

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
JULY 25<sup>th</sup>, 2022**

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

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

Action 22-190

Moved by Commissioner Miner, seconded by Commissioner Villanueva, to approve Minutes of regular meeting of July 11<sup>th</sup>, 2022.

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

Motion adopted.

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

Under public appearances, citizens Terry Winter and Bernie Hunhoff appeared to speak against the removal of the cottonwood tree on the island at Westside Park. Citizen Scott Borman spoke in favor of the tree removal. After some Commission discussion this was moved to Other Business number V-I on tonight’s meeting.

Action 22-191

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

1. **Establishing public hearing for New Retail Wine & Cider License**  
Establish August 8, 2022, as the date for the public hearing on the New Retail (on-off sale) Wine & Cider License for January 1, 2022, to December 31, 2022, from South Dakota Publishing, LLC d/b/a Muddy Mo’s Coffee House (Katie Hunhoff, Owner), 233 Broadway Avenue, Yankton, S.D.
2. **Possible Quorum Event**  
August 6, 2022, for Bridge Naming Ceremony at Yankton High School, no official commission action
3. **Peddler’s License**  
Consideration of Memorandum #22-149 recommending approval of a Peddler’s License from Southwestern Advantage for one (1) individual to go house to house selling educational books from July 29, 2022 – August 29, 2022

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

Motion adopted.

Action 22-192

This was the time and place for the public hearing for a Special Malt Beverage (on-sale) Retailers License for 2 days, September 17, and October 29, 2022 from Backspace Brewing Company LLC d/b/a Backspace Brewing Company (Chris Allington, Partner), Memorial Park, 2000 Douglas, Yankton, S.D. (Memorandum 22-142) No one was present to speak for or against the application. Moved by Commissioner Villanueva, seconded by Commissioner Brunick, to approve the license.

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

Motion adopted.

Action 22-193

This was the time and place for the public hearing for a transfer of ownership and location of a Retail (on-off-sale) Malt Beverage & SD Farm Wine for July 1, 2022, to June 30, 2023, from Annis Properties, Inc. d/b/a Patriot Express 02, 104 E 4<sup>th</sup> Street, Suite A (Kevin Annis, President), to Phinney’s Casino, LLC d/b/a Phinney’s Casino (Deb Palmer, President), 2101 Broadway, Yankton, S.D. (Memorandum 22-143) No one was present to speak for or against the application.

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

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

Motion adopted.

Action 22-194

This was the time and place for the public hearing for a transfer of ownership and location of a Retail (on-sale) Liquor License for January 1, 2022, to December 31, 2022, from YC Library, LLC (Garrett Horn, President), dba Capitol Street Pub, 401 Capitol Street, to Shree, LLC d/b/a Shree, Suite 3 (Dipan Patel, Manager), 821 Broadway, Suite 3, Yankton, S.D. (Memorandum 22-144) No one was present to speak for or against the application.

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

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

Motion adopted.

Action 22-195

Moved by Commissioner Johnson, seconded by Commissioner Miner, to approve Resolution 22-37. (Memorandum 22-145)

**RESOLUTION #22-37**

WHEREAS, it appears from an examination of the plat of Lots 1 - 3 in Block 1 of Mead’s Addition to the City of Yankton, South Dakota, prepared by Brett R. Kennedy, 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.

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.

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

Motion adopted.

Action 22-196

Businessman Dave Hertz was present to answer questions from commissioners and request their approval of the proposed sale of this land to himself.

Moved by Commissioner Maibaum, seconded by Commissioner Miner, to approve Resolution 22-38. (Memorandum 22-147)

**RESOLUTION #22-38**

WHEREAS, the City of Yankton owns an approximate 11.48 acre parcel known as Lot 8 in the Airport Addition to the City of Yankton, and

WHEREAS, Dave Hertz representing Midwest Rentals, LLC has offered \$350,000 to purchase the site for the future location of Clark's Rentals, and

WHEREAS, Mr. Hertz plans to expand the business over time and, as described in the purchase agreement, also desires a right of first refusal and interim lease on the adjacent Lots 6 and 7 of the Airport Addition

WHEREAS, the Yankton Board of City Commissioners desires to sell the 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 Lot 8, Airport Addition to the City of Yankton, South Dakota, subject to all provisions of the associated "Real Estate Purchase Agreement" to Yankton Thrive for the purpose of sale to Dave Hertz, Midwest Rentals, LLC, and

BE IT FURTHER RESOLVED that the Board of City Commissioners agree to offer a right of first refusal and lease for the adjacent Lots 6 and 7 per the provisions of the purchase agreement and lease documents, and

BE IT FURTHER RESOLVED that the City Manager is authorized to execute all documents associated with the above described actions as defined in the purchase agreement.

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

Motion adopted.

Action 22-197

Moved by Commissioner Johnson, seconded by Commissioner Miner, to approve the GreatLIFE Change Order No. 1 to Fox Run Golf Course Irrigation Pump Station contract in the amount of \$44,479.06 for demolition and construction of a new pump station building. (Memorandum 22-148)

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

Motion adopted.

Under Other Business regarding the tree in Westside Park, City Manager Leon gave an explanation of the decision to remove this tree. Citizens Terry Winter and Bernie Hunhoff as well as citizen Mike Healy spoke in opposition to removal. City Attorney Ross Den Herder explained that this decision to remove was already approved by the awarding of the project to a contractor. No other formal action was taken by the Commission at this meeting.

July 25<sup>th</sup>, 2022

Page 4

Action 22-198

Moved by Commissioner Johnson, seconded by Commissioner Villanueva, to adjourn at 8:14 p.m.

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

Motion adopted.

---

Stephanie Moser  
Mayor

ATTEST:

---

Al Viereck  
Finance Officer

Published on August 3<sup>rd</sup>, 2022