

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
November 26<sup>th</sup>, 2018**

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

**Roll Call:** Present: Commissioners Benson, Carda, Gross, Hoffner, Miner and Moser. City Attorney Den Herder and City Manager Leon were also present. Absent: Commissioners Ferdig and Maibaum. Quorum present.

Action 18-324

Moved by Commissioner Gross, seconded by Commissioner Miner, to approve the Minutes of the regular meeting of November 13<sup>th</sup>, 2018 and Special City Commission Meeting of November 5<sup>th</sup>, 2018.

**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 that time.

Action 18-325

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

1. **Pawn Brokers Licenses for 2019**  
Consideration of Memorandum 18-240 recommending approval of the applications for Pawn Brokers License.
2. **Renewal of Private Collector of Refuse License for 2019**  
Consideration of Memorandum 18-241 recommending approval of the renewal of applications for Private Collector of Refuse Licenses for the year 2019 (January 1, 2019 – December 31, 2019) licensing period.
3. **Renewal of 2019 City Dance License Applications**  
Consideration of Memorandum 18-242 recommending approval of the renewal of applications for 2019 City Dance Licenses.

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

Motion adopted.

Action 18-326

This was the time and place for the public hearing on Resolution 18-71 approving the 2018 Special Assessment Roll for Abatement of Nuisances and Noxious Vegetation. No one was present to speak for or against the resolution. Moved by Commissioner Gross, seconded by Commissioner Moser, to adopt Resolution 18-71. (Memorandum 18-243)

**RESOLUTION 18-71**

**A RESOLUTION APPROVING THE 2018 SPECIAL ASSESSMENT ROLL FOR  
ABATEMENT OF NUISANCES AND NOXIOUS VEGETATION**

BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota:

SECTION 1. That the special assessment roll for the assessment of the property assessable for the abatement of nuisances and noxious vegetation in the City of Yankton, South Dakota, is hereby approved and the assessments as set out in said special assessment roll approved this date are hereby levied against such property upon filing of said special assessment roll in the office of the City Finance Officer.

SECTION 2. The assessments set forth in the assessment role will become due and payable in one (1) annual installment together with interest at a rate prescribed by the Board of City Commissioners, by resolution, per annum, in accordance with SDCL 9-43.

The above assessments may be paid without interest to the City Finance Officer on or before December 27, 2018, thereafter, the entire assessment may be paid with interest from the date of filing with the City Finance Officer at the rate established by resolution of the Board of City Commissioners.

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

Action 18-327

This was the time and place for the public hearing on the applications for renewal of Alcoholic Beverage Licenses for the 2019 Licensing period. (Memorandum 18-244) No one was present to speak for or against the license applications. Moved by Commissioner Carda, seconded by Commissioner Hoffner, to approve the renewal of the following licenses:

RETAIL (ON-SALE) LIQUOR-FULL SERVICE RESTAURANT

Czeckers, Inc., d/b/a Czeckers, Inc., 407 Walnut St.  
El Tapatio Family Mexican, Inc., d/b/a El Tapatio Family Mexican, Inc., 2502 Fox Run Pkwy.  
Bernard Properties, LLC, d/b/a Riverfront Events Center & Emporium, 121-113 W. 3<sup>rd</sup> St.

RETAIL (ON-SALE) LIQUOR

Hanten, Inc., d/b/a Ben’s Brewing Company, 222 W. 3<sup>rd</sup> St.  
Black Steer, Inc., d/b/a The Black Steer, 300 E. 3<sup>rd</sup> St.  
Boomer's, Inc., d/b/a Boomer's Lounge, 100 E. 3<sup>rd</sup> St.  
B.P.O. Elks Lodge 994, 504 W. 27<sup>th</sup> St.  
Hillcrest Golf-Country Club, 2206 Mulberry St.  
JoDeans Corp., d/b/a JoDeans, 2809 Broadway Ave.  
WR Capital I, LLC, d/b/a Minerva’s Grill & Bar, 1607 E. Hwy 50, Suite A  
Dayhuff Enterprises, Inc., d/b/a MoJo’s Pizza & Spirits, 102-104 E. 3<sup>rd</sup> St.  
Dayhuff Enterprises, Inc., d/b/a O'Malley's Bar, 204 W. 3<sup>rd</sup> St.  
Drotzmann & Portillo, LLC d/b/a Rounding 3<sup>rd</sup> Bar & Casino, 304 W. 3<sup>rd</sup> St.  
Bernard Properties, LLC, d/b/a The Brewery, 200-204 Walnut St.  
Flusswerks, LLC, d/b/a The Landing, 104 Capital St.  
Upper Deck, Inc., d/b/a Upper Deck, 311-315 Broadway Ave.  
VFW Post 791, 209 Cedar St.

Walnut Tavern, Inc., 100 W. 3rd St.  
Yankton Bowl, Inc., 3010 Broadway Ave., & Suite 1  
Dayhuff Enterprises, Inc., d/b/a Zebra Club & Cockatoo Bar, 106-112 E. 3rd St.

