

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
MAY 22ND, 2023**

Board of City Commissioners of the City of Yankton was called to order by Mayor Pro Tempore Schramm.

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

Action 23-122

Moved by Commissioner Webber, seconded by Commissioner Miner, to approve Minutes of regular meeting of May 8, 2023.

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.

Citizen Pauline Akland spoke to the Commission about her concerns about the cell phone distracted driving that she constantly observes in our community. She also spoke about an incident that occurred to her within the last year on North Hwy 81 that resulted in her swerving into the ditch. She will be approaching the State Legislature to adopt stronger laws and penalties for distracted driving. She would also like the Commission to consider adopting a stronger local ordinance.

Action 23-123

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

1. **Establishing public hearing for sale of alcoholic beverages**
Establish June 12, 2023 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 21st, 2023, from The Center (Kriss Thury, Executive Director), 900 Whiting Drive, Yankton, South Dakota.

2. **Transient Merchant License**
Consideration of Memorandum #23-90 recommending approval of the application from Martha’s Crafts to sell yard art & metal décor at JoDean’s from August 4, 2023 thru September 4, 2023.

3. **Transient Merchant and Special Events Dance Licenses**

Consideration of Memorandum #23-91 recommending approval of the application from Rock 'N' Rumble for:

- A) Transient Merchant License for July 22, 2023
- B) Special Events Dance for July 22, 2023

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

Action 23-124

This was the time and place for the public hearing on the application for a Special Events (on-sale) Liquor License for July 22, 2023 from Rock 'N' Rumble, Inc. (Michael Carda, President), dba Rock 'N' Rumble, 3rd St. from Douglas to ½ block East on Capitol, plus intersecting Capitol Street, ¼ Block North to ½ Block South, Yankton, S.D.

The above applicant is in compliance with the City Code of Ordinances, as checked by the Department of Finance. A police check on the applicant revealed no felony convictions or wants. The applicant is in compliance with all building and fire codes. (Memorandum 23-93)

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

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

Action 23-125

This was the time and place for the second reading and public hearing regarding Resolution #23-18 the vacation of the west 7 feet of Dakota Street right-of-way lying north of 12th Street and adjacent to Lot 1 in Block 1 of Dakota West Addition to the City of Yankton, Yankton County, South Dakota. Address, 1201 Dakota Street. Steve and Lori Drotzmann, owners. This is a quasi-judicial action.

Moved by Commission Benson, Seconded by Commissioner Webber, to approve Resolution 23-18 (Memorandum #23-84)

RESOLUTION #23-18

RIGHT-OF-WAY VACATION

WHEREAS, the City of Yankton has conducted the process to vacate the identified Right-of-Way known as The west 7 feet of Dakota Street right-of-way lying north of 12th Street and adjacent to Lot 1 in Block 1 of Dakota West Addition to the City of Yankton, Yankton County, South Dakota. Please reference the associated map and surveyor's certificate / Exhibit A. Steve and Lori Drotzmann applicants.

WHEREAS, the proposed Right-of-Way vacation has been reviewed by the City Planning Commission and a recommendation has been made thereof, and

WHEREAS, due and proper notice of hearing regarding said process has been given, and

WHEREAS, the City of Yankton, South Dakota, after due investigation and consideration of applicable utilities involved has determined that good cause exists for vacating the described Right-of-Way.

NOW THEREFORE BE IT RESOLVED, that the west 7 feet of Dakota Street right-of-way lying north of 12th Street and adjacent to Lot 1 in Block 1 of Dakota West Addition to the City of Yankton, Yankton County, South Dakota be vacated.

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

Action 23-126

Moved by Commissioner Johnson, seconded by Commissioner Webber, to approve Resolution 23-19 (Memorandum 23-85)

RESOLUTION #23-19

WHEREAS, it appears from an examination of the plat of Tracts 2, 3, & 4 of Law Addition in the N1/2 of the SE1/4 of Section 2, T93N, R56W of the 5th P.M., City and County 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 and is subject to County review.

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 23-127

Moved by Commissioner Webber, seconded by Commissioner Benson, to approve Resolution 23-20 (Memorandum 23-86)

RESOLUTION #23-20

WHEREAS, it appears from an examination of the plat of Lots 16, 17 and 18 of Whiting’s Subdivision 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 and is subject to County review.

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 23-128

This was the time and the place for the bid opening of the Cold Applied Plastic Pavement Marking Installation Project. The following bids were received and opened on May 11th, 2023 at 3:00pm.

