



CITY OF YANKTON

2021_06_28

**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, June 28, 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 June 14, 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. **Establish public hearing for a Transfer of Ownership – Malt Beverage & SD Farm Wine**

Establish July 12, 2021, as the date for the public hearing on the request for a transfer of ownership of a Retail (on-off-sale) Malt Beverage & SD Farm Wine for July 1, 2021, to June 30, 2022, from Annis Properties, Inc. d/b/a Patriot Express 02 (Kevin Annis, President), to Israel Martako d/b/a Chaparos Tacos, 100 East 4th Street, Yankton, S.D.

Attachment II-1

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.

NONE

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. Grant Agreement – Chan Gurney Municipal Airport

Consideration of Memorandum #21-138 regarding Grant Agreement for the receipt of Coronavirus Response and Relief Appropriation Act funds – Chan Gurney Municipal Airport

Attachment IV-1

2. Bid Award – Petroleum and Transport Tankwagon Petroleum Products

Consideration of Memorandum #21-139 regarding the 2021-22 Annual Supply of Petroleum & Transport Tankwagon Petroleum Products

Attachment IV-2

3. Bid Award – Cold Applied Plastic Pavement Marking

Consideration of Memorandum #21-140 regarding Bid Award for the Cold Applied Plastic Pavement Marking Installation Project

Attachment IV-3

4. Planning Commission Recommendation – Plat Review

Consideration of Memorandum #21-135 and Resolution #21-53, a plat of Lots RL-4, RL-5, RL-6 and RL-7, St. Joe's Corner, City and County of Yankton, South Dakota. Debra M. Specht and Daniel L. Specht, members of Mona's, LLC, owner. Address, south side of the 600 Block of East 4th Street

Attachment IV-4

5. Planning Commission Recommendation – Plat Review

Consideration of Memorandum #21-136 regarding Resolution #21-54, a plat of Lot 13, 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, the north side of the 3900 block of Buck Street.

Attachment IV-5

- 6. Annexation**
Consideration of Memorandum #21-137 regarding Resolution #21-55, the annexation of identified parcels in the SW1/4 and SE1/4 of Section 36, T94N, R56W of the 5th P.M. Yankton County, South Dakota. Lewis and Clark Behavioral Health Services and the City of Yankton, owners. Location, the north side of the 900 and 1000 Blocks of W. 31st Street.

Attachment IV-6
- 7. Planning Commission Recommendation – CUP**
Consideration of Memorandum #21-141 regarding Resolution #21-56, a Conditional Use Permit for a self-storage facility in a B-2 Highway Business District on the south 141 feet of the east 229 feet of Lot 3, Replat of Block 2, Airport Acres Addition in the City of Yankton, South Dakota. Johanneson Contracting, Inc., applicant. Address, 2913 Piper Street.

Attachment IV-7
- 8. First Reading – Administrative Approval of Plats**
Consideration of Memorandum #21-142, introduction, first reading and establish July 12, 2021, as the date for a public hearing to consider Ordinance #1053, an ordinance adopting provisions for administrative approval of plats pursuant to South Dakota Codified Law 11-3-6.

Attachment IV-8
- 9. Kennel License Fee**
Consideration of Memorandum #21-143 regarding Resolution #21-57, establishing a kennel license fee

Attachment IV-9
- 10. Auld Brokaw Trail & Marne Creek Bank Restoration Scope Amendment**
Consideration of Memorandum #21-144 regarding Auld Brokaw Trail & Marne Creek Bank Restoration Scope Amendment with Banner Associates

Attachment IV-10
- 11. Medical Marijuana Fees**
Consideration of Memorandum #21-145 and Resolution #21-58, regarding Medical Marijuana Fees

Attachment IV-11
- 12. Medical Marijuana / Personnel Manual & Collective Bargaining Agreement**
Consideration of Memorandum #21-134, regarding Medical Marijuana and City of Yankton Personnel Manual & Collective Bargaining Agreement

Attachment IV-12
- 13. Lancer Homecoming Parade - Special Events Parking Request**
Consideration of Memorandum #21-123 and Resolution #21-50 regarding request by Mount Marty University for Special Events Parking Ordinance #933 to be in place during Lancer Homecoming Parade

Attachment IV-13

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

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

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

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

VII. RECONVENE AS BOARD OF CITY COMMISSIONERS

1. Roll Call

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 JUNE 28, 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
JUNE 14TH, 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, Schramm, Webber and Villanueva. City Attorney Den Herder and City Manager Leon were also present.

Quorum present.

Action 21-148

Moved by Commissioner Benson, seconded by Commissioner Johnson, to approve Minutes of work session of May 24, 2021 and regular meeting of May 24, 2021.

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

Motion adopted.

Action 21-149

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

1 Office Solution - Laminator - \$315.30; Accucut - Summer Reading Program - \$248.50; Adobe Creative Cloud - Computer Program - \$85.18; Adobe Stock - Computer Program - \$31.94; AFSCME Council 65 - AFSCME Deductions - \$1,007.05; Aliexpress - Helmet Ear Protection - \$779.51; Allegiant Emergency Svs Inc. - Saw Blades - \$448.00; Amazon - HFAC Supplies - \$25.21; Amazon - DVD's - \$33.21; Amazon - DVD's - \$43.99; Amazon - Bookshelf - \$415.01; Amazon - Summer Program Supplies - \$17.88; Amazon - Office Supplies - \$16.98; Amazon - HFAC-Network Supplies - \$54.09; Amazon - Snap Covers - \$21.98; Amazon - First Aid Supplies - \$33.90; Amazon - DVD - \$17.96; Amazon - DVD - \$17.96; Amazon - Summer Program Supplies - \$233.70; Amazon - Summer Program Supplies - \$93.61; Amazon - Air Filter - \$49.31; Amazon - Access Points - \$212.46; Amazon - Gas Struts - \$27.38; Amazon - DVD - \$18.12; Amazon - Summer Program Supplies - \$232.28; Amazon - Office Supplies - \$17.20; Amazon - Umbrellas - \$335.95; Amazon - Avery Stock, Thermal Roll - \$42.86; Amazon - Umbrellas - \$418.45; Amazon - Summer Program Supplies - \$59.98; Amazon - Whistles/Sunscreen - \$159.98; Amazon - Cables - \$69.94; Amazon - Book - \$11.12; Amazon - Cables - \$31.87; Amazon - HFAC Supplies - \$230.42; Amazon - Summer Program Supplies - \$323.24; American Assoc. Of Code - Conference-Code Enforce - \$565.00; American Red Cross - Lifeguard Certifications - \$1,126.00; Animal Health Clinic - K9 Max Care-Annual Check - \$58.56; A-Ox Welding Supply - Chemicals - \$303.65; Argus Leader - Subscription - \$274.47; AT&T Bill Payment - Cell Phone - \$81.46; Auto Value Yankton - Filters - \$1,466.05; Automatic Building Controls - Fire Inspection - \$4,317.00; AutoZone - Battery - \$566.45; Avera Health CRP - CPR Card - \$20.00; Avera Sacred Heart - Employment Tests - \$82.00; Awwa.Org - Membership Dues - \$143.50; Axon - 4 Tasers - \$5,946.08; Ax Voice Inc. - Dialer Service - \$21.44; Backdraft Magazine - Advertisement - \$155.00; Badge And Wallet - Badge/Wallet Holder - \$37.00; Baker-Taylor - Books - \$4,363.16; Balfany/Don - Tree Reimbursement - \$45.00; Benjamin/Jeff And Jaci - Sac Pens - \$392.02; Best Buy - Office Supplies - \$191.67; Big Time Clocks - Clocks HFAC - \$1,847.45; Blackburn Manufacturing - Survey Supplies - \$195.38; Bomgaars - Drill Bit Set - \$2,180.02; Brightway Electric LLC - City Hall Core Drilling - \$589.29; Brock White - Sealant - \$28,644.00; Buhl's Cleaners - Towel Cleaning - \$715.71; Burger King - Travel Expense-Pierre - \$5.81; C & B Yankton - Truck Repairs -

\$40.50; Camp/Samuel - Tree Reimbursement - \$100.00; Campbell/Stu - Books - \$60.64; Cedar Knox Public Power Dist - Electricity - \$1,243.16; Cenex - Fuel - \$69.57; Center Point - Books - \$133.62; Central Divers LLC - Dive Inspection - \$5,791.80; CenturyLink - Phone - \$1,298.83; CHS - Chemicals - \$166.80; Cimpl's - Born Learning Trail - \$140.00; City Of Vermillion - Jt Power Cash Trans - \$70,814.52; City Of Yankton-Central Garage - Rubbish - \$12.00; City Of Yankton-City Clean-Up - City Wide Clean Up - \$7,574.45; City Of Yankton-Parks - Landfill Charges - \$264.51; City Of Yankton-Sac - HFAC Cash - \$900.00; City Of Yankton-Solid Waste - Compacted Garbage - \$14,559.21; City Utilities - Wtr-Ww Charges - \$5,367.24; City Utilities - Wtr-Ww Charges - \$99.58; City Utilities - Water-Ww Charges - \$112.68; Clark - Fuel-Pierre - \$35.09; Clark - Background Investigation - \$18.19; Clark's Rental - Jack Hammer Rental - \$50.00; Clarks Rentals Custom - Jackhammer Rental - \$743.48; Co2 Systems Inc. - Safety Upgrades - \$9,675.00; Concrete Material - Concrete - \$3,021.00; Concrete Material - Park Supplies - \$102.21; Core & Main - Parts - \$724.36; Cornwell D-P Tools Inc. - Scanner - \$4,815.93; Credit Collection Service Inc. - Ut Collection - \$340.99; Crescent Electric - Lights - \$953.93; Culligan Water Condition - Water Filter Rental - \$50.00; D & G Concrete Const. - Reconstruction - \$93,189.26; Data Axle - Books - \$390.00; Davis Equipment - Equipment Repairs - \$99.03; Den Herder Law Office, P.C. - Contracted Services - \$10,470.05; Department Of Environment - Permit - \$256.25; Dept Of Social Services - State Sd Child Support - \$1,951.84; Design Solutions & Integration - Tech Support - \$21.44; Diane's Greenhouse - Flowers - \$2,541.91; Dollar Tree - Summer Reading Program - \$23.00; Dropbox - Professional Services - \$127.67; Echo Electric Supply - Wire Connectors - \$194.70; Efting/William - Consulting - \$1,200.00; Election System & Software Inc. - Election Ballots - \$839.91; Embroidery & Screen Works - Shirts - \$445.50; Ethanol Products LLC - Chemicals - \$1,523.16; Exc Adv Dep - Motel Room Reservation - \$23.81; Facebook - Advertisement - \$50.02; Fastenal - Washers - \$78.08; FedEx - Shipping - \$14.87; FedEx - Shipping - \$14.87; Fejfar Plumbing & Heat - Softball Bathroom Parts - \$353.40; Ferguson Enterprises - Meter Suds - \$851.25; First Dakota Nat'l Bank HSA - HSA Contributions - \$10,321.16; First National Bank FSA - Das Flex-FNB Cafeteria - \$1,178.32; Fluent IMS - Who's Responding Subscript - \$386.00; Flynn's Flowing Flags - Ground Sleeves - \$1,389.50; Frontier Mills - Grass Seed - \$580.85; General Repair Service - Oil - \$1,491.53; Gerstner Oil Co - Fuel - \$26,964.64; Girton Adams Co - Sludge Heater Ignition - \$29.84; GPSI Club Car Connect - Connect Rental - \$3,840.00; Granicus - Website Customizations - \$1,245.04; Graymont - Chemicals - \$4,855.18; Guardian Alliance - Background Invst Company - \$100.00; H & K Oil Inc. - Balance Steer Tires - \$80.00; Hach Company - Probe - \$457.38; Hanson Briggs - Dry Erase Board Chart - \$112.30; Hanson Briggs Advertising Inc. - Recycle Flyers - \$372.94; Harding Glass - Temporary Glass - \$52.60; Harn Ro Systems Inc. - Chemicals - \$4,900.00; Harris/John W - Travel Reimbursement - \$271.44; Hawkins Inc. - Chemicals - \$37,731.19; HDR Engineering Inc. - WWTP EDA Improvements - \$142,966.38; Health Partners - Health Partners Insur - \$93,148.50; Heatec Inc. - Fire Box Replacement - \$4,587.44; Huhot Mongolian Grill - Exam Travel Expense - \$14.71; Hy-Vee - Employee Appreciation - \$293.20; Hy-Vee Gas - Post Fire Call Supplies - \$19.14; ICMA Retirement Trust - ICMA Contributions - \$6,592.02; Info People - Staff Training - \$200.00; IPY Midwest Alarm - Alarm Line - \$66.00; J & H Care & Cleaning Company - Janitorial Services - \$4,000.00; J2 Metrofax - Fax - \$9.95; Jacks Uniforms - Pants And Shirts - \$5,527.63; Jansen Roofing & Construction - Metal Roof Installation - \$19,912.65; JCL Solutions - Cleaning Supplies - \$1,845.93; JJ Benjis LLC - Polos - \$395.00; Johns Service - Tires - \$436.00; Kaiser Heating And Cooling - Riverside Pk Renovations - \$1,227.55; Kaiser Refrigeration - Staff Room Appliances - \$1,758.37; Kindle Svcs - Reimbursed Charge - \$5.31; Kindle Svcs - Reimbursed Charge - \$5.31; Kinsman Garden - Flowers - \$119.76; Kites In The Sky - Summer Reading Program - \$226.52; Klein's Tree Service - Tree Removal - \$11,550.00; Know Ink - Election Pollbooks - \$3,900.00; Kopetsky's Ace - Flowers - \$1,302.16; Language Line -

Interpretation Service - \$107.21; Larrys Heating And Cooling - Furnace Filters - \$97.92; Lewis And Clark Ford - Replace Egr Assembly - \$2,196.91; Lifeguard Store - Reels For Lane Lines - \$7,370.72; Locators & Supplies - Marking Paint - \$637.80; Los Designs LLC - Window Decal - \$25.00; Lucky Luke LLC - Books - \$104.74; Lumen - Internet Bill - \$2,570.48; Mark's Machinery - Tractor Battery - \$917.28; Mead Lumber - Survey Lumber - \$1,216.85; Menards - Mulch - \$3,675.07; Merkel Electric - Replace Light Base - \$892.86; MidAmerican Energy - Fuel - \$7,118.44; MidAmerican Energy - Fuel - \$2,374.84; Midwest Alarm Company Inc. - Professional Services - \$132.00; Midwest Laboratories - Wastewater Supplies - \$181.84; Midwest Mini Melts - Concessions - \$1,344.00; Midwest Tape - Av - \$662.82; Midwest Tire And Muffler - Tires, Foam Fill Tires - \$6,173.88; Midwest Turf & Irrigation - Equipment Repairs - \$1,664.32; Millenium Recycling - Single Stream Fee - \$2,537.50; Minnesota Life Insurance Co - Minnesota Life - \$1,312.29; Morrow/Joseph C. - Design Work - \$9,180.00; Mudder/Madilyn - Refund - \$213.00; Mueller/Pete - Boot Reimbursement - \$130.00; Municipal Code Corp. - Annual Subscription - \$550.00; Napa Auto Parts - Lamp - \$213.56; National Audubon Society - Subscription - \$30.00; NBS Calibrations - Field Temperature Equip - \$479.41; Nebraska Child Support - Child Support Payment - \$943.00; Nebraska DOR - Ne State Income Tax - \$1,068.41; NITV Federal Services - Recertification CVSA - \$790.00; Northern Truck Equipment Corp - Service Body - \$103,407.00; Northtown Automotive - Repair Towed Vehicle - \$205.53; Northwestern Energy - Electricity - \$1,397.71; NRA Membership Interne - NRA Membership Dues - \$75.00; Nursery Wholesalers - Memorial Park Flowers - \$1,648.66; Observer - Advertisement - \$60.00; Olson's Pest Technician - Pest Control - \$90.00; OPIS Energy Group - OPIS Rack Report - \$1,944.00; O'Reilly Auto Parts - Rotors, Brake Pads - \$1,670.74; Overdrive Dist. - E-Books - \$2,302.64; Overhead Door Co - Door Repair - \$416.23; PayPal - Srt Helmet Nvg Mounts - \$238.99; PayPal - Toner - \$149.89; PayPal - NTOA Cert Course - \$297.00; PayPal - Ups-Batteries - \$55.54; Phenova, Inc.. - DMRQA Testing Kit - \$982.88; Pilot - Fuel-Training - \$65.64; Pitney Bowes - Postage - \$200.00; Police Chiefs' Assn - Online Post Testing - \$245.00; Polo/RI Glendale - Reimbursed Charge - \$60.06; Pool Web - Uniforms - \$34.94; Powers Port-A-Pot - Porta Potties - \$500.00; Prendable/Daniel - Tree Reimbursement - \$100.00; Press Dakota - Election Ballot - \$1,973.19; Provantage - Software - \$668.00; Quill Corporation - Office Supplies - \$152.89; Racom Corporation - Program Key - \$1,571.51; Restaurant Design Equipment - Freezers HFAC - \$9,415.11; Retirement, SD - SDRS Pension - \$80,181.72; Retirement, SD System - 401a Special Pay - \$5,643.24; Riverside Hydraulics I - Hose, Fittings, O-Rings - \$713.82; Rivistas Subscription - Subscriptions - \$4,372.68; Robert Sharp & Associates - Website - \$5,096.50; Ron's Auto Glass - Replace Windshield - \$254.80; Ron's Auto Glass - Park Repairs - \$200.00; Roth/Jerry - Tree Reimbursement - \$79.08; Royal Sport Shop - Plaque For Donated Bench - \$20.00; Sanitation Products Inc. - Parts - \$2,606.51; Scheels - Flashlight Battery - \$22.99; Schuurman's Farm Supply - Equipment Maintenance - \$162.82; SD Firefighters Association - Fire School Registration - \$250.00; Sd Public Assurance Alliance - Insurance - \$20,218.42; SDSRP - SD Supplemental Retire - \$15,427.00; Sherwin Williams - Traffic Paint - \$2,439.73; Sioux City Journal - Advertising - \$2,000.00; Sioux City Journal - Ads - \$943.00; Small/Gracie - Refund - \$213.00; Smartsign - Signs - \$1,072.34; Snow & Associates Inc./Gary - Asbestos Inspection - \$1,750.00; South Dakota 811 - Locate Fee - \$725.85; South Dakota Amateur Softball - Softball Registration - \$600.00; South Dakota Dept Of Labor - Federal Withholding Tax - \$152,382.94; South Dakota Humanitie - Summer Reading Program - \$25.00; Sprinkler Warehouse - Irrigation Supplies - \$2,099.87; Staples Direct - Summer Reading Program - \$180.33; Stockwell Engineers - Aquatics Facility Design - \$52,312.19; Sturdevant's - Filters - \$100.49; Subway - Travel Expense - \$8.75; Subway - Travel Expense - \$8.48; Subway - Travel Expense - \$11.27; Sweeney Controls Company - VPN Connection - \$780.00; Taco Johns - Travel Expense - \$83.19; Tessman Company Sioux - Agricultural Supplies - \$3,760.33; The Icee Company - Concessions - \$868.53; The Ups Store -

Postage - \$667.83; Third Millennium Asso Inc. - Utility Billing - \$614.69; Tiger Supplies - Survey Supplies - \$109.95; Toms Electric - Labor & Materials - \$3,224.80; Top Golf River Walk - Reimbursed Charge - \$128.95; Tractor Supply Co - Oil - \$65.97; Tramp/Kim - Refund - \$201.00; Transource - Switch Button - \$67.67; Transportation Dept/S.D. - Cedar Street - \$6,479.56; Tre Environmental Strategies - Wet Test - \$650.00; TRK Hosting - Web Hosting - \$7.95; Truck Trailer Sales - Pump - \$1,348.40; Truck Trailer Sales - Dot Inspection - \$136.74; Trugreen - Lawn Service - \$97.33; Tuff-Go LLC - Picnic Tables - \$37,530.00; U.S. Post Office - USPS Utility Billing POs - \$2,016.85; UKG Workforce Ready - Payroll/Hr. TLM Software - \$2,177.25; United States Postal Service - Postage Meter - \$556.33; United Way - United Way - \$118.00; Us Bank Equipment Finance - Copier Lease - \$349.31; Us Bank Spa Lockbox Cm9695 - Drink Water 6 C462038-06 - \$894,452.56; USA Blue Book - Pipets And Ph Electrode - \$495.56; USPS Po - Postage - \$102.95; Vast Broadband Vexus - Internet - \$3,860.99; Vellek/Rich - Safety Glasses - \$60.00; Verizon - Internet Access - \$73.02; Verizon - Internet Access - \$1,126.30; Viddler Inc. - Video Hosting - \$41.49; Vista Print - Business Cards - \$77.74; Walgreens - Office Supplies - \$83.43; Walmart - Office Supplies - \$427.22; Walmart - Office Supplies - \$90.82; Walmart - Desk Phone - \$47.99; Walmart - HFAC Supplies - \$1,062.11; Watchguard Video - Parts For Body Cameras - \$104.00; Welfl Construction Corp - HFAC Construction - \$1,034,291.79; Wholesale Supply Inc. - Concessions - \$3,840.90; Williams & Company Pc - Audit - \$9,050.00; Work Place Pro - T-Shirts - \$152.35; Www.Dji.Com - Repair Service For UAV - \$232.00; Wynia/Larry - Refund - \$129.00; Xerox Financial Services - Copier Lease - \$1,474.40; Xtreme Car Wash - Car Washes - \$193.20; Yankton Area Progressive Growth - Summer Programs Ad - \$125.00; Yankton Area Prog. Growth - Sales Tax Reimbursement - \$13,491.32; Yankton Chamber Of Com - Employee Appreciation - \$207.26; Yankton County Auditor - YC Capital Improve - \$15,740.81; Yankton County Director Of - Pictometry Payment - \$9,521.57; Yankton Medical Clinic - Employee Exam - \$536.00; Yankton Nurseries LLC - Flowers - \$1,508.00; Yankton Pizza Ranch - Employee Appreciation - \$177.00; Yankton Redi Mix Inc. - Concrete - \$1,121.50; Yankton Rexall Drug - K9 Meds Reno - \$16.98; Yankton USBC Association - Funding Request-USBC - \$3,500.00; Yankton Vol Fire Department - Fire Calls-April/May - \$1,160.00; Yankton Winnelson Co - Park Maintenance - \$473.17; YanktonmediaInc. - P & D Subscription - \$139.64; Ykt Janitorial & Dt Sc - Trash Bags, Paper Product - \$330.35

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

May 2021 - Salaries by Department: Administration \$51,654.45; Finance \$32,876.35; Community Development \$26,459.76; Police/Dispatch \$175,210.90; Fire \$13,465.33; Engineering / Sr. Citizens \$48,047.41; Streets \$54,147.91; Traffic Control \$4,012.18; Library \$29,758.25; Parks / SAC \$81,379.39; Huether Aquatic Center \$1,203.63; Marne Creek \$4,824.26; Water \$39,518.49; Wastewater \$42,142.71; Cemetery \$5,468.99; Solid Waste \$22,650.65; Landfill / Recycle \$20,351.49; Central Garage \$7,681.60

New Hires: Tatum Hohenthauer \$11.00 hr., Life Guard, Rec Div.; Lauren Tereshinki \$11.00 hr., Life Guard, Rec Div.; Jana Lane \$23.4423 hr., HR/Payroll Benefits Specialist, Human Resources; Michael Villanueva \$498.22 Mthly, City Commissioner; Justin Paddock \$1,898.35 bi-wkly, Police Officer, Police Dept.; Madisyn Bietz \$10.00 hr. Summer Program Instructor, Rec Div.; Heather Bicknell \$10.00 hr., Pool Cashier, Rec Div.; Katelyn Sternhagen \$11.00 hr., Lifeguard, Rec Div.; Dylan Prouty \$10.00 hr., Pool Cashier, Rec Div.; Tyson Prouty \$10.00 hr., Pool Cashier, Rec Div.; Bailey Kortan \$11.00 hr., Park Maintenance, Parks Div.; Jaden Kral \$10.00 hr., Pool Cashier, Rec Div.; Lauren

Haberman \$11.00 hr., Lifeguard, Rec Div.; Justin Cap \$10.00 hr., Pool Cashier, Rec Div.; Braylen Bietz \$10.00 hr., Pool Cashier, Rec Div.; Jess Jussel \$10.00 hr., Pool Cashier, Rec Div.; Nicholas Taylor \$11.00 hr., Lifeguard, Rec Div.; Adley Swanson \$11.00 hr., Park Maintenance, Parks Div.; Kyra Liebig \$12.75 hr., Lifeguard Manager, Rec Div.; Blake Wieseler \$11.50 hr., Summer Programs, Rec Div.; Olivia Liebig \$10.00 hr., Pool Cashier, Rec Div.; Katie LaCroix \$10.00 hr., Pool Cashier, Rec Div.; Jordynn Salvatori \$10.00 hr., Pool Cashier, Rec Div.; Max Raab \$10.00 hr., Pool Cashier, Rec Div.; Tierney Faulk \$10.00 hr., Pool Cashier, Rec Div.; Rachel Hejna \$10.00 hr., Pool Cashier, Rec Div.; Porter Cuka \$10.00 hr., Pool Cashier, Rec Div.; Gavin Fortner \$10.00 hr., Pool Cashier, Rec Div.; Bergen O'Brien \$10.00 hr., Pool Cashier, Rec Div.; Jillian Schulte \$10.00 hr., Pool Cashier, Rec Div.; Emily Reinhardt \$10.00 hr., Pool Cashier, Rec Div.; Brianna Berger \$11.00 hr., Lifeguard, Rec Div.; Johannah DeVries \$11.00 hr., Lifeguard, Rec Div.; Aspen Ruth \$11.00 hr., Lifeguard, Rec Div.; Kayla Bryant \$11.00 hr., Lifeguard, Rec Div.

