

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
JUNE 27TH, 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 22-156

Moved by Commissioner Webber, seconded by Commissioner Miner, to approve Minutes of regular meeting of June 13th, 2022.

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

Motion adopted.

Mayor Moser read a proclamation honoring Mike Healy.

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

City Attorney Ross Den Herder administered an Oath of Office to Yankton’s new fire chief Tim Linke. There were no other public appearances.

Action 22-157

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

1. **Establish public hearing for sale of alcoholic beverages**
Establish July 11, 2022, as the date for the public hearing on the request for a Special Events Retail (on-sale) Liquor License for 3 days, October 7th, October 22nd and November 12th, 2022, from Ben’s Brewing Co. (Ben Hanten, Owner), 222 West 3rd Street, Mount Marty University Tailgating, Memorial Park, 2000 Douglas, Yankton, S.D.
2. **Approving Current Volunteer Firefighter List**
Consideration of Memorandum #22-123 regarding approving the current list of Volunteer Firefighters per Workers’ Compensation and SDCL requirements
3. **Transient Merchant License**
Consideration of Memorandum #22-131 recommending approval of the application from RS Design for July 4, 2022

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

Motion adopted.

Action 22-158

This was the time and place for the public hearing for 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. (Memorandum 22-118) No one was present to speak for or against the application.

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

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

Motion adopted.

Action 22-159

This was the time and place for the public hearing for the 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. (Memorandum 22-119) No one was present to speak for or against the application.

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

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

Motion adopted.

Action 22-160

This was the time and place for the public hearing for the 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. (Memorandum 22-120) No one was present to speak for or against the application.

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

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

Motion adopted.

Action 22-161

This was the time and place for the second reading and public hearing for Ordinance No. 1061, AN ORDINANCE AMENDING CHAPTER 26, ARTICLE I, SECTION 26-2, OF THE CODE OF ORDINANCES OF THE CITY OF YANKTON BY AMENDING VARIOUS SECTIONS THERIN. (Memorandum 22-102) No one was present to speak for or against the adoption of the ordinance.

Moved by Commissioner Maibaum, seconded by Commissioner Miner, to adopt Ordinance No. 1061.

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

Motion adopted.

Action 22-162

This was the time and place for the second reading and public hearing for the Assessment Project to Pave Dakota Street, between 12th Street and 15th Street. (Memorandum 22-132) No one was present to speak for or against the Assessment Project.

Moved by Commissioner Miner, seconded by Commissioner Webber, to approve the Assessment Project.

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

Motion adopted.

Action 22-163

Moved by Commissioner Maibaum, seconded by Commissioner Benson, to approve Resolution #22-22. (Memorandum 22-129)

RESOLUTION #22-22

WHEREAS, the City of Yankton has determined that it is necessary to adjust the existing municipal wastewater rate surcharges to a level which will maintain the operation of the municipal wastewater system on a self-sustaining user basis, and fund SRF debt service at the State required 110%, and;

WHEREAS, the City of Yankton has conducted a wastewater rate review based on forecasted State Revolving Loans / Clean Water (SRF CW loans five, six, and seven) and;

WHEREAS, the City of Yankton determined during the recent workshop that an annual increase should be applied to the surcharge to fund the debt service for the proposed SRF CW # 05, #06, and #7;

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners:

That the following municipal wastewater monthly surcharge rates and regulations shall be adopted;

1. Surcharge Rates

The monthly wastewater surcharge for all meters shall be effective with the billings issued after November 1, 2022, November 1, 2023, November 1, 2024, and November 1, 2025.

Previous Base \$11.22

New Surcharges and effective dates:

November 1, 2022 \$17.53 (Prev. base \$11.22 + \$6.31 Increase = \$17.53)

November 1, 2023 \$23.84

November 1, 2024 \$30.15

November 1, 2025 \$36.46

The surcharge shall be billed monthly to all wastewater users based on the above effective water rate surcharge table.

2. The surcharge will continue to be used for the debt service of Clean Water Loans 05 through 07 until such time as they are fully borrowed. The surcharge rate will then be reassessed and adjusted to reflect the combined required 110% debt service for Clean Water Loans 05, 06, and 07.