PACKAGE (OFF-SALE) LIQUOR

Cork 'N Bottle, Inc., d/b/a Cork 'N Bottle, 1500 Broadway Ave.  
The Fox Stop, Inc., d/b/a The Fox Stop, 1316 W. 30<sup>th</sup> St.  
Hy-Vee Food Stores, Inc., d/b/a Hy-Vee Wine & Spirits, 2100 N. Broadway Ave.  
TC Corner LLC, d/b/a JR's Oasis, 2404 E. SD Hwy 50  
Annis Properties, Inc., d/b/a Patriot Express 02, 100 E. 4<sup>th</sup> St.  
Annis Properties, Inc., d/b/a Prairie Pumper, 909 Broadway Ave.  
ZACCON, Inc., d/b/a Roadrunner Convenience Mart, 300 W. 23rd St.  
Theresa Wick d/b/a Sportsman's, 901 Broadway Ave.  
Wal-Mart Stores, Inc., d/b/a Wal-Mart Store #1483, 3001 Broadway Ave.  
Yankton Drug, Inc., d/b/a Yankton Drug Co., 109 W. 3rd St.  
Dayhuff Enterprises, Inc., d/b/a Zebra Club & Cockatoo Bar, 106-112 E. 3rd St.

RETAIL (ON-OFF SALE) WINE

YC Library, LLC, d/b/a Capitol Street Pub, 401 Capitol St.  
Charlies Pizza House, Inc., d/b/a Charlie's Pizza House, 804 Summit St.  
Cheers Bar & Grill, LLC, d/b/a Cheers Bar & Grill, LLC, 310 Walnut St.  
Czeckers, Inc., d/b/a Czeckers Inc., 407 Walnut St.  
The Fox Stop, Inc., d/b/a The Fox Stop, 1316 W. 30<sup>th</sup> St.  
SYMS, LLC, d/b/a Holiday Inn Express, PO Box 113  
San Jose, Inc., d/b/a Mexico Viejo, 1809 Broadway Ave.  
TST, Inc., d/b/a Phinney's Pub & Casino, Yankton Mall  
To Be Free, LLC d/b/a RB Beer & Burgers, 2901 Broadway Ave. Suite C  
Morgen, LLC, d/b/a South Point Gaming Lounge, 1101 Broadway Ave., Suite 109  
Flusswerks, LLC, d/b/a The Landing, 104 Capital St.  
Tokyo Japanese Cuisine of Ykt, Inc. d/b/a Tokyo Japanese Cuisine, 2007 Broadway Ave. Ste. J  
Wal-Mart Stores, Inc., d/b/a Wal-Mart Store #1483, 3100 Broadway Ave.  
Walgreen Co. d/b/a Walgreen #9806, 2020 Broadway Ave.  
Willa B's LLC d/b/a Willa B's, 215 West 3<sup>rd</sup> St.

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

Motion adopted.

Action 18-328

This was the time and place for the public hearing and seconded reading of Ordinance No. 1012, AN ORDINANCE GRANTING TO MIDAMERICAN ENERGY COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND NON-EXCLUSIVE FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE IN THE CITY OF YANKTON, SOUTH DAKOTA, A NATURAL GAS SYSTEM AND TO FURNISH AND SELL NATURAL GAS TO THE CITY AND ITS INHABITANTS. (Memorandum 18-237) Mark Reinders, Midwest Gas, was present to answer questions. Moved by Commissioner Moser, seconded by Commissioner Miner, to approve Ordinance No. 1012.

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

Action 18-329

This was the time and place to award the bid for Crushing of Salvaged Concrete and Asphalt for 2019. The following bids were received and opened on November 13<sup>th</sup>, 2018 at 3:00pm: Cedar Beef LLC, Hartington, NE, for \$6.50 per ton; Slowey Construction, Inc., Yankton, SD, for 3.849 per ton; Intex Corp., Albertville, MN, for \$4.59 per ton; QBQ Industries, LLC, Council Bluffs, IA, for \$4.84 per ton; Jerry Thomas Construction LLC, Chamberlain, SD, for \$4.65 per ton; Cave Crushing, Inc., Marcus, IA, for \$4.90 per ton; and Dakota Construction, Harrisburg, SD, for \$3.98 per ton. (Memorandum 18-238) Moved by Commissioner Gross, seconded by Commissioner Benson, to award the bid to Slowey Construction, Yankton, SD at a unit price of \$3.849 per ton for Crushing of Salvaged Concrete and Asphalt for 2019.

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

Action 18-330

Moved by Commissioner Carda, seconded by Commissioner Hoffner, to approve the Agreement between the City of Yankton and John Harris. After the original motion and second and some discussion, Commissioner Moser moved and Commissioner Hoffner seconded an amendment to the agreement.