Wage Changes: Diane Schramm \$10.75 hr., Summer Programs, Rec Div.; Keaton List \$10.50 hr., Tennis Instructor, Rec Div.; Ryan Schulte \$10.50 hr., Tennis Instructor, Rec Div.; Kayla Loecker \$14.50 hr., Safety City Instructor, Rec Div.; Lisa Yardley \$2,856.57 bi-wkly, Deputy Finance Officer, Finance Dept.; Robert Marlow \$12.00 hr., Cemetery Maintenance, Cemetery; Adam Lange \$12.00 hr., Parks Maintenance, Parks Div.; Emilee LaBarge \$11.00 hr., Pool Cashier, Rec Div.; Skyler Olson \$14.00 hr., Park Maintenance, Parks Rec; Alexandre Irwin \$11.00 hr., Trail Maintenance, Parks Div.

Position Changes: William Jensen from Grounds Maintenance Worker at \$22.1038 hr. to Fleet Mechanic/Ground Maintenance at \$22.9168 hr.; Nathan Johnson from City Mayor at \$685.06 monthly to City Commissioner at \$498.22 monthly; Stephanie Moser from City Commissioner at \$498.22 to City Mayor at \$685.06; Camille Mertens from Housing Manager at \$1,423.35 bi-wkly to Executive Director Yankton Housing at \$24.0385

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 21-150

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

1. **Budget Workshop Discussion**
Discussion to set Budget workshop meeting dates for June 28, 2021 starting at 5:30 pm & August 9-10, 2021 starting at 5:30 pm
2. **Possible Quorum Event**
June 16, 2021, at River Rock Event Center no official commission action

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

Motion adopted.

Action 21-151

This was the time and place for the second reading and public hearing for Ordinance No. 1052, AN ORDINANCE ESTABLISHING LICENSING REGULATIONS FOR MEDICAL CANNABIS DISPENSARY BUSINESSES, A NEW DIVISION NUMBERED DIVISION 7 OF CHAPTER 13, ARTICLE III, OF THE CITY OF YANKTON CODE OF ORDINANCES. (Memorandum 21-117) No one was present to speak for or against the adoption of the ordinance.

Moved by Commissioner Miner, seconded by Commissioner Benson, to adopt Ordinance No.1052.

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

Motion adopted.

Action 21-152

Jeff Koster, business owner, appeared to request Commission to support his variance request.

The City Commission acting as the Board of Adjustment. Moved by Commissioner Johnson, seconded by Commissioner Maibaum, to deny the request of 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. (Memorandum 21-126)

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

Motion adopted.

Action 21-153

This was the time and place for the second reading and public hearing for Ordinance No. 1049, AN ORDINANCE TO REZONE PROPERTY 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. (Memorandum 21-127) No one was present to speak for or against the adoption of the ordinance.

Moved by Commissioner Benson, seconded by Commissioner Schramm, to adopt Ordinance No. 1049.

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

Motion adopted.

Action 21-154

This was the time and place for the second reading and public hearing for Ordinance No. 1050, AN ORDINANCE TO REZONE PROPERTY 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 AND 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. (Memorandum 21-128) No one was present to speak for or against the adoption of the ordinance.

Moved by Commissioner Schramm, seconded by Commissioner Benson, to adopt Ordinance No. 1050.

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

Motion adopted.

Action 21-155

This was the time and place for the second reading and public hearing for Ordinance No. 1051, AN ORDINANCE AMENDING CERTAIN LANGUAGE IN IDENTIFIED SECTIONS OF CHAPTER 27, ARTICLE II. (Memorandum 21-129) No one was present to speak for or against the adoption of the ordinance.

Moved by Commissioner Maibaum, seconded by Commissioner Benson, to adopt Ordinance No. 1051.

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

Motion adopted.

Action 21-156

This was the time and place for the public hearing 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. (Memorandum 21-119) No one was present to speak for or against the application.

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

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

Motion adopted.

Action 21-157

Moved by Commissioner Maibaum, seconded by Commissioner Webber, to approve the increase in the SAC rental rates for 2023. (Memorandum 21-106)

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

Motion adopted.

Action 21-158

Kyle Goodmanson, Director of Environmental Services and Bill Moran, HDR Vice President of the Dakotas & Wyoming Water Lead, were present to give an explanation and answer questions.

Moved by Commissioner Brunick, seconded by Commissioner Miner, to approve the City Manager to execute the HDR Contract for EDA Distribution and Collection Master Planning in an amount not to exceed \$387,729.00. Memorandum 21-99)

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

Motion adopted.

Action 21-159

Moved by Commissioner Johnson, seconded by Commissioner Miner, to approve Resolution 21-43. (Memorandum 21-120)

RESOLUTION 21-43

RESOLUTION GIVING APPROVAL TO CERTAIN SEWER FACILITIES IMPROVEMENTS; GIVING APPROVAL TO THE ISSUANCE AND SALE OF A REVENUE BOND TO FINANCE, DIRECTLY OR INDIRECTLY, THE IMPROVEMENTS TO THE FACILITIES; APPROVING THE FORM OF THE LOAN AGREEMENT AND THE REVENUE BOND AND PLEDGING REVENUES AND COLLATERAL TO SECURE THE PAYMENT OF THE REVENUE BOND; AND CREATING SPECIAL FUNDS AND ACCOUNTS FOR THE ADMINISTRATION OF FUNDS FOR OPERATION OF THE SYSTEM AND RETIREMENT OF THE REVENUE BOND.

WHEREAS, one of the purposes of SDCL Chapter 9-40 (the “Act”) as found and determined by the Legislature is to provide for financing the acquisition, maintenance, operation, extension or improvement of any system or part of any system for the collection, treatment and disposal of sewage and other domestic, commercial and industrial wastes; or any system for the control of floods and drainage; or any combination thereof, together with extensions, additions, and necessary appurtenances; and,

WHEREAS, a municipality is authorized to issue revenue bonds to defray the cost of extensions, additions and improvements to any utility previously owned and is authorized to pledge the net income or revenues from the system in accordance with Section 15 of the Act; and,

WHEREAS, the City of Yankton (the “City”) currently operates a sewer system for the collection, treatment and disposal of sewage and other domestic, commercial and industrial wastes; and for the control of floods and drainage and has determined that improvements to the sewer facilities are necessary for the conduct of its governmental programs and qualifies as an improvement, extension or addition to its sewer system; and,

WHEREAS, the City has determined to issue its revenue bonds to finance the improvements to its sewer system for the purpose of collecting, treating and disposing of sewage and other domestic, commercial and industrial wastes (the “System”) and has applied to the South Dakota Conservancy District (the “District”) for a Clean Water State Revolving Fund Loan to finance the improvements;

WHEREAS, the City shall adopt rates and charges for the improvements to be pledged, segregated and used for the payment of the Bonds.

NOW THEREFORE BE IT RESOLVED by the City as follows:

SECTION 1. Definitions. The terms when used in this Resolution shall have the following meanings set forth in this section unless the context clearly requires otherwise. All terms used in this Resolution which are not defined herein shall have the meanings assigned to them in the Loan Agreement unless the context clearly otherwise requires.

“**Act**” means South Dakota Codified Laws Chapter 9-40.

“**Loan**” means the Loan made by the South Dakota Conservancy District to the City pursuant to the terms of the Loan Agreement and as evidenced by the Revenue Bond.

“**Project**” means the City of Yankton Wastewater Treatment Plant Improvements.

“**Revenue Bond**” means the revenue bond or bonds issued the date of the Loan Agreement by the City to the South Dakota Conservancy District to evidence the City’s obligation to repay the principal of and pay interest and Administrative Expense Surcharge on the Loan.

“**System**” means the City’s system of collecting, treating and disposing of sewage and other domestic, commercial and industrial wastes.

SECTION 2. Declaration of Necessity and Findings.

2.1. Declaration of Necessity. The City hereby determines and declares it is necessary to construct and finance improvements to its System described as the Project.

2.2. Findings. The City does hereby find as follows:

2.2.1. The City hereby expressly finds that if the Project is not undertaken, the System will pose a health hazard to the City and its inhabitants, and will make the City unable to comply with state and federal law.

2.2.2. Because of the functional interdependence of the various portions of the System, the fact that the System may not lawfully operate unless it complies with State and federal laws, including SDCL Chapter 34A-2, and the federal Clean Water Act, and the nature of the improvements financed, the City hereby finds and determines that the Project will substantially benefit the entire System and all of its users within the meaning of Sections 15 and 17 of the Act.

2.2.3. The City hereby determines and finds that for the purposes of the Act, including, in particular, Sections 15 and 17 of the Act, that only the net income from the system as improved, financed by the Revenue Bond, be pledged for its payment.

SECTION 3. Authorization of Loan, Pledge of Revenue and Security.

3.1. Authorization of Loan. The City hereby determines and declares it necessary to finance up to \$4,500,000 of the costs of the Project through the issuance of bonds payable from net revenues of the system and other funds secured by the City. The City hereby determines that because the Revenue Bond is issued in connection with a financing agreement described in SDCL 46A-1-49, pursuant to Section 15 of the Act no election is required to issue the Revenue Bond.

3.2. Approval of Loan Agreement. The execution and delivery of the Revenue Obligation Loan Agreement (the "Loan Agreement"), the form of which is on file with the City Finance Officer (the "Finance Officer") and open to public inspection, between the City as Borrower and the District, are hereby in all respects authorized, approved and confirmed, and the Mayor and Finance Officer are hereby authorized and directed to execute and deliver the Loan Agreement in the form and content attached hereto, with such changes as the attorney for the City deems appropriate and approves, for and on behalf of the City. The Mayor and Finance Officer are hereby further authorized and directed to implement and perform the covenants and obligations of the City set forth in or required by the Loan Agreement. The Loan Agreement herein referred to and made a part of this Resolution is on file in the office of the Finance Officer and is available for inspection by any interested party.

3.3. Approval of Revenue Bond. The issuance of a revenue bond in a principal amount not to exceed \$4,500,000 as determined according to the Loan Agreement in the form and content set forth in Appendix B attached to the form of Loan Agreement (the "Revenue Bond") shall be and the same is, in all respects, hereby authorized, approved, and confirmed and the Mayor, Finance Officer, and other appropriate officials shall be and are hereby authorized and directed to execute and seal the Revenue Bond and deliver the Revenue Bond to the District, for and on behalf of the City, upon receipt of the purchase price, and to use the proceeds thereof in the manner set forth in the Loan Agreement. The Mayor and Finance Officer are hereby authorized to approve the final terms of the Revenue Bond and their execution and delivery thereof shall evidence that approval. The Revenue Bond shall be issued under the authority of SDCL Chapter 9-40 and SDCL Chapter 6-8B, and the provisions of the Act are hereby expressly incorporated herein as provided in Section 19 of the Act.

3.4. Pledge of Revenues. The Revenue Bond together with the interest thereon, shall not constitute a charge against the City's general credit or taxing power, but shall be a limited obligation of the City payable solely out of the Project Debt Service Account, which payments, revenues and receipts are hereby and in the Loan Agreement pledged and assigned for the equal and ratable payments of the Revenue Bond and shall be used for no other purpose than to pay the principal of, interest and Administrative Surcharge on the Revenue Bond, except as may be otherwise expressly authorized in the Loan Agreement (including the purpose of securing Additional Bonds issued as permitted by the terms thereof). The City hereby irrevocably pledges to the South Dakota Conservancy District all income and revenues of the System, including, without limitation, fees, charges to users of the System, penalties and hook-up fees, sign-up fees, proceeds of business interruption insurance, proceeds from the sale of property constituting part of the System and investment income on all such revenues, but only to the extent that the revenues exceed the amounts necessary to operate and maintain the System, provided there shall be excluded from this pledge the proceeds of any federal or state grant or loan, and the investment income therefrom, to the extent such exclusion is a condition of such grant or loan. The City covenants and agrees to charge rates for all services from the System or establish charges or rates which will be sufficient to provide for the payments upon the Revenue Bond issued hereunder as and when the same become due, and as may be necessary to provide for the operation and maintenance and repairs of the System, and depreciation, and the Rate Ordinance shall be revised from time to time so as to produce these amounts. The City hereby reserves the right to determine on a periodic basis the appropriate allocation of operation and maintenance expenses, depreciation, repair and reserves associated with the facilities financed with the Revenue Bond, provided that such determination of allocable operation and maintenance expenses shall in no event abrogate, abridge or otherwise contravene the covenant of the City set forth in this Section 3 or any other covenant or agreement in the Loan Agreement.

SECTION 4. Rates, Certification, Segregation and Review.

4.1. Rates and collection There shall be charged rates for each fiscal year which shall ensure that its Net Revenues Available for Debt Service will equal at least 110% of its System Debt Service for such fiscal year.

4.2. Certification. In each fiscal year, or as soon as practicable, and in any event by the date of the delivery of the unaudited financial statements required in the Loan Agreement, the City shall (a) calculate its Net Revenues Available for Debt Service and System Debt Service for the fiscal year, and (b) certify such figures to the South Dakota Conservancy District. The certification described in clause (b) of the preceding sentence shall be substantially in the form of the certificate attached as Appendix E to the Loan Agreement. If the City fails to meet the Rate Covenant set forth in Section 6.4 of the Loan Agreement, the City shall supply the District with quarterly reports on the actions it is taking to correct its coverage deficiency until it delivers an annual coverage certificate showing compliance with the first sentence of this Section.

4.3. Segregation. The Finance Officer shall setup bookkeeping accounts in accordance with South Dakota Legislative Audit guidelines for the segregation of the revenue.

4.4. Periodic review. The sewer rates shall be reviewed from time to time, not less than yearly, and shall be modified in order to produce such funds as are necessary and required to comply with the Loan Agreement's rate covenant and to pay principal of, interest and

Administrative Surcharge on the Revenue Bond when due. The rates may be set by ordinance or resolution in accordance with this Section. The rate ordinance or resolution shall be necessary for the support of government and shall be effective upon passage.

SECTION 5. Additional Bonds. As permitted by Sections 8 and 9 of the Act, Additional Bonds payable from revenues and income of the System may be issued, as permitted in the Loan Agreement, and no provision of this Resolution shall have the effect of restricting the issuance of, or impairing the lien of, such additional parity bonds with respect to the net revenues or income from the extensions, additions or improvements. The City shall have the right to issue additional bonds secured by a lien subordinate to the lien from the Revenue Bond pursuant to the Loan Agreement.

SECTION 6. Project Fund Accounts. For the purpose of application and proper allocation of net income of the System and to secure the payment of principal, Administrative Surcharge and interest on the Revenue Bond, the following mandatory asset segregations shall be included in the sewer system account of the City and shall be used solely for the following respective purposes until payment in full of the principal of and interest on the Revenue Bond:

6.1. Project Revenue Account. There shall be deposited periodically into the Project Revenue Account the net revenues as defined in Section 17 of the Act derived from the operation of the Project collected pursuant to the ordinances and resolutions of the City of Yankton, South Dakota (collectively the "Rate Ordinance"). Moneys from the Project Revenue Account shall be transferred periodically into separate funds and accounts as provided below.

6.2. Project Debt Service Account. Out of the revenues in the Project Revenue Account, there shall be set aside no later than the 25th day of each month into the account designated Project Debt Service Account, a sum sufficient to provide for the payment as the same become due of the next maturing principal, interest and Administrative Surcharge on the Revenue Bonds and any reserve determined by the City's governing body to be necessary. The amount set aside monthly shall be not less than one-third of the total principal, interest, and Administrative Surcharge payable on the following January 15, April 15, July 15 and October 15 and if there shall be any deficiency in the amount previously set aside, then the amount of such deficiency shall be added to the current requirement.

6.3. Depreciation Account. There shall be established a General Depreciation Account. Out of the revenues of the Project Revenue Account there shall be set aside each month into the General Depreciation Account an amount determined by the City Council to be a proper and adequate amount for repair and depreciation of the Project.

6.4. Project Surplus Account. There shall be established the Project Surplus Account. Revenues remaining in the Project Revenue Account at the end of any fiscal year after all periodic transfers have been made therefrom as above required, shall be deemed to be surplus and shall be transferred to the Project Surplus Account. If at any time there shall exist any default in making any periodic transfer to the Project Debt Service Account, the Commission shall authorize the City Finance Officer to rectify such default so far as possible by the transfer of money from the Project Surplus Account. If any such default shall exist as to more than one account or fund at any time, then such transfer shall be made in the order such funds and accounts are listed above.

When not required to restore a current deficiency in the Project Debt Service Account, moneys in the Project Surplus Account from time to time may be used for any of the following purposes and not otherwise:

- (a) To redeem and prepay the Revenue Bond when and as such Revenue Bond becomes prepayable according to its terms;
- (b) To pay for repairs of or for the construction and installation of improvements or additions to the System; and, if the balances in the Project Debt Service Account and the Project Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made there from prior to the end of the then current fiscal year, then:
- (c) To be held as a reserve for redemption and prepayment of any bonds of the System which are not then but will later be prepayable according to their terms; or
- (d) To be used for any other authorized municipal purpose designated by the Commission.
- (e) No moneys shall at any time be transferred from the Project Surplus Account or any other account of the Fund to any other fund of the City, nor shall such moneys at any time be loaned to other municipal funds or invested in warrants, special improvements bonds or other obligations payable from other funds, except as provided in this Section.

SECTION 7. Approval of Paying Agent/Registrar. The Revenue Bond shall be payable at the office of U.S. Bank National Association, St. Paul, Minnesota, hereby designated as paying agent and registrar.

SECTION 8. Approval of Bond Counsel. Meierhenry Sargent LLP is hereby retained as Bond Counsel with respect to the Revenue Bond.

SECTION 9. Tax Matters. The Interest on the Revenue Bond shall be excludable from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (“the Code”) and applicable Treasury Regulations (the “Regulations”).

SECTION 10. Covenants. The City hereby covenants and agrees with the District and other owners of the Revenue Bond as follows:

10.1. The City will punctually perform all duties with reference to the Project, the System and the Revenue Bond required by the constitution and laws of the State of South Dakota and by this Resolution.

10.2. The City agrees and covenants that it will promptly construct the improvements included in the Project.

10.3. The City covenants and agrees that pursuant to Sections 25 through 27 of the Act, the lawful holders of the Revenue Bond shall have a statutory mortgage lien upon the Project and the extensions, additions and improvements thereto acquired pursuant to the Act, until the payment in full of the principal, interest and Administrative Surcharge on the Revenue Bond, and the City agrees not to sell or otherwise dispose of the System, the Project, or any substantial part thereof, except as provided in the Loan Agreement and shall not establish, authorize or grant a

franchise for the operation of any other utility supplying like products or services in competition therewith, or permit any person, firm or corporation to compete with it in the distribution of water for municipal, industrial, and domestic purposes within the City.

10.4. The City covenants and agrees with the District and other owners of the Revenue Bond that it will maintain the System in good condition and operate the same in an efficient manner and at a reasonable cost, so long as any portion of the Revenue Bond remains outstanding; that it will maintain insurance on the System for the benefit of the holders of the Revenue Bond in an amount which usually would be carried by private companies in a similar type of business; that it will prepare, keep and file records, statements and accounts as provided for in this Resolution and the Loan Agreement. The Revenue Bond shall refer expressly to this Resolution and the Act and shall state that it is subject to all provisions and limitations thereof pursuant to Section 19 of the Act.

SECTION 11. Depositories. The Finance Officer shall cause all moneys pertaining to the Funds and Accounts to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of SDCL Ch. 4-6A, in a deposit account or accounts, which shall be maintained separate and apart from all other accounts of the City, so long as any of the Bonds and the interest thereon shall remain unpaid. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No money shall at any time be withdrawn from such deposit accounts except for the purposes of the Funds and Accounts as authorized in this Resolution; except that moneys from time to time on hand in the Funds and Accounts may at any time, in the discretion of the City's governing body, be invested in securities permitted by the provisions of SDCL 4-5-6; provided, however, that the Depreciation Fund may be invested in such securities maturing not later than ten years from the date of the investment. Income received from the deposit or investment of moneys shall be credited to the Fund or Account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys therein.

SECTION 12. Consent to Appointment. In the event of mismanagement of the Project, a default in the payment of the principal or interest of the Revenue Bond, or in any other condition thereof materially affecting the lawful holder of the Revenue Bond, or if the revenues of the Project are dissipated, wasted or diverted from their proper application as set forth in the Loan Agreement, Revenue Bond, or herein, the City hereby consents to the appointment of a receiver pursuant to Section 33 of the Act, and agrees that the receiver will have the powers set forth therein, and in Sections 34 and 35 of the Act to operate and administer the Project, and charge and collect rates as described therein.

