



CITY OF YANKTON

2021_05_24

**CITY COMMISSION
MEETING**



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

YANKTON BOARD OF CITY COMMISSIONERS

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

Monday, May 24, 2021

City of Yankton Community Meeting Room

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

If you would like to watch the City Commission meeting you can do so by accessing the City of Yankton's YouTube Live Channel.

<https://www.youtube.com/channel/UCD1a1hf1dIkiLVSXnmdRQg/live>

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

I. ROUTINE BUSINESS

1. **Roll Call**

2. **Approve Minutes of regular meeting of May 10, 2021**

Attachment I-2

3. **City Manager's Report**

Attachment I-3

4. **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. **Possible Quorum Event**

May 29, 2021, at Huether Family Aquatics Center, no official commission action

2. **Transient Merchant License**

Consideration of Memorandum #21-110 recommending approval of the applications from Rock 'N' Rumble, Inc. for:

A) Transient Merchant License for July 24, 2021;

B) Dance License for July 24, 2021.

Attachment II-2

3. Transient Merchant License

Consideration of Memorandum #21-112 recommending approval of the applications from 3rd on 3rd for:

- A) Transient Merchant License for July 3, 2021;
- B) Dance License for July 3, 2021.

Attachment II-3

4. Establish public hearing for a New Retail (on-off sale) Malt Beverage

Establish June 14, 2021, as the date for the public hearing on the request for a New Retail (on-off sale) Malt Beverage & SD Farm Wine License for July 1, 2021, to June 30, 2022, from South Dakota Publishing, LLC d/b/a Muddy Mo's Coffee House (Katie Hunhoff, Owner), 233 Broadway Avenue, Yankton, S.D.

Attachment II-4

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 for sale of alcoholic beverages

Consideration of Memorandum #21-100 regarding the public hearing for the request for a Special Events (on-sale) Liquor License for July 3, 2021 from Rock 'N' Rumble, Inc. (Michael Carda, President), d/b/a 3rd on 3rd, Block of 3rd Street between Douglas & Capitol, Yankton, S.D.

Attachment III-1

2. Public hearing for sale of alcoholic beverages

Consideration of Memorandum #21-101 regarding the public hearing for the request for a Special Events (on-sale) Liquor License for July 24, 2021 from Rock 'N' Rumble, Inc. (Michael Carda, President), d/b/a Rock 'N' Rumble, 3rd St. from Douglas to ½ block East on Capitol, plus intersecting Capitol Street, ¼ Block North to ½ Block South, Yankton, S.D.

Attachment III-2

3. Public hearing for renewal of Malt Beverage Licenses

Consideration of Memorandum #21-102 regarding the public hearing for the applications for renewal of Malt Beverage Licenses for the 2021-22 licensing period

Attachment III-3

4. Public hearing for sale of alcoholic beverages

Consideration of Memorandum #21-103 regarding the public hearing for the request for a Special Malt Beverage (on-sale) Retailers License, a Special (on-sale) Wine Retailers License and a Special Events (off-sale) Package Wine & Malt Beverage Dealers License for 1 day, July 17, 2021 from Yankton Area Arts, (Julie Amsberry, Executive Director) Meridian Bridge, rain date set for City Hall Auditorium, 416 Walnut, Yankton, S.D.

Attachment III-4

5. Public hearing for sale of alcoholic beverages

Consideration of Memorandum #21-104 regarding the public hearing for the public hearing on the request for a Special Events Retail (on-sale) Liquor License for 9 days, July 1, 8, 15, 22, 29, August 5, 12, 19, 26, 2021, from Ben's Brewing Co. (Ben Hanten, Owner), 222 West 3rd Street, Music at the Meridian, Parking Lot and Green Space Westside of Meridian Bridge & the enclosed area of Levee Street, Yankton, S.D.

Attachment III-5

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. **Establishing public hearing – Medical Cannabis**
Consideration of Memorandum #21-117, introduction, first reading and establish June 14th as the date for a public hearing to Ordinance #1052 regarding medical cannabis
Attachment IV-1
2. **Establishing public hearing – Ordinance #1049**
Introduction and first reading and establish June 14th as the date for the public hearing for consideration of Memorandum #21-85 regarding Ordinance #1049 a rezoning from R-2 Single Family Residential to B-2 Highway Business on the North 220 feet of the West 700 feet of the SW 1/4 of the NW 1/4, Except KYNT Addition in Section 12, T93N, R56W of the 5th P.M., Yankton, South Dakota. Jim Tramp, LLC and Jason Tramp, LLC, owners. Address, 1301 W. 21st
Attachment IV-2
3. **Establishing public hearing - Ordinance #1050**
Introduction and first reading and establish June 14th as the date for the public hearing for consideration of Memorandum #21-86 regarding Ordinance #1050 a rezoning from R-2 Single Family Residential to R-3 Two Family Residential on future Lots 1A, 1B, 6A, 6B, 7A and 7B, in Block 9 and 1A and 1B in Block 10. And, from R-2 Single Family Residential to R-4 Multiple Family Residential on future Outlots 4 and 5, all in Summit Heights Addition to the City of Yankton in the SW 1/4 of the NW 1/4, Section 12, T93N, R56W of the 5th P.M., Yankton, South Dakota. Jim Tramp, LLC and Jason Tramp, LLC, owners. Address, the 1900 Blocks of Kellen Gross Drive and Dakota Street.
Attachment IV-3
4. **Establishing public hearing – Ordinance #1051**
Introduction and first reading and establish June 14th as the date for the public hearing for consideration of Memorandum #21-87 regarding Ordinance #1051 amendments to the City of Yankton Zoning Ordinance #711. The proposed amendments are in Chapter 27, Article II, Section 36 Part G and Section 37, Part G, and if approved, would change the maximum allowable height of structures in the B-2 Highway Business District and B-3 Central Business District from the current 50 feet to 65 feet.
Attachment IV-4
5. **Planning Commission Recommendation – Replat**
Consideration of Memorandum #21-88 and Resolution #21-35 Review of a Replat of Lots 4 and 5 of the Replat of Lots 1, 2, 3, 10, 11 and 12 of Block 2, Airport Acres, in the City of Yankton, Yankton County, South Dakota, hereafter to be known as: Lots 4A and 5A, Block 2, Airport Acres, City and County of Yankton, South Dakota. Anthony and Patricia Benjamin, Trustees, Tony and Pat Benjamin Revocable Trust, owner. Address, 3010 Broadway Avenue.
Attachment IV-5

- 6. Planning Commission Recommendation – Plat Review**
Consideration of Memorandum #21-89 and Resolution #21-36 Plat review of Lot 1, Whitetail Run, in the SE 1/4 of the NE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Dennis L. Christensen, President, Deerfield Truck and Equipment Company, owner. Location, South side of the 3900 Block of W. 8th Street.
Attachment IV-6
- 7. Planning Commission Recommendation – Plat Review**
Consideration of Memorandum #21-90 and Resolution #21-37 Plat review of Lot 2, Whitetail Run, in the SE 1/4 of the NE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Dennis L. Christensen, President, Deerfield Truck and Equipment Company, owner. Location, South side of the 3900 Block of W. 8th Street.
Attachment IV-7
- 8. Planning Commission Recommendation – Plat Review**
Consideration of Memorandum #21-91 and Resolution #21-38 Plat review of Lot 11, Whitetail Run, in the SE 1/4 of the NE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Dennis L. Christensen, President, Deerfield Truck and Equipment Company, owner. Location, North side of the 3900 Block of Buck Street.
Attachment IV-8
- 9. Planning Commission Recommendation – Replat**
Consideration of Memorandum #21-92 and Resolution #21-39 Review of a Replat of Lots 6 and 8, Whitetail Run, in the SE 1/4 of the NE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Hereafter to be known as: Lot 12, Whitetail Run, in the SE 1/4 of the NE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Dennis L. Christensen, President, Deerfield Truck and Equipment Company, owner. Address, 605 Deer Boulevard.
Attachment IV-9
- 10. Planning Commission Recommendation – Plat Review**
Consideration of Memorandum #21-93 and Resolution #21-40 Plat review of Lot 15, Whitetail Run, in the NE 1/4 of the SE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Dennis L. Christensen, President, Deerfield Truck and Equipment Company, owner. Location, South side of the 3900 Block of Buck Street.
Attachment IV-10
- 11. Planning Commission Recommendation – Replat**
Consideration of Memorandum #21-94 and Resolution #21-41 Review of a Replat of Lot K-2 and the East 158' of Parcel 2 of Lot K-1, in the N 1/2 of the NE 1/4 of Section 15, T93N, R56W of the 5th P.M., Yankton County, South Dakota, to be hereafter known as: Lots 1 and 2, Metz-Peterson Addition, in the N 1/2 of the NE 1/4 of Section 15, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Mark and Sharlotte Peterson Trustees of the Mark and Shar Peterson Revocable Trust, owner. Address, 2804 W. 8th Street.
Attachment IV-11

- 12. Introduction and First Reading**
The City Commission acting as the Board of Adjustment; Memorandum #21-105 establishing June 14, 2021 as the date for a public hearing to consider a variance from the front yard setback requirements in a B-2 Highway Business District on Lot 4, Block 1, Walmart Addition in the City of Yankton, South Dakota. Address, 3007 Broadway Avenue. Jeff Koster, owner.

Attachment IV-12
- 13. Sidewalk Café License**
Consideration of Memorandum #21-107 and Resolution #21-42 regarding Sidewalk Café License-102 & 104 East 3rd Street d/b/a Mojo’s Third Street Pizza

Attachment IV-13
- 14. Sidewalk Café License**
Consideration of Memorandum #21-109 regarding Sidewalk Cafe Permit Application-100 East 3rd Street d/b/a Walnut Tavern

Attachment IV-14
- 15. Rock ‘N’ Rumble Inc. - Special Events Parking Request**
Consideration of Memorandum #21-113 and Resolution #21-44 regarding request by Rock ‘N’ Rumble, Inc., for Special Events Parking Ordinance #933 to be in place during Rock ‘N’Rumble on July 24, 2021 and suspension of alcohol Consumption

Attachment IV-15
- 16. 3rd on 3rd - Special Events Parking Request**
Consideration of Memorandum #21-114 and Resolution #21-45 regarding request by Rock ‘N’ Rumble, Inc. (Michael Carda, President), d/b/a 3rd on 3rd, for Special Events Parking Ordinance #933 to be in place during 3rd on 3rd Event on July 3, 2021 and suspension of alcohol Consumption

Attachment IV-16
- 17. Yankton Antique Mall Vendor Fair - Special Events Parking Request**
Consideration of Memorandum #21-115 and Resolution #21-46 regarding request by Yankton Antique Mall Vendor Fair, for Special Events Parking Ordinance #933 to be in place during Yankton Antique Mall Vendor Fair on July 24, 2021

Attachment IV-17
- 18. Music at the Meridian Concert Series**
Consideration of Memorandum #21-116 regarding Music at the Meridian Concert Series

Attachment IV-18
- 19. Bid Award – 23rd Street**
Consideration of Memorandum #12-108 regarding Bid Award for 23rd Street from West City Limits Road (WCLR) to Approximately 1300’ West – Street & Utility Reconstruction

Attachment IV-19
- 20. Mayor’s Appointments to City Advisory Boards and Commissions**
Consideration of Memorandum #21-111 recommending approval of the Mayor’s appointments to various City Advisory Boards and Commissions

Attachment IV-20

21. K-9 Replacement

Consideration of Memorandum #21-118 and Resolution #21-48 for the surplus of K-9 Reno, approve purchase of new K-9, and Adoption Agreement for K-9 Reno to Officer Pekarek

Attachment IV-21

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 THE MEETING OF MAY 24, 2021

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.

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
MAY 10TH, 2021**

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 21-112

Moved by Commissioner Miner, seconded by Commissioner Moser, to approve Minutes of Work Session meeting of April 26, 2021 and regular meeting of April 26, 2021.

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

Motion adopted.

Action 21-113

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

1 Office Solution - Markers, Binders - \$156.59; 18th Amendment Neigh - Travel Expense - \$22.54; AOx Welding Supply - Argon Gas - \$124.96; Active Network - Annual Subscription Fee - \$15,052.83;
Adobe Creative Cloud - Computer Program - \$85.18; Adobe Stock - Computer Program - \$31.94; AFSCME Council 65 - AFSCME Deductions - \$928.62; Alice Training Institute - Alice Recertification - \$20.00; Amazon - Office Supplies - \$22.48; Amazon - DVD's - \$40.88; Amazon - Program Supplies - \$94.90; Amazon - Ear Piece For Radio Mics - \$10.60; Amazon - Summer Program Supplies - \$667.27; Amazon - Lifeguard Class Supplies - \$187.88; Amazon - DVD's - \$32.92; Amazon - Uniform - \$221.46; Amazon - Program Supplies - \$140.67; Amazon - Summer Reading Program - \$7.39; American Family Life Corp - Employee Deductions - \$6,235.98; American Red Cross - Lifeguard Certification - \$1,058.00; Animal Health Clinic - K9 Care-Reno - \$105.42; A-Ox Welding Supply Co Inc. - Tank Rental - \$30.31; Arbor Day Foundation - Membership Dues - \$153.80; Arby's - Travel Expense - \$33.38; AT&T Bill Payment - Cell Phone - \$126.07; Auto Value Yankton - Filters - \$2,031.54; Automatic Building Controls - Fire Alarm Inspection - \$1,995.00; AutoZone - Battery - \$541.78; Avera Sacred Heart - CDL Random Testing - \$123.00; Baker-Taylor - Books - \$7,148.23;
Banner Associates Inc. - Trail Repairs - \$11,038.38; BB&T Governmental Finance - Principal Payment - \$487,560.79; Benjamin/Jeff And Jaci - Uniforms - \$300.00; Bierschbach Equip & Supply - Saw Belts - \$262.84; Bierschbach Equip Supp - Concrete Rakes - \$84.69; Boller Printing - Warning Tickets - \$523.33; Bomgaar's - Pool Tools - \$1,993.84; BSN Sports LLC - Softballs - \$330.00; Buhl's Cleaners - Cleaning Service - \$991.45; Buhl's Laundry Cleaners Inc. - Zipper Repairs - \$6.00; Butler Machinery Co - Harness Assembly - \$312.16; C & B Operations LLC - John Deere Mower - \$7,170.00; C & B Yankton - Tractor Repair - \$138.78; Campbell Oil Co Inc. - Fuel - \$21,639.14; Carda/Brian - Boot Reimbursement - \$94.76; Carries Cupcakes - Promotional Event - \$29.10; Casey's Gen Store - Fuel For Training-Pierre - \$47.00; Casey's Gen Store - Staff Appreciation - \$36.00; CCI Reservations.Com - Travel Lodging - \$146.50; Cedar

Knox Public Power Dist - Electricity - \$1,249.88; Cenex Coffee - Fuel Travel To Deadwood - \$31.72; Center Point - Books - \$133.62; Central Security - Camera System - \$2,755.10; CenturyLink - Phone - \$1,961.76; Chief Eagle/Starr - Starr Chief Eagle Prog - \$350.00; Christensen Radiator A - Service Sweeper A/C - \$101.62; City Of Vermillion - Jt Power Cash Trans - \$82,708.74; City Of Yankton-Central Garage - Rubbish - \$33.00; City Of Yankton-City Clean-Up - City Wide-Clean Up - \$23,299.60; City Of Yankton-Parks - Landfill Charges - \$145.23; City Of Yankton-Solid Waste - Compacted Garbage - \$15,996.69; City Of Yankton-Street - Rubbish - \$839.74; City Of Yankton-Water - Garbage - \$87.75; City Utilities - Wtr-Ww Charges - \$5,620.72; Core & Main - Fh Ext - \$1,327.23; Credit Collection Service Inc. - Ut Collection - \$281.52; Crescent Electric - Park Supplies - \$158.90; Crissey/Preston - Per Diem - \$60.00; Culligan Water Conditioning - Filter Rental - \$50.00; Danko Emergency Equipment - Gear Cleaner - \$115.49; Dept Of Environment - Principal Payment - \$63,173.59; Dept Of Social Services - SD Child Support - \$1,951.84; Design Solutions & Integration - Meter Programming - \$5,293.04; Dollar Tree - Program Supplies - \$46.00; Efting/William - Consulting - \$1,800.00; Ehresmann Engineering - Timer Repair - \$109.03; Election System & Software Inc. - Ballot Stock - \$1,452.95; Electronic Frog Advertising - Billboards - \$9,920.00; Embroidery & Scree - 2 Hats - \$45.00; Erickson/Joseph O. - Clothing Allowance - \$300.00; Erickson/Joseph O. - Basic Swat Training - \$139.00; ESO Solutions, Inc. - Software Support - \$716.11; ESRI - ARCGIS Drone2map Subscribe - \$1,135.62; Ethanol Products LLC - Chemicals - \$1,380.96; Exxon Mobil - Fuel - \$158.07; Facebook - Easter Advertisement - \$75.24; Faerber/Karen - Election Worker - \$103.95; Fastenal Company - Clips - \$1.76; Fastenal Company - Park Supplies - \$424.59; Ferguson Enterprises - Meter Reading Software - \$1,550.00; Finance, Dept Of - Postage - \$6.40; Finance, Dept Of - Election Workers - \$1,935.00; First Dakota Nat'l Bank Corp - Fire Station Debt Service - \$15,597.50; First Dakota Nat'l Bank HSA - HSA Contributions - \$10,321.16; First National Bank FSA - Cafeteria Plan - \$1,178.32; Frontier Mills - Grass Seed - \$129.10; Gerstner Oil Co - Fuel - \$29,744.95; Govt. Finance Officer Assn - Finance Officer School - \$75.00; Grainger - PVC 90 - \$11.00; Gregg/Judy - Election Training - \$15.00; Guardian Fleet Safety - Relay Replacement - \$134.85; Haas/James - CDL Reimbursement - \$130.00; Hach Company - Lab Supplies, Equipment - \$2,132.93; Hanson Briggs - Warning Tickets - \$342.10; Hanson Briggs Advertising Inc. - Recycle Courtesy Cards - \$258.00; Hardy Steffen Construction - Restroom Repairs - \$7,975.52; Hawkins Inc. - Chemicals - \$21,882.27; Heartland Humane Society - Rental-Holding Fee Serv - \$20,000.00; Heiman Fire Equipment Inc. - Carabiner - \$46.35; Heritage Homes Inc. - 1/2 Sp Appropriation - \$1,250.00; Hilton Hotels - Travel Lodging - \$138.20; Hy-Vee - Employee Retirement - \$257.68; ICMA Retirement Trust - ICMA Contributions - \$9,888.03; Imagestuff.Com - Summer Reading Program - \$63.65; Indeed - Housing Ad - \$277.82; Intl Code Council Inc. - Education Materials - \$57.45; Isa - Membership Dues - \$135.00; J & H Care & Cleaning Company - Janitorial Services - \$4,000.00; J2 Metrofax - Fax - \$9.95; Jacks Uniforms & Equip - SRT Uniforms - \$621.49; Jackson/Brooke - Basic Swat Training - \$139.00; JCL Solutions - Cleaning Supplies - \$1,037.13; Jimmy Johns - Meeting Supplies - \$51.68; Jimmy Johns - Employee Appreciation - \$45.00; John's Service - Replace Battery - \$44.63; Journeyworks Publishing - Summer Reading - \$299.94; Kaiser Heating & Cooling Inc. - Electrical Repairs - \$903.36; Kaiser Refrigeration - Equipment Maintenance - \$1,833.43; Kaiser Refrigeration - Service Call - \$3,103.83; Keitel/Jennifer - Per Diem - \$56.00; Kendell Doors & Hardware - Door Locks - \$677.50; Kinsman Garden Co - Plants - \$280.58; Klein's Tree Service - Tree Removal - \$3,050.00; Koletzky Implement Inc. - Equipment Supplies - \$148.00; Kopetsky's Ace Hardware - Plants - \$2,030.14; Kronos Inc. - Feb

Payroll/Hr/Tlm Serv - \$1,646.25; Labstrong Corporation - Still Heating Element - \$952.57; Lewis & Clark Bhs - 1/2 Sp Appropriation - \$10,355.50; Lewis & Clark Homebuilder Assn - Annual Dues - \$350.00; Lewis & Clark Theatre Co - 1/2 Sp Appropriation - \$1,250.00; Lewis And Clark Ford - EGR Repair - \$175.21; Lifeguard Store - Uniforms - \$93.40; Lions Club - Membership Dues - \$70.00; Locators & Supplies In - Locating Paint - \$482.52; Los Designs LLC - Ne Trail Sign - \$133.13; Lumen - Fiber Internet Service - \$2,223.12; Mark's Machinery Inc. - Bobcat Bucket - \$1,127.70; McGregor/Meredith - Lifeguard Class Refund - \$170.00; McLeod's Printing And O - Traffic Citations - \$225.41; Mead Lumber - Expansion Joint - \$210.38; Med Vet International - Sharps Containers - \$796.00; Menards - Memorial Park Lumber - \$4,421.77; Merkel Electric - Sertoma Football Field - \$22,073.64; Michaels Fence Co - Gate Repairs - \$487.24; MidAmerican Energy - Fuel - \$12,632.22; MidAmerican Energy - Fuel - \$11,413.35; Midwest Boiler Repair Inc. - Boiler Repairs - \$12,900.00; Midwest Laboratories - 2 Month Nutrient Testing - \$402.52; Midwest Tape - Av - \$631.83; Midwest Tire And Muffler - Truck Tires - \$1,380.00; Midwest Turf & Irrigation - Equipment Repair - \$406.68; Midwest Turf & Irrigation - Golf Sand Pro - \$17,555.00; Mielke/Brent - Zoo Man Presentation - \$300.00; Millennium Recycling - Single Stream Fee - \$4,762.45; Motion Picture Ecommerce - Professional Services - \$197.79; Motor Vehicle Dept, SD - Trailer Title/Registration - \$21.20; Mutt Mitt - Mutt Mitts - \$2,424.70; Napa Auto Parts - Blower Motor - \$73.24; Nebraska Child Support Payment - Nebraska Child Support - \$943.00; Nelson/Cayla - Lifeguard Class Refund - \$170.00; New Deal Tire LLC - Scrap Tires - \$6,740.80; Northland Trust Services Inc. - Fire Station Agent Fee - \$495.00; Northtown Automotive - Door Clip - \$10.12; Northwestern Energy - Electricity - \$89,484.00; Northwestern Energy - Electricity - \$1,252.56; Northwestern Public Service Corp - Poles & Lights - HFAC - \$7,710.64; NRA Membership Interne - Range Membership - \$575.00; Oasis Pump N Pak - Fuel - \$24.01; Observer - Ad - \$36.00; O'Connor Company - Heater Parts - \$612.11; Olson's Pest Technician - Pest Control - \$90.00; Olson's Pest Technician - Pest Control - \$350.00; One Office Solution - Office Supplies - \$46.52; O'Reilly Auto Parts - Bushing, Idler Arm - \$716.32; PayPal - Toner - \$79.99; Petroleum Traders Corp - Fuel - \$18,313.87; PFS Health Works - CDL Medical Testing - \$126.00; Phillips 66 - Fuel - \$29.00; Police Chiefs' Assn - Online Test - \$295.00; Poolwebaquatictech - Basketball Hoop - \$83.18; Power's Port A Pot - Porta Pots - \$375.00; Principal - Dental Insurance - \$32.29; Purdy/Amber - Refund Deposit - \$44.32; Quadiant Leasing USA Inc. - Postage - \$678.00; Qualification Targets - Targets For Range - \$82.53; Raiche/Joseph - Red Beard Performance - \$350.00; Retirement, SD - SDRS Contributions - \$120,726.19; Retirement, SD System - 401a Special Pay - \$8,090.12; Riverside Hydraulics - Compressor - \$1,090.89; Road King Inc. - 2 Wheel Trailer - \$2,375.00; Robert Sharp & Associates - Website Development - \$4,747.60; Rod's Piddle Shop - Supplies - \$14.06; Rose Equipment - Supplies - \$604.15; Royal Sport Shop - Office Supplies - \$53.00; Running's Of Vermillion - Pool Tools - \$912.94; Sanitation Products Inc. - Sweeper - \$218,796.26; Schindler/Caitlin J - Per Diem - \$56.00; SD Board Of Technical - SDBOTP Renewal Fee - \$80.00; SD Dept Of Health Public - Water Samples - \$4,148.00; SDSRP - Retirement Plan-Pension - \$21,076.92; Shell Oil - Fuel - \$15.00; Sherwin Williams - Yellow Traffic Paint - \$1,579.73; Shi International Corp - HPE Prollant D1360 Service - \$29,258.00; Shur-Co - Tarp Stops - \$197.20; Smith/Melisa - Boot Reimbursement - \$90.51; South Dakota Dept Of Labor - Federal Withholding Tax - \$234,474.86; South Dakota Sheriffs Assn - Conference Banquet - \$120.00; Standard Insurance Company - Vision Insurance - \$741.35; Stockwell Engineers Inc. - Aquatics Facility Design - \$64,784.80; Sturdevant's - Filters - \$63.47; Swank Motion Pictures - Movie License - \$482.00; Syd Eastside Auto Salvage - Truck

Repair - \$15.00; Tessman Company Sioux - Agricultural Supplies - \$7,230.05; The Lodge At Deadwood - Travel Lodging - \$152.14; The Ups Store - Easter Event - \$56.00; Third Millennium Asso Inc. - Utility Billing - \$606.59; Tractor Supply Co - Treated Posts - \$214.90; Transource - Loader - \$150,688.00; Trittech Forensics - Evidence Process Supply - \$508.50; TRK Hosting - Web Hosting - \$7.95; Truck Trailer Sales - Switch - \$1,411.77; Tuff-Go LLC - Bench-Trash Can Holder - \$1,255.00; Turfwerks Omaha - Equipment Supplies - \$288.42; U.S. Post Office-Util - Utility Billing Postage - \$1,989.24; UKG Workforce Ready - Payroll/Hr/Tlm Software - \$2,040.25; United States Postal Service - Postage Meter - \$536.44; United Way - 1/4 Sp Appropriation - \$9,831.25; United Way - United Way Contributions - \$167.00; Us Bank Equipment Finance - Copier Lease - \$626.98; USA Blue Book - Meter Gaskets, Fittings - \$937.66; USPS PO - Postage - \$99.85; Van Diest Supply Company - Mosquito Briquettes - \$2,277.00; Vastbroadband-Vexus - Internet - \$3,831.18; VCN Yanktonrodctr - Recording Fees - \$32.50; Verizon - Ipads - \$2,214.07; Viddler Inc. - Video Hosting - \$41.11; Vista Print - Business Cards - \$28.74; VWR International Inc. - Lab Consumables - \$1,454.91; Walgreens - Charging Cord - \$15.96; Wal-Mart - Office Supplies - \$144.04; Wal-Mart - Election Supplies, Phone - \$84.68; Wal-Mart - First Aid Supplies - \$72.75; Wal-Mart - Mulch - \$309.66; Welfl Construction Corp - HFAC C-17-19 - \$637,149.07; Wilson/Dylan - Basic Swat Training - \$139.00; Wurtz/Dorothy - Election Training - \$15.00; Www.Reservations.Com - Travel Lodging - \$19.99; Yankton Area Prog. Growth - Sales Tax Reimb 1st Qtr - \$84,417.44; Yankton Chamber Of Com - Employee Retirement - \$207.25; Yankton Medical Clinic - Pre Employment Physicals - \$1,201.00; Yankton Rexall Drug - K9 Meds Reno - \$16.98; Ykt Janitorial & Dt Sc - Cleaning Supplies - \$750.16

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

Salaries by Department: April 2021: Administration \$72,106.42; Finance \$48,509.66; Community Development \$40,070.11; Police/Dispatch \$266,029.94; Fire \$20,162.98; Engineering / Sr. Citizens \$70,285.54; Streets \$72,455.61; Snow & Ice \$1,334.03; Traffic Control \$6,018.28; Library \$43,377.78; Parks / Sac \$120,917.58; Marne Creek \$5,986.28; Water \$58,805.04; Wastewater \$62,733.28; Cemetery \$6,233.48; Solid Waste \$34,874.19; Landfill / Recycle \$30,969.43; Central Garage \$11,510.75

New Hires: Danita Eckert \$1,377.07 bi-wkly., Library Assistant, Library; Jeremy Hoeck \$1,377.07 bi-wkly., Library Assistant, Library Allie Taggart \$11.00 hr., Lifeguard, Rec Div; Hannah Tramp \$11.00 hr., Lifeguard, Rec Div; Savannah Frank \$11.00 hr., Lifeguard, Rec Div; Calli Barnes \$11.00 hr., Lifeguard, Rec Div; Timothy Upton \$11.00 hr., Lifeguard, Rec Div; Justin Paddack \$23,729.4 hr., Police Officer, Police Dept; Dylan Payer \$11.00 hr., Lifeguard, Rec Div; Emma Eichacker \$11.00 hr., Lifeguard, Rec Div; Camille McDermott \$11.00 hr., Lifeguard, Rec Div; Sarah Liebig \$11.00 hr., Lifeguard, Rec Div; Robert Marlow \$10.00 hr., Cemetery Maintenance, Rec Div; Joshua Cimpl \$11.00 hr., Park Maintenance, Rec Div; Jaden Plooster \$11.00 hr., Lifeguard, Rec Div; Jennifer Mulberry \$10.00 hr., Pool Cashier, Rec Div; Rori Schmidt \$11.00 hr., Lifeguard, Rec Div

Wage Changes: Colton Dahlerup \$12.25 hr., Airport Maintenance/Summer Season, Rec Div; Lily Diedrichsen \$11.25 hr., Lifeguard, Rec Div.; Allie Dilts \$11.25 hr., Lifeguard, Rec Div.;

Marcus Carson \$11.00 hr., Lifeguard, Rec Div.; Lacey Sprakel \$11.00 hr., Lifeguard, Rec Div.; Claire Martinson \$11.00 hr., Lifeguard, Rec Div.; Reid Hunhoff \$11.50 hr., Lifeguard, Rec Div.; Grace Taggart \$11.50 hr., Lifeguard, Rec Div.; Zachary Rhode \$11.50 hr., Lifeguard, Rec Div.; Olivia Schmidt \$11.50 hr., Lifeguard, Rec Div.; Jana Greenfield \$11.50 hr., Lifeguard, Rec Div.; Owen Phillips \$11.50 hr., Lifeguard, Rec Div.; Olivia Granaas \$11.25 hr., Lifeguard, Rec Div.; Samantha Aune \$11.25 hr., Lifeguard, Rec Div.; Hannah Nelson \$11.25 hr., Lifeguard, Rec Div.; Abbigail Schmidt \$11.25 hr., Lifeguard, Rec Div.; Madalyn Arens \$11.50 hr., Lifeguard, Rec Div.; Andrew Peitz \$12.00 hr., Lifeguard, Rec Div.; Dawn Bergeson \$12.00 hr., WSI Instructor, Rec Div.; Brianna Geigle \$12.00 hr., Lifeguard, Rec Div.; Jordan Houdek \$12.00 hr., Lifeguard, Rec Div.; Noel Kusek \$12.00 hr., Lifeguard, Rec Div.; Rachel Houdek \$12.00 hr., Lifeguard, Rec Div.; Kellie Geigle \$12.00 hr., Lifeguard, Rec Div.; Arion Huntley \$11.50 hr., Lifeguard, Rec Div.; Annika Granaas \$11.25 hr., Lifeguard, Rec Div.; Frank Coleman \$11.25 hr., Lifeguard, Rec Div.; Hannah Jussel \$11.25 hr., Lifeguard, Rec Div.; Connor Larson \$11.25 hr., Lifeguard, Rec Div.; Chloe McDermott \$11.25 hr., Lifeguard, Rec Div.; Timothy Merchen \$11.25 hr., Lifeguard, Rec Div.; Justin Payer \$11.00 hr., Park Maintenance, Rec Div.; Chloe Becker \$10.00 hr., Pool Cashier, Rec Div.; Logan Haak \$14.00 hr., Facility Manager, Rec Div.; Natalie Ferris \$10.25 hr., Pool Cashier, Rec Div.; Kelsey Westerman \$10.50 hr., Pool Cashier, Rec Div.; Traci Peterson \$10.00 hr., Pool Cashier, Rec Div.; Grayson Lange \$11.25 hr., Lifeguard, Rec Div.; Audrey Paulson \$10.00 hr., Pool Cashier, Rec Div.; Grace Liebig \$11.25 hr., Lifeguard, Rec Div.; Jordan Kuipers \$10.25 hr., Pool Cashier, Rec Div.; Carson Haak \$10.00 hr., Pool Cashier, Rec Div.; John VerHeul \$12.00 hr., Solid Waste/Summer Season; Elizabeth Suing \$14.00 hr., Park Maintenance, Rec Div.; Lindsey Hale \$11.25 hr., Park Maintenance, Rec Div.

Position Changes: Kelly O’Dea from Part Time Circulation Assistant at \$11.00 hr to Library Assistant at \$1,377.07 bi-wkly., Library; Robert Buechler from Police Officer at \$2,416.69 bi-wkly. to Police Sergeant at \$2,454.92

Mayor Johnson read the following proclamations: National Police Week of 2021 is proclaimed to be May 9th through May 15th, 2021 and Yankton Area Mental Wellness Conference Days are proclaimed to be June 9th and June 10th, 2021.

