

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
OCTOBER 24TH, 2022**

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

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

Action 22-258

Moved by Commissioner Schramm, seconded by Commissioner Villanueva, to approve Minutes of regular meeting of October 10, 2022.

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

Motion adopted.

City Manager Leon submitted a Commission Information Memorandum giving an update on community projects and items of interest.

There were no public appearances at that time.

Action 22-259

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

1. **Establish public hearing for sale of alcoholic beverages**
Establish November 14, 2022, as the date for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License for 1 day, December 17, 2022 from The Center (Kriss Thury, Executive Director), 900 Whiting Drive, Yankton, South Dakota.
2. **Establish public hearing for sale of alcoholic beverages**
Establish November 14, 2022, as the date for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License for 1 day, December 31, 2022 from The Center (Kriss Thury, Executive Director), 900 Whiting Drive, Yankton, South Dakota.
3. **Establish public hearing for renewal of Alcoholic Beverage Licenses**
Establish November 14, 2022, as the date for a public hearing and consideration of the applications for renewal of Alcoholic Beverage Licenses for the 2023 (January 1, 2023, to December 31, 2023) licensing period

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

Motion adopted.

Action 22-260

This was the time and place for the second reading and public hearing for Ordinance 1066 AN
ORDINANCE TO REZONE PROPERTY FROM ETJ A-1 AGRICULTURAL TO ETJ B-2
HIGHWAY BUSINESS IN THE CITY’S EXTRATERRITORIAL JURISDICTION THE NORTH
260 FEET OF THE NE 1/4, SW 1/4 OF THE NORTH 18 ACRES, EXCLUDING LOTS H1 AND H2
SECTION 8, T93N, R55W OF THE 5TH PM YANKTON COUNTY, SOUTH DAKOTA AND
OUTLOT 1, NE 1/4, NE 1/4, SW 1/4 EXCEPT A PARCELS BEGINNING AT THE SW CORNER

OF OUTLOT 1, THENCE NORTH 208', THENCE NORTHEASTERLY PARALLEL WITH THE SOUTH BOUNDARY LINE OF OUTLOT 1 208' THENCE SOUTH 208' THENCE SOUTHWESTERLY 208' TO THE POINT OF BEGINNING. ADDRESS, THE NORTH SIDE OF THE 1500 BLOCK OF WHITING DRIVE, JUSTUS AND MICHELLE HIRSCHMAN, OWNERS. (Memorandum #22-199). No one was present to speak for or against the adoption of the ordinance. Moved by Commissioner Benson, seconded by Commissioner Schramm, to adopt Ordinance No. 1066.

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

Action 22-261

Moved by Commissioner Johnson, seconded by Commissioner Villanueva, to approve Resolution #22-50. (Memorandum #22-192)

RESOLUTION # 22-50

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

2013 Ford F250 VIN: 1FT7X2B60DE80867

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

Action 22-262

This was the time and place for the bid opening for two Steel Transfer Station Walking Floor Trailers for the Department of Public Works, City of Yankton/Joint Powers Department. One bid was received:

Northern Truck & Equipment, 47213 Schweigers Circle, Sioux Falls, SD 57107 - \$224,808.50

Moved by Commissioner Maibaum, seconded by Commissioner Villanueva, to award the bid for two Steel Transfer Station Walking Floor Trailers for \$224,808.50 to Northern Truck & Equipment of Sioux Falls, South Dakota. (Memorandum #22-193)

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

Action 22-263

This was the time and place for the bid opening for the Crushing Salvaged Concrete and Asphalt. The following bids were received:

1. RTS Shearing, Jamestown, ND 58401 - \$6.95 per ton
2. Slowey Construction, Inc., Yankton, SD 57078 - \$4.89 per ton
3. Intex Corp., Rogers, MN 55374 - \$4.99 per ton

Moved by Commissioner Schramm, seconded by Commissioner Benson, to award the bid for the Crushing of Salvaged Concrete and Asphalt for 2023 to Slowey Construction of Yankton, South Dakota at a unit price of \$4.89 per ton. (Memorandum #22-194)