SECTION 13. Severability. If any section, paragraph, clause or provision of this Resolution, the Loan Agreement, the Revenue Bond, or any other Loan Document shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution or said Loan Agreement, Revenue Bond, or any other Loan Document.

SECTION 14. Authorization of City Officials. The Mayor, Finance Officer, City Attorney and City officials shall be and they are hereby authorized to execute and deliver for and on behalf of the City any and all other certificates, documents or other papers and to perform such other acts as they may deem necessary or appropriate in order to implement and carry out the actions authorized herein.

SECTION 15. Effective Date. This Resolution shall take effect on the 20th day following its publication, unless suspended by a referendum.

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

Action 21-160

Moved by Commissioner Schramm, seconded by Commissioner Johnson, to approve the request for a public firework display hosted by Parks and Recreation on July 4, 2021. (Memorandum 21-122)

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

Action 21-161

Moved by Commissioner Webber, seconded by Commissioner Miner, to approve Resolution 21-49. (Memorandum 21-124)

RESOLUTION 21-49

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, River City Domestic Violence Center and River City Family Connections committees has made a request to enact this no parking zone for their Walk A Mile and Family Fun Day events on August 28, 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 the alley west of The Lawn and Riverside Drive from the alley east, including the parking lot starting at 8:00 am until 4:00 pm on Saturday, August 28, 2021.

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

Action 21-162

Moved by Commissioner Brunick, seconded by Commissioner Benson, to approve the Kids in the Park event series and allow for the City Manager to be granted the ability to sign all documents/contracts needed for the event. (Memorandum 21-125)

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

Action 21-163

Moved by Commissioner Benson, seconded by Commissioner Villanueva, to approve Resolution 21-51. (Memorandum 21-130)

RESOLUTION #21-51

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 TRADED WITH OTHER GOVERNMENT AGENCY

SKU	Description	Unit Price	QTY	Total
11508	Axon Body 2/3 Double Molle Mount	\$41.75	40	\$1,670.00
74210	Axon Body 3 - 8 Bay Dock	\$1,495.00	1	\$1,495.00
74211	Axon Body 3 - 1 Bay Dock	\$200.00	2	\$400.00
11507	Axon Body 2/3 - Single Molle Mount	\$31.30	20	\$626.00
				\$4,191.00

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

Action 21-164

Jake Hoffner, Riverboat Days Board President, requested support and answered questions. John Kraft and Dave Wright, Board Members, were also present and urged support.

Moved by Commissioner Maibaum, seconded by Commissioner Johnson, to approve a contribution of \$20,000 from the Bed, Board, and Booze fund to Riverboat Days to assist with the cost of hosting Riverboat Days 2021. (Memorandum 21-132)

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

Action 21-165

Moved by Commissioner Benson, seconded by Commissioner Brunick, to approve Resolution 21-52. (Memorandum 21-133)

RESOLUTION 21-52

A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A DISABILITY PARKING SPACE ON THE SOUTHEAST CORNER OF 3RD & PINE

WHEREAS, the City of Yankton desires to provide vehicle parking spaces, for persons with physical disabilities, within the community, and;

WHEREAS, in order to provide convenient parking for persons with disabilities, designated parking stalls need to be established, and;

WHEREAS, said parking spaces shall be reserved for the parking of vehicles displaying a physically disabled parking permit or license plate, only.

NOW, THEREFORE IT BE RESOLVED, by the Board of City Commissioners of the City of Yankton, that one (1) disability parking stall at the following location:

Northeastern most parking stall, on Pine, south of 3rd Street

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

Action 21-166

Moved by Commissioner Johnson, seconded by Commissioner Maibaum, to adjourn into Executive Session at 8:29 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.

Action 21-167

Moved by Commissioner Benson, seconded by Commissioner Johnson, to adjourn at 9:24 p.m.

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

Stephanie Moser
Mayor

ATTEST:

Al Viereck
Finance Officer



OFFICE OF THE CITY MANAGER

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VOL. 56, NUMBER 12

Commission Information Memorandum

The Yankton City Commission meeting on Monday, June 28, 2021, will begin at 7:00 pm.

Non-Agenda Items of Interest

1) Parks and Recreation Department Update

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

2) Police Department Update

Rock Bottom Burgers provided a meal to each officer in the Yankton Police Department. RBB continues to show its support for the police department by showing our law enforcement random acts of kindness.

School Resource Officer Preston Crissey has been in Pierre at DARE training participating as a DARE Mentor. SRO Crissey is the only DARE Mentor in the State of South Dakota. He assists with new officers who are becoming Dare Instructors by helping with lesson plans and learning how to instruct the curriculum to elementary, middle, and high school students.

Officers Frey and Wilson completed training on instructor development. This gets them one step closer to becoming state-certified firearms instructors. This also gives them the tools needed to conduct in-house training for the police department.

Officer Brooke Jackson made contact with a little girl with an extravagant lemonade stand and a sign stating first responders drink free. Officer Jackson handed out sticker badges and cop cards to the little girl and her siblings. This was a refreshing treat during the heatwave last week.

3) Community & Economic Department Update

Building material and construction costs, and their impact on the overall building market, are a prominent topic in many of the conversations in the Community and Economic Development Department. All job site conversations contain at least one reference to the current price for a sheet of oriented strand board (OSB) sheathing (\$41 down from \$50+) which cost less than \$10 two years ago.

At the mid-point of the year our local building market appears to be relatively healthy despite the unprecedented material price increases. Thus far in 2021 we have issued permits for a total of 10 single family homes and 40 units of multi-family housing with another 45 units that may yet be permitted in the second half of the year. Using 2019 as a comparison we had issued permits for 12 single-family homes and one four-plex through June. The average total valuation for all building, renovation and addition permits at this point in the year for the past eight years is \$14.8 million while in 2021 we are sitting at a projected \$13.5 million.

Anecdotally, there have been a small number of both residential and commercial projects that have been postponed until pricing and availability return to something approaching normal. Currently, the general mood is one of cautious optimism that the worst is behind us.

Fortunately, it appears that early May was the high point for wholesale lumber with prices dropping 41% in the past month. The downward trend should continue through the summer as reduced demand and increased supply stabilize the market.

While it is unlikely that lumber will return to where it was pre-pandemic and it will take some time for any wholesale price declines to cycle through to the lumber yards. The prices for other building components such as copper, plastic tubing (PEX) and spray foam insulation continue to be far above where they were 18 months ago and price/availability projections at this point are uncertain. Labor costs and workforce availability in the building trades are other factors having a negative impact on the construction industry at this time. Hopefully as we get closer to 2022, contractors and home and business owners will be able to get back to planning and building for a more typical market in the future.

4) Human Resources Update

We completed our 2nd UKG payroll with our implementation teams support. We will be transitioning to the UKG Hypercare support team, which is a liaison to full UKG community support. We thank everyone for their work and support of the new UKG system and continuing remembrance to review and submit their timesheets timely.

We celebrated two more retirements since the last HR update, Mary Robb and Rich Dewald. Mary's was held at the street shop as she said goodbye to the Yankton team after 16 years. Rich's was held in the city hall gym, at Rich's request, so the grandchildren could run and play. Rich was with the City for 42 years and we thank them both for the dedication and commitment and we wish them all the best in their retirement.

Dispatcher interviews are ongoing. The background has been completed for one conditional offer and we'll move forward with post-offer testing.

Jeremiah Braxton has been selected as the Equipment Operator and Dave Walsh has been moved to Sanitation Truck Operator. Josh Voeltz has been moved to Transfer Station Attendant. We will be advertising for Sanitation Truck Operator.

Dillon Bollinger has joined the Yankton Police Department as of June 21, 2021.

We've conducted several interviews for the Police Department and have conditional offers extended. We'll keep you posted as the extensive backgrounds are worked through.

Interviewing has been completed for the Wastewater's Sr. Lab Technician. We are reviewing the candidates with information to follow soon on the outcome.

The Health Insurance Committee had its annual first meeting to review information from Dawn Knutson from Midwest Employee Benefits. With Mary Robb's retirement, Amanda Schieffer has joined the committee along with current members; Brad Bies, Duane Johnson, Brooke Jackson, Amanda Stucky and Dwayne Schantz. Feel free to reach out to any of the members to express yourself as they look to make recommendations for next year's benefit plans.

5) Public Works Department Update

Street Department crews have been patching asphalt streets and alleys at various locations throughout the City. Crews have also been preparing streets slated for chip sealing this year. The 2021 chip seal list is attached. The transfer station remains busy with contractor construction debris and residential household debris coming into the facility for disposal.

23rd Street Construction and Utility Installation

Staff is reviewing the materials submittal for the project. Once approved, the Notice to Proceed will be issued.

From the phone conversations with Hulstein Excavating, we don't expect the project to start before July 4th.

Spruce Street Reconstruction

The majority of the water main has been installed. The contractor is currently performing bacterial testing on it. They will complete the tie-in for the main and start swapping over service lines once a passing result is achieved.

Active Transportation

Bid opening for the sidewalk east of the Middle School is July 1st. A recommendation for bid acceptance will be placed on the agenda for July 12th.

6) Finance Department Update

Regarding the American Rescue Plan Act (ARPA), we are still waiting for further guidance on when funds will be available from the State of South Dakota. Staff is working on collecting information and researching U.S. Department of the Treasury guidelines.

Please see the enclosed Monthly Finance Report for May.

7) Environmental Services Department Update

Staff completed the second round of Lead and Copper sampling. The City of Yankton was required to complete additional Lead and Copper sampling due to the start-up of a new treatment process. All samples collected were below the required regulatory limits. Homes tested during the process will be receiving results of the test. The City of Yankton will now be put on a reduced sampling and collect Lead and Copper samples once every three years.

Senior Wastewater Plant Operator, Matt Hoilien has been promoted to Senior Wastewater Lab Technician. Matt will be filling the position vacated by the retirement of Rich DeWald. Rich had been with the City for 42 years.

8) Library Update

In mid-June we partnered with the Heartland Humane Society to bring some adoptable dogs to the library for a story walk. Participants got to meet three dogs as they read the story, *Pick A Pup* by Marsha Wilson Chall. We love partnering with other organizations in town and we are thankful to the Heartland Humane Society, their volunteers and of course the friendly dogs that made the event so much fun! On June 21, we welcomed Staff Chief Eagle for a performance at the library. There were over 140 in attendance as she taught the crowd about Lakota traditions, culture, and hoop dancing. She interacted with several children in the audience and let them take part in the experience.

The Yankton Community Library was awarded a \$100,000 grant from the American Rescue Plan Act through the South Dakota State Library. We are excited to get started on the projects that were in the proposal including digitizing over 400 microfilm reels and updating the library's computers and computer wiring.

9) Information Services Department Update

The new website for the Huether Family Aquatics Center has been updated with pictures from the first few weeks of operation. We will be adding a video to the landing page but the site is nearing final completion. Check it out at <https://www.yanktonaquatics.com> 911 / Dispatch is advertising for one Communications Dispatcher position.

10) Monthly reports / Minutes

Joint Powers Solid Waste monthly reports are included for your review. Minutes from the Airport Advisory Board and Planning Commission are also included for your review.

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

2021 Proposed Chip Seal List

Streets:

16th Street – Douglas to Mulberry
17th Street – Douglas to Mulberry
18th Street – Douglas to Mulberry
Douglas Avenue – 15th to 19th
Pine Street – 15th to 19th
College Street – 15th to 19th
Fairway Drive – Cul-De-Sac
Western Avenue – 23rd to Northern
Northern Avenue – Western to Mulberry
Bunker Lane – Western to Mulberry
Western Avenue – Bunker to Greenview
Greenview Drive – Western to Mulberry
Adkins Drive – Mulligan West to Abbott
Mulligan Drive – Abbott East to Adkins
Abbott Drive – Mulligan East to Mulligan West
Abbott Circle – Cul-De-Sac
Dunham Drive – Mulligan East to Mulligan West
Shurlock Street – Cul-De-Sac
Pine Street – 8th to 10th
10th Street – Douglas to Pine
11th Street – Mulberry to Burleigh
14th Street – Mulberry to Burleigh
8th Street – Douglas to Burleigh
Pennsylvania Avenue – 11th to 13th
Green Street – 10th to 11th
11th Street – Spruce to Green

Alleys:

8th to Lincoln School / Green to Locust
5th to 6th / Picotte to Burleigh
Pennsylvania to Peninah / 11th to 12th
9th to 10th / Douglas to Pine
9th to 10th / Pine to Mulberry
10th to 11th / Pine to Mulberry
8th to 9th / Mulberry to Pearl

Parking Lots:

Riverside Park – Lot west of Capitol Building
Riverside Park – Lot east of ballfield
2nd and Capital – Lot north of Fitness 365

The Public will be notified of the chip-sealing schedule through social media and Public Service Announcements. Any Inquiries about chip sealing can be directed to Public Works Manager at (605) 668-5211.

FINANCE MONTHLY REPORT

Activity	May-21	May-20	MAY-21 YTD	May-20YTD
UTILITY BILLING:				
Water				
Water Sold (in gallons per 1,000)	49,564 M	47,865 M	209,278 M	209,709 M
Water Billed	\$541,259.99	\$524,875.20	\$2,454,193.83	\$2,406,128.31
Basic Water Fee/Rate per 1000 gal.*	\$27.51/6.30	\$27.51/\$6.12		
Number of Accounts Billed	5,471	5,467	27,008	26,804
Number of Bills Mailed	5,471	5,467	27,008	26,804
Total Meters Read	5,871	5,805	29,269	29,207
Meter Changes/pulled	3	2	28	17
Total Days Meter Reading	1	1	5	5
Misreads found prior to billing	0	0	0	0
Customers requesting Rereads	0	0	0	0
Sewer				
Sewer Billed	\$347,974.50	\$325,091.44	\$1,679,948.10	\$1,639,273.75
Basic Sewer Fee/Rate per 1000 gal.*	\$11.22/\$6.80	\$10.69/\$6.48		
Solid Waste				
Solid Waste Billed	\$108,299.06	\$104,397.52	\$539,398.78	\$518,616.90
Basic Solid Waste Fee*	\$23.61	\$22.92		
Total Utility Billing:	\$997,533.55	\$954,364.16	\$4,673,540.71	\$4,564,018.96
Adjustment Total:	(\$50.00)	(\$20.00)	(\$395.60)	(\$1,697.24)
Misread Adjustments	\$0.00	\$0.00	\$0.00	\$0.00
Other Adjustments	\$0.00	\$0.00	\$64.40	(\$217.24)
Penalty Adjustments OFF	(\$50.00)	(\$30.00)	(\$510.00)	(\$1,580.00)
Penalty Adjustments ON	\$0.00	\$10.00	\$50.00	\$100.00
New Accounts/Connects	127	166	322	368
Accounts Finaled/Disconnects	62	53	277	260
New Accounts Set up	7	2	34	25
Delinquent Notices	357	370	1,788	2,093
Doorknockers	140	183	577	845
Delinquent Call List	100	120	317	574
Notice of Termination Letters	21	43	61	69
Shut-off for Non-payment	11	25	30	35
Delinquent Notice Penalties	\$3,570.00	\$3,700.00	\$17,880.00	\$20,930.00
Doorknocker Penalties	\$1,400.00	\$1,830.00	\$5,770.00	\$8,450.00
Bad debts/Accts listed at Collections	\$118,504.19	\$104,573.15	\$117,916.48	\$105,714.04
Other Office Functions:				
Interest Income	\$16,129.80	\$27,545.68	\$82,811.97	\$327,993.55
Interest Rate-Checking Account	0.38%	0.67%		
Interest Rate-CDs	N/A	N/A		
# of Monthly Vendor Checks	112	147		
Payments Issued to Vendors	\$ 2,846,204.83	\$ 2,500,379.08	\$ 10,714,322.39	\$ 11,064,708.08
# of Employees on Payroll	192	147		
Monthly Payroll *	\$ 453,620.72	\$ 644,563.18	\$ 2,530,579.84	\$ 2,411,792.61

*2 pay periods

*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.

There will be no rentals through Labor Day 2021.

- SAC member attendance for June 1 – 15 – 1,052 visits
(2020- 767 visits, 2019- 2,123 visits, 2018- 2,529 visits, 2017- 2,553 visits)
- New Members Joined– 40
(2020- 17 people, 2019- 40 new members, 2018- 38 people, 2017- 19 people)
 - Annual passes sold: 10
 - Monthly passes sold: 30
 - EFT passes sold: 0

Capital Building Rentals

- Days Rented – 3 Dates

Park Shelter Rentals

- Riverside- 7 Rentals
- Memorial – 1 Rentals
- Westside – 1 Rentals
- Rotary – 0 Rentals
- Sertoma – 0 Rentals
- Tripp – 0 Rentals
- Meridian Bridge – 0 Rentals

The Huether Family Aquatics Center

- Total season passes sold- 3,310
- Average daily attendance- 979
- Average daily pass sales- 298
- Average gross concession sales- \$2,070
- 6:00am to 11:00am check-ins (includes swim team, lap swimmers, water walkers)- June 15 was largest day with 142 check-ins.

Monday, June 7- Summer Programs Session 1 began. 675 participants (2019- 1,421 participants).

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

Todd is working with the Yankton Swim Team for the first ever swim meet that is to be held at The Huether Family Aquatics Center on June 26 and 27.

The parks staff moved picnic tables, trash cans, benches, and other items for Ribfest on Friday, June 11 and then picked up the items on Monday, June 14.

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 June and July.

Joint Powers Solid Waste Authority
Financial Report Thru May 31, 2021

Description	Yankton Transfer	Vermillion Landfill	Total Joint	5 Month Budget	Legal 2021 Budget
Joint Power Transfer/Landfill					
<i>Total Revenue</i>	<u>\$625,540.95</u>	<u>\$379,865.37</u>	<u>\$1,005,406.32</u>	<u>\$1,012,075.00</u>	<u>\$2,428,980.00</u>
<i>Expenses:</i>					
Personal Services	134,079.95	154,604.13	288,684.08	317,176.25	761,223.00
Operating Expenses	133,962.73	109,507.34	243,470.07	360,604.17	865,450.00
Depreciation (est)	67,387.70	103,259.15	170,646.85	180,498.33	433,196.00
Trench Depletion	0.00	63,140.32	63,140.32	94,166.67	226,000.00
Closure/Postclosure Resrv	0.00	3,614.09	3,614.09	10,416.67	25,000.00
Amortization of Permit	0.00	793.04	793.04	556.25	1,335.00
<i>Total Operating Expenses</i>	<u>335,430.38</u>	<u>434,918.07</u>	<u>770,348.45</u>	<u>963,418.33</u>	<u>2,312,204.00</u>
<i>Non Operating Expense-Interest</i>	<u>4,878.41</u>	<u>19,698.58</u>	<u>24,576.99</u>	<u>27,339.17</u>	<u>65,614.00</u>
<i>Landfill Operating Income</i>	<u>285,232.16</u>	<u>(74,751.28)</u>	<u>210,480.88</u>	<u>21,317.50</u>	<u>51,162.00</u>
Joint Recycling Center					
<i>Total Revenue</i>	<u>0.00</u>	<u>56,777.53</u>	<u>56,777.53</u>	<u>39,791.67</u>	<u>95,500.00</u>
<i>Expenses:</i>					
Personal Services	0.00	91,181.37	91,181.37	98,763.75	237,033.00
Operating Expenses	0.00	91,899.04	91,899.04	51,291.67	123,100.00
Depreciation (est)	0.00	12,137.50	12,137.50	15,625.00	37,500.00
<i>Total Operating Expenses</i>	<u>0.00</u>	<u>195,217.91</u>	<u>195,217.91</u>	<u>165,680.42</u>	<u>397,633.00</u>
<i>Non Operating Expense-Interest</i>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<i>Recycling Operating Income</i>	<u>0.00</u>	<u>(138,440.38)</u>	<u>(138,440.38)</u>	<u>(125,888.75)</u>	<u>(302,133.00)</u>
<i>Total Operating Income</i>	<u>\$285,232.16</u>	<u>(\$213,191.66)</u>	<u>\$72,040.50</u>	<u>(\$104,571.25)</u>	<u>(\$250,971.00)</u>
Tonage in Trench:	<u>5/31/2020</u>	<u>5/31/2021</u>			
Asbestos	58.48	54.53	54.53	20.83	50.00
Centerville	89.59	134.06	134.06	458.33	1,100.00
Beresford	544.73	0.00	0.00	583.33	1,400.00
Clay County Garbage	5,668.75	5,937.41	5,937.41	6,041.67	14,500.00
Elk Point	440.37	447.43	447.43	108.33	260.00
Yankton County Garbage	9,431.36	9,854.21	9,854.21	9,958.33	23,900.00
<i>Total Tonage in Trench</i>	<u>16,233.28</u>	<u>16,427.64</u>	<u>16,427.64</u>	<u>17,170.83</u>	<u>41,210.00</u>
Operating Cost per ton			<u>\$46.89</u>	<u>\$57.70</u>	<u>\$57.70</u>

This report is based on the following:

Revenue accrual thru May 31, 2021

Expenses cash thru May 31, 2021 with June's bills

Joint Powers Solid Waste Authority
Financial Report Thru May 31, 2021

Description	Yankton Transfer	Vermillion Landfill	Total Joint	5 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	285,232.16	(213,191.66)	72,040.50	(104,571.25)	(250,971.00)
Depreciation	67,387.70	115,396.65	182,784.35	196,123.33	470,696.00
Trench Depletion	0.00	63,140.32	63,140.32	94,166.67	226,000.00
Amortization of Permit	0.00	793.04	793.04	556.25	1,335.00
<i>Non Operating Revenue:</i>					
Grant	54,672.08	218,363.27	273,035.35	208,333.33	500,000.00
Loan Proceeds	0.00	0.00	0.00	625,000.00	1,500,000.00
Contributed Capital	0.00	3,770.00	3,770.00	4,166.67	10,000.00
Sale Proceeds	0.00	0.00	0.00	20,625.00	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	3,953.68	3,953.68	8,833.33	21,200.00
<i>Cash Flow Transfer:</i>					
Joint Power Transfer/Landfill	(337,074.98)	337,074.98	0.00	722,500.00	1,734,000.00
Joint Recycling Center	0.00	0.00	0.00	0.00	0.00
<i>Total Funds Available</i>	(482,153.04)	2,786,755.28	2,304,602.24	3,480,818.33	5,966,845.00
Application of Funds Available					
<i>Joint Power Transfer/Landfill</i>					
Equipment	62.60	0.00	62.60	200,833.33	482,000.00
Trench	0.00	0.00	0.00	0.00	0.00
Closure/Postclosure Cash Res.	0.00	3,614.09	3,614.09	10,416.67	25,000.00
<i>Joint Recycling Center</i>					
Equipment	0.00	538,813.75	538,813.75	17,916.67	43,000.00
<i>Payment Principal</i>	31,609.40	46,475.02	78,084.42	65,504.17	157,210.00
<i>Appropriation to Reserve</i>	0.00	0.00	0.00	0.00	0.00
<i>Total Applied</i>	31,672.00	588,902.86	620,574.86	294,670.83	707,210.00
<i>Ending Balance</i>	(\$513,825.04)	\$2,197,852.42	\$1,684,027.38	\$3,186,147.50	\$5,259,635.00

