

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
JUNE 28<sup>TH</sup>, 2021**

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

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

Quorum present. Absent: Commissioner Benson.

Action 21-169

Moved by Commissioner Schramm, seconded by Commissioner Miner, to approve Minutes of regular meeting of June 14<sup>th</sup>, 2021.

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

Motion adopted.

City Manager Leon submitted a written report giving an update on community projects and items of interest. The Commission and City Manager then had a brief review of the Capital Improvement Plan from wastewater to the end of the plan. Deputy Finance Officer Lisa Yardley gave a brief review of the ARPA funds and the \$2.497 million that would be due to the City to be used basically for infrastructure improvements in the City. Todd Larson, Director of Parks & Recreation, then gave a brief update about the new Heuther Family Aquatics Center and highlighted some attendance numbers, “pass” sales, and concession sales to date.

There were no public appearances at that time.

Action 21-170

Moved by Commissioner Johnson, seconded by Commissioner Webber, to approve the following consent agenda items:

**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 4<sup>th</sup> Street, Yankton, S.D.

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

Motion adopted.

Action 21-171

Moved by Commissioner Webber, seconded by Commissioner Schramm, to approve CRRSAA funds for the Chan Gurney Municipal Airport and City Manager to sign the grant agreement and any subsequent administrative documents associated with the receipt of the funds. (Memorandum 21-138)

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

Motion adopted.

Action 21-172

This was the time and place for the bid opening of the 2021-2022 Annual Supply of Transport/Tank wagon Petroleum Products. Bids were received and opened on June 10<sup>th</sup>, 2021 at 3:00 pm from Gerstner Oil, Yankton, SD and Petroleum Traders Corporation, Fort Wayne, IN. (Memorandum 21-139)

Moved by Commissioner Johnson, seconded by Commissioner Webber, to award Gerstner Oil the 2021-2022 Annual Supply of Transport/Tank wagon Petroleum Products bid as the low bidder.

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

Motion adopted.

Action 21-173

This was the time and place for the bid opening of the Cold Applied Plastic Pavement Marking Installation Project. Bids were received and opened on June 10<sup>th</sup>, 2021 at 3:00 pm from Dakota Traffic Services, LLC, Tea, SD for \$57,049.55 and Traffic Solutions Inc., Harrisburg, SD for \$49,817.40. (Memorandum 21-140)

Moved by Commissioner Miner, seconded by Commissioner Johnson, to award the Cold Applied Plastic Pavement Marking Installation Project to Traffic Solutions Inc., in the amount of \$49,817.40

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

Motion adopted.

Action 21-174

Moved by Commissioner Webber, seconded by Commissioner Maibaum, to approve Resolution 21-53. (Memorandum 21-135)

**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.

**Roll Call:** Present commissioners voting “Aye” were Brunick, Johnson, Maibaum, Miner, Webber, Villanueva, and Mayor Moser; voting “Nay:” None; “Abstain:” Commissioner Schramm.

Motion adopted.

Action 21-175

Moved by Commissioner Johnson, seconded by Commissioner Webber, to approve Resolution 21-54. (Memorandum 21-136)

**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.

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

Action 21-176

Moved by Commissioner Webber, seconded by Commissioner Schramm, to approve Resolution 21-55. (Memorandum 21-137)

**RESOLUTION 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 (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 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 28<sup>th</sup> day of June, 2021.

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

Action 21-177

Moved by Commissioner Webber, seconded by Commissioner Brunick, to approve Resolution 21-56. (Memorandum 21-141)

**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.

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

Commissioner Johnson introduced and Mayor Moser read the title of Ordinance No. 1053, AN ORDINANCE ADOPTING PROVISIONS FOR SDMINISTRATIVE APPROVAL OF PLATS PURSUANT TO SOUTH DAKOTA CODIFIED LAW 11-3-6, and set the date of the second reading and public hearing as July 12<sup>th</sup>, 2021.

Action 21-178

Moved by Commissioner Miner, seconded by Commissioner Webber, to approve Resolution 21-57. (Memorandum 21-143)

**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.

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

Action 21-179

Moved by Commissioner Maibaum, seconded by Commissioner Schramm, to approve 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. (Memorandum 21-144)

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

Action 21-180

Moved by Commissioner Miner, seconded by Commissioner Villanueva, to approve Resolution 21-58. (Memorandum 21-145)

**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.

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

Action 21-181

Moved by Commissioner Webber, seconded by Commissioner Miner, to approve the revisions to the Personnel Manual Drug and Alcohol Policy and authorize the Director of Human Resources and Employee Engagement to update the Personnel Manual and the Collective Bargaining Agreement. (Memorandum 21-134)

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

Action 21-182

Moved by Commissioner Johnson, seconded by Commissioner Webber, to approve Resolution 21-50. (Memorandum 21-123)

**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 3<sup>rd</sup> Street from Cedar to Burleigh Street to be in effect from 8:00 AM until 12:00 PM on October 16, 2021.

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

Action 21-183

Moved by Commissioner Schramm, seconded by Commissioner Villanueva, to adjourn into Executive Session at 8:08 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 Brunick, Johnson, Maibaum, Miner, Schramm, Webber and Villanueva. City Attorney Den Herder and City Manager Leon were also present.

Quorum present.

Action 21-184

Moved by Commissioner Johnson, seconded by Commissioner Schramm to adjourn at 8:42 p.m.

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

Motion adopted.

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Stephanie Moser  
Mayor

ATTEST:

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Al Viereck  
Finance Officer