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

Action 22-264

Moved by Commissioner Johnson, seconded by Commissioner Maibaum, to approve the purchase of the 2022 ABI Force laser-leveling ball field groomer and eleven attachments for the Parks Department. (Memorandum #22-195)

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

Action 22-265

Moved by Commissioner Johnson, seconded by Commissioner Schramm, to approve Resolution #22-53. (Memorandum #22-200)

RESOLUTION #22-53
Conditional Use Permit

WHEREAS, Justus and Michelle Hirschman., are applicants requesting a Conditional Use Permit in the Extraterritorial Zoning Jurisdiction (ETJ) for property legally described as The North 260 feet of the NE 1/4, SW 1/4 of the North 18 Acres, Excluding Lots H1 and H2 Section 8, T93N, R55W of the 5th PM Yankton County, South Dakota and Outlot 1, NE 1/4, NE 1/4, SW 1/4 Except a Parcels Beginning at the SW Corner of Outlot 1, Thence North 208', Thence Northeasterly Parallel with the South Boundary Line of Outlot 1 208' Thence South 208' Thence Southwesterly 208' to the Point of Beginning as depicted on the associated maps and site plans, and

WHEREAS, the above described property is zoned B-2 Highway 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 construction and operation of a 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 construction and operation 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 proposed buildings.

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

Action 22-266

Moved by Commissioner Maibaum, seconded by Commissioner Schramm, to approve the purchase of a new 2023 Ford Explorer in the amount of \$34,869 for the Department of Public Works, City of Yankton/Chan Gurney Municipal Airport from Lamb Motor Co. of Onida, South Dakota, based on the state bid. (Memorandum #22-198)

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

Commissioner Schramm introduced and Mayor Moser read the title of Resolution #22-54, THE 2022 SPECIAL ASSESSMENT ROLL FOR DAKOTA STREET FROM 12TH STREET TO 15TH STREET and set November 14, 2022 as the date for the second reading and public hearing thereof.

Action 22-267

Moved by Commissioner Johnson, seconded by Commissioner Villanueva, to approve Resolution #22-51. (Memorandum #22-196)

RESOLUTION #22-51

WHEREAS, SDCL 6-13-1 requires a municipality owning personal property which is no longer necessary, useful, or suitable for municipal purposes shall, by resolution, declare it surplus and may, by resolution, order the sale, trade, destruction or other disposal of said personal property.

NOW, THEREFORE, BE IT RESOLVED that the following personal property be declared no longer necessary, useful, or suitable for municipal purposes and said property shall be traded in accordance with SDCL 6-13-1, et sequential:

PROPERTY TO BE TRADED

Glock 19 9MM Gen 5 Serial Number BNFU996

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

Action 22-268

Moved by Commissioner Villanueva, seconded by Commissioner Benson, to approve the purchase of five (5) Tasers in the amount of \$7,056.60 for the Yankton Police Department, Patrol Division, from Axon Enterprise, Inc. (Memorandum #22-197)

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

Action 22-269

Moved by Commissioner Johnson, seconded by Commissioner Benson, to approve Resolution #22-55, Resolution #22-56 and Resolution #22-57. (Memorandum #22-203)

Resolution #22-55

A Resolution Establishing Base Salary Adjustments at 6.0%, and a 1 step increase on the pay plan for American Federation of State, County and Municipal Employees AFL-CIO, Local 3968 Union Represented Eligible City Employees of the City of Yankton, South Dakota

WHEREAS, adequate monies have been provided for in the adopted 2023 budget, for the remuneration of services rendered by City of Yankton employees; and

WHEREAS, the City Commission wishes to provide a base adjustment for all American Federation of State, County and Municipal Employees AFL-CIO, Local 3968 Union represented eligible City employees of 6.0% and a 1 step increase on the pay plan;

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners that starting with hours worked on January 1, 2023, the City Manager shall implement a base adjustment of 6.0 % for all American Federation of State, County and Municipal Employees AFL-CIO, Local 3968 Union regular full-time employees that are at or below the maximum of their respective pay range, and a 1 step increase on the pay plan for all American Federation of State, County and Municipal Employees AFL-CIO, Local 3968 Union regular full-time employees that are below the maximum of their respective pay range.