Joint Power Transfer/Landfill Description	Yankton Transfer	Vermillion Landfill	Total Joint	5 Month Budget	Legal 2021 Budget
<i>Revenue: (accrual)</i>					
Asbestos	\$0.00	\$3,513.56	\$3,513.56	\$2,500.00	\$6,000.00
Elk Point	0.00	22,816.23	22,816.23	26,000.00	\$62,400.00
Centerville	0.00	6,837.06	6,837.06	5,741.67	13,780.00
Beresford	0.00	0.00	0.00	30,208.33	72,500.00
Clay County Garbage	0.00	323,135.72	323,135.72	342,333.33	821,600.00
Compost-Yd Waste-Wood	0.00	5,804.02	5,804.02	3,958.33	9,500.00
Contaminated Soil	0.00	9,779.45	9,779.45	2,083.33	5,000.00
White Goods	0.00	1,464.22	1,464.22	2,500.00	6,000.00
Tires	0.00	3,908.41	3,908.41	1,666.67	4,000.00
Electronics	0.00	687.10	687.10	2,500.00	6,000.00
Other Revenue	1.60	1,919.60	1,921.20	6,291.67	15,100.00
Cash long	(1.00)	0.00	(1.00)	0.00	0.00
Rubble	21,584.94	0.00	21,584.94	21,666.67	52,000.00
Transfer Fees	602,935.81	0.00	602,935.81	562,500.00	1,350,000.00
Metal	1,019.60	0.00	1,019.60	2,083.33	5,000.00
Other Operational - Solid Waste	0.00	0.00	0.00	41.67	100.00
Total Revenue	625,540.95	379,865.37	1,005,406.32	1,012,075.00	2,428,980.00
<i>Expenses: (cash)</i>					
Personal Services	134,079.95	154,604.13	288,684.08	317,176.25	761,223.00
Insurance	18,252.31	(178.35)	18,073.96	12,510.42	30,025.00
Professional Service/Fees	22,939.95	3,833.13	26,773.08	55,000.00	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	16,427.64	16,427.64	19,375.00	46,500.00
Professional - Legal/Audit	1,403.40	0.00	1,403.40	1,145.83	2,750.00
Publishing & Advertising	0.00	1,509.79	1,509.79	1,375.00	3,300.00
Rental	0.00	0.00	0.00	208.33	500.00
Hauling fee	0.00	0.00	0.00	0.00	0.00
Equipment repair	1,203.84	8,458.09	9,661.93	25,416.67	61,000.00
Motor vehicle repair	0.00	141.59	141.59	10,000.00	24,000.00
Vehicle fuel & maintenance	56,559.66	20,697.32	77,256.98	86,250.00	207,000.00
Equip, Mat'l & Labor	17,208.28	0.00	17,208.28	27,083.33	65,000.00
Building repair	154.82	119.37	274.19	10,000.00	24,000.00
Facility repair & maintenance	0.00	5,048.91	5,048.91	14,583.33	35,000.00
Postage	211.76	5.15	216.91	354.17	850.00
Office supplies	228.34	502.82	731.16	1,458.33	3,500.00
Copy supplies	75.80	135.82	211.62	156.25	375.00
Uniforms	218.35	3,399.06	3,617.41	2,291.67	5,500.00
Small Tools & Hardware	41.98	0.00	41.98	104.17	250.00
Travel & Training	0.00	1,478.17	1,478.17	1,875.00	4,500.00
Operating supply	1,309.00	39,620.51	40,929.51	61,500.00	147,600.00
Electricity	2,779.33	7,345.22	10,124.55	12,916.67	31,000.00
Heating Fuel - Gas	9,839.71	0.00	9,839.71	13,541.67	32,500.00
Water	740.68	316.30	1,056.98	1,458.33	3,500.00
WW service	293.76	0.00	293.76	541.67	1,300.00
Landfill	94.44	0.00	94.44	125.00	300.00
Telephone	407.32	646.80	1,054.12	1,333.33	3,200.00
Depreciation (est)	67,387.70	103,259.15	170,646.85	180,498.33	433,196.00
Trench Depletion		63,140.32	63,140.32	94,166.67	226,000.00
Closure/Postclosure Resrv		3,614.09	3,614.09	10,416.67	25,000.00
Amortization of Permit		793.04	793.04	556.25	1,335.00
Total Op Expenses	335,430.38	434,918.07	770,348.45	963,418.33	2,312,204.00

Joint Power Transfer/Landfill Description	Yankton Transfer	Vermillion Landfill	Total Joint	5 Month Budget	Legal 2021 Budget
<i>Non Operating Expense-Interest</i>	4,878.41	19,698.58	24,576.99	27,339.17	65,614.00
<i>Bond Issuance Costs</i>	0.00	14,000.00	\$14,000.00	0.00	0.00
<i>Operating Income (Loss)</i>	\$285,232.16	(\$88,751.28)	\$196,480.88	\$21,317.50	\$51,162.00
<i>Capital:</i>					
Capital Outlay	\$62.60	\$0.00	\$62.60	\$200,833.33	\$482,000.00
Landfill Development	0.00	23,581.71	23,581.71	1,052,083.33	\$2,525,000.00
Capital Lease	0.00	0.00	0.00	0.00	\$0.00
<i>Total Capital Expenditures</i>	\$62.60	\$23,581.71	\$23,644.31	\$1,252,916.67	\$3,007,000.00
<i>Grant Reimbursement</i>	\$54,672.08	\$0.00	\$54,672.08	\$208,333.33	\$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	\$20,625.00	\$49,500.00
<i>Cash Flow Transfer</i>	(\$337,074.98)	\$337,074.98	\$0.00	\$0.00	\$0.00
<i>Tonage in Trench:</i>					
Asbestos		54.53	54.53	20.83	50.00
Beresford		0.00	0.00	583.33	1,400.00
Centerville Garbage		134.06	134.06	458.33	1,100.00
Clay County Garbage		5,937.41	5,937.41	6,041.67	14,500.00
Elk Point		447.43	447.43	108.33	260.00
Yankton County Garbage		9,854.21	9,854.21	9,958.33	23,900.00
<i>Total Tonage in Trench</i>		16,427.64	16,427.64	17,170.83	41,210.00
<i>Operating Cost per ton</i>			\$46.89	\$57.70	\$57.70

Joint Recycling Center	Yankton	Vermillion	Total	5 Month	Legal
Description	Transfer	Center	Joint	Budget	2021 Budget
<i>Revenue:</i>					
Tipping Fees	\$0.00	0.00	\$0.00	0.00	0.00
Metal/Tin	0.00	3,757.25	3,757.25	1,041.67	2,500.00
Plastic	0.00	4,925.08	4,925.08	6,250.00	15,000.00
Aluminum	0.00	16,075.95	16,075.95	6,666.67	16,000.00
Newsprint	0.00	848.33	848.33	3,750.00	9,000.00
Cardboard	0.00	25,876.65	25,876.65	16,666.67	40,000.00
High Grade Paper	0.00	2,484.46	2,484.46	2,083.33	5,000.00
Other Material	0.00	2,809.81	2,809.81	3,333.33	8,000.00
Contributions/Operating Grants	0.00	0.00	0.00	0.00	0.00
Total Revenue	0.00	56,777.53	56,777.53	39,791.67	95,500.00
<i>Expenses:</i>					
Personal Services	0.00	91,181.37	91,181.37	98,763.75	237,033.00
Insurance	0.00	56.87	56.87	1,000.00	2,400.00
Professional Service/Fees	0.00	256.92	256.92	1,250.00	3,000.00
Hazardous Waste Collection	0.00	54,380.43	54,380.43	16,666.67	40,000.00
Professional-Legal	0.00	0.00	0.00	0.00	0.00
Publishing & Advertising	0.00	331.70	331.70	625.00	1,500.00
Rental	0.00	0.00	0.00	0.00	0.00
Equipment repair	0.00	9,148.08	9,148.08	3,958.33	9,500.00
Vehicle repair & maintenance	0.00	8.12	8.12	416.67	1,000.00
Vehicle fuel	0.00	1,519.03	1,519.03	2,083.33	5,000.00
Building repair & maintenance	0.00	1,520.23	1,520.23	1,041.67	2,500.00
Postage	0.00	1.28	1.28	41.67	100.00
Freight	0.00	4,620.00	4,620.00	7,291.67	17,500.00
Office supplies	0.00	668.85	668.85	416.67	1,000.00
Uniforms	0.00	89.97	89.97	312.50	750.00
Materials Purchases	0.00	2,196.80	2,196.80	1,875.00	4,500.00
Travel & Training	0.00	1,058.48	1,058.48	625.00	1,500.00
Operating Supplies	0.00	2,930.61	2,930.61	4,166.67	10,000.00
Copy Supply	0.00	73.15	73.15	83.33	200.00
Electricity	0.00	5,930.74	5,930.74	2,708.33	6,500.00
Heating Fuel-Gas	0.00	3,436.53	3,436.53	1,979.17	4,750.00
Water	0.00	142.52	142.52	270.83	650.00
WW service	0.00	627.94	627.94	500.00	1,200.00
Telephone	0.00	337.51	337.51	354.17	850.00
Revenue Sharing	0.00	2,563.28	2,563.28	3,625.00	8,700.00
Depreciation (est)	0.00	12,137.50	12,137.50	15,625.00	37,500.00
Total Op Expenses	0.00	195,217.91	195,217.91	165,680.42	397,633.00
<i>Non Operating Expense-Interest</i>	0.00	0.00	0.00	0.00	0.00
Operating Income (Loss)	\$0.00	(\$138,440.38)	(\$138,440.38)	(\$125,888.75)	(\$302,133.00)
Capital Outlay	\$0.00	\$538,813.75	\$538,813.75	\$17,916.67	\$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 May 31, 2021

Expenses cash thru May 31, 2021 with June'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	(14,572.71)	55,519.77	3,945.20	49.62	0.00	(28,938.30)	(28,938.30)	70,092.48	(43,511.01)	26,581.47
Subtotal	195,876.51	(61,428.15)	134,448.36	12,896.15	50.62	0.00	(79,802.06)	(79,802.06)	195,876.51	(141,230.21)	54,646.30
May	94,234.06	6,375.45	100,609.51	3,531.49	34.63	0.00	(58,638.32)	(58,638.32)	94,234.06	(52,262.87)	41,971.19
Subtotal	290,110.57	(55,052.70)	235,057.87	16,427.64	46.89	0.00	(138,440.38)	(138,440.38)	290,110.57	(193,493.08)	96,617.49

6/7/2021

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
May 2021	253.20	652.38	457.22	76.67	28.49	1,214.76	614.82	2,082.78
2021 Total	1,245.90	2,917.50	2,335.42	350.21	144.89	5,748.02	2,920.05	9,913.97

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	29.03	92.80	240.31	664.31	42.35	35.57	60.34	188.88	190.19	1543.78	
	June											0.00
	July											0.00
	Aug											0.00
	Sept											0.00
	Oct											0.00
	Nov											0.00
	Dec											0.00
			----- 134.50 =====	----- 447.43 =====	----- 1017.39 =====	----- 2755.79 =====	----- 166.21 =====	----- 134.06 =====	----- 299.84 =====	----- 863.14 =====	----- 755.07 =====	----- 6573.43 =====
	2020	Art's Garbage	City of Beresford	City of Elk Point	Fischer Disposal	Loren Fischer	Turner County	Vermillion Garbage	Waste Mgmt of Sioux City	Other	2020 Tons	
\$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 =====	----- 17455.51 =====

City of Yankton
Airport Advisory Board Meeting Minutes
for
May 19th, 2021

The meeting was called to order at 8:00AM by Chairman Cox.

ROLL CALL:

Present: Chairman Jim Cox, Steve Hamilton, Roger Huntley, Mark Yonke, Dan Specht, Jake Hoffner, and City Commission Representative Tony Maibaum.

Also present: Mike Roinstad, Brooke Goeden and Dave Mingo.

Minutes from March 17th, 2021

21-03 **MOTION** -- It was moved by Huntley and seconded by Hamilton to approve the minutes of the March 17th, 2021 meeting.

VOTE - Voting "Aye" - all members present. Voting "Nay" - none.

MOTION – PASSED

Monthly Fuel Report

Mike Roinstad provided information about the April 2021 fuel sales and transactions. In April 2021, there were 43 transactions totaling 2,642.40 gallons sold. In comparison, during April 2020, there were 61 transactions totaling 1,955.50 gallons sold; which is an increase of 686.90 gallons for April 2021.

Staff Report

Dave Mingo announced there will be an organizational change in effect starting January 2022. As such, Mingo's role with the airport will transition over to Adam Haberman, Director of Public Works for the City of Yankton.

COVID-19 and its Impact on YKN

We are back! In following the CDC's (Center for Disease Control) decision, the City of Yankton has adjusted mask requirements. Also, Dave Mingo announced that, unfortunately, the airport will no longer be able to host morning coffee, for a series of reasons. The space will continue to be available to pilots coming and going from the airport and other less frequent aviation related meetings. Anyone with questions can contact Mingo directly.

North Taxilane and Access Road Project

Dave Mingo stated there is great excitement regarding the North Taxilane and Access Road Project. We are currently awaiting final grant approval for the design of Phase 1 of the project. It appears we have a good chance of receiving 100 percent funding for at least the design component. More information will follow in the coming months. As of now, the plan is to create an access to the airport from Douglas Avenue, in addition to a new taxi lane.

YRAA Storage Area

Because of the recent hangar relocation project, YRAA no longer has storage space at the airport. A recent change in Street Shop maintenance activities has made the south garage in the T-Hangar available and Mingo said that YRAA could use that space at no charge beginning June 1st. Mingo will prepare a lease contract with conditions of occupancy for YRAA to consider.

Airport Board Member Terms

Jim Cox and Mark Yonke's board member terms are up in 2021. Both gentlemen have been asked to submit an email to Dave Mingo if they are interested in continuing on the Airport Advisory Board. (Post meeting correction. Yonke's term is not over until 2022).

Other Business

On June 19th, 2021, YRAA will host it's annual "Young Eagles" event. Dinner is currently tentative and the event will be advertised with a schedule of available time slots for a young eagle to take a flight. All participating pilots are required to complete the EAA Youth Protection Policy and Program requirements, which include online training and background check.

21-04 **MOTION** –It was moved by Huntley and seconded by Yonke to adjourn the meeting
VOTE – Voting "Aye" – all members present. Voting "Nay" – none.

Meeting adjourned at 8:49AM.

CITY of YANKTON
PLANNING COMMISSION MEETING MINUTES
for
Monday, May 10th, 2021

The meeting was called to order at 5:30PM by Planning Commission Chairman Steve Pier.

ROLL CALL:

Present: Brad Wenande, Deb Specht, Mike Healy, Evie Sime, Marc Mooney, Steve Pier, City Commission Liaison, Dave Carda, and ETJ Member Michael Welch.

Unable to attend: Lynn Peterson, Sean Wamble, and Warren Erickson.

Also in attendance was Mr. Jim Tramp.

Chairman Pier asked for the consideration of the April 12th, 2021 meeting minutes.

MINUTES – April 12th, 2021

21-16

MOTION – It was moved by Commissioner Specht and seconded by Commissioner Mooney to approve the minutes from April 12th, 2021, as they are presented.

VOTE – Voting “Aye” – all members present. Voting “Nay” – none.

MOTION – PASSED

CONSENT ITEMS:

Chairman Pier moved on to Consent Items to establish the next regular meeting as the date for a public hearing to consider a Conditional Use Permit for a self-storage facility in a B-2 Highway Business District on the south 141 feet of the east 229 feet of Lot 3, Replat of Block 2, Airport Acres Addition in the City of Yankton, South Dakota. Johanneson Contracting, Inc., applicant. Address, 2913 Piper Street.

21-17

MOTION - It was moved by Commissioner Wenande and seconded by Commissioner Sime to establish the next regular meeting as the date for a public hearing to consider a Conditional Use Permit for a self-storage facility in a B-2 Highway Business District on the south 141 feet of the east 229 feet of Lot 3, Replat of Block 2, Airport Acres Addition in the City of Yankton, South Dakota. Johanneson Contracting, Inc., applicant. Address, 2913 Piper Street.

VOTE - Voting “Aye” – all members present. Voting “Nay” – None.

MOTION – PASSED

OLD BUSINESS:

Chairman Pier continued on to Old Business to discuss a public hearing to consider 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 Street.

Dave Mingo stated 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. 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.

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.

21-18

MOTION - It was moved by Commissioner Wenande and seconded by Commissioner Specht to recommend approval of 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 Street.

VOTE - Voting "Aye" – Deb Specht, Brad Wenande, Mike Healy and Evie Sime. Voting "Nay" – None. "Abstained" – Marc Mooney

MOTION – PASSED

HEARING SCHEDULE:

May 24th, 2021: The City Commission first reading.

June 14th, 2021: The City Commission holds a public hearing to consider the issue.

Chairman Pier continued on with Old Business to discuss a public hearing to consider 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.

Dave Mingo stated that 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.

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.

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.

Commissioner Specht asked if there will be accessibility on Kellen Gross Drive? Mingo replied that this the multiple family tract would access Kellen Gross Drive while the duplex lots will access Dakota Street.

Chairman Pier asked if this is approved, will there be a formal platting process? Mingo replied "yes". Mingo also wanted to point out that now is a good time to be considering rezoning on these unoccupied/undeveloped lots, prior to more adjacent development in the area.

Mr. Jim Tramp re-summarized Mingo's previous statements and to allow for any questions. There were no additional questions.

- 21-19 **MOTION** - It was moved by Commissioner Sime and seconded by Commissioner Wenande to recommend approval of 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.
VOTE - Voting "Aye" – Deb Specht, Brad Wenande, Mike Healy and Evie Sime. Voting "Nay" – None. "Abstained" – Marc Mooney

MOTION – PASSED

HEARING SCHEDULE:

May 24th, 2021: The City Commission first reading.

June 14th, 2021: The City Commission holds a public hearing to consider the issue.

Chairman Pier continued on with Old Business to discuss a public hearing to consider 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.

Dave Mingo stated that 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.

Chairman Pier asked if we've received any input from citizens or business owners on this matter? Dave Mingo replied that the input has come over the years from people that are planning projects.

Commissioner Wenande asked how the 65 feet height regulation compares to other communities that have been surveyed? Mingo replied that research indicated there was no uniform dimension in other communities. The current 50-foot height limitation is less than what most other communities have.

21-20 **MOTION** - It was moved by Commissioner Mooney and seconded by Commissioner Wenande to recommend approval of the amendment 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.

VOTE - Voting "Aye" – All members present. Voting "Nay" – None.

MOTION – PASSED

HEARING SCHEDULE:

May 24th, 2021: The City Commission first reading.

June 14th, 2021: The City Commission holds a public hearing to consider the issue.

NEW BUSINESS:

Chairman Pier moved on to New Business to discuss a plat review 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.

Dave Mingo stated 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. 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.

Commissioner Healy asked if the property setbacks of this plat would be similar to those of Walmart? Mingo replied: "yes". Those properties meet the 15-foot required front yard setback.

- 21-21 **MOTION** - It was moved by Commissioner Wenande and seconded by Commissioner Specht to recommend approval 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.
VOTE - Voting "Aye" – all members present. Voting "Nay" – None.
MOTION – PASSED
MEETING SCHEDULE:
May 24th, 2021: City Commission reviews the plat and takes action.

Chairman Pier continued on with New Business to discuss a 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.

Dave Mingo stated 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. Staff recommends approval of the proposed plat.

ETJ Member Michael Welch commented about water service to the area. It is BY's territory.

Commissioner Healy asked if there was any concern of looking at what type of structures, setbacks and other issues that could possibly arise? Chairman Pier stated that we don't have jurisdiction for that level of review.

- 21-22 **MOTION** - It was moved by Commissioner Wenande and seconded by Commissioner Mooney to recommend approval of a 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. Dennis L. Christensen, President, Deerfield Truck and Equipment Company, owner. Location, South side of the 3900 Block of W. 8th Street.
VOTE - Voting "Aye" – all members present. Voting "Nay" – None.
MOTION – PASSED
MEETING SCHEDULE:

May 24th, 2021: City Commission reviews the plat and takes action.

Chairman Pier continued on with New Business to discuss a 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.

Dave Mingo stated 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. Staff recommends approval of the proposed plat.

21-23 **MOTION** - It was moved by Commissioner Mooney and seconded by Commissioner Sime to recommend approval of a 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. Dennis L. Christensen, President, Deerfield Truck and Equipment Company, owner. Location, South side of the 3900 Block of W. 8th Street.

VOTE - Voting "Aye" – all members present. Voting "Nay" – None.

MOTION – PASSED

MEETING SCHEDULE:

May 24th, 2021: City Commission reviews the plat and takes action.

Chairman Pier continued on with New Business to discuss a 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.

Dave Mingo stated 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. Staff recommends approval of the proposed plat.

21-24 **MOTION** - It was moved by Commissioner Sime and seconded by Commissioner Wenande to recommend approval of a 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. Dennis L. Christensen, President, Deerfield Truck and Equipment Company, owner. Location, North side of the 3900 Block of Buck Street.

VOTE - Voting "Aye" – all members present. Voting "Nay" – None.

MOTION – PASSED

MEETING SCHEDULE:

May 24th, 2021: City Commission reviews the plat and takes action.

Chairman Pier continued on with New Business to discuss a plat 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.

Dave Mingo stated 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. Staff recommends approval of the proposed plat.

21-25 **MOTION** - It was moved by Commissioner Specht and seconded by Commissioner Wenande to recommend approval 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.

VOTE - Voting "Aye" – all members present. Voting "Nay" – None.

MOTION – PASSED

MEETING SCHEDULE:

May 24th, 2021: City Commission reviews the plat and takes action.

Chairman Pier continued on with New Business to discuss a 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.

Dave Mingo stated 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. Staff recommends approval of the proposed plat.

21-26 **MOTION** - It was moved by Commissioner Sime and seconded by Commissioner Mooney to recommend approval of a 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. Dennis L. Christensen, President, Deerfield Truck and Equipment Company, owner. Location, South side of the 3900 Block of Buck Street.

VOTE - Voting "Aye" – all members present. Voting "Nay" – None.

MOTION – PASSED

MEETING SCHEDULE:

May 24th, 2021: City Commission reviews the plat and takes action.

Chairman Pier continued on with New Business to discuss the plat 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. Location, South side of the 3900 Block of Buck Street.

Dave Mingo stated 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. Staff recommends approval of the proposed plat.

- 21-27 **MOTION** - It was moved by Commissioner Healy and seconded by Commissioner Specht to recommend approval 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. Location, South side of the 3900 Block of Buck Street.
VOTE - Voting "Aye" – all members present. Voting "Nay" – None.
MOTION – PASSED
MEETING SCHEDULE:
May 24th, 2021: City Commission reviews the plat and takes action.

