

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
JUNE 23, 2008**

Regular meeting of the Board of City Commissioners of the City of Yankton was called to order by Mayor Specht.

Roll Call: Present: Commissioners Carda, Ellingson, Gross, Knoff, Lowrie, Murphy, VanDerhule, and Wenande. City Attorney Goetz and Acting City Manager Viereck were also present. Absent: None. Quorum present.

Action 08-177

Moved by Commissioner Wenande, seconded by Commissioner Gross, to approve the Minutes of the regular meeting of June 9, 2008.

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

Motion adopted.

Mayor Specht read and presented a proclamation of appreciation to Jim Vlahakis for the loyal and faithful service he has given to the City of Yankton and State of South Dakota.

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

Action 08-178

Mayor Specht requested that item Number 10 be removed from the Consent Agenda. Moved by Commissioner Gross, seconded by Commissioner Ellingson, that items 1 through 9 on the Consent Agenda be approved:

1. **Permission for Alcoholic Beverages**
Consideration of a request from Amy Goetz to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a wedding anniversary on July 12, 2008
2. **Permission for Alcoholic Beverages**
Consideration of a request from Roger Holtzmann to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a family reunion on June 20, 2009
3. **Permission for Alcoholic Beverages**
Consideration of a request from Jacquelin Hauger to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a wedding on September 13, 2008
4. **Permission for Alcoholic Beverages**
Consideration of a request from Amy Kirschenman to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for rehearsal dinner on September 19, 2008
5. **Permission for Alcoholic Beverages**
Consideration of a request from Eileen Neubauer to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a family reunion on July 6, 2008
6. **Transient Merchant License**
Consideration of Memorandum 08-119 recommending approval of the Transient Merchant License for Tap Enterprises d/b/a Cummins Tool
7. **Peddler's License**
Consideration of Memorandum 08-128 regarding approval of an application for a Peddler's License for Southwest Company, to go house-to-house for the purpose of selling educational books and software
8. **Special Events Dance License**
Consideration of Memorandum 08-120 recommending approval of the application from Neuharth Enterprises, Inc. d/b/a "7", 104 Capital Street, Yankton, S.D for a Special Events Dance License on July 4, 2008 from 8:00 p.m. to 1:00 a.m.
9. **Establishing public hearing for transfer of ownership**
Establish July 14, 2008, as the date for the public hearing on the request for the transfer of ownership of a Retail (on-sale) Liquor License for January 1, 2008, to December 31, 2008, from Big Brown Chef (Thomas S. White, Pres.) d/b/a Meridian Bar & Grill to (Dave Tunge & Mick Odens as partners), Dam Investments d/b/a Meridian Bar & Grill, 1208 Broadway, Yankton, S.D.
10. **Pawn Brokers License for 2008**
Consideration of Memorandum 08-127 regarding the application for Pawn Brokers License for Rivercity Tools and Pawn

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

Motion adopted.

Action 08-179

Consent Agenda Item Number 10, application for a Pawn Brokers License from Rivercity Tools and Pawn was considered. (Memorandum 08-127) Mr. Kevin Haug, owner of Rivercity Tools and Pawn, was present and addressed the Commission asking for the opportunity to reopen his pawn broker business and explained his plans for operating the business. Mr. Tim Whalen, Mr. Haug's legal counsel, was also present and spoke on his client's behalf and requested the license application be approved. Moved by Commissioner Knoff, seconded by Commissioner Carda, to approve the application from Rivercity Tools and Pawn for a Pawn Brokers License for the remainder of 2008.

Roll Call: Members present voting "Aye:" Commissioners Ellingson, Gross, Knoff, Lowrie, Murphy, VanDerhule, and Mayor Specht; voting "Nay:" Commissioner Carda and Wenande.

Motion adopted.

Action 08-180

This was the time and place for the public hearing on the application to transfer ownership and location of a Retail (on-off sale) Malt Beverage License for July 1, 2008, to June 30, 2009, from Curtis M. Neuharth, d/b/a Curt's Place Specialty Wines & Beers, to Neuharth Enterprises, Inc. d/b/a "7", 104 Capital Street, Yankton, South Dakota. (Memorandum 08-121) Moved by Commissioner Gross, seconded by Commissioner Wenande, to approve the application for transfer of ownership and location of the license.

Roll Call: Members present voting "Aye:" Commissioners Carda, Ellingson, Gross, Knoff, Murphy, VanDerhule, Wenande, and Mayor Specht.; voting "Nay:" None; abstaining: Commissioner Lowrie.

Motion adopted.

Action 08-181

This was the time and place for the public hearing on the application to transfer ownership and location of a Package (off-sale) Liquor License for January 1, 2008, to December 31, 2008, from Curtis M. Neuharth, d/b/a Curt's Place Specialty Wines & Beers, to Neuharth Enterprises, Inc. d/b/a "7", 104 Capital Street, Yankton, S.D. (Memorandum 08-122) Moved by Commissioner Gross, seconded by Commissioner Ellingson, to approve the application for transfer of ownership and location of the license.