City Manager Leon submitted a written report giving an update on community projects and items of interest. City Manager Leon also thanked Commissioner Carda for this past service and leadership to the City Commission and the citizens of Yankton.

During the public appearances section, County Commissioner Dan Klimisch congratulated Commissioners Johnson, Benson and Villanueva and is looking forward to continuing the strong relationship between the City and County Commissions.

Action 21-114

Moved by Commissioner Maibaum, seconded by Commissioner Benson, to approve the following consent agenda items.

1. **Establishing public hearing for sale of alcoholic beverages**
Establish May 24, 2021, as the date for the public hearing on the request for a Special Events (on-sale) Liquor License for July 3, 2021 from Rock 'N' Rumble, Inc. (Michael Carda, President), d/b/a 3rd on 3rd, Block of 3rd Street between Douglas & Capitol, Yankton, S.D.
2. **Establishing public hearing for sale of alcoholic beverages**
Establish May 24, 2021, as the date for the public hearing on the request for a Special Events (on-sale) Liquor License for July 24, 2021 from Rock 'N' Rumble, Inc. (Michael Carda, President), d/b/a Rock 'N' Rumble, 3rd St. from Douglas to ½ block East on Capitol, plus intersecting Capitol Street, ¼ Block North to ½ Block South, Yankton, S.D.
3. **Establish public hearing for renewal of Malt Beverage Licenses**
Establish May 24, 2021, as the date for the public hearing on the applications for renewal of Malt Beverage Licenses for the 2021-22 licensing period.
4. **Establishing public hearing for sale of alcoholic beverages**
Establish May 24, 2021, as the date for the public hearing on the request for a Special Malt Beverage (on-sale) Retailers License, a Special (on-sale) Wine Retailers License and a Special Events (off-sale) Package Wine & Malt Beverage Dealers License for 1 day, July 17, 2021 from Yankton Area Arts, (Julie Amsberry, Executive Director) Meridian Bridge, rain date set for City Hall Auditorium, 416 Walnut, Yankton, S.D.
5. **Possible Quorum Event**
May 10, 2021, at Ben's, no official commission action.
6. **Transient Merchant License**
Consideration of Memorandum #21-83 recommending approval of the application from Yankton Antique Mall for a Transient Merchant License on July 24, 2021.
7. **Establishing public hearing for sale of alcoholic beverages**
Establish May 24, 2021, as the date for the public hearing on the request for a Special Events Retail (on-sale) Liquor License for 9 days, July 1, 8, 15, 22, 29, August 5, 12, 19, 26, 2021, from Ben's Brewing Co. (Ben Hanten, Owner), 222 West 3rd Street, Music at the Meridian, Parking Lot and Green Space Westside of Meridian Bridge & the enclosed area of Levee Street, Yankton, S.D.
8. **Work Session**
Setting date of May 24, 2021, at 6:00 pm in Room #114 of the Career Manufacturing Technical Education Academy for the next work session of the Yankton City Commission.
9. **Possible Quorum Event**
May 12, 2021, at Fire Station #2, Meet & Greet Police Chief Candidates, no official commission action

10. Approving Summer Intern List

Consideration of Memorandum #21-84 regarding approving Peyton Mueller, as Summer Intern, to be included in Workers' Compensation.

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

Action 21-115

This was the time and place for the public hearing of the application on the New Retail (on-off sale) Wine & Cider License for January 1, 2021, to December 31, 2021, from Hanten, Inc. d/b/a Ben's Brewing Co. (Ben Hanten, President), 719 Walnut Street, Yankton, S.D. (Memorandum 21-78) Ben Hanten was present to give a brief explanation of his new business venture and request approval of his new alcohol license.

Moved by Commissioner Brunick, seconded by Commissioner Webber, to approve the license.

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

Action 21-116

This was the time and place for the public hearing of the application on the New Retail (on-off sale) Malt Beverage & SD Farm Wine License for July 1, 2021, to June 30, 2022, from Hanten, Inc. d/b/a Ben's Brewing Co. (Ben Hanten, President), 719 Walnut Street, Yankton, S.D. (Memorandum 21-79)

Moved by Commissioner Webber, seconded by Commissioner Benson, to approve the license.

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

Upon opening the public hearing for the variance request, of front yard setback requirements in a B-2 Highway Business District on Lot 4, Block 1, Walmart Addition in the City of Yankton, South Dakota. Address, 3007 Broadway Avenue. Jeff Koster, owner., it was announced that owner Jeff Koster had a scheduling conflict with this meeting. He has requested that the Commission restart the process with another introduction and first reading of the variance request at a future meeting and again establish a second reading and public hearing of this request. No other action or testimony was taken at this time.

Commissioner Carda thanks the Commission, city staff, and the citizens for the opportunity to serve them these past 12 plus years and also wished the new Commissioner Mike Villanueva well on his new term and continued success for the future City Commission.

Action 21-117

Moved by Commissioner Miner, seconded by Commissioner Benson, to adjourn Sine Die at 7:34 p.m.

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

City Attorney DenHerder administered the Oath of office to re-elected City Commissioners Nathan V. Johnson and Bridget Benson and newly elected Commissioner Michael Villanueva.

In absence of a Mayor, City Manager Leon called the meeting to order.

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

Quorum present.

City Manager Leon requested nominations for Office of Mayor for the 2021-2024 term. Commissioner Benson nominated Commissioner Moser for the Office of Mayor, seconded by Commissioner Schramm.

Action 21-118

Moved by Commissioner Johnson, seconded by Commissioner Miner, that nominations cease and a unanimous ballot be cast for Commissioner Moser for the position of Mayor.

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

Motion adopted.

City Manager Leon turned the meeting over to Mayor Moser at this time.

Action 21-119

Moved by Commissioner Maibaum, seconded by Commissioner Benson, to approve Resolution 21-31.

(Memorandum 21-81)

RESOLUTION 21-31

A RESOLUTION APPROVING AIRPORT HANGAR LEASE TRANSFERS

WHEREAS, The Board of City Commissioners of the City of Yankton has been given the authority to approve airport hangar lease agreements at Chan Gurney Airport; and,

WHEREAS, Hoffner Flying Inc. desires to transfer Hangar #19 to Michael Neth and Brian Rippe under the terms of the current Lease Agreement; and,

WHEREAS, Rick Daugherty and Russ Hacecky desire to continue to lease T-Hangar Unit #3 under a different, combined name of Dos Lobos Aviation under the terms of the current Lease Agreement, and

WHEREAS both such actions constitute a transfer under the provisions of the associated lease documents.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota that the City Manager be authorized to execute said lease transfers.

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

Motion adopted.

Action 21-120

Moved by Commissioner Brunick, seconded by Commissioner Miner, to approve Resolution 21-32. (Memorandum 21-82)

RESOLUTION 21-32

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

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

SURPLUS PROPERTY TO BE SOLD, TRADED, DONATED OR DESTROYED

Parks Department:

- Blue Executive Chair (Qty 7)

City Hall:

- Oasis Chilled Drinking Fountains Model P8AM-100 (Qty 2)

Commission:

- 10' Motorized Retractable Projection Screen

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

Action 21-121

Moved by Commissioner Webber, seconded by Commissioner Benson, to adjourn into Executive Session at 7:42 p.m. to discuss **contractual, litigation and personnel 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 Moser.

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

May 10th, 2021

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Action 21-122

Moved by Commissioner Johnson, seconded by Commissioner Benson, to adjourn at 8:19 p.m.

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

Motion adopted.

Nathan V Johnson
Mayor

ATTEST:

Al Viereck
Finance Officer



OFFICE OF THE CITY MANAGER

www.cityofyankton.org

VOL. 56, NUMBER 10

Commission Information Memorandum

The Yankton City Commission meeting on Monday, May 24, 2021, will begin at 7:00 pm.

Non-Agenda Items of Interest

1) Community & Economic Department Update

As you know, the Yankton Regional Aviation Association (YRAA) promotes interest in aviation in our community. Their activities like the “Young Eagles” flying event and “Airport Pancake Breakfast” introduce the Chan Gurney Airport, and the importance of flying to part of our population that does not typically frequent the facility. Over the years their efforts have had a positive impact in the number of users at the airport. An increased number of pilots using the airport also improves our ability to access federal dollars for projects because activity levels at General Aviation airports like ours weighs heavily in the Federal Aviation Administration’s funding allocation criteria.

As you can imagine, YRAA’s activities require equipment like tables, grills, signs, displays and other items. In the past, they stored these things in one or more private hangars at the airport. The 2020 Apron Expansion and Hangar Relocation Project at the airport saw the removal of one of their primary private storage areas so they are looking for a little space. With a minor transition in Street Department operations having recently occurred, we have the ability to offer YRAA some space for storage in the T-Hangar. It would be the small garage space with the walk through and overhead door facing the park. Because of its configuration it does not have the capability of generating rental revenues for airplane storage. We plan to provide the space to YRAA at no charge and will develop an administrative contract document that spells out expectations, responsibilities and liability.

2) Information Services Update

Staff has reviewed two layouts for the new website for the Huether Family Aquatics Center and the developer will be taking that feedback to finalize the design. The goal is to have the website operational by the opening date. Computer equipment for the facility will be installed the week of May 16th. We have had some sourcing issues but we have the necessary equipment for opening by utilizing some older pieces we had on hand.

We have also signed an agreement for redesign of the City’s main page with our existing host Granicus. As a part of the hosting a free basic redesign was included with the package. We hope to have the new look for the City’s main page finished up later this year.

3) Police Department Update

Officer Justin Paddack is finishing his classroom training. He started full time once he graduated from Mount Marty. He has 14 weeks of field training and then will attend LET Academy in August.

Officers completed their annual firearms training certification this week.

There was a lot of community support for our law enforcement officers during Police Week. Thank you to the City Commission for the pizzas, as well as the citizens and businesses who provided snacks for our department.

4) Human Resources Update

Jana Lane has been added as the HR/Payroll & Benefits Specialist to our organization. Jana comes to us from the Yankton School District where she served as the Human Resource Payroll Generalist for the last 5 years. Jana's primary duties will be processing payroll amongst others. She is learning fast and getting many things coming her way. Some of you have met her already, either in person or answering the phone. Her phone number is 668-5222. Please welcome her to the City of Yankton.

The internal Senior Equipment Operator position has closed, and we will be interviewing soon.

A conditional offer has been extended and accepted for the Engineering Technician/Project Manager.

The position of Wastewater Sr. Lab Technician has closed, interviewing will begin soon. We have a handful of internal candidates as well as external ones.

We've begun advertising for the Housing Manager vacancy created by the recent promotion of Camille Mertens to Executive Director. This position closes on May 28.

911 Communications Dispatcher interviews are completed, and an offer has been extended.

We celebrated Marlon Huber's retirement last Friday, May 14th. A reception was held with many retirees coming out to invite Marlon to "the club". Thank you to Marlon for 33 years of service to the City of Yankton.

We completed our second parallel payroll with UKG. We are live in UKG now, and we will continue to fill out or existing timesheet processes for the next payroll or two. The UKG implementation team will follow us through the first two live payrolls, and then we will transition to a new team of UKG professionals. We encourage you to check your timecards often and that you submit them at the end of every payroll.

5) Fire Department Update

At our last meeting, 28 year member and Second Assistant Chief Bill Ziegler announced his retirement from the Yankton Fire Department effective June 21, 2021. Bill is retiring due to the mandatory retirement age stipulation of the Fire Department bylaws as he turns 66 years old. Bill has been a huge asset to YFD during his membership and we want to thank him for his service to the department and his community. He will be recognized with a resolution at a future City Commission meeting.

New recruits of the Yankton Fire Department recently completed the South Dakota Certified Firefighter Course. This course is a mixture of 130+ hours of online, textbook and hands-on training and included 2 written tests and 1 practical test. Completing the course were Josh Wagner, Robbie Pieper, Tyler Buckman, Chris Eilers, Austin Reining, Cody Steiner, and Brennan Novak. Congratulations and thank you to these firefighters for the extra time and effort it takes to complete this course in order to safely and effectively serve their community!

6) Public Works Department Update

Street Department crews have been working on curb and gutter replacement at various locations throughout the city. Crews have also been patching asphalt at the locations where curbs have been replaced.

The 2021 Citywide Cleanup is complete. The Transfer Station was open for resident drop off from April 19th through May 15th. In addition, the Street Department picked materials left out for curbside pickup from April 19th through April 28th. The weather was favorable and the crews were able to complete the event in a timely manner. Tonnages were in the normal average for the annual event. There was a noticeable reduction in tree material placed curbside, which may be a result of the free trees and after-hours drop off at the Transfer Station. Attached to this CIM is a summary of materials hauled and the total cost for this year's Annual Citywide Clean Up. Also included for comparison, are the results of the 2019 clean up event as well as the 2020 Transfer Station Voucher event.

Enclosed with this packet is the bid advertisement for the annual supply of petroleum products, annual supply of deicing chemical, and a cold applied permanent pavement marking project.

The Huether Family Aquatics Center

The contractors have made a big push to get things done the last couple of weeks. All the larger items, like the finish on the pools and the concrete parking lot paving, are complete. They have started some of the pumps and will be working their way through the rest of them. Landscape crews have been busy installing trees, shrubs, plants, rock, and mulch in the landscaped areas.

There are still items remaining, but everything is scheduled to be complete by May 21st. This gives the city staff a week to finalize anything that they need done before opening.

23rd Street Construction and Utility Installation

A recommendation for bid award is included in this packet.

Spruce Street Reconstruction

Construction started on May 17th. Slowey Construction, a subcontractor for D&G Concrete, has started with the sanitary sewer replacement. There are a couple of sections of sanitary sewer along the project to replace and then they will move onto water main installation.

MidAmerican Gas will be on site to relocate a section of their line.

7) Parks and Recreation Department Update

Enclosed in your packet is an update on the various activities in the Parks and Recreation Department.

8) Finance Department Update

The Deputy Finance Officer will be attending the annual SD Governmental Finance Officers' School to be held at the Ramkota Hotel & Conference Center in Pierre on June 9-11, 2021.

April's City Commissioner Election expenses amounted to \$9,492.35 at \$4.67 per voter. This includes \$547.99 for publications and notices required per South Dakota Codified Law; \$2,068.95 for election workers; \$2,975.41 for ballots and supplies; and \$3,900 for electronic pollbooks and support. This does not include Finance Office staff wages for election training, preparation, absentee voting, and election day labor. For comparison, the election from April 2019 totaled \$9,838.87 at \$9.68 per voter.

The Accounts Payable department recently met with Northwestern Energy to streamline our billing and paying process. Now the City's 120 electrical accounts will be billed all on the 25th of the month and available to view under one *MyEnergy* online login. In turn, bills will be paid electronically after approved the first monthly commissioner meeting beginning in June 2021.

Please see the enclosed Finance Monthly Report for April.

9) Environmental Services Department Update

Staff continue to have issues with treatment at the wastewater treatment plant. Staff has not been able to have a consistent treatment. Treatment was out of compliance with the total suspended solids. Staff has been working with several process engineers with HDR. We continue to adjust our process control parameters to address what looks to be an increase to nitrogen loading to the facility. Higher nitrogen levels in the waste stream require a longer solids retention time in secondary treatment. The longer solids retention times make treatment difficult to adjust. Treatment has improved but has not stabilized to a degree that staff is comfortable with the adjustments being the long-term solution. Staff will continue to monitor the process and make minor adjustments.

Staff continue to work with District III and EDA to address potential cost overages related to the EDA project. Project cost estimates are roughly \$300,000.00 higher than original cost estimates developed in the preliminary engineering report. However, due to the current market fluctuations it is difficult to estimate project cost. Staff is working with HDR to develop a plan to manage the modeling and master plan portions of the project.

10) Library Update

Our Summer Reading program officially begins on June 1 and runs through the end of July. We have a wide variety of performers and activities planned for all ages. We are looking forward to having in-person programming once again at the library! As of the beginning of April, the library is open from 9am-8pm Monday and Tuesday, 9am to 6pm on Wednesday and Thursday and 9am to 5pm on Friday and Saturday. These are our normal summer hours and we will continue with these hours until after Labor Day. The chairs, newspapers, magazines and toys are again available to the public with increased cleaning procedures remaining in place for an overall effort to help reduce the spread of germs.

The library has the opportunity to apply for some funds from the American Rescue Plan act through the South Dakota State Library. If approved, we are hoping to update some of our technology and digitize our microfilm collection.

11) Monthly reports / Minutes

Joint Powers Solid Waste monthly reports is included for your review. Minutes from the Park Advisory Board are also included.

Have an enjoyable weekend and do not hesitate to contact us if you have any questions about these or other issues. If you will not be able to attend the Commission meeting on Monday, please inform my office.

Sincerely,

Amy Leon
City Manager

**2019
Citywide Clean Up Summary**

Route	Type of Material Hauled By City Crews			Concrete			Metal		
	No. Loads	Transfer Tons	Tipping Fee	No. Loads	Tons	Tipping Fee	No. Loads	Tons	Tipping Fee
Monday- 3 days	103	126.63	\$7,644.54						
Tuesday- 2 days	62	65.96	\$3,823.64						
Wednesday- 2 day	74	72.37	\$4,197.51						
Thursday- 1 day	31	37.01	\$2,137.28						
Friday- 1 day	43	35.55	\$2,066.26						
<i>Subtotal</i>	313	337.52	\$19,869.23	0	0	\$0.00	0	0	\$0.00
Type of Material Hauled By City Residents									
4/13 thru 4/19/19	253	41.19	\$2,814.50						
4/20 thru 4/26/19	250	37.52	\$2,762.24						
4/27 thru 5/3/19	212	48.7	\$3,705.60						
5/4 thru 5/11/19	341	88.8	\$5,899.48						
<i>Subtotal</i>	1056	216.21	\$15,181.82	0	0	\$0.00	0	0	\$0.00
Total	1369	553.73	\$35,051.05	0.00	0	\$0.00	0.00	0	\$0.00

Total Cost of Clean-up Week			
	Hours	O/T	Amount
Labor	934	56	\$31,453.69
Equipment	772.5		\$39,399.00
Tipping Fee			\$35,051.05
<i>Total</i>			\$105,903.74
Less iron sold	\$301.25		\$301.25
Total			\$105,602.49

2020

Transfer Station Voucher Summary

September 17th, 2020 through December 31st, 2020

1,011 Vouchers Redeemed

280.97 Tons of Material

\$21,042.98 Total Tipping Fee

2021 Citywide Clean Up Summary

Route	Transfer				
	No. Loads	Tons	Tipping Fee		
Monday- 2 days	83	73.97	\$ 4,808.05		
Tuesday- 2 days	81	62.61	\$ 4,069.65		
Wednesday- 1 day	35	27.45	\$ 2,784.25		
Thursday- 1 day	38	29.72	\$1,931.80		
Friday- 1.50 day	61	49.26	\$ 3,201.90		
<i>Subtotal</i>	298	243.01	\$ 16,795.65		
Type of Material Hauled By City Residents					
3/19/21 thru 3/24/21	308	46.8	\$ 3,641.60		
3/26/21 thru 5/1/21	221	32.34	\$ 2,862.43		
5/3/21 thru 5/8/21	169	27.21	\$ 2,439.55		
5/10/21 thru 5/15/21	230	37.73	\$ 3,239.25		
<i>Subtotal</i>	928	144.08	\$ 12,182.83		
Total	1226	387.09	\$ 28,978.48		

	Total Cost of Citywide Clean Up		Amount
	Hours	O/T	
Labor	697		\$ 23,664.12
Equipment	626		\$ 33,291.00
Tipping Fee			\$ 28,978.48
<i>Total</i>			\$ 85,933.60
Less iron sold			\$ 1,451.60
Total			\$ 84,482.00

FINANCE MONTHLY REPORT

ACTIVITY	APRIL 2021	APRIL 2020	APR 2021 YTD	APR 2020 YTD
UTILITY BILLING:				
Water				
Water Sold (in gallons per 1,000)	43,523 M	39,979 M	159,714 M	161,844 M
Water Billed	\$513,886.45	\$469,319.08	\$1,912,933.84	\$1,881,253.11
Basic Water Fee/Rate per 1000 ga	\$27.51/\$6.30	\$27.51/\$6.12		
Number of Accounts Billed	5,388	5,348	21,537	21,337
Number of Bills Mailed	5,388	5,348	21,537	21,337
Total Meters Read	5,846	5,766	23,398	23,402
Meter Changes/pulled	5	3	25	15
Total Days Meter Reading	1	1	4	4
Misreads found prior to billing	0	0	0	0
Customers requesting Rereads	0	0	0	0
Sewer				
Sewer Billed	\$352,210.86	\$323,794.17	\$1,331,973.60	\$1,314,182.31
Basic Sewer Fee/Rate per 1000 ga	\$11.20/\$6.80	\$10.69/\$6.48		
Solid Waste				
Solid Waste Billed	\$107,875.67	\$103,830.68	\$431,099.72	\$414,219.38
Basic Solid Waste Fee	\$23.61	\$22.92		
Total Utility Billing:	\$973,972.98	\$896,943.93	\$3,676,007.16	\$3,609,654.80
Adjustment Total:	(\$127.62)	(\$1,040.00)	(\$345.60)	(\$1,677.24)
Misread Adjustments	\$0.00	\$0.00	\$0.00	\$0.00
Other Adjustments	\$2.38	\$0.00	\$64.40	(\$217.24)
Penalty Adjustments OFF	(\$130.00)	(\$1,070.00)	(\$460.00)	(\$1,550.00)
Penalty Adjustments ON	\$0.00	\$30.00	\$50.00	\$90.00
New Accounts/Connects	56	68	195	202
Accounts Finaled/Disconnects	54	42	215	207
New Accounts Set up	7	4	27	23
Delinquent Notices	318	447	1,431	1,723
Doorknockers	121	140	437	662
Delinquent Call List	61	102	217	454
Notice of Termination Letters	4	0	40	26
Shut-off for Non-payment	1	0	19	10
Delinquent Notice Penalties	\$3,180.00	\$4,470.00	\$14,310.00	\$17,230.00
Doorknocker Penalties	\$1,210.00	\$1,400.00	\$4,370.00	\$6,620.00
Other Office Functions:				
Interest Income	\$16,850.04	\$54,075.58	\$66,682.17	\$300,447.87
Interest Rate-Checking Account	0.40%	1.29%		
Interest Rate-CDs	N/A	N/A		
# of Monthly Vendor Checks	104	204		
Payments Issued to Vendors	\$1,584,259.54	\$1,371,421.17	\$8,252,491.15	\$8,564,329.00
# of Employees on Payroll	183	149		
Monthly Payroll	\$680,853.19	\$416,246.86	\$2,076,959.12	\$1,767,229.43

*3 pay periods

PARKS AND RECREATION DEPARTMENT

SUMMIT ACTIVITIES CENTER and RECREATION PROGRAMS

The SAC has created an operations plan to coincide with Yankton School District operations. The SAC operation, which is located in a shared facility with the Yankton School District, is working under two goals:

- 1) safety of everyone- staff and patrons.
 - 2) Help in the effort to have in-school classes during the entire 2020-2021 school year.
- We continue to monitor pandemic data in the county, monitor YSD in-school operations, and will adjust plans accordingly. The facility will not be able to go back to what everyone knew as “normal” operations until after Labor Day 2021.

There will be no rentals through Labor Day 2021.

- o SAC member attendance for May 1 – 15 – 1,113 visits
(2020- 0 visits, 2019- 2,447 visits, 2018- 2,721 visits, 2017- 2,425 visits)
- o New Members Joined– 26
(2020- 0 people, 2019- 33 new members, 2018- 42 people, 2017- 14 people)
 - Annual passes sold: 5
 - Monthly passes sold: 20
 - EFT passes sold: 1
 - The Huether Family Aquatics Center total passes sold- 649

Capital Building Rentals

- o Days Rented – 4 Dates

Park Shelter Rentals

- o Riverside- 0 Rentals
- o Memorial – 0 Rentals
- o Westside – 0 Rentals
- o Rotary – 0 Rentals
- o Sertoma – 0 Rentals
- o Tripp – 0 Rentals
- o Meridian Bridge – 0 Rentals

The SAC staff are working with open swims and open gym on Saturday and Sundays. Two sessions of open swims happen each Saturday and Sunday. The times are Noon to 1:30 and 2:00pm to 3:30. Maximum attendance was increased 65. This schedule will remain in place through the month of May.

The Recreation Staff have been working on the operations plan for The Huether Family Aquatics Center for 2021.

The Recreation Staff have created a digital summer recreation brochure for 2021. It is available on the City's website:

<https://www.cityofyankton.org/home/showpublisheddocument?id=9408>

- Summit Activities Center members could have registered for summer recreation programs at the SAC, starting Monday, May 3.
- Online registration for summer programs began Tuesday, May 4, for the general public.

Brittany L. is working on 4th of July fireworks for 2021.

Brittany L. is planning for Music at the Meridian in 2021.

Brittany L. has been working with groups to schedule events for the summer and fall of 2021.

Brittany L. is planning for a new Saturday morning event series to take place on the green space out to the east of The Huether Family Aquatics Center entry way. The event series will take place June 26 through July 31. Times for the Saturday morning events will be 9:30am to 11:30am so it is right before the aquatics facility opens for the day at 11:30am. Brittany is collaborating with the library and some other organizations in the community for this special event series.

PARKS

The Parks Department has hired Liz Suing, who has been a seasonal employee in the Parks Department for four summers, to fill the Parks Ground Maintenance position that was vacated with John Gleich's retirement and Bill Jensen moving into John's fleet mechanic position. The Parks Department is at full staff now.

The Parks Department prepared Riverside Baseball Field for the exhibition game between the Sioux Falls and Sioux City professional teams on Thursday, May 13.

The fountain and spray pad at the Meridian Bridge Plaza were turned on for the season on Friday, May 14.

Todd and Brittany L. are working with the Yankton CVB and the Nebraska Department of Tourism on an attraction at the Meridian Bridge as an effort to bring tourism to the area from Nebraska as a part of their state's "passport" program. Numerous sites around Nebraska are on the passport and eight sites in the northeast region of Nebraska in 2021 so visitors need to visit all the sites and have the passport stamped to be entered into win prizes. We are optimistic this will bring some tourism to Yankton.

The ball fields at Sertoma Park, Summit Activities Center, and Riverside Park are being dragged and prepared each weekday according to game schedules submitted to the Parks Department.

The parks staff will move bleachers, benches, goals, trash cans, and other items in the coming weeks for the youth baseball, youth softball, youth soccer, and swim team events which will be taking place in Yankton on weekends in May, June and July.

Description	Yankton Transfer	Vermillion Landfill	Total Joint	4 Month Budget	Legal 2021 Budget
Joint Power Transfer/Landfill					
<i>Total Revenue</i>	\$493,977.55	\$288,534.32	\$782,511.87	\$809,660.00	\$2,428,980.00
<i>Expenses:</i>					
Personal Services	120,790.24	126,326.79	247,117.03	253,741.00	761,223.00
Operating Expenses	123,400.64	91,559.24	214,959.88	288,483.33	865,450.00
Depreciation (est)	53,910.16	82,607.32	136,517.48	144,398.67	433,196.00
Trench Depletion	0.00	50,620.88	50,620.88	75,333.33	226,000.00
Closure/Postclosure Resrv	0.00	2,837.16	2,837.16	8,333.33	25,000.00
Amortization of Permit	0.00	622.56	622.56	445.00	1,335.00
<i>Total Operating Expenses</i>	298,101.04	354,573.95	652,674.99	770,734.67	2,312,204.00
<i>Non Operating Expense-Interest</i>	4,878.41	9,474.89	14,353.30	21,871.33	65,614.00
<i>Landfill Operating Income</i>	190,998.10	(75,514.52)	115,483.58	17,054.00	51,162.00
Joint Recycling Center					
<i>Total Revenue</i>	0.00	41,536.75	41,536.75	31,833.33	95,500.00
<i>Expenses:</i>					
Personal Services	0.00	73,867.33	73,867.33	79,011.00	237,033.00
Operating Expenses	0.00	37,761.48	37,761.48	41,033.33	123,100.00
Depreciation (est)	0.00	9,710.00	9,710.00	12,500.00	37,500.00
<i>Total Operating Expenses</i>	0.00	121,338.81	121,338.81	132,544.33	397,633.00
<i>Non Operating Expense-Interest</i>	0.00	0.00	0.00	0.00	0.00
<i>Recycling Operating Income</i>	0.00	(79,802.06)	(79,802.06)	(100,711.00)	(302,133.00)
<i>Total Operating Income</i>	\$190,998.10	(\$155,316.58)	\$35,681.52	(\$83,657.00)	(\$250,971.00)
Tonage in Trench:	<u>4/30/2020</u>	<u>4/30/2021</u>			
Asbestos	42.54	36.29	36.29	16.67	50.00
Centerville	73.76	98.49	98.49	366.67	1,100.00
Beresford	432.49	0.00	0.00	466.67	1,400.00
Clay County Garbage	4,483.73	4,537.24	4,537.24	4,833.33	14,500.00
Elk Point	353.08	354.63	354.63	86.67	260.00
Yankton County Garbage	7,365.80	7,866.50	7,866.50	7,966.67	23,900.00
<i>Total Tonage in Trench</i>	12,751.40	12,893.15	12,893.15	13,736.67	41,210.00
Operating Cost per ton			\$50.62	\$57.70	\$57.70

This report is based on the following:

Revenue accrual thru April 30, 2021

Expenses cash thru April 30, 2021 with May's bills

Joint Powers Solid Waste Authority
Financial Report Thru April 30, 2021

Description	Yankton Transfer	Vermillion Landfill	Total Joint	4 Month Budget	Legal 2021 Budget
Source of Funds					
<i>Beginning Balance</i>	(\$552,370.00)	\$2,257,455.00	\$1,705,085.00	\$1,705,085.00	\$1,705,085.00
<i>Operating Revenue:</i>					
Net Income	190,998.10	(155,316.58)	35,681.52	(83,657.00)	(250,971.00)
Depreciation	53,910.16	92,317.32	146,227.48	156,898.67	470,696.00
Trench Depletion	0.00	50,620.88	50,620.88	75,333.33	226,000.00
Amortization of Permit	0.00	622.56	622.56	445.00	1,335.00
<i>Non Operating Revenue:</i>					
Grant	54,672.08	218,363.27	273,035.35	166,666.67	500,000.00
Loan Proceeds	0.00	0.00	0.00	500,000.00	1,500,000.00
Contributed Capital	0.00	3,770.00	3,770.00	3,333.33	10,000.00
Sale Proceeds	0.00	0.00	0.00	16,500.00	49,500.00
Comp. for Loss & Damage	0.00	0.00	0.00	0.00	0.00
Fire Related Expenses	0.00	0.00	0.00	0.00	0.00
Interest	0.00	3,270.28	3,270.28	7,066.67	21,200.00
<i>Cash Flow Transfer:</i>					
Joint Power Transfer/Landfill	(266,260.46)	266,260.46	0.00	578,000.00	1,734,000.00
Joint Recycling Center	0.00	0.00	0.00	0.00	0.00
Total Funds Available	(519,050.12)	2,737,363.19	2,218,313.07	3,125,671.67	5,966,845.00
Application of Funds Available					
<i>Joint Power Transfer/Landfill</i>					
Equipment	62.60	0.00	62.60	160,666.67	482,000.00
Trench	0.00	0.00	0.00	0.00	0.00
Closure/Postclosure Cash Res.	0.00	2,837.16	2,837.16	8,333.33	25,000.00
<i>Joint Recycling Center</i>					
Equipment	0.00	490,276.58	490,276.58	14,333.33	43,000.00
<i>Payment Principal</i>	31,609.40	17,844.32	49,453.72	52,403.33	157,210.00
<i>Appropriation to Reserve</i>	0.00	0.00	0.00	0.00	0.00
Total Applied	31,672.00	510,958.06	542,630.06	235,736.67	707,210.00
Ending Balance	(\$550,722.12)	\$2,226,405.13	\$1,675,683.01	\$2,889,935.00	\$5,259,635.00

