

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
OCTOBER 23RD, 2023**

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

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

Quorum present

Action 23-276

Moved by Commissioner Miner, seconded by Commissioner Brunick, to approve Minutes of Regular Meeting of October 9th, 2023.

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

Motion adopted.

Action 23-277

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

Advanced Exercise Equipment - Weight Equipment - \$8,513.52; A-OX Welding - Propane - \$ 79.42; BBG Construction Law - Attorney Fees - \$3,474.80; Boller Printing - Letterhead - \$240.00; Brightway Electric - Summit Fixtures - \$890.00; Cedar Knox Public Power Dist - Electricity - \$1,295.85; Central Square Tech - Field Ops - \$483.96; CenturyLink - Phone - \$1,171.71; City Of Sioux Falls - Lab Samples - \$ 29.00; City Of Yankton-Parks - Solid Waste - \$308.72; Clough/Gerald - Pens & Name Badges - \$328.50; Collective Data - Software License - \$2,730.00; Cooke, Co/J.P. - Animal Licenses - \$122.00; Core & Main - Valve Box Drops - \$2,115.30; Dakota Pump - Pump And Motor Repairs - \$813.64; Den Herder Law - IMLA Conference - \$2,956.32; Detco - Supplies - \$2,110.32; Electair - Trane Air Conditioner - \$2,368.37; Equipment Blades - Blades - \$2,500.40; Fejfar Plumbing - Boat Ramp Repair - \$183.68; Ferguson Enterprises - Meter Project - \$ 192,710.00; Flexible Pipe Tool Company - Flusher Truck Parts - \$490.75; Gerstner Oil - Fuel - \$82,003.57; Graybar Electric Company - Service Work - \$5,977.50; Graymont - Lime - \$7,637.52; Hanson Briggs - Envelopes - \$141.01; Harding Glass - Supplies - \$ 30.00; Hawkins - Chemicals - \$ 101,058.00; HDR Engineering - Professional Services - \$ 103,131.29; Interstate Batteries - Batteries - \$1,439.60; Jim's Canvas & Leather Repair - Repairs - \$100.00; Jones Construction/John T - Wastewater EDA Construct - \$334,109.95; Kleins Tree Service - Tree/Stump Removal - \$7,700.00; Knife River - Asphalt - \$1,039.74; Larry's Heating & Cooling - Lab Air Conditioning - \$2,593.00; Lewis & Clark BHS - Special Appropriation - \$10,000.00; Luken Memorials - Tree Markers - \$1,005.00; M.J. Dalsin Company - Library Roof Replacement - \$89,939.00; Merkel Electric - Westside Park - \$738.15; Michaels Fence Co - Gate Repairs - \$1,328.20; Midwest Tape - Media - \$345.91; Mueller/Pete - Aflac Reimbursement - \$192.86; Nordstrom's Auto Recycling - Parts - \$295.00; Olson's Pest Technicians - Pest Control - \$145.00; One Office Solution - Office Supplies - \$7.43; Pinkelman/Logan - Membership Refund - \$354.75; Plan & Development Dist III - EDA Wastewater Improve - \$25,000.00; Press & Dakotan - Ordinance - \$1,004.36; ROCS - Overpayment - \$160.00; Saber Shred Solutions - Tire Disposal - \$11,800.80; Sam LLC - GPS Data Collection - \$6,000.00; Sanitation Products - Dumpsters - \$27,773.19; SD Public Assurance Alliance - Insurance - \$278.72; Smith Insurance Inc/MT & RC - Notary Insurance - \$ 80.00; South Dakota 811 - Message Fees - \$206.85; State Hygienic Laboratory -

Lab Testing - \$791.50; Uline - Evidence Tape - \$165.66; United Way - Special Appropriation - \$15,506.25; Vielmette/Bryan - Gate Card Deposit - \$ 10.00; Xtreme Car Wash - Car Washes - \$560.40; Yankton Area Arts Assn - Special Appropriation - \$2,500.00; Yankton County Auditor - Safety Ctr Share - \$9,932.35; Yankton Redi Mix - Road Materials - \$360.00; Yankton Thrive - Special Appropriation - \$ 115,000.00; YHS Student Council - Parade Entry Fee - \$ 20.00

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.

There were no public appearances at this time.

