constitutes another step in the incremental land use changes in downtown Yankton. In accordance with the provisions set forth in the City's adopted Comprehensive Plan it is prudent to move forward with another rezoning of downtown area land to B-3 Central Business. The location is currently zoned A-1 Agricultural as a part of the city owned parcels associated with the Water Treatment Plant #1 and nearby park areas. Consideration of this rezoning does not determine what the eventual occupancy of the property will be. It simply defines possible occupancies as described in the B-3 Central Business District regulations. The City Commission will determine the eventual occupancy of the site as a part of a separate property management action process.

The proposed new zoning classification, B-3 Central Business, is the same as what covers a majority of Yankton's downtown area. The B-3 designation allows for the development of downtown commercial and residential mixed use occupancies. It does not permit any industrial types of uses. Land uses adjacent to the area would be permitted to continue with occupancies as

they currently do. This action would not force any changes on area property owners even if they are not zoned the same.

The appropriate public notice was published, and individual notifications were sent out prior to this public hearing. Staff received one contact after sending out the notifications. The contact was from area property owner Connie Bornitz. She had general questions about the proposal and did not state any objections to the change. Please see the minutes from the meeting for information about public comment received by the Planning Commission during the hearing.

In accordance with the provisions set forth in the City's Comprehensive Plan staff is recommending approval of the proposed rezoning of the described downtown area land from A-1 Agricultural to B-3 Central Business.

HEARING SCHEDULE:

April 11, 2022	The Planning Commission established May 9, 2022 as the date for a public hearing.
May 9, 2022	The Planning Commission holds a public hearing to consider the issue. All appropriate notices are published and mailed.
May 23, 2022	The City Commission establishes June 13, 2022 as the date for a public hearing.
June 13, 2022	The City Commission holds a public hearing to consider the issue. All appropriate notices will have been published and mailed. A super majority (6-3) vote of the City Commission cannot be protested out by the neighborhood. A simple majority (5-4) could be.
June 24, 2022	Estimated publication date of record of City Commission action.
July 14, 2022	Estimated date that the City Commission action is effective.

Planning Commission results: The Planning Commission recommended approval of the proposed rezoning.

ORDINANCE NO. 1062

AN ORDINANCE TO REZONE PROPERTY DESCRIBED HEREIN

BE IT ORDAINED, BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF YANKTON, SOUTH DAKOTA THAT THE FOLLOWING DESCRIBED PROPERTY HAS BEEN REZONED:

Section 1.

Rezone from A-1 Agriculture to B-3 Central Business, a tract of land in Government Lot 4 in SW 1/4 of the SW 1/4, of Section 18, T 93, R 55, West of the 5th PM, City of Yankton, Yankton County, South Dakota. Said tract being bounded on the west by Broadway Avenue and running southeast for a distance of 300 feet; bounded on the north by Riverside Drive and running southward to the boundary of the Missouri River. City of Yankton, owner. Address, 305 Riverside Drive.

As depicted on the associated Rezoning Map.

Section 2. Saving Clause.

Should any section, clause, or provision of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 3. Effective Clause.

This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

Adopted:

1st Reading:

2nd Reading:

Publication Date:

Effective Date:

Stephanie Moser, Mayor

ATTEST:

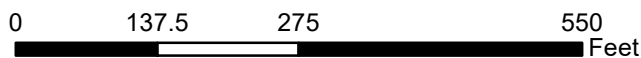
Al Viereck, Finance Officer



Exhibit A

City of Yankton

Rezone From A-1 Agricultural to B-3 Central Business,
 A tract of land in Government Lot 4 in SW 1/4 of the SW 1/4, of Section 18, T 93, R 55,
 West of the 5th PM, City of Yankton, Yankton County, South Dakota.
 Said tract being bounded on the west by Broadway Avenue and running southeast for a
 distance of 300 feet; bounded on the north by Riverside Drive
 and running southward to the boundary of the Missouri River.



Memorandum #22-94

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Planning Commission Action #22-10 / Resolution #22-23
Date: May 12, 2022

E.T.J. CONDITIONAL USE REQUEST

ACTION NUMBER: 22-10

E.T.J. MEMBER ACTION REQUIRED: Yes

APPLICANT / OWNER: Affordable Self Storage, LLC.

ADDRESS / LOCATION: 1501 and 1505 West City Limits Road (ref attached site plan and air photo).

PROPERTY DESCRIPTION: The South 325' of the S. 1/2, NE 1/4, SE 1/4, EXC the N. 115' of the E. 778' EXC E. 50' Section 11, T93N, R56W of the 5th P.M., Yankton County, South Dakota.