Joint Power Transfer/Landfill Description	Yankton Transfer	Vermillion Landfill	Total Joint	4 Month Budget	Legal 2021 Budget
<i>Revenue: (accrual)</i>					
Asbestos	\$0.00	\$2,522.96	\$2,522.96	\$2,000.00	\$6,000.00
Elk Point	0.00	18,083.20	18,083.20	20,800.00	\$62,400.00
Centerville	0.00	5,022.99	5,022.99	4,593.33	13,780.00
Beresford	0.00	0.00	0.00	24,166.67	72,500.00
Clay County Garbage	0.00	245,055.40	245,055.40	273,866.67	821,600.00
Compost-Yd Waste-Wood	0.00	5,622.00	5,622.00	3,166.67	9,500.00
Contaminated Soil	0.00	7,406.13	7,406.13	1,666.67	5,000.00
White Goods	0.00	696.75	696.75	2,000.00	6,000.00
Tires	0.00	3,189.81	3,189.81	1,333.33	4,000.00
Electronics	0.00	334.40	334.40	2,000.00	6,000.00
Other Revenue	0.99	600.68	601.67	5,033.33	15,100.00
Cash long	(1.00)	0.00	(1.00)	0.00	0.00
Rubble	17,244.05	0.00	17,244.05	17,333.33	52,000.00
Transfer Fees	476,186.91	0.00	476,186.91	450,000.00	1,350,000.00
Metal	546.60	0.00	546.60	1,666.67	5,000.00
Other Operational - Solid Waste	0.00	0.00	0.00	33.33	100.00
Total Revenue	493,977.55	288,534.32	782,511.87	809,660.00	2,428,980.00
<i>Expenses: (cash)</i>					
Personal Services	120,790.24	126,326.79	247,117.03	253,741.00	761,223.00
Insurance	18,252.31	(178.35)	18,073.96	10,008.33	30,025.00
Professional Service/Fees	22,824.20	3,576.20	26,400.40	44,000.00	132,000.00
Non Professional Fees	0.00	0.00	0.00	0.00	0.00
Processing- Reduction	0.00	0.00	0.00	0.00	0.00
State Fees	0.00	12,893.15	12,893.15	15,500.00	46,500.00
Professional - Legal/Audit	860.40	0.00	860.40	916.67	2,750.00
Publishing & Advertising	0.00	1,456.80	1,456.80	1,100.00	3,300.00
Rental	0.00	0.00	0.00	166.67	500.00
Hauling fee	0.00	0.00	0.00	0.00	0.00
Equipment repair	1,203.84	8,399.84	9,603.68	20,333.33	61,000.00
Motor vehicle repair	0.00	45.79	45.79	8,000.00	24,000.00
Vehicle fuel & maintenance	48,605.75	16,062.12	64,667.87	69,000.00	207,000.00
Equip, Mat'l & Labor	16,829.38	0.00	16,829.38	21,666.67	65,000.00
Building repair	102.35	119.37	221.72	8,000.00	24,000.00
Facility repair & maintenance	0.00	4,360.44	4,360.44	11,666.67	35,000.00
Postage	175.55	3.91	179.46	283.33	850.00
Office supplies	228.34	458.82	687.16	1,166.67	3,500.00
Copy supplies	75.80	135.82	211.62	125.00	375.00
Uniforms	218.35	2,578.50	2,796.85	1,833.33	5,500.00
Small Tools & Hardware	41.98	0.00	41.98	83.33	250.00
Travel & Training	0.00	1,478.17	1,478.17	1,500.00	4,500.00
Operating supply	1,309.00	33,693.73	35,002.73	49,200.00	147,600.00
Electricity	2,779.33	5,759.14	8,538.47	10,333.33	31,000.00
Heating Fuel - Gas	8,721.32	0.00	8,721.32	10,833.33	32,500.00
Water	546.06	198.80	744.86	1,166.67	3,500.00
WW service	210.12	0.00	210.12	433.33	1,300.00
Landfill	70.83	0.00	70.83	100.00	300.00
Telephone	345.73	516.99	862.72	1,066.67	3,200.00
Depreciation (est)	53,910.16	82,607.32	136,517.48	144,398.67	433,196.00
Trench Depletion		50,620.88	50,620.88	75,333.33	226,000.00
Closure/Postclosure Resrv		2,837.16	2,837.16	8,333.33	25,000.00
Amortization of Permit		622.56	622.56	445.00	1,335.00
Total Op Expenses	298,101.04	354,573.95	652,674.99	770,734.67	2,312,204.00

Joint Power Transfer/Landfill Description	Yankton Transfer	Vermillion Landfill	Total Joint	4 Month Budget	Legal 2021 Budget
<i>Non Operating Expense-Interest</i>	4,878.41	9,474.89	14,353.30	21,871.33	65,614.00
<i>Operating Income (Loss)</i>	\$190,998.10	(\$75,514.52)	\$115,483.58	\$17,054.00	\$51,162.00
<i>Capital:</i>					
Capital Outlay	\$62.60	\$0.00	\$62.60	\$160,666.67	\$482,000.00
Landfill Development	0.00	20,610.49	20,610.49	841,666.67	\$2,525,000.00
Capital Lease	0.00	0.00	0.00	0.00	\$0.00
<i>Total Capital Expenditures</i>	\$62.60	\$20,610.49	\$20,673.09	\$1,002,333.33	\$3,007,000.00
<i>Grant Reimbursement</i>	\$54,672.08	\$0.00	\$54,672.08	\$166,666.67	\$500,000.00
<i>Federal Grant thru State</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>Equipment Sale Proceeds</i>	\$0.00	\$0.00	\$0.00	\$16,500.00	\$49,500.00
<i>Cash Flow Transfer</i>	(\$266,260.46)	\$266,260.46	\$0.00	\$0.00	\$0.00
<i>Tonage in Trench:</i>					
Asbestos		36.29	36.29	16.67	50.00
Beresford		0.00	0.00	466.67	1,400.00
Centerville Garbage		98.49	98.49	366.67	1,100.00
Clay County Garbage		4,537.24	4,537.24	4,833.33	14,500.00
Elk Point		354.63	354.63	86.67	260.00
Yankton County Garbage		7,866.50	7,866.50	7,966.67	23,900.00
<i>Total Tonage in Trench</i>		12,893.15	12,893.15	13,736.67	41,210.00
<i>Operating Cost per ton</i>			\$50.62	\$57.70	\$57.70

Joint Recycling Center	Yankton	Vermillion	Total	4 Month	Legal
Description	Transfer	Center	Joint	Budget	2021 Budget
<i>Revenue:</i>					
Tipping Fees	\$0.00	0.00	\$0.00	0.00	0.00
Magazines	0.00	0.00	0.00	0.00	0.00
Metal/Tin	0.00	3,757.25	3,757.25	833.33	2,500.00
Plastic	0.00	4,925.08	4,925.08	5,000.00	15,000.00
Aluminum	0.00	10,579.95	10,579.95	5,333.33	16,000.00
Newsprint	0.00	848.33	848.33	3,000.00	9,000.00
Cardboard	0.00	18,011.93	18,011.93	13,333.33	40,000.00
High Grade Paper	0.00	2,484.46	2,484.46	1,666.67	5,000.00
Other Material	0.00	929.75	929.75	2,666.67	8,000.00
Contributions/Operating Grants	0.00	0.00	0.00	0.00	0.00
Total Revenue	0.00	41,536.75	41,536.75	31,833.33	95,500.00
<i>Expenses:</i>					
Personal Services	0.00	73,867.33	73,867.33	79,011.00	237,033.00
Insurance	0.00	56.87	56.87	800.00	2,400.00
Professional Service/Fees	0.00	0.00	0.00	1,000.00	3,000.00
Hazardous Waste Collection	0.00	1,378.41	1,378.41	13,333.33	40,000.00
Professional-Legal	0.00	0.00	0.00	0.00	0.00
Publishing & Advertising	0.00	317.70	317.70	500.00	1,500.00
Rental	0.00	0.00	0.00	0.00	0.00
Equipment repair	0.00	11,656.13	11,656.13	3,166.67	9,500.00
Vehicle repair & maintenance	0.00	8.12	8.12	333.33	1,000.00
Vehicle fuel	0.00	1,085.63	1,085.63	1,666.67	5,000.00
Building repair & maintenance	0.00	1,272.05	1,272.05	833.33	2,500.00
Postage	0.00	0.97	0.97	33.33	100.00
Freight	0.00	3,440.00	3,440.00	5,833.33	17,500.00
Office supplies	0.00	524.85	524.85	333.33	1,000.00
Uniforms	0.00	89.97	89.97	250.00	750.00
Materials Purchases	0.00	1,541.95	1,541.95	1,500.00	4,500.00
Travel & Training	0.00	1,058.48	1,058.48	500.00	1,500.00
Operating Supplies	0.00	2,930.61	2,930.61	3,333.33	10,000.00
Copy Supply	0.00	73.15	73.15	66.67	200.00
Electricity	0.00	5,479.04	5,479.04	2,166.67	6,500.00
Heating Fuel-Gas	0.00	3,310.60	3,310.60	1,583.33	4,750.00
Water	0.00	113.70	113.70	216.67	650.00
WW service	0.00	591.60	591.60	400.00	1,200.00
Telephone	0.00	268.37	268.37	283.33	850.00
Revenue Sharing	0.00	2,563.28	2,563.28	2,900.00	8,700.00
Depreciation (est)	0.00	9,710.00	9,710.00	12,500.00	37,500.00
Total Op Expenses	0.00	121,338.81	121,338.81	132,544.33	397,633.00
<i>Non Operating Expense-Interest</i>	0.00	0.00	0.00	0.00	0.00
Operating Income (Loss)	\$0.00	(\$79,802.06)	(\$79,802.06)	(\$100,711.00)	(\$302,133.00)
Capital Outlay	\$0.00	\$490,276.58	\$490,276.58	\$14,333.33	\$43,000.00
Grant Reimbursement/Donations	\$0.00	\$218,363.27	\$218,363.27	\$0.00	\$0.00
Cash Flow Transfer	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

This report is based on the following:

Revenue accrual thru April 30, 2021

Expenses cash thru April 30, 2021 with May's bills

2021 Joint Powers Total Operations Recap

Month	Yankton Transfer	Vermillion Landfill	Total	Total Tons	\$ per ton	Recycling			Yankton Operations	Vermillion Operations	Total Operations
						Yankton	Vermillion	Total			
January	56,709.25	(9,505.22)	47,204.03	2,930.57	42.77	0.00	(20,006.67)	(20,006.67)	56,709.25	(29,511.89)	27,197.36
February	39,107.65	(24,992.21)	14,115.44	2,597.99	56.15	0.00	(9,001.94)	(9,001.94)	39,107.65	(33,994.15)	5,113.50
Subtotal	95,816.90	(34,497.43)	61,319.47	5,528.56	49.06	0.00	(29,008.61)	(29,008.61)	95,816.90	(63,506.04)	32,310.86
March	29,967.13	(12,358.01)	17,609.12	3,422.39	54.25	0.00	(21,855.15)	(21,855.15)	29,967.13	(34,213.16)	(4,246.03)
Subtotal	125,784.03	(46,855.44)	78,928.59	8,950.95	51.04	0.00	(50,863.76)	(50,863.76)	125,784.03	(97,719.20)	28,064.83
April	70,092.48	(19,184.19)	50,908.29	3,942.20	49.66	0.00	(28,938.30)	(28,938.30)	70,092.48	(48,122.49)	21,969.99
Subtotal	195,876.51	(66,039.63)	129,836.88	12,893.15	50.62	0.00	(79,802.06)	(79,802.06)	195,876.51	(145,841.69)	50,034.82

5/3/2021

City of Yankton Transfer Station
Landfill Tons

Date	City	Licensed Haulers				Sub-Total	All Other	Total Transfer
	Compactors (577)	Janssen (547)	Arts (586)	Loren Fischer (648)	Kortan (673)			
January 2020	253.65	560.86	456.43	103.53	25.07	1,145.89	383.30	1,782.84
February 2020	204.40	478.16	362.72	75.64	20.00	936.52	417.36	1,558.28
March 2020	242.27	557.03	457.14	70.29	22.42	1,106.88	483.69	1,832.84
April 2020	281.79	531.81	488.59	70.67	24.67	1,115.74	599.76	1,997.29
May 2020	281.34	635.55	490.00	54.95	28.55	1,209.05	541.69	2,032.08
June 2020	282.67	612.60	440.23	78.61	25.93	1,157.37	895.50	2,335.54
July 2020	300.31	645.12	461.73	90.00	34.49	1,231.34	854.57	2,386.22
August 2020	284.33	592.83	438.87	81.42	27.50	1,140.62	818.92	2,243.87
September 2020	279.82	633.87	521.98	73.01	24.87	1,253.73	570.60	2,104.15
October 2020	268.16	599.32	497.65	85.75	31.21	1,213.93	571.74	2,053.83
November 2020	262.62	589.64	455.91	68.49	24.26	1,138.30	493.33	1,894.25
December 2020	284.79	574.48	477.91	65.28	27.70	1,145.37	470.55	1,900.71
2020 Total	3,226.15	7,011.27	5,549.16	917.64	316.67	13,794.74	7,101.01	24,121.90
January 2021	236.20	525.19	420.65	82.07	23.66	1,051.57	507.40	1,795.17
February 2021	209.71	469.53	428.60	52.03	28.90	979.06	375.91	1,564.68
March 2021	268.59	625.10	504.42	75.16	27.90	1,232.58	537.56	2,038.73
April 2021	278.20	645.30	524.53	64.28	35.94	1,270.05	884.36	2,432.61
2021 Total	992.70	2,265.12	1,878.20	273.54	116.40	4,533.26	2,305.23	7,831.19

CITY OF VERMILLION
LANDFILL TONS

	2021	Art's Garbage	City of Elk Point	Fischer Disposal	Loren Fischer	Herm's Sanitation	Turner County	Vermillion Garbage	Waste Mgmt of Sioux City	Other	2021 Tons
\$51.00 PER TON	Jan	26.78	80.53	177.08	491.69	23.71	20.96	58.58	125.47	110.82	1115.62
	Feb	27.53	75.95	163.93	401.90	21.21	22.79	53.88	167.56	78.31	1013.06
	Mar	12.87	102.80	228.01	605.13	30.59	28.11	64.98	170.23	116.10	1358.82
	April	38.29	95.35	208.06	592.76	48.35	26.63	62.06	211.00	259.65	1542.15
	May										0.00
	June										0.00
	July										0.00
	Aug										0.00
	Sept										0.00
	Oct										0.00
	Nov										0.00
	Dec										0.00
			105.47	354.63	777.08	2091.48	123.86	98.49	239.50	674.26	564.88
\$49.00 PER TON	Jan	10.20	109.82	89.82	188.77	479.63	20.89	42.05	132.71	179.52	1253.41
	Feb	27.67	86.89	74.09	164.48	363.19	18.85	35.80	166.79	115.88	1053.64
	Mar	36.06	117.09	87.63	200.26	442.49	18.29	39.74	120.55	312.30	1374.41
	April	21.04	118.69	101.50	209.59	597.24	15.73	37.34	91.47	511.54	1704.14
	May	20.92	112.24	87.29	228.45	607.99	15.83	36.03	82.73	224.84	1416.32
	June	63.59	131.92	96.00	251.81	636.94	18.20	34.82	120.15	483.54	1836.97
	July	73.05	133.48	103.55	232.84	637.95	18.08	40.96	127.16	316.98	1684.05
	Aug	22.18	130.83	89.52	239.99	563.87	13.35	47.89	166.30	229.07	1503.00
	Sept	5.10	114.94	101.96	215.96	547.94	23.22	37.96	140.07	351.97	1539.12
	Oct	15.13	125.51	90.86	207.74	535.07	18.23	43.75	220.27	210.17	1466.73
	Nov	17.08	126.87	95.34	210.56	529.42	20.56	42.02	166.62	123.31	1331.78
	Dec	81.40	114.86	119.47	192.03	500.93	21.70	36.67	129.75	95.13	1291.94
			393.42	1423.14	1137.03	2542.48	6442.66	222.93	475.03	1664.57	3154.25



The MISSION of the City of Yankton is to provide exemplary experiences, services & spaces that create opportunities for everyone to learn, engage, and thrive.

MINUTES
YANKTON PARK ADVISORY BOARD
Monday, March 15, 2021
Go-To-Meeting with link provided by City – 5:30 PM

I. ROUTINE BUSINESS

Roll Call:

Present: Jeannine Economy, Elizabeth Healy, Darcie Briggs, Katelyn Schramm, Daniel Prendable, and Commissioner Bridget Benson.

Absent: Jason Tellus.

Also present City Manager Amy Leon, Director of Parks and Recreation Todd Larson, and Parks Secretary Chasity McHenry.

Public Appearances: None.

Minutes: January 18, 2021 minutes approved. Briggs motioned. Healy second. Motion passes 5-0.

II. OLD BUSINESS

- A. SAC Operations Plan update for spring. Open swims have been popular. Started with 50-person limit in swim area and have increased it to 65. Swim lessons, lifeguard training, and WSI classes are on-going and another session is scheduled for April. All weight and fitness equipment has been moved back upstairs. Open gym time only on weekends. No fitness classes yet.
- B. The Huether Family Aquatics Center update. Construction is proceeding and concrete work has started with the nice weather the last few weeks. 400+ season passes have been sold. Marketing plans are being completed with the next big push being for passes to be a part of Easter baskets and goodies. The Center is starting to contact its members for those in need of reduced price passes. The Boys and Girls Club will promote the Guppy Grant for passes to their membership and summer programs. Concessions plans and operating hours are being finalized. A basic rack card with facility information is attached. A fancier version of the rack card is being created.

III. NEW BUSINESS

- A. Westside Park. Sidewalk along Spruce on east side of park is a part of the reconstruction of Spruce Street project set for this summer. LWCF Grant has been forwarded to the federal departments for review and approval. The grant is for play equipment replacements at Westside Park.



The MISSION of the City of Yankton is to provide exemplary experiences, services & spaces that create opportunities for everyone to learn, engage, and thrive.

B. General Discussion.

Parks and Recreation will be having limited summer programs this summer. There will be no printed brochure in 2021. We are testing to see if the summer recreation information can be listed on our website only. Marketing for summer recreation programs through social media, the City's website, and PSAs. Summer registration begins on Monday, May 3, for SAC members. The general public can register beginning on Tuesday, May 4.

KYB has a beautification project at the entryway to the Marne Creek Greenway that will be finished in the month of May. Three trees will be planted along with perennial flowers and shrubs. A bench and a trash can holder will be added to the patio surrounded by landscaping.

The question was asked if there is anyway to reserve parking for the play area at Riverside Park as it can be very busy when there is a baseball game or large shelter rentals.

The question was asked if the crab apple trees have been trimmed or removed from the south side fence line on the Westside tennis courts. The trees have been removed.

The question was asked if pickleball lines could be added to the tennis courts at Fantle Memorial Park. There are currently quick start tennis lines on the south two courts at Fantle Memorial Park. The quick start tennis lines are in addition to the normal tennis court lines.

IV. OTHER BUSINESS

A. Commission information Memorandums (4 CIM attachments).

B. Next Meeting: Monday, May 17, 2021. Meeting will be in person and since it is in a school facility masks will be required.

V. ADJOURN

Schramm motioned, Briggs second. Motion carried 5-0.

Publishing Dates: May 27 & June 3, 2021

NOTICE TO BIDDERS

Sealed bids will be received by the City Commission of the City of Yankton, South Dakota, at the office of the City Finance Officer of said City until 3:00 PM or may be hand delivered to the place of opening at 3:00 PM on June 10, 2021 at which time they will be publicly opened and read in the Second Floor, Meeting Room #A of City Hall, Yankton, South Dakota. Disposition of said bids is expected to be held on June 28, 2021 after 7:00 PM, in the Career Manufacturing Technical Education Academy at 1200 W. 21st Street, Yankton, South Dakota.

Bids will be received on the following:

COLD APPLIED PLASTIC PAVEMENT MARKING INSTALLATION

Estimated quantities of the installation are listed below:

Cold Applied Plastic Pavement Marking, 4" Yellow-	4863 LF
Cold Applied Plastic Pavement Marking, 4" White-	2848 LF
Cold Applied Plastic Pavement Marking, 12" Yellow-	0 LF
Cold Applied Plastic Pavement Marking, 24" White-	600LF
Cold Applied Plastic Pavement Marking, Arrow-	18 EA
Groove Pavement for Marking, 4"-	7711 LF
Groove Pavement for Marking, 24"-	600 LF
Groove Pavement for Marking, Arrow-	8 EA

Copies of the specifications and bidding forms can be obtained at the office of the Public Works Manager, 700 Levee Street, Yankton, South Dakota 57078 or by telephoning (605) 668-5211. All bids must be submitted on forms provided by the City of Yankton.

Payment shall be in cash based on 90% monthly payments for all completed work including the actual cost (exclusive of overhead and profit to the contractor and subcontractors) of materials suitably stored at the site.

The City of Yankton, South Dakota reserves the right to reject any or all bids and to waive any informalities therein to determine which is the best and lowest bid and to approve the bond.

Adam Haberman PE
Director of Public Works
City of Yankton, South Dakota

Dated: May 27, 2021

-THE CITY OF YANKTON IS AN EQUAL OPPORTUNITY EMPLOYER-

Publishing Dates: July 8 & July 15, 2021

NOTICE TO BIDDERS

Sealed bids will be received by the City Commission of the City of Yankton, South Dakota, at 416 Walnut Street Yankton, South Dakota, at the office of the City Finance Officer of said City until 3:00 P.M. or may be hand delivered to the place of opening at 3:00 P. M. on the 29th day of July, 2021, at which time they will be publicly opened and read in the Second Floor, Meeting Room #A of City Hall, Yankton, South Dakota. Disposition of said bid will be held on the 9th day of August, 2021, at 7:00 P.M. in the City of Yankton Community Meeting Room located in the Career Manufacturing Technical Education Academy at 1200 W. 21st Street, Yankton, South Dakota.

Bids will be received on the following:

ANNUAL SUPPLY OF BULK DE-ICING SALT FOR THE 2021-2022 SEASON

The work to be done under this contract consists of the supplying and delivery of bulk street de-icing salt FOB City of Yankton's salt storage facility.

Copies of the specifications may be obtained at the office of the Department of Public Works, Street Division, 700 East Levee Street, Yankton, South Dakota or by phoning (605) 668-5211.

All bids must be submitted on forms provided by the City of Yankton.

The City of Yankton, South Dakota reserves the right to reject any or all bids and to waive any informalities therein to determine which is the best and most advantageous bid to the City.

Adam Haberman, PE
Director of Public Works
City of Yankton, South Dakota

Dated: July 8, 2021

- THE CITY OF YANKTON IS AN EQUAL OPPORTUNITY EMPLOYER -

Publishing Dates: May 27 and June 3, 2021

NOTICE TO BIDDERS

Sealed bids will be received for the City Commission of the City of Yankton, South Dakota, at the office of the City Finance Officer of the City until 3:00 PM or may be hand delivered to the City Finance Office drop-box by 3:00 PM on the 10th day of June, 2021 at which time they will be publicly opened and read at read in the Second Floor, Meeting Room #A of City Hall, 416 Walnut Street, Yankton, South Dakota.

Disposition of said bid will be held on the 28th day of June, 2021, at 7:00 P.M. in the City of Yankton Community Meeting Room located in the Career Manufacturing Technical Education Academy at 1200 W. 21st Street, Yankton, South Dakota.

Bids will be received on the following:

ANNUAL SUPPLY OF TRANSPORT – TANKWAGON PETROLEUM PRODUCTS

Copies of the specifications may be obtained at the Office of the Manager of Public Works, 700 Levee Street, Yankton, South Dakota 57078 or by telephoning (605) 668-5211.

All bids must be submitted on forms provided by the City of Yankton.

The City of Yankton, South Dakota reserves the right to reject any or all bids and to waive any informalities therein to determine which is the best and the lowest bid, and to approve the bond, if required.

Adam Haberman, PE
Director of Public Works
City of Yankton, South Dakota

Dated: May 27, 2021

-THE CITY OF YANKTON IS AN EQUAL OPPORTUNITY EMPLOYER-

Memorandum #21-110

To: City Manager
From: Finance Department
Date: May 13, 2021
Subject: Rock 'N' Rumble Transient Merchant & Dance Licenses

We have received the following application from Rock 'N' Rumble:

1. Transient Merchant – July 24, 2021
2. Special Events Dance – July 24, 2021

All fees have been paid and proof of insurance has been furnished.



Al Viereck
Finance Officer

Memorandum #21-112

To: City Manager
From: Finance Department
Date: May 13, 2021
Subject: 3rd on 3rd Transient Merchant & Dance Licenses

We have received the following application from 3rd on 3rd

1. Transient Merchant – July 3, 2021
2. Special Events Dance – July 3, 2021

All fees have been paid and proof of insurance has been furnished.



Al Viereck
Finance Officer

NOTICE OF HEARING UPON APPLICATION
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN that an application has been received by the Board of City Commissioners of the City of Yankton, South Dakota, for a New Retail (on-off sale) Malt Beverage & SD Farm Wine License for July 1, 2021, to June 30, 2022, from South Dakota Publishing, LLC d/b/a Muddy Mo's Coffee House (Katie Hunhoff, Owner), 233 Broadway Avenue, Yankton, S.D.

NOTICE IS FURTHER GIVEN that a Public Hearing upon the application will be held on Monday, June 14, 2021 at 7:00 p.m. in the City of Yankton Community Meeting Room at the Career Manufacturing Technical Education Academy, 1200 West 21st Street, Yankton, South Dakota, where any person or persons interested in the approval or rejection of the above application may appear and be heard.

Dated at Yankton, South Dakota,
This 24th day of May, 2021.



Al Viereck
FINANCE OFFICER

____ Voice vote

Memorandum #21-100

To: City Manager
From: Finance Department
Date: May 12, 2021
Subject: Special Events RETAIL (on-sale) Liquor License-3rd on 3rd

We have received an application for a Special Events (on-sale) Liquor License for July 3, 2021 from Rock 'N' Rumble, Inc. (Michael Carda, President), d/b/a 3rd on 3rd, Block of 3rd Street between Douglas & Capitol, Yankton, S.D.

The above applicant is in compliance with the City Code of Ordinances, as checked by the Department of Finance. A police check on the applicant revealed no felony convictions or wants. The applicant is in compliance with all building and fire codes.



Al Viereck
Finance Officer

Memorandum #21-101

To: *City Manager*
From: *Finance Department*
Date: *May 12, 2021*
Subject: *Special Events RETAIL (on-sale) Liquor License-ROCK 'N' RUMBLE
INC.*

We have received an application for a Special Events (on-sale) Liquor License for a Special Events (on-sale) Liquor License for July 24, 2021 from Rock 'N' Rumble, Inc. (Michael Carda, President), d/b/a Rock 'N' Rumble, 3rd St. from Douglas to ½ block East on Capitol, plus intersecting Capitol Street, ¼ Block North to ½ Block South, Yankton, S.D.

The above applicant is in compliance with the City Code of Ordinances, as checked by the Department of Finance. A police check on the applicant revealed no felony convictions or wants. The applicant is in compliance with all building and fire codes.



Al Viereck
Finance Officer

MEMORANDUM 21-102

To: City Manager
From: Finance Officer
Date: May 12, 2021
Subject: Renewal of Malt Beverage Licenses for the 2021-2022 Licensing period.

We have received the following applications for the renewal of Malt Beverage & SD Farm Wine Licenses for July 1, 2021 through June 30, 2022 licensing period.

RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE:

- Angelas La Mexicana, LLC dba Angelas La Mexicana, 401 Picotte St.
- Hanten, Inc. dba Ben's Brewing Company, 222 W. 3rd St.
- Hanten, Inc. dba Ben's Brewing Company, 719 Walnut St.
- IHAH, LLC dba Big River Burrito Company, 100 Douglas Ave.
- Boomers, Inc. dba Boomers Lounge, 100 E. 3rd St.
- B RAD, LLC dba Bro Burger Bar, 304 W. 3rd St.
- ADDAR INC. dba Broadway Inn, 1210 Broadway
- Casey's Retail Company dba Casey's General Store #2268, 1000 Broadway
- Casey's Retail Company dba Casey's General Store #2260, 608 E. 8th St.
- Casey's Retail Company dba Casey's General Store #3855, 2300 Broadway
- Chuck Stop, LLC dba Charlie's Pizza, 804 Summit St.
- Hayes Enterprises, LLC dba Cheers-Pizza Plus, 310 Walnut St.
- Chuck Stop, LLC dba Chuck Stop, 800 Summit St.
- Lady Bird, Inc. dba The Cockatoo Bar & Zebra Club, 100 E. 3rd St.
- Cork 'N Bottle, Inc. dba Cork 'N Bottle, 1500 Broadway
- Czeckers, Inc. dba Czeckers, Inc., 407 Walnut St.
- Diggers Inc. dba Diggers Casino, 2020 Elm St. #7
- East Eight, LLC dba Econo Lodge, 611 W. 23rd St.
- El Tapatio Family Mexican Restaurant, Inc. dba El Tapatio Family Mexican Restaurant, 2502 Fox Run Parkway
- GL Management, LLC dba Fox Run Golf Course, 600 W. 27th St.
- The Fox Stop, Inc. dba The Fox Stop, 1316 W. 30th St.
- Diggers, Inc. dba Goldrush, 2020 Elm St. Suite 7B
- Arrowhead Holding, LLC dba Gramps, 700 E. 4th St.
- ABG Ventures 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
- TC Corner, LLC dba JR's Oasis, 2404 E. 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
- Mint Yankton, LLC dba Mint Yankton, LLC, 318 Douglas
- P & P Lottery Enterprises, LLC, dba P & P Lottery Enterprises, LLC, 3010 Broadway, Room 2
- P & P Lottery Enterprises, LLC, dba P & P Lottery Enterprises, LLC, 3010 Broadway, Room 3
- P & P Lottery Enterprises, LLC, dba P & P Lottery Enterprises, LLC, 3010 Broadway, Room 4

P & P Lottery Enterprises, LLC dba Pin-ups Casino & Gaming Lounge #5, 3010 Broadway, Room 5
Annis Properties, Inc. dba Patriot Express, 2217 Broadway
Annis Properties, Inc. dba Patriot Express 02, 100 E. 4th St., Suite A
Annis Properties, Inc. dba Patriot Express 02, 100 E. 4th St.

RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE:

TST, Inc. dba Phinney's Pub & Casino, Yankton Mall
Annis Properties, Inc. dba Prairie Pumper, 909 Broadway
Pump-N-Stuff Yankton, Inc. dba Pump-N-Stuff, 215 W. 2nd St.
Pump-N-Stuff Yankton, Inc. dba Pump-N-Stuff, 215 W. 2nd St., Suite 2
Pure Ice Partners, LLC dba Pure Ice Company, 101 Capital St.
Zaccon, Inc. dba Roadrunner Convenience Mart, 300 W. 23rd St.
Zaccon, Inc. dba Roadrunner Convenience Mart, 300 W. 23rd St., Suite 2
Kathy J. Shelburg dba Shelburg Concessions, Sertoma Park, 15th & Ferdig St.
SHREE, LLC dba SHREE, 821 Broadway, Suite 3
Diggers Inc. dba Smokey Hollow, 2020 Elm St., Suite 7A
Morgen, LLC dba South Point, 1101 Broadway, Suite 107A
Morgen, LLC dba South Point, 1101 Broadway, Suite 109
Morgen, LLC dba South Point Gaming Lounge, 1101 Broadway, Suite 111A
Morgen, LLC dba South Point Gaming Lounge, 1101 Broadway, Suite 111C
Five Futures, LLC dba The Boat House, 301 E. 3rd 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 #09806, 2020 Broadway
Walnut Tavern, Inc. dba Walnut Tavern, 100 W. 3rd 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, 200 Levee St.

The above applications are in compliance with City Code of Ordinances, as checked by the Department of Finance.

A police check has been done on all the above applicants by the Yankton Police Department.

The applicants are in compliance with all Building and Fire Codes.



Al Viereck
Finance Officer

Memorandum #21-103

To: City Manager
From: Finance Department
Date: May 13, 2021
Subject: Special Events Licenses-Yankton Area Arts

We have received an application for a Special Malt Beverage (on-sale) Retailers License, a Special (on-sale) Wine Retailers License and a Special Events (off-sale) Package Wine & Malt Beverage Dealers License for 1 day, July 17, 2021 from Yankton Area Arts, (Julie Amsberry, Executive Director) Meridian Bridge, rain date set for City Hall Auditorium, 416 Walnut, Yankton, S.D.

The above applicant is in compliance with the City Code of Ordinances, as checked by the Department of Finance. A police check on the applicant revealed no felony convictions or wants. The applicant is in compliance with all building and fire codes.



Al Viereck
Finance Officer

Memorandum #21-104

To: City Manager
From: Finance Department
Date: May 13, 2021
Subject: Special Events Liquor License-Ben's Brewing Co.

We have received an application for a Special Events Retail (on-sale) Liquor License for 9 days, July 1, 8, 15, 22, 29, August 5, 12, 19, 26, 2021, from Ben's Brewing Co. (Ben Hanten, Owner), 222 West 3rd Street, Music at the Meridian, Parking Lot and Green Space Westside of Meridian Bridge & the enclosed area of Levee Street, Yankton, S.D.

The above applicant is in compliance with the City Code of Ordinances, as checked by the Department of Finance. A police check on the applicant revealed no felony convictions or wants. The applicant is in compliance with all building and fire codes.



Al Viereck
Finance Officer

Memorandum No. 21-117

TO: Mayor and City Commissioners
FROM: Amy Leon, City Manager
RE: Medical Cannabis
DATE: May 19, 2021

Attached please find Ordinance #1052 pertaining to medical cannabis which was discussed this evening during our work session.

Recommendation: It is recommended that the City Commission establish the public hearing for June 14, 2021 for Ordinance #1052.