Action 23-278

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

1. **Establish Public Hearing for Sale of Alcoholic Beverages**
Establish November 13, 2023 as the date for the public hearing on the request for a Special Events (On Sale) Malt Beverage Retailers License and a Special Events (On Sale) Wine Retailers License for 1 day, December 9, 2023, from The Center (Kriss Thury, Executive Director), 900 Whiting Drive, Yankton, South Dakota.
2. **Establish Public Hearing for Alcoholic Beverages License Location Transfer**
Establish November 13, 2023 as the date for the public hearing on the request for the transfer of location of a Retail (on-off sale) Malt Beverage & SD Farm Wine License for July 1, 2023 to June 30, 2024 from Phinney’s LLC d/b/a Phinneys Pub & Casino (James Palmer, Owner), 2101 Broadway Ave., Suite 40, Yankton, South Dakota to Shree LLC d/b/a Vape God (Dipan Patel, Owner), 821 Broadway Ave. Suite B, Yankton, South Dakota.
3. **Establish Public Hearing for Alcoholic Beverages License Location Transfer**
Establish November 13, 2023 as the date for the public hearing on the request for the transfer of location of a Retail (on-off sale) Malt Beverage & SD Farm Wine License for July 1, 2023 to June 30, 2024 from Phinneys Casino LLC d/b/a Phinneys Casino (James Palmer, Owner), 2101 Broadway Ave., Suite 50, Yankton, South Dakota to Phinneys Casino LLC d/b/a Pinups Casino & Gaming Lounge #6 (James Palmer, Owner), 3010 Broadway Ave., Yankton, South Dakota.
4. **Establish public hearing for renewal of Alcoholic Beverage Licenses**
Establish November 13, 2023 as the date for a public hearing and consideration of the applications for renewal of Alcoholic Beverage Licenses for the 2024 (January 1, 2024 to December 31, 2024) licensing period.

5. **Establish Date and Time of December Commission Meeting**

Establish Thursday, December 21, 2023 at 12:00 PM as the date and time for the second City Commission meeting in December.

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

Motion adopted.

Action 23-279

This was the time and place for the public hearing on the application for a Special Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for 1 day, October 28, 2023 from The Center (Kriss Thury, Executive Director), 900 Whiting Drive, 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.

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

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

Motion adopted.

Action 23-280

This was the time and place for the public hearing on the application for a Special Malt Beverage (on-sale) Retailers License and a Special (on-sale) Wine Retailers License for 1 day, November 11, 2023, from The Center (Kriss Thury, Executive Director), 900 Whiting Drive, Yankton, S.D. A police check on the applicant revealed no felony convictions or wants. The applicant is in compliance with all building and fire codes.

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

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

Motion adopted.

Action 23-281 Moved by Commissioner Brunick, seconded by Commissioner Miner, to approve Resolution #23-56 (Memorandum #23-185)

RESOLUTION #23-56

WHEREAS, adequate monies have been provided for in the adopted 2024 budget, for the remuneration of services rendered by City of Yankton employees; and

WHEREAS, the City Commission wishes to provide a base adjustment of 5.0% and a 1 step increase on the pay plan for all eligible certified police officers;

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners that starting with hours worked on January 1, 2024, the City Manager shall implement a base adjustment of 5.0 % and a 1 step increase on the pay plan for all certified police officers who are regular full-time officers that are below the maximum of their respective pay range.

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

Action 23-282

Moved by Commissioner Brunick, seconded by Commissioner Benson, to approve the request for a public firework display on November 30, 2023. (Memorandum #23-201)

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

Action 23-283

City Manager Amy Leon explained that our current Video Lottery Licenses Ordinance is not compliant with State laws. City Attorney Den Herder then explained some of the changes necessary to make it compliant and possible changes that commissioners could make to the current video lottery cap. Business owners appearing and urging the Commission to keep or only slightly change, the cap included Jeff Dayhuff, Larry Olson, Jim Palmer and Jeff Wahl. Business owners urging the Commission to either lift the cap entirely or make changes to increase the cap included Matt Evans and James Grotenhuis. Citizens also speaking to the issue included Judy Vanderhule and Emily Vanderhule. After Commission discussion, Commissioner Benson moved to update the ordinance to Attorney Den Herder’s memo recommendation and present it to the Commission for a first and second reading. Commissioner Miner seconded the motion.