BIDDER NAME	TOTAL COST
Dakota Traffic Services, LLC	\$56,928.50
Traffic Solutions Inc.	\$72,505.00

Moved by Commissioner Webber, seconded by Commissioner Johnson, to award the Cold Applied Plastic Pavement Marking Installation contract to Dakota Traffic Services, LLC in the amount of \$56,928.50

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

Action 23-129

Moved by Commissioner Miner, seconded by Commissioner Webber, to approve Resolution 23-21 (Memorandum 23-88)

RESOLUTION #23-21

RESOLUTION FOR AN ADDITIONAL VOLUNTEER FIRE CAPTAIN

WHEREAS, the Yankton Volunteer Fire Department has provided dedicated fire protection to the citizens of Yankton and the surrounding area for almost 150 years, and

WHEREAS, the City has established the authorized number of volunteer fire fighters and fire officers, and

WHEREAS, volunteer leadership play an instrumental role in the safe execution of incident response and efficient administrative priorities, and

WHEREAS, it is recognized that a reduced span of control during critical incidents provides for a safer and more effective response, and

WHEREAS, it is the fire department’s desire to ensure an adequate number of officers are present to lead the volunteer fire department, and

WHEREAS, the volunteer fire captain is recognized as the backbone of small-unit leadership within the fire service.

NOW THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, SD for the number of fire captains with the Yankton Volunteer Fire Department to be increased from five to six.

Roll Call: Members voting “Aye:” Benson, Brunick, Hunhoff, Johnson, Miner and Schramm. Voting “Nay:” None. Abstain: Commissioner Villanueva and Commissioner Webber.

Motion adopted.

Action 23-130

Moved by Commissioner Hunhoff, seconded by Commissioner Miner, to approve Resolution 23-22 (Memorandum 23-89)

RESOLUTION #23-22

RESOLUTION FOR APPROVAL OF A VOLUNTEER FIREFIGHTERS' PENSION

WHEREAS, the Yankton Volunteer Fire Department continues to provide fire protection to the citizens of Yankton and the surrounding areas, and

WHEREAS, the community desires to maintain a strong volunteer tradition, and

WHEREAS, the Yankton Volunteer Fire Department retains a strong volunteer force despite declining volunteerism outside of our community

WHEREAS, recruitment and retention are a major contributor to volunteer organization success, and

WHEREAS, one way to recruit and retain volunteers is to provide pension benefits, and

WHEREAS, SDCL 10-44-9.2 provides for a distribution of taxes placed on fire insurance premiums to fire departments, and

WHEREAS, SDCL 10-44-9.2 allows for the fire insurance premiums to be used for volunteer firefighters' pensions, and

WHEREAS, the fire insurance premium check received from the State is cost-neutral for the City, and

NOW THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, SD that any amount of the fire insurance premium received from the State be applied to a volunteer firefighters' pension to be managed by the volunteer firefighters' association.

Roll Call: Members voting "Aye:" Benson, Brunick, Hunhoff, Johnson, Miner and Schramm. Voting "Nay:" None. Abstain: Commissioner Villanueva and Commissioner Webber.

Motion adopted.

Action 23-131

Moved by Commissioner Miner, seconded by Commissioner Webber, to enter into the Chan Gurney Airport corporate hangar lease agreement with Roger Wilco Aviation Services, LLC for the purpose of aircraft airframe, power plant, and avionics repair and inspection. (Memorandum 23-92)

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

Motion adopted.

Action 23-132

Moved by Commissioner Johnson, seconded by Commissioner Webber, to approve Resolution 23-23 (Memorandum 23-94)

RESOLUTION #23-23

WHEREAS, the City of Yankton has determined that it is necessary to adjust The Summit Activities Center rates to a level which will ease the current subsidy and help maintain the facility, and

WHEREAS, the City expects the cost to operate the facility will increase each year; and

WHEREAS, the City desires to limit the subsidy to the facility;

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of Yankton, South Dakota that the following rates are hereby adopted effective October 1, 2023:

October 1 to December 31, 2023	Annual	Monthly
Individual	\$ 385.00	\$ 35.00
Individual + 1	\$ 495.00	\$ 45.00
Individual + 2	\$ 605.00	\$ 55.00
Individual + 3	\$ 660.00	\$ 60.00
Individual + 4	\$ 715.00	\$ 65.00
Individual + 5	\$ 770.00	\$ 70.00
Youth Membership (H.S. & below)	\$ 220.00	\$ 20.00

Daily Fee		
Individual Adult		\$ 9.00
Individual Youth (H.S. & below)		\$ 7.00

January 1, 2024 and beyond	Annual	Monthly
Individual	\$ 440.00	\$ 40.00
Individual + 1	\$ 550.00	\$ 50.00
Individual + 2	\$ 660.00	\$ 60.00
Individual + 3	\$ 715.00	\$ 65.00
Individual + 4	\$ 770.00	\$ 70.00
Individual + 5	\$ 825.00	\$ 75.00

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

Action 23-133

Moved by Commissioner Villanueva, seconded by Commissioner Webber, to adjourn at 7:40 p.m.

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

Stephanie Moser
Mayor

ATTEST:

Al Viereck
Finance Officer

Published on May 30, 2023