ZONING DISTRICT: ETJ, B-1 Local Business

PREVIOUS ACTION: Conditional Use Permits for prior phases after the adoption of the ETJ Ordinance.

COMMENTS: The applicant is requesting a Conditional Use Permit to expand the existing self-storage facility. If approved, the request would complete the owner's planned build out of the site. The attached illustrations show the site including existing and planned structures. As in the past, these are phased expansions by the owner, so they are asking for a waiver of the one-year time limit for the Conditional Use Permit.

Self-storage facilities as defined by the ETJ Ordinance No 797 are allowed in the B-1 Local Business District under certain conditions. The site proposal meets all applicable conditions of the ordinance including setbacks and lighting restrictions. Additionally, the doors of the furthest east building will not be facing the residential occupancies across the street per ordinance requirements. The addition of these structures on the site should have little if any impact on existing and future surrounding land uses beyond the impact that already exists from the facility.

The city will once again require a review of the stormwater management system as a part of the owner obtaining a building permit if the conditional use permit is approved. The review will determine if the existing detention facility is adequate to also serve the new structures on the site.

We have not received any comments from the public after publishing the notice and sending the required mailings to adjoining property owners.

Staff recommends that the request be granted with the valid permit time extended to five years.

HEARING SCHEDULE:

- April 11, 2022: The Planning Commission established May 9, 2022, as the date for public hearing on the proposed request.
- May 9, 2022: Planning Commission, including ETJ members, conducted a hearing and makes a recommendation to the City Commission.
- May 23, 2022: City Commission considers a resolution and makes the final decision.

Planning Commission results: The Planning Commission, including ETJ members, recommended approval of the proposed Conditional Use Permit with an extension of the permit time to five years to accommodate the phased construction of the three buildings.

RESOLUTION #22-23
Conditional Use Permit

WHEREAS, Affordable Self Storage, LLC., is an applicant requesting a Conditional Use Permit in the Extraterritorial Zoning Jurisdiction (ETJ) for property legally described as The South 325' of the S. 1/2, NE 1/4, SE 1/4, EXC the N. 115' of the E. 778' EXC E. 50' Section 11, T93N, R56W of the 5th P.M., Yankton County, South Dakota, and

WHEREAS, the above described property is zoned B-1 Local Business in the ETJ which allows conditional uses under the City of Yankton's Zoning Ordinance No. 797 as amended, and

WHEREAS, this Conditional Use Permit request is necessary for the expansion of an existing self-storage facility and the associated plans have been reviewed and recommended for approval by a vote of the City Planning Commission including ETJ members.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves a Conditional Use Permit in the ETJ for the expansion of a self-storage facility as depicted in the associated documentation, on the above described property, and

BE IT FURTHER RESOLVED that the valid permit time be extended to five years to provide for the phased construction of the three proposed buildings.

Adopted:

Stephanie Moser, Mayor

ATTEST:

Al Viereck, Finance Officer



City of Yankton

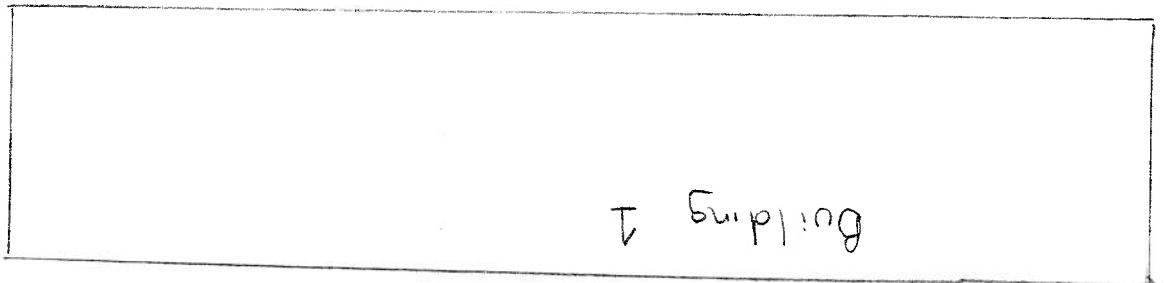
Conditional Use Permit - Project Location Map

1501 West City Limits Road



WEST CITY
LIMITS RD.