OTHER BUSINESS:

Chairman Pier moved on to Other Business to discuss the April, 2021 Building Permit Report. The total, year to date valuation, at the end of April, 2021 was \$4,284,653.06. For comparison, the total, year to date valuation, at the end of April, 2020 was \$11,179,815.90.

ADJOURNMENT

- 21-28 **MOTION** – It was moved by Commissioner Specht and seconded by Commissioner Wenande to adjourn at 6:39PM.
VOTE – Voting "Aye" – all members present. Voting "Nay" – none.
MOTION – PASSED

Respectfully submitted,



Dave Mingo, Secretary

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 transfer of ownership of a Retail (on-off-sale) Malt Beverage & SD Farm Wine for July 1, 2021, to June 30, 2022, from Annis Properties, Inc. d/b/a Patriot Express 02 (Kevin Annis, President), to Israel Martako d/b/a Chaparos Tacos, 100 East 4th Street, Yankton, S.D.

NOTICE IS FURTHER GIVEN that a Public Hearing upon the application will be held on Monday, July 12, 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 28th day of June, 2021.



Al Viereck
FINANCE OFFICER

____ Voice vote

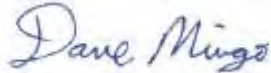
Memorandum #21-138

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Grant Agreement for the receipt of Coronavirus Response and Relief
Appropriation Act funds – Chan Gurney Municipal Airport
Date: June 17, 2021

The Federal Aviation Administration has awarded the City of Yankton \$13,000 in Coronavirus Response and Relief Appropriation Act (CRRSAA) funds for use at the Chan Gurney Municipal Airport. The funds were awarded to help offset the financial impacts of the pandemic at the airport. Eligible expenses include operations, personnel, cleaning, sanitization, janitorial services combating the spread of pathogens at the airport, and debt service payments.

In 2020 we saw a dramatic decrease in revenues from fuel sales at the airport. Last year's \$30,000 of CARES Act funding for the airport along with this \$13,000 of CRRSAA funding will help offset the reduction in revenues by assisting with personnel costs.

Respectfully submitted,

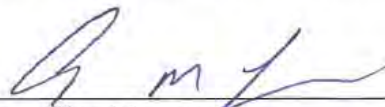


Dave Mingo, AICP
Community and Economic Development Director

Recommendation: It is recommended that the City Commission approve Memorandum #21-138 authorizing the City Manager to sign the referenced agreement and any subsequent administrative documents associated with the receipt of CRRSAA assistance.

I concur with the recommendation.

I do not concur with the recommendation.



Amy Leon, City Manager

_____ Roll Call

CFDA No. 20.106
Federal Award Date: June 9, 2021

STATE OF SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION
DIVISION OF SECRETARIAT
OFFICE OF AIR, RAIL, AND TRANSIT
AGREEMENT FOR PROJECT NO. 3-46-0062-034-2021

This Agreement is made and entered into by and between the State of South Dakota, acting by and through its Department of Transportation, referred to in this Agreement as the "STATE," and City of Yankton, referred to in this Agreement as the "SPONSOR."

BACKGROUND:

- A. On December 27, 2020, the President of the United States signed the Coronavirus Response and Relief Appropriation Act (CRRSAA) (H.R. 133, Public Law 116-260) into law. CRRSAA provides approximately \$2 billion in funds to be awarded as economic relief to eligible U.S. airports and eligible concessions at those airports to prevent, prepare for, and respond to the coronavirus disease 2019 (COVID-19) public health emergency.
- B. To distribute these funds, the Federal Aviation Administration ("FAA") has established the Airport Coronavirus Response Grant Program (ACRGP). These funds will provide economic relief to airports around the country affected by the COVID-19 public health emergency. Funding will be provided at a one hundred percent (100%) federal share, with no local match required, and will be available for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments. Grants for operating expenses may not include any activities prior to January 20, 2020.
- C. The STATE and the SPONSOR have entered into an agency agreement for the purpose of prevention of, preparation for, and response to the COVID-19 pandemic and establishing, constructing, and maintaining an airport, located on a portion of real property legally described as Section Six (6) in Township Ninety-three North (93N) & Thirty, Thirty-one (30, 31) in Township Ninety-four North (94N), Range Fifty-five West (55W), of the Fifth (5th) P.M., Yankton County, South Dakota, referred to in this Agreement as the "Airport."
- D. The SPONSOR proposes the development of the Airport will consist of the following described items, referred to in this Agreement as the "Project":

FAA designated eligible costs which may include prevention of, preparation for, and response to the COVID-19 pandemic items, maintenance, and development expenses for which CRRSAA funding may be lawfully used.

NOW, THEREFORE, in consideration of these facts and the mutual covenants contained in this Agreement, the Parties agree as follows:

Section 1. Payment

Pursuant to and for the purposes of carrying out the provisions of South Dakota Codified Law (SDCL) § 50-7-15, the STATE will reimburse the SPONSOR with allocated funds for one hundred percent (100%) **of eligible Project costs, not to exceed Thirteen Thousand Dollars and No Cents (\$13,000.00)**. The STATE will determine eligible costs in the same manner as for the Federal Aviation Administration (FAA) Grant Agreement Project Number 3-46-0062-034-2021. The STATE will make payments to the SPONSOR up to 100% of the total share of eligible Project costs listed in this section once the project costs have been approved by the FAA.

The STATE may withhold the remaining ten percent (10%) of eligible Project costs until the FAA has approved the Quality Closeout Report. The STATE will pay the remaining 10% of the eligible Project costs to the SPONSOR upon notification of the FAA'S approval of the Quality Closeout Report.

Section 2. Termination

1. For Convenience. The STATE may, with the concurrence of the SPONSOR, terminate and cancel this Agreement if both parties agree, in writing, that the continuation of the Project would not produce beneficial results commensurate with the further expenditure of funds.
2. For Cause. The STATE may, by written notice to the SPONSOR, terminate the Project and cancel this Agreement for any of the following reasons:
 - (a) The SPONSOR takes any action pertaining to this Agreement without the STATE'S approval when, under the terms of this Agreement, the STATE'S approval is required.
 - (b) The commencement, prosecution, or timely completion of the Project by the SPONSOR is, for any reason, rendered improbable, impossible, or illegal.
 - (c) The SPONSOR is default under any provision of this Agreement.

Section 3. SPONSOR Assurances

1. The SPONSOR will operate the Airport as such for the use and benefit of the public. The SPONSOR will operate and maintain the Airport as a public use facility for a minimum of twenty (20) years from the date of this Agreement.
2. The SPONSOR will not exercise, grant, or permit any exclusive right for the use of the Airport. This provision will not be construed to prohibit the granting or exercising of an exclusive right for the furnishing of non-aviation products and supplies or any services of a non-aeronautical nature.
3. The SPONSOR will suitably operate and maintain the Airport and all facilities on or connected with which are necessary for airport purposes. The SPONSOR will not allow facilities on Airport property which would interfere with the SPONSOR'S use for aeronautical purposes in a safe manner. Essential facilities, including night lighting systems, when installed, will be operated in such a manner as to assure their availability to all users of the Airport.
4. Insofar as is within the SPONSOR'S powers, the SPONSOR will prevent the use of any land either within or outside the boundaries of the Airport in any manner, including construction, which would create a hazard to the landing, taking-off, or maneuvering of aircraft at the Airport, or otherwise limit the usefulness of the Airport. The SPONSOR will notify the STATE as soon as any information is known which may cause or create such hazards to the Airport.
5. The SPONSOR will not enter into any transaction which would operate to deprive the SPONSOR of any of the rights and powers necessary to perform any or all of the covenants made in this Agreement, unless by such transaction the obligation to perform all such covenants is assumed by another public agency. If an arrangement is made for management or operation of Airport by an agency or person other than the SPONSOR or an employee of the SPONSOR, the SPONSOR will reserve sufficient powers and authority to insure that the Airport will be operated and maintained in accordance with these covenants.

Section 4. Special Conditions

1. As may be applicable, the "Conditions" and "Assurances" contained in the Airport Improvement Program (AIP) Grant Agreement for Project No. **3-46-0062-034-2021** are included in and incorporated into this Agreement by reference.

2. Eligible costs for this Agreement will be as indicated in the AIP Grant as determined by the FAA.
3. The SPONSOR will include provisions in its subcontracts requiring its subcontractors to comply with the applicable provisions of this Agreement, to indemnify the STATE, and to provide insurance coverage for the benefit of the STATE in a manner consistent with this Agreement. The SPONSOR will cause its subcontractors, agents, and employees to comply with applicable federal, state, and local laws, regulations, ordinances, guidelines, permits, and requirements and will adopt such review and inspection procedures as are necessary to assure such compliance. Failure to comply with federal requirements related to right-of-way, environmental clearances, utilities, contract provisions, and the bid letting process could jeopardize future federal funding.
4. The SPONSOR will pay subcontractors or suppliers within fifteen (15) days of receiving payment for work that is submitted for progress payment by the STATE. If the SPONSOR withholds payment beyond this time period, the SPONSOR will submit written justification to the STATE, upon request. If it is determined that a subcontractor or supplier has not received payment due without just cause, the STATE may withhold future estimated payments or may direct the SPONSOR to make such payment to the subcontractor or supplier.
5. The SPONSOR must submit any proposed change affecting the Project to the STATE, in writing, for the STATE'S approval prior to any change.
6. This Agreement may not be amended, except in writing, which writing will be expressly identified as a part of this Agreement and be signed by an authorized representative of each of the parties to this Agreement.
7. The SPONSOR will maintain an accurate cost accounting system for all costs incurred under this Agreement with costs clearly identified with activities performed under this Agreement. All Project charges will be subject to audit in accordance with the STATE'S current procedures and 2 CFR Part 200.
8. Upon reasonable notice, the SPONSOR will allow the STATE or U.S. Department of Transportation representatives to examine all records of the SPONSOR related to this Agreement during the SPONSOR'S normal business hours. The SPONSOR will keep all such records for a period of three (3) years after the date of final payment by the STATE under this Agreement and all other pending matters are closed.
9. If the SPONSOR expends Seven Hundred Fifty Thousand Dollars (\$750,000.00) or more in federal funds during any SPONSOR fiscal year covered, in whole or in part, under this Agreement, the SPONSOR will be subject to the single agency audit requirements under the U. S. Office of Management and Budget (OMB) regulations, found at 2 CFR Part 200 subpart F. If the SPONSOR expends less than Seven Hundred Fifty Thousand Dollars (\$750,000.00) in federal funds during any SPONSOR fiscal year, the STATE may perform a more limited program or performance audit related to the completion of Agreement objectives, the allowability of services or costs and adherence to Agreement provisions.
10. This Agreement depends upon the continued availability of appropriated funds and expenditure authority from the Legislature for this purpose. If for any reason the Legislature fails to appropriate funds or grant expenditure authority, or funds become unavailable by operation of law or federal funds reductions, the Agreement may be terminated by the STATE. Termination for any of these reasons is not a default by the STATE nor does it give rise to a claim against the STATE.
11. The SPONSOR will provide services in compliance with the American with Disabilities Act of 1990 and any amendments.
12. The SPONSOR certifies, to the best of the SPONSOR'S knowledge and belief, that no federal appropriated funds have been paid or will be paid, by or on behalf of the SPONSOR, to any person for

influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a federal contract, grant, loan, or cooperative agreement. If any funds other than federal appropriated funds have been paid or will be paid to any of the above-mentioned parties, the SPONSOR will complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

The SPONSOR will require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients will certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification will be subject to a civil penalty of not less than \$10,000.00 and not more than \$100,000.00 for each such failure.

13. The SPONSOR certifies, by signing this Agreement, that neither the SPONSOR nor the SPONSOR'S principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this Agreement by any federal department or agency.
14. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the SPONSOR is encouraged to:
 - A. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers, including policies to ban text messaging while driving when performing any work for or on behalf of the federal government, including work relating to a grant or subgrant.
 - B. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - i. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - ii. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
15. The SPONSOR will indemnify the STATE, its officers, agents, and employees against any and all actions, suits, damages, liability, or other proceeding which may arise as a result of the SPONSOR performing services under this Agreement. This section does not require the SPONSOR to be responsible for or defend against claims or damages arising solely from acts or omissions of the STATE, its officer, agents, or employees.
16. The SPONSOR has designated its Mayor as the SPONSOR'S authorized representative and has empowered the Mayor with the authority to sign this Agreement on behalf of the SPONSOR. A copy of the SPONSOR'S Commission minutes or resolution authorizing the execution of this Agreement by the Mayor as the SPONSOR'S authorized representative is attached to this Agreement as **Exhibit A**.
17. The effective date of this Agreement is **June 9, 2021**. This Agreement will end four (4) years from the date of signature by the STATE.

18. Any notice or communication required under this Agreement will be in writing and sent to the following addresses:

South Dakota Department of Transportation
Attn: Program Manager
700 East Broadway Avenue
Pierre, South Dakota 57501

City of Yankton
Attn: Mayor
PO Box 176
Yankton, SD 57078

This Agreement has been executed by the STATE and the SPONSOR acting by and through their duly authorized representatives.

City of Yankton, South Dakota

State of South Dakota
Department of Transportation

By: _____

By: _____

Its: Mayor

Its: Program Manager
Office of Air, Rail, and Transit

Date: _____

Date: _____

Attest:

City Auditor/Clerk

(City Seal)

Memorandum #21-139

To: Amy Leon, City Manager
From: Corey Potts, Public Works Manager
Subject: 2021-2022 Annual Supply of Transport/Tank wagon Petroleum Products
Date: June 17, 2021

Bids were sent to four area suppliers for the City's "Annual Supply of Transport-Tankwagon Petroleum Products" (fuel bids). The bids received represent the suppliers handling costs (profit margin), which are added to the OPIS (Oil Price Information Service) daily published price on the date the product is ordered.

With the volatile fuel market, the City began using OPIS in July of 2000 to address market fluctuation. The information provided by OPIS is used to set the price for fuel and the specific product is then ordered.

Three bids were received for handling fuel products. The low bidder provided the fuel product handling bid outlined on the tabulation below.

City Staff recommends that following items be awarded to the supplier listed below:

Transport/Tank wagon Petroleum Products:	Supplier	Proposed 21- 22 Price	2020- 2021 Price
Gasoline – Lead Free (Transport)	Gerstner Oil	\$0.0289gal	\$0.0212
- Lead Free (Tankwagon)	Gerstner Oil	\$0.1249gal	\$0.1099
Diesel Fuel:			
Dyed:			
No. 1 (Transport)	Gerstner Oil	\$0.0294 gal	\$0.0283
No. 1 (Tankwagon)	Gerstner Oil	\$0.1249gal	\$0.1099
No 2 (Transport)	Gerstner Oil	\$0.0281gal	\$0.0289
No. 2 (Tankwagon)	Gerstner Oil	\$0.1249gal	\$0.1099
Clear or Hwy			
No. 1 (Transport)	Gerstner Oil	\$0.0284 gal	\$0.02883
No. 2 (Transport)	Gerstner Oil	\$0.0289 gal	\$0.0289

Respectfully submitted,

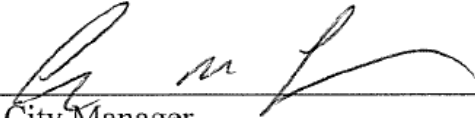


Corey Potts
Public Works Manager

____ Roll call

Recommendation: It is recommended that the City Commission award the bids to the corresponding supplier listed above as detailed in Memorandum #21-139.

I concur with the above recommendation
 I do not concur with the above recommendation



Amy Leon, City Manager

Memorandum #21-140

To: Amy Leon, City Manager
From: Corey Potts, Public Works Manager
Subject: Bid award for the Cold Applied Plastic Pavement Marking Installation Project
Date: June 17, 2021

Two (2) bids were received on June 10, 2021 for the Cold Applied Plastic Pavement Marking Installation Project. The bids received are listed below:

BIDDER NAME	TOTAL COST
Dakota Traffic Services, LLC	\$57,049.55
Traffic Solutions Inc.	\$49,817.40

This “permanent” pavement-marking product has been bid annually so that the City can utilize the plastic pavement markings, which last for many years instead of repainting the markings, by hand as much as twice each year. This year’s focus will be to apply pavement marking on West City Limits Road from Golf View Lane north to Highway 50 and three crosswalk locations.

The bid from Traffic Solutions Inc. meets the specifications. They are an experienced pavement marking company and have completed numerous projects for the SD DOT and the City of Yankton.

The bid total of \$49,817.40 is under the engineer’s estimate and considered a complete bid when compared to previous unit price contracts. It is recommended that the contract be awarded to Traffic Solutions Inc. in the amount of \$49,817.40.

Respectfully submitted,



Corey Potts
Public Works Manager

Recommendation: It is recommended that the City Commission award the contract to Traffic Solutions Inc., in the amount of \$49,817.40, as explained in Memorandum #21-140.

I concur with the recommendation

I do not concur with the recommendation



Amy Leon, City Manager

____ Roll call

Memorandum #21-135

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Planning Commission Action #21-33 / Resolution #21-53
Date: June 17, 2021

PLAT REVIEW

ACTION NUMBER: 21-33

E.T.J. MEMBER ACTION REQUIRED: No

OWNER / APPLICANT: Debra M. Specht and Daniel L. Specht, members of Mona's, LLC, owners.

ADDRESS / LOCATION: South side of the 600 Block of E. 4th Street.

PROPERTY DESCRIPTION: Lots RL-4, RL-5, RL-6 and RL-7, St. Joe's Corner, City and County of Yankton, South Dakota.

ZONING DISTRICT: B-3 Central Business.

PREVIOUS ACTION: Rezoned from I-1 Industrial to B-3 Central Business in 2020.

COMMENTS: The proposed plat represents another phase of the development of St. Joe's Corner (formerly Block 69, Lower Yankton). The land is fronted on all sides by completed infrastructure and therefore meets the requirements of the City's Subdivision Ordinance. The proposed lots are designed in a manner that supports development conforming with the Zoning Ordinance. The storm water management improvements were designed and constructed to serve the entire development.

Staff recommends approval of the plat.

MEETING SCHEDULE:

June 14, 2021: Planning Commission reviews plat and makes recommendation to the City Commission.

June 28, 2021: City Commission reviews the plat and makes a final decision.

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

RESOLUTION #21-53

Plat

WHEREAS, the plat of Lots RL-4, RL-5, RL-6 and RL-7, St. Joe's Corner, 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.

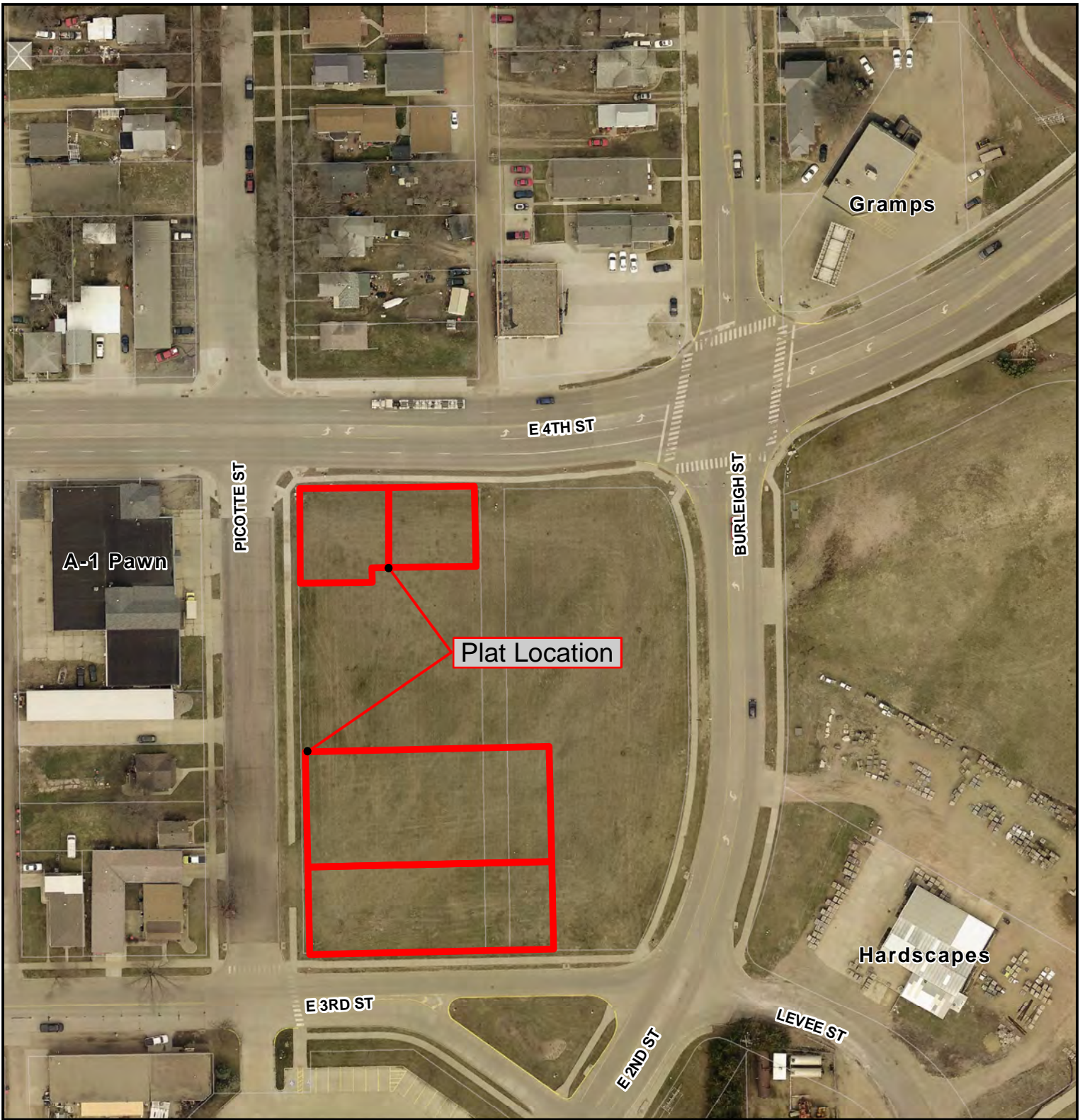
NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, that the plat for the above described property is hereby approved.