An Ordinance establishing licensing regulations for Medical Cannabis Dispensary businesses. Be it ordained that:

A new Division numbered Division 7 of Chapter 13, Article III, of the City of Yankton Code of Ordinances shall be titled as follows:

Division 7. Medical Cannabis Dispensaries

The following Sections of Division 7 of Chapter 13, Article III shall be enacted to read as follows:

Sec. 13-132. *Definitions*

The following words and phrases, when used in this section, shall have the meanings ascribed to them. In addition to the definitions contained in this section, other terms used in this section shall have the meaning ascribed to them in South Dakota Codified Law Article 34, Chapter 20G, Section 1, and SDCL § 22-42-1, and such definitions are hereby incorporated into this section by this reference.

Applicant shall mean any person or entity who has submitted an application for a license or renewal of a license issued pursuant to this Division. If the applicant is an entity and not a natural person, applicant shall include all persons who are the members, managers, officers, directors and shareholders of such entity.

Cannabis products shall mean any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures.

Cardholder shall mean any person who has been issued and possesses a valid registry identification card pursuant SDCL Chapter 34-20G.

Disqualifying felony offense shall mean a crime that was classified as a felony in the jurisdiction where the person was convicted.

Initial application shall mean the first application filed for a dispensary.

Licensed premises shall mean the building within which the dispensary operates.

Licensee shall mean any person or business entity that has been issued and holds a valid, current license pursuant to this Division. If the licensee is an entity and not a natural person,

licensee shall include all persons who are the members, managers, officers, directors and shareholders of such entity.

Medical cannabis or *cannabis* shall mean marijuana as defined in SDCL § 22-42-1.

Medical cannabis dispensary or *dispensary* shall mean the entity registered with the South Dakota Department of Health pursuant to SDCL Chapter 34-20G and licensed by the City pursuant to this Ordinance that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials to cardholders. *Medical cannabis dispensary* does not include a cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a recreational cannabis dispensary.

Medical cannabis establishment shall mean a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary as those terms are defined in SDCL § 34-20G-1.

Registry identification card shall mean a document issued by South Dakota Department of Health that identifies a person as a registered qualifying patient or registered designated caregiver, or documentation that is deemed a registry identification card pursuant to §§ 34-20G-29 to 34-20G-42, inclusive.

Sec. 13-133. *Purpose and Intent*

The purpose of this section is to provide for licensing of medical cannabis dispensaries within the jurisdictional limits of the City of Yankton in the interest of public health, safety, and general welfare. Nothing in this section is intended to promote or condone the sale, distribution, possession, or use of marijuana in violation of any applicable law.

Sec. 13-134. *Other Laws*

If the state adopts any stricter regulation governing a medical cannabis dispensary than that set forth in this Division, the stricter regulation shall control the establishment or operation of any medical cannabis dispensary in the City. A licensee shall be required to demonstrate, upon demand by the City, or by law enforcement officers, that the source and quantity of any cannabis found upon the licensed premises are in full compliance with applicable state regulation. If the state prohibits the sale or other distribution of medical cannabis, any license issued under this Section shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress by the licensee. The issuance of any license pursuant to this section shall not be deemed to create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the cultivation, possession, sale, distribution, or use of marijuana.

Sec. 13-135. *Authority*

The City Manager or the City Manager's designee shall have authority pursuant to the SDCL Chapter 34-20G and this Division to grant or deny licenses and to inspect the premises and business of a dispensary to confirm compliance with all licensure requirements.

Sec. 13-136. *Medical Cannabis Dispensary License Required*

No person or business entity shall operate a medical cannabis dispensary within the jurisdictional limits of the City unless that person or business entity has first obtained a medical cannabis dispensary license from the City. Such license shall be kept current at all times, and the failure to maintain a current license shall constitute a violation of this Section.

Sec. 13-137. *Limitation on the Number of Medical Cannabis Establishments*

Under the authority granted by SDCL 34-20G-56, there shall be no more than two (2) active medical cannabis dispensaries that may be registered by the State of South Dakota to operate within the jurisdictional limits of the City of Yankton at any given time. The City of Yankton hereby directs the State to give registration preference only to those applicants that have received a medical cannabis dispensary license certificate issued by the City of Yankton pursuant to this Division. No other medical cannabis establishment shall be permitted to operate within the jurisdictional limits of the City of Yankton.

Sec. 13-138. *Term of License*

Each license issued under this Division shall be effective upon issuance and shall terminate on the last day of December of the year issued.

Sec. 13-139. *License Not Transferrable*

Licenses issued under this division shall not be transferable to any other person, business entity, or location and shall lapse automatically upon a change of ownership or location. A license issued under this Division is not a property right.

Sec. 13-140. *Dispensary Requirements*

A medical cannabis dispensary licensee is subject to the following requirements:

- (a) No owner, LLC member or manager, shareholder, principal officer, or board member of a licensee may have served as an owner, LLC member or manager, shareholder, principal officer, or board member for a medical cannabis dispensary that has had its state registration certificate or any local, municipal, or county license revoked;
- (b) No owner, LLC member or manager, shareholder, principal officer, or board member may be under twenty-one years of age;

- (c) A licensee shall be prohibited from employing any employee convicted of a disqualifying felony offense;
- (d) A licensee shall be prohibited from employing any employee under twenty-one (21) years of age;
- (e) A medical cannabis dispensary shall not share office space with or refer a patient to a practitioner. *See* SDCL § 34-20G-67.
- (f) A medical cannabis dispensary shall not permit any person to consume cannabis upon the property of the licensed premises. *See* SDCL § 34-20G-68.
- (g) At least one of the owners, LLC members, or shareholders shall be a resident of this state;
- (h) The licensed premises shall be located only within a B-2 Highway Business District, B-3 Central Business District, or Industrial District;
- (i) The licensed premises shall be located no less than five hundred (500) feet from the nearest property line of any school, church, licensed childcare facility, correctional facility, mental health facility, or substance abuse facility, unless the dispensary is located in a B-3 Central Business District or the area east of Broadway Avenue and south of 4th Street. No separation is required for a dispensary located in a B-3 Central Business District or the area east of Broadway Avenue and south of 4th Street;
- (j) The licensed premises shall not be located within any building containing a dwelling unit, a pediatrician's office, hotel, motel, boarding house, or lodging facility except that a dispensary that is located in a B-3 Central Business District may be located in a building containing a dwelling unit or dwelling units;
- (k) The licensed premises shall be located no less than four hundred (400) feet from the nearest property line of another dispensary;
- (l) The licensed premises shall not be located within a single development project that contains another marijuana establishment of any kind. With regard to this subsection and to subsection (k) above, in the event that applications for licensure of more than one medical cannabis dispensary or other marijuana business are pending at the same time and one proposed location is within 400 feet of another proposed location, the City Manager or his or her designee shall consider and act first upon the application determined by the City Manager or his or her designee to have first been a complete application without regard to the proposed location that is set forth in any application determined to have been complete later in time;
- (m) The licensed premises shall not be located within the City's Extraterritorial Zoning Jurisdiction; and
- (n) The licensed premises shall remain in compliance with applicable federal, state, and local laws and building codes (including, but not limited to, the prevailing building, plumbing, electrical, mechanical, fuel gas and fire codes adopted by the City of Yankton at the time of licensure).

For purposes of this section, a “*single development project*” shall mean and include any area in which the property proposed for use as a medical cannabis dispensary shares a common interest in common property, such as parking areas or sidewalk areas, or is a member of a

property owners' association with another marijuana business. The distances set forth in this section shall be computed by direct measurement in a straight line from the nearest property line of the land used for the purposes stated above, respectively, to the nearest portion of the building in which the medical cannabis dispensary is located. The locational criteria contained in this section shall apply to all proposed changes in the location of an existing license.

Sec. 13-141. *Application for Medical Cannabis Dispensary License*

To obtain a medical cannabis dispensary license, or to renew a license previously issued under this Division, the applicant shall file in the office of the finance officer an application on a form furnished by the finance officer or the finance officer's designee, which shall comply with Yankton Ordinance Sec. 13-17 and provide the following additional information:

- (a) The name, address, and date of birth of each owner, shareholder, LLC member and manager, principal officer, and board member of the proposed medical cannabis dispensary, as well as the name address and date of birth of any current employees at the time such application is filed;
- (b) A copy of the deed reflecting the applicant's ownership of, or a lease reflecting the right of the applicant to possess, the proposed licensed premises for the proposed use;
- (c) A "to scale" sketch of the floor plan of the proposed licensed premises reflecting compliance with the City's cannabis dispensary design requirements;
- (d) A "to scale" site plan reflecting all structures and boundaries of the proposed licensed premises reflecting compliance with the City's cannabis dispensary design requirements;
- (e) An elevation drawing or rendering of the exterior of the proposed licensed premises;
- (f) A description of safety and security measures reflecting compliance with the City's dispensary design and operational requirements; and
- (g) Any other additional information as the City Manager or his or her designee may deem necessary for an investigator to evaluate the character and business responsibility of the applicant.

Sec. 13-142. *Application Fee*

At the time an applicant files an application according to Sec. 13-141, applicant shall pay a non-refundable fee to the City in an amount established by resolution of the Board of City Commissioners to defray the costs incurred by the City for background investigations, review of the application, inspection of the proposed premises, and any other costs and labor associated with processing the application.

Sec. 13-143. *Annual License Fee*

Within thirty (30) days of receiving a cannabis dispensary registration from the State of South Dakota pursuant to SDCL Chap. 34-20G, and at the time an applicant files a renewal application, the licensee shall tender to the City an annual license fee in an amount established by resolution of the Board of City Commissioners. The annual license fee is in addition to the initial application fee required pursuant to Sec. 13-142. The annual license fee shall be paid on the basis of a full calendar year regardless of the date of issuance, and no proration or discount shall be given.

Sec. 13-144. *Additional permits and licenses*

A license issued pursuant to this Ordinance is in addition to and does not eliminate the need for the licensee to obtain other required permits or licenses related to the operation of the medical cannabis dispensary including, without limitation, the registration issued by the State of South Dakota pursuant to SDCL Chap. 34-20G, and any zoning related permits, plat approvals, or building or construction-related permits required by the Yankton Code of Municipal Ordinances or South Dakota law.

Sec. 13-145. *Background Checks, Inspections and Facility Standards*

During review of the application and at all reasonable times after a license is issued, the City Manager or the City Manager's designee may make any reasonable inquiry into the criminal history of any owner, principal officer, board member, and employee. It shall be a violation of this Chapter and grounds for revocation of any license issued hereunder for a licensee to allow any new principal officer, board member, or employee to begin work before supplementing the information required under section Sec. 13-141(a) for each prospective new principal officer, board member, or employee. In addition, the City Manager or his or her designee may enter and inspect the premises designated in the application or license to determine if the premises meets or continues to meet the requirements of all city ordinances and state statutes, and is being maintained in accordance with the following facility standards:

- (a) The facility shall have an entry-only breezeway area securely locked and partitioned from the dispensary sales floor wherein each customer must remain until the customer's identity, legal age, and registry identification card can be verified before each customer is admitted entry into the dispensary sales area. The facility must utilize a separate one-directional exit for customers, which exit does not permit entry from the outside without a key.
- (b) The facility shall have locked display cases only accessible to staff during business hours. The facility shall have a locked vault or Drug Enforcement Agency storage cage in which all cannabis, cannabis products, and undeposited funds shall be stored outside business hours.
- (c) The facility shall conform to the prevailing building, plumbing, electrical, mechanical, fuel gas and fire codes adopted by the City of Yankton at the time of licensure. This includes, but is not limited to, codes regarding accessibility, egress and life safety.

- (d) All exterior entrances and exits, all parking areas, and all sidewalks adjacent to the dispensary facility shall be lighted at all times after dark.
- (e) High-definition cameras of sufficient quantity and quality shall be mounted in a manner to fully capture the facial features of all people entering the facility at each point of entry or exit, and to capture the facial features and actions of all people in all locations inside the facility, excepting only the restrooms. The camera system shall securely store high-definition camera footage for no less than thirty (30) days.
- (f) The facility shall have a functional commercial alarm system triggered by the press of a button, by the breaking of glass, and by forcing open a locked door.

Sec. 13-146. *Approval Process*

- (a) Upon receipt of a complete application, the City Manager or the City Manager's designee shall circulate the application to all affected service areas and departments of the City to determine whether the application is in full compliance with all applicable laws, rules, and regulations. No license shall be approved until after the City Manager or the City Manager's designee has caused the proposed premises to be inspected to determine compliance of the premises with all applicable requirements of this Division and the Code of Municipal Ordinances, and with the plans and descriptions submitted as part of the application. The City Manager or the City Manager's designee shall deny any application that does not meet the requirements or limitations of this Ordinance. The City Manager or the City Manager's designee shall deny any application that contains any false, misleading, or incomplete information.
- (b) If the City Manager or the City Manager's designee has determined that all requirements for a dispensary license are met and upon payment of the application fee in advance by the applicant, the City Manager or City Manager's designee may, in his or her discretion, approve the issuance of a license if the City Manager or City Manager's designee believes the issuance to be in the public's best interest. When the City Manager or the City Manager's designee considers a dispensary application, he or she may consider all contents and proposals within the application, the observations and results of any inspection undertaken pursuant to section 13-145, the impact to the public that may result, whether the proposed dispensary is located in a zone that permits its operation, the manner in which the applicant previously operated a dispensary or other business licensed by the City of Yankton, history of compliance with city ordinances and state law.
- (c) Within thirty (30) days after the completion of the investigation of the application, the City Manager or City Manager's designee shall issue a written decision approving or denying the application for licensure, which decision shall state the reason(s) for the decision and be sent via first class mail and via certified mail to the applicant at the address shown in the application.

- (d) If approved, the City Manager or City Manager's designee shall issue to the applicant a cannabis license certificate specifying the date of issuance, the period of licensure, the name of the licensee, the physical address of the licensed premises, and a sworn statement certifying that the licensed establishment as proposed does not violate the City's enacted zoning restrictions as required under SDCL 34-20G-55(1)(d). The City Manager or City Manager's designee shall also promptly transmit a copy of the license certificate to the South Dakota Department of Health to satisfy SDCL 34-20G-55(1)(e).

Sec. 13-147. *Issuance or Denial of Application*

If a license is denied by the City Manager or his or her designee, an applicant shall have thirty (30) days to request in writing that the denied application be submitted to the Board of City Commissioners for reconsideration at a regularly scheduled meeting using the same criteria governing the issuance of a license by the City Manager. The Board of City Commissioners shall consider the application on its merits and take action on the appeal at properly noticed public meeting no later than sixty (60) days following the City's receipt of a timely written request for appeal. Notwithstanding anything to the contrary no medical cannabis dispensary license shall be issued until the applicant has demonstrated compliance with this Ordinance and the City zoning ordinance.

Sec. 13-148. *Preliminary Approval and Issuance of License*

If approved, the City's issuance of a license following an initial application shall be provisional and subject to automatic termination if:

- (a) The licensee does not receive or fails to qualify for the state registration certificate required under SDCL Chapter 34-20G within 120 days of issuance of the license; or
- (b) At least two (2) other holders of an active and unrevoked medical cannabis license have previously received a state registration certificate required under SDCL Chapter 34-20G; or
- (c) The licensee fails to pay the annual license fee to the City within thirty (30) days of the issuance of the state registration certificate in accordance with Sec. 13-143; or
- (d) The licensee fails to obtain a certificate of occupancy from the City of Yankton in accordance with Sec. 13-149 within one hundred eighty (180) days of issuance of the state registration certificate issued under SDCL Chapter 34-20G.

No licensee may engage in the sale of cannabis products under a provisional license.

Sec. 13-149. *Certificate of Occupancy*

Licensee shall not begin operation or open its doors to the public until it receives from the City a certificate of occupancy. The City shall not issue a certificate of occupancy until the City Manager or the City Manager's designee has fully inspected the licensed premises and determined that the establishment satisfies all requirements of licensure as set forth in this ordinance, all applicable zoning requirements, and all other applicable federal, state, and local laws and building codes, and that the licensed establishment is ready for occupancy with such equipment and security measures in place as may be necessary to comply with the applicable provisions of this Ordinance and state law. The City shall not issue a certificate of occupancy until the licensee provides written evidence that the licensee has paid the Annual License Fee under Sec. 13-143, and all registration application fees due to the state in connection with the South Dakota Department of Health's review of the application.

Sec. 13-150. *Annual license fee refundable*

If a provisional license is automatically terminated by operation of Sec. 13-148, the annual license fee paid pursuant to Sec. 13-143 shall be refunded to applicant. The initial application fee paid pursuant Sec. 13-142 shall not be refunded. If a license is revoked pursuant to Sec. 13-152 and/or Sec. 13-24, the annual license fee shall not be refunded.

Sec. 13-151. *Medical Cannabis Dispensary License Rules of Operation*

Each dispensary shall be operated only in accordance with the following rules:

- (a) Each licensee shall display the license issued by the City in a prominent location within the licensed premises;
- (b) The hours of operation of each dispensary shall be confined between the hours of 9:00 am to 9:00 pm Monday through Sunday.
- (c) Each dispensary shall be owned, operated, kept, and maintained in accordance with the dispensary requirements set forth in Sec. 13-140 and facility standards set forth in Sec. 13-145; and
- (d) Each dispensary shall operate in accordance with all applicable local and state laws concerning medical cannabis.

Sec. 13-152. *License Revocation and Penalties*

- (a) Any medical cannabis dispensary license may be cancelled or suspended in accordance with section 13-24.
- (b) Any person operating a dispensary without a license is subject to a civil fine of up to two hundred dollars (\$200.00). Each day a dispensary is operated without a license shall be a separate offence.

- (c) Operating a dispensary without a license shall be deemed a public nuisance and subject to the provisions of Chapter 15 of the Yankton Code of Municipal Ordinances. Such nuisance may be abated in any manner permitted by Ordinance or other applicable law, including, but not limited to, an action for injunctive relief.
- (d) Automatic suspension if a licensee or any of its employees or agents has been convicted of selling a cannabis product to any person under the age of twenty-one (21). In order to reinstate a license to active status, the applicant must tender a reinstatement fee of ten thousand dollars (\$10,000.00) for the first suspension under this Section, or fifteen thousand dollars (\$15,000.00) for the second offense. Upon conviction for the third such offense, the license shall automatically terminate and may not be reinstated or renewed.

Sec. 13-153. No City Liability; Indemnification; No Defense

- (a) By accepting a license issued pursuant to this Division, the licensee waives any claim concerning, and releases the City, its officers, elected officials, employees, attorneys and agents from, any liability for injuries or damages of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers of the licensee for a violation of state or federal laws, rules or regulations.
- (b) By accepting a license issued pursuant to this Division, all licensees, jointly and severally if more than one, agree to indemnify, defend and hold harmless the City, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the medical cannabis dispensary that is the subject of the license.
- (c) The issuance of a license pursuant to this section shall not be deemed to create an exception, defense or immunity for any person in regard to any potential criminal liability the person may have under state or federal law for the cultivation, possession, sale, distribution, or use of marijuana.

Secs. 13-154 thru 13-200. - Reserved.

Adopted:
1st Reading:
2nd Reading:
Publication Date:

Effective Date:

Stephanie Moser, Mayor

Attest:

Al Viereck, Finance Officer

DRAFT

***Introduction, First Reading and Establish
the Date for a Public Hearing***

Memorandum #21-85

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Proposed Rezoning, Ordinance #1049
Date: May 13, 2021

PROPOSED REZONING

ACTION NUMBER: 21-18

E.T.J. MEMBER ACTION REQUIRED: No

APPLICANT / OWNER: Jim Tramp, LLC and Jason Tramp, LLC.

ADDRESS / LOCATION: 1301 W. 21st Street.

REZONING REQUEST & PROPERTY DESCRIPTION:

From R-2 Single Family Residential to B-2 Highway Business, the North 220 feet of the West 700 feet of the SW 1/4 of the NW 1/4, Except KYNT Addition that fronts 21st Street in Section 12, T93N, R56W of the 5th P.M., Yankton, South Dakota as identified on the associated Rezoning Location Map.

PREVIOUS ACTION: None.

COMMENTS: This is an owner petitioned rezoning request which means the owner circulated a petition and acquired enough signatures to bring the request to the city for consideration.

The land is located in a transition zone between existing residential occupancies a couple of blocks south and an arterial street (21st Street) with industrial occupancies to the north. Storm water management requirements for the area mean that development adjacent to the south or east sides of the site are not possible. The only vehicle access to the site will be from 21st Street. The drainage area will provide a significant separation from any area of residential occupancies. The land on the north side of 21st Street is zoned industrial.

The proposal follows the general direction set forth in the Comprehensive Plan. That direction being to create transition areas whenever possible between lower density residential occupancies which in this case are to the south, and the industrial occupancies which are north of the site. In this instance, the space needed for storm water management also contributes significantly to the appropriate transition.

There are also reasons why the existing zoning of R-2 Single Family Residential is not appropriate.

- It is not practical from a market perspective, or advisable from a land use perspective for single family home construction to occur at this location on an arterial street across from an industrial zone.
- Our access management policies would not support the placement of multiple driveways for single family homes on the arterial street (21st Street).

If approved, the rezoning would allow the construction of commercial and / or high density residential occupancies (apartments). Such types of development would allow the city to better manage the access management concerns by reducing the number of access points.

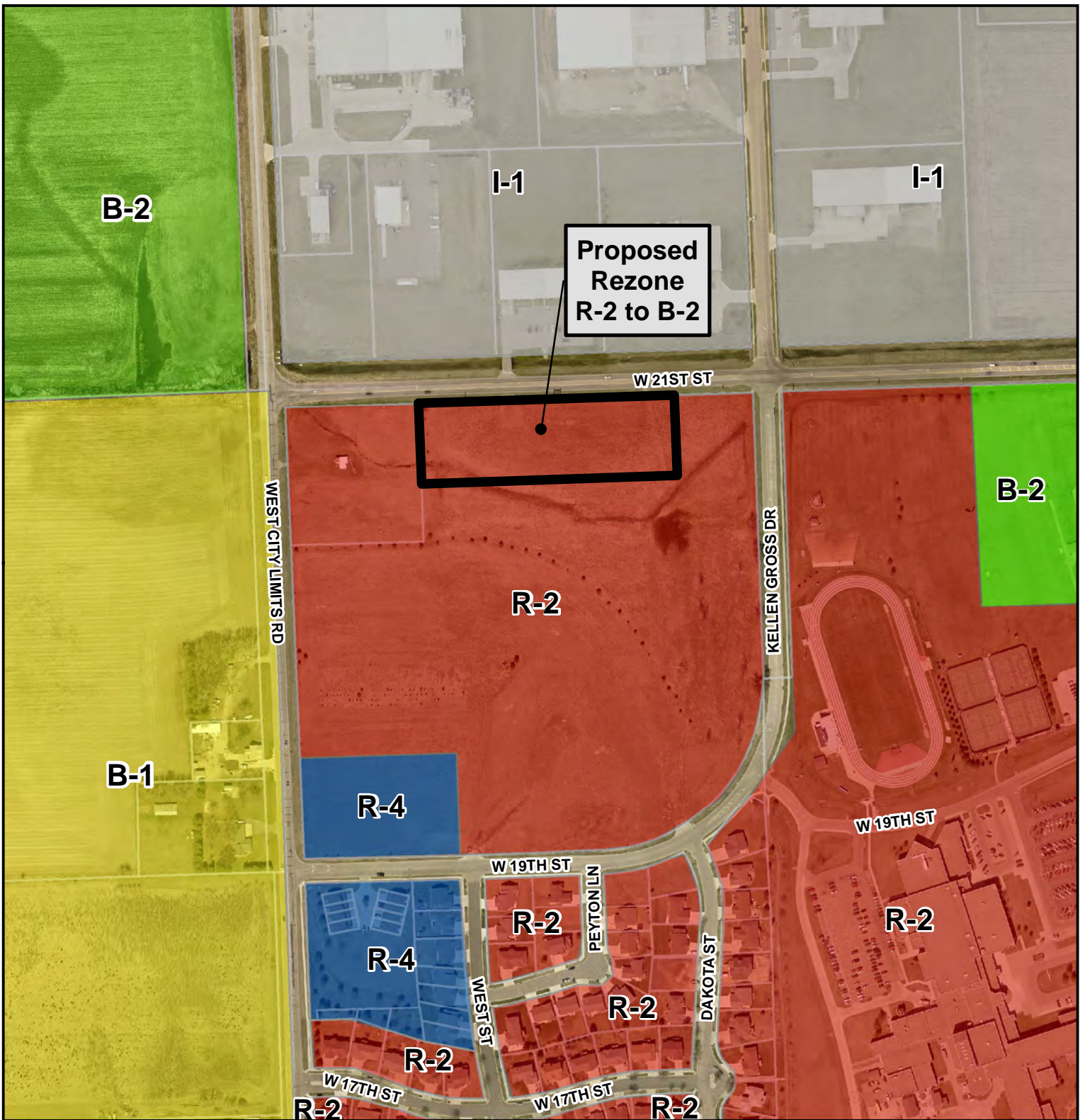
Staff has received a contact about the proposal during the time the applicant was circulating the petition. The questions were general in nature and the person did not state any opposition to the proposal.

In accordance with the general provisions set forth in the City's Comprehensive Plan, staff is recommending approval of the proposed owner petitioned rezoning of the described property from R-2 single family residential to B-2 Highway Business.

HEARING SCHEDULE:

April 12, 2021	The Planning Commission established May 10, 2021, as the date for a public hearing.
May 10, 2021	The Planning Commission conducts a public hearing to consider the issue. All appropriate notices were published.
May 24, 2021	The City Commission establishes June 14, 2021 as the date for a public hearing.
June 14, 2021	The City Commission holds a public hearing to consider the issue. All appropriate notices will have been published and mailed. A super majority (6-3) vote of the City Commission cannot be protested out by the neighborhood. A simple majority (5-4) could be.
June 25, 2021	Record of City Commission action published in the newspaper.
July 15, 2021	The City Commission action is effective.

Planning Commission results: The Planning Commission recommended approval of the proposed rezoning.



City of Yankton

Rezone from R-2 Single Family Residential to B-2 Highway Business, the North 220 feet of the West 700 feet of the SW 1/4 of the NW 1/4, Except KYNT Addition, that fronts 21st Street in Section 12, T93N, R56W of the 5th P.M., Yankton, South Dakota

ORDINANCE NO. 1049

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:

Section 1.

From an existing zoning of R-2 Single Family Residential to B-2 Highway Business, the North 220 feet of the West 700 feet of the SW 1/4 of the NW 1/4, Except KYNT Addition that fronts 21st Street in Section 12, T93N, R56W of the 5th P.M., Yankton, South Dakota.

As depicted on the associated map.

Section 2. Saving Clause.

Should any section, clause, or provision of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 3. Effective Clause.

This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

Adopted:

1st Reading:

2nd Reading:

Publication Date:

Effective Date:

Stephanie Moser, Mayor

ATTEST:

Al Viereck, Finance Officer

***Introduction, First Reading and Establish
the Date for a Public Hearing***

Memorandum #21-86

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Proposed Rezoning, Ordinance #1050
Date: May 13, 2021

PROPOSED REZONING

ACTION NUMBER: 21-19

E.T.J. MEMBER ACTION REQUIRED: No

APPLICANT / OWNER: Jim Tramp, LLC and Jason Tramp, LLC.

ADDRESS / LOCATION: 1900 Blocks of Kellen Gross Drive and Dakota Street.

REZONING REQUEST & PROPERTY DESCRIPTION:

From an existing zoning of R-2 Single Family Residential to R-3, Two Family Residential, on future Lots 1A, 1B, 6A, 6B, 7A and 7B, in Block 9 and 1A and 1B in Block 10, and

from an existing zoning of R-2 Single Family Residential to R-4 Multiple Family Residential, on future Outlots 4 and 5,

all in Summit Heights Addition to the City of Yankton in the SW 1/4 of the NW 1/4, Section 12, T93N, R56W of the 5th P.M., Yankton, South Dakota as identified on the associated Rezoning Location Map.

PREVIOUS ACTION: None.

COMMENTS: This is an owner petitioned rezoning requests which means the owner circulated a petition and acquired enough signatures to bring the request to the city for consideration.

The land is located in a residential transition area with single family occupancies to the south and higher intensity uses north of 21st Street. The proposal follows the general direction set forth in the Comprehensive Plan. That direction being to create transition areas whenever possible between lower density residential occupancies which in this case are to the south and the higher intensity uses associated with an arterial street and industrial zones to the north.

The area was substantially undeveloped at the time the City's Comprehensive Plan was adopted. A considerable amount of property around the site remains undeveloped at this time. The Comprehensive Plan identified an area in the large undeveloped tract for medium density residential.

While the exact location of that designation was slightly north of the described property, staff feels that based on the undeveloped status of a majority of the area, the intent of the plan would be met by the proposal.

If approved, the proposed change of the areas from R-2 to R-3 would allow for the construction of duplex units. There are many examples in the community where the mix of duplex units with single family units has been successful and created a good fit from a land use perspective with no adverse impacts on surrounding uses.

The proposal strategically identifies an area off of Kellen Gross Drive for a change to R-4 multiple family zoning. The site access would be from Kellen Gross Drive only, away from single family occupancies in the area. This is similar to the current configuration of the multiple family zoned areas to the west on 19th Street and southwest on Summit Lane. The change would be contiguous with the High School Summit Activities Center site which is a conditional use in an R-2 District.

Staff has received a contact about the proposal during the time the applicant was circulating the petition. The questions were general in nature and they did state that they had some concerns. They referenced an example of another location in the community that they did not want to reoccur at this location. The location they referenced was not in the Summit Heights subdivision.

In accordance with the general provisions set forth in the City's Comprehensive Plan, staff is recommending approval of the proposed owner petitioned rezoning of the described properties as identified on the associated rezoning map.

HEARING SCHEDULE:

- | | |
|----------------|--|
| April 12, 2021 | The Planning Commission established May 10, 2021, as the date for a public hearing. |
| May 10, 2021 | The Planning Commission held a public hearing to consider the issue. All appropriate notices were published. |
| May 24, 2021 | The City Commission establishes June 14, 2021 as the date for a public hearing. |
| June 14, 2021 | The City Commission holds a public hearing to consider the issue. All appropriate notices will have been published and mailed. A super majority (6-3) vote of the City Commission cannot be protested out by the neighborhood. A simple majority (5-4) could be. |
| June 25, 2021 | Record of City Commission action published in the newspaper. |
| July 15, 2021 | The City Commission action is effective. |

Planning Commission results: The Planning Commission recommended approval of the proposed rezoning.

ORDINANCE NO. 1050

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:

Section 1.

From an existing zoning of R-2 Single Family Residential to R-3, Two Family Residential, future Lots 1A, 1B, 6A, 6B, 7A and 7B, in Block 9 and 1A and 1B in Block 10; and, from R-2 Single Family Residential to R-4 Multiple Family Residential, future Outlots 4 and 5.

All in Summit Heights Addition to the City of Yankton in the SW 1/4 of the NW 1/4, Section 12, T93N, R56W of the 5th P.M., Yankton, South Dakota

As depicted on the associated map.

Section 2. Saving Clause.

Should any section, clause, or provision of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 3. Effective Clause.

