

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
AUGUST 25, 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 City Manager Russell were also present. Absent: None. Quorum present.

Action 08-225

Moved by Commissioner Wenande, seconded by Commissioner Ellingson, to approve the Minutes of the regular meeting of August 11, 2008, corrected to read, "Action 08-219: Implementation of the concept plan for downtown improvements was discussed. (Memorandum 08-151) . . . Moved by Commissioner Ellingson, seconded by Commissioner Murphy, to begin implementation of a downtown improvements plan."

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

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

Pauline Rhoades and Mike Gullikson from the Riverboat Days Committee were present and thanked the City Commission and Staff for their assistance in a making Riverboat Days successful.

Action 08-226

Mayor Specht requested that Items Number 1 and 2 be removed from the Consent Agenda. Moved by Commissioner Gross, seconded by Commissioner Carda, that Items Number 3 through 5 on the Consent Agenda be approved:

1. Transient Merchant License
Consideration of Memorandum 08-155 recommending approval of the Transient Merchant License for Historic Downtown Yankton, Inc. (Memorandum 08-155)
2. Permission for Alcoholic Beverages
Consideration of a request from Historic Downtown Yankton, Inc. to consume, but not to engage in the sale thereof, upon property described in Attachment "A" during Rockin' Ribfest on September 13, 2008
3. Peddler's License
Consideration of Memorandum 08-154 recommending approval of an application for a Peddler's License for Marc Merrill of Yankton to promote sales of his book
4. Establish Public hearing for Malt Beverage License
Establish September 8, 2008, as the date for the public hearing on the application for a New Retail (on-off sale) Malt Beverage License for July 1, 2008, to June 30, 2009, from Carla Lea Welding d/b/a The River Rose Bistro, 214 West 3rd Street, Garden Level, Yankton, S.D.
5. Establish Public hearing for Wine License
Establish September 8, 2008, as the date for the public hearing on the application for a New Retail (on-sale) Wine License for January 1, 2008, to December 31, 2008, from Carla Lea Welding d/b/a The River Rose Bistro, 214 West 3rd Street, Garden Level, Yankton, S.D.

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

Action 08-227

Consent Agenda Items Number 1, Recommending approval of a Transient Merchant License for Historic Downtown Yankton, Inc. (Memorandum 08-155) and Number 2, Consideration of a request from Historic Downtown Yankton, Inc. to consume (alcoholic beverages), but not to engage in the sale thereof, upon property described in Attachment "A" during Rockin' Ribfest on September 13, 2008, were considered. Moved by Commissioner Murphy, seconded by Commissioner Lowrie, to amend Item Number 2, to allow consumption of alcoholic beverages by citizens only in "special events glasses," upon property in the described Attachment A during Rockin' Ribfest on September 13, 2008.

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

Moved by Commissioner Murphy, seconded by Commissioner Gross, to approve Consent Agenda

Item Number 1 and Item Number 2, as amended.

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

Action 08-228

This was the time and place for the public hearing on the application for a Special Events RETAIL (on-sale) Malt Beverage and a Special RETAIL (on-sale) Wine dealers License for one day, September 9, 2008, from Chamber of Commerce (Nate Franzen, President) d/b/a Chamber of Commerce, First Federal Bank, 1101 Broadway, Suite 102, Yankton, S.D. (Memorandum 08-156) No one was present to speak for or against approval of the license application. Moved by Commissioner Gross, seconded by Commissioner Knoff, to approve the license application.

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

Action 08-229

This was the time and place for the public progress hearing on the Community Development Block Grant (CDBG) for the Peninah Pump Station Project as required under the grant agreement. Mayor Specht opened the public hearing at 7:15 p.m. Eric Ambrosion, Planning & Development District III, and Kevin Kuhl, Director of Public Works, were present to answer Commissioner's and citizen's questions, provide an update on the progress of the project and construction timetable, and report on the project's impact upon the community. Mayor Specht invited those in attendance to voice their opinions about the progress of the project. No comments or concerns were addressed. There being no further comments, the hearing was closed at 7:20 p.m.