Adopted:

Stephanie Moser, Mayor

ATTEST:

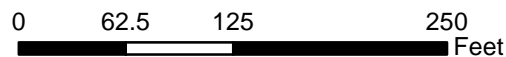
Al Viereck, Finance Officer



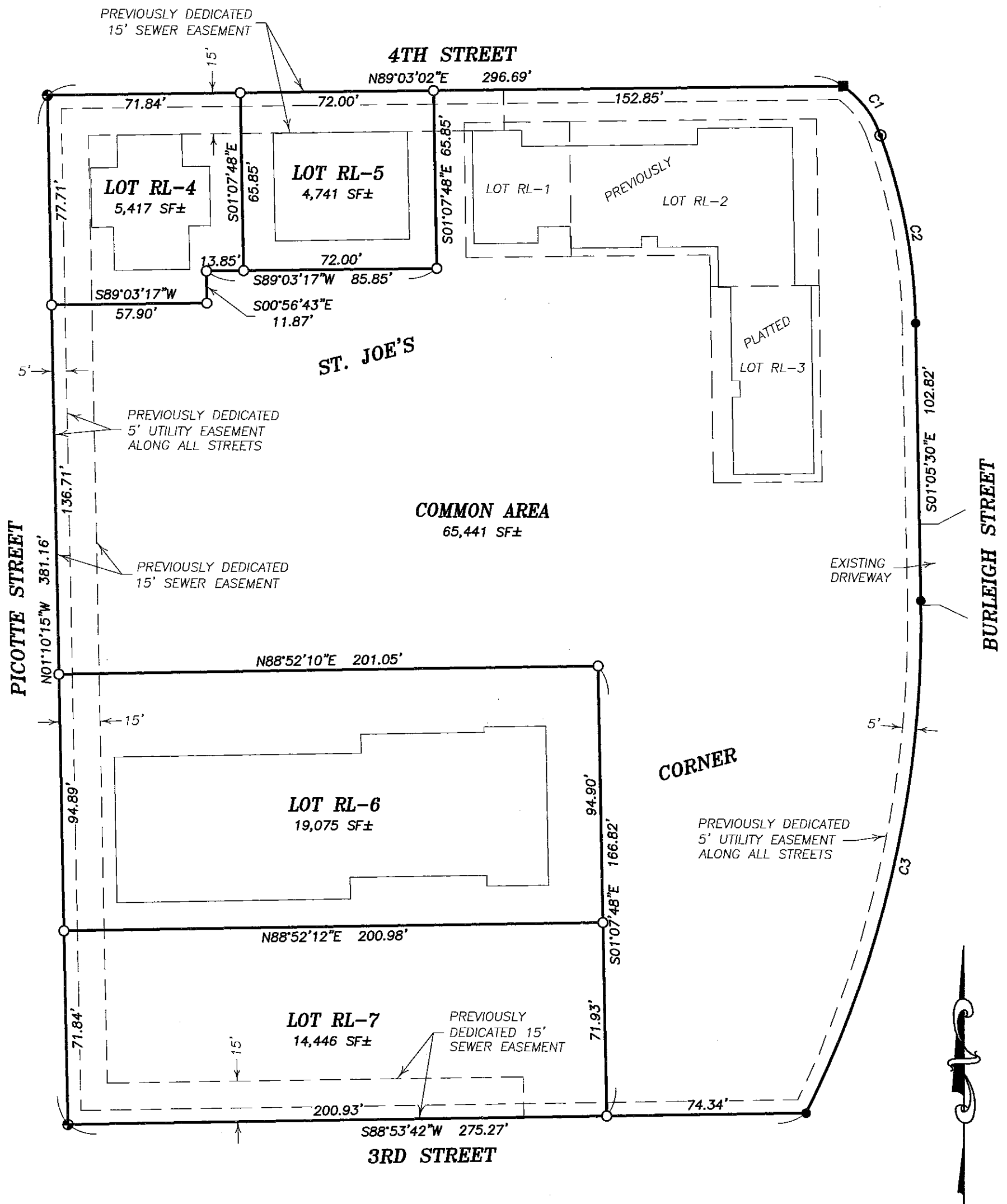
City of Yankton

Plat Location Map

A Plat of Lots RL-4, RL-5, RL-6, & RL-7, St. Joe's Corner,
City and County of Yankton, South Dakota.



**PLAT OF LOTS RL-4, RL-5, RL-6 AND RL-7, ST. JOE'S CORNER,
CITY AND COUNTY OF YANKTON, SOUTH DAKOTA**

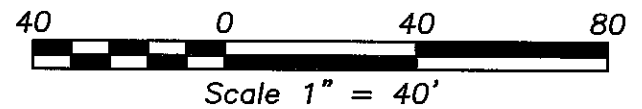


LEGEND

- SET 5/8" REBAR WITH L.S. CAP STAMPED "BRANDT L.S. 708"
- FOUND 5/8" REBAR WITH L.S. CAP STAMPED "KENNEDY L.S. 5350"
- ⊕ FOUND 5/8" REBAR WITH L.S. CAP STAMPED "A. JOHNSON R.L.S. 10957"
- FOUND 5/8" REBAR
- ⊙ FOUND ALUMINUM DOT CAP

NOTE:
BASIS OF BEARING
BY GPS OBSERVATION

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



CURVE TABLE				
CURVE	RADIUS	LENGTH	DELTA	TANGENT
C1	34.44'	23.26'	38°41'38"	12.09'
C2	209.44'	71.11'	19°27'11"	35.90'
C3	408.97'	196.94'	27°35'28"	100.42'

Memorandum #21-136

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Planning Commission Action #21-34 / Resolution #21-54
Date: June 17, 2021

PLAT REVIEW

ACTION NUMBER: 21-34

E.T.J. MEMBER ACTION REQUIRED: No

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

ADDRESS / LOCATION: Through an easement originating on the north side of the 3900 block of Buck Street. Future Does Street will also provide access when completed. Please reference the attached Plat Location Map.

PROPERTY DESCRIPTION: Lot 13, 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 - 2021.

COMMENTS: The proposed plat formalizes the legal descriptions and boundary for Lot 13 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 in previously planned locations 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:

June 14, 2021: Planning Commission reviews plat and makes recommendation to the City Commission.

June 28, 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 #21-54

WHEREAS, the plat of Lot 13, 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

PLAT OF LOT 13, 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

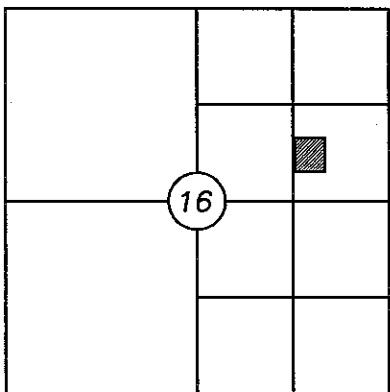
NOTE:
 BASIS OF BEARING
 BY GPS OBSERVATION



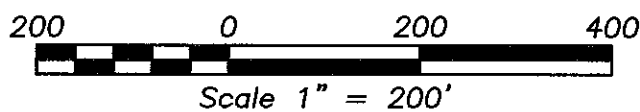
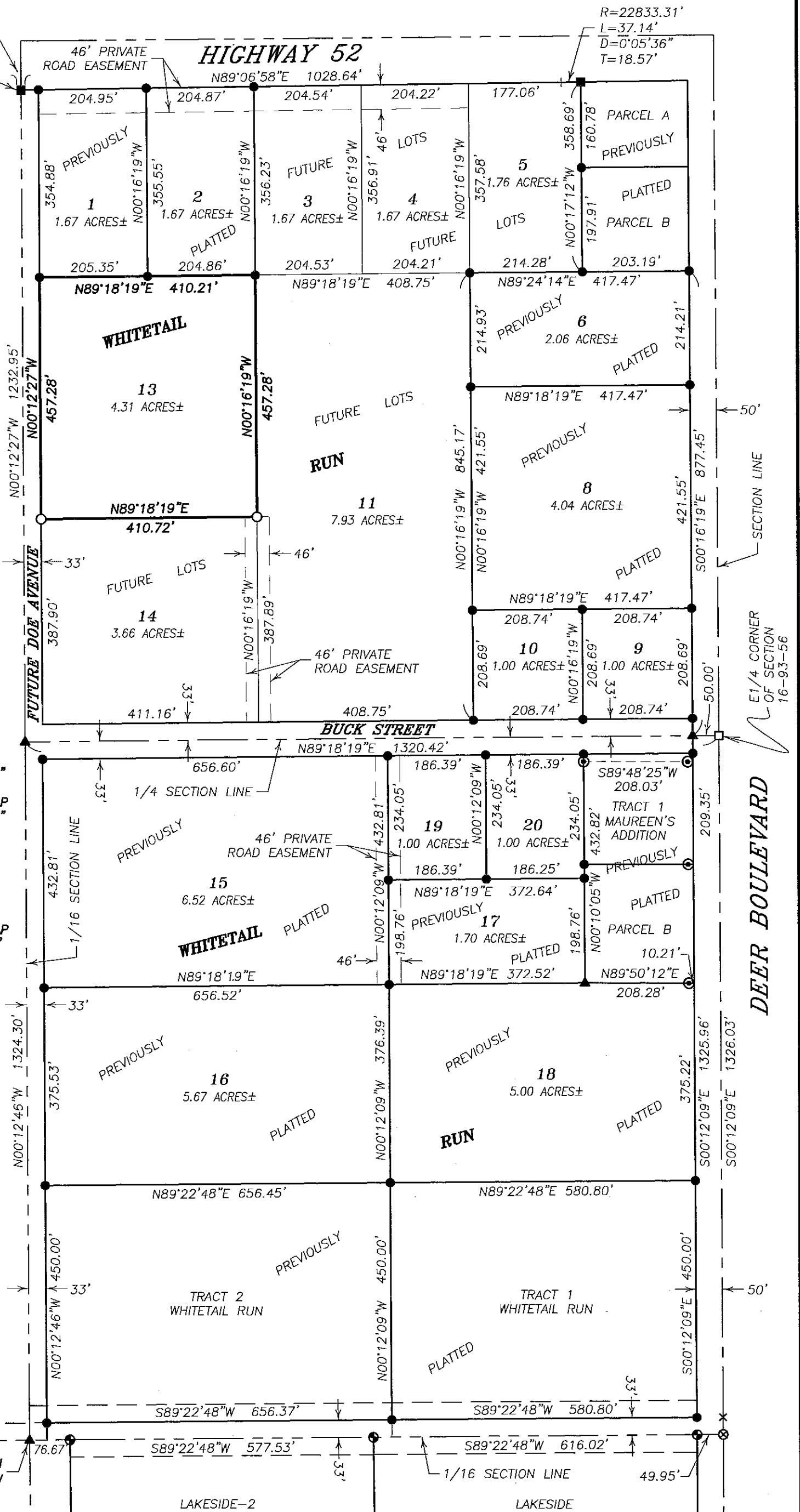
LEGEND

- 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.)

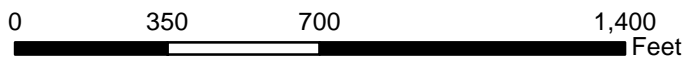




City of Yankton

Plat Location Map

A Plat of Lot 13, Whitetail Run, in the SE1/4 of the NE1/4 of Section 16,
T93N, R56W of the 5th P.M., Yankton County, South Dakota



Memorandum #21-137

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Annexation – Land on the North side of the 900 and 1000 Blocks of West 31st Street.
Date: June 23, 2021

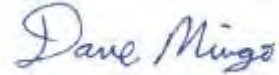
Lewis and Clark Behavioral Health Services has petitioned the City of Yankton to annex their property located on the north side of 31st Street. Because there are registered voters residing at the location, the owner of the land, and 75 percent of the registered voters living at the site were required to sign the petition. The petition is complete and valid.

The City of Yankton also owns property to the north and east of the site. The City’s property was acquired as a part of the Soccer Association land agreement in 2019. It makes sense for the City to go ahead and annex the property along with the petitioned land since they are adjacent to one another.

Approval of this request would constitute a basic owner petitioned annexation of property by resolution as provided for in South Dakota Codified Law (SDCL). This action does not approve any development proposals or specifications. The details of how the property will be developed are addressed in the future as part of any platting or building permit request process.

The described property is adjacent to the existing corporate limits and as such, can be annexed with the owner’s petition and subsequent concurrence from the City Commission.

Respectfully submitted,



Dave Mingo, AICP
Community and Economic Development Director

Recommendation: It is recommended that the City Commission authorize the Mayor to sign the annexation petition and approve Resolution #21-55, annexing the described property based on the voluntary petition process as described in SDCL.

I concur with this recommendation.

I do not concur with this recommendation.



Amy Leon, City Manager

Prepared by:
City of Yankton
PO Box 176
Yankton, SD 57078
605-668-5252

RESOLUTION NO. 21-55

WHEREAS, Lewis and Clark Behavioral Health and the City of Yankton are the owners of land adjacent to the City of Yankton's Municipal Corporate Limits, and have petitioned the City, pursuant to SDCL 9-4-1, to annex certain real property into the corporate limits of the City of Yankton, and

WHEREAS, more than three-fourths of the registered voters residing in the described property have also petitioned the City, pursuant to SDCL 9-4-1, to annex certain real property into the corporate limits of the City of Yankton.

NOW, THEREFORE, BE IT RESOLVED by The Board of City Commissioners of the City of Yankton, South Dakota, that the following described real property is hereby annexed into the corporate limits of the City of Yankton, South Dakota:

DESCRIPTION OF LAND TO BE ANNEXED

Tract 2 of Lot C; Lot 4 of Tract 3; Lot 5 of Tract 3 except Lot A; all being in the SW 1/4 of Section 36, T94N, R 56W of the 5th P.M. Yankton County, South Dakota.

Lot A of Tract 1 of Lot C, being a subdivision of the Southwest Quarter (SW/14) of Section Thirty-six (36), Township Ninety-four (94) North, Range Fifty-six (56) West of the 5th PM, Yankton County, South Dakota, as platted in Book S20, page 195.

Lot 6 of Tract 3, being a subdivision of the Southwest Quarter (SW/14) of Section Thirty-six (36), Township Ninety-four (94) North, Range Fifty-six (56) West of the 5th PM, Yankton County, South Dakota, as platted in Book S20, page 157.

Lot 3 of Tract 3, being a subdivision of the Southwest Quarter (SW/14) of Section Thirty-six (36), Township Ninety-four (94) North, Range Fifty-six (56) West of the 5th PM, Yankton County, South Dakota, as platted in Book S18, page 301.

Lot A of Lot 4 of Tract 3, being a subdivision of the Southwest Quarter (SW/14) of Section Thirty-six (36), Township Ninety-four (94) North, Range Fifty-six (56) West of the 5th PM, Yankton County, South Dakota as platted in Book S20, page 160.

Lot A of Lot 5 of Tract 3, being a subdivision of the Southwest Quarter (SW/14) of Section Thirty-six (36), Township Ninety-four (94) North, Range Fifty-six (56) West of the 5th PM, Yankton County, South Dakota as platted in Book S20, page 159.

Tract 1 of Lot C, being a subdivision of the Southwest Quarter (SW1/4) of Section Thirty-six (36), Township Ninety-four (94) North, Range Fifty-six (56) West of the 5th PM, Yankton County, South Dakota, as platted in Book S20, page 158, EXCEPT Lot A of Tract 1 of Lot C as platted in Book S20, page 195, and EXCEPTING the North 161.49 feet of Tract 1 of Lot C, except the East 479.49 feet thereof, as per survey recorded in Book S20, page 363, and FURTHER EXCEPTING the South 266.81 feet of the North 428.30 feet of Tract 1 of Lot C, except the East 508.54 feet thereof, as per survey recorded in Book S20, page 363.

Tract 4 of Lot A, being a subdivision of the Southeast Quarter (SE1/4) of Section Thirty-six (36), Township Ninety-four (94) North, Range Fifty-six (56) West of the 5th PM, Yankton County, South Dakota, as platted in Book S20, page 156.

Including the adjacent Highway 50 / West 31st Street right-of-way.

As shown on the attached Exhibit A.

Adopted this 28th day of June, 2021.

Stephanie Moser, Mayor

ATTEST:

Al Viereck, Finance Officer

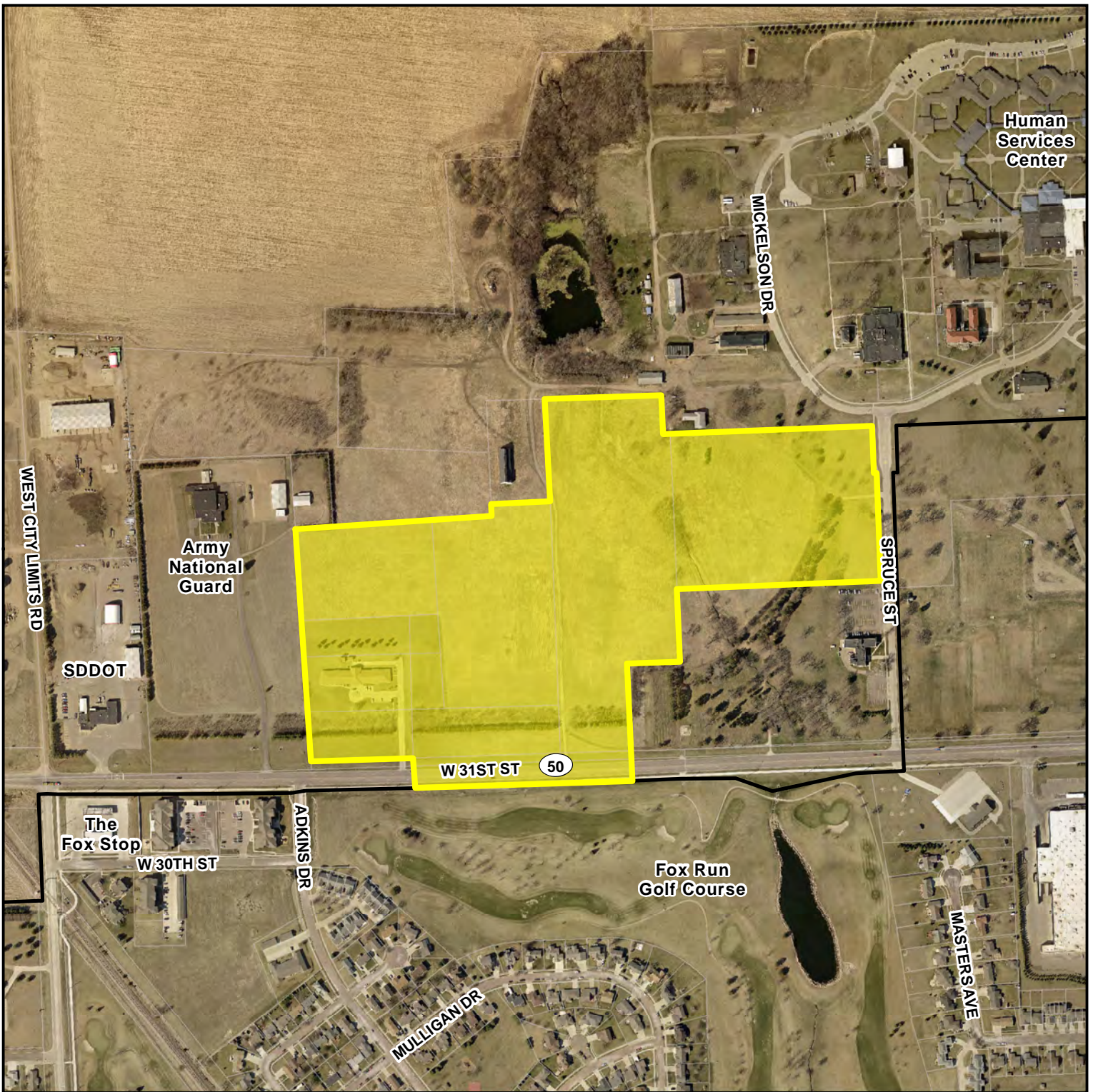
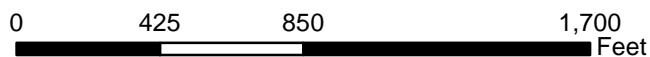


Exhibit A

City of Yankton

Annexation Location Map

Identified parcels in the SW1/4 and SE1/4 of Section 36, T94N, R56W of the 5th P.M. Yankton County, SD
 Owners, Lewis and Clark Behavioral Health Services and the City of Yankton
 Location, the north side of the 900 and 1000 Blocks of W. 31st Street



PETITION OF ANNEXATION

To: The Honorable Mayor and
Board of City Commissioners
City of Yankton, South Dakota

The undersigned landowner(s), pursuant to SDCL 9-4-1, respectfully petition the Mayor and Board of City Commissioners of the City of Yankton, South Dakota, for annexation to the City of Yankton of the following described unincorporated territory in the County of Yankton, State of South Dakota, to-wit;

DESCRIPTION OF TRACT TO BE ANNEXED

Tract 2 of Lot C; Lot 4 of Tract 3; Lot 5 of Tract 3 except Lot A; all being in the SW 1/4 of Section 36, T94N, R 56W of the 5th P.M. Yankton County, South Dakota.

Lot A of Tract 1 of Lot C, being a subdivision of the Southwest Quarter (SW/14) of Section Thirty-six (36), Township Ninety-four (94) North, Range Fifty-six (56) West of the 5th PM, Yankton County, South Dakota, as platted in Book S20, page 195.

Lot 6 of Tract 3, being a subdivision of the Southwest Quarter (SW/14) of Section Thirty-six (36), Township Ninety-four (94) North, Range Fifty-six (56) West of the 5th PM, Yankton County, South Dakota, as platted in Book S20, page 157.

Lot 3 of Tract 3, being a subdivision of the Southwest Quarter (SW/14) of Section Thirty-six (36), Township Ninety-four (94) North, Range Fifty-six (56) West of the 5th PM, Yankton County, South Dakota, as platted in Book S18, page 301.

Lot A of Lot 4 of Tract 3, being a subdivision of the Southwest Quarter (SW/14) of Section Thirty-six (36), Township Ninety-four (94) North, Range Fifty-six (56) West of the 5th PM, Yankton County, South Dakota as platted in Book S20, page 160.

Lot A of Lot 5 of Tract 3, being a subdivision of the Southwest Quarter (SW/14) of Section Thirty-six (36), Township Ninety-four (94) North, Range Fifty-six (56) West of the 5th PM, Yankton County, South Dakota as platted in Book S20, page 159.

Tract 1 of Lot C, being a subdivision of the Southwest Quarter (SW1/4) of Section Thirty-six (36), Township Ninety-four (94) North, Range Fifty-six (56) West of the 5th PM, Yankton County, South Dakota, as platted in Book S20, page 158, EXCEPT Lot A of Tract 1 of Lot C as platted in Book S20, page 195, and EXCEPTING the North 161.49 feet of Tract 1 of Lot C, except the East 479.49 feet thereof, as per survey recorded in Book S20, page 363, and FURTHER EXCEPTING the South 266.81 feet of the North 428.30 feet of Tract 1 of Lot C, except the East 508.54 feet thereof, as per survey recorded in Book S20, page 363.

Tract 4 of Lot A, being a subdivision of the Southeast Quarter (SE1/4) of Section Thirty-six (36), Township Ninety-four (94) North, Range Fifty-six (56) West of the 5th PM, Yankton County, South Dakota, as platted in Book S20, page 156.

As shown on the attached Exhibit A.

And in support of the said petition, the petitioner(s) show the Board of City Commissioners:

1. That said territory abuts upon and is contiguous to the City of Yankton, South Dakota;
and
2. That the petitioner(s) is the sole and absolute owner(s) of not less than three-fourths of the value of the territory sought to be annexed to the City of Yankton, South Dakota;
and
3. That the petitioner(s) claim that there are not, as of the date of signing, any registered voters residing in the territory petitioned to be annexed.

This petition is accompanied by a map of the territory to be annexed, showing with reasonable certainty the territory to be annexed, the boundaries thereof, and its relationship to the established corporate limits of the City of Yankton, South Dakota.

Signature of Petitioner _____

by: Thomas L. Hauge, Pres.
Authorized Signature
Lewis and Clark Behavioral Health Services, Inc.