This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

Adopted:

1st Reading:

2nd Reading:

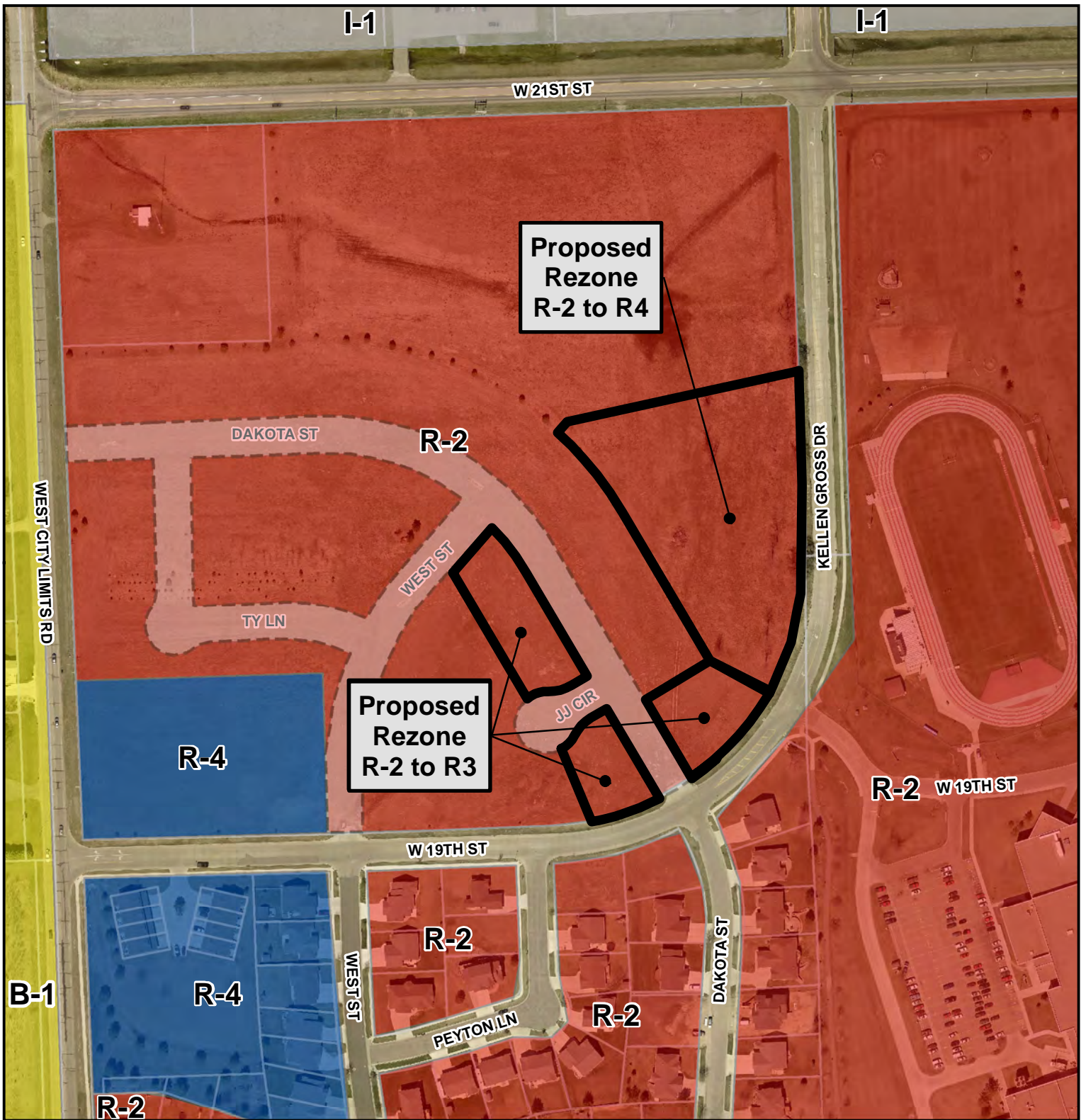
Publication Date:

Effective Date:

Stephanie Moser, Mayor

ATTEST:

Al Viereck, Finance Officer



City of Yankton

Rezone R-2 Single Family to R-3 Two Family,
 Future Lots 1A, 1B, 6A, 6B, 7A and 7B, in Block 9, Summit Heights Addition
Rezone R-2 Single Family to R-4 Multiple Family,
 Future Outlots 4 and 5

***Introduction, First Reading and Establish
the Date for a Public Hearing***

Memorandum #21-87

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Proposed Rezoning, Ordinance #1051
Date: May 13, 2021

PROPOSED ZONING ORDINANCE AMENDMENT

PLANNING COMMISSION ACTION NUMBER: 21-20

We have increasingly heard requests to change the maximum allowable structure height in our B-3 Central Business and B-2 Highway Business Districts. The requests are for the current 50-foot maximum height limitation to be increased and stem from property owner's desires to have taller ceilings heights per floor. Additional height would also provide the space needed to hide heating, air conditioning and ventilation (HVAC) ductwork and equipment in the floor structures without reducing the number of floors in a building. The modern desires for ceiling heights of 10 or 11 feet in these zoning districts makes it difficult to construct anything more than a three story building under the current 50-foot height limit.

We have surveyed most communities our size in the state and have not found a common dimension for structure height regulations in commercial districts. The maximum heights in other cities have ranged from 50 feet all the way to not having a restriction. The average however, is higher than Yankton's 50 feet.

City staff is in favor of a modest change that would reflect current architectural design desires without having a dramatic impact on the viewscape of the city. We currently have provisions in code that permit certain types of tower structures to be 65 feet tall in the referenced zoning districts. Another benefit of a minor change would be providing the ability for slightly increased housing densities in the B-3 District at a time when housing units are in short supply.

Staff recommends approval of amending the ordinance to allow structures 65 feet tall in the referenced zoning districts.

HEARING SCHEDULE:

April 12, 2021 The Planning Commission established May 10, 2021, as the date for a public hearing.

May 10, 2021 The Planning Commission held a public hearing to consider the issue. All appropriate notices were published.

_____ Introduce

May 24, 2021	The City Commission establishes June 14, 2021 as the date for a public hearing.
June 14, 2021	The City Commission holds a public hearing to consider the issue. All appropriate notices will have been published.
June 25, 2021	Record of City Commission action published in the newspaper.
July 15, 2021	The City Commission action is effective.

Planning Commission results: The Planning Commission recommended approval of the proposed zoning ordinance amendment.

ORDINANCE NO. 1051

**AN ORDINANCE AMENDING CERTAIN LANGUAGE IN IDENTIFIED SECTIONS
OF CHAPTER 27, ARTICLE II**

**BE IT ORDAINED, BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF
YANKTON, SOUTH DAKOTA THAT:**

Section 1.

Chapter 27 of the revised Code of Ordinances shall be amended as a means changing the maximum building height or structure in the designated zoning districts to 65 feet. Language in the identified sections shall be amended as follows:

Section 27-36. - B-2 highway business district, Part G Maximum Height shall be 65 feet.

Section 27-37. - B-3 highway business district, Part G Maximum Height shall be 65 feet.

Section 2. Saving Clause.

Should any section, clause, or provision of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 3. Effective Clause.

This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

Adopted:

1st Reading:

2nd Reading:

Publication Date:

Effective Date:

Stephanie Moser, Mayor

Attest:

Al Viereck, Finance Officer

Memorandum #21-88

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Planning Commission Action #21-21 / Resolution #21-35
Date: May 13, 2021

PLAT REVIEW

ACTION NUMBER: 21-21

E.T.J. MEMBER ACTION REQUIRED: No

APPLICANT / OWNER: Anthony and Patricia Benjamin, Trustees, Tony and Pat Benjamin Revocable Trust.

ADDRESS / LOCATION: 3010 Broadway Avenue.

PROPERTY DESCRIPTION: A Replat of Lots 4 and 5 of the Replat of Lots 1, 2, 3, 10, 11 and 12 of Block 2, Airport Acres, in the City of Yankton, Yankton County, South Dakota, hereafter to be known as: Lots 4A and 5A, Block 2, Airport Acres, City and County of Yankton, South Dakota.

ZONING DISTRICT: B-2 Highway Business.

PREVIOUS ACTION: Original Airport Acres Plat and subsequent replats.

COMMENTS: The proposed replat of a replat constitutes a very simple adjustment of the property lines and a reduction in total number of lots in the site.

We do not have knowledge of the eventual occupancy of the Broadway frontage lots at this time. While the owner has the right to plat without knowing an eventual occupancy, the state and city also have the right, based on eventual occupancy, to require a traffic study and possible construction project to address potential access management issues on Broadway Avenue and 31st Street. Therefore, no building permits for the site will be issued until cleared by the State Department of Transportation and City Public Works Department.

All of the applicable subdivision regulations, other than the needed access planning which will occur when an occupancy is identified, have been accounted for.

Staff recommends approval of the proposed plat.

MEETING SCHEDULE:

May 10, 2021:	Planning Commission reviews the plat and makes a recommendation to the City Commission.
May 24, 2021:	City Commission reviews the plat and takes action.

Planning Commission results: The Planning Commission recommended approval of the proposed plat.

_____ Roll Call

RESOLUTION #21-35

WHEREAS, the A Replat of Lots 4 and 5 of the Replat of Lots 1, 2, 3, 10, 11 and 12 of Block 2, Airport Acres, in the City of Yankton, Yankton County, South Dakota, hereafter to be known as: Lots 4A and 5A, Block 2, Airport Acres, City and County of Yankton, South Dakota has been prepared by John L. Brandt, 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.

Adopted:

Stephanie Moser, Mayor

ATTEST:

Al Viereck, Finance Officer



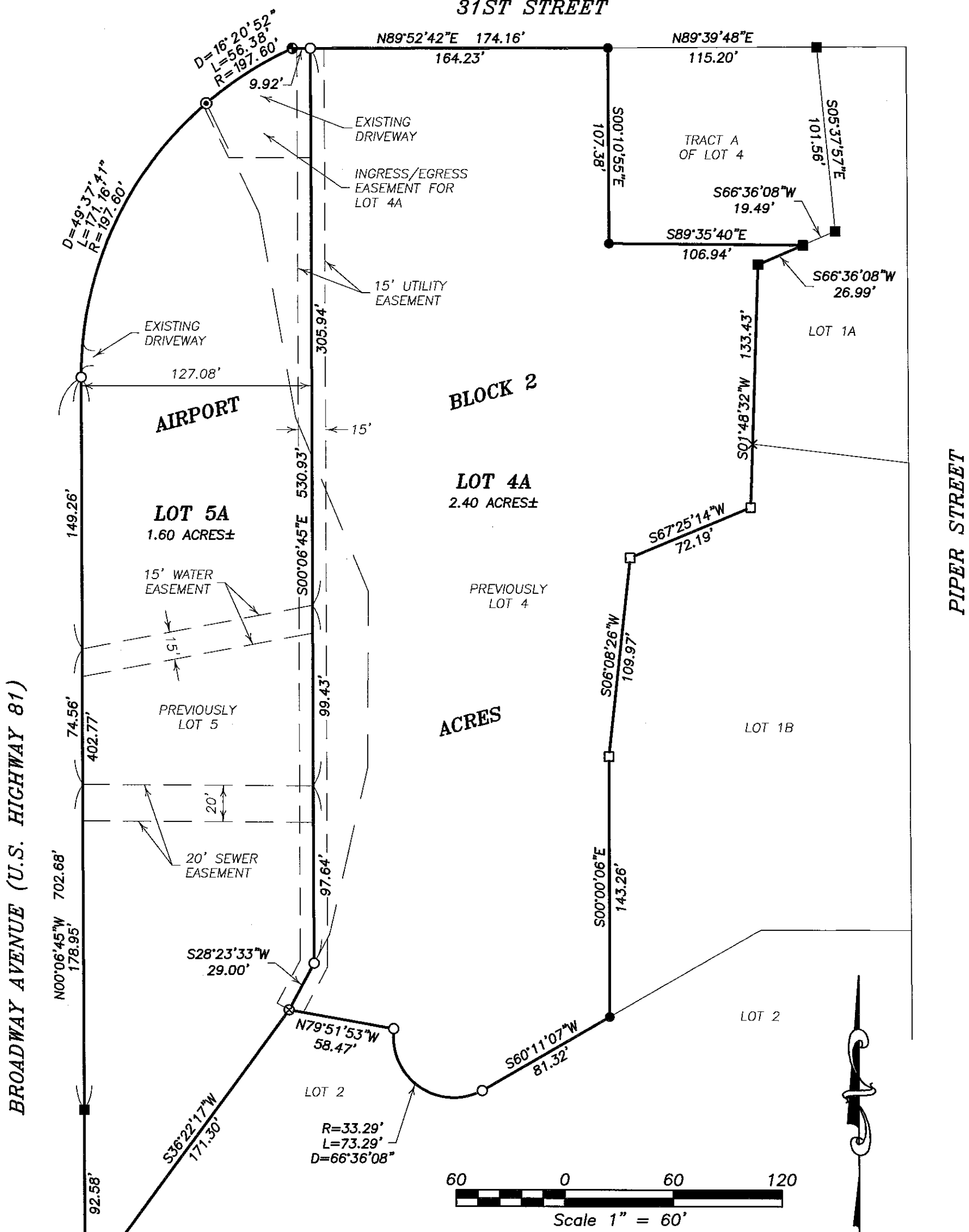
City of Yankton

Plat Location Map

A Replat of Lots 4 & 5 of the Replat of Lots 1, 2, 3, 10, 11, & 12 of Block 2, Airport Acres, in the City of Yankton, Yankton County, South Dakota Hereafter to be known as: Lots 4A & 5A, Block 2, Airport Acres, City & County of Yankton, South Dakota

A REPLAT OF LOTS 4 AND 5 OF THE REPLAT OF LOTS 1, 2, 3, 10, 11 AND 12 OF BLOCK 2, AIRPORT ACRES, IN THE CITY OF YANKTON, YANKTON COUNTY, SOUTH DAKOTA, HEREAFTER TO BE KNOWN AS:
 LOTS 4A AND 5A, BLOCK 2, AIRPORT ACRES, CITY AND COUNTY OF YANKTON, SOUTH DAKOTA.

31ST STREET



LEGEND

- SET 5/8" REBAR WITH L.S. CAP STAMPED "J. BRANDT R.L.S. 5349"
- FOUND 5/8" REBAR WITH L.S. CAP STAMPED "JOHNSON L.S. 2919"
- ⊙ FOUND 5/8" REBAR WITH L.S. CAP STAMPED "KENNEDY L.S. 5350"
- ⊕ FOUND PK NAIL
- FOUND IRON PIPE
- ⊗ FOUND NAIL, SET 5349
- × FOUND CHISELED "X"
- TOP EDGE OF RETAINING WALL

NOTE:
BASIS OF BEARING
BY GPS OBSERVATION

PREPARED BY:
BRANDT LAND SURVEYING
1202 WILLOWDALE ROAD
YANKTON, SD 57078
(605) 665-8455

THIS PLAT HEREBY VACATES LOTS 4 AND 5 OF THE REPLAT OF LOTS 1, 2, 3, 10, 11 AND 12 OF BLOCK 2, AIRPORT ACRES, IN THE CITY OF YANKTON, YANKTON COUNTY, SOUTH DAKOTA, AS RECORDED IN BOOK S11 OF PLATS, PAGE 15.

Memorandum #21-89

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Planning Commission Action #21-22 / Resolution #21-36
Date: May 13, 2021

PLAT REVIEW

ACTION NUMBER: 21-22

E.T.J. MEMBER ACTION REQUIRED: No

APPLICANT / OWNER: Dennis L. Christensen, President, Deerfield Truck and Equipment Company.

ADDRESS / LOCATION: South side of the 3900 Block of W. 8th Street. Please reference the attached Plat Location Map.

PROPERTY DESCRIPTION: Lot 1, Whitetail Run, in the SE 1/4 of the NE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota.

ZONING DISTRICT: County jurisdiction.

PREVIOUS ACTION: Multiple Whitetail Run Tracts and Lots in 2014 - 2020.

COMMENTS: The proposed plat formalizes the legal descriptions and boundary for Lot 1 in a previously planned but unplatted location in Whitetail Run Subdivision. The location is within the City's three mile plating jurisdiction allowing the City to require the dedication of right-of-way along the extension of the planned street grid. In the area that this plat is located, dedications would include right-of-way corridors along sections lines, quarter lines and sixteenth lines or as previously planned in the subdivision.

The proposed plat meets the requirements of the City's review criteria. The proposal will be subject to county platting and land use / zoning approval requirements as it moves forward through that process.

Staff recommends approval of the proposed plat.

MEETING SCHEDULE:

May 10, 2021: Planning Commission reviews plat and makes recommendation to the City Commission.

May 24, 2021: City Commission reviews the plat and makes a final decision.

Planning Commission results: The Planning Commission recommended approval of the proposed plat.

RESOLUTION #21-36

WHEREAS, the plat of Lot 1, Whitetail Run, in the SE 1/4 of the NE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota, has been prepared by John L. Brandt, 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.

Adopted:

Stephanie Moser, Mayor

ATTEST:

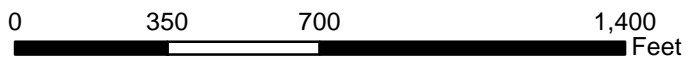
Al Viereck, Finance Officer



City of Yankton

Plat Location Map

Plat of Lot 1, Whitetail Run in the NE1/4 of the SE1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota



PLAT OF LOT 1, WHITETAIL RUN, IN THE SE1/4 OF THE NE1/4 OF SECTION 16, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA

EXISTING DRIVEWAY
 42°52'33.81327" N
 97°27'41.25996" W

PREPARED BY:
 BRANDT LAND SURVEYING
 1202 WILLOWDALE ROAD
 YANKTON, SD 57078
 (605) 665-8455

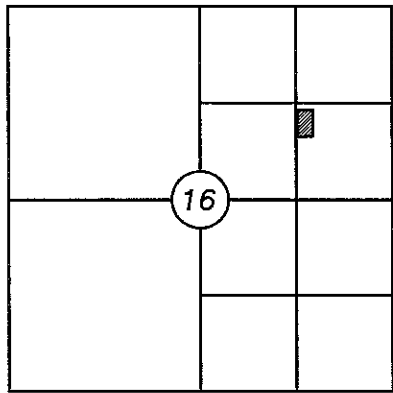
NOTE:
 BASIS OF BEARING
 BY GPS OBSERVATION



LEGEND

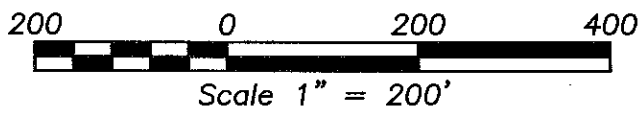
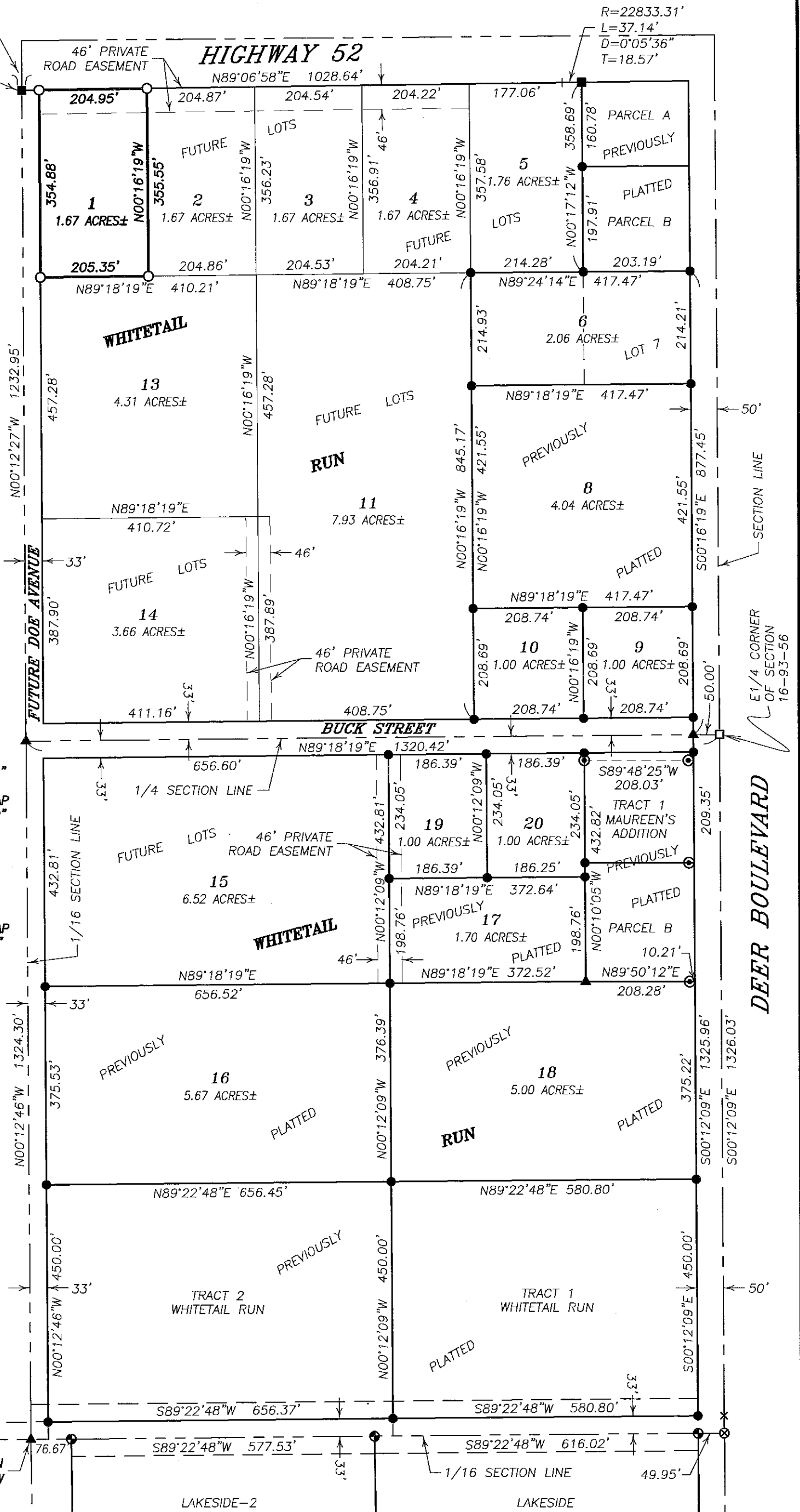
- SET 5/8" REBAR WITH L.S. CAP STAMPED "J. BRANDT R.L.S. 5349"
- FOUND 5/8" REBAR WITH L.S. CAP STAMPED "J. BRANDT R.L.S. 5349"
- FOUND 5/8" REBAR
- FOUND ALUMINUM DOT CAP
- ⊗ FOUND P-K NAIL
- ⊙ FOUND 5/8" REBAR WITH L.S. CAP STAMPED "TOM WEEK PELS 2912"
- ▲ FOUND IRON PIPE WITH L.S. CAP STAMPED "SKROCH 9110"
- ⊙ FOUND IRON PIPE
- × CALCULATED CORNER

NO EXISTING DRIVEWAYS



LOCATION (N.T.S.)

42°52'08.55597" N
 97°27'41.11486" W



Memorandum #21-90

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Planning Commission Action #21-23 / Resolution #21-37
Date: May 13, 2021

PLAT REVIEW

ACTION NUMBER: 21-23

E.T.J. MEMBER ACTION REQUIRED: No

APPLICANT / OWNER: Dennis L. Christensen, President, Deerfield Truck and Equipment Company.

ADDRESS / LOCATION: South side of the 3900 Block of W. 8th Street. Please reference the attached Plat Location Map.

PROPERTY DESCRIPTION: Lot 2, Whitetail Run, in the SE 1/4 of the NE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota.

ZONING DISTRICT: County jurisdiction.

PREVIOUS ACTION: Multiple Whitetail Run Tracts and Lots in 2014 - 2020.

COMMENTS: The proposed plat formalizes the legal descriptions and boundary for Lot 2 in a previously planned but unplatted location in Whitetail Run Subdivision. The location is within the City's three mile plating jurisdiction allowing the City to require the dedication of right-of-way along the extension of the planned street grid. In the area that this plat is located, dedications would include right-of-way corridors along sections lines, quarter lines and sixteenth lines or as previously planned in the subdivision.

The proposed plat meets the requirements of the City's review criteria. The proposal will be subject to county platting and land use / zoning approval requirements as it moves forward through that process.

Staff recommends approval of the proposed plat.

MEETING SCHEDULE:

May 10, 2021: Planning Commission reviews plat and makes recommendation to the City Commission.

May 24, 2021: City Commission reviews the plat and makes a final decision.

Planning Commission results: The Planning Commission recommended approval of the proposed plat.

_____ Roll Call

RESOLUTION #21-37

WHEREAS, the plat of Lot 2, Whitetail Run, in the SE 1/4 of the NE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota, has been prepared by John L. Brandt, 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.

Adopted:

Stephanie Moser, Mayor

ATTEST:

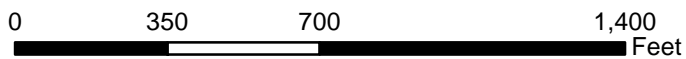
Al Viereck, Finance Officer



City of Yankton

Plat Location Map

Plat of Lot 2, Whitetail Run in the NE1/4 of the SE1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota



PLAT OF LOT 2, WHITETAIL RUN, IN THE SE1/4 OF THE NE1/4 OF SECTION 16, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA

EXISTING DRIVEWAY
 42°52'33.81327" N
 97°27'41.25996" W

R=22833.31'
 L=37.14'
 D=0°05'36"
 T=18.57'

PREPARED BY:
 BRANDT LAND SURVEYING
 1202 WILLOWDALE ROAD
 YANKTON, SD 57078
 (605) 665-8455

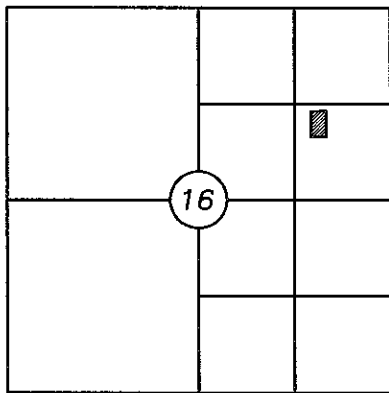
NOTE:
 BASIS OF BEARING
 BY GPS OBSERVATION



LEGEND

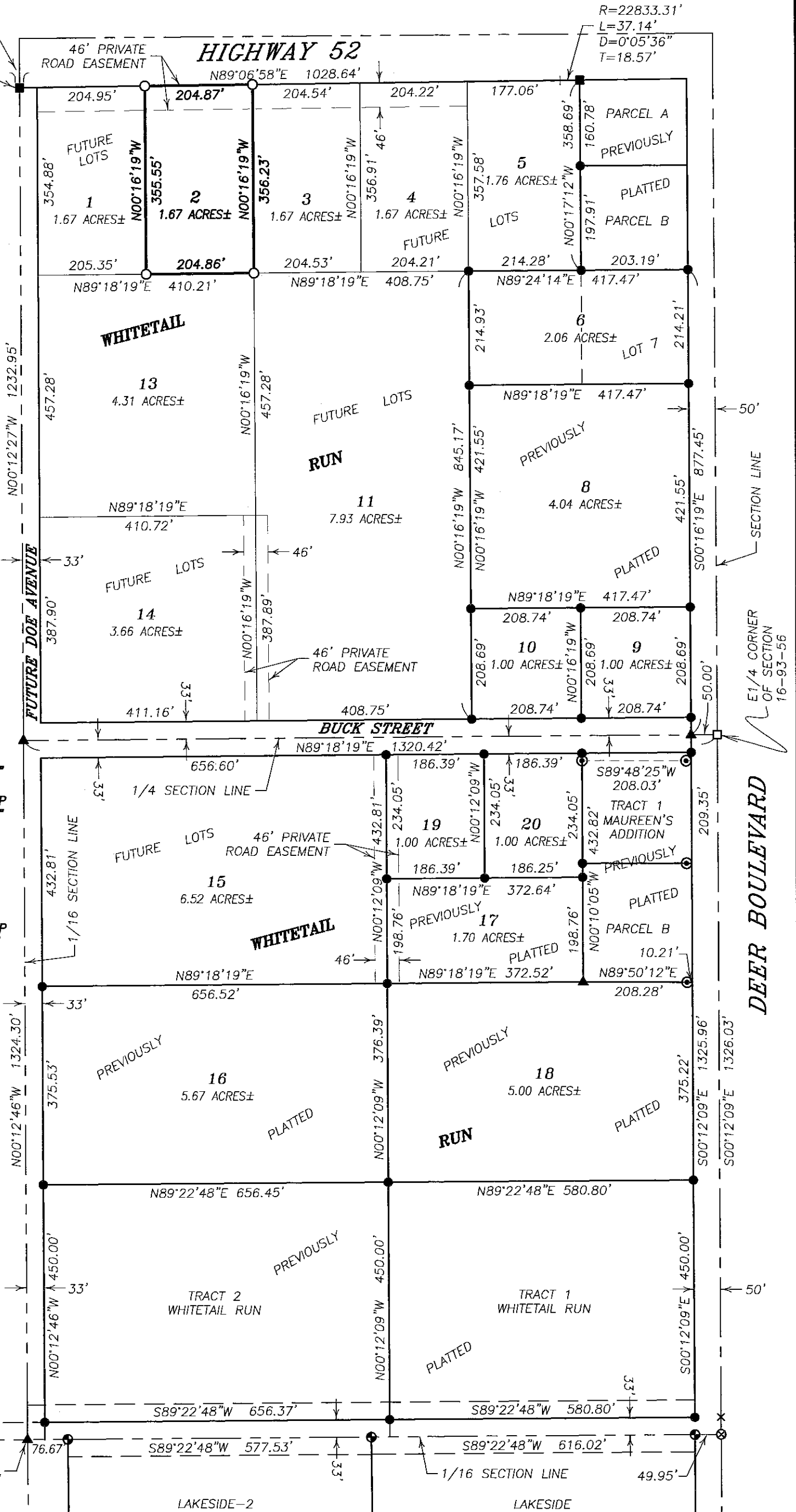
- SET 5/8" REBAR WITH L.S. CAP STAMPED "J. BRANDT R.L.S. 5349"
- FOUND 5/8" REBAR WITH L.S. CAP STAMPED "J. BRANDT R.L.S. 5349"
- FOUND 5/8" REBAR
- FOUND ALUMINUM DOT CAP
- ⊗ FOUND P-K NAIL
- ⊙ FOUND 5/8" REBAR WITH L.S. CAP STAMPED "TOM WEEK PELS 2912"
- ▲ FOUND IRON PIPE WITH L.S. CAP STAMPED "SKROCH 9110"
- ⊙ FOUND IRON PIPE
- × CALCULATED CORNER

NO EXISTING DRIVEWAYS



LOCATION (N.T.S.)

42°52'08.55597" N
 97°27'41.11486" W



Scale 1" = 200'

Memorandum #21-91

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Planning Commission Action #21-24 / Resolution #21-38
Date: May 13, 2021

PLAT REVIEW

ACTION NUMBER: 21-24

E.T.J. MEMBER ACTION REQUIRED: No

APPLICANT / OWNER: Dennis L. Christensen, President, Deerfield Truck and Equipment Company.

ADDRESS / LOCATION: North side of the 3900 block of Buck Street. Please reference the attached Plat Location Map.

PROPERTY DESCRIPTION: Lot 11, Whitetail Run, in the SE 1/4 of the NE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota.

ZONING DISTRICT: County jurisdiction.

PREVIOUS ACTION: Multiple Whitetail Run Tracts and Lots in 2014 - 2020.

COMMENTS: The proposed plat formalizes the legal descriptions and boundary for Lot 11 in a previously planned but unplatted location in Whitetail Run Subdivision. The location is within the City's three mile plating jurisdiction allowing the City to require the dedication of right-of-way along the extension of the planned street grid. In the area that this plat is located, dedications would include right-of-way corridors along sections lines, quarter lines and sixteenth lines or as previously planned in the subdivision.

The proposed plat meets the requirements of the City's review criteria. The proposal will be subject to county platting and land use / zoning approval requirements as it moves forward through that process.

Staff recommends approval of the proposed plat.

MEETING SCHEDULE:

May 10, 2021: Planning Commission reviews plat and makes recommendation to the City Commission.

May 24, 2021: City Commission reviews the plat and makes a final decision.

Planning Commission results: The Planning Commission recommended approval of the proposed plat.

_____ Roll Call

RESOLUTION #21-38

WHEREAS, the plat of Lot 11, Whitetail Run, in the SE 1/4 of the NE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota, has been prepared by John L. Brandt, 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.

