

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
MAY 24, 2010**

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

Roll Call: Present: Commissioners Akland, Ellingson, Gross, Lowrie, VanDerhule, Wenande, and Woerner. City Attorney Hosmer and City Manager Russell were also present. Absent: Commissioner Carda. None. Quorum present.

Action 10-113

Moved by Commissioner Wenande, seconded by Commissioner Akland, to approve the Minutes of the regular meeting of May 10, 2010.

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.

Action 10-114

Moved by Commissioner Gross, seconded by Commissioner VanDerhule, that the following items on the consent agenda be approved.

1. Establish public hearing for renewal of Malt Beverage Licenses
Establish June 14, 2010, as the date for the public hearing on the applications for renewal of Malt Beverage Licenses for the 2010-11 licensing period.
2. Permission for Alcoholic Beverages
Consideration of a request from Heather Rueppel to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a wedding rehearsal supper on October 8, 2010.
3. Establish public hearing for new Malt Beverage & SD Farm Wine license
Establish June 14, 2010, as the date for the public hearing on the request for a New Package (off sale) Malt Beverage & SD Farm Wine License for July 1, 2010, to June 30, 2011, from JoDean Corp, dba JoDeans Steakhouse, (John Nielsen, President), 2809 Broadway St, Yankton, South Dakota.

Roll Call: Members present voting "Aye:" Commissioners Akland, Ellingson, Gross, Lowrie, Vanderhule, Woerner, and Mayor Knoff; voting "Nay:" None; Abstaining: Commissioner Wenande. Motion adopted.

Action 10-115

This was the time and place for the second reading and public hearing for Ordinance No. 932, ADOPTION OF THE FLOODPLAIN MANAGEMENT ORDINANCE. (Memorandum 10-82) No one was present to speak for or against adoption of the ordinance. Moved by Commissioner Ellingson, seconded by Commissioner Gross, to adopt Ordinance No. 932.

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

Motion adopted.

Action 10-116

Moved by Commissioner Gross, seconded by Commissioner Akland, to approve the Mayor's Appointments to various City Advisory Boards and Commissions as outlined in Memorandum 10-81. Prior to a vote being taken, Commissioner Gross moved, seconded by Commissioner Akland, to amend the Mayor's Appointments by replacing Commissioner Wenande with Commissioner Ellingson on the Storm Water Advisory Board and the Towing Committee and replacing Commissioner Ellingson with Commissioner Wenande on the Dakota Territorial Museum Committee.

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

Motion adopted.

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

Motion adopted.

Action 10-117

Moved by Commissioner Wenande, seconded by Commissioner Lowrie, to adopt Resolution 10-16. (Memorandum 10-75)

RESOLUTION 10-16

WHEREAS, it appears from an examination of the plat of Lots 9 through 12 in Block 6, Lots 2 through 5 and Lot 8 in Block 7, and Lot 8 in Block 8 of Ridgeway North Subdivision to the City of Yankton in the S ½ of the NE ¼ of Section 6, T 93 N, R 55 W of the 5th P.M., Yankton, South Dakota, prepared by Brett R. Kennedy of Eisenbraun and Associates 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 and associated Developer's Agreement for the above described property is hereby approved.

Roll Call: Members present voting "Aye:" Commissioners Akland, Ellingson, Gross, Lowrie, VanDerhule, Wenande, and Mayor Knoff; voting "Nay:" None; Abstaining: Commissioner Woerner. Motion adopted.

Action 10-118

Moved by Commissioner Gross, seconded by Commissioner Wenande, to adopt Resolution 10-17. (Memorandum 10-76)

RESOLUTION 10-17

WHEREAS, it appears from an examination of the plat of Lots 11 through 13 in Block 8 and Lots 8 through 11 in Block 9 of Ridgeway North Subdivision to the City of Yankton in the S ½ of the NE ¼ of Section 6, T 93 N, R 55 W of the 5th P.M., Yankton, South Dakota, prepared by Brett R. Kennedy of Eisenbraun and Associates 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 and associated Developer's Agreement for the above described property is hereby approved.

Roll Call: Members present voting "Aye:" Commissioners Akland, Ellingson, Gross, Lowrie, VanDerhule, Wenande, and Mayor Knoff; voting "Nay:" None; Abstaining: Commissioner Woerner. Motion adopted.

