

CITY COUNCIL PROCEEDINGS

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, May 21, 2018, at 5:30 p.m., regular meeting of the Board of City Council Members, Mayor Mike Levsen presiding. Present at roll call were City Councilors Alan Johnson, Dennis “Mike” Olson, Mark Remily, Rob Ronayne, Clint Rux, and Jennifer Slight-Hansen. City Councilors David Bunsness and Dave Lunzman were absent. City Staff present were Lynn Lander, Ron Wager, Robin Bobzien, Brett Bill, Karl Alberts, Dave McNeil, and Bob Braun.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Rux moved, Olson seconded to approve the minutes of May 14, 2018, as circulated. All present voting aye, motion carried.

OPEN FORUM – No one was present.

CONSENT CALENDAR

Remily moved, Ronayne seconded to approve the following items on the consent calendar:

SET HEARING DATE – of June 4, 2018 at 5:30 p.m. for an application for a Special One-Day Retail On-Sale Liquor License on June 14, 2018 for Aberdeen Downtown Association’s Summer Concert Series on South Main Street from Railroad Avenue to 2nd Avenue, SE with an application for a Community Event Permit.

SET HEARING DATE – of June 11, 2018 at 5:30 p.m. for a petition to vacate public right-of-way for the entire 16’ wide public alley right-of-way in Block 35, Roches East Side Addition to Aberdeen, commencing at the South Side of 3rd Avenue, SE right-of-way and continuing South 300’ to point of termination (2900 – 3rd Avenue, SE)

PLATS – 1) Ringneck Ridge First Subdivision to the City of Aberdeen in the NE ¼ of Section 15, T123N, R64W of the 5th P.M., Brown County, SD with stipulations that the two accompanying petitions to rezone are both approved (415 N. Hwy 281); 2) Reed Addition to the City of Aberdeen in the SE ¼ of Section 18, T123N, R63W of the 5th P.M., Brown County, SD (1815 – 6th Ave., SE); 3) Centennial Commons Fourth Addition to the City of Aberdeen in the NW ¼ of the SW ¼ of Section 17, T123N, R63W of the 5th P.M., Brown County, SD (3402 Gruman Ave., SE); 4) Heritage Estates Second Addition to Aberdeen in the NE ¼ of Section 17, T123N, R63W of the 5th P.M., Brown County, SD with stipulation that one of the two water/sewer services on the lot must be retired from service. (1202 Kettering Drive and 1519 -12th Ave., NE); 5) NWE Industrial Park Substation Addition to the City of Aberdeen in the NE ¼ of Section 17, T123N, R63W of the 5th P.M., Brown County, SD (2815 Industrial Ave., NE and 413 Commerce Street North); 6) Trevor Lien Addition to the City of Aberdeen in the SW ¼ of Section 12, T123N, R64W of the 5th P.M., Brown County, SD (1216 North Main St.).

LICENSE – Ambulance Driver – Mason Hanse

REQUEST TO SERVE AND PERMIT CONSUMPTION – of alcoholic beverages on June 17, 2018 at Melgaard Park for Aberdeen Arts Council’s Arts in the Park taste of Home Brew.

REQUEST FOR STREET USE – on 17th Ave., SE between South State St. and Marshall Road from 4:30 p.m. until 6:30 p.m. for Arts in the Park on June 17, 2018

EXCAVATION BOND – of \$2,000 for Terra Technologies LLC – receive and place on file.

All present voting aye, motion carried.

NEW BUSINESS

ORDINANCE NO. 18-04-05

Planning/Zoning Director Brett Bill presented Ordinance No. 18-04-05 to rezone certain property from (A-1) Agricultural District to (R-2) Medium Density Residential District for proposed Lots 1, 2, and 4 -51, Ringneck Ridge First Subdivision to the City of Aberdeen in the

NE ¼ of Section 15, T123N, R64W of the 5th P.M., Brown County, SD (415 N. Hwy 281). Ronayne moved, Remily seconded to approve first reading of Ordinance No. 18-04-05 as presented. Upon roll call, all present voting aye, motion carried.

ORDINANCE NO. 18-04-06

Planning/Zoning Director Brett Bill presented Ordinance No. 18-04-06 to rezone certain property from (A-1) Agricultural District to (C-2) Highway Commercial District for proposed Lot 3, Ringneck Ridge First Subdivision to the City of Aberdeen in the NE ¼ of Section 15, T123N, R64W of the 5th P.M., Brown County, SD (415 N. Hwy 281). Rux moved, Slaight-Hansen seconded to approve first reading of Ordinance No. 18-04-06 as presented. Upon roll call, all present voting aye, motion carried.

