

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
January 28<sup>th</sup>, 2019**

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

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

Action 19-16

Moved by Commissioner Maibaum, seconded by Commissioner Moser, to approve the Minutes of the regular meeting of January 14<sup>th</sup>, 2019.

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

Action 19-17

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

Acushnet Company-Golf Equipment-\$2,515.34; Auto Value Parts Store-Filters-\$15.57; Autozone-Antifreeze & Wipers-\$102.40; Avera Sacred Heart Hospital-Professional Service-\$621.00; Bartlett & West-Professional Service-\$8,218.82; Blackstrap-Road Salt-\$6,842.84; Bushnell Holdings-Golf Equipment-\$354.57; City Of Sioux Falls-Water Testing-\$14.50; Core & Main-Pipe And Fittings-\$435.26; Country Pride Cooperative-Fuel-\$18,636.73; Credit Collection Service-Utiltiy Collections-\$37.69; Den Herder Law Office-Contracted Services-\$1,809.50; Dept Of Health-Water Tests-\$1,750.00; Feimer Construction-Kpi Hydrant-\$579.44; Gear For Sports-Golf Merchandise-\$224.22; HDR Engineering-Water Plant-\$53,054.68; Longs Propane-Propane-\$422.40; Menards-Supplies-\$11.28; Merkel Electric-Motor Installation-\$2,876.05; Midamerican Energy-Fuel-\$8,058.22; Mizuno USA Inc-Golf Equipment-\$421.26; Observer-Advertisement-\$318.00; Ping-Golf Equipment-\$738.85; Sioux Equipment Company-Filter Change-\$2,523.35; South Dakota One Call-Message Fees-\$61.95; Sweeney Controls Company-Repairs-\$874.00; Taylor Made-Golf Equipment-\$270.18; Toms Electric-Trail Lights-\$360.91; Transource-Filler Cap-\$126.18; Truck Trailer Sales-Truck Repairs-\$630.75; Wage Work-Flex Service Fees-\$135.00; Xerox Corporation-Copier Lease-\$157.94

**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 19-18

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

**1. Appointment to Planning Commission Board**

Consideration of Memorandum 19-22 recommending approval of the Mayor's Appointment of Mr. Warren Erickson to the Yankton City Planning Commission for the remaining term of the currently open position.

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

Action 19-19

This was the time and place for the second reading and public hearing for Ordinance No. 1015, AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF YANKTON BY AMENDING AND REPLACING THE ENTIRETY OF CHAPTER 10. No one was present to speak for or against adoption of the ordinance. Moved by Commissioner Ferdig, seconded by Commissioner Gross, to adopt Ordinance No. 1015.

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

Action 19-20

This was the time and place for the second reading and public hearing for Ordinance No. 1016, AN ORDINANCE AMENDING THE DEFINITION OF UNMUFFLED DYNAMIC ENGINE BRAKING TO CONFORM WITH SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION REGULATIONS. No one was present to speak for or against adoption of the ordinance. Moved by Commissioner Carda, seconded by Commissioner Moser, to adopt Ordinance No. 1016.

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

Action 19-21

This was the time and place for the second reading and public hearing for Ordinance No. 1017, AN ORDINANCE AMENDING THE DESIGNATION OF STREETS AND AVENUES AS SNOW EMERGENCY ROUTES. No one was present to speak for or against adoption of the ordinance. Moved by Commissioner Gross, seconded by Commissioner Ferdig, to adopt Ordinance No. 1017.

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

Action 19-22

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 Events RETAIL (on-sale) Wine dealers License for 1 day, February 2, 2019, from 6<sup>th</sup> Meridian LLC dba Counterfeit Catering, (Michelle Donner, Owner), NFAA, 800 Archery Lane, Yankton, SD 57078. (Memorandum 19-10) No one was present to speak for or against the application. Moved by Commissioner Miner, seconded by Commissioner Gross, to approve the license application.

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

Action 19-23

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 Events RETAIL (on-sale) Wine dealers License for 1 day, February 23<sup>rd</sup>, 2019, from 6<sup>th</sup> Meridian LLC dba Counterfeit Catering, (Michelle Donner, Owner), NFAA, 800 Archery Lane, Yankton, SD 57078. (Memorandum 19-11) No one was present to speak for or against the application. Moved by Commissioner Moser, seconded by Commissioner Ferdig, to approve the license application.

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

#### Action 19-24

This was the time and place for the public hearing on the application for a New Retail (on-off sale) Malt Beverage License for July 1, 2018, to June 30, 2019, from BPO Elks Lodge 994 dba Elks Lodge 994, 504 W. 27<sup>th</sup> Street, Yankton, SD 57078. (Memorandum 19-12) No one was present to speak for or against the application. Moved by Commissioner Gross, seconded by Commissioner Miner, to approve the license application.

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

#### Action 19-25

This was the time and place for the public hearing on the application for the transfer of ownership and location of a Retail (on-off sale) Malt Beverage License for July 1, 2018, to June 30, 2019, from To Be Free, LLC (Courtney Villalobos, President), dba RB Beer & Burgers, 2901 Broadway Avenue, Suite C, to Diggers, Inc. (Larry Olson, President), d/b/a Gold Rush, 2020 Elm Street Suite 7B, Yankton, S.D. (Memorandum 19-13) No one was present to speak for or against the application. Moved by Commissioner Gross, seconded by Commissioner Carda, to approve the license application.

