

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
September 28th, 2020**

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

Roll Call: Present: Commissioners Benson, Brunick, Carda, Maibaum, Miner, Moser, Schramm and Webber. City Attorney Den Herder and City Manager Leon were also present. Quorum present.

Action 20-351

Moved by Commissioner Moser, seconded by Commissioner Webber, to approve Minutes of regular meeting of September 14th, 2020

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

Motion adopted.

Action 20-352

Moved by Miner, seconded by Moser, to amend the agenda and remove Consent Agenda item II-4, Permission for Open Container for Meridian District Event, from tonight’s meeting.

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

Motion adopted.

Mayor Nathan Johnson read a proclamation recognizing September 28th through October 2nd as Yankton, South Dakota’s Manufacturers Week.

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.

Consent Agenda items were discussed and voted on separately.

Action 20-353

Moved by Commissioner Carda, seconded by Commissioner Benson, to establish October 12, 2020, as the date for the public hearing on the request for a Special Events Malt Beverage (on-sale) Retailers License for one day, October 24, 2020, from Yankton Girls Softball Assn. (Doug Marquardt, Manager) 1805 Whiting Drive, Corn Hole Fundraiser, Yankton, S.D.

Roll Call: Commissioners voting “Aye” were Benson, Brunick, Carda, Maibaum, Miner, Schramm, Webber and Mayor Johnson; voting “Nay:” None. Abstain: Commissioner Moser.

Motion adopted.

Action 20-354

Moved by Commissioner Brunick, seconded by Commissioner Moser, to approve dissolution of Towing Committee. (Memorandum 20-181)

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

Motion adopted.

Action 20-355

Moved by Commissioner Moser, seconded by Commissioner Schramm, to establish October 12, 2020, as the date for the public hearing on the request for a Special Events RETAIL (on-sale) Liquor License for 2 days, November 14, 2020 through November 15, 2020 from Boomer's Inc., (Gary W. Boom, President) d/b/a Boomer's Lounge, Zombie's Realm, 101 E 3rd St., Yankton, South Dakota.

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

Motion adopted.

There was a reminder of a possible quorum at the Bridge Dedication Ceremony in front of Yankton County Courthouse by the City Commissioners on October 3, 2020 at 1:00 pm. No official action is anticipated.

Action 20-356

Moved by Commissioner Benson, seconded by Commissioner Carda, to approve Resolution 20-67. (Memorandum 20-176)

RESOLUTION 20-67
Conditional Use Permit

WHEREAS, Mike Hacecky Rentals, LLC. Is the owner of property legally described as Outlots 19A, 20 and 20A, Moderegger Outlots in the City of Yankton, South Dakota, and

WHEREAS, the above described property is zoned B-2 Highway Business which allows conditional uses under the City of Yankton's Zoning Ordinance No. 711 as amended, and

WHEREAS, this Conditional Use Permit request is necessary for the construction and operation of a self-storage facility and the representative plans have been reviewed and recommended for approval by a vote of the City Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves a Conditional Use Permit for a self-storage facility in the manner depicted in the associated documentation, on the above described property.

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

Motion adopted.

Commissioner Moser introduced and Mayor Johnson read the title of Ordinance No. 1040, AN ORDINANCE TO REZONE PROPERTY DESCRIBED HEREIN, BE IT ORDAINED, BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF YANKTON, SOUTH DAKOTA THAT THE FOLLOWING DESCRIBED PROPERTY HAS BEEN REZONED FROM I-1 INDUSTRIAL TO B-3 CENTRAL BUSINESS, BLOCK 69, LOWER YANKTON ADDITION TO THE CITY OF YANKTON, SOUTH DAKOTA. MONA'S, LLC, OWNER. ADDRESS, SOUTH SIDE OF THE 600 BLOCK OF E. 4TH STREET, and set the date of the second reading and public hearing as October 12th, 2020.

Commissioner Miner introduced and Mayor Johnson read the title of Ordinance No. 1041, AN ORDINANCE TO REZONE PROPERTY DESCRIBED HEREIN, BE IT ORDAINED, BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF YANKTON, SOUTH DAKOTA THAT THE FOLLOWING DESCRIBED PROPERTY HAS BEEN REZONED FROM B-2 HIGHWAY BUSINESS TO R-3 TWO FAMILY RESIDENTIAL, FUTURE BLOCKS 10 AND 11 AND, FROM B-2 HWY BUSINESS TO R-4 MULTIPLE FAMILY, THAT AREA LYING EAST OF FUTURE COLTON AVENUE, WESTBROOK ESTATES. ALL IN THAT PORTION OF THE FOLLOWING PROPERTY LYING SOUTH OF 25TH STREET. THE EAST HALF OF THE SOUTHEAST QUARTER EXCEPT THE EAST 700' IN SECTION 2, ALL IN TOWNSHIP 93 NORTH, RANGE 56 WEST OF THE 5TH PRINCIPAL MERIDIAN YANKTON COUNTY, SOUTH DAKOTA. YANKTON DEVELOPMENT ENTERPRISES, LLC, OWNER, OWNER. ADDRESS, SOUTH SIDE OF THE 1600 BLOCK OF W. 25TH STREET and set the date of the second reading and public hearing as October 14th, 2020.