Adopted:

Stephanie Moser, Mayor

ATTEST:

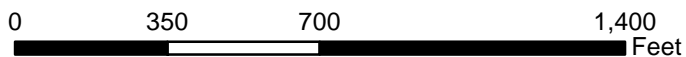
Al Viereck, Finance Officer



City of Yankton

Plat Location Map

Plat of Lot 11, Whitetail Run in the NE1/4 of the SE1/4 of Section 16, T93N, R56W
of the 5th P.M., Yankton County, South Dakota



PLAT OF LOT 11, WHITETAIL RUN, IN THE SE1/4 OF THE NE1/4 OF SECTION 16, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA

EXISTING DRIVEWAY
 42°52'33.81327" N
 97°27'41.25996" W

R=22833.31'
 L=37.14'
 D=0°05'36"
 T=18.57'

PREPARED BY:
 BRANDT LAND SURVEYING
 1202 WILLOWDALE ROAD
 YANKTON, SD 57078
 (605) 665-8455

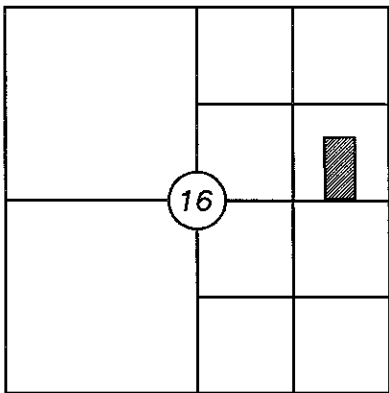
NOTE:
 BASIS OF BEARING
 BY GPS OBSERVATION



LEGEND

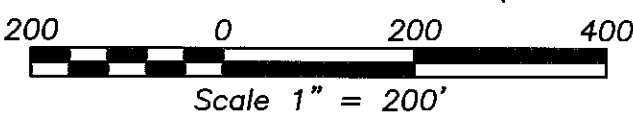
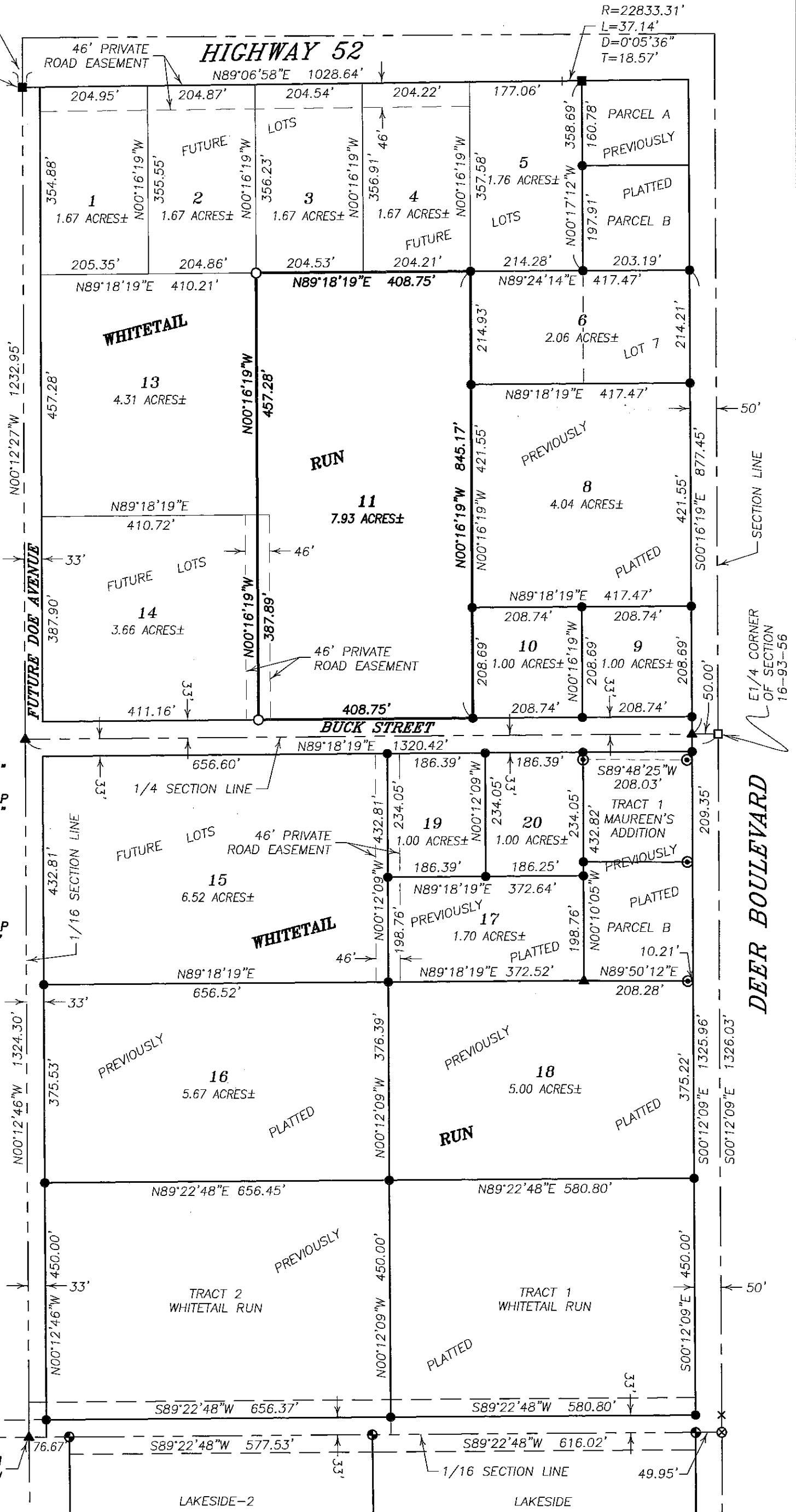
- SET 5/8" REBAR WITH L.S. CAP STAMPED "J. BRANDT R.L.S. 5349"
- FOUND 5/8" REBAR WITH L.S. CAP STAMPED "J. BRANDT R.L.S. 5349"
- FOUND 5/8" REBAR
- FOUND ALUMINUM DOT CAP
- ⊗ FOUND P-K NAIL
- ⊙ FOUND 5/8" REBAR WITH L.S. CAP STAMPED "TOM WEEK PELS 2912"
- ▲ FOUND IRON PIPE WITH L.S. CAP STAMPED "SKROCH 9110"
- ⊙ FOUND IRON PIPE
- × CALCULATED CORNER

NO EXISTING DRIVEWAYS



LOCATION (N.T.S.)

42°52'08.55597" N
 97°27'41.11486" W



Memorandum #21-92

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Planning Commission Action #21-25 / Resolution #21-39
Date: May 13, 2021

PLAT REVIEW

ACTION NUMBER: 21-25

E.T.J. MEMBER ACTION REQUIRED: No

APPLICANT / OWNER: Dennis L. Christensen, President, Deerfield Truck and Equipment Company.

ADDRESS / LOCATION: 605 Deer Boulevard. Please reference the attached Plat Location Map.

PROPERTY DESCRIPTION: Replat of Lots 6 and 8, Whitetail Run, in the SE 1/4 of the NE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Hereafter to be known as: Lot 12, Whitetail Run, in the SE 1/4 of the NE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota.

ZONING DISTRICT: County jurisdiction.

PREVIOUS ACTION: Multiple Whitetail Run Tracts and Lots in 2014 - 2020.

COMMENTS: The proposal is a replat of the identified lots to create one lot. The lot is located in the previously planned Whitetail Run Subdivision. The location is within the City's three mile platting jurisdiction allowing the City to require the dedication of right-of-way along the extension of the planned street grid. In the area that this plat is located, dedications would include right-of-way corridors along sections lines, quarter lines and sixteenth lines or as previously planned in the subdivision.

The proposed plat meets the requirements of the City's review criteria. The proposal will be subject to county platting and land use / zoning approval requirements as it moves forward through that process.

Staff recommends approval of the proposed plat.

MEETING SCHEDULE:

May 10, 2021: Planning Commission reviews plat and makes recommendation to the City Commission.

May 24, 2021: City Commission reviews the plat and makes a final decision.

Planning Commission results: The Planning Commission recommended approval of the proposed plat.

_____ Roll Call

RESOLUTION #21-39

WHEREAS, the Replat of Lots 6 and 8, Whitetail Run, in the SE 1/4 of the NE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Hereafter to be known as: Lot 12, Whitetail Run, in the SE 1/4 of the NE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota, has been prepared by John L. Brandt, 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.

Adopted:

Stephanie Moser, Mayor

ATTEST:

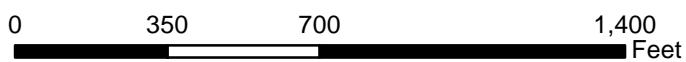
Al Viereck, Finance Officer



City of Yankton

Plat Location Map

A Replat of Lots 6 & 8 in Whitetail Run, Hereafter to be known as:
Lot 12, Whitetail Run in the NE1/4 of the SE1/4 of Section 16, T93N, R56W
of the 5th P.M., Yankton County, South Dakota



**A REPLAT OF LOTS 6 AND 8, WHITETAIL RUN, IN THE SE1/4 OF THE NE1/4 OF SECTION 16, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA, HEREAFTER TO BE KNOWN AS:
 LOT 12, WHITETAIL RUN, IN THE SE1/4 OF THE NE1/4 OF SECTION 16, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.**

PREPARED BY:
 BRANDT LAND SURVEYING
 1202 WILLOWDALE ROAD
 YANKTON, SD 57078
 (605) 665-8455

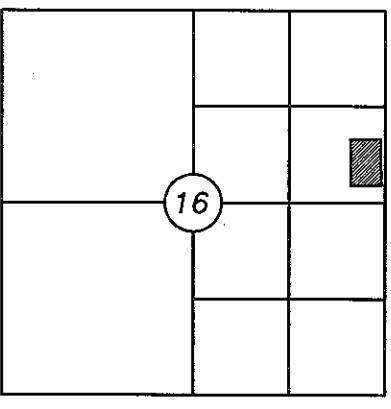
NOTE:
 BASIS OF BEARING
 BY GPS OBSERVATION



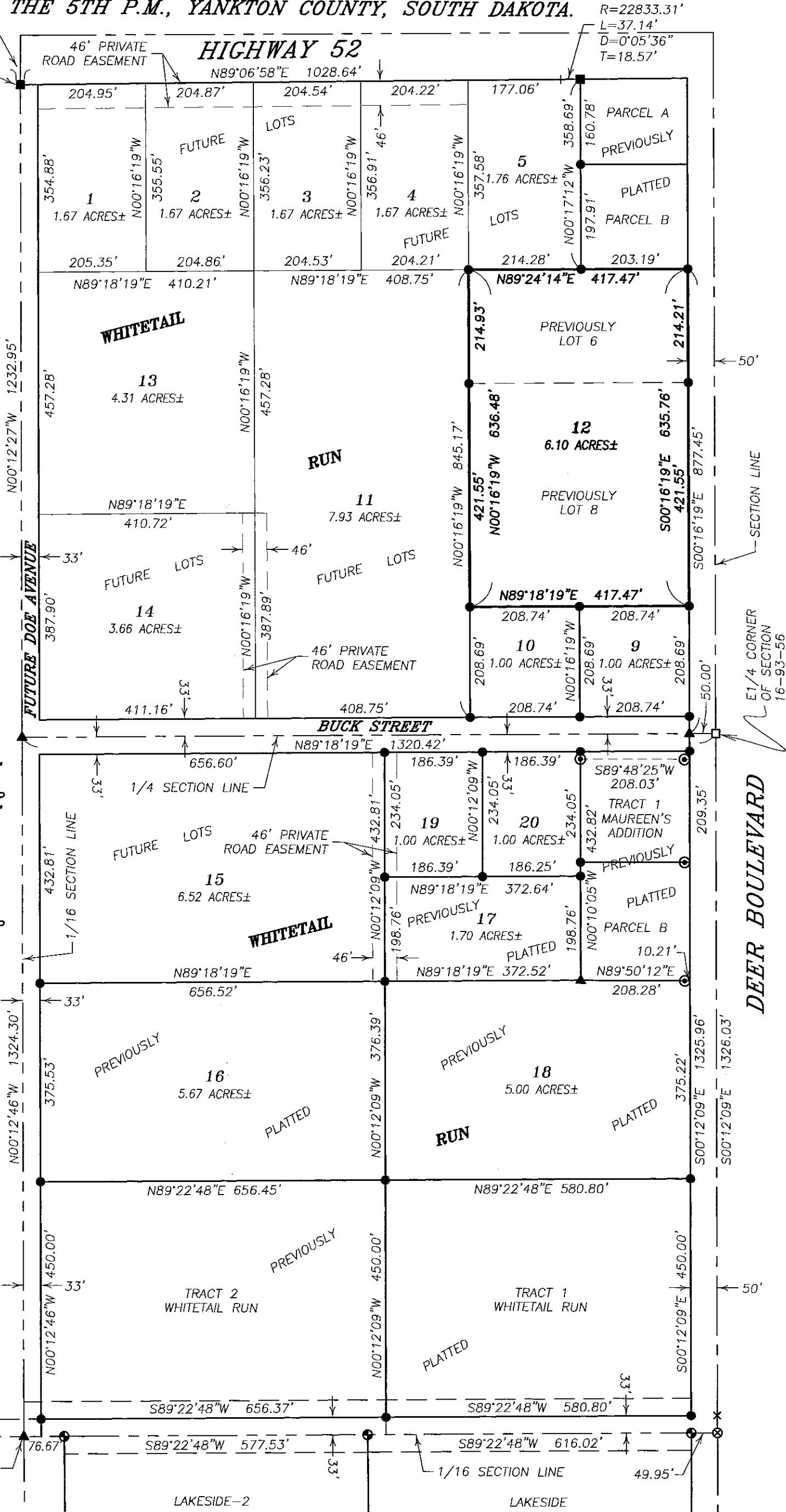
LEGEND

- SET 5/8" REBAR WITH L.S. CAP STAMPED "J. BRANDT R.L.S. 5349"
- FOUND 5/8" REBAR WITH L.S. CAP STAMPED "J. BRANDT R.L.S. 5349"
- FOUND 5/8" REBAR
- FOUND ALUMINUM DOT CAP
- ⊗ FOUND P-K NAIL
- ⊕ FOUND 5/8" REBAR WITH L.S. CAP STAMPED "TOM WEEK PELS 2912"
- ▲ FOUND IRON PIPE WITH L.S. CAP STAMPED "SKROCH 9110"
- ⊙ FOUND IRON PIPE
- × CALCULATED CORNER

NO EXISTING DRIVEWAYS



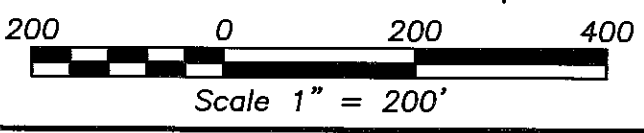
LOCATION (N.T.S.)



R=22833.31'
 L=37.14'
 D=0°05'36"
 T=18.57'

EXISTING DRIVEWAY
 42°52'33.81327" N
 97°27'41.25996" W

42°52'08.55597" N
 97°27'41.11486" W



Memorandum #21-93

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Planning Commission Action #21-26 / Resolution #21-40
Date: May 13, 2021

PLAT REVIEW

ACTION NUMBER: 21-26

E.T.J. MEMBER ACTION REQUIRED: No

APPLICANT / OWNER: Dennis L. Christensen, President, Deerfield Truck and Equipment Company.

ADDRESS / LOCATION: South side of the 3900 block of Buck Street. Please reference the attached Plat Location Map.

PROPERTY DESCRIPTION: Lot 15, Whitetail Run, in the NE 1/4 of the SE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota.

ZONING DISTRICT: County jurisdiction.

PREVIOUS ACTION: Multiple Whitetail Run Tracts and Lots in 2014 - 2020.

COMMENTS: The proposed plat formalizes the legal descriptions and boundary for Lot 15 in a previously planned but unplatted location in Whitetail Run Subdivision. The location is within the City's three mile plating jurisdiction allowing the City to require the dedication of right-of-way along the extension of the planned street grid. In the area that this plat is located, dedications would include right-of-way corridors along sections lines, quarter lines and sixteenth lines or as previously planned in the subdivision.

The proposed plat meets the requirements of the City's review criteria. The proposal will be subject to county platting and land use / zoning approval requirements as it moves forward through that process.

Staff recommends approval of the proposed plat.

MEETING SCHEDULE:

May 10, 2021: Planning Commission reviews plat and makes recommendation to the City Commission.

May 24, 2021: City Commission reviews the plat and makes a final decision.

Planning Commission results: The Planning Commission recommended approval of the proposed plat.

_____ Roll Call

RESOLUTION #21-40

WHEREAS, the plat of Lot 15, Whitetail Run, in the NE 1/4 of the SE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota, has been prepared by John L. Brandt, 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.

Adopted:

Stephanie Moser, Mayor

ATTEST:

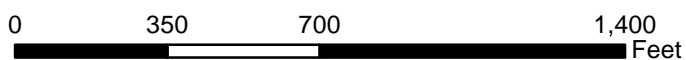
Al Viereck, Finance Officer



City of Yankton

Plat Location Map

Plat of Lot 15, Whitetail Run in the NE1/4 of the SE1/4 of Section 16, T93N, R56W
of the 5th P.M., Yankton County, South Dakota



PLAT OF LOT 15, WHITETAIL RUN, IN THE NE1/4 OF THE SE1/4 OF SECTION 16, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA

EXISTING DRIVEWAY
 42°52'33.81327" N
 97°27'41.25996" W

PREPARED BY:
 BRANDT LAND SURVEYING
 1202 WILLOWDALE ROAD
 YANKTON, SD 57078
 (605) 665-8455

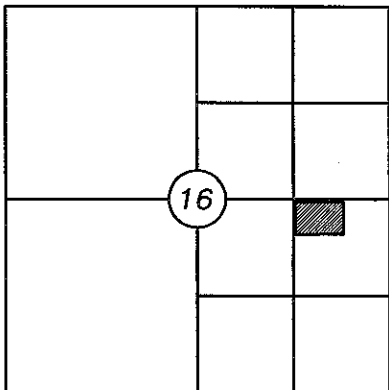
NOTE:
 BASIS OF BEARING
 BY GPS OBSERVATION



LEGEND

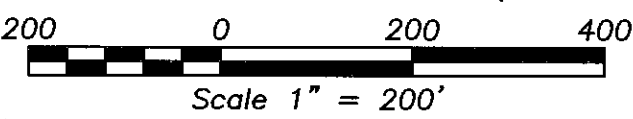
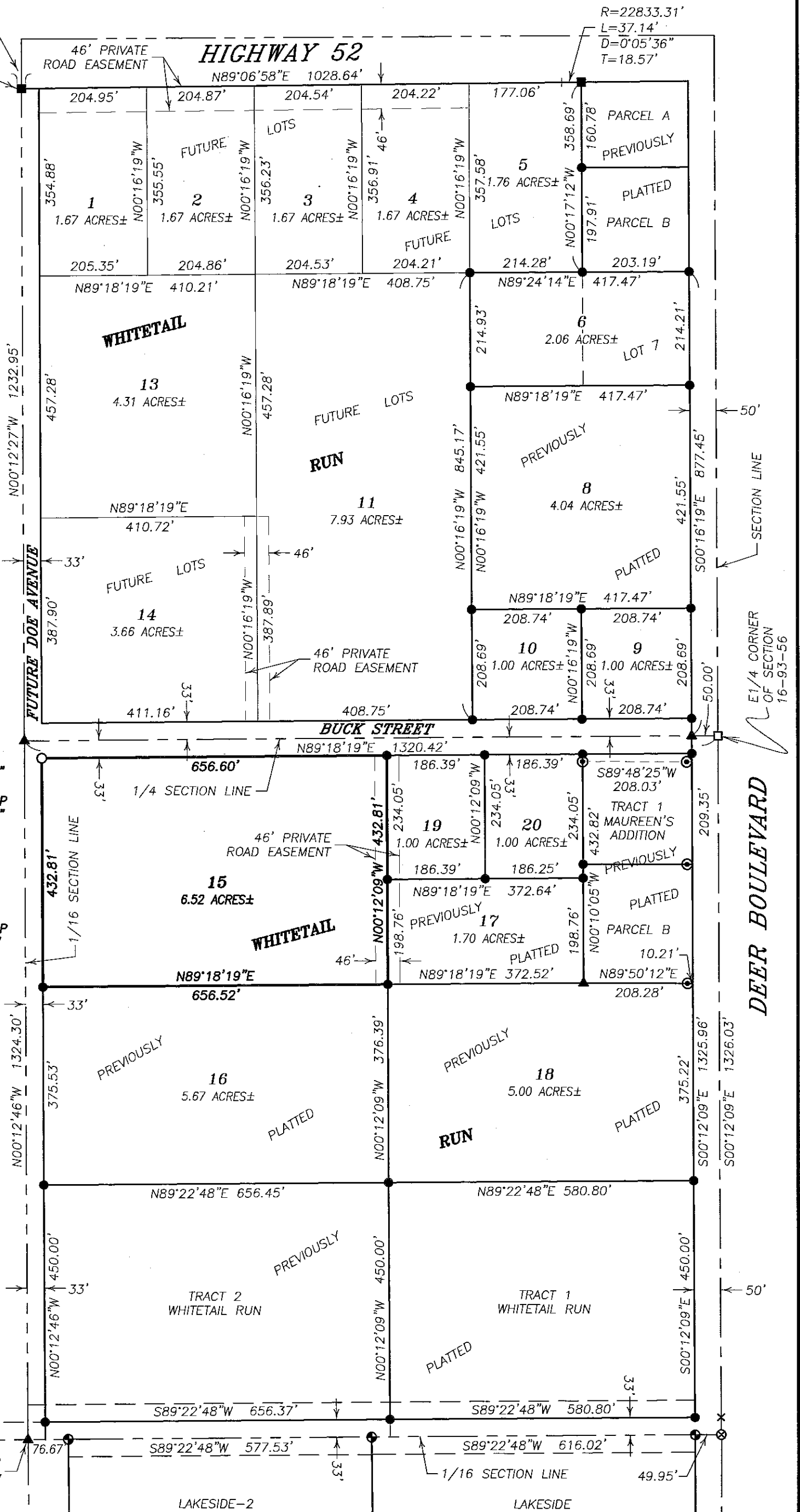
- SET 5/8" REBAR WITH L.S. CAP STAMPED "J. BRANDT R.L.S. 5349"
- FOUND 5/8" REBAR WITH L.S. CAP STAMPED "J. BRANDT R.L.S. 5349"
- FOUND 5/8" REBAR
- FOUND ALUMINUM DOT CAP
- ⊗ FOUND P-K NAIL
- ⊙ FOUND 5/8" REBAR WITH L.S. CAP STAMPED "TOM WEEK PELS 2912"
- ▲ FOUND IRON PIPE WITH L.S. CAP STAMPED "SKROCH 9110"
- ⊙ FOUND IRON PIPE
- × CALCULATED CORNER

NO EXISTING DRIVEWAYS



LOCATION (N.T.S.)

42°52'08.55597" N
 97°27'41.11486" W



Memorandum #21-94

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Planning Commission Action #21-27 / Resolution #21-41
Date: May 13, 2021

PLAT REVIEW

ACTION NUMBER: 21-27

E.T.J. MEMBER ACTION REQUIRED: No

APPLICANT / OWNER: Mark and Sharlotte Peterson Trustees of the Mark and Shar Peterson Revocable Trust.

ADDRESS / LOCATION: 2804 W. 8th Street. Please reference the attached map

PROPERTY DESCRIPTION: A Replat of Lot K-2 and the East 158' of Parcel 2 of Lot K-1, in the N 1/2 of the NE 1/4 of Section 15, T93N, R56W of the 5th P.M., Yankton County, South Dakota, to be hereafter known as: Lots 1 and 2, Metz-Peterson Addition, in the N 1/2 of the NE 1/4 of Section 15, T93N, R56W of the 5th P.M., Yankton County, South Dakota.

ZONING DISTRICT: County jurisdiction.

PREVIOUS ACTION: None.

COMMENTS: The location is within the City's three mile plating jurisdiction allowing the City to require the dedication of right-of-way along the extension of the planned street grid. Because of the topography of the area, it has been previously determined that standard north-south dedications are not practical or needed in alignments other than section lines. East 8th Street, which is also South Dakota Highway 52, provides the necessary right of way for transportation and utility purposes.

The proposal will be subject to county platting and land use / zoning approval requirements as it moves forward through that process. The plat will also be subject to South Dakota Department of Transportation access management program requirements because it is adjacent to a state highway.

Staff recommends approval of the proposed plat.

MEETING SCHEDULE:

May 10, 2021: Planning Commission reviews plat and makes recommendation to the City Commission.

May 24, 2021: City Commission reviews the plat and makes a final decision.

Planning Commission results: The Planning Commission recommended approval of the proposed plat.

_____ Roll Call

RESOLUTION #21-41

WHEREAS, the Replat of Lot K-2 and the East 158' of Parcel 2 of Lot K-1, in the N 1/2 of the NE 1/4 of Section 15, T93N, R56W of the 5th P.M., Yankton County, South Dakota, to be hereafter known as: Lots 1 and 2, Metz-Peterson Addition, in the N 1/2 of the NE 1/4 of Section 15, T93N, R56W of the 5th P.M., Yankton County, South Dakota, has been prepared by John L. Brandt, 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.

Adopted:

Stephanie Moser, Mayor

ATTEST:

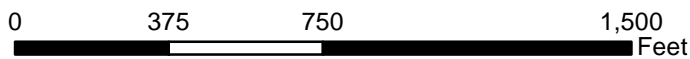
Al Viereck, Finance Officer



City of Yankton

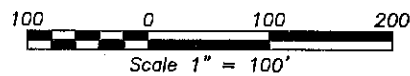
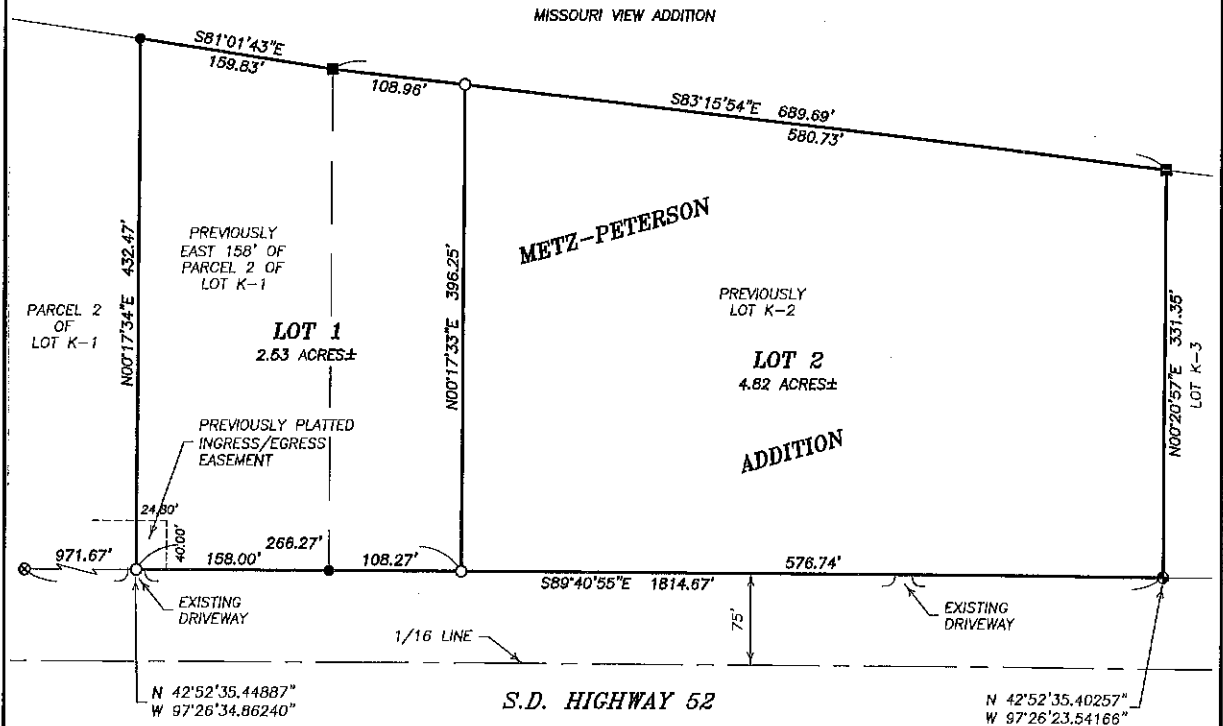
Plat Location Map

A Replat of Lot K-2 & the E 158' of Parcel 2 of Lot K-1 Hereafter to be known as:
Lots 1 & 2, Metz-Peterson Addition, in the NE1/2 of the NE1/4 of Section 15, T93N, R56W
of the 5th P.M., Yankton County, South Dakota



A REPLAT OF LOT K-2 AND THE EAST 158' OF PARCEL 2 OF LOT K-1, IN THE N1/2 OF THE NE1/4 OF SECTION 15, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA, HEREAFTER TO BE KNOWN AS:

LOTS 1 AND 2, METZ-PETERSON ADDITION, IN THE N1/2 OF THE NE1/4 OF SECTION 15, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.



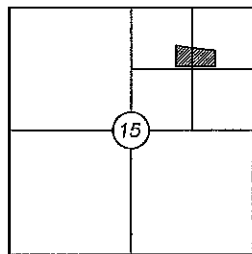
LEGEND

- SET 5/8" REBAR WITH L.S. CAP STAMPED "J. BRANDT R.L.S. 5349"
- FOUND 5/8" REBAR WITH L.S. CAP STAMPED "TJK R.L.S. 6841"
- ⊙ FOUND 5/8" REBAR
- FOUND IRON PIPE
- ⊗ FOUND DOT T POST

NOTE:
BASIS OF BEARING
BY GPS OBSERVATION

PREPARED BY:
BRANDT LAND SURVEYING
1202 WILLOWDALE ROAD
YANKTON, SD 57078
(605) 885-8455

THIS PLAT HEREBY VACATES LOT K-2 AND THE EAST 158' OF PARCEL 2 OF LOT K-1, IN THE N1/2 OF THE NE1/4 OF SECTION 15, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA, AS RECORDED IN BOOK S13 OF PLATS, PAGE 11, AND BOOK S19 OF PLATS, PAGE 325.



SURVEYOR'S CERTIFICATE

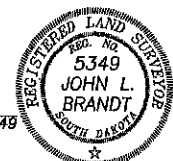
I, JOHN L. BRANDT, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY AND REPLAT OF LOT K-2 AND THE EAST 158' OF PARCEL 2 OF LOT K-1, IN THE N1/2 OF THE NE1/4 OF SECTION 15, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA, HEREAFTER TO BE KNOWN AS:

LOTS 1 AND 2, METZ-PETERSON ADDITION, IN THE NE1/4 OF THE N1/2 OF SECTION 15, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.

I HAVE SET IRON REBAR AS SHOWN AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 15TH DAY OF APRIL, 2021.

John L. Brandt
JOHN L. BRANDT REG. NO. 5349



***Board of Adjustment Introduction, First Reading and
Establish the Date for a Public Hearing***

Memorandum #21-105

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Establish June 14, 2021 as the Hearing Date for Zoning Board of
Adjustment Action on Planning Commission Action Number 21-14.
Date: May 13, 2021

REQUEST FOR VARIANCE TO ZONING REGULATIONS

ACTION NUMBER: 21-14

E.T.J. MEMBER ACTION REQUIRED: No

APPLICANT / OWNER: Jeff Koster, owner.

ADDRESS / LOCATION: 3007 Broadway Avenue.

PROPERTY DESCRIPTION: Lot 4, Block 1, Walmart Addition in the City of Yankton, South Dakota.

ZONING DISTRICT: B-2 Highway Business District.

VARIANCE REQUEST: The proposal is for a variance from the front yard setback requirement. Specifically, the proposal would allow a building addition to be 10 feet from the front (east) lot line. The required front yard setback in the B-2 Highway Business District is 15 feet.

PREVIOUS ACTION: None.

COMMENTS: While these comments are specific to the address, they are only specific based on the location being in a B-2 district and would also apply to all B-2 locations if there was a similar request somewhere else. To maintain a legally defensible position, it is imperative to apply the ordinance uniformly to all properties and not grant special privileges. As discussed in past requests similar to this, the consideration should be about the district regulation and if the adopted setback still represents the outcome the community wants to achieve.

____ Introduce

In the past when the City has considered issues like this we have discussed whether or not we should change the ordinance for all property rather than granting a special privilege for one property owner. The 15-foot front yard setback has applied to all of the development on properties in the B-2 District for many decades. Specific locations to the south of this request may have a reduced setback because there are provisions in the code that allows a new structure to be in line with older structures built before the ordinance was adopted.

This specific setback was discussed at length during the ordinance re-write in 1995 and multiple several times since as permits or other requests have been considered. Some other provisions of the ordinance have been changed through the years with dimensions reduced. Changes like that occur through a Planning Commission and City Commission amendment to the ordinance as it applies to all rather than granting variances for individual property owners.

It is the staff's opinion that the 15-foot setback continues to represent the intended goals. A majority of the discussions that the Planning Commission has had regarding the front yard setback in the B-2 District have been about 15 feet being a bare minimum and that the dimension should possibly be increased, not decreased. The 15-foot dimension has been maintained because a majority of the northern commercial development in town has occurred under that setback criteria over many decades. Changing the code to reduce front yard setbacks everywhere in the B-2 District would not be fair to those that have complied with the setback for many years. A reduction would also impact the visual corridor of some the most travelled streets in the community.

There is no doubt that Mr. Koster has constructed a very nice structure and developed a successful business at the location. The material submitted by him, included in your packet, describes his business, an explanation of its impact on the community and his desire to expand. Please note that Mr. Koster uses the term "right of way" to describe the distance he measured from the curb at multiple locations of other businesses along Broadway Avenue. As you know, the curb is the edge of the roadway and the right of way includes additional land that varies in dimension based on the need for utilities, sidewalks, storm water management and grading. A majority of the examples referenced in his letter have a 15 foot or greater front yard setback. Some of them are further south in the older developed area of the community where adjacent, previously constructed buildings, establish the setback line. Zoning ordinances function by being based uniformly off the property line, not the curb line.

The information in the letter of application is informative and interesting but not of consequence for consideration of a variance. We are not aware of any place in case law or statute that includes sales volumes or taxes generated in the definition of a hardship. We can also note that when originally constructed, there was the opportunity for the structure to be placed further west on the lot which would have provided space for the addition he is now requesting. The applicant also has the option of reducing the size of the addition to comply with the required setback.

Proof of hardship is the test that must be passed when considering a variance request. The below Section 27-11-2 of the code describes the parameters under which variances are considered by the City. The applicable section of the city code states the reason for granting a variance to be:

(2) The board shall be satisfied by the evidence heard before it that the granting of any variance permitted in SDCL will alleviate a hardship approaching confiscation as distinguished from special privileges sought by the owner, and be the minimum variance that will afford relief to the property owner.

The applicable section of SDCL related to granting a variance states:

11-6-25. Board of adjustment to consider variances in hardship cases-- Municipal planning and zoning adjustment provisions apply. The city council may provide for a board of adjustment, or may authorize the planning and zoning commission to serve as a board of adjustment to make special exceptions or grant variances to the regulations adopted under § 11-6-24 in specific cases, in order that unwarranted hardship, which constitutes an unreasonable deprivation of use as distinguished from the mere grant of a privilege, may be avoided.