ORDINANCE NO. 18-05-01

Planning/Zoning Director Brett Bill presented Ordinance No. 18-05-01 to rezone certain property from (R-3) High Density Residential District to (C-2) Highway Commercial District for Lot 4, Rehfeld Replat of Lot A, Block 1, Pleasant Hill Addition in the NE ¼ of Section 23, T123N, R64W of the 5th P.M., Aberdeen, Brown County, SD (613 S. 11th St.). Rux moved, Olson seconded to approve first reading of Ordinance No. 18-05-01 as presented. Upon roll call, all present voting aye, motion carried.

RESOLUTION NO. 18-05-02R

Planning/Zoning Director Brett Bill presented Resolution No. 18-05-02R to annex the property described as Lot 2, Neitzel First Subdivision in the NW ¼ of Section 6, T123N, R63W of the 5th P.M., Brown County, SD (3030 N. Dakota St.) into the city limits of the City of Aberdeen, SD. Rux moved, Olson seconded to approve Resolution No. 18-05-02R as presented. All present voting aye, motion carried.

TAX INCREMENTAL DISTRICT NO. 28

Planning/Zoning Director Brett Bill presented Tax Incremental Finance District No. 28 Project Plan for Lots 2 – 51, Ringneck Ridge First Subdivision (415 N. Hwy 281) for Ringneck Ridge Development. Ronayne moved, Olson seconded to approve the following Resolution No. 18-05-03R creating the Tax Incremental Finance District No. 28 for Ringneck Ridge Development:

WHEREAS, a public hearing was held before the Planning Commission of the City of Aberdeen, South Dakota, on May 15, 2018, at 7:00 p.m., in the Courthouse basement in the Brown County Courthouse at 25 Market Street, Aberdeen, South Dakota, pursuant to notice of such hearing for the purpose of considering the creation of Tax Incremental District No. 28 and its proposed boundaries, such public hearing also being the time and place for its regular meeting; and

WHEREAS, the Planning Commission at such regular meeting did pass a resolution establishing the boundaries of such tax incremental district and did submit a recommendation to the City Council of the City of Aberdeen, South Dakota, recommending the creation of the said Tax Incremental District No. 28; and

WHEREAS, the Planning Commission at such regular meeting did pass a resolution adopting the Project Plan for the proposed Tax Incremental District No. 28 and did recommend to the City Council that it approve and adopt the project plan; and

WHEREAS, such action by the Planning Commission was done in accordance with SDCL Chapter 11-9 at a regular meeting of the said Planning Commission after notice properly given and after due hearing and being appropriately and properly advised:

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Aberdeen, South Dakota, that the boundaries of the proposed Tax Incremental District No. 28 be and the same are hereby designated as:

Lots 2-51 of the Ringneck Ridge First Subdivision to the City of Aberdeen, in the

Northeast Quarter (NE ¼) of Section Fifteen, Township One Hundred Twenty-Three North, Range 64 West of the Fifth P.M., Brown County, South Dakota, and that the specific lots to be included in said Tax Incremental District No. 28 are as set forth and identified in the Project Plan on file in the office of the City Finance Officer of the City of Aberdeen, South Dakota, located at 123 S. Lincoln Street, Aberdeen, South Dakota 57401-4215 and in the office of Planning and Zoning of the City of Aberdeen, South Dakota, located at 123 South Lincoln Street, Aberdeen, South Dakota 57401-4215.

BE IT FURTHER RESOLVED that such Tax Incremental District No. 28 contains property not less than 25% by area of which is blighted because of faulty layout deterioration, lack of attention and general unrepaired and unattended normal wear and tear and lack of usage in relationship to size, adequacy, accessibility, and usefulness in that such area significantly and substantially impairs or arrests the solid growth of that area of the City of Aberdeen, South Dakota, and constitutes an economic liability in its general present condition and use and that further, the improvement of the area is likely to enhance significantly the value of substantially all other real property within the area and immediately adjacent thereto, and if such tax incremental district is created that there is likelihood that there will be residential homes in the proposed Tax Incremental District No. 28 enhancing the area and improving the tax base of the City of Aberdeen.

BE IT FURTHER RESOLVED that the district is hereby created with an effective date of May 21, 2018, subject to any conditions thereon.

BE IT FURTHER RESOLVED that the district shall be named and designated as Tax Incremental District No. 28 of the City of Aberdeen, South Dakota.

BE IT FURTHER RESOLVED that the Project Plan approved by the Planning Commission at its regular meeting held on May 15, 2018, be and the same is hereby approved and adopted and that such plan is feasible and in conformity with the master plan of the City of Aberdeen, