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and will be permanently inundated. The intent of the proposed projects is to reduce continued inundation and maintenance and to restore these road segments to pre-disaster function and capacity by raising these road segments above the current water elevation. Increasing the height of the project also necessitates widening of the road footprint. Much of the proposed project funding will be provided to projects under FEMA's Public Assistance Program as authorized by the Stafford Act. Matching funds will be provided through the South Dakota State Department of Emergency Services and local government applicants. Road raise projects must meet all FEMA requirements for funding as a road grade raise project under a Disaster Specific Guidance.

FEMA hereby publishes notice of intent to prepare a Programmatic Environmental Assessment (PEA) for these actions, pursuant to the National Environmental Policy Act (PL 91-190) and associated environmental statutes, as implemented in FEMA's regulations 44 CFR Part 10. This PEA will address the purpose and need of the proposed projects, project alternatives considered, affected environment, environmental consequences, and impact mitigation measures. Once completed, the DRAFT PEA will be available for public review and comment. Notice is also published in accordance with Executive Order 11988, Floodplain Management and Executive Order 11990, Wetlands Protection; as implemented in 44 CFR Part 9, since these actions may affect the floodplain and wetlands.

In addition to the proposed action, the following alternatives will be considered in the programmatic EA: (1) The NO ACTION ALTERNATIVE considering the consequences of not raising the road in place, (2) Road Relocation Alternative, (3) Alternate Routes, and (4) Home Acquisitions.

A public comment period related to the alternatives as outlined or other possible alternatives will remain open for 15 days following publication of this notice. In addition to this initial comment period, a final comment period will be opened for notice of availability of the Draft PEA.

Interested persons may obtain more detailed information about the alternatives from Steven Hardegen, FEMA Region VIII, Regional Environmental Officer, Denver Federal Center, PO Box 25267, Denver, CO 80225, (303) 233-5474, steven.hardegen@fema.gov. Comments will be accepted by the affected public; local, state, and federal agencies; and other interested parties in order to consider and evaluate environmental impacts of the proposed projects. Comments should be made in writing to the FEMA point of contact listed above and post-marked within 15 days of publication of this notice.

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ORDINANCE #933

AN ORDINANCE ENACTING SECTION 14-159 OF THE CODE OF ORDINANCES OF THE CITY OF YANKTON

BE IT ORDAINED, BY THE CITY COMMISSION OF THE CITY OF YANKTON, SOUTH DAKOTA THAT: SECTION 14-159 BE CREATED AS SUCH:

14-159. Special Events Parking.

(a) Any person or entity may request that the Board of City Commissioners establish a special events parking zone. Along with its application, the person or entity shall submit a detailed map identifying the boundaries of the zone.

(b) No person shall park a vehicle in a special events parking zone on a date and during a time in which the City Commission has granted authority to a third party to conduct a special event. Vehicles illegally found within the special events parking zone may be towed. The penalty for violating this ordinance is that provided in Section 1-8 of this Code.

(c) No person may claim as a defense to a violation of (b) of this ordinance that he or she lacked proper notice because one or more temporary signs were not in a proper location at a proper time.

First Reading: July 12, 2010
Second Reading and Adoption: July 26, 2010
Publication: August 6, 2010
Effective Date: August 27, 2010

David D. Knoff, Mayor

A t t e s t :
Al Viereck, Finance Officer

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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 Aklund, 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 Aklund, 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

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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. 3rd Street, Yankton, South Dakota. (Memorandum 10-124) No one was present to speak for or against

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approval of the license. Moved by Commissioner Ellingson, seconded by Commissioner Wenande, 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 Charles Pizza House, Inc., d/b/a Charles Pizza House, (Steve Slowey, President), 804 Summit to Steve Slowey d/b/a Slowey Management Company, 807 Bill Baggis 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 Woerner, to approve the license application.

Roll Call: Members present voting "Aye;" Commissioners Aklund, 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

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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 Aklund, 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. 19th 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

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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. 8th 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 Aklund, 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

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

Action 10-178

Moved by Commissioner

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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.

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