Resolution #22-56

A Resolution Establishing Base Salary Adjustments at 6.0%, and a 1 step increase on the pay plan for Fraternal Order of Police (FOP) Union Represented Eligible City Employees of the City of Yankton, South Dakota

WHEREAS, adequate monies have been provided for in the adopted 2023 budget, for the remuneration of services rendered by City of Yankton employees; and

WHEREAS, the City Commission wishes to provide a base adjustment for all Fraternal Order of Police (FOP) Union represented eligible City employees of 6.0% and a 1 step increase on the pay plan;

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners that starting with hours worked on January 1, 2023, the City Manager shall implement a base adjustment of 6.0 % for all Fraternal Order of Police (FOP) Union regular full-time employees that are at or below the maximum of their respective pay range, and a 1 step increase on the pay plan for all Fraternal Order of Police (FOP) Union regular full-time employees that are below the maximum of their respective pay range.

Resolution #22-57

A Resolution Establishing Base Salary Adjustments at 6.0%, and a 1 step increase on the pay plan for Non-Union Represented Eligible City Employees of the City of Yankton, South Dakota

WHEREAS, adequate monies have been provided for in the adopted 2023 budget, for the remuneration of services rendered by City of Yankton employees; and

WHEREAS, the City Commission wishes to provide a base adjustment for all Non-Union represented eligible City employees of 6.0% and a 1 step increase on the pay plan;

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners that starting with hours worked on January 1, 2023, the City Manager shall implement a base adjustment of 6.0 % for all Non-Union regular full-time employees that are at or below the maximum of their respective pay range, and a 1 step increase on the pay plan for all Non-Union regular full-time employees that are below the maximum of their respective pay range.

Roll Call: Commissioners voting “Aye” were Benson, Johnson, Maibaum, Schramm and Villanueva; voting “Nay”: none; Abstain: Mayor Moser.
Motion adopted.

Action 22-270

Moved by Commissioner Villanueva, seconded by Commissioner Maibaum, to approve Resolution #22-49. (Memorandum #22-191)

RESOLUTION #22-49

WHEREAS, SDCL 6-13-1 requires a municipality owning personal property which is no longer necessary, useful, or suitable for municipal purposes shall, by resolution, declare it surplus and may, by resolution, order the sale, trade, destruction or other disposal of said personal property.

NOW, THEREFORE, BE IT RESOLVED that the following personal property be declared no longer necessary, useful, or suitable for municipal purposes and said property shall be disposed of in accordance with SDCL 6-13-1, et sequential:

SURPLUS PROPERTY TO BE SOLD, TRADED, DONATED OR DESTROYED

Parks:

- 1) 2004 Chevrolet Tahoe – VIN# 1GNEK13Z24J272931
- 2) 2021 Lennox air handler – S/N# 1620G04212
- 3) 2020 Lennox air handler – S/N# 1620G12344
- 4) 2020 Lennox air conditioning condensers – S/N# 1920A03146
- 5) 1987 Caire air compressor - Model UMK-76113
- 6) Frontier aerator/seeders – S/N# WD0S1072M445070
- 7) Bohlmann ADA drinking fountains - Model DF Dual FR
- 8) Wood park benches (Qty 20)
- 9) Boss 10’ V-Plow - Model RT3
- 10) Aqua Creek scout pool handicap lift – S/N# 20120605631
- 11) Toro aerator 687 – S/N# 44860
- 12) Boss skidloader v-plow
- 13) Coca Cola chest cooler
- 14) Pool lane markers
- 15) Harmsco pool cleaner – Model BF155BKPSC

