

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
MAY 23, 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.

Action 22-128

Moved by Commissioner Webber, seconded by Commissioner Villanueva, to approve Minutes of regular meeting of May 9th, 2022.

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

Motion adopted.

Mayor Moser read proclamations declaring June 2022 as General Aviation Appreciation Month and June 8th & June 9th, 2022 as Yankton Area Mental Wellness Conference Days.

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

Mayor Moser read proclamations for Thomas Kurtenbach and Steve Frick, stating the gratitude of the Commission and City Manager for their loyal and faithful service over the years and congratulated them on their retirement.

Action 22-129

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

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.
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.
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.

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

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.

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

Action 22-130

This was the time and place for the public hearing for 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. (Memorandum 22-91) No one was present to speak for or against the application.

Moved by Commissioner Benson, seconded by Commissioner Villanueva, to approve the license.

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

Action 22-131

This was the time and place for the public hearing for 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. (Memorandum 22-92) No one was present to speak for or against the application.

Moved by Commissioner Villanueva, seconded by Commissioner Schramm, to approve the license.

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

Action 22-132

This was the time and place for the public hearing 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. (Memorandum 22-90) No one was present to speak for or against the application.

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

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

Commissioner Benson introduced and Mayor Moser read the title of Ordinance No. 1062, AN ORDINANCE 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, and set the date of the second reading and public hearing as June 13th, 2022.

Action 22-133

Moved by Commissioner Schramm, seconded by Commissioner Johnson, to approve Resolution 22-23. (Memorandum 22-94)

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.

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

Action 22-134

Moved by Commissioner Johnson, seconded by Commissioner Brunick, to approve the Mayor's appointments to various City Advisory Boards and Commissions. (Memorandum 22-95)

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

Commissioner Miner introduced and Mayor Moser read the title of Ordinance No. 1063, AN ORDINANCE CREATING A FRAMEWORK FOR RELOCATION OF A LICENSED MEDICAL MARIJUANA ESTABLISHMENT, and set the date of the second reading and public hearing as June 13th, 2022.

Action 22-135

Moved by Commissioner Villanueva, seconded by Commissioner Johnson, to adjourn into Executive Session at 6:38 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 22-136

Moved by Commissioner Johnson, seconded by Commissioner Villanueva, to adjourn at 8:42 p.m.

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

Motion adopted.

Stephanie Moser
Mayor

ATTEST:

Al Viereck
Finance Officer