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

**Roll Call:** All members present voting “Aye;” voting “Nay:” None. Motion to vote on the original as amended adopted.

Commissioner Gross introduced and Mayor Johnson read the title of Ordinance No. 1013, AN ORDINANCE AMENDING ORDINANCE NO. 1001, THE 2018 ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF YANKTON, SOUTH DAKOTA and set the date of the second reading and public hearing as December 10<sup>th</sup>, 2018. (Memorandum 18-245)

Action 18-331

Moved by Commissioner Carda, seconded by Commissioner Miner, to approve the recommendation of election workers for the City of Yankton Special Election on December 11<sup>th</sup>, 2018 and establish the compensation for said election workers. (Memorandum 18-247)

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

Commissioner Hoffner introduced and Mayor Johnson read the title of Ordinance No. 1014, AN ORDINANCE AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES OF THE CITY OF YANKTON BY AMENDING VARIOUS SECTIONS THERIN REGARDING THE LICENSING OF PEDDLERS AND SOLICITORS OPERATING WITHIN CITY LIMITS, and set the date of the second reading and public hearing as December 10<sup>th</sup>, 2018. (Memorandum 18-246)

Action 18-332

This was the time and place for the public hearing on Resolution 18-83 establishing two disability parking stalls with an access aisle at 114 Douglas Avenue. (Memorandum 18-250) No one was present

to speak for or against the parking designation. Moved by Commissioner Miner, seconded by Commissioner Hoffner, to adopt Resolution 18-83.

**RESOLUTION 18-83**

**A RESOLUTION AUTHORIZING THE ESTABLISHMENT  
OF DISABILITY PARKING SPACES – 114 DOUGLAS AVENUE**

WHEREAS, the City of Yankton desires to provide vehicle parking spaces for persons with physical disabilities, within the community, and

WHEREAS, in order to provide convenient parking for persons with disabilities, designated parking stalls need to be established, and

WHEREAS, said parking spaces shall be reserved for the parking of vehicles displaying a physically disabled parking permit or license plate only

NOW, THEREFORE IT BE RESOLVED, by the Board of City Commissioners of the City of Yankton, that two (2) disability parking stalls and an access aisle be designated, marked and maintained at the following location: 114 Douglas Avenue.

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

Action 18-333

Moved by Commissioner Gross, seconded by Commissioner Carda, to approve Change Order No. 1, accept the completed reconstruction on West City Limits Road, and issue a check to D&G Concrete Construction, Inc., in the amount of \$39,802.77. (Memorandum 18-249)

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

Action 18-334

Moved by Commissioner Gross, seconded by Commissioner Miner, to approve Change Order No. 1, accept the completed construction of the Highway 50 trail, issue check to D&G Concrete Construction, Inc. in the amount of \$66,243.30. (Memorandum 18-248)

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

Action 18-335

Moved by Commissioner Gross, seconded by Commissioner Carda, to approve Resolution 18-82. (Memorandum 18-251) Toby Morris of Dougherty and Co., representing the City, was present to answer questions.

**RESOLUTION 18-82**  
**RESOLUTION AUTHORIZING A DEVELOPMENT AGREEMENT BETWEEN**  
**THE CITY OF YANKTON, SOUTH DAKOTA AND YANKTON-OMAHA LIMITED**  
**PARTNERSHIP, A NEBRASKA LIMITED PARTNERSHIP**  
**CONCERNING TAX INCREMENT FINANCING**

**WHEREAS**, by Resolution 17-33 dated August 28, 2017 pursuant to Chapter 11-9 of the South Dakota Codified Laws the Yankton Board of City Commissioners created Tax Incremental District (TID) Number 9 to promote development of the property identified in the associated Tax Incremental District Plan, and

**WHEREAS**, subsequent to adopting Resolution 17-33, the City Commission entered into an agreement with Yankton-Omaha Limited Partnership to define how the proceeds from the TID would be managed, and

**WHEREAS**, the original agreement was unable to be fulfilled in the timeframe defined in the original agreement at no fault of the parties to the agreement.

**NOW THEREF-RE BE IT RESOLVED**, that the Yankton Board of City Commissioners hereby approves the attached updated agreement between the two parties, and

**BE IT FURTHER RESOLVED**, that the terms of the attached agreement supersede the previous agreement.

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

Action 18-336

Moved by Commissioner Gross, seconded by Commissioner Miner, to approve the Agreement between the City of Yankton, Dive In Yankton and the Mike, Cindy and Kylie Huether Family Foundation. (Memorandum 18-252)

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

Action 18-337

Moved by Commissioner Gross, seconded by Commissioner Carda, to adjourn into Executive Session at 7:33 p.m. to discuss **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 Benson, Carda, Gross, Hoffner, Miner and Moser. City Attorney Den Herder and City Manager Leon were also present. Absent: Commissioner Ferdig and Commissioner Maibaum. Quorum present.

Action 18-338

Moved by Commissioner Carda, seconded by Commissioner Hoffner, to adjourn at 8:05 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