- 16) Gemini robotic pool cleaner – Model Pool 360
- 17) GE pump motor – S/N# 82203782
- 18) US Motors pump motor BF57A – S/N# H060E25LG
- 19) US Motors pump motor – S/N# 60441073695004
- 20) US Motors pump motor – S/N# F416AU05U072R094F
- 21) US Motors pump motor – S/N# F428AU05U072R092F
- 22) US Motors pump motor – S/N# F428AU05U072R092F
- 23) 1991 HMDE trailer – VIN# 335685
- 24) Outdoor propane patio heaters (Qty 4)

Police:

- 1) Traffic light for safety town
- 2) 3- Metal center consoles
- 3) Crest Ultra Sonic gun cleaner
- 4) Sirchie Fingerprint Comparator – S/N#4739
- 5) Setina Metal partition for 2012-2017 Interceptor Utility
- 6) Setina Steel Window Barrier for 2011-2012 Ford Interceptor Utility
- 7) Rail Road crossing sign for safety town
- 8) 2-Tahoe window partitions and a half of a backseat cage
- 9) Leica Total Station #TRC407 – S/N# 850985
- 10) MicroSurvey Archer – S/N# 69514

Streets:

- 1) Dymax loader bucket 2.5CY 2917D1 – S/N# 145849
- 2) 2005 Catapillar backhoe 420D – S/N# CAT0420DLFDP23133
- 3) Elgin sweeper brooms (Qty 5)
- 4) 1999 Bobcat concrete breaker – Model B950
- 5) 2005 Bobcat planer
- 6) 1994 Wausau 12 foot plow R4512H – S/N# 21489
- 7) 12 sections of scaffolding
- 8) HP 5610 copier/fax/scanner

Joint Powers:

- 1) 2006 Dreesen 20 foot trailer – VIN# 4GBF201396103557
- 2) 1993 Dreesen 20 foot trailer – VIN# 4GBFS2014P1000769
- 3) 2010 SPECTEC walking floor trailer – VIN# 1S9WS4827AS188367
- 4) 2007 Catapillar loader – S/N# CAT0924GCDDA03607

Central Garage:

- 1) Cooper shop lights (Qty 6) - #3597482
- 2) Techforce scanner
- 3) Bosh scanner HD5200

Water:

- 1) 2006 Chevrolet Colorado pickup – VIN# 1GCDT14868303535

Airport

- 1) 1999 Case 721 loader with bucket – S/N# JEE0056809

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

Action 22-271

Moved by Commissioner Benson, seconded by Commissioner Schramm, to approve an annual contract with Locality Media for \$9,500.00, plus implementation fees, to prevent interruption of fire reporting services and enhance public safety by organizing fire response and prevention related data into one platform. (Memorandum #22-201)

Roll Call: Commissioners voting “Aye” were Benson, Johnson, Maibaum, Schramm and Mayor Moser; voting “Nay”: none; Abstain: Commissioner Villanueva. Motion adopted.

Action 22-272

Moved by Commissioner Benson, seconded by Commissioner Johnson, to approve the request for a public firework display on December 1, 2022. (Memorandum #22-204)

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

Action 22-273

Moved by Commissioner Maibaum, seconded by Commissioner Johnson, to authorize the City Manager to sign the 2023 FAA Airport Grant Pre-Application documents. (Memorandum #22-205)

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

Action 22-274

Moved by Commissioner Villanueva, seconded by Commissioner Johnson, to adjourn into executive session at 7:52 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, Johnson, Maibaum, Schramm, and Villanueva. City Attorney Den Herder and City Manager Leon were also present. Absent: Commissioner Brunick, Commissioner Miner and Commissioner Webber. Quorum present.

Action 22-275

Moved by Commissioner Schramm, seconded by Commissioner Villanueva, to adjourn at 8:32 p.m.

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

Stephanie Moser
Mayor

ATTEST:

Al Viereck
Finance Officer