

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
May 29, 2018**

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

**Roll Call:** Present: Commissioners Carda, Benson, Ferdig, Gross, Hoffner, Maibaum, Miner and Moser. City Attorney Den Herder and City Manager Nelson were also present. Absent: None. Quorum present.

Action 18-154

Moved by Commissioner Gross, seconded by Commissioner Hoffner, to approve the Minutes of the regular meeting of May 14, 2018.

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

Motion adopted.

Mayor Johnson read the proclamations for the Mental Wellness Conference and the General Aviation Appreciation Month.

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

There were no public appearances.

Action 18-155

Moved by Commissioner Maibaum, seconded by Commissioner Carda, that the following items on the Consent Agenda be approved.

1. Establish public hearing for sale of alcoholic beverages  
Establish June 11, 2018, as the date for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License for 1 day, July 3, 2018, from Capitol Street Pub, (Garrett Horn, President), 3<sup>rd</sup> Street between Walnut and Douglas, Yankton, S.D.
2. Establish public hearing for sale of alcoholic beverages  
Establish June 11, 2018, as the date for the public hearing on the request for a Special Events (on-sale) Liquor License for 1 day, June 19, 2018, from Drotzmann & Portillo, LLC (Steve Drotzmann, Partner), d/b/a Rounding 3<sup>rd</sup> Bar and Casino, Yankton Ice Arena, 901 Whiting Drive, Yankton, S.D.
3. Establish public hearing for sale of alcoholic beverages  
Establish June 11, 2018, 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 one day, October 20, 2018, from the Center (Christy Hauer, Executive Director), 900 Whiting Drive, Yankton, South Dakota.
4. Establishing public hearing for transfer of ownership  
Establish June 11, 2018, as the date for the public hearing on the request for a transfer of ownership of a Retail (on-off sale) Malt Beverage License for July 1, 2018, to June 30, 2019,

from Xtreme, Inc. (Jeff Koster, President) dba Gramps to Arrowhead Holdings, LLC (Rick Daugherty, Member) dba Gramps, 700 East 4<sup>th</sup> Street, Yankton, S.D.

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

Action 18-156

This is the time and place for the public hearing on the applications for renewal of Malt Beverage Licenses for the 2018-19 licensing period. No one was present to speak for or against approval of the license applications. (Memorandum 18-97)

Moved by Commissioner Ferdig, seconded by Commissioner Carda, to approve renewal of the following licenses:

RETAIL (ON-OFF SALE) MALT BEVERAGE:

Hanten, Inc. dba Ben’s Brewing Company, 222 West 3<sup>rd</sup> St; IHAH, LLC dba Big River Burrito Company, 100 Douglas Ave; Boomers, Inc., dba Boomers Lounge, 100 East 3<sup>rd</sup> St; ADDAR INC dba Broadway Inn, 1210 Broadway; YC Library, LLC dba Capitol Street Pub, 401 Capitol St; Casey's Retail Company, dba Casey's General Store No.2268, 1000 Broadway; Casey's Retail Company, Inc., dba Casey's General Store No.2260, 608 E. 8<sup>th</sup> St; Casey's Retail Company, Inc., dba Casey's General Store No.1123, 515 West 4th St; Chuck Stop, LLC dba Charlie's Pizza House, 804 Summit St; Cheers Bar & Grill, LLC dba Cheers Bar & Grill, 310 Walnut St.; Chuck Stop, LLC dba Chuck Stop, 800 Summit Street; Cork 'N Bottle, Inc., dba Cork 'N Bottle, 1500 Broadway; Czechers, Inc., dba Czechers, Inc., 407 Walnut St.; Diggers Inc., dba Diggers Casino, 2020 Elm St. No.7; East Eight, LLC, dba EconoLodge, 611 West 23<sup>rd</sup> St.; El Tapatio Family Mexican Restaurant, Inc., dba El Tapatio Family Mexican Restaurant, 2502 Fox Run Parkway; City of Yankton, dba Fox Run Golf Course, 600 West 27th St.; The Fox Stop, Inc. dba The Fox Stop, 1316 W. 30<sup>th</sup> St.; JAY AMBE-8, LLC dba Freedom Valu Center, 301 Broadway; JAY AMBE-8, LLC dba Freedom Valu Center, 301 Broadway; Fryn’ Pan of Yankton, Inc., dba Fryn’Pan Family Restaurant, 502 West 21<sup>st</sup> St.; Xtreme, Inc., dba Gramps, 700 East 4th St.; Allison A. Gullikson dba Happy Hourz, 311 Douglas Ave.; SYMS, LLC, dba Holiday Inn Express Hotel & Suites, 2607 Broadway; Hy-vee Inc., dba Hy-vee Gas, 2110 Broadway; SHREENISH, LLC dba JR’s Oasis, 2400 East Hwy 50; JoDean Corp. dba JoDean Corp., 2809 Broadway; King Buffet Mongolian Grill Restaurant, Inc., dba King Buffet Mongolian Grill, 3013 N. Broadway, Suite 5; SAN JOSE, INC. dba Mexico Viejo, 1809 Broadway; WR Capital I, LLC dba Minerva’s Grill & Bar, 1607 E. Hwy 50, Suite A; SHREE, LLC dba Muggys Sub Galley, 821 Broadway; Annis Properties, Inc., dba Patriot Express, 2217 Broadway; Annis Properties, Inc., dba Patriot Express 02, 100 E. 4<sup>th</sup> St. Suite A; Annis Properties, Inc., dba Patriot Express 02, 100 E. 4<sup>th</sup> S.; TST, Inc., dba Phinney's Pub & Casino, Yankton Mall; NPC International, Inc., dba Pizza Hut No.2791, 2003 Broadway; Annis Properties, Inc., dba Prairie Pumper, 909 Broadway; Pump-N-Stuff Yankton, Inc., dba Pump-N-Stuff, 215 West 2nd St.; Pure Ice Partners, LLC dba Pure Ice Company, 101 Capital St.; RB Beer & Burgers dba RB Beer & Burgers 2901 Broadway, Suite C; TST, Inc., dba River City Harbor, Yankton Mall; Bernard Properties, LLC dba Riverfront Events Center & Emporium, 121-113 W. 3<sup>rd</sup>; Zaccon, Inc., dba Roadrunner Convenience Mart, 300 West 23rd St.; Drotzmann & Portillo, LLC dba Rounding 3<sup>rd</sup> Bar & Casino, 304 West 3rd St.; Kathy J. Shelburg, dba Shelburg's Concessions, Sertoma Park; Diggers Inc., dba Smokey Hollow, 2020 Elm St. Suite 7A; Morgen, LLC dba South Point Gaming Lounge, 1101 Broadway, Suite 111C; Morgen, LLC dba South Point, 1101 Broadway, Suite 109; Morgen, LLC dba South Point, 1101 Broadway, Suite 107A; Morgen, LLC dba South Point Gaming Lounge, 1101 Broadway, Suite 107B; Bernard Properties, LLC

