



**Mission Statement**  
*To provide exemplary experiences, services & spaces that create opportunities for everyone to learn, engage and thrive.*

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## **YANKTON BOARD OF CITY COMMISSIONERS**

Regular City Commission Meeting beginning at 7:00 P.M.

**Monday, April 22, 2019**

**City of Yankton Community Meeting Room**

Located at the Career Manufacturing Technical Education Academy formerly known as Technical Education Center • **1200 W. 21<sup>st</sup> Street • Room 114**

Rebroadcast Schedule: Tuesday @ 7:30pm, Thursday @ 6:30 pm, on channels 3 & 45

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### **I. ROUTINE BUSINESS**

1. **Roll Call**
2. **Approve Minutes of regular meeting of April 8, 2019 and Special City Commission Meeting of April 12, 2019**  
**Attachment I-2**
3. **Proclamation – Mental Wellness Conference**  
**Attachment I-3**
4. **City Manager’s Report**  
**Attachment I-4**
5. **Public Appearances**

*Public appearances is a time for persons to address the City Commission on items not listed on the agenda. No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. Each person has up to three minutes to speak. Comments made during the Public Appearance Comment period of the agenda may be on any subject. There shall be no personal attacks against the Mayor, members of the City Commission, City Staff, or any other individual.*

### **II. CONSENT ITEMS**

*Matters appearing on the Consent Agenda are expected to be non-controversial and will be acted upon by the City Commission at one time, without discussion. Approval constitutes following the recommendation of the City Manager on each item.*

1. **Special Events Dance License**  
Consideration of Memorandum #19-88 recommending approval of the application from Habitat for Humanity Clay & Yankton Counties to hold a street dance on June 13, 2019, 218 Capital Street, Yankton, S.D.

**Attachment II-1**

- 2. Peddler’s License Application**  
Consideration of Memorandum #19-89 recommending approval of an application for a Peddler’s License for AT & T, for 2 people to go house-to-house to sell new TV, Internet and Cell Phone services from July 1-31, 2019.

**Attachment II-2**
- 3. Budget Workshop Discussion**  
Discussion to set Budget workshop meeting dates in June & August
- 4. Establishing public hearing for New Retail (on-off sale) Malt Beverage License**  
Establish May 13, 2019, as the date for the public hearing on the application of a New Retail (on-off sale) Malt Beverage License for June 30, 2018, to July 1, 2019, P & P Lottery Enterprises, LLC (James Palmer, Member), 3010 Broadway Ave, Yankton, S.D.

**Attachment II-4**
- 5. Establishing public hearing for transfer of ownership of Retail (on-off Sale) Malt Beverage License**  
Establish May 13, 2019, as the date for the public hearing on the transfer of ownership and location of a Retail (on-off sale) Malt Beverage License for July 1, 2018, to June 30, 2019, from Bernard Properties, LLC (MelCena Bernard, Managing Partner), dba The Brewery, 200-204 West 3<sup>rd</sup> Street to P & P Lottery Enterprises, LLC (James Palmer, Member), 3010 Broadway Ave, Yankton, S.D.

**Attachment II-5**
- 6. Establishing public hearing for transfer of ownership of Retail (on-off Sale) Malt Beverage License**  
Establish May 13, 2019, as the date for the public hearing on the transfer of ownership and location of a Retail (on-off sale) Malt Beverage License for July 1, 2018, to June 30, 2019, from YC Library, LLC (Garrett Horn, President), dba Capitol Street Pub, 401 Capitol Street, to P & P Lottery Enterprises, LLC (James Palmer, Member), 3010 Broadway Ave, Yankton, S.D.

**Attachment II-6**
- 7. Establishing public hearing for transfer of ownership of Retail (on-off Sale) Liquor License**  
Establish May 13, 2019, as the date for the public hearing on the transfer of location and ownership of a Retail (on-sale) Liquor License for January 1, 2019, to December 31, 2019, from P & P Lottery Enterprises, LLC (James L. Palmer, Member), 3010 Broadway Avenue to YC Library, LLC (Garrett Horn, President), dba Capitol Street Pub, 401 Capitol Street, Yankton, S.D.