Date signed by petitioner this 16 of June, 2021

by: _____
Stephanie Moser, Mayor
City of Yankton, SD

Date signed by petitioner this _____ of _____, 2021

PETITION OF ANNEXATION

To: The Honorable Mayor and
Board of City Commissioners
City of Yankton, South Dakota

The undersigned landowner(s), pursuant to SDCL 9-4-1, respectfully petition the Mayor and Board of City Commissioners of the City of Yankton, South Dakota, for annexation to the City of Yankton of the following described unincorporated territory in the County of Yankton, State of South Dakota, to-wit;

DESCRIPTION OF TRACT TO BE ANNEXED

Tract 2 of Lot C; Lot 4 of Tract 3; Lot 5 of Tract 3 except Lot A; all being in the SW 1/4 of Section 36, T94N, R 56W of the 5th P.M. Yankton County, South Dakota.

As shown on the attached Exhibit A.

Signature of Resident Registered Voter	Printed Name and Address of Voter
1. <u>Denver Brown</u>	<u>Denver Brown - 3111 Shirley Bridge Ave-Yankton, SD</u>
2. <u>Linda Johnson</u>	<u>Linda Johnson - 3111 Shirley Bridge Ave-Yankton, SD</u>
3. <u>George R. McGloin</u>	<u>George McGloin - 3111 Shirley Bridge Ave-Yankton, SD</u>
4. <u>Sarah Filholm</u>	<u>Sarah Filholm - 3111 Shirley Bridge Ave-Yankton, SD</u>
5. <u>Randall O'Neal</u>	<u>Randall O'Neal - 3111 Shirley Bridge Ave-Yankton, SD</u>
6. <u>Michael Stock</u>	<u>Michael Stock - 3111 Shirley Bridge Ave-Yankton, SD</u>
7. <u>Daniel Trantina</u>	<u>Daniel Trantina - 3111 Shirley Bridge Ave-Yankton, SD</u>
8. <u>Clyde Looking Cloud</u>	<u>Clyde Looking Cloud - 3111 Shirley Bridge Ave-Yankton, SD</u>
9. <u>Patsy Thoreson</u>	<u>Patsy Thoreson - 3111 Shirley Bridge Ave-Yankton, SD</u>

Memorandum #21-141

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Planning Commission Action #21-31 / Resolution #21-56
Date: June 21, 2021

CONDITIONAL USE PERMIT REQUEST

ACTION NUMBER: 21-31

E.T.J. MEMBER ACTION REQUIRED: No

APPLICANT / OWNER: Johanneson Contracting, Inc., applicant.

ADDRESS / LOCATION: 2913 Piper Street (ref attached site plan and air photo).

PROPERTY DESCRIPTION: The south 141 feet of the east 229 feet of Lot 3, Replat of Block 2, Airport Acres Addition in the City of Yankton, South Dakota.

ZONING DISTRICT: B-2 Highway Business.

PREVIOUS ACTION: None.

COMMENTS: The applicant is requesting a Conditional Use Permit for a self-storage facility. Self-storage facilities as defined by the City of Yankton Zoning Ordinance No. 711 are allowed in B-2 Highway Business Districts under certain conditions.

The proposal meets all of the applicable area and setback provisions. Self-storage facilities are required to be configured so that the doors of the buildings do not face, or are screened, from adjacent residentially zoned property. Although there is residentially occupied property to the north, they are in the same B-2 Highway Business district as the subject property. Therefore, the door configuration requirement does not apply.

The submittal included a storm water management plan including a detention area that was prepared by an engineer. The design ensures that storm water drainage leaving the site does not exceed historic runoff levels.

Staff has been contacted by the adjoining property owner to the north. Their comment was about how close the property line is to their building and that they would like to buy some additional property. That issue is between two private property owners and not of consequence when considering this permit request. All appropriate mailings and publications have occurred.

The proposed project involves the potential for a phased construction timeline which makes it possible that the project may not be completed prior to the expiration of the city's standard Conditional Use Permit window of one year. Therefore, it is recommended that the timeline be extended to two years from date of issuance if approved. Staff does not have any issues with waiving the one-year time period of the permit if approved.

Staff recommends approval of the request with the time limit extension to two years.

HEARING SCHEDULE:

- May 10, 2021: The Planning Commission established June 14, 2021, as the date for public hearing on the proposed request.
- June 14, 2021: The Planning Commission conducts a hearing and makes a recommendation to the City Commission.
- June 28, 2021: The City Commission considers a resolution and makes the final decision.

Planning Commission results: The Planning Commission recommended approval of the Conditional Use Permit request.

RESOLUTION #21-56
Conditional Use Permit

WHEREAS, Johanneson Contracting, Inc., is an applicant requesting a Conditional Use Permit for property legally described as the south 141 feet of the east 229 feet of Lot 3, Replat of Block 2, Airport Acres Addition in the City of Yankton, South Dakota, and

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

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

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

Adopted:

Stephanie Moser, Mayor

ATTEST:

Al Viereck, Finance Officer



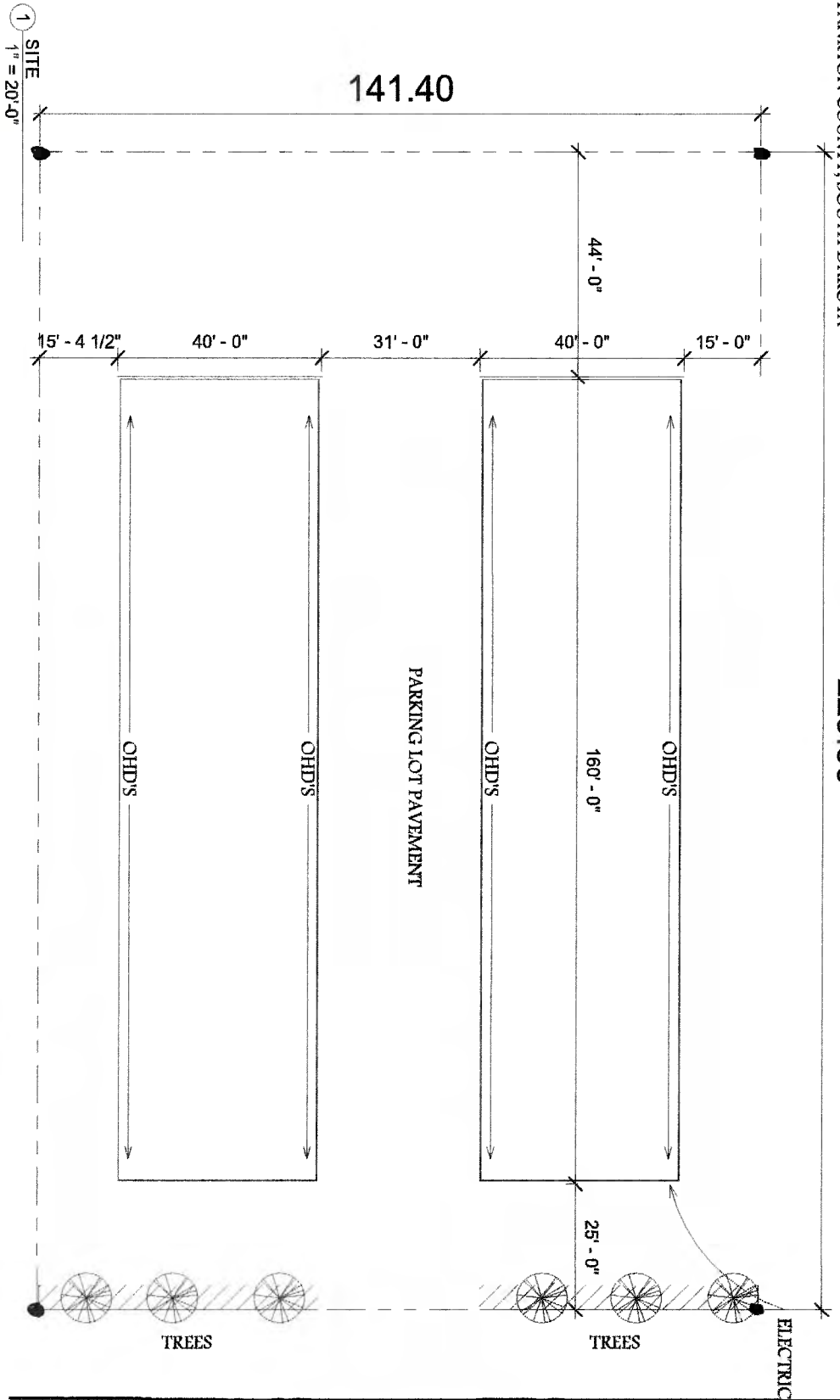
City of Yankton

Conditional Use Permit

South 141' of the East 229' of Lot 3, Block 2, Airport Acres Addition to the City of Yankton, South Dakota.

LOT 3, AIRPORT ACRES
 CITY OF YANKTON,
 YANKTON COUNTY, SOUTH DAKOTA

229.00



Piper St.

JSD DRAFTING & DESIGN
 SCOTTNA.SCHMERTING@JSDDESIGN.COM
 (605)-214-0862
 www.jstdraftingdesign.com

STORAGE UNITS
 JOHANNESON CONTRACTING

No.	Description	Date

PLOT LAYOUT

Date: 5/11/21
 Drawn by: Scott Morfitt
 Owner: [] DATE []
 Approval: []

S4
 Scale: 1" = 20'-0" NTS

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

Memorandum #21-142

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director
Subject: Ordinance #1053, Administrative Plat Approval
Date: June 22, 2021

The attached Ordinance #1053 was prepared by City Attorney Den Herder and Community Development staff. If approved, it provides for the administrative approval of certain types of plats. The approval of plats falls under Chapter 17 of the City of Yankton's Code of Ordinances governing the subdivision of land. South Dakota Codified Law (SDCL) gives governmental entities the specific authority to administratively approve some types of plats.

The proposed ordinance would substantially shorten the approval timeline for approximately 60 percent of the plats that currently go through the Planning Commission and City Commission action process. We are hopeful that shortening the timeline will provide a streamlined, customer friendly benefit to many of the developers / subdividers in the community.

Staff and the City Attorney had a significant amount of discussion about what types of plats should or should not be eligible for administrative approval. The goal was to keep the ordinance clear and concise while still providing the intended benefit. The proposed ordinance is conservative in defining what can be approved administratively. Staff and the City Attorney feel that there are some types of plats that should go through a standard review process like we have had in the past. The applicable SDCL also provides applicants with the ability to appeal the decision of the staff designee if there are questions about the decision made. Such appeals would be heard by the City Commission.

Staff recommends establishing July 12, 2021 as the date for a public hearing to consider the proposed Ordinance #1053.

HEARING SCHEDULE:

June 28, 2021	The City Commission establishes July 12, 2021 as the date for a public hearing.
July 12, 2021	The City Commission holds a public hearing to consider the issue. All appropriate notices will have been published.
July 23, 2021	Estimated date that the record of City Commission action is published in the newspaper.
August 12, 2021	Estimated date the City Commission action is effective.

_____ Introduce

ORDINANCE NO. 1053

AN ORDINANCE ADOPTING PROVISIONS FOR ADMINISTRATIVE APPROVAL OF PLATS PURSUANT TO SDCL 11-3-6.

Be it ordained that the following section shall be added to Section 17 Article 3:

Section 17-72 Administrative approval of plats.

Pursuant to the authority granted in SDCL 11-3-6, the Community and Economic Development Director of the City of Yankton (or other appropriate official designated by the Yankton City Manager) may approve a final plat in lieu of approval by the Board of City Commissioners if any of the following criteria is met:

- (a) A preliminary plat of the subdivision has been approved by the City Commission and the final plat is in conformance with the same; or
- (b) A planned unit development has been approved by the City Commission and the final plat is in conformance with the same; or
- (c) The final plat only revises existing lot lines in a manner conforming to the density requirements of the applicable zoning district.

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.

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 #21-143

To: City Commission
From: Ross Den Herder, City Attorney
Subject: Resolution Revising Annual Kennel License Fees
Date: June 21, 2021

The City Commission recently updated the City ordinances governing the licensing of kennel operations within City limits. The new licensing structure drastically increases the staff time, labor, and costs associated with administering the licensing of kennels within the City of Yankton. In particular, staff must now complete background checks and annually (and upon receipt of complaints) manually inspect each kennel facility, creating a need to increase the kennel license fee. The kennel license is currently set at \$10.00 per year, which has not been changed for decades.

Under new Ordinance 5-45, the Board of City Commissioners may set the kennel licensing fee by resolution. In consultation with the City Manager and staff from the departments involved in the licensing program, staff recommend the City Commission pass the attached resolution setting the annual fee at \$150.00.

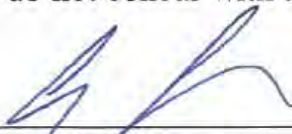
Thanks,



Ross K. Den Herder
City Attorney

I concur with the recommendation

I do not concur with the recommendation



Amy Leon, City Manager

Roll call

RESOLUTION #21-57

**A RESOLUTION TO SET FEE FOR
KENNEL LICENSES**

WHEREAS with respect to the application process for licensure of a kennel as defined by Ordinance 5-1, Ordinance Sec. 5-45 allows the City Commission to establish by resolution a license fee to be paid by applicants for a kennel license each year; and

WHEREAS the City Commission has recently modified the kennel licensing process in a manner that increases the time, labor, and costs associated with administering the licensing of kennels within the City of Yankton, creating a need to increase the kennel license fee.

NOW, THEREFORE, BE IT RESOLVED by the Yankton Board of City Commissioners that fee for a kennel license pursuant to Ordinance Sec. 5-46 shall be \$150.00.

Dated this 28th day of June, 2021.

CITY OF YANKTON

BY: _____
Stephanie Moser, Mayor

ATTEST:

FINANCE OFFICER

Memorandum #21-144

To: Amy Leon, City Manager
From: Adam Haberman, Public Works Director
Subject: Contract Amendment between City of Yankton and Banner Associates for Marne Creek Bank Restoration and Auld Brokaw Maintenance Trail Reconstruction
Date: June 23, 2021

The City of Yankton experienced severe flooding in March 2019, which eroded the banks and damaged trail segments along Marne Creek. City staff have been working with the Federal Emergency Management Agency (FEMA) since the flooding occurred to obtain funding to repair the damages Marne Creek received. FEMA has obligated \$278,269.00 for engineering and design services associated with this project. Once engineering and design work has taken place, the City will work with FEMA to obtain additional funding, for project construction.

The City of Yankton Engineering Department advertised for Request for Qualifications (RFQ) for engineering services. From those submittals received, Banner Associates, Inc. was the selected engineer. A Professional Services Agreement for engineering services with Banner was approved in September of 2020 for \$633,919.00. The agreement included survey, design, bidding, and construction administration services for the project.

Banner and City staff have been working closely with FEMA to ensure all the proper steps are followed while developing the projects scope of work. As part of FEMA's analysis of this project, there are environmental impact studies that are necessary to make sure the project does not have a significant negative impact on the environment. In the original agreement with Banner, it was assumed the environmental portion of the project would be a Categorical Exclusion, which is a conceptual-level memo, which identifies the potential impacts due to the recommended alternatives. The scope of the project has now developed to the point that FEMA standards require more than a Categorical Exclusion and an Environmental Assessment is necessary. Unfortunately, this type of study can take up to 12 months to complete.

The attached Amendment #1 to the Auld Brokaw Maintenance Trail and Marne Creek Bank Restoration contract identifies the additional work to be completed by the engineering firm. Included in the amendment scope is services to complete an Environmental Assessment. The contract amendment totals \$60,035.00. Staff will continue to work with FEMA in an effort to obtain more funding for the engineering and design services.


Recommendation: It is recommended that the City Commission approve the Amendment #1 to the Contract between the City of Yankton and Banner Associates, Inc. for Marne Creek Bank Restoration and Auld Brokaw Maintenance Trail Reconstruction and authorize the City Manager to sign all documents regarding this project.

Respectfully submitted,



Adam Haberman, PE
Public Works Director

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



Amy Leon, City Manager

____ Roll call

EXHIBIT C—AMENDMENT TO OWNER-ENGINEER AGREEMENT

AMENDMENT TO OWNER-ENGINEER AGREEMENT

Amendment No. 1

Owner: **City of Yankton, South Dakota**
Engineer: **Banner Associates, Inc.**
Project: **Auld/Brokaw Maintenance Trail and Marne Creek Bank Restoration**
Effective Date of Owner-Engineer Agreement: **September 28, 2020**

Nature of Amendment: (Check those that apply)

- Additional Services to be performed by Engineer
- Modifications to services of Engineer
- Modifications to responsibilities of Owner
- Modifications of payment to Engineer
- Modifications to time(s) for rendering services
- Modifications to other terms and conditions of the Agreement

Description of Modifications:

Agreement Summary: **Environmental Assessment Required by FEMA – See attached scope of work.**

Original agreement amount: \$ 551,919.00

Net change for prior amendments: \$ 0.00

This amendment amount: \$ 60,035.00

Adjusted Agreement amount: \$ 611,954.00

Change in time for services (days or date, as applicable): December 31, 2022

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. The Effective Date of the Amendment is **June 28, 2021**.

Owner
City of Yankton

(typed or printed name of organization)

By: _____
(individual's signature)

(Attach evidence of authority to sign.)

Date: _____
(date signed)

Name: _____
(typed or printed)

Title: _____
(typed or printed)

Engineer
Banner Associates, Inc.

(typed or printed name of organization)

By: Pat Carey
(individual's signature)

(Attach evidence of authority to sign.)

Date: 06-22-2021
(date signed)

Name: Pat Carey
(typed or printed)

Title: Sr. Vice President
(typed or printed)

Appendix A - Scope of Work
Auld/Brokaw Maintenance Trail and
Marne Creek Bank Restoration
Amendment #1
Environmental Assessment and H&H Study

April 2021

Tasks

The following notes the additional work needed for each of the existing tasks and a new task for the completion of the Environmental Assessment (EA).

1.0 Project Management and Coordination

1.1 Kick Off Meeting

No additional work needed under this task.

1.2 Coordination Meetings

Monthly coordination meetings will be held to discuss progress and any issues that need to be addressed for the project. Assumes staff from FEMA, City of Yankton, Banner, and RESPEC will join the calls. Assumes additional 12 meetings.

Assumptions:

- *Three personnel from Banner will attend meetings. Banner will coordinate and facilitate meetings. Banner will provide meeting minutes.*
- *Meetings will be held via Zoom.*

1.3 Internal Project Team Meetings

Monthly project team meetings will be held within Banner to discuss project progress and address any issues.

Assumptions:

- *Three personnel from Banner will attend meetings. Banner will coordinate and facilitate meetings.*

1.4 Project Set Up and Monitoring

No additional work needed under this task.

2.0 Data Gathering

2.5 Environmental Studies

2.5.1 Wetland Delineation and Habitat Assessment

No additional work needed under this task.

2.5.2 Level III Cultural Resources Survey

No additional work needed under this task.

2.5.3 Agency Coordination

Banner will coordinate with FEMA Environmental and Historic Preservation (EHP) office to set up two coordination meetings with agencies. Assumes meeting will be held via video conference.

Banner will coordinate with USACE for permitting requirements. Assumes two coordination meetings, a preapplication meeting and one follow up meeting.

4.0 Stakeholder and Public Outreach

4.1 Meet with City of Yankton's Parks and Recreation

No additional work needed under this task.

4.2 Meet with stakeholder group

No additional work needed under this task.

4.3 Project Information Sheets

No additional work needed under this task.

4.4 Public Coordination for the EA

Banner will provide present a project overview at a City Council meeting and display a few poster boards with an overview of the project at an open house after the meeting. Assumes three Banner personnel to attend the public open house.

A public notice will be prepared for the City's website and placed in the paper for the release of the Draft EA for public review.

8.0 Environmental Assessment

Banner will write an EA under the direction of the FEMA EHP office. The EA will summarize all environmental resources that exist in the study area that could potentially be impacted or affected by the build alternatives. An analysis of impacts or affects for the alternatives that have been carried forward for further analysis will be completed. Where feasible, mapping should be used to show the location of resources within the Study Area, indicating avoidance or minimization of impacts by the alternatives. The following items will be included in the EA for the identification of the environmental resources and evaluation of the alternatives.

8.1 Draft EA- Banner will complete a Draft EA for FEMA EHP's review. Assumes two versions of the Draft EA.

8.1.1 Background- Includes project authority, project location, and purpose and need. Assumes existing facility is not applicable and not needed for this project. The information in the previous alternative analysis memo will be utilized for this section of the EA.

8.1.2 Alternative Analysis- Includes description of no action alternative and alternatives. The information in the previous alternative analysis memo will be utilized for this section of the EA.

8.1.3 Affected Environment and Consequences

8.1.3.1 Physical Environment – Includes the following sections: geology and soils, water resources and water quality, floodplain management (Executive Order 11988), and air quality. Assumes the following sections are not required for this analysis due to lack of resource or concern: Seismicity, Coastal Zone Management, Coastal Barrier Resources.

For water resources, Banner will identify production wells, aquifers, groundwater protection zones, and any other water resource that may be present in the study area. Impacts to water resources as a result of the project will be discussed. Review the status

of the water resources (quality, etc.) by utilizing available information for the purpose of describing the existing environment before the Project: ground water/aquifers, streams, and springs and locations of drinking water and sewage treatment facilities. Consider the impact of the alternatives on the water resources.

For floodplain, Banner will determine the FEMA FIRM designated floodplain areas within the Study Area. Analyze potential impacts and mitigation measures of the alternatives including a map of floodways and 100-year flood plain boundaries. Banner will conduct floodplain analysis and incorporate it into the EA. Banner will work with FEMA and the local floodplain administrators to work through floodplain permitting. Assumes a LOMR and CLOMR will not be required.

- 8.1.3.2 Biological Environment– Banner will identify biological resources, to include species and habitats within the terrestrial and aquatic environment, present in the study area. Identify any species protected under the Migratory Bird Treaty Act and/or Bald and Golden Eagle Protection Act and identify impacts as a result of the project to those species. Identify invasive, exotic, or noxious weed species in the study area and impacts on those species as a result of the project. Coordinate with SDGFP to determine if a species of interest exists in the Study Area. Summarize impacts of the alternatives. Incorporate the information from the coordination between FEMA EHP and USFWS which will note the threatened and endangered species possibly found within the project area. Within the EA, the effect determination due to the alternatives will be noted. Assumes FEMA EHP office will coordinate with USFWS and provide coordination to Banner to include within the EA.

Assumptions:

- *A habitat assessment conducted during the wetland delineation is sufficient to help determine effects to threatened and endangered species.*
- *Formal consultation with the USFWS will not be required.*

- 8.1.3.3 Hazardous Materials- Due to potential for easements and the location within the city limits, a Phase I Environmental Site Assessment (ESA) is recommended to be completed for the project area. A report and information within the EA will be included as part of this task. If a site that could affect the project is noted, Banner will discuss next steps with City of Yankton and FEMA EHP.

Assumptions:

- *A Phase II ESA is not included in this work order.*

- 8.1.3.4 Socioeconomics- Includes zoning and land use, visual resources, noise, public services and utilities, traffic and circulation, Environmental Justice (Executive Order 12898), safety and security. Assumes noise modeling not required. Assumes project will not have a disproportionate effect to any identified EJ populations.