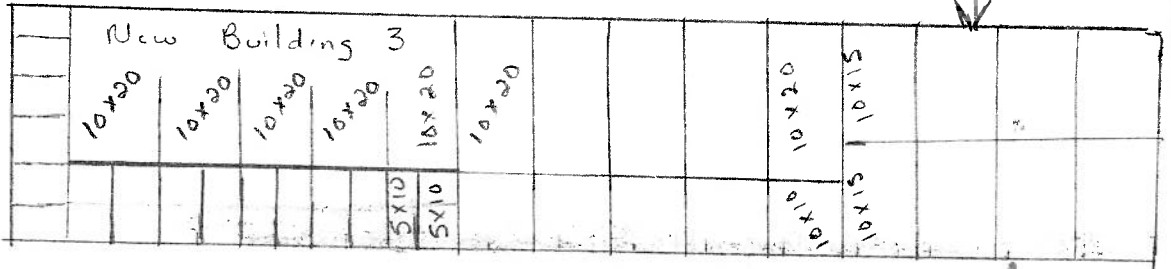




Building 1

35ft
400ft

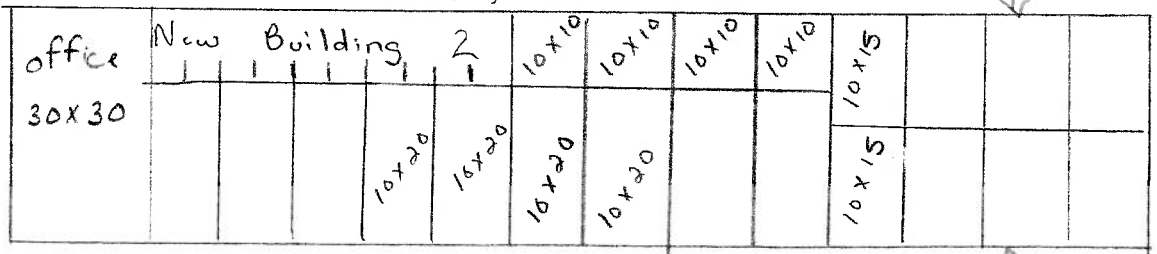
- 10 - 10x20's
- 8 - 10x15's
- 5 - 10x10's
- 14 - 5x10's



New Building 3

30ft

- 9 - 10x20's
- 8 - 10x15's
- 4 - 10x10's
- 10 - 5x10's

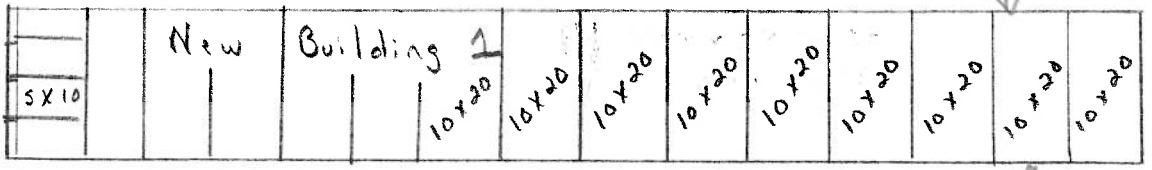


office 30x30
New Building 2

5x10
5x10

30ft

- 14 - 10x20's
- 4 - 5x10's



New Building 1

20ft



Existing Bush line

West City Lt Road

North

Memorandum #22-95

To: City Commissioners
From: Mayor Stephanie Moser
Subject: Advisory Board Appointments
Date: May 11, 2022

The following are the citizens I have selected to serve on the various City Advisory Boards and Commissions.

Planning Commission (Three Vacancies) – 3 Year Term

Warren Erickson
Deb Specht
John Kraft

Yankton Community Library Board (One Vacancy) – 3 Year Term

David Koerner

Park Advisory Board (Two Vacancies) – 3 Year Term

Elizabeth Healy
Jason Tellus

Airport Advisory Board – (Three Vacancies) – 3 Year Term

Steve Hamilton
Rick Daugherty
Mary Boyer

Yankton Housing and Redevelopment Commission (One Vacancy) – 5 Year Term

Tom Stange

Respectfully submitted,

Stephanie Moser
Mayor

_____ Roll call

Memorandum #22-101

To: City Commission
From: Ross Den Herder, City Attorney
Subject: Ordinance creating a process for a Location Transfer for a Medical Cannabis Dispensary Licensee
Date: May 13, 2022

The City Commission recently adopted City ordinances governing the licensing of medical cannabis dispensaries within City limits. This licensing structure does not currently permit medical cannabis dispensary licenses to be transferred by its owner to another properly conforming location within the City. One of the medical cannabis dispensary licensees (Genesis Farms) would like to purchase and rehab an existing building, rather than build a new building as set forth within the business' current license application. These changes create a structure that permits a transfer of location by the existing owner only. The new location must be subject to a new application, another \$1,500 application fee, and the application must be fully vetted by staff in the same manner as the original application. Upon City approval, the transfer must also be approved by the State of South Dakota in the same manner that the State approves transfers of alcohol licenses. This change does not permit transfer of the license to a new owner, so it does not create a new marketplace for a medical marijuana dispensary and otherwise remains in keeping with the City's original medical cannabis licensing ordinance structure.

