

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
JULY 26, 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, Carda, Ellingson, Gross, VanDerhule, Wenande, and Woerner. City Manager Russell was also present. Absent: Commissioner Lowrie and City Attorney Hosmer. Quorum present.

Action 10-171

Moved by Commissioner Akland, seconded by Commissioner Wenande, to approve the Minutes of the regular meeting of July 12, 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 10-172

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

1. Permission for Alcoholic Beverages  
Consideration of a request from Adeline Dreesen to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a family reunion on July 10, 2011.
2. Approval of Peddler's License  
Consideration of Memorandum 10-127 recommending approval of an application for a Peddler's License for Southwestern Company for Patrick Frazier to go house to house selling educational books and materials.
3. Approval of Peddler's License  
Consideration of Memorandum 10-128 recommending approval of an application for a Peddler's License for Southwestern Company for Daniel Speer to go house to house selling educational books and materials.
4. Appointment to Library Board  
Consideration of Memorandum 10-129 recommending approval of the Mayor's Appointment to the Library Board due to a resignation on the Board.
5. Establish public hearing for new retail wine license  
Establish August 9, 2010, as the date for the public hearing on the request for a New Retail (on-off sale) Wine License for January 1, 2010, to December 31, 2010, from Jay Deb Enterprises, Inc. (Jay Deitloff, owner) d/b/a Waterfront, 201 Capital Street Lot Lines, Yankton, South Dakota.
6. Permission for Alcoholic Beverages  
Consideration of a request from Nancy Himes to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a get-together on September 16, 2010.
7. Permission for Alcoholic Beverages  
Consideration of a request from Marcy Moser to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a rehearsal dinner on August 5, 2010.

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

Action 10-173

This was the time and place for the public hearing for the application for transfer of ownership and location of a Retail (on-sale) Liquor License for January 1, 2010, to December 31, 2010, from Jay Deb Enterprises, Inc. (Jay Deitloff, owner) d/b/a Waterfront, 201 Capital Street Lot Lines to Dayhuff Development, Inc. (Jeff Dayhuff, President) d/b/a Mojo’s Pizza and Spirits, 102-104 E. 3<sup>rd</sup> Street, Yankton, South Dakota. (Memorandum 10-124) No one was present to speak for or against approval of the license. Moved by Commissioner Wenande, seconded by Commissioner Ellingson, to approve the license application.

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

Action 10-174

This was the time and place for the public hearing on the application for transfer of location of a Retail (on-off sale) Malt Beverage License for July 1, 2010, to June 30, 2011, from Charlies Pizza House, Inc., d/b/a Charlies Pizza House, (Steve Slowey, President), 804 Summit to Steve Slowey d/b/a Slowey Management Company, 807 Bill Baggs Road, Yankton, South Dakota. (Memorandum 10-125) No one was present to speak for or against approval of the license. Moved by Commissioner Gross, seconded by Commissioner VanDerhule, to approve the license application.

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

Action 10-175

This was the time and place for the public hearing on the application for a New Retail (on-off sale) Malt Beverage License for July 1, 2010, to June 30, 2011, from Charlie’s Pizza House Inc., d/b/a Charlie’s Pizza House, (Steve Slowey, President), 804 Summit Street , Yankton, South Dakota. No one was present to speak for or against approval of the license. (Memorandum 10-126) Moved by Commissioner Gross, seconded by Commissioner Woerner, to approve the license application.

**Roll Call:** Members present voting “Aye:” Commissioners Akland, Carda, Gross, VanDerhule, Wenande, Woerner, and Mayor Knoff; voting “Nay:” Commissioner Ellingson.  
Motion adopted.

Action 10-176

This was the time and place for the public hearing on Ordinance No. 933 AN ORDINANCE ENACTING SECTION 14-159 OF THE CODE OF ORDINANCES OF THE CITY OF YANKTON (Special Events Parking Ordinance). (Memorandum 10-135) No one was present to speak for or against adoption of the ordinance. Moved by Commissioner Carda, seconded by Commissioner Akland, to adopt Ordinance No. 933.

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

Action 10-177

Moved by Commissioner Gross, seconded by Commissioner Wenande, to adopt Resolution 10-25. (Memorandum 10-130)

**RESOLUTION 10-25**  
Conditional Use

WHEREAS, Miranda Pieper is the owner of Lot 3, Block 3, Oak Park Addition to the City of Yankton, South Dakota. Address, 705 E. 19<sup>th</sup> Street, 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 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 10-178

Moved by Commissioner Ellingson, seconded by Commissioner Carda, to adopt Resolution 10-26. (Memorandum 10-131)

**RESOLUTION 10-26**  
Conditional Use

WHEREAS, Shawn Radack is the owner of the W. 61' of the E. 111' of the S. 180' of Outlot 46 of Auditor's Outlots in the City of Yankton, South Dakota. Address, 802 W. 8<sup>th</sup> Street, 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 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 10-179

Moved by Commissioner Carda, seconded by Commissioner Akland, to adopt Resolution 10-27. (Memorandum 10-132)

**RESOLUTION 10-27**  
Conditional Use

WHEREAS, Bonnie Brandt is the applicant occupying Lot 11, Block 63, Lower Yankton Addition to the City of Yankton, South Dakota. Address, 915 Burleigh Street, and

WHEREAS, the above described property is zoned R-4 Multiple 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 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 10-180

Moved by Commissioner Gross, seconded by Commissioner Carda, to adopt Resolution 10-23.  
(Memorandum 10-134)

**RESOLUTION 10-23**

WHEREAS, it appears from an examination of the plat of East Side Industrial Park and Lot 1 and Lot 2 of East Side Industrial Park, 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, Carda, Ellingson, Gross, VanDerhule, Wenande, and Mayor Knoff; voting "Nay:" None; Abstaining: Commissioner Woerner.  
Motion adopted.

Action 10-181

Commissioner Wenande introduced and Mayor Knoff read the title of Ordinance No. 934, AN ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF YANKTON BY AMENDING VARIOUS SECTIONS THERIN, and set the date for the second reading and public hearing as August 9, 2010. (Memorandum 10-133)

Bruce Cull, representing the National Field Archery Association, was present to give an update on the progress of a project to designate Yankton as a regional Community Olympic Development Program site.

Discussion was held about the traffic congestion after the 4<sup>th</sup> of July and Riverboat Days fireworks celebrations. No action was taken at this time, but a review will be held after each event.

Action 10-182

Moved by Commissioner Gross, seconded by Commissioner Woerner, to adjourn into Executive Session at 7:56 p.m. to discuss labor negotiations.

**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 Knoff.

**Roll Call:** Present: Commissioners Akland, Carda, Ellingson, Gross, VanDerhule, Wenande, and Woerner. City Manager Russell was also present. Absent: Commissioner Lowrie and City Attorney Hosmer. Quorum present.

Action 10-183

Moved by Commissioner VanDerhule, seconded by Commissioner Woerner, to adjourn at 8:53 p.m.

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

Motion adopted.

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David D. Knoff  
Mayor

ATTEST:

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Al Viereck  
Finance Officer