dba The Brewery, 200 Walnut St.; Flusswerks, LLC, dba The Landing, 104 Capital St.; Tokyo Japanese Cuisine of Yankton, Inc., dba Tokyo Japanese Cuisine of Yankton, Inc., 2007 Broadway, Suite J; Gerstner Oil Company, Inc., dba Triple Time Rudy's, 1606 Broadway; Dave Tunge, dba Mule Train, 901 Broadway, Suite A; Dave Tunge, dba Kankota's, 901 Broadway, Suite C; Dave Tunge, dba Sportsman's, 901 Broadway, Suite B; Upper Deck, Inc., dba Upper Deck, 311-315 Broadway; Walgreen Co., dba Walgreens No.09806, 2020 Broadway; Walnut Tavern, Inc., dba Walnut Tavern, 100 West 3<sup>rd</sup> St.; WILLA B's, LLC dba WILLA B's, LLC, 114 Douglas Ave., Suite 2; Yankton Missouri River Kampground, LLC dba Yankton Missouri River KOA, 807 Bill Baggs Rd.; Yankton Morning Optimist, Inc., dba Yankton Morning Optimist, Inc., Riverside Park; Dayhuff Enterprises, Inc., dba Zebra Club & Cockatoo II & Safari Club, 106-112 East 3rd St.

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

Motion adopted.

#### Action 18-157

This was the time and place for the Public hearing on the application for a Special Events (on-sale) Liquor License for July 27-28, 2018 from ROCK 'N' RUMBLE, INC. (Michael Carda, President), The block of 3<sup>rd</sup> Street between Douglas & Capital Street and ½ Block of Capital Between 3<sup>rd</sup> Street & 2<sup>nd</sup> Street, Yankton, S.D. (Memorandum 18-98) No one was present to speak for or against approval of the license.

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

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

Motion adopted.

Commissioner Gross read the Introduction of the 2018 Assessment Roll. Consideration of Memorandum 18-94 and Resolution 18-29, recommending that June 25, 2018, be established as the date for a public hearing on the special assessment roll for removal of noxious vegetation and tree trimming.

#### Action 18-158

Moved by Commissioner Moser, seconded by Commissioner Ferdig, to approve the application from River City Domestic Violence Center to hold a street dance on August 25, 2018, Walk a Mile in Her Shoes/ Family Fun Day, Levee Street between Capitol & Mulberry Street, Yankton, S.D. (Memorandum 18-102)

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

Motion adopted.

#### Action 18-159

Moved by Commissioner Gross, seconded by Commissioner Carda, to adopt Resolution 18-33 authorizing the no parking zone for the Family Strong Event of the portion of Levee Street from Capitol to Mulberry Street to start on Saturday, August 25, 2018 from 6:00 am to allow for set up and to remain closed until 4:00 pm Saturday, August 25, 2018. (Memorandum 18-103)

### **Resolution 18-33**

#### Special Events Parking Request

WHEREAS, the City Commission adopted an Ordinance allowing for no parking designation for special events within the City of Yankton; and

WHEREAS, this Resolution would authorize the City of Yankton to tow vehicles that are parked in the defined are or areas and times specified for Special Events; and

WHEREAS, the Family Strong event has made a request to enact this no parking zone for Saturday, August 25, 2018, from 8:00 am to 3:00 pm

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves the Special Event Parking Request for the Family Strong Event, and that portion of Levee Street from Capitol to Mulberry Street to start on Saturday, August 25, 2018 from 6:00 am to allow for set up and to remain closed until 4:00 pm Saturday, August 25, 2018.