Thanks,

Ross K. Den Herder
City Attorney

ORDINANCE NO. ~~1063~~

AN ORDINANCE CREATING A FRAMEWORK FOR RELOCATION OF A LICENSED MEDICAL MARIJUANA ESTABLISHMENT.

WHEREAS, the current medical marijuana establishment Ordinance found at Chapter Thirteen, Article III, Division 8 of the Code of Ordinances of the City of Yankton currently prohibits the transfer of a licensed medical marijuana establishment to another properly conforming location within the City of Yankton; and

WHEREAS, the ability to transfer a medical marijuana establishment license to a new properly conforming location remains consistent with the spirit and intent of the City of Yankton's medical marijuana establishment licensing regime.

NOW THEREFORE, BE IT ORDAINED, by the Board of City Commissioners of the City of Yankton that:

Section 13-139 is hereby amended to read as follows:

Sec. 13-139. *License Not Transferrable; Exceptions*

- (a) Licenses issued under this division shall not be transferable to any other person, business entity, or location except as set forth herein, and shall lapse automatically upon a change of ownership or location unless the transfer strictly complies with the terms set forth herein. A license issued under this Division is not a property right.
- (b) A license issued under this division shall be transferrable to another location only if the ownership of the licensee or the owners of the licensee business does not change and each of the following conditions are met:
- (1) the licensee submits to the City a complete application for a medical marijuana establishment license for the new location in accordance with Sec. 13-141;
 - (2) the licensee submits to the City a new non-refundable application fee in accordance with Sec. 13-142;
 - (3) the application for a license to operate in the new location is approved by the City of Yankton in accordance with this Division; and
 - (4) the State of South Dakota approves the new location and issues a Registration to operate in the new location.
- (c) The licensee shall not operate in a newly licensed location as authorized herein unless the licensee first obtains a certificate of occupancy from the City of Yankton in

accordance with Sec. 13-149. The condition in Sec. 13-148(b) shall not apply to a new location. All time limitations set forth in Sec. 13-148 shall not apply if a licensee has received a certificate of occupancy for its original location. When licensee opens its doors to the public in the new location, the license for the original location shall terminate and all medical marijuana business activities occurring therein shall immediately cease. Under no circumstances shall a licensee be permitted to operate a medical marijuana establishment in more than one location.

(d) If the licensee has tendered the annual fee for the original licensed location, the licensee shall not be required to tender a new annual fee for the newly licensed location. The annual fee for the original licensed location shall transfer and apply to the newly licensed location for the remainder of the calendar year.

Section 13-148 is hereby amended to read as follows:

Sec. 13-148. *Preliminary Approval and Issuance of License*

If approved, the City's issuance of a license following an initial application shall be provisional and subject to automatic termination if:

- (a) The licensee does not receive or fails to qualify for the state registration certificate required under SDCL Chapter 34-20G within 120 days of issuance of the license; or
- (b) At least two (2) other holders of an active and unrevoked medical cannabis license have previously received a state registration certificate required under SDCL Chapter 34-20G; or
- (c) The licensee fails to pay the annual license fee to the City within thirty (30) days of the issuance of the state registration certificate in accordance with Sec. 13-143; or
- (d) The licensee fails to obtain a certificate of occupancy from the City of Yankton in accordance with Sec. 13-149 within one hundred eighty (180) days of issuance of the state registration certificate issued under SDCL Chapter 34-20G. If a licensee submits to the City of Yankton an application for a license to operate in a new location in accordance with Sec. 13-139 prior to receiving a certificate of occupancy for the original location, the time limitation set forth in this subsection (d) shall pause until the licensee has received (or has been denied) a provisional license from the City of Yankton and state registration certificate to operate a medical cannabis establishment in the new location.

No licensee may engage in the sale of cannabis products under a provisional license.

Dated this ____ day of June, 2022.

CITY OF YANKTON

Stephanie Moser, Mayor

ATTEST:

Al Viereck, Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: