

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
JULY 24TH, 2023**

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

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

Action 23-178

Moved by Commissioner Villanueva, seconded by Commissioner Webber, to approve the Minutes of the regular City Commission meeting of July 10th, 2023.

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

Action 23-179

Moved by Commissioner Schramm, seconded by Commissioner Benson, that the Schedule of Bills be approved and warrants be issued.

A-OX WELDING - FUEL - \$509.45; ACE HARDWARE - EBIKES & EQUIPMENT- \$11,330.81; BIERSCHBACH EQUIP & SUPPLY - ROAD MATERIALS - \$2,158.43; CEDAR KNOX PUBLIC POWER – UTILITIES - \$1,432.30; CENTRAL SQUARE TECH - SUBSCRIPTION \$877.97; CENTURYLINK - PHONE BILL - \$1,414.96; CHESTERMAN COMPANY - CONCESSIONS - \$541.00; CITY OF YANKTON-PARKS - LANDFILL CHARGES - \$543.19; CITY OF YANKTON-SOLID WASTE - COMPACTED GARBAGE - \$18,940.86; CITY OF YANKTON-WATER – GARBAGE - \$91.25; CIVICPLUS – SOFTWARE - \$16,562.50; DEN HERDER LAW - LEGAL SERVICES - \$2,148.00; DEPT OF HEALTH – LAB - \$649.00; DIESEL MACHINERY – PARTS - \$2,458.51; FEJFAR PLUMBING - FIRE STATION - \$157.15; FLEX TRAILERS - TRAILER - \$16,905.00; G&H DISTRIBUTING – PARTS - \$921.77; GERSTNER OIL - JET FUEL - \$29,134.69; GRAYMONT – LIME - \$7,703.25; HANSEN LOCKSMITHING - AUTO OPENING - \$56.34; HANSON BRIGGS – SUPPLIES - \$245.09; HARN RO SYSTEMS - FILTERS - \$11,364.95; HAWKINS – CHEMICALS - \$88,771.73; JEBRO – ASPHALT - \$16,275.55; JOHNSON CONTROLS - SERVICE AGREEMENT - \$6,563.53; KLEINS TREE SERVICE - TREE REMOVAL - \$7,000.00; KNIFE RIVER - ROAD MATERIALS - \$3,582.50; KOLETZKY IMPLEMENT - PARTS & LABOR - \$440.50; MCLAURY ENGINEERING - PROFESSIONAL SERVICES - \$3,500.00; MERKEL ELECTRIC – ELECTRICAL - \$4,629.45; OBSERVER - NEWSPAPER ADS - \$60.00; ONE OFFICE – SUPPLIES - \$510.00; PONCA STATE PARK - SUMMER PROGRAM - \$644.00; PRECISION PLUMBING - SPRINKLER - \$1,287.51; PRESS & DAKOTAN – PUBLICATIONS - \$792.90; RON'S AUTO - BASEBALL CONCESSIONS 660.00; THIRD MILLENNIUM - UTILITY BILLING - \$729.67; TOMS ELECTRIC - SERTOMA CONCESSIONS - \$6,123.50; TRAFFIC CONTROL - BATTERY BACKUP CABINET - \$8,778.00; TRANSOURCE - HOSE/ HANDSPRAY - \$1,029.31; TRUCK TRAILER - PARTS & LABOR - \$8,133.22; WHOLESALE SUPPLY – CONCESSIONS - \$4,531.35; WWGOETSCH ASSOCIATES -

MOTOR - \$524.08; YANKTON BASEBALL - RIVERSIDE PAINT SUPPLIES- \$751.26;
YANKTON REDI MIX - QUARTZ RIVERSIDE - \$438.75; YANKTON TRANSIT - SUMMER
PROGRAM - \$696.50

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 Jim Means appeared to speak to the Commission about concerns with the Paradigm Development Project. No formal Commission action occurred at this time.

Prior to any action on the consent agenda, Commissioner Brian Hunhoff requested that consent item #1 be moved to New Business #10.

Action 23-180

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

2. Establishing Public Hearing for Sale of Alcoholic Beverages

Establish August 14, 2023 as the date for the public hearing on the request for a Special Events Retail (on-sale) Liquor License for 1 day, September 22, 2023 from VFW, 209 Cedar Street, Yankton, SD at The Avera Pavillion, 409 Summit Street, Yankton, South Dakota.