- 8.1.3.5 Cultural Resources and Historic Properties – A Level III Cultural Resource Survey has been completed for the Study Area. The results of that survey will be utilized to determine impacts to cultural resources as a result of the project.

Assumptions:

- *Area of Potential Effect utilized for the Level III Survey will remain the same for the EA.*

- *Information gathered to complete the Level III Survey will be utilized in this task.*
- *FEMA EHP will complete consultation with SHPO. Banner will not communicate with SHPO unless directed.*

8.1.3.6 Cumulative Impacts – Recent Council of Environmental Quality (CEQ) regulations have struck cumulative impacts. This task is included in the event the requirements change during the course of this EA process or if advised by FEMA EHP office to complete this section. Evaluate cumulative impacts of the project and any other reasonably foreseeable projects located in close proximity to the project. Consideration should be given to Yankton's past and present local land use, growth management, and induced development and cumulative impacts of the project and any other reasonably foreseeable projects located near the project.

8.1.3.7 Public Participation – Note the public input opportunities for the project and any comments received with responses.

8.1.3.8 Administrative Record and References- Complete an administrative record that includes references.

8.2 Final EA and Finding of No Significant Impact (FONSI)- Develop the final EA and FONSI as directed by FEMA EHP office. The need for elevating the NEPA class of action to an Environmental Impact Assessment (EIS) will be determined based on significant environmental impacts being identified through completion of Task 8.3. Assumes to be EA and FONSI for the purposes of this scope and fee, the final level of NEPA will be determined by the FEMA EHP office.

8.3 Section 404 Permit Application- Prepare the Section 404 permit application for the alternative selected within the EA.

Schedule

Task Item	Deadline
Scope of Work Approved	
Initiation of EA	After Scope of Work Approved
Agency Meeting (First Meeting)	2 months after Initiation of EA
Preliminary Draft EA for FEMA review	4 months after initiation of EA
FEMA Review of Preliminary Draft EA	5 months after initiation of EA
Banner Revise Based on Comments- Draft EA	6 months after initiation of EA
FEMA Review of Draft EA	7 months after initiation of EA
Agency Meeting (Second-Video Conference)	7 months after initiation of EA
Banner Revise Based on Comments- Draft EA	8 months after initiation of EA
Draft Environmental Assessment ready for Public Availability	9 months after initiation of EA
Public Availability Period (assumes 30 day period)	10 months after initiation of EA
Public Meeting (with City Commission)	10 months after initiation of EA
Final Environmental Assessment and FONSI	12 months after Initiation of EA
Section 404 Permit Application	1 month after final design limits completed

Auld/Brokaw Maintenance Trail and Marne Creek Bank Restoration

6/18/2021

		Banner Associates						
Description of Tasks		Project Manager	Hydraulics Lead	Env Lead	Env Scientist	Env Scientist	Admin	TOTAL
		Johnson	Johnson	Baker	Murphy	Van Ekeren	Alfson	HOURS
Project Management and Coordination								
1.2	Coordination Meetings with City and FEMA	12		12		12		36
1.3	Internal Project Team Meetings	6		12	12	12		42
Subtotal Task 1.0		18	0	24	12	24	0	78
Data Gathering								
2.5.3	Agency Coordination		12	12	12			36
Subtotal Task 2.0		0	12	12	12	0	0	36
Stakeholder and Public Outreach								
4.4	Public Coordination for EA	4		8		12	12	36
Subtotal Task 4.0		4	0	8	0	12	12	36
Environmental Assessment								
8.1	Draft Environmental Assessment							
8.1.1	Background			8		8		16
8.1.2	Alternative Analysis		12	16		16		44
8.1.3	Affected Environment and Consequences							0
8.1.3.1	Physical Environment			6		16		22
8.1.3.2	Biological Environment			6	20			26
8.1.3.3	Hazardous Materials			6		40		46
8.1.3.4	Socioeconomics			6		20		26
8.1.3.5	Cultural Resources and Historic Properties			8		8		16
8.1.3.6	Cumulative Impacts			6	12			18
8.1.3.7	Public Participation			1		2		3
8.1.3.8	Administrative Record and References			20	20	20		60
8.2	Final EA and FONSI			16	16	16		48
8.3	Section 404 Permit Application			12	16			28
Subtotal Task 8.0		0	12	111	84	146	0	353
TOTALS		22	24	155	108	182	12	503

ITEM	2021		TOTAL
Staff	TOTAL ESTIMATED HOURS	TOTAL ESTIMATED COST	
Kent Johnson, Project Manager	22	\$ 3,146.00	\$ 3,146.00
Kent Johnson, Hydraulic Engineering	24	\$ 3,432.00	\$ 3,432.00
Becky Baker, NEPA Lead	155	\$ 24,645.00	\$ 24,645.00
Leslie Murphy, Biologist	108	\$ 14,256.00	\$ 14,256.00
Audra Van Ekeren, Environmental Scientist	182	\$ 12,376.00	\$ 12,376.00
Karen Alfson, Administrative Assistant	12	\$ 780.00	\$ 780.00
SUBTOTAL:	503	\$ 58,635.00	\$ 58,635.00
Travel			\$ -
Mileage			\$ 500.00
Meals			\$ 200.00
Lodging			\$ 200.00
EDR Report for Phase 1 ESA			\$ 500.00
			\$ -
			\$ -
TOTAL:		\$ 58,635.00	\$ 60,035.00

Memorandum #21-145

To: City Commission
From: Ross Den Herder, City Attorney
Subject: Resolution Establishing Application Fees and Annual Fees for Medical Cannabis Dispensaries
Date: June 22, 2021

The City Commission recently adopted City ordinances governing the licensing of medical cannabis dispensaries within City limits. This licensing structure demands considerable staff time, labor, and costs to administer. In particular, each license application must be thoroughly vetted by staff, all owners and known employees are subject to complete background checks, and the facilities must be inspected for compliance with the applicable ordinances and representations within the application. Once operational, Staff anticipates the operation of these facilities will also place extra burdens upon law enforcement and other City departments. These considerations justify setting an appropriate license application fee and annual license fee by the City Commission.

The non-refundable application fee and the annual license fee may be set by Resolution of the City Commission in accordance with Ordinance Sec. 13-142 and 13-143. In consultation with the City Manager and staff from the departments involved in the licensing program, Staff recommend the Commission pass the attached resolution setting the non-refundable application fee at \$1,500.00 and the annual fee at \$3,000.00. Staff believe these fees to be reasonable relative to the efforts and cost involved with administration. These fees are also in the average range of dispensary license fees for comparably sized communities in states with legalized medical or recreational cannabis.

Thanks,



Ross K. Den Herder
 City Attorney

I concur with this recommendation.

I do not concur with this recommendation.



Amy Leon, City Manager

_____ Roll call

RESOLUTION #21-58

**A RESOLUTION TO SET FEES FOR
MEDICAL MARIJUANA DISPENSARY LICENSES**

WHEREAS with respect to the initial application process for licensure of a medical cannabis dispensary, Ordinance Sec. 13-142 allows the City Commission to establish by resolution a non-refundable fee 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; and

WHEREAS Ordinance Sec. 13-143 allows the City Commission to establish by resolution an annual fee for licensure of a medical cannabis dispensary; and

WHEREAS the City Commission has not yet established the fees applicable to Ordinance Sections 13-142 and 13-143 and has determined that such fees must be set.

NOW, THEREFORE, BE IT RESOLVED by the Yankton Board of City Commissioners that the non-refundable application fee for licensure of a medical cannabis dispensary pursuant to Ordinance Sec. 13-142 shall be \$1,500.00; and

IT IS ALSO HEREBY FURTHER RESOLVED by the Yankton Board of City Commissioners that the annual fee for licensure of a medical cannabis dispensary pursuant to Ordinance Sec. 13-143 shall be \$3,000.00.

Dated this 28th day of June, 2021.

CITY OF YANKTON

BY: _____
Stephanie Moser, Mayor

ATTEST:

FINANCE OFFICER

Memorandum #21-134

To: Amy Leon, City Manager
From: Corey Pospisil, Director of Human Resources and Employee Engagement
Subject: Revision to the City of Yankton's Drug and Alcohol Policy in the Personnel Manual & Collective Bargaining Agreement
Date: June 22, 2021

A Cannabis Team along with our medical marijuana consultant has been established to review South Dakota's new law surrounding the legal use of medical marijuana and how to properly revise and apply the City of Yankton's Drug and Alcohol Policy. The members serving on the committee are Amy Leon, Al Viereck, Lisa Yardley, Todd Brandt, Ross DenHerder, Bill Efting and myself.

The discussion began after the citizens of South Dakota voted to legalize medical marijuana and how to incorporate the new law within the City of Yankton's drug alcohol policy for the Personnel Manual. Ross DenHerder and Amy Leon discussed in a work session on May 24th, the initial draft. This draft had language that included "safety-sensitive" positions based on job descriptions' physical demands and cognitive function. With direction from the City Commission, the "safety-sensitive" language was removed and is now submitted for approval.

Below are excerpts of the Committee's recommendation for adoption of the Drug and Alcohol Policy to the City of Yankton's Personnel Manual:

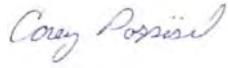
Marijuana (THC metabolite) will remain as a part of the 5 panel drug test for all testing instances, and it is not permitted for an employee to intentionally ingest, inhale, or otherwise take into the body any substance other than alcoholic beverages for the purpose of being intoxicated, unless such substance is prescribed by a licensed physician (excepting marijuana or any substance containing a THC Metabolite, which is always prohibited on the job).

However, a drug test reflecting the presence of a drug lawfully prescribed to the employee at levels within acceptable limits relative to the prescription (or the presence of THC Metabolite when the employee holds an unexpired medical marijuana card issued by the State of South Dakota) shall be treated as a negative test result as to such drug.

Additionally, as is still required by law through the Department of Transportation (DOT), marijuana use is prohibited, and the City will follow applicable state and/or federal regulations associated with employees in positions requiring possession of a commercial driver's license (CDL).

If approved, the full policy will be added into the personnel manual. See the attached “Yankton proposed drug and alcohol policy”

Respectfully submitted,

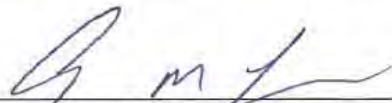


Corey Pospisil
Director of Human Resources and Employee Engagement

Recommendation: It is recommended that the City Commission approve Memorandum #21-134 thereby accepting the revisions to the Personnel Manual drug and alcohol policy and authorizing the Director of Human Resources and Employee Engagement to update the Personnel Manual and the Collective Bargaining Agreement.

I concur with the recommendation.

I do not concur with the recommendation.



Amy Leon, City Manager

YANKTON PROPOSED UPDATED DRUG AND ALCOHOL POLICY

901 City's Commitment to Drug and Alcohol-Free Workplace

- A. The City has a strong commitment to its employees to provide a safe, healthy and productive work environment and to promote high standards of employee health. Consistent with the spirit and intent of this objective, the City will act to eliminate any substance abuse which could impair an employee's ability to safely and effectively perform a job and which increases the potential for accidents, absenteeism, substandard performance, and tends to undermine public confidence in the City's work force.
- B. The City's goals are to establish and maintain a work environment that is free from the effects of alcohol and drug abuse and to maintain the reputation and integrity of the City by preventing unacceptable behavior by its employees that discredits the City and its employees.
- C. While the City has no intention of unreasonably intruding into the private lives of its employees, the City does expect employees to report for work in a condition to perform their duties, make the work environment safe for other employees, and represent a proper image to the citizens. It is clear that employee off-the-job, as well as on-the-job, involvement with drugs and alcohol can have an impact on the City's goals.
- D. Any restriction upon any employee under these policies shall also apply to a volunteer serving the City during any period the volunteer is upon City property or providing service for the City, excepting the City's volunteer firefighters who shall be subject to the drug and alcohol policy adopted by the Yankton Volunteer Fire Department.

902 Drug and Alcohol Abuse

- A. The unlawful manufacture, distribution, dispensing, possession or use of controlled drugs or substances or the use of alcohol while on duty, on or off property owned or leased by the City is proper cause for disciplinary action.
- B. Any illegal controlled drug or substance possessed or ingested while on duty by employees will be turned over to the appropriate criminal justice agencies and may result in criminal prosecution. This does not apply to public safety officers who are in possession of an illegal controlled drug or substance while acting in the line of duty.
- C. It is not permitted for an employee to be under the influence of over-the-counter, controlled, or prescription drugs or substances or alcohol on the job, except that the legal use of controlled or prescription drugs or substances prescribed by a licensed physician is not prohibited (excepting marijuana or any substance containing a THC Metabolite, which is always prohibited on the job), but employees in positions where side effects of the prescribed medication or substance could adversely affect safety on the job are required to make such use known to their Department Head.
- D. The illegal use, sale, and possession of controlled substances or prescription drugs while off duty and off municipal premises which results in a criminal conviction is unacceptable. Off-duty, alcohol-related criminal convictions are also unacceptable. They may affect the job performance and the confidence of the public in the City's ability to meet its responsibilities. Such off-the-job conduct may be proper cause for disciplinary action.

- E. It is not permitted for an employee to intentionally ingest, inhale, or otherwise take into the body any substance other than alcoholic beverages for the purpose of being intoxicated, unless such substance is prescribed by a licensed physician (excepting marijuana or any substance containing a THC Metabolite, which is always prohibited on the job).

903 Testing for Drugs or Alcohol

A. Discretionary Substance Testing:

The City may require drug and alcohol testing in the following instances:

1. Pre-Employment – as a condition of hiring
2. Random – periodically throughout employment
3. Post-Accident or Injury – following a workplace accident or injury that causes personal injury or property damage
4. Reasonable Suspicion – when cause exists to believe someone has violated this drug-free policy or is under the influence of drugs or alcohol during working hours
5. When Prescribed by Law – such as Department of Transportation (DOT) requirements for individuals with a Commercial Driver’s License (CDL).

B. Mandatory Substance Testing:

Any employee whose order, action or failure to act is determined to be, or cannot be ruled out as, a causative factor in the events leading up to or causing an incident or accident shall be tested for alcohol and drugs when the following incidents occur on duty unless a supervisor, Department Head, or the City Manager determines that the employee’s actions were not a causative or contributing factor:

1. An employee shoots a person;
2. An employee accidentally discharges a firearm;
3. An employee is involved in an incident in which a human fatality occurs;
4. An employee whose performance could have contributed to an incident or accident in which a person is injured and requires immediate treatment away from the scene of the incident or accident, or a motor vehicle or equipment is damaged to the extent that it must be towed from the scene or is rendered inoperable and requires more than simple repairs. Such damage does not include tire disablement without other damage.

C. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

1. Abnormal or erratic behavior that is so unusual that it warrants summoning an immediate supervisor, Department Head or other individual for assistance
2. Information provided by a reliable and credible source with personal knowledge
3. Direct observation of drug or alcohol use
4. Presence of the physical symptoms of drug or alcohol use (i.e. glossy or blood-shot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes)

- 5. Possession of substances in violation of the City's drug and alcohol policy.
- D. The employee, when testing is required, may be asked to submit to urine and/or breath alcohol testing by qualified medical personnel at the City's expense. Prior to testing, the proper authority shall secure a signed release from the employee to have the clinic/medical provider release medical information to the City.
- E. An employee who refuses to consent to a required drug and/or alcohol test, or who refuses to sign an authorization releasing test results to the City, will be subject to disciplinary action, up to and including termination. A positive result from a drug and/or alcohol test will result in disciplinary action up to and including termination.
- F. When testing is required because of reasonable suspicion the proper authority is required to detail in writing the specific facts, symptoms, or observations that led to the reasonable suspicion. This documentation, which includes the results of the drug or alcohol test as confirmation of the use of drugs or alcohol on the job, shall be given to the City Manager and placed in the employees personnel file only if confirmed by the drug and/or alcohol test.
- G. Drug and/or alcohol test results are confidential, and only those with a need to know are to be informed of the results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee.

904 Drugs Selected for Testing

- A. Drug and/or alcohol testing will be performed by a clinic/medical provider selected by the City.
- B. Drugs selected for testing will be drugs or drug groups that are classified as "controlled substances under state or Federal law, and which adversely affect physical and/or mental performance. Drug testing may include, but is not limited to, testing for the controlled substance listed here:
 - 1. Alcohol, ethyl
 - 2. Amphetamines/Methamphetamines (i.e. speed)
 - 3. Cocaine, Cocaine Metabolites
 - 4. Opiates (i.e. to include but not limited to Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone)
 - 5. Phencyclidine (PCP)
 - 6. THC (Marijuana) Metabolite
- C. A drug test reflecting the presence of a drug lawfully prescribed to the employee at levels within acceptable limits relative to the prescription (or the presence of THC Metabolite when the employee holds an unexpired medical marijuana card issued by the State of South Dakota) shall be treated as a negative test result as to such drug.

905 Employee Responsibilities

- A. An employee must not report to work while his/her ability to perform his/her job duties is impaired due to on-duty or off-duty alcohol or drug use. Employees called in for emergency duty

to work outside their regular work schedule must not report to work impaired by off-duty alcohol or drug use.

- B. An employee must not possess or use alcohol or illegal drugs or prescription drugs without a prescription during working hours or while subject to duty (such as when scheduled to be on-call), on breaks, or during meal periods, except that use of or intoxication by Marijuana or any other product containing THC metabolite (regardless of prescription or status as a medical marijuana cardholder) shall be unequivocally prohibited during work hours or while subject to duty.
- C. An employee must notify his/her immediate supervisor, before beginning work, when taking any medication or drugs, prescription or nonprescription, which may interfere with the safe and effective performance of duties or operation of municipal equipment.
- D. An employee must notify his/her immediate supervisor of any drug or alcohol related criminal conviction for a violation occurring in the workplace or off-duty no later than five (5) days after such conviction.
- E. Any violations of the above stated policies may result in immediate disciplinary action, up to and including termination.
- F. Reporting Drug and Alcohol Use: The employee should immediately notify his/her immediate supervisor if an employee has knowledge that another employee, while on duty, is under the influence of alcohol or a controlled substance or is in possession of or is using a controlled substance on duty or at City facilities or work sites (unless such possession is in the scope of a law enforcement or other lawful duty).
- G. No Work After Violation of Substance Abuse Policy:

An employee shall not be on duty or report for duty after:

1. A reasonable suspicion test for drugs; unless or until a negative test result is received without reasonable suspicion that the employee is under the influence as defined by these policies; or
2. A reasonable suspicion test for alcohol, unless the test was negative; or
3. Receiving any positive test for alcohol or drugs (except a positive test for a medication prescribed by a physician without an accompanying reasonable suspicion of being under the influence as defined by these policies); or
4. Any other prohibited conduct until a negative result is received, and/or the employee's division manager has approved his/her return to duty, after consult with the Human Resources Director, City Manager, or City Manager's Designee.

906 Management Responsibilities and Guidelines

- A. Immediate supervisors and Department Heads shall not physically search the persons of employees nor shall they search the personal possessions of employees without the freely given consent of, and in the presence of, the employee.
- B. Immediate supervisors and Department Heads shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area jointly or fully controlled by the City.

- C. Any immediate supervisor or Department Head encountering an employee who refuses to consent to a required drug and/or alcohol test shall remind the employee of the requirements of the policy and that he or she may be subject to disciplinary action. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action. Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the Department Head or immediate supervisor should direct the employee to remain at work for a reasonable time until the employee can be safely transported home.
- D. Nothing in this policy shall be interpreted as waiving or limiting the City's responsibility to maintain discipline, the City's right to invoke disciplinary measures, or the employee's right to follow the grievance procedure set forth in Section 700.
- E. Each employee will be given a copy of the City's policy on Drug and Alcohol Substance Abuse, which is included in the City's Personnel Manual. The employee will sign a receipt of a copy of the Personnel Manual, which will be placed in the employee's personnel file.
- F. The City will follow applicable state and/or federal regulations associated with employees in positions requiring possession of a commercial driver's license (CDL).

H. Training Requirements Regarding Substance Policy:

Supervisors of employees holding CDLs, shall have at least one (1) hour of training on alcohol abuse and an additional one (1) hour of training on controlled substance use annually based on DOT regulations. Training will cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances. CDL holders will receive annual education on alcohol and controlled substance abuse.

All other City employees, including supervisors, are encouraged to attend training on alcohol and substance abuse.

Memorandum #21-123

To: *Amy Leon, City Manager*
From: *Brittany LaCroix, Events and Promotions Coordinator*
Subject: *Request by Mount Marty University for Special Events Parking Ordinance #933 to be in place during the Lancer Days Homecoming Parade*
Date: *June 22, 2021*

Mount Marty University Lancer Days Parade is organized by Mount Marty University staff, students and athletes to provide an event for the entire community to come together to celebrate Mount Marty's Homecoming and Alumni Reunion in the community. The parade will have no more than 60 entries and all entries will be required to submit a registration form that acknowledges safety standards and Mount Marty University requirements. There will be at least one announcer available on the parade route. Mount Marty University will work with the Meridian District to encourage retailers and businesses to decorate their stores in Mount Marty University colors and will also encourage the community to shop, eat and play at the downtown businesses.

The organizing committee is requesting a street closure on 3rd Street from Cedar to Burleigh to be in effect from 8:00 AM until 12:00 PM on Saturday, October 16, 2021. The event committee has been in contact with all business impacted by the closure.

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.

Mount Marty University Lancer Days Homecoming Staff are requesting that Special Events Parking zone identifying boundaries of the zone and Tow Authorization be granted during this event for car traffic. Mount Marty University Lancer Days Homecoming Staff will place no parking signs 48 hours prior to the event on Wednesday, October 13, 2021. Mount Marty University Lancer Days Homecoming Staff will create a temporary sign to attach identifying details of the event. Mount Marty University Lancer Days Homecoming Staff are also requesting A-frame be provided to hang no parking signs and barricades to be used to close the streets as mentioned above. Mount Marty University Lancer Days Homecoming Staff will coordinate with the Streets & Parks Departments to locate signs in appropriate areas.

Recommendation: It is recommended that the Commission approve the special event with the special event parking ordinance in force for the area of 3rd Street between Cedar and Burleigh Street for the Mount Marty University Lancer Days Homecoming Parade event on Saturday, October 16, 2021.

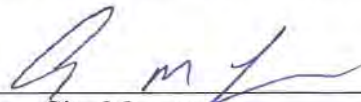
Respectfully submitted,



Brittany LaCroix
Events & Promotions Coordinator

I concur with the recommendation.

I do not concur with the recommendation.



Amy Leon, City Manager

____ Roll call

Resolution #21-50

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 Mount Marty University Lancer Days Homecoming staff has made a request to enact this no parking zone for their event on October 16, 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 from Cedar to Burleigh Street to be in effect from 8:00 AM until 12:00 PM on October 16, 2021.

Adopted:

Stephanie Moser, Mayor

ATTEST:

Al Viereck, Finance Officer

City of Yankton

Lancer Days
Parade
October 16, 2021

Legend

 Special Event -
No Parking

 Parade Route

