



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, June 13, 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 Work Session Meeting of May 23, 2022, and regular meeting of May 23, 2022** **Attachment I-2**
3. **Schedule of Bills** **Attachment I-3**
4. **Proclamation – Yankton Tennis Team** **Attachment I-4**
5. **City Manager’s Report** **Attachment I-5**
6. **Public Appearances**

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

II. CONSENT ITEMS

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

1. **Establishing public hearing for transfer of ownership**
Establish June 27, 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 Israel Montalvo d/b/a Chaparros Tacos to I & E, LLC d/b/a Chaparros Tacos (Israel Montalvo, Member), 100 E. 4th Street, Yankton, S.D.

Attachment II-1

2. **Establish public hearing for sale of alcoholic beverages**
Establish June 27, 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, October 22, 2022, from The Center (Kriss Thury, Executive Director), 900 Whiting Drive, Yankton, South Dakota.

Attachment II-2
3. **Transient Merchant License**
Consideration of Memorandum #22-103 recommending approval of the application from L & C Leathernecks Marine Corps. League & Auxiliary for July 9, 2022

Attachment II-3
4. **Work Session**
Setting date of June 27, 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 June 27, 2022, as the date for the public hearing on the request for a Special Malt Beverage (on-off sale) Retailers License for 4 days, August 4, 11, 18 & 25, 2022, from Backspace Brewing Company LLC d/b/a Backspace Brewing Company (Chris Allington, Partner), 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
6. **Transient Merchant License**
Consideration of Memorandum #22-113 recommending approval of the application from Martha's Crafts from August 12, 2022 thru September 12, 2022.

Attachment II-6
7. **Transient Merchant License**
Consideration of Memorandum #22-115 recommending approval of the application from Whimsical Glass Creations from June 14, 2022 thru August 14, 2022.

Attachment II-7

III. OLD BUSINESS

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

1. **Public hearing for sale of alcoholic beverages**
Consideration of Memorandum #22-96 regarding 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 III-1

2. **Public hearing for sale of alcoholic beverages**
Consideration of Memorandum #22-97 regarding 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 III-2
3. **Public hearing for sale of alcoholic beverages**
Consideration of Memorandum #22-98 regarding 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 III-3
4. **Public hearing for sale of alcoholic beverages**
Consideration of Memorandum #22-99 regarding 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 III-4
5. **Public hearing for sale of alcoholic beverages**
Consideration of Memorandum #22-100 regarding 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 III-5
6. **Public hearing - Rezoning**
Consideration of Memorandum #22-110, Second Reading and 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 III-6
7. **Public hearing – Ordinance for Relocation of Licensed Medical Marijuana Establishment**
Consideration of Memorandum #22-114, Second Reading and public hearing to consider Ordinance #1063, an ordinance creating a framework for relocation of a licensed medical marijuana establishment

Attachment III-7

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. Mayor's Appointments for City Commissioners to City Advisory Boards and Commissions

Consideration of Memorandum #22-108 recommending approval of the Mayor's Appointments for City Commissioners to various City Advisory Boards and Commissions

Attachment IV-1

2. Change Order, Final Project Acceptance & Final Payment

Consideration of Memorandum #22-104 regarding Change Order Number 1, Final Project Acceptance and Final Payment for the 23rd Street from West City Limits Road to Approximately 1300' West – Street & Utility Project

Attachment IV-2

3. Planning Commission Recommendation – Plat

Consideration of Memorandum #22-111 regarding Resolution #22-24, a plat of Lot 1 Broadway Addition in the NW 1/4 of the SW 1/4 of Section 6, T93N, R55W of the 5th P.M., City and County of Yankton, South Dakota. Location, the east side of the 2500 and 2600 Blocks of Broadway Avenue. City of Yankton, owner.

Attachment IV-3

4. Introduction and First Reading – Wastewater Surcharge Ordinance

Introduction and First Reading - Consideration of Memorandum #22-102, introduction and first reading of Ordinance #1061 and setting June 27, 2022, as the date for the second reading and public hearing on an ordinance that would create a wastewater surcharge to replace the current base or minimum wastewater rates.

Attachment IV-4

5. Acceptance of Sanitary Sewer, Storm Sewer & Street Improvements - Summit Heights

Consideration of Memorandum #22-107 regarding Acceptance of the Sanitary Sewer, Storm Sewer and Street Improvements for West Street and Dakota Street of the Summit Heights Addition

Attachment IV-5

6. Acceptance of Utility & Street Improvements – Dakota West Estates II Addition

Consideration of Memorandum #22-106 regarding Acceptance of the Utility and Street Improvements for Millie Lane – Dakota West Estates II Addition

Attachment IV-6

7. Introduction and First Reading – Assessment Project

Introduction and First Reading - Consideration of Memorandum #22-105, introduction and establishing a public hearing for June 27, 2022 as the date for the second reading and public hearing for the Assessment Project to Pave Dakota Street, between 12th Street and 15th Street

Attachment IV-7

8. Grant Agreement

Consideration of Memorandum #22-116 recommending approval of Resolution #22-27 a Governor's Office of Economic Development Local Infrastructure Improvement Grant Agreement for improvements northwest of the intersection of 31st Street and Broadway Avenue

Attachment IV-8

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 JUNE 13, 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.