Based on the applicable codes and SDCL, there is no documentable hardship at the site.

City staff has been contacted by two adjacent owners subsequent to sending out the notice for the Planning Commission meeting. Both just asked about the application and did not state a position for or against the proposal.

Staff recommends that the variance request be denied.

HEARING SCHEDULE:

- April 12, 2021: Planning Commission hears testimony and makes a recommendation to the Zoning Board of Adjustment.
- April 26, 2021: Zoning Board of Adjustment sets May 10, 2021 as the date for a public hearing to consider the variance.
- May 10, 2021: The applicant requested the process to be restarted because of a scheduling conflict.
- May 24, 2021: Zoning Board of Adjustment sets June 14, 2021 as the date for a public hearing to consider the variance
- June 14, 2021: Zoning Board of Adjustment hears testimony and makes final decision. Granting of a variance requires an affirmative vote of at least two-thirds of the Board.

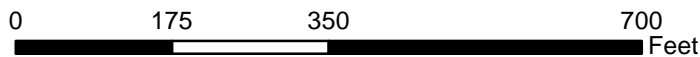
Planning Commission results: The Planning Commission recommended that the proposed variance be denied.



City of Yankton

Variance Application Location Map

3007 Broadway Avenue
 City of Yankton, Yankton County, South Dakota.



April 5, 2021

Dave Mingo, AICP
Community and Economic Development Director
City of Yankton
416 Walnut St.
Yankton, SD 57078

Dear Mr. Mingo,

Xtreme Car Wash located at 3007 N. Broadway is seeking a Variance of 5 feet for a \$1.5 million expansion project to add a Tunnel Wash to its existing site.

This wash will increase City Revenue and offer new, expanded service options to Yankton residents and visitors alike. Not only will it add considerable additional Sales Tax and Water & Sewer Revenue for the City of Yankton, it will dramatically reduce wait times for customers who are spending locally. Projected increased Sales Tax Revenue from this addition is \$39,420.00 per year as well as an increase to Water & Sewer Revenue of \$4,000.00 - \$6,000.00 per month. Combined Revenue Increase for the City of Yankton is over \$100,000.00 annually from the project.

We are not asking for City Property; we are requesting a Variance to use 5 feet of our own property. Currently, there is 10 feet of utility easement in place; there is no need for additional easement. The existing sidewalk is already on the other side of the 10 feet of utility easement, (Brandt Engineering & Survey, Survey Exhibit 1).

Attached you will also find an overhead picture of the site to demonstrate the remaining expanse, (Aerial Photo, Exhibit 2). The outer red line (East, closest to Broadway) is the actual Xtreme Car Wash property line. The two small red lines indicate the 10 feet of utility easement. The two yellow lines indicate the 30 feet needed for the expansion.

To help you see the possibilities, Exhibit 3 provides an overhead picture of the Xtreme site with the potential addition clearly delineated. I have also enclosed an artist rendering of what the completed project will look like if allowed to continue, (Rendering, Exhibit 4).

Our City has clearly set precedents for allowable and differing variances on the West side of Broadway Avenue. After completion, the new building will still be 71 feet from the right of way. Existing businesses that are closer than that are as follows:

1. Holiday Inn Express - 65 feet
2. O'Reilly Auto Parts - 25 feet

3. Pizza Hut - 20 feet
4. Walk-in-Clinic - 45 feet
5. Dairy Queen - 42 feet
6. Ron's Auto Glass - 46 feet
7. Yankton Computer - 31 feet
8. Luken Memorials - 8 feet

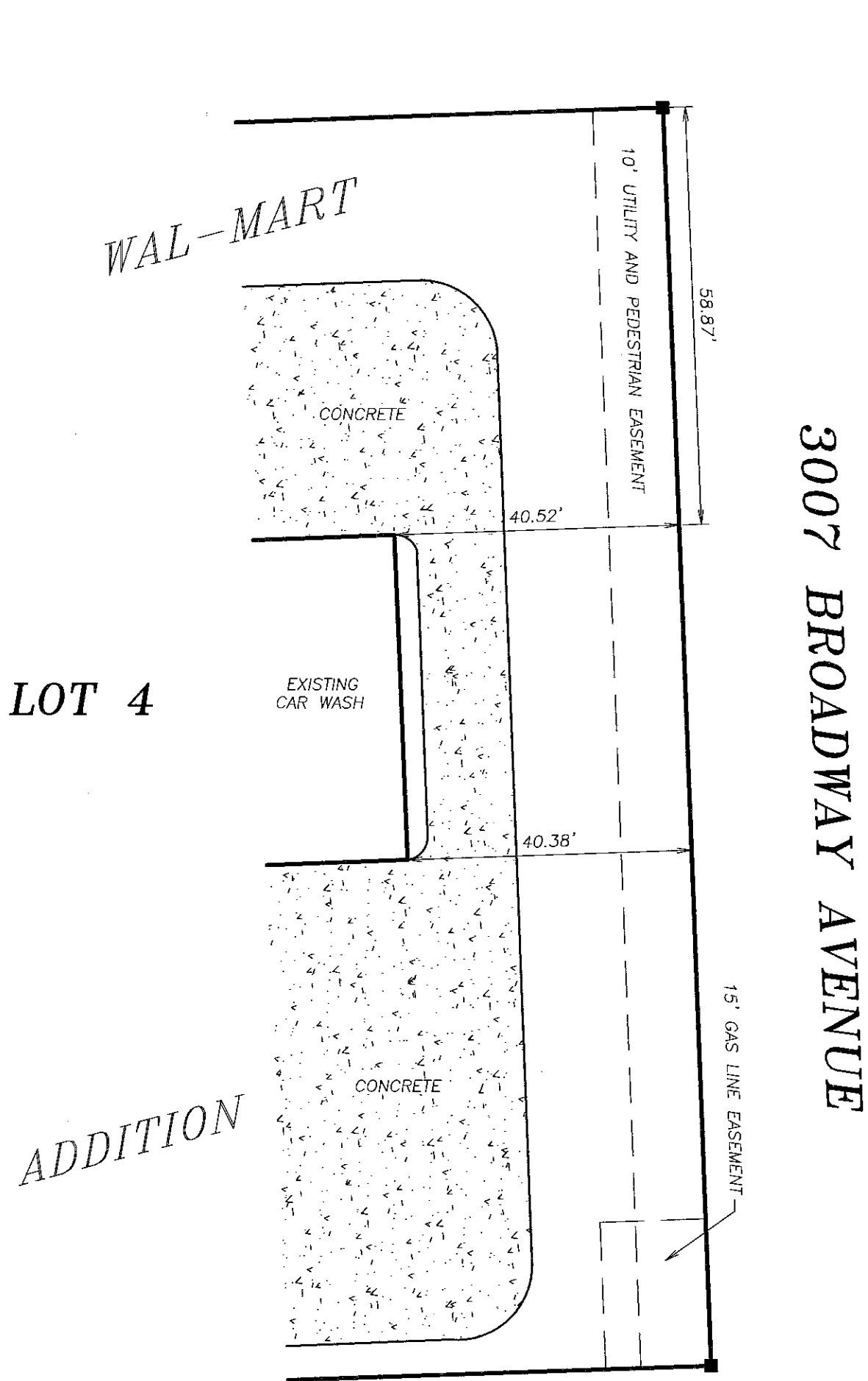
We hope you have found this material informative; we appreciate your time and consideration in this matter.

Thanking you in advance,

Jeff Koster

President and Owner
Xtreme Car Wash
3007 N. Broadway Ave.
Yankton, SD 57078

**SITE PLAN
FOR XTREME CAR WASH**



SURVEYOR'S CERTIFICATE

I, JOHN L. BRANDT, A LICENSED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, HAVE AT THE REQUEST OF JEFF KOSTER, COMPLETED A TOPOGRAPHIC SURVEY OF A PORTION OF LOT 4, WALMART ADDITION, AN ADDITION TO THE CITY OF YANKTON, SOUTH DAKOTA

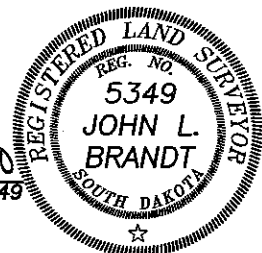
I CERTIFY THAT THIS MAP SHOWS THE CONDITIONS AT THE TIME OF THE SURVEY AND SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 19TH DAY OF MARCH, 2021.

NOTE:
BASIS OF BEARING
BY GPS OBSERVATION

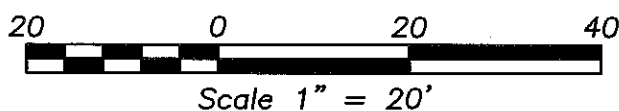
PREPARED BY:
BRANDT LAND SURVEYING
1202 WILLOWDALE ROAD
YANKTON, SD 57078
(605) 665-8455

John L. Brandt
JOHN L. BRANDT NO. 5349



LEGEND

■ FOUND 5/8" REBAR







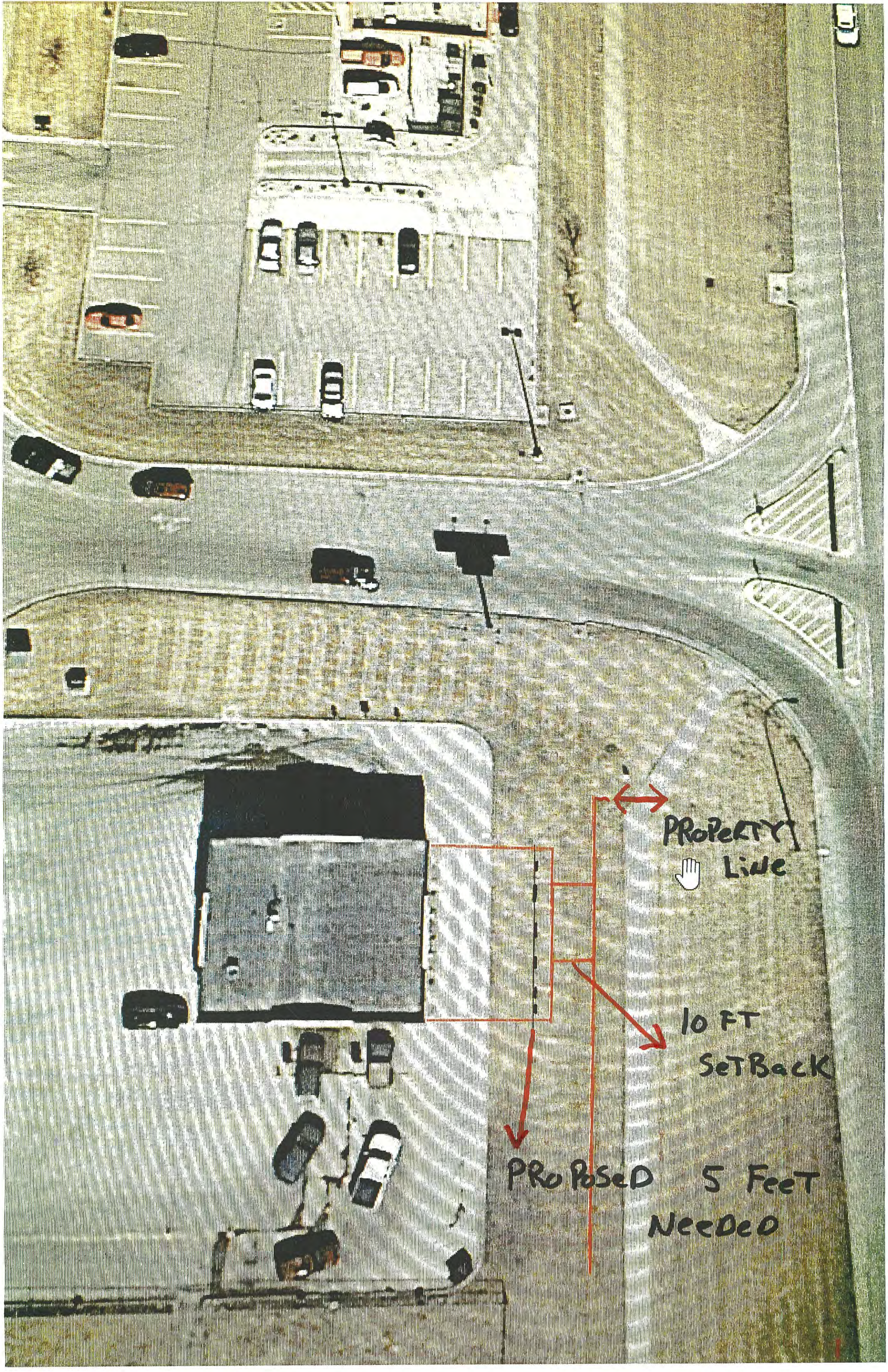
© 2012 Google

Google earth

Imagery Date: 5/9/2012 42°54'23.74" N 97°23'53.36" W elev 1259 ft eye alt 1501 ft

1991





PROPERTY
LINE



10 FT
SETBACK

PROPOSED 5 FEET
NEEDED



CAR WASH

ENTRANCE

Super Tunnel

X-TREME
Super Tunnel
Car Wash

X-TREME
Super Tunnel
CAR WASH



X-TREME

Super Seasonal

CAR WASH



Memorandum #21-107

To: Amy Leon, City Manager
From: Brad Bies, Community Development Manager
Subject: 2021 Sidewalk Cafe Permit Application-102 & 104 East 3rd Street dba Mojo's
 Third Street Pizza
Date: May 17, 2021

Attached is a Sidewalk Cafe Permit Application for 102 & 104 East 3rd Street doing business as Mojo's Third Street Pizza. The applicant is requesting a sidewalk cafe to be located in an adjacent boardwalk extension to the existing sidewalk. While this represents a new approach to sidewalk cafe design, after review staff believes the application as submitted meets the minimum ordinance requirements. A major benefit of this approach is that the entire existing sidewalk will remain open for pedestrian travel with all seating and service areas located in the boardwalk extension.

City Attorney Ross Den Herder recommends that if the Commission approves the Sidewalk Cafe application that Resolution 21-42 also be adopted clearly identifying the boardwalk extension as a portion of the public sidewalk during the period of time it is in use. The boardwalk extension will be installed seasonally and removed during the winter months by the applicant.

If approved the sidewalk cafe would occupy five on street parking spots. The applicant owns and operates all of the occupancies in that half block area except for one, and has secured the support of the remaining owner/operator for the closure of those parking spots. Supporting documentation is included with the application.

Public Works staff has reviewed the submitted plans for boardwalk extension and found no conflict with street or storm sewer operation. The Building Official has reviewed and approved the plans and will continue to work with the applicant during the build-out phase on building code compliance.

Sidewalk Cafes are permitted in specifically identified areas of a B-3 Central Business District. Several considerations included in the approval of permits are:

- Outdoor food or beverage sales and dining may only occur on the sidewalks that are adjacent to the building or structure in which the business is located.
- A five-foot wide pedestrian zone must be maintained, not including the curb zone, the two-foot area nearest the curb. The pedestrian zone shall be kept easily navigable. Once approved, the location of the pedestrian zone cannot change without City Commission action in the form of an amendment to the existing permit, or as part of the annual renewal process.
- The City Commission may adjust the location of the requested pedestrian zone as a part of their action on the application.

- No food or beverage service devices can be attached to the sidewalk or other public areas without approval.
- All equipment must be moved indoors during non-business hours, unless the tables and chairs are secured in an approved manner or constructed of such material and placed so that they cannot be inadvertently moved or blown by the wind. Residential style plastic chairs and tables are not permitted.
- All garbage and cigarette refuse containers must be specifically manufactured for their intended use. The outdoor cafe area must be monitored and cleared of empty cans, bottles and other refuse during business hours and at closing time. Sidewalk areas shall be swept and cleaned as needed.

Respectfully Submitted,

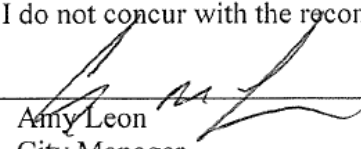


Brad Bies
Community Development Manager

Recommendation: It is recommended that the City Commission approve Memorandum #21-107 granting a Sidewalk Cafe Permit to 102 & 104 East 3rd Street doing business as Mojo's Third Street Pizza, and adopt Resolution 21-42 declaring the proposed boardwalk extension a portion of public sidewalk.

Attachments

I concur with the recommendation.
 I do not concur with the recommendation.



Amy Leon
City Manager

____ Roll Call

RESOLUTION 21-42

RESOLUTION OF SIDEWALK EXTENSION

WHEREAS, the City of Yankton, permits sidewalk cafes to operate on public sidewalks in the B-3 Central Business District, and

WHEREAS, the owner/operator of 102 & 104 East 3rd Street has requested a sidewalk cafe permit in a boardwalk extension to the existing public sidewalk, and

WHEREAS, the applicant has provided a detailed set of plans for a boardwalk extension to the public sidewalk, and

WHEREAS, the City of Yankton, South Dakota, after due review and consideration, has determined that applicant has met the minimum sidewalk cafe requirements, and

WHEREAS, the design:SD planning process and other redevelopment efforts in the Meridian District emphasize the creative use of public spaces, and

WHEREAS, the applicant has requested the boardwalk extension be formally recognized by the City Commission as a portion of the public sidewalk.

NOW THEREFORE BE IT RESOLVED, that boardwalk extension as shown in the 2021 sidewalk cafe application of 102 & 104 East 3rd Street be recognized as a portion of the public sidewalk during the time period during which it is installed.

Adopted:

Stephanie Moser, Mayor

ATTEST:

Al Viereck, Finance Officer

CITY OF YANKTON

Sidewalk Cafe Permit Application

Annual permit for calendar year: _____

Permit No. _____

Permit Fee: \$25.00

Please note: the application must be reviewed and approved by the City Commission before sidewalk cafe activities may begin.

Legal Description
 Building located on E2 W3 Lots 8&9 Blk 3, Lower Yankton, E3 W2 lots 8&9 Blk 3, Lower Yankton

Address
 102 - 104 E Third St

Owner	Mailing Address	Phone Number
Jeff Dayhuff	113 E Third St	(605)-661-9272

Operator/Contact Person	Mailing Address	Phone Number
Tara Leonard	113 E Third St	(605)-260-2134

Sidewalk cafe activities are only allowed in the **sidewalk cafe zone** as described in the City of Yankton's Sidewalk Cafe Ordinance.

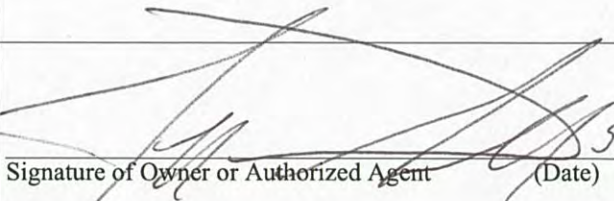
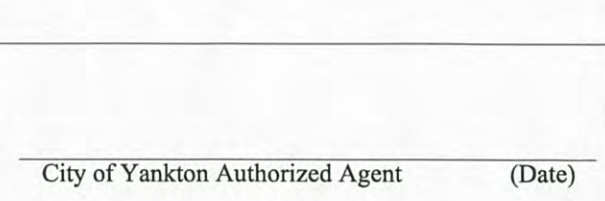
Public Sidewalk Use Zones shall be defined as:

1. Curb zone: Two feet from the face of the curb toward the private property line.
2. Pedestrian zone: A five foot wide corridor on the sidewalk not including the curb zone.
3. Sidewalk cafe permit zone: Remaining area of the public sidewalk not included in the curb zone or pedestrian zone. Sidewalk cafes may be located in this zone.

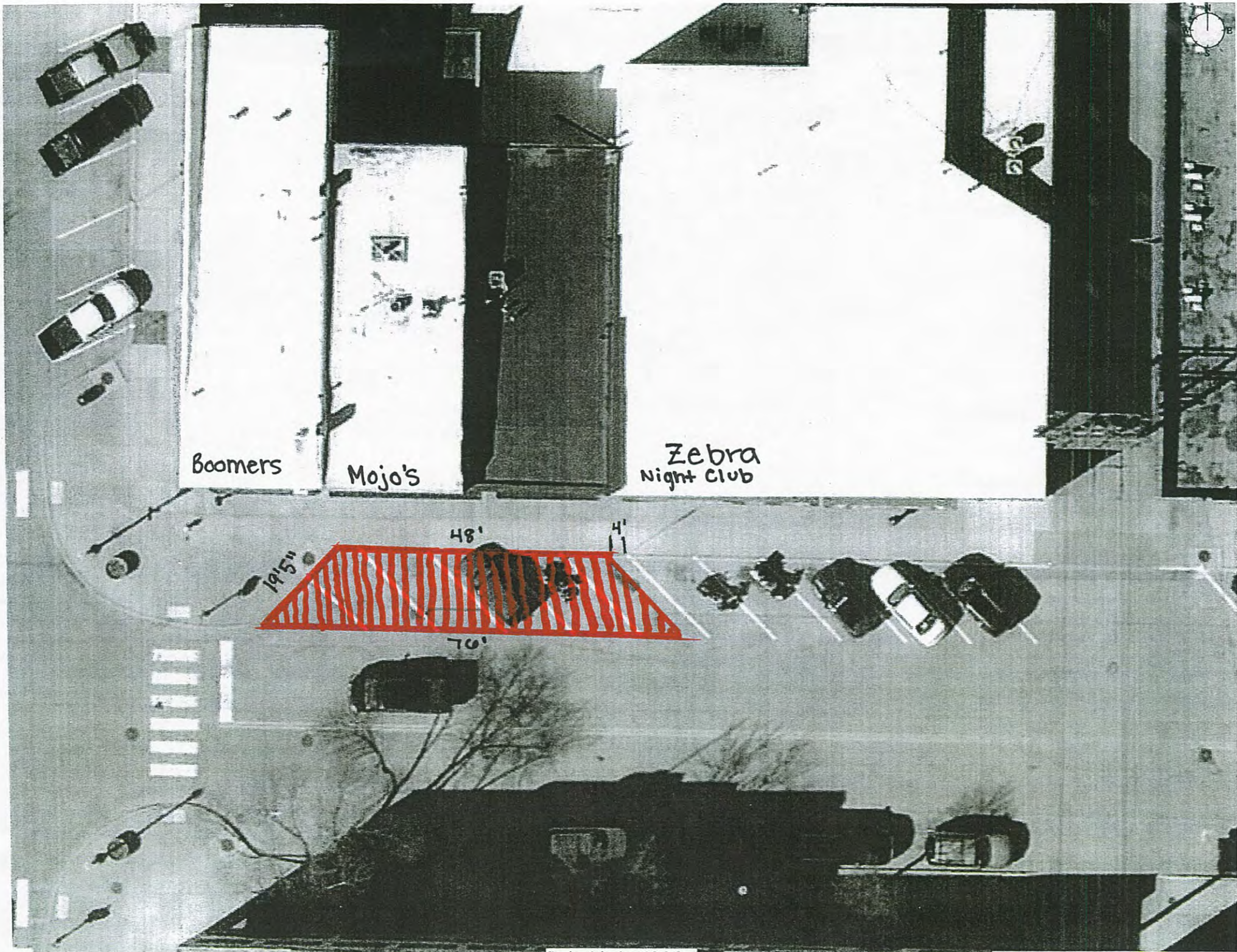
Site Plan Requirement

Please note this permit application must be accompanied by a site plan to scale showing the above described use zones and proposed sidewalk cafe request . The plan should also indicate all items to be placed on the sidewalk: tables, chairs, decorations, serving equipment, etc...

Additional comments (Please describe the items to be placed on the sidewalk and the how they will be stored/secured)
 We are proposing to build a deck approximatly 76 ft by 14 ft long across 5 parking spaces in front of Mojo's Third Street Pizza. The deck will be built in sections and held together by joices so it will be removable in the winter months. The deck will be level with the sidewalk. We are building this deck to enhance the downtown Yankton outdoor experience for our community.

	5-14-21	
Signature of Owner or Authorized Agent	(Date)	City of Yankton Authorized Agent
		(Date)

I certify that I am aware of the terms and conditions of the Sidewalk Cafe Permit and I agree to comply with all requirements of the associated City of Yankton Sidewalk Cafe Ordinance. Any person who violates any of the provisions of this ordinance may have their permit revoked and is further subject to the penalties described in Section 1-8 in the Code of Ordinances for the City of Yankton, South Dakota.



Boomers

Mojo's

Zebra
Night Club

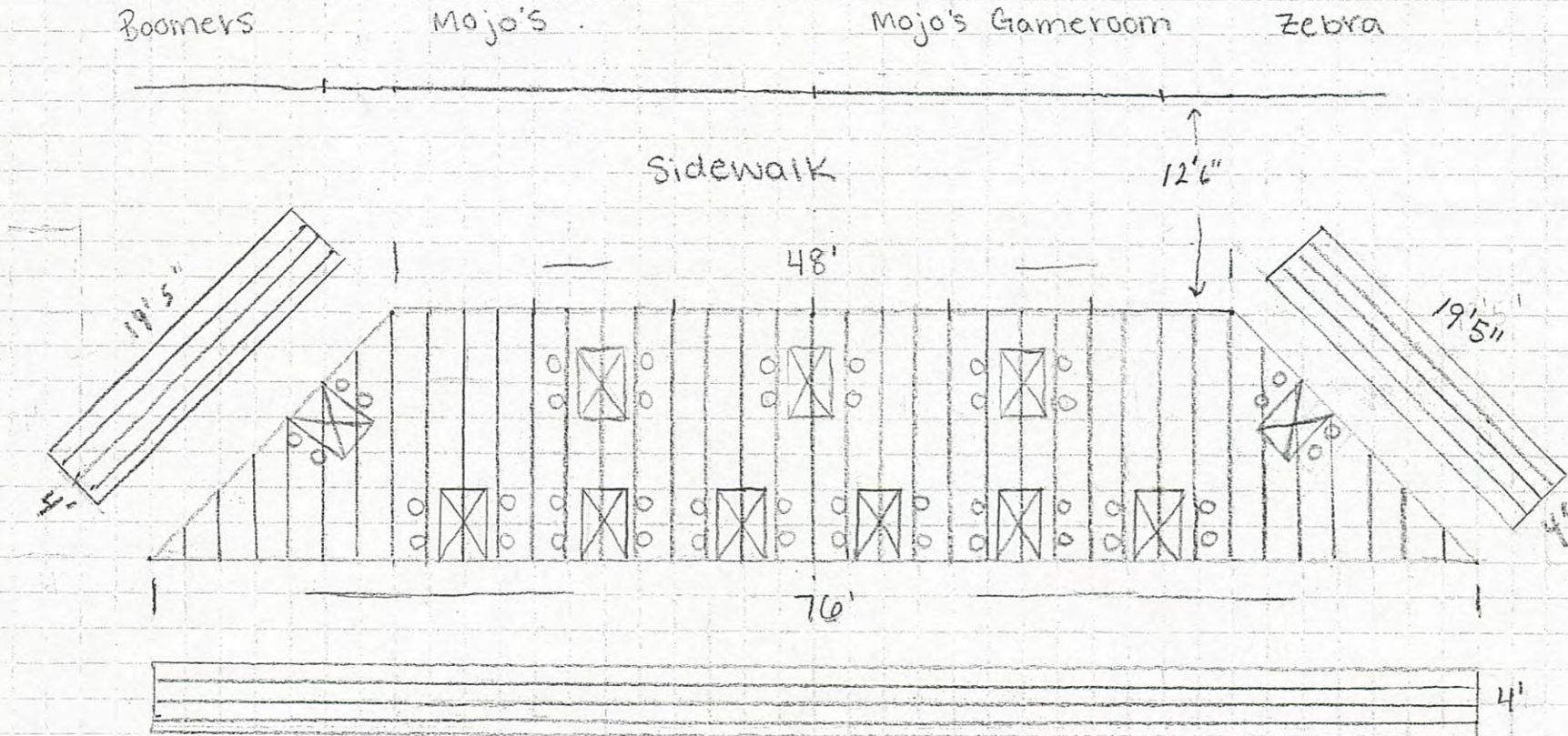


X = Bar Height Tables - 48" x 30"

O = Barstools

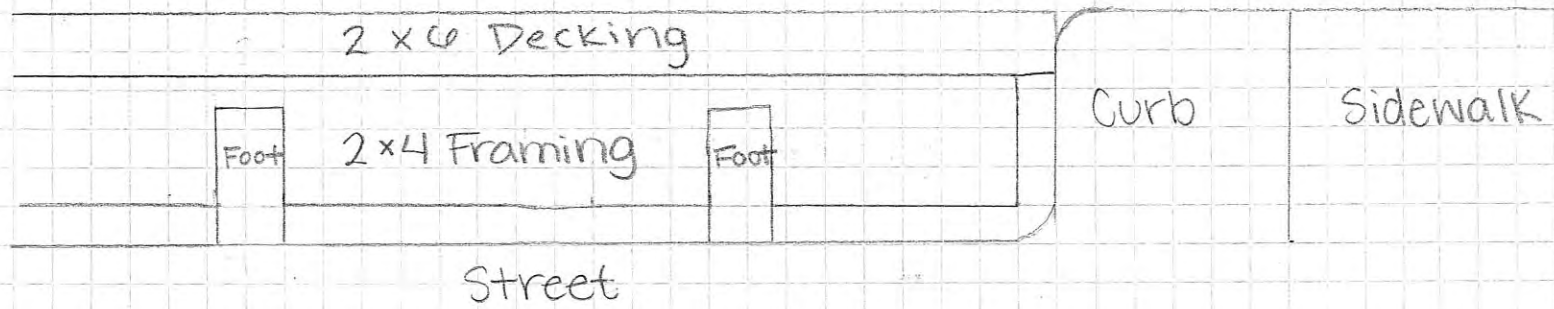
Tables along the walls will be built in.

The deck will be level with the sidewalk.



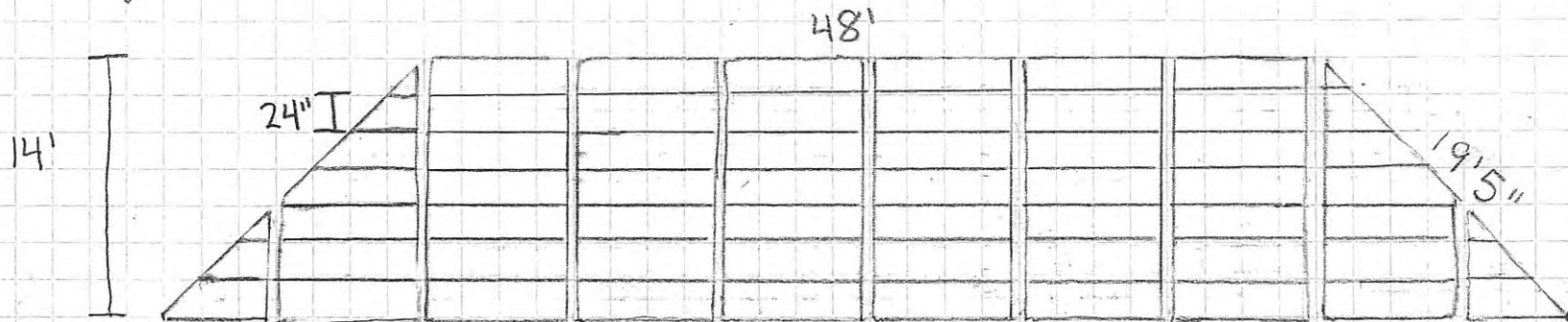
Under View of Deck Base

1 Square = 1 in



Feet will be attached to framing to support $\frac{1}{4}$ level deck.

1 Square = 24 in



Base structure Under Decking 8'

24in on center crossboards


All 2x4 construction

Mojo's Deck Approval Form

I, Joshua Blom, have reviewed the plans for the deck being
(Print Name)
added to the street in front of Mojos Third St Pizza (102-104 E Third St).

I represent Zombies Realm 101 E 3rd St
(Business Name and Address)

and by signing below I agree on behalf of my business to the addition of
the deck.


(Signature)

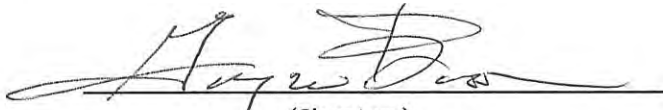
5-17-21
(Date)

Mojo's Deck Approval Form

I, Gary Boom, have reviewed the plans for the deck being
(Print Name)
added to the street in front of Mojos Third St Pizza (102-104 E Third St).

I represent Boomers Lounge 100 E. 3rd
(Business Name and Address)

and by signing below I agree on behalf of my business to the addition of
the deck.


(Signature)

5/14/21
(Date)

Memorandum #21-109

To: Amy Leon, City Manager
From: Brad Bies, Community Development Manager
Subject: 2021 Sidewalk Cafe Permit Application-100 East 3rd Street DBA Walnut Tavern
Date: May 17, 2021

Attached is a Sidewalk Cafe Permit Application for 100 West 3rd Street doing business as Walnut Tavern. The application as submitted meets the minimum ordinance requirements. A permit is valid for a calendar year.