3. Establishing Public Hearing for Sale of Alcoholic Beverages

Establish August 14, 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, September 17, 2023 from The Center (Kriss Thury, Executive Director), 900 Whiting Drive, Yankton, South Dakota.

4. Establishing Public Hearing for Transfer of Alcoholic Beverages License

Establish August 14, 2023 as the date for the public hearing on the request for the transfer of ownership of a Retail (on-off sale) Malt Beverage & SD Farm Wine License for June 30, 2023 to July 1, 2024 from The Mule (Dave Tunge, Owner) to MG Oil Company d/b/a 777 Casino & Liquor (Troy Erickson, Owner), 901 Broadway Avenue Suite A, Yankton, South Dakota.

5. Establishing Public Hearing for Transfer of Alcoholic Beverages License

Establish August 14, 2023 as the date for the public hearing on the request for the transfer of ownership of a Package (off-sale) Liquor License for January 1, 2023 to December 31, 2023 from Sportsman’s Spirits and Fine Wines (Dave Tunge, Owner) to MG Oil Company (Troy Erickson, Owner) d/b/a 777 Casino & Liquor, 901 Broadway Avenue, Yankton, South Dakota.

6. Establishing Public Hearing for Transfer of Alcoholic Beverages License

Establish August 14, 2023 as the date for the public hearing on the request for the transfer of ownership of a Retail (on-off sale) Malt Beverage & SD Farm Wine License for June 30, 2023 to July 1, 2024 from Sportsman's (Dave Tunge, Owner) to MG Oil Company d/b/a 777 Casino & Liquor-3 (Troy Erickson, Owner), 901 Broadway Avenue, Suite C, Yankton, SD.

7. Establishing Public Hearing for Transfer of Alcoholic Beverages License

Establish August 14, 2023 as the date for the public hearing on the request for the transfer of ownership of a Retail (on-off sale) Malt Beverage & SD Farm Wine License for June 30, 2023 to July 1, 2024 from Kankota's (Dave Tunge, Owner), to MG Oil Company d/b/a 777 Casino & Liquor-2 (Troy Erickson, Owner), 901 Broadway Avenue, Suite B, Yankton, SD.

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

While the City Commission was acting as the Zoning Board of Adjustment, Commissioner Benson introduced and Mayor Moser read the title of Memorandum 23-131, a request for a special permit to construct a parking lot in a residence zone. Address: 408 Burleigh Street. Yankton Real Estate, LLC., owner. This is a quasi-judicial action. The Zoning Board of Adjustment sets August 14, 2023 as the date for a public hearing to consider the special permit.

Action 23-181

Moved by Commissioner Benson, seconded by Commissioner Webber, to enter into an agreement with Connecting Cultures for translation services and Authorize the City Manager to sign said agreement, determine whether to continue the agreement after an evaluation is made at the end of the year, and, if so, renew said agreement for 2024 (Memorandum 23-132). Sara Brandt, President of Connecting Cultures appeared to Request Commission Support for the service agreement.

Roll Call: All members voting "Aye;" Commissioners Benson, Brunick, Hunhoff, Schramm, Villanueva, Webber and Mayor Moser, voting "Nay:" None. Abstain: Commissioner Johnson
Motion adopted.

Action 23-182

Moved by Commissioner Villanueva, seconded by Commissioner Johnson, to approve Change Order No. 1, accept the completed reconstruction on the Douglas Avenue Reconstruction project and authorize the Finance Officer to issue a manual check to Masonry Components, Inc. in the amount of \$332,091.48 (Memorandum 23-134)

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

Action 23-183

Moved by Commissioner Johnson, seconded by Commissioner Villanueva, to approve Change Order No 1. Marne Creek Bank Stabilization Project. (Memorandum 23-135)

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

Action 23-184

Moved by Commissioner Benson, seconded by Commissioner Johnson, to authorize the City Manager to sign grant agreements to act as the sub-recipient for grant funding to abate asbestos at Sacred Heart Church and Link Auditorium, and sign any related documentation or agreements.
(Memorandum 23-136)

Roll Call: All members voting “Aye;” Commissioners Benson, Brunick, Hunhoff, Johnson, Schramm, Webber and Mayor Moser, voting “Nay:” None. Abstain: Commissioner Villanueva
Motion adopted.