Action 08-230

The proposal to adopt procedures and policies for City Commission Meeting (tabled at August 11, 2008, meeting) was opened for discussion. (Memorandum 08-157) Following discussion and several proposed changes, moved by Commissioner Wenande to adopt the procedures and policies for the City Commission as revised. Motion died for lack of a second. Due to lack of a motion, item will remain tabled at this time.

Action 08-231

Moved by Commissioner Ellingson, seconded by Commissioner Gross, to adopt Resolution 08-30. (Memorandum 08-158)

RESOLUTION 08-30

WHEREAS, it appears from an examination of the plat of Parcel 1 and Parcel 2 of Lot K-1 in the NW ¼ of the NE ¼, Section 15 – T93N – R56W in Yankton County, South Dakota prepared by Travis J. Kropuenske of Johnson Engineering 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 08-232

Commissioner Gross introduced and Mayor Specht read the title of Ordinance No. 913, AN ORDINANCE APPROPRIATING MONIES FOR DEFRAYING THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF YANKTON, SOUTH DAKOTA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2009, AND ENDING DECEMBER 31, 2009, AND PROVIDING FOR THE LEVY OF ANNUAL TAXES FOR ALL FUNDS CREATED BY ORDINANCE WITHIN SAID CITY and set the date for the second reading and public hearing as September 8, 2008.

Action 08-233

Moved by Commissioner Gross, seconded by Commissioner VanDerhule, to adopt Resolution 08-31. (Memorandum 08-159)

**Resolution 08-31
Resolution Opposing Initiated Measure #10**

WHEREAS, Initiated Measure #10 would prohibit any city from paying dues to any association that lobbies; and

WHEREAS, it is far more efficient and cost effective to join together with our fellow cities through the SD Municipal League for coordinated communication with the Legislature than to have each city stand alone; and

WHEREAS, the costs to the taxpayers of having each individual city monitor, report, and travel to Pierre to participate in the Legislative Session would be much greater than any dues to the SD Municipal League; and

WHEREAS, coordinated communication with Legislators leads to more efficiency in the Legislative process and has saved millions of dollars in taxpayer funds; and

WHEREAS, restricting the ability of South Dakotans to support candidates and communicate with their elected public officials is a violation of their right to freedom of speech; and

WHEREAS, the measure will be challenged in court and will most likely be found to be unconstitutional, costing millions of dollars in taxpayer money; and

WHEREAS, Initiated Measure #10 does not limit State government-paid lobbyists, out-of-state lobbyists, or corporate lobbyists, but only stifles coordinated voices for local control; and

WHEREAS, the City of Yankton finds that municipal officials throughout South Dakota are dedicated, honest and ethical people with the best interests of their cities in mind and that cities take great pride in providing open, honest government to our citizens; and

WHEREAS, the thousands and thousands of South Dakotans who do business with the State, Cities, Counties, and other governmental entities should not be penalized for providing such services; and

WHEREAS, civic groups who work to better their community, and often require local funding to provide their services should not be prohibited from communicating their needs to local public servants; and

WHEREAS, the forces supporting Initiated Measure #10 will not reveal the source of their funding, leaving the reasonable assumption that out of state special interests are once again attempting to hijack the South Dakota ballot and abuse our initiative process.

NOW, THEREFORE, BE IT RESOLVED, that the City of Yankton strongly opposes Initiated Measure #10 and urges the citizens of South Dakota to vote "NO" on the measure.

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

Action 08-234

Moved by Commissioner Murphy, seconded by Commissioner Ellingson, to adjourn into Executive Session at 8:10 p.m. to discuss contractual matters.

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 Specht.

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

Action 08-235

Moved by Commissioner Ellingson, seconded by Commissioner Carda, to adjourn at 9:02 p.m.

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

Motion adopted.

Dan Specht
Mayor

ATTEST:

Al Viereck
Finance Officer

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