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

#### Action 19-26

This was the time and place for the public hearing on the application for a New Retail (on-off sale) Malt Beverage License for July 1, 2018, to June 30, 2019, from To Be Free, LLC (Courtney Villalobos, President), RB Beer & Burgers, 2901 Broadway, Suite C, Yankton, SD 57078. (Memorandum 19-14) No one was present to speak for or against the application. Moved by Commissioner Carda, seconded by Commissioner Miner, to approve the license application.

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

#### Action 19-27

This was the time and place for the public hearing on the application for a Special Events RETAIL (on-sale) Liquor License for one day, February 16, 2019 with March 2, 2019 as a rain date, from Boomer’s Inc., (Gary W. Boom, President) d/b/a Boomer’s Lounge, NFAA, 800 Archery Lane, Yankton, South Dakota. (Memorandum 19-15) No one was present to speak for or against the application. Moved by Commissioner Gross, seconded by Commissioner Ferdig, to approve the license application.

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

Action 19-28

Moved by Commissioner Gross, seconded by Commissioner Miner, to adopt Resolution 19-04.  
(Memorandum 19-17)

**RESOLUTION 19-04**

WHEREAS, it appears from an examination of a Replat of the North One Quarter of Lot 13, Lot 14 except for the West 1/6 of the North Eight Feet thereof and the South Five Feet of the East 5/6 of Lot 15, all in Block 12, in that part of the City of Yankton platted and known as “Todd’s Yankton”, Hereafter to be known as: Lot 14A, Block 12, in that part of the City of Yankton platted and known as “Todd’s Yankton” prepared by Brian J. Benson, 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 of the above described property is hereby approved

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

Action 19-29

Moved by Commissioner Moser, seconded by Commissioner Gross, to adopt Resolution 19-05.  
(Memorandum 19-18)

**RESOLUTION 19-05**

Statement of Municipal Electric Utilities Benefits

WHEREAS, the municipal electric utilities of South Dakota represent the values of the communities they serve, providing that the decisions on the operation of the municipal utility are made locally, by Members of the Community, at Open and Public meetings;

WHEREAS, the municipal electric utilities of South Dakota are uniquely positioned to respond to the Community’s needs, to build on the Community’s strengths, and to reflect and advance the Community’s values, being governed by the persons living in that Community;

WHEREAS, the municipal electric utilities of South Dakota provide for local control of rates;

WHEREAS, the municipal electric utilities of South Dakota reinvest revenues locally, any revenue generated from a municipal electric utility is reinvested in the city utility, city infrastructure, city library or recreational facility, or the city public school;

WHEREAS, the municipal electric utilities of South Dakota are committed to the future of the community by bringing growth and economic development to the community and by bringing innovation to the city;

WHEREAS, the municipal electric utilities of South Dakota wish to bring all of these services and innovation to all of the citizens of the community, including new citizens brought in by annexation:

NOW, THEREFORE, BE IT RESOLVED, that I, Nathan V Johnson, Mayor of the City of Yankton,

together with the City Commissioners for the City of Yankton, that the service territory of municipal electric utilities must be able to grow with their city and to serve the customers who chose to reside in the city.

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

Motion adopted.

Commissioner Gross introduced and Mayor Johnson read the title of Ordinance No. 1018, AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE 1011, THE 2019 ANNUAL APPROPRIATIONS ORDINANCE OF THE CITY OF YANKTON, and set the date of the second reading and public hearing as February 11<sup>th</sup>, 2019.

Action 19-30

Moved by Commissioner Ferdig, seconded by Commissioner Carda, to allow camping in Riverside Park on May 31<sup>st</sup> and again on June 8<sup>th</sup> for the RASDak group. (Memorandum 19-20)

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

Motion adopted.

Action 19-31

Moved by Commissioner Miner, seconded by Commissioner Gross, to approve Resolution 19-07. (Memorandum 19-21)

**RESOLUTION 19-07**

WHEREAS, the Department of Parks, Recreation, & City Events would like permission to apply for a Project Grant from the South Dakota Arts Council on behalf of the Meridian District Art Project; and

WHEREAS, the Project Grant assists South Dakota nonprofit or government organizations in presenting an activity in any arts discipline(s) that serves the general public and meets specific needs of the applicant organization.

NOW, THEREFORE, BE IT RESOLVED that the Yankton City Commission hereby authorizes the Department of Parks, Recreation and City Events to apply for a project grant from the South Dakota Arts Council and authorizes the Parks and Recreation Director to sign any and all documents pertaining to this grant.

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

Motion adopted.

Action 19-32

Moved by Commissioner Carda, seconded by Commissioner Miner, to adopt Resolution 19-06. (Memorandum 19-23)

**RESOLUTION 19-06**

WHEREAS, SDCL 9-14-28 requires that the salaries of municipal officers be fixed and determined by City resolution,

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, effective January 1, 2019, that the salary of the City Attorney shall be at an annual rate of \$46,061.13.

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

Action 19-33

Moved by Commissioner Carda, seconded by Commissioner Maibum, to adjourn into Executive Session at 7:26 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, Ferdig, Gross, Maibaum, Miner and Moser. City Attorney Den Herder and City Manager Leon were also present. Absent: Commissioner Hoffner.  
Quorum present.

Action 19-34

Moved by Commissioner Gross, seconded by Commissioner Moser, to adjourn at 8:10 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