Action 20-357

Moved by Commissioner Benson, seconded by Commissioner Webber, to approve Resolution 20-70. (Memorandum 20-177)

RESOLUTION 20-70

WHEREAS, SDCL 6-13-1 states that a municipality owning personal property which is no longer necessary, useable or suitable for municipal purposes shall, by resolution, declare it surplus and may, by resolution, order for sale, destruction or other disposal of said personal property.

NOW, THEREFORE, BE IT RESOLVED that the following personal property be declared no longer necessary or suitable for municipal purposes and said property shall be disposed of in accordance with SDCL 6-13-1, et sequential:

PROPERTY TO BE DECLARED SURPLUS

- 2007 Land Pride Cutter model RCM5515 Serial Number 659620
- 2007 Land Pride Rear Blade Mower model RBT55120

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

Action 20-358

Moved by Commissioner Benson, seconded by Commissioner Moser, to approve Resolution 20-68. (Memorandum 20-178)

RESOLUTION 20-68

WHEREAS, SDCL 6-13-1 requires a municipality owning personal property which is no longer necessary, useable or suitable for municipal purposes shall, by resolution, declare it surplus and may, by resolution, order for sale, destruction or other disposal of said personal property.

NOW, THEREFORE, BE IT RESOLVED that the following personal property be declared no longer necessary or suitable for municipal purposes and said property shall be disposed of in accordance with SDCL 6-13-1, et sequential:

PROPERTY TO BE SURPLUS

2007 New Holland MC22 Lawn Mower VIN. #TD 20068

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

Action 20-359

Moved by Commissioner Carda, seconded by Commissioner Benson, to approve the membership for HGACBuy and authorize the City Manager and Finance Officer to execute any and all documents regarding membership and purchases with HGACBuy. (Memorandum 20-179)

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

Action 20-360

Moved by Commissioner Schramm, seconded by Commissioner Benson, to approve the Employee Health Committee’s recommendation to move to Health Partners offering the (traditional) Low deductible plan along with the High Deductible Health Plan (HDHP) and Health Savings Account (HSA) for 2021 at an approximate increase of a blended 4.07%, approve moving to The Standard vision insurance plan, the Principal dental insurance plan with a 20.87% decrease, and the Avera EAP plan with a 3.7% decrease, for 2021 and approve remaining with AFLAC for supplemental insurance. (Memorandum 20-180)

Roll Call: Commissioners voting “Aye” were Benson, Brunick, Carda, Maibaum, Miner, Schramm, Webber and Mayor Johnson; voting “Nay:” None. Abstain: Commissioner Moser.
Motion adopted.

Action 20-361

Moved by Commissioner Webber, seconded by Commissioner Carda, to approve Resolution 20-69. (Memorandum 20-182)

RESOLUTION 20-69

A RESOLUTION TO ESTABLISH REMOVAL AGENCIES

WHEREAS SDCL Chap. 32-36 and numerous local Ordinances allow vehicles to be towed by designated “removal agencies” when they constitute public nuisances, or when they are otherwise parked in a manner which violates the law; and

WHEREAS the Yankton Board of City Commissioner may, by resolution, designate certain towing companies to serve as “removal agencies” as defined by SDCL 32-36-2(5) and Section 15-19 of the Yankton Code of Municipal Ordinances to tow vehicles at the request of the City of Yankton or its various Departments;

NOW, THEREFORE, BE IT RESOLVED by the Yankton Board of City Commissioners that in accordance with SDCL 32-36-2(5) and Section 15-19 of the Yankton Code of Municipal Ordinances the following towing companies are hereby designated as “removal agencies” within the jurisdictional limits of the City of Yankton:

M & W Towing
30653 SD Hwy 81
Yankton, SD 57078
(605) 260-6869

Gary’s Repair & Wrecker Service
2100 SD Hwy 314
Yankton, SD 57078
(605) 665-4351

Pro Auto
2511 E Hwy 50
Yankton, SD 57078
(605) 665-4142

Redi Towing
1016 W Cherry St.
Vermillion, SD 57069
(605) 624-2424

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

Action 20-362

Moved by Commissioner Moser, seconded by Commissioner Brunick, to approve 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 20-184)

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

Action 20-363

Moved by Commissioner Schramm, seconded by Commissioner Benson, to approve the Overflow Jail Agreement between the City of Yankton and Bon Homme County. (Memorandum 20-183)

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

Action 20-364

Moved by Commissioner Benson, seconded by Commissioner Carda, to adjourn at 8:03 p.m.

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

Nathan V Johnson
Mayor

ATTEST:

Al Viereck
Finance Officer