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

Action 18-160

Moved by Commissioner Ferdig, seconded by Commissioner Moser, to adopt Resolution 18-34 authorizing the no parking zone for the Front Yard BBQ, with closure of the portion of Capitol Street from 3<sup>rd</sup> Street to the parking lot/alley to the north of Fitness 365, to start on Thursday, June 21, 2018 from 6:00 am to allow for set up and to remain closed until 9:00 pm Thursday, June 21, 2018.  
(Memorandum 18-104)

**Resolution 18-34**

Special Events Parking Request

WHEREAS, the City Commission adopted an Ordinance allowing for no parking designation for special events within the City of Yankton; and

WHEREAS, this Resolution would authorize the City of Yankton to tow vehicles that are parked in the defined area or areas at the times specified for Special Events; and

WHEREAS, the Habitat for Humanity has made a request to enact this no parking zone for Thursday, June 21, 2018.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves the Special Event Parking Request from Habitat for Humanity for Thursday, June 21, 2018, with closure of the portion of Capitol Street from 3<sup>rd</sup> Street to the parking lot/alley to the north of Fitness 365, to start on Thursday, June 21, 2018 from 6:00 am to allow for set up and to remain closed until 9:00 pm Thursday, June 21, 2018.

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

Action 18-161

Moved by Commissioner Gross, seconded by Commissioner Miner, to approve the applications of Transient Merchant License and Special Events Dance License for the dates of July 27<sup>th</sup> – July 28<sup>th</sup>, 2018 for the Rock’N’Rumble Event. (Memorandum 18-88)

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

Action 18-162

Moved by Commissioner Miner, seconded by Commissioner Ferdig, to adopt Resolution 18-35 for a Special Event with the special event parking ordinance in force and suspend the open container law for the area of 3<sup>rd</sup> Street from Douglas Street to Capitol and also a portion of Capitol Street, to start on Friday, July 27, 2018 from 8:00 am to allow for set up and to remain closed until 10:00 am Sunday, July 29, 2018. (Memorandum 18-105)

**Resolution 18-35**

Special Events Parking Request

WHEREAS, the City Commission adopted an Ordinance allowing for no parking designation for special events within the City of Yankton; and

WHEREAS, this Resolution would authorize the City of Yankton to tow vehicles that are parked in the defined are or areas and times specified for Special Events; and

WHEREAS, the Rock N Rumble committee has made a request to enact this no parking zone for their event on July 27-28, 2018.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves the Special Event Parking Request on 3<sup>rd</sup> Street between Douglas and Capitol and also a portion of Capitol Street from 8:00 am on Friday, July 27, 2018 until 10:00 am on Sunday, July 29, 2018.

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

Action 18-163

Moved by Commissioner Carda, seconded by Commissioner Gross, to approve the proposed rate structure for 2020 effective on July 1, 2020 for Summit Activities Center Rental Rates. (Memorandum 18-95)

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

Action 18-164

Moved by Commissioner Gross, seconded by Commissioner Carda, to adopt Resolution 18-30. (Memorandum 18-99)

**Resolution 18-30**

WHEREAS, it appears from an examination of the plat of Bakley Addition in Government Lots 2, 3, and 4, in Section 33 and in the SW ¼ of the NW 1/4 in Section 34, all in T94N, R55W of the 5th P.M., Yankton County, South Dakota prepared by Thomas Lynn Week, 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.

Commissioner Gross introduced and Mayor Johnson read the title of Ordinance No. 1008, AN ORDINANCE TO PERMIT ADMINISTRATIVE INSPECTIONS OF PRIVATE PROPERTY AND TO AUTHORIZE ADMINISTRATIVE INSPECTION WARRANTS TO ENTER UPON PRIVATE PROPERTY IN THE ABSENCE OF CONSENT, and set the date of the second reading and public hearing as June 11<sup>th</sup>, 2018.

Action 18-165

Moved by Commissioner Gross, seconded by Commissioner Ferdig, to approve the Mayor’s appointments to various City Advisory Boards and Commissions. (Memorandum 18-106)

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

Action 18-166

Moved by Commissioner Miner, seconded by Commissioner Maibaum, to adjourn into Executive Session at 7:35 p.m. to discuss personnel and contractual litigation 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 Johnson.

**Roll Call:** Present: Commissioners Carda, Benson, Ferdig, Gross, Hoffner, Maibaum, Miner and Moser. City Attorney Den Herder and City Manager Nelson were also present. Absent: None. Quorum present.

Action 18-167

Moved by Commissioner Carda, seconded by Commissioner Gross, to adjourn at 8:45 p.m.

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

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Nathan V Johnson  
Mayor

ATTEST:

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Al Viereck  
Finance Officer