**Attachment II-7**
- 8. Possible Quorum Event**  
June 18, 2019, for Ag Gala, no official commission action
- 9. Transient Merchant License – Meridian District**  
Consideration of Memorandum #19-92 recommending approval of the application from Meridian District for:  
A) Transient Merchant License for May 4 – June 3, 2019;

**Attachment II-9**

10. **Possible Quorum Event**

April 30, 2019, for Mount Marty College Fieldhouse Groundbreaking, no official commission action

III. **OLD BUSINESS**

*Old business includes items that have previously appeared on the City Commission's agenda and require further consideration or action by the board.*

1. **Public Hearing Date for Ordinance - Animals**

Public hearing regarding Ordinance #1021, amending the Animal Ordinance Chapter 5-24 as second reading and public hearing of said Ordinance

**Attachment III-1**

2. **Public hearing for sale of alcoholic beverages**

Consideration of Memorandum #19-80 regarding the request for a Special Events (on-sale) Liquor License for June 9, 2019 from VFW (Colin Reisner, Quartermaster), 209 Cedar Street, City Hall Gym, Yankton, S.D.

**Attachment III-2**

3. **Public hearing for sale of alcoholic beverages**

Consideration of Memorandum #19-81 regarding the request for a Special Events (on-sale) Liquor License for June 8, 2019 from Hanten, Inc., (Ben Hanten, Owner) dba Ben's Brewing Company, 222 West 3<sup>rd</sup> Street, RASKAK ROUNDUP, Parking Lot and Green Space West Side of Meridian Bridge & The enclosed area of Levee Street, Yankton, S.D.

**Attachment III-3**

4. **Public hearing for sale of alcoholic beverages**

Consideration of Memorandum #19-82 regarding the request for a Special Events Retail (on-sale) Liquor License for 7 days, July 4, 11, 18, 25 and August 1, 8 & 15 2019, from Ben's Brewing Co. (Ben Hanten, Owner), 222 West 3<sup>rd</sup> Street, Music at the Meridian, Parking Lot and Green Space West Side of Meridian Bridge & the enclosed area of Levee Street, Yankton, S.D.

**Attachment III-4**

5. **Public hearing for transfer of ownership of Retail (on-off Sale) Malt Beverage License**

Consideration of Memorandum #19-83 regarding the transfer of ownership of a Retail (on-off sale) Malt Beverage License for July 1, 2018, to June 30, 2019, from JAY AMBE-8, LLC (Kamleshkumar Patel, Owner) d/b/a Freedom Valu Center to I MART STORES, LLC (Muwafak Rizek, President), 301 Broadway Avenue, Yankton, S.D.

**Attachment III-5**

6. **Public hearing for transfer of ownership of Retail (on-off Sale) Malt Beverage License**

Consideration of Memorandum #19-85 regarding the transfer of ownership of a Retail (on-off sale) Malt Beverage License for July 1, 2018, to June 30, 2019, from JAY AMBE-8, LLC (Kamleshkumar Patel, Owner) d/b/a Freedom Valu Center to I MART STORES, LLC (Muwafak Rizek, President), 301 Broadway Avenue, Yankton, S.D.