Sidewalk Cafes are permitted in specifically identified areas of a B-3 Central Business District. Several considerations included in the approval of permits are:

- Outdoor food or beverage sales and dining may only occur on the sidewalks that are adjacent to the building or structure in which the business is located.
- A five-foot wide pedestrian zone must be maintained, not including the curb zone, the two-foot area nearest the curb. The pedestrian zone shall be kept easily navigable. Once approved, the location of the pedestrian zone cannot change without City Commission action in the form of an amendment to the existing permit, or as part of the annual renewal process.
- The city commission may adjust the location of the requested pedestrian zone as a part of their action on the application.
- No food or beverage service devices can be attached to the sidewalk or other public areas without approval.
- All equipment must be moved indoors during non-business hours, unless the tables and chairs are secured in an approved manner or constructed of such material and placed so that they cannot be inadvertently moved or blown by the wind. Residential style plastic chairs and tables are not permitted.
- All garbage and cigarette refuse containers must be specifically manufactured for their intended use. The outdoor cafe area must be monitored and cleared of empty cans, bottles and other refuse during business hours and at closing time. Sidewalk areas shall be swept and cleaned as needed.

Respectfully Submitted,



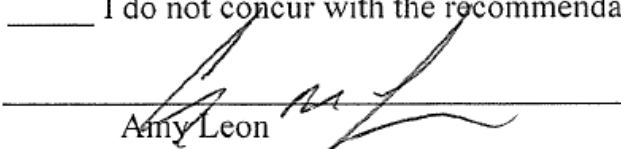
Brad Bies
Community Development Manager

Recommendation: It is recommended that the City Commission approve Memorandum #21-109 granting a Sidewalk Cafe Permit to 100 West 3rd Street doing business as Walnut Tavern.

Attachments

I concur with the recommendation.

I do not concur with the recommendation.



Amy Leon
City Manager

____ Roll Call

CITY OF YANKTON

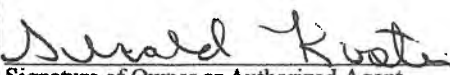
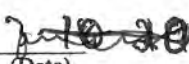
Sidewalk Cafe Permit Application

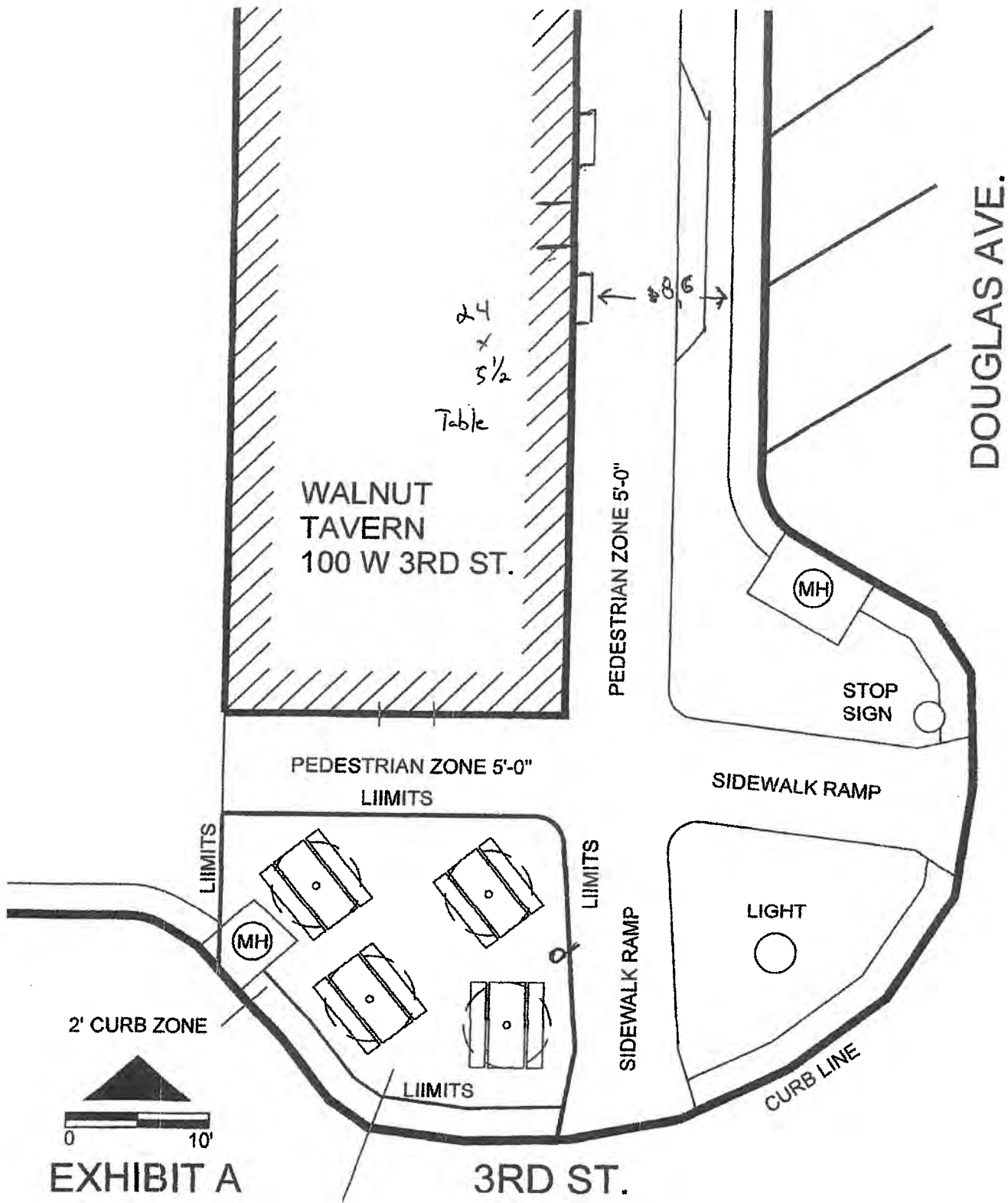
Annual permit for calendar year: ²⁰²¹~~2020~~

Permit No. _____

Permit Fee: \$25.00

Please note: the application must be reviewed and approved by the City Commission before sidewalk cafe activities may begin.

Legal Description		
WALNUT TAVERN		
Address		
100 W. 3rd ST YANKTON S.D. 57078		
Owner	Mailing Address	Phone Number
Gerald KOSTER	100 W. 3rd YANKTON	605-661-7003
Operator/Contact Person	Mailing Address	Phone Number
Travis KOSTER	101 W. 3rd	605-760-4489
<p>Sidewalk cafe activities are only allowed in the sidewalk cafe zone as described in the City of Yankton's Sidewalk Cafe Ordinance.</p> <p><i>Public Sidewalk Use Zones shall be defined as:</i></p> <ol style="list-style-type: none"> 1. Curb zone: Two feet from the face of the curb toward the private property line. 2. Pedestrian zone: A five foot wide corridor on the sidewalk not including the curb zone. 3. Sidewalk cafe permit zone: Remaining area of the public sidewalk not included in the curb zone or pedestrian zone. Sidewalk cafes may be located in this zone. 		
Site Plan Requirement		
<p>Please note this permit application must be accompanied by a site plan to scale showing the above described use zones and proposed sidewalk cafe request. The plan should also indicate all items to be placed on the sidewalk: tables, chairs, decorations, serving equipment, etc...</p>		
Additional comments (Please describe the items to be placed on the sidewalk and the how they will be stored/secured)		
<p>Picnic Tables AND Umbrellas - Umbrellas removed nightly.</p> <p>2 - 2x6 cocktail Table Along E. Wall next to doorway. New cigaret container that Locks</p>		
3-10-21		
 Signature of Owner or Authorized Agent		 (Date)
		_____ City of Yankton Authorized Agent (Date)
<p>I certify that I am aware of the terms and conditions of the Sidewalk Cafe Permit and I agree to comply with all requirements of the associated City of Yankton Sidewalk Cafe Ordinance. Any person who violates any of the provisions of this ordinance may have their permit revoked and is further subject to the penalties described in Section 1-8 in the Code of Ordinances for the City of Yankton, South Dakota.</p>		



WALNUT TAVERN
100 W 3RD ST.

24
x
5 1/2
Table

PEDESTRIAN ZONE 5'-0"

DOUGLAS AVE.

PEDESTRIAN ZONE 5'-0"
LIMITS

STOP SIGN

SIDEWALK RAMP

LIMITS

LIMITS

LIGHT

2' CURB ZONE

SIDEWALK RAMP

CURB LINE

EXHIBIT A

3RD ST.

(4) 6' X 5' TABLES WITH UMBRELLAS, PLACED AS SHOWN

Memorandum #21-113

To: *Amy Leon, City Manager*
From: *Brittany LaCroix, Events and Promotions Coordinator*
Subject: *Request by Rock 'N' Rumble for Special Events Parking Ordinance #933 to be in place during their event and to allow open container*
Date: *May 17, 2021*

The Rock 'N' Rumble event will be taking place on July 24, 2021 in the Meridian District. The organizing committee is requesting a Special Events No Parking street closure on 3rd Street from Douglas to Capitol and also a portion of Capitol Street, shown on the map attached, to be in effect from 6:00am on July 24, 2021 until 10:00am on July 25, 2021 to allow for cleanup and tear down of the event.

Rock 'N' Rumble is an annual event in the Meridian District. This event is known for its motorcycle poker run that travels to small towns around the area and a motorcycle parade. It also features a variety of rock bands with food trucks and bar stations within the closed area.

The committee is working with the Events Coordinator to arrange for picnic tables, benches, barricades, cones, garbage cans, dumpsters and special event signs to be picked up or delivered by the parks and streets departments.

In 2010, the City Commission adopted an ordinance allowing for a no parking designation for special events designated by a resolution before the governing body. This resolution would authorize the City to tow vehicles that are parked in the defined area and times.

Rock 'N' Rumble is requesting that Special Events Parking zone identifying boundaries of the zone and Tow Authorization be granted during this event for car traffic. Rock 'N' Rumble will place no parking signs 48 hours prior to the event on Wednesday, June 21, 2021. Rock 'N' Rumble will create a temporary sign to attach identifying details of the event. Rock 'N' Rumble is also requesting A-frame be provided to hang no parking signs and barricades to be used to close the streets as mentioned above. Rock 'N' Rumble will coordinate with the Streets & Parks Departments to locate signs in appropriate areas.

Rock 'N' Rumble is also asking for a permission for public consumption of the open container law of the City of Yankton for the mentioned closed area. This request is to have the City of Yankton grant permission for public consumption for this event from 10:00 AM on Saturday, July 24, 2021 until 2:00AM on Sunday, July 25, 2021. All alcohol will be sold in either an aluminum can or plastic cups and sold within the event closure.

Recommendation: It is recommended that the Commission approve the special event with the special event parking ordinance in force and allow the open container request for the area of 3rd Street from Douglas to Capitol and also a portion of Capitol Street.

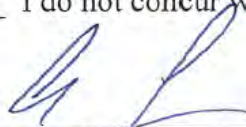
Respectfully submitted,



Brittany LaCroix
Events & Promotions Coordinator

I concur with this recommendation.

I do not concur with this recommendation.



Amy Leon, City Manager

____ Roll call

City of Yankton

Rock 'N' Rumble
Event
July 24, 2021

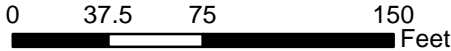
Legend



Street Closure with
Proposed Open
Container

Street Closure
6:00am (7/24) - 10:00am (7/25)

Open Container
10:00am (7/24) - 2:00am (7/25)



Resolution #21-44

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 24-25, 2021.

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 3rd Street between Douglas and Capitol and also a portion of Capitol Street from 6:00 am on Saturday, July 24, 2021 until 10:00 am on Sunday, July 25, 2021.

Adopted:

Stephanie Moser, Mayor

ATTEST:

Al Viereck, Finance Officer

Memorandum #21-114

To: *Amy Leon, City Manager*
From: *Brittany LaCroix, Events and Promotions Coordinator*
Subject: *Request by 3rd on 3rd Committee for Special Events Parking Ordinance #933 to be in place during the 3rd on 3rd event and to allow open container*
Date: *May 17, 2021*

The 3rd on 3rd event, now hosted by Rock ‘N’ Rumble organizers will be taking place on Saturday, July 3, 2021 in celebration of the 4th of July holiday. The organizing committee is requesting a Special Events No Parking street closure for 3rd Street between Capital and Douglas, shown on the map attached, to be in effect from 8:00 AM on July 3, 2021 until 2:00 AM on July 4, 2021.

The committee is working with the Events Coordinator to arrange for picnic tables, benches, barricades, cones, garbage cans, dumpsters and special event signs to be picked up or delivered by the parks and streets departments.

In 2010, the City Commission adopted an ordinance allowing for a no parking designation for special events designated by a resolution before the governing body. This resolution would authorize the City to tow vehicles that are parked in the defined area and times.

3rd on 3rd Committee is requesting that Special Events Parking zone identifying boundaries of the zone and Tow Authorization be granted during this event for car traffic. 3rd on 3rd Committee will place no parking signs 48 hours prior to the event on Wednesday, June 30, 2021. 3rd on 3rd Committee will create a temporary sign to attach identifying details of the event. 3rd on 3rd Committee is also requesting A-frame be provided to hang no parking signs and barricades to be used to close the streets as mentioned above. 3rd on 3rd Committee will coordinate with the Streets & Parks Departments to locate signs in appropriate areas.

3rd on 3rd Committee is also asking for a permission for public consumption of the open container law of the City of Yankton for the mentioned closed area. This request is to have the City of Yankton grant permission for public consumption for this event from 4:00 PM on Saturday, July 3, 2021 until 2:00AM on Sunday, July 4, 2021. All alcohol will be sold in either an aluminum can or plastic cups and sold within the event closure.

Recommendation: It is recommended that the Commission approve the special event with the special event parking ordinance in force and allow open container for the area of 3rd Street from Douglas to Capital for the 3rd on 3rd event on July 3rd, 2021.

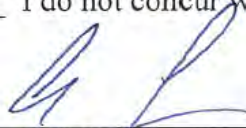
Respectfully submitted,



Brittany LaCroix
Events & Promotions Coordinator

I concur with this recommendation.

I do not concur with this recommendation.



Amy Leon, City Manager

____ Roll call

City of Yankton

3rd on 3rd
Event
July 3, 2021

Legend



Street Closure with
Proposed Open
Container

Street Closure
8:00am (7/3) - 2:00am (7/4)

Open Container
4:00pm (7/3) - 2:00am (7/4)



0 40 80 160 Feet



Resolution #21-45

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, 3rd on 3rd organizers have made a request to enact this no parking zone for their 3rd on 3rd event on July 3, 2021.

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 3rd Street between Capital and Douglas, to be in effect from 8:00 AM on July 3, 2021 until 2:00 AM on July 4, 2021.

Adopted:

Stephanie Moser, Mayor

ATTEST:

Al Viereck, Finance Officer

Memorandum #21-115

To: *Amy Leon, City Manager*
From: *Brittany LaCroix, Events and Promotions Coordinator*
Subject: *Request by Yankton Antique Mall for Special Events Parking Ordinance #933 to be in place during their event on July 24, 2021*
Date: *May 17, 2021*

The owners of the Yankton Antique Mall are requesting a Special Event No Parking street closure be put in place for their vendor fair event on Saturday, July 24, 2021. The street closure would include a half block of 3rd Street from Douglas west to the alley, keeping all intersections open. The closure will be in effect from 6:00 AM to 9:00 PM.

This is a first time vendor fair organized by Yankton Antique Mall, however similar events have been held in conjunction with Rock 'N' Rumble. Organizers of the vendor fair are prepared to open the barricades for the Rock 'N' Rumble motorcycle parade around 3:30pm (this is tradition for them to travel down 3rd Street to end their parade). Vendors will setup in the parking spots on both sides of the street to accommodate for the motorcycles.

In 2010, the City Commission adopted an ordinance allowing for a no parking designation for special events designated by a resolution before the governing body. This resolution would authorize the City to tow vehicles that are parked in the defined area and times.

The committee is working with the Events Coordinator to arrange for picnic tables, benches, barricades, cones, garbage cans, dumpsters and special event signs to be picked up or delivered by the parks and streets departments.

Yankton Antique Mall Committee is requesting that Special Events Parking zone identifying boundaries of the zone and Tow Authorization be granted during this event for car traffic. Yankton Antique Mall Committee will place no parking signs 48 hours prior to the event on Wednesday, June 30, 2021. Yankton Antique Mall Committee will create a temporary sign to attach identifying details of the event. Yankton Antique Mall Committee is also requesting A-frame be provided to hang no parking signs and barricades to be used to close the streets as mentioned above. Yankton Antique Mall Committee will coordinate with the Streets & Parks Departments to locate signs in appropriate areas.

Recommendation: It is recommended that the City Commission authorize the no parking zone for the Yankton Antique Mall Vendor Fair for the half block of 3rd Street from Douglas west to the alley, keeping all intersections open. The no parking zone shall be in effect on July 24, 2021 from 6:00 AM to 9:00 PM.

Respectfully submitted,



Brittany LaCroix
Events & Promotions Coordinator

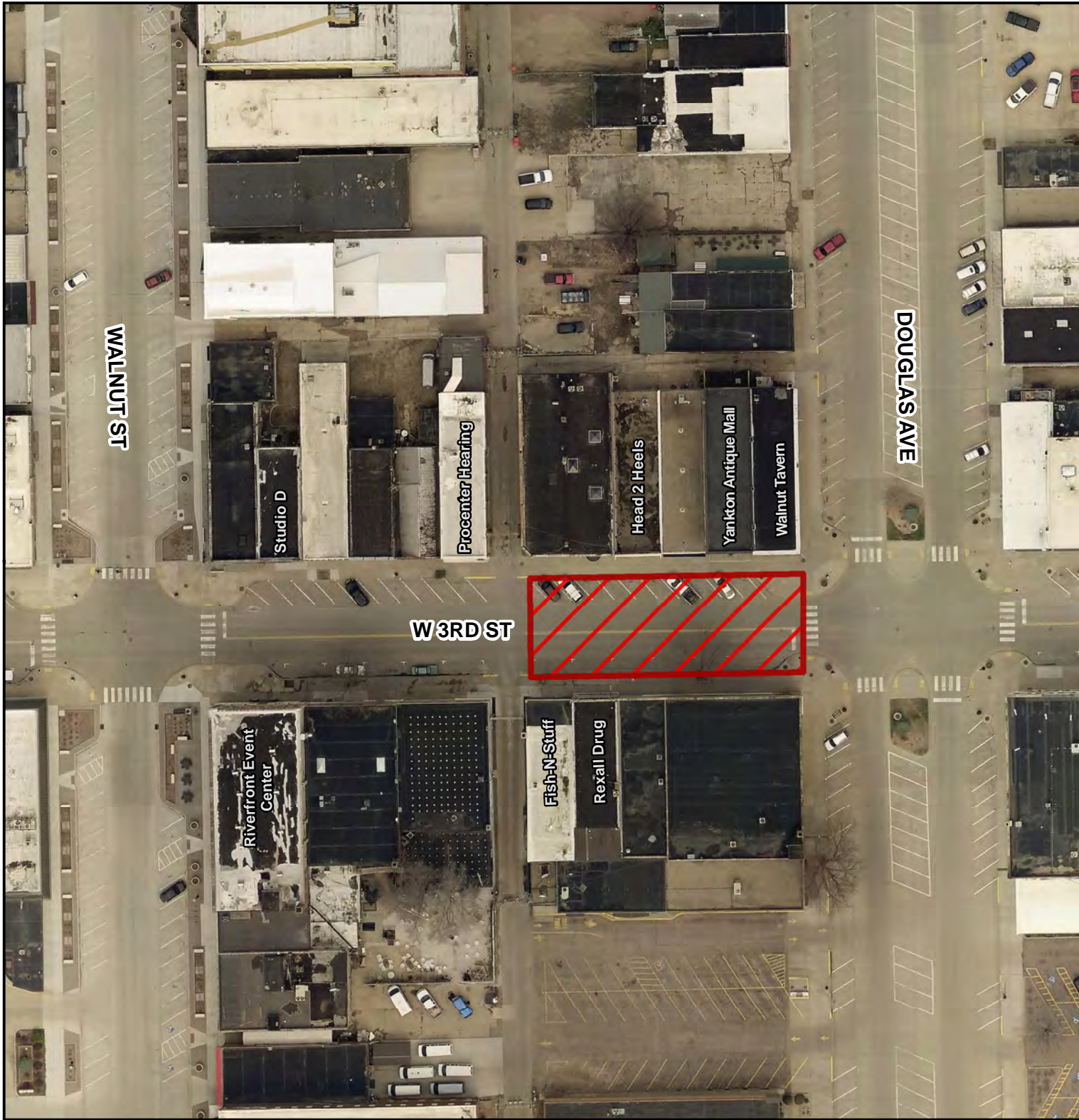
I concur with this recommendation.

I do not concur with this recommendation.



Amy Leon, City Manager

____ Roll call



City of Yankton

Yankton Antique Mall
Vendor Fair
Event

Legend

 Street Closure

6:00am - 9:00pm



0 37.5 75 150 Feet



Resolution #21-46

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 Yankton Antique Mall Committee has made a request to enact this no parking zone for their vendor fair event on July 24, 2021.

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 half block of 3rd Street from Douglas west to the alley, keeping intersections open starting at 6:00 am until 9:00 pm on Saturday, July 24, 2021.

Adopted:

Stephanie Moser, Mayor

ATTEST:

Al Viereck, Finance Officer

Memorandum #21-116

To: Amy Leon, City Manager
From: Brittany LaCroix, Events and Promotions Coordinator
Subject: Music at the Meridian Concert Series
Date: May 17, 2021

Music at the Meridian is back for its 5th season. Music at the Meridian is a summer concert series organized by the Parks, Recreation and City Events department on Thursday nights at The Lawn at the Meridian Plaza. The series dates are as followed: 7/1, 7/8, 7/15, 7/22, 7/29, 8/5, 8/12, 8/19 and 8/26.

Music at the Meridian acts tend to feature “rare” to Yankton genres and looks outside of the local talent for the headlining act. This year, local talent will be added as openers, which has been a request made by the community and local musicians in previous years. Local openers will play from 5:00-6:00pm with the headlining act on stage from 6:30pm-8:30pm. The public parking lot west of the Meridian Bridge and Riverside Drive from the driveway of the water treatment plant parking lot to the east of the alley along The Lawn will be closed during the event.

Attendees will be able to sit in the green space north of the parking lot, on Levee Street, or The Lawn. The event is designed to attract the after-work crowd, Meridian Bridge enthusiasts, families with kids who can run and play in the green spaces or enjoy the spray jets at the plaza, and citizens who want a pleasant social experience on the banks of the beautiful Missouri River. Attendees will be encouraged to bring their own lawn chairs or blankets for seating.

The Meridian Mural will continue again this year, ran by the Meridian District Art Project committee. Local food trucks and Bens Brewing Company will also be set up at The Lawn.

The Department is asking for the City Manager to be granted the ability to sign all documents/contracts for the event and approve the street closure.

Recommendation: It is recommended that the Commission approve the Music at the Meridian Concert Series and grant the City Manager the ability to sign all documents/contracts for the event and approve the street closure.

Respectfully submitted,

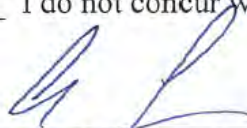


Brittany LaCroix
Events and Promotions Coordinator

_____ Roll call

I concur with this recommendation.

I do not concur with this recommendation.



Amy Leon, City Manager

Roll call

City of Yankton

Music At The Meridian 2021 Summer

Legend



Street/Lawn Closure
with Proposed Open
Container



0 40 80 160 Feet



Memorandum #21-108

To: Amy Leon, City Manager
From: Bradley Moser, Civil Engineer
Subject: Bid Award for 23rd Street from West City Limits Road (WCLR) to Approximately 1300' West – Street & Utility Reconstruction
Date: May 17, 2021

Bids for the 23rd Street construction project were opened on May 13th, 2021. The project involves installing a concrete surface west of WCLR. The project also includes installing new sanitary sewer. Both the street and sewer are being installed to service the south phase of Westbrook Estates.

The bids received are listed below:

1. D&G Concrete Construction, Inc., Sioux Falls, SD	\$726,492.65
2. Hulstein Excavating, Inc., Edgerton, MN	\$835,695.00
3. Slowey Construction, Inc., Yankton, SD	\$836,819.00
4. Feimer Construction, Inc., Yankton, SD	\$1,083,900.00

Unfortunately, the low bidder failed to acknowledge the two addendums for the project. Therefore, their bid is a non-conforming bid and cannot be accepted. The next low bidder, Hulstein Excavating, Inc., does meet the specifications but is \$94,082.00 higher than the most recent Engineer's estimate of \$741,613.00. With the volatility in the cost of materials, staff considers this bid to be reasonable

Although Hulstein Excavating, Inc. had not been selected for a city project, prior to this one, their work history indicates that they are very capable of completing this type of construction. Based on their work history, city staff recommends that they be awarded the contract in the amount of \$835,695.00.

Respectfully submitted,

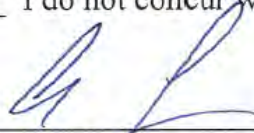


Bradley Moser
Civil Engineer

Recommendation: It is recommended that the City Commission award the contract to Hulstein Excavation, Inc., in the amount of \$835,695.00, as explained in Memorandum #21-108.

I concur with this recommendation.

I do not concur with this recommendation.



Amy Leon, City Manager

cc: Adam Haberman

Roll call

Memorandum #21-111

To: City Commissioners
From: Mayor Stephanie Moser
Subject: Advisory Board Appointments
Date: May 19, 2021

The following are the citizens and City Commissioners that I have selected to serve on the various City Advisory Boards and Commissions.

Planning Commission – 3 Year Term

Steve Pier
Lynn Peterson
Tim Shawn Wampol
Mason Schramm – City Commission Representative

Yankton Community Library Board – 3 Year Term

Sue Otterman
Jean Huff
Jerry Webber – City Commission Representative

Park Advisory Board – 3 Year Term

Joey Bryan
Tom Bixler
Bridget Benson – City Commission Representative

City/ School Summit Activities Center Committee

Nathan Johnson – City Commission Representative
Mike Villanueva- City Commission Representative
Stephanie Moser - City Commission Representative

Airport Advisory Board – – 3 Year Term

Jim Cox
Tony Maibaum – City Commission Representative

Joint Powers Solid Waste Advisory Board

Jerry Webber – City Commission Representative

Yankton Housing and Redevelopment Commission – 5 Year Term

Joseph Tielke
Mason Schramm - City Commission Representative

Human Services Center Advisory Commission

Amy Miner – City Commission Representative

Dakota Territorial Museum

Mike Villanueva– City Commission Representative

_____ Roll call

Yankton County Courthouse and Safety Center Advisory Board

Ben Brunick – City Commission Representative

Jerry Webber – City Commission Representative

Federal Prison

Nathan Johnson – City Commission Representative

YAPG Board

Stephanie Moser – City Commission Representative

Bridget Benson – City Commission Representative

CVB

Bridget Benson – City Commission Representative

City County Planning

Tony Maibaum – City Commission Representative

Stephanie Moser – City Commission Representative

B-Y Water Committee

Mason Schramm – City Commission Representative

Ben Brunick – City Commission Representative

Amy Miner – City Commission Representative

Mike Villanueva – City Commission Representative

Board of Equalization

To be determined at a later date

United Way

Bridget Benson – City Commission Representative

BID #1 Board of Directors

Tony Maibaum – City Commission Representative

Heartland Humane Society

Amy Miner – City Commission Representative

Missouri Sedimentation Action Coalition

Nathan Johnson – City Commission Representative

Yankton Transit

Ben Brunick – City Commission Representative

Respectfully submitted,



Stephanie Moser

Mayor

_____ Roll call

Memorandum #21-118

To: City Manager Leon and City Commission
From: Jason Foote, Commander
Subject: Replacement of K-9
Date: May 20, 2021

Due to the resignation of one of our Yankton Police Department K-9 Officers, K-9 Reno will be retired. The typical career of a K-9 unit is 7-9 years. Reno has served the Yankton Police Department extremely well over his years with the department. Following his retirement, Reno will be available to be purchased by his handler with an agreement between the City and Kyler Pekarek for a minimum amount.

We obtained both Max and Reno from Kasseburg Canine Training Center in New Market, Alabama. Local agencies such as Sioux Falls Police Department, South Dakota Highway Patrol and Nebraska State Patrol all use Kasseburg. The purchase of the K-9 as soon as possible will allow us to start training and certifying the K-9 with the Sioux Falls Police Department in Fall, 2021. The K-9 and handler will undergo sixteen weeks of training at the Joint Law Enforcement Center in Sioux Falls. We anticipate having the new K-9 working the streets sometime January, 2022.

We do not have a replacement in the budget for this year. Typical expenses would include:

Travel to Alabama from our operations training/travel budget:

Hotel (3 nights)	\$ 330.00
Meals (24)	\$ 300.00
Fuel	\$ 350.00

Summary of Training in Sioux Falls 16 weeks from our operations training/travel budget:

Per Diem:	\$ 4,224.00
Fuel:	\$ 4,000.00

Cost of K9 and equipment from our capital improvement budget:

Dog purchase	\$ 15,000.00
Concrete for dog pad	\$ 300.00
Dog Kennel	\$ 1,000.00
Miscellaneous expense	\$ 900.00
Total Expense for K-9 & Training	\$ 25,424.00

____ Roll call

If approved, the K-9 will be ordered immediately and will be picked up later this year. The formal training will begin in the Fall, 2021.

Recommendation: It is recommended that the City Commission approve a replacement purchase of K-9 Reno, and that K-9 Reno be made available to be purchased by his handler with an agreement between the City and Kyler Pekarek for a nominal amount.

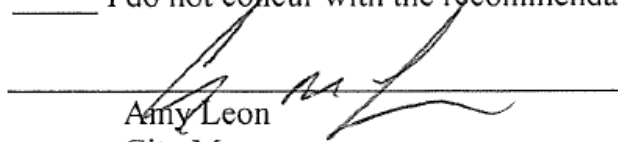
Respectfully Submitted,



Jason Foote
Commander

I concur with the recommendation.

I do not concur with the recommendation.



Amy Leon
City Manager

____ Roll call

RESOLUTION #21-48

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 the sale, trade-in, 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:

SURPLUS PROPERTY TO BE SURPLUSSED

**Belgian Malinois, Male 4111-1731-3864 Police Department
(K-9 Reno)**

Adopted:

Stephanie Moser
Mayor

Attest:

Al Viereck
Finance Officer

RETIRED POLICE K-9 ADOPTION AGREEMENT

THIS RELEASE, made and entered, by and between Kyler Pekarek ("K-9 Officer") and the City of Yankton ("City"), witness the following:

RECITALS

1. The City of Yankton owns a police K-9 that is about to be retired from the Yankton Police Department ("Reno").
2. The K-9 Officer has served as the official handler of Reno during the dog's service for the Yankton Police Department.
3. The City has a policy of permitting its K-9 Officer handlers of police dogs to purchase the dog upon retirement for a nominal fee, and in accordance with such policy the City hereby agrees to sell Reno to K-9 Officer in accordance with the terms of this Agreement.
4. K-9 Officer wishes to purchase Reno in accordance with the terms of this Agreement.

NOW THEREFORE, for and in consideration of one dollar (\$1.00) and other good and valuable consideration and upon the mutual considerations set forth herein, the parties hereto agree as follows:

1. Upon the execution of this Agreement, the City shall convey Reno to K-9 Officer by duly executed Bill of Sale to be signed by the City Manager, which conveyance shall be subject to an automatic reversion of ownership back to the City if K-9 Officer declines to continue possession or ownership Reno or otherwise attempts to transfer ownership of Reno to any third party. In the event K-9 Officer desires to cease possessing Reno, K-9 Officer agrees to return Reno to the physical custody of the City.
2. Both parties agree that Reno is a highly trained police dog with the ability to attack upon command, which poses a risk of injury which may be potentially serious or disabling to third parties. All risk cannot be eliminated. K-9 Officer is aware of and has agreed to adhere to all of the City of Yankton's animal control ordinances in the method and manner of harboring Reno within his possession and control.

3. The K-9 Officer, on behalf of himself, heirs, legal representatives, successors and assigns, with full knowledge that accidents may happen, agrees, to the maximum permitted under South Dakota law, to release, defend and to indemnify the City from all liability, loss, claims, and demands that may accrue from any loss, damage or injury to any person or property caused by Reno on or after the date ownership of Reno transfers to K-9 Officer.

4. The K-9 Officer voluntarily, and in reliance upon his or her own judgment and ability, assumes all risk for loss, damage or injury to himself or to any other person or property caused by Reno on or after the date ownership of Reno transfers to K-9 Officer.

I HAVE READ THE ABOVE TERMS OF THIS AGREEMENT; I UNDERSTAND THEM AND AGREE TO ABIDE BY THEM.

In Witness Whereof the parties have executed the above and foregoing document on this the 20th day of May, 2021.

City of Yankton

By: Amy Leon
Its: City Manager

K-9 Officer



Kyler Pekarek

Attest:

Al Viereck, Finance Officer