



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

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## **YANKTON BOARD OF CITY COMMISSIONERS**

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

**Monday, September 13, 2021**

**City of Yankton Community Meeting Room**

Located at the Career Manufacturing Technical Education Academy formerly known as Technical Education Center • **1200 W. 21<sup>st</sup> 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

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### **I. ROUTINE BUSINESS**

1. **Roll Call**
2. **Approve Minutes of regular meeting of August 23, 2021** **Attachment I-2**
3. **Schedule of Bills** **Attachment I-3**
4. **Proclamation – Welcome Week** **Attachment I-4**
5. **City Manager's Report** **Attachment I-5**
6. **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. **Work Session**  
Setting date of September 27, 2021, at 5:30 pm in Room #114 of the Career Manufacturing Technical Education Academy for the next work session of the Yankton City Commission

### **III. OLD BUSINESS**

*Old business includes items that have previously appeared on the City Commission's agenda and require further consideration or action by the board.*

**1. Public hearing for sale of alcoholic beverages**

Consideration of Memorandum #21-191 regarding the request for a Special Events Retail (on-sale) Liquor License for 1 day, September 25, 2021, from Ben's Brewing Co. (Ben Hanten, Owner), 222 West 3<sup>rd</sup> Street, Zombie's Realm, 101 E. 3<sup>rd</sup> Street, Yankton, S.D.

**Attachment III-1**

**2. Public hearing for sale of alcoholic beverages**

Consideration of Memorandum #21-192 regarding the request for a Special Events Retail (on-sale) Liquor License for 1 day, September 25, 2021, from Ben's Brewing Co. (Ben Hanten, Owner), 222 West 3<sup>rd</sup> Street, Cramer-Kenyon Heritage House, 509 Pine Street, Yankton, S.D.

**Attachment III-2**

**3. Public hearing for sale of alcoholic beverages**

Consideration of Memorandum #21-193 regarding the request for a Special Events Retail (on-sale) Liquor License for 1 day, October 9, 2021, from Ben's Brewing Co. (Ben Hanten, Owner), 222 West 3<sup>rd</sup> Street, NFAA, 800 Archery Lane, Yankton, S.D.

**Attachment III-3**

**4. Public hearing for a New Retail (on-off sale) Malt Beverage & SD Farm Wine License**

Consideration of Memorandum #21-194 regarding the request for a New Retail (on-off sale) Malt Beverage & SD Farm Wine License for July 1, 2021, to June 30, 2022, from Backspace Brewing Co, LLC d/b/a/Backspace Brewing Co. (Chris Allington, Partner), 200 Walnut Street, Suite 103, Yankton, S.D.

**Attachment III-4**

**5. Public hearing - Ordinance Pertaining to Proposed 2022 Budget**

A. Second reading and public hearing of Ordinance #1055, an ordinance to appropriate monies for defraying the necessary expenses and liabilities of the City of Yankton, South Dakota, for the fiscal year beginning January 1, 2022, and ending December 31, 2022, and providing for the levy of annual taxes for all funds created by ordinance within said City

**Attachment III-5A**

B. Consideration of Resolution #21-75, adopting the 2022 Fiscal Year Budget and directing the City Manager to administer the budget as required by state law

**Attachment III-5B**

*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. Planning Commission Recommendation – Plat**

Consideration of Memorandum #21-188 regarding Resolution #21-71, a plat and Developer's Agreement for property in the SW 1/4 of the NW 1/4, Except KYNT Addition, Section 12, T93N, R56W of the 5th P.M., Yankton, South Dakota. Address, west side of the 1900 and 2000 Blocks of Kellen Gross Drive. James Tramp and Jason Tramp, LLC, owners.

**Attachment IV-1**

### **2. At Risk Property Acquisition**

Consideration of Memorandum #21-189 regarding Resolution #21-72, Marne Creek Area, Grant Eligible, Flood Mitigation Property Acquisition of Lots One (1), Two (2) and the North Sixteen Feet (N16') of Lot Three (3), Block Sixty-five (65), Lower Yankton City and Yankton Addition to the City of Yankton, South Dakota. Address 601 E. 8th Street.

**Attachment IV-2**

### **3. Termination of Land Lease**

Consideration of Memorandum #21-195 Recommending approval of Resolution #21-73 terminating a land lease of Lots 6 – 13, Block 47, Lower Yankton Addition to the City of Yankton. City of Yankton, Lessor. Yankton Area Riverboat Days Inc., Lessee

**Attachment IV-3**

### **4. Purchase Agreement**

Consideration of Memorandum #21-196 recommending approval of Resolution #21-74, a transfer of approximately 1.3 acres of economic development property described as Lots 6 - 13, Block 47, Lower Yankton Addition to the City of Yankton to Yankton Thrive. Location, north of 2nd Street between Mulberry Street and Pearl Street.

**Attachment IV-4**

### **5. Planning Commission Recommendation – CUP**

Consideration of Memorandum #21-198 regarding Resolution #21-76, a Conditional Use Permit for an additional 25-foot x 30-foot school related structure at the site of Webster School, located on parts of Blocks 30 and 43 of Lower Yankton Addition to the City of Yankton, South Dakota. Yankton Independent School District #63-3, owner. Address, 317 E. 7th Street.

**Attachment IV-5**

### **6. Discussion – Frontage Property Adjacent to Yankton City Cemetery**

City owned Broadway Avenue frontage property adjacent to the Yankton City Cemetery. Location, the east side of the 2500 and 2600 blocks of Broadway Avenue.

**Attachment IV-6**

## **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 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

## **VIII. ADJOURN THE MEETING OF SEPTEMBER 13, 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.*