**Attachment III-6**

7. **Public hearing for a transfer of ownership & location – Malt Beverage License**

Consideration of Memorandum #19-84 regarding the transfer of ownership and location for a 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. 27th Street, to Zaccon, Inc. (Robert A Zacher, President), d/b/a Roadrunner Convenience Mart, 300 West 23<sup>rd</sup> Street, Suite II, Yankton, SD 57078

**Attachment III-7**

*Adoption of an ordinance is typically a two-meeting process. At the first meeting, an ordinance is introduced, and the first reading is held. During the second meeting, the ordinance is discussed by the commission and the public and then considered for adoption.*

**IV. NEW BUSINESS**

*New business items are those that have not been discussed by the Commission previously.*

1. **Farmers Market - Special Events Request**

Consideration of Memorandum #19-93 regarding request by Meridian District for Special Events during 2019 Farmers Market

**Attachment IV-1**

2. **Planning Commission Recommendation – Conditional Use Permit**

Consideration of Memorandum #19-86 regarding Resolution #19-17, a Conditional Use Permit for an athletic field house on the Mount Marty College Campus in a residential district on Monastery Lot A2 except C, Lot H2 & Lots B, B1, C, C1, C2, C4, C5 & F, Benedictine Hilltop Addition in the City and County of Yankton, South Dakota. Address, 1005 W. 8th Street. Benedictine Convent of the Sacred Heart, owner.

**Attachment IV-2**

3. **Planning Commission Recommendation – Plat Review**

Consideration of Memorandum #19-87 regarding Resolution #19-18, a Plat of Monastery Lot C6, Benedictine Hilltop Addition, City of Yankton, Yankton, South Dakota. Address, 1005 W. 8th Street. Benedictine Convent of the Sacred Heart, owner.

**Attachment IV-3**

4. **Bid Opening – 21<sup>st</sup> Street Reconstruction Project**

Consideration of Memorandum #19-94 regarding Bid Award for the 21<sup>st</sup> Street Reconstruction from Broadway Avenue to Douglas Avenue

**Attachment IV-4**

5. **Funding Request for Welcome to Walnut Event**

Consideration of Memorandum #19-63 regarding Funding Request for Welcome to Walnut Event

**Attachment IV-5**

6. **Music at the Meridian Concert Series**

Consideration of Memorandum #19-91 regarding Music at the Meridian Concert Series

**Attachment IV-6**

**7. Fireworks Public Display**

Consideration of Memorandum #19-90 regarding Request by the City of Yankton Parks and Recreation Department for a Fireworks Public Display on July 4, 2019

**Attachment IV-7**

**8. Joint Powers Rate Increase**

Consideration of Memorandum #19-95 in support of Resolution #19-19 regarding Joint Powers Tipping Rate Increase

**Attachment IV-8**

**9. Memorandum of Understanding**

Consideration of Memorandum #19-96 regarding Memorandum of Understanding between City of Yankton and ASCME

**Attachment IV-9**

**V. OTHER BUSINESS**

*Other business is a time for City Commissioners to address the commission regarding matters not on the agenda. These items will be deliberated by the governing body and will not be acted upon at this time. Items mentioned may be added to a future City Commission meeting or work session for deliberation or action.*

**VI. ADJOURN INTO EXECUTIVE SESSION TO DISCUSS CONTRACTUAL, LITIGATION AND PERSONNEL MATTERS UNDER SDCL 1-25-2**

*Executive or closed meetings may be held by a majority vote of the governing body for the sole purposes of:*

- Discussing the qualifications, competence, performance, character or fitness of any public officer or employee.*
- Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters.*
- Preparing for contract negotiations or negotiating with employees or employee representatives.*
- Discussing marketing or pricing strategies by a board or commission of a business owned by the City, when public discussion may be harmful to the competitive position of the business.*

*Any official action concerning such matters shall be made at an open official meeting.*

**VII. RECONVENE AS BOARD OF CITY COMMISSIONERS**

1. Roll Call

**VIII. ADJOURN THE MEETING OF APRIL 22, 2019**

*The City of Yankton Community Meeting Room is accessible to everyone. If you have any additional accommodation requirements, please call 668-5221.*

*Should you have any reason to believe an open meetings law has been violated please contact the Open Meetings Commission at the South Dakota Office of the Attorney General at: 1302 E. Hwy 14, Suite 1, Pierre, SD 57501-8501 or by phone at 605-773-3215.*