Roll Call: Members present voting "Aye:" Commissioners Carda, Ellingson, Gross, Knoff, Murphy, VanDerhule, Wenande, and Mayor Specht.; voting "Nay:" None; abstaining: Commissioner Lowrie.

Motion adopted.

Action 08-182

This was the time and place for the public hearing on the application to transfer ownership and location of a Retail (on-sale) Wine License for January 1, 2008, to December 31, 2008, from Curtis M. Neuharth, d/b/a Curt's Place Specialty Wines & Beers, to Neuharth Enterprises, Inc. d/b/a "7", 104 Capital Street, Yankton, S.D. (Memorandum 08-123) Moved by Commissioner Gross, seconded by Commissioner Knoff, to approve the application for transfer of ownership and location of the license.

Roll Call: Members present voting "Aye:" Commissioners Carda, Ellingson, Gross, Knoff, Murphy, VanDerhule, Wenande, and Mayor Specht.; voting "Nay:" None; abstaining: Commissioner Lowrie.

Motion adopted.

New Business Item Number 1 was moved to New Business Item Number 9.

Skip Meisner, Bridge Consultant, and Jim Black, Chair of Building Yankton's Bridge Task Force, were present and gave updates on the Meridian and Discovery Bridge approaches. Mr. Black reported on the progress of the bridge construction and stated that the dedication of the new bridge is scheduled for October 11, 2008. Yankton citizen, Bob Pulscher was present and voiced his opinions about the appearance of the Meridian Bridge. Yankton citizen, Al Kolinier, was also present and voiced his concerns with the condition of the unoccupied building and lot (owned by the Department of Transportation) that is located on the north side of the new Discovery Bridge.

Action 08-183

Moved by Commissioner Wenande, seconded by Commissioner Knoff, to approve the Mayor's appointments to the ADA Advisory Committee, the Human Services Center Advisory Commission, and the City/County Planning Commission as outlined in Memorandum 08-124, to leave the South Dakota Public Power Agency Committee inactive at this time, and directed staff to prepare an ordinance amendment to dissolve the Sister City Committee to be introduced for consideration at a

future meeting.

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

Motion adopted.

Action 08-184

Moved by Commissioner Murphy, seconded by Commissioner Carda, to adopt Resolution 08-24. (Memorandum 08-131)

RESOLUTION 08-24

Conditional Use

WHEREAS, Jessica Underwood is the owner of Lot 6, Block 2, Clubhouse Estates Subdivision in the City of Yankton, South Dakota located at 641 Augusta Circle, and

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

WHEREAS, this conditional use request is necessary for the property to be used as a daycare facility and such proposed use has 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 daycare facility in accordance with all applicable ordinances and regulations on the above described property.

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

Motion adopted.

Action 08-185

Moved by Commissioner Wenande, seconded by Commissioner Knoff, to adopt Resolution 08-22. (Memorandum 08-129)

RESOLUTION 08-22

WHEREAS, it appears from an examination of the plat of Lot 11, Block 7, Ridgeway North Subdivision, City of Yankton, South Dakota. Formerly known as: Lot 11, Block 7, Ridgeway North Subdivision and a portion of the S 1/2 of the NE 1/4 of Section 6, T93N, R55W of the 5th P.M., City and County of Yankton, South Dakota prepared by Brett R. Kennedy a registered land surveyor of Eisenbraun and Associates in the State of South Dakota.

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 08-186

This was the time and place to award the bid for Memorial Pool sandblasting, crack repair, and painting. Parks and Recreation Director, Todd Larson, was present and explained the process. The following bids were received and opened on June 6, 2008: (Memorandum 08-125)

Miller Painting, Hartington, Nebraska – Memorial Pool: sandblasting - \$20,007.00, painting - \$21,773.00 for a total of \$41,780.00; Wading Pool: sandblasting-\$1,560.00; painting-\$1,500.00 for a total of \$3,060.00. Grand total (not including crack repair and wall repair) - \$44,840.00.

HEG Painting, Cherokee, Iowa - Memorial Pool: sandblasting - \$30,240.00, painting - \$26,460.00, for a total of \$56,700.00; Wading Pool: sandblasting - \$4,200.00, painting - \$4,200.00 for a total of \$8,400.00. Grand total (not including crack repair and wall repair) - \$65,100.00.

Mongan Painting, Cherokee, Iowa - Memorial Pool: sandblasting - \$42,908.00, painting - \$33,789.00, for a total of \$76,697.00; Wading Pool: sandblasting - \$5,283.00, painting - \$4,151.00 for a total of \$9,434.00. Grand total (not including crack repair and wall repair) - \$86,131.00.