Action 10-119

Moved by Commissioner Ellingson, seconded by Commissioner Gross, to adopt Resolution 10-18. (Memorandum 10-77)

RESOLUTION 10-18

WHEREAS, it appears from an examination of the plat of Lots 1 through 6 in Block 13 and Lots 2 through 4 in Block 10 in the S ½ of Ridgeway North Subdivision to the City of Yankton in S ½ of the NE ¼ of Section 6, T 93 N, R 55 W of the 5th P.M., Yankton, South Dakota, prepared by Brett R. Kennedy of Eisenbraun and Associates 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 and associated Developer's Agreement for the above described property is hereby approved.

Roll Call: Members present voting "Aye:" Commissioners Akland, Ellingson, Gross, Lowrie, VanDerhule, Wenande, and Mayor Knoff; voting "Nay:" None; Abstaining: Commissioner Woerner. Motion adopted.

Action 10-120

Moved by Commissioner Lowrie, seconded by Commissioner Wenande, to adopt Resolution 10-19. (Memorandum 10-78)

RESOLUTION 10-19

WHEREAS, Kirby Hofer, President of Kirby Hofer Construction Company, Inc., has petitioned the City of Yankton, 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 TRACT TO BE ANNEXED

All that portion of the North Half (N1/2) of the Northeast Quarter (NE1/4), Section 6, Township 93 North, Range 55 West of the 5th P.M., Yankton County, South Dakota, more particularly described as follows:

Commencing on the north 1/16th corner Section 6|5, thence S 87degrees 51 minutes and 36 seconds W, along the 1/16th line, a distance of 330.06 feet to the Southwest Corner of Kuchta 2nd Addition and being the true point of beginning; thence S 87 degrees 54 minutes 25 seconds W, along the said 1/16th line, a distance of 1,259.92 feet to the Northeast Corner of Lot 6, Block 5 Ridgeway North Subdivision; thence N 2 degrees 05 minutes 35 seconds W a distance of 160.76 feet; thence N 87 degrees 54 minutes 25 seconds E a distance of 1,276.59 feet to the west line of said Kuchta 2nd Addition; thence S 3 degrees 49 minutes 43 seconds W, along the west line of said Kuchta 2nd Addition, a distance of 161.62 feet to the true point of beginning and containing 4.69 acres more or less.

Roll Call: Members present voting “Aye:” Commissioners Akland, Ellingson, Gross, Lowrie, VanDerhule, Wenande, and Mayor Knoff; voting “Nay:” None; Abstaining: Commissioner Woerner. Motion adopted.

Action 10-121

Commissioner Gross introduced and Mayor Knoff read the title of Ordinance No. 930, AN ORDINANCE CREATING THE REFERENCED SECTIONS OF ZONING ORDINANCE NO. 711 MAKING WIND ENERGY CONVERSION SYSTEMS A CONDITIONAL USE IN THE B-2 HIGHWAY BUSINESS DISTRICT, INDUSTRIAL DISTRICTS, AND CERTAIN NEW RESIDENTIAL DISTRICTS WHEN ESTABLISHED AS A COMMUNITY UNIT PLAN; AND ESTABLISHING REGULATIONS FOR THE SAME, and set the date for the second reading and public hearing as June 14, 2010. (Memorandum 10-79)

Action 10-122

Commissioner VanDerhule introduced and Mayor Knoff read the title of Ordinance No. 931, AN ORDINANCE CREATING THE REFERENCED SECTIONS OF ZONING ORDINANCE NO. 797, EXTRATERRITORIAL JURISDICTION REGULATIONS, MAKING WIND ENERGY CONVERSION SYSTEMS A CONDITIONAL USE IN THE B-2 HIGHWAY BUSINESS DISTRICT AND INDUSTRIAL DISTRICT; AND ESTABLISHING REGULATIONS FOR THE SAME, and set the date for the second reading and public hearing as June 14, 2010. (Memorandum 10-80)

Action 10-123

Moved by Commissioner Wenande, seconded by Commissioner Gross, to authorize the South Dakota Department of Transportation to contract for the pavement maintenance project at the Chan Gurney Airport; and, to also authorize the City Manager to sign an agreement for transfer of entitlement funds and certify the necessity of using these funds for the project. (Memorandum 10-83)

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

Motion adopted.

Action 10-124

Moved by Commissioner Wenande, seconded by Commissioner Akland, to adjourn at 7:24 p.m.

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

Motion adopted.

David D. Knoff
Mayor

ATTEST:

Al Viereck
Finance Officer