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

Action 23-284

Moved by Commissioner Benson, seconded by Commissioner Johnson, to approve Change Order #1, accept the project, and authorize the final payment request for the 2023 cold applied plastic pavement marking installation project directing the Finance Officer to issue a manual check in the amount of \$50,767.50 to Dakota Traffic Services, LLC of Tea, South Dakota. (Memorandum #23-204)

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

Action 23-285

Moved by Commissioner Johnson, seconded by Commissioner Villanueva, to approve adopt Resolution #23-62. (Memorandum#23-207)

RESOLUTION #23-62

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, OR DONATED

Parks: 1) Gym equipment – Precor Series Plate Loaded Hack Squat

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

Action 23-286

Moved by Commissioner Hunhoff, seconded by Commissioner Benson, to approve the agreement to retain Mr. Barnett of Mid-State Engineering and Testing for a peer review of the construction and testing performed for the reconstruction of the Westside Park Pond.(Memorandum #23-212)

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

Action 23-287

Moved by Commissioner Villanueva, seconded by Commissioner Benson, to accept the utility and street improvements for Dakota West Estates II Addition – Dakota Street.(Memorandum #23-208)

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

Action 23-288

Moved by Commissioner Johnson, seconded by Commissioner Benson, to adopt Resolution #23-63. (Memorandum #23-209)

RESOLUTION #23-63

A RESOLUTION AUTHORIZING THE PLACEMENT OF A STOP SIGN AT THE INTERSECTIONS OF 31ST ST. & FIRST DAKOTA DRIVE, 33RD ST. & FIRST DAKOTA DRIVE AND 33RD STREET & BROADWAY AVE.

WHEREAS, the streets within the Mead Development project will become part of the City of Yankton system, and;

WHEREAS, Spruce Street, 33rd Street and First Dakota Drive need the proper traffic control signage installed, and

WHEREAS, it is provided by the Code of Ordinances of the City of Yankton that the City has the authority to place and maintain all regulatory signs that meet the requirements of the Manual on Uniform Traffic Control Devices.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, SD, that a stop condition be established at the following locations:

- Southbound traffic at 31st and Spruce.

- Northbound traffic at 33rd and Spruce.
- Westbound traffic at 33rd and Spruce
- Eastbound traffic at 33rd and Spruce
- Northbound traffic at 33rd and First Dakota Drive.
- Southbound traffic at 31st and First Dakota Drive.
- Eastbound traffic at 33rd and Broadway Avenue

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

Action 23-289

Moved by Commissioner Miner, seconded by Commissioner Benson, to adopt Resolution #23-64.
(Memorandum #23-64)

RESOLUTION #23-64

**A RESOLUTION TO RESTRICT PARKING
ON SPRUCE STREET
FROM 31ST STREET TO 33RD STREET**

WHEREAS, the referenced street was previously a private drive on the Human Services Center campus, and

WHEREAS, the roadway will now become part of the City of Yankton system, and

WHEREAS, now that this section of roadway is public right-of-way, no parking should be established by commission action, and

WHEREAS, no parking conditions existed, along Spruce, while it was a private drive, and

WHEREAS, the width of Spruce Street isn't conducive to allowing on street parking, and

WHEREAS, The Board of City Commissioners of the City of Yankton has the authority to establish and revoke parking restrictions within the City of Yankton;

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, SD, that parking is prohibited on Spruce Street from 31st Street to 33rd Street.

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

Action 23-290

Moved by Commissioner Brunick, seconded by Commissioner Johnson, approve Amendment #2 to the contract between the City of Yankton and Banner Associates, Inc. for Marne Creek Bank Restoration and Maintenance Trail Reconstruction and authorize the City Manager to sign all documents regarding this project.(Memorandum #23-211)

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

Action 23-291

Moved by Commissioner Johnson, seconded by Commissioner Miner, to approve Resolution #23-65 (Memorandum #23-213)

RESOLUTION #23-65

WHEREAS, the City of Yankton has determined that it is necessary to adjust The Huether Family Aquatics 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 for 2024:

| | |
|-------------|--------------------------------|
| 2024 | |
| Daily pass | \$10 (rate stays same as 2023) |
| Season pass | \$66 |

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

Action 23-292

Moved by Commissioner Villanueva, seconded by Commissioner Brunick, to adjourn at 9:31 p.m.

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

Stephanie Moser
Mayor

ATTEST: _____
Al Viereck

October 23rd, 2023

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Finance Officer

Published on November 1, 2023