3. Non-City Residential, Commercial, and Industrial Surcharge Rates

The monthly surcharge wastewater charge for any meter location located outside the city limits of Yankton shall be at a rate twice that charged for in-City wastewater users as established by this resolution unless otherwise established by the City Commission.

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

Motion adopted.

Action 22-164

Moved by Commissioner Villanueva, seconded by Commissioner Johnson, to approve Resolution #22-21. (Memorandum 22-130)

RESOLUTION #22-21

WHEREAS, at the June 16, 2022, Joint Powers Advisory Board meeting in Vermillion, the board voted to recommend that each city increase the tipping fees at each municipality’s respective facility; and

WHEREAS, the operating costs per ton continues to increase; and

WHEREAS, the Capital Cost needs continue to increase at both locations; and

WHEREAS, the Joint Powers member cities desire to provide solid waste services on a self-sustaining user fee basis;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Yankton, South Dakota, that the following Joint Powers Landfill and Recycling tipping rates are hereby adopted, effective for August 1, 2022.

	Current	Proposed
	Per Ton	1-Jul-22
1 Garbage for Licensed Haulers	\$61.00	\$65.50
2 Garbage for Un-Licensed Haulers	\$66.50	\$71.00
3 Garbage / Out of County / Licensed	\$70.50	\$75.00
4 Garbage / Construction Debris	\$68.50	\$73.00

The City of Yankton reserves the right to impose additional fees on loads or items deemed to be not in keeping with the above rates. These fees will be set in accordance with the transportation costs and operations cost affected.

Roll Call: Commissioners voting “Aye” were Brunick, Johnson, Maibau, Miner, Schramm, Webber, Villanueva, and Mayor Moser; voting “Nay” was Commissioner Benson.

Motion adopted.

Action 22-165

This was the time and place to consider the funding request from Riverboat Days. (Memorandum 22-122) Members of the Riverboat Days Committee present and requesting support were Jake Hoffner, John Kraft, and Michelle Termanson.

Moved by Commissioner Johnson, seconded by Commissioner Schramm, to approve the funding request.

Roll Call: Commissioners voting “Aye” were Benson, Brunick, Johnson, Maibaum, Miner, Schramm, Webber, and Mayor Moser; voting “Nay” were none; abstaining was Commisioner Villanueva.

Motion adopted.

Action 22-166

Moved by Commissioner Schramm, seconded by Commissioner Webber, to approve Resolution #22-28. (Memorandum 22-124)

RESOLUTION #22-28

WHEREAS, it appears from an examination of the plat of Lot 1A, in Lot 1 of Block 6, Lower Yankton, City and County of Yankton, South Dakota, prepared by Thomas Lynn Week, a registered land surveyor in the State of South Dakota, and

WHEREAS, such plat has been prepared according to law and is consistent with the City's overall Comprehensive Development Plan and is subject to County review, and

WHEREAS, the Board of City Commissioners of the City of Yankton, South Dakota, hereby agree to accept "Lot 1A" of Lot 1, Block 6, Lower Yankton, City and County of Yankton, South Dakota.

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, that the plat for the above described property is hereby approved and the City Manager is authorized to sign all documents associated with accepting Lot 1A of Lot 1, Block 6, Lower Yankton, City and County of Yankton, South Dakota .

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

Action 22-167

This was the time and place to establish July 11, 2022 as the date for public hearing to consider Resolution #22-29 to vacate right of way on the south 4.3 feet of the west 143 feet of 7th Street right of way adjacent to Lot 1, Block 6, Lower Yankton Addition to the City of Yankton. Address 618 Douglas Avenue. City of Yankton, applicant. (Memorandum 22-125) No one was present to speak for or against the public hearing.

Moved by Commissioner Johnson, seconded by Commissioner Webber, to establish public hearing ROW.

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

Action 22-168

A commission discussion was held about developing a draft RFP for the possibility of selling city owned Broadway property on the east side of the 2500 and 2600 blocks. While no official action was taken at the time, the consensus of the commission was to direct staff to proceed with drafting this for possible commission discussion and action at a future meeting.

