

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
MAY 24TH, 2021**

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

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

Action 21-124

Moved by Commissioner Brunick, seconded by Commissioner Miner, to approve Minutes of regular meeting of May 10th, 2021.

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

Motion adopted.

City Manager Leon submitted a written report giving an update on community projects and items of interest.

There were no public appearances at that time.

Action 21-125

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

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.

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.

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.

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

Action 21-126

This was the time and place for the public hearing for the 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. (Memorandum 21-100) No one was present to speak for or against the application.

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

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

Action 21-127

This was the time and place for the public hearing for the 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. (Memorandum 21-101) No one was present to speak for or against the application.

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

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

Action 21-128

This was the time and place for the public hearing for the applications of the Malt Beverage Licenses renewal for the 2021-2022 licensing period. (Memorandum 21-102) No one was present to speak for or against the applications.

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

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

Action 21-129

This was the time and place for the public hearing for the 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. (Memorandum 21-103) No one was present to speak for or against the application.

Moved by Commissioner Johnson, seconded by Commissioner Villanueva, to approve the license.

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

Action 21-130

This was the time and place for the public hearing for the 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. (Memorandum 21-104) No one was present to speak for or against the application.

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

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

Commissioner Johnson introduced and Mayor Moser read the title of Ordinance No. 1052, AN ORDINANCE ESTABLISHING LICENSING REGULATIONS FOR MEDICAL CANNABIS DISPENSARY BUSINESSES, and set the date of the second reading and public hearing as June 14th, 2021.

Commissioner Maibaum introduced and Mayor Moser read the title of 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 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, and set the date of the second reading and public hearing as June 14th, 2021.

Commissioner Miner introduced and Mayor Moser read the title of 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 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, and set the date of the second reading and public hearing as June 14th, 2021.

Commissioner Benson introduced and Mayor Moser read the title of Ordinance No. 1051 AN ORDINANCE AMENDING CERTAIN LANGUAGE IN IDENTIFIED SECTIONS OF CHAPTER 27, ARTICLE II, and set the date of the second reading and public hearing as June 14th, 2021.

Action 21-131

Moved by Commissioner Johnson, seconded by Commissioner Maibaum, to approve the Resolution 21-35. (Memorandum 21-88)

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.

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

Action 21-132

Moved by Commissioner Villanueva, seconded by Commissioner Johnson, to approve the Resolution 21-36. (Memorandum 21-89)

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.

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

Action 21-133

Moved by Commissioner Benson, seconded by Commissioner Miner, to approve the Resolution 21-37. (Memorandum 21-90)

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.

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

Action 21-134

Moved by Commissioner Johnson, seconded by Commissioner Benson, to approve the Resolution 21-38. (Memorandum 21-91)

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.

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

Action 21-135

Moved by Commissioner Brunick, seconded by Commissioner Villanueva, to approve the Resolution 21-39. (Memorandum 21-92)

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.

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

Action 21-136

Moved by Commissioner Villanueva, seconded by Commissioner Benson, to approve the Resolution 21-40. (Memorandum 21-93)

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.

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

Action 21-137

Moved by Commissioner Miner, seconded by Commissioner Brunick, to approve the Resolution 21-41. (Memorandum 21-94)

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.

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

The City Commission acting as the Board of Adjustment.

Commissioner Johnson introduced Memorandum 21-105 and Mayor Moser read the title of the variance for 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 and established June 14th, 2021 as the date for the second reading and public hearing.

Action 21-138

Moved by Commissioner Benson, seconded by Commissioner Villanueva, to approve Resolution 21-42. (Memorandum 21-107)

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.

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

Action 21-139

Moved by Commissioner Johnson, seconded by Commissioner Brunick, to approve a Sidewalk Cafe Permit to 100 West 3rd Street doing business as Walnut Tavern. (Memorandum 21-109)

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

Action 21-140

Moved by Commissioner Maibaum, seconded by Commissioner Benson, to approve Resolution 21-44. (Memorandum 21-113)

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.

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

Action 21-141

Moved by Commissioner Johnson, seconded by Commissioner Maibaum, to approve Resolution 21-45. (Memorandum 21-114)

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.

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

Action 21-142

Moved by Commissioner Maibaum, seconded by Commissioner Miner, to approve Resolution 21-46. (Memorandum 21-115)

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.

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

Action 21-143

Moved by Commissioner Brunick, seconded by Commissioner Miner, to 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. (Memorandum 21-116)

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

Motion adopted.

Action 21-144

This was the time and place for the public hearing for the Bid Award for 23rd Street from West City Limits Road (WCLR) to Approximately 1300’ West – Street & Utility Reconstruction. The following bids were received and opened on May 13th, 2021 at 3:00 pm.: D&G Concrete Construction, Inc., Sioux Falls, SD for \$726,492.65; Hulstein Excavating, Inc., Edgerton, MN for \$835,695.00; Slowey Construction, Inc., Yankton, SD for \$836,819.00; and Feimer Construction, Inc., Yankton, SD for \$1,083,900.00. (Memorandum 21-108) Adam Haberman, Public Works Director, explained that the low bidder did not acknowledge the addendums for the project, thus the bid was not considered and awarded to the second lowest bidder.

Moved by Commissioner Johnson, seconded by Commissioner Miner, to award the bid for 23rd Street from West City Limits Road (WCLR) to Approximately 1300’ West – Street & Utility Reconstruction to Hulstein Excavation, Inc., in the amount of \$835,695.00.

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

Motion adopted.

Action 21-145

Moved by Commissioner Brunick, seconded by Commissioner Miner, to approve the citizens and City Commissioners, selected by the Mayor, to serve on the various City Advisory Boards and Commissions as outlined in Memorandum 21-111.

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

Motion adopted.

Action 21-146

Moved by Commissioner Benson, seconded by Commissioner Brunick, to approve Resolution 21-48. (Memorandum 21-118)

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 SURPLUSED

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

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

Motion adopted.

Action 21-147

Moved by Commissioner Johnson, seconded by Commissioner Maibaum, to adjourn at 8:00 p.m.

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

Motion adopted.

Stephanie Moser
Mayor

ATTEST:

Al Viereck
Finance Officer

Published June 4th, 2021