Action 23-185

Moved by Commissioner Benson, seconded by Commissioner Schramm, to approve two 2024 Applications for Bridge Improvement Grant (BIG) PE Funds or Local Federal Bridge Replacement or Removal Funds for the Cedar Street Bridge SN 68-121-204 and the 23rd Street Bridge SN 68-119-190 through the South Dakota Department of Transportation, and approve the Bridge Improvement Grant / Local Federal Bridge Programs Resolution Authorizing Submission of Applications #23-40
(Memorandum 23-137)

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

Action 23-186

Moved by Commissioner Hunhoff, seconded by Commissioner Johnson, to approve Resolution #23-41. (Memorandum 23-138)

RESOLUTION #23-41

Resolution in Support of an Application for Financial Assistance to the South Dakota Housing Development Authority by Yankton Thrive for the Benefit of Multifamily Development

WHEREAS, the City of Yankton and Yankton Thrive have determined it is necessary to proceed with improvements to the City's infrastructure, thus enabling additional multifamily units to be constructed in the city limits of Yankton; and

WHEREAS, the City and Developer have determined financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Housing and Development Authority shall be prepared by Yankton Thrive for the proposed development; and

WHEREAS, the City will work with the Developer's engineer to ensure the preliminary project infrastructure plans meet the City's requirements for adequate drinking water, water treatment capacity and distribution, storm sewer, and all other necessary improvements as needed; and

WHEREAS, the City has adequate treatment facilities and water supply to accommodate the proposed development; and

WHEREAS, the City is committed to the ownership and long-term maintenance of said public infrastructure upon acceptance and the conditions set forth in the certificate of completion that the said infrastructure and system shall meet the specifications, materials and equipment set forth as shown on

the approved plans in said agreement; and

WHEREAS, the 2022 Yankton Housing Study identified the need for additional multifamily housing in the moderate to market price range, an increase in the variety of housing types, designs, and densities; and

WHEREAS, the City acknowledges that there is a significant housing shortage in City of Yankton and this proposed development will help, but not resolve the housing shortage.

NOW, THEREFORE, BE IT RESOLVED by the City of Yankton as follows:

1. The City hereby supports the submission of an Application for financial assistance by Yankton Thrive, to the South Dakota Housing and Development Authority.
2. City officials of the City of Yankton are hereby authorized to deliver such other documents as necessary, to assist with the application.

Nancy Wenande, CEO for Yankton Thrive appeared to thank the Commission for previous Commission support for housing projects, and request passage of this resolution and support for this project.

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

Action 23-187

Moved by Commissioner Johnson, seconded by Commissioner Benson, to approve the request for a public firework display hosted by Riverboat Days and Summer Arts Committees on August 18, 2023. (Memorandum 23-139)

Roll Call: All members voting “Aye;” Commissioners Benson, Brunick, Hunhoff, Johnson, Schramm, Webber and Mayor Moser, voting “Nay:” None, Abstain: Commissioner Villanueva.
Motion adopted.

Action 23-188

Moved by Commissioner Benson, seconded by Commissioner Villanueva, to approve Resolution #23-42. (Memorandum 23-140)

RESOLUTION #23-42

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 disposals 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:

PROPERTY TO BE DECLARED SURPLUS

Expiring Vests

Safariland Vest Ser# 10180266744 exp. Date 8/31/2023
Safariland Vest Ser# 10180126060/1018021443 exp. Date 10/23/23
Safariland Vest Ser# 10180256599/10180256698 exp. Date 8/31/2023
Safariland Vest Ser# 10180237763 exp. Date 10/23/2023
Safariland Vest Ser# 10180295750 exp. Date 10/23/2023

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

Action 23-189

Moved by Commissioner Hunhoff, to deny previous consent item for the Special Events Dance Permit for Dayhuff Enterprises, motion died for lack of a second. Then moved by Commissioner Benson seconded by Commissioner Webber, to approve the request for The Special Events Dance Permit for Dayhuff Enterprises.

Roll Call: All members voting “Aye;” Commissioners Benson, Brunick, Johnson, Schramm, Villanueva, Webber and Mayor Moser voting “Nay:” Commissioner Hunhoff.
Motion adopted.

Action 23-190

Moved by Commissioner Villanueva, seconded by Commissioner Johnson, to adjourn into Executive Session at 7:58 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, Hunhoff, Johnson, Schramm and Webber. City Attorney Den Herder and City Manager Leon were also present. Absent: Commissioners Brunick, Miner and Villanueva
Quorum present.

Action 23-191

Moved by Commissioner Hunhoff, seconded by Commissioner Benson, to adjourn at 9:20 p.m.

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

July 24th, 2023

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Stephanie Moser
Mayor

ATTEST:

Al Viereck
Finance Officer

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