Action 22-169

Moved by Commissioner Maibaum, seconded by Commissioner Johnson, to approve Resolution #22-30. (Memorandum 22-126)

RESOLUTION #22-30

WHEREAS Yankton Business Improvement District 1 was created in conformance with South Dakota Codified Law and defined in City Ordinance #953, and

WHEREAS, The Business Improvement District #1 Board of Directors is therein authorized to make recommendations to the Yankton Board of City Commissioners regarding governance of the District including its revenues and expenditures, and

WHEREAS, at their meeting on June 17, 2022, the Yankton Business Improvement District #1 approved a recommendation that the City Commission provide funding to the Yankton Youth Soccer Association (YYSA) to help fund the construction of the First Dakota Soccer Park, and

WHEREAS said funding shall be in the amount of \$125,000. \$75,000 to be provided upon approval of the City Commission and the remaining \$50,000 to be provided in annual payments of \$5,000 over the next 10 years beginning in February, 2023, and

WHEREAS, said \$50,000 can be provided prior to 10 years if funds are available and payment is approved by the Business Improvement District #1 Board of Directors and City Commission, and

WHEREAS, the described payments shall be made through the local economic development corporation (Yankton Thrive).

NOW THEREFORE, BE IT RESOLVED that the Yankton Board of City Commissioners, based on the recommendation of the Business Improvement District #1 Board of Directors does hereby authorize the above described disbursement of funds, and

BE IT FURTHER RESOLVED that the Yankton City Manager be authorized to execute any documents associated with said disbursement.

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

Action 22-170

Moved by Commissioner Schramm, seconded by Commissioner Webber, to approve Resolution #22-31. (Memorandum 22-127)

RESOLUTION #22-31

WHEREAS Yankton Business Improvement District 1 was created in conformance with South Dakota Codified Law and defined in City Ordinance #953, and

WHEREAS, The Business Improvement District #1 Board of Directors is therein authorized to make recommendations to the Yankton Board of City Commissioners regarding governance of the District including its revenues and expenditures, and

WHEREAS, at their meeting on June 17, 2022, the Yankton Business Improvement District #1 approved a recommendation that the City Commission provide funding to the National Field Archery Foundation (NFAA) to help fund the past World Archery Tournament held in Yankton, and

WHEREAS said funding shall be in the amount of \$7,200 to be provided upon approval of the City Commission, and

WHEREAS, the described payments may be made through the local economic development corporation (Yankton Thrive).

NOW THEREFORE, BE IT RESOLVED that the Yankton Board of City Commissioners, based on the recommendation of the Business Improvement District #1 Board of Directors does hereby authorize the above described disbursement of funds, and

BE IT FURTHER RESOLVED that the Yankton City Manager be authorized to execute any documents associated with said disbursement.

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

Action 22-171

Moved by Commissioner Schramm, seconded by Commissioner Villanueva, to approve Resolution #22-32. (Memorandum 22-128)

RESOLUTION #22-32

A Resolution Designating the
Business Improvement District #1 Board of Directors and their Terms

WHEREAS, a The Business Improvement District #1 Board of Directors shall make recommendations to the City Commission for the establishment of a plan or plans for improvements within the district.

NOW THEREFORE BE IT RESOLVED by the Board of City Commissioners of Yankton, South Dakota that the following members and terms shall be approved subject to the applicable ordinance and by-laws of the district:

- | | |
|--------------------|------------------------------|
| Steve Slowey | 2023 (hotelier) |
| Rikesh Patel | 2023 (hotelier) |
| Jason Winterringer | 2024 |
| Erica Smith | 2024 (hotelier - new member) |
| Dan Specht | 2025 |
| Bruce Cull | 2025 (hotelier) |

Rob Stephenson 2025

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

Action 22-172

Moved by Commissioner Benson, seconded by Commissioner Villanueva, to adjourn at 9:19 p.m.

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

Stephanie Moser
Mayor

ATTEST:

Al Viereck
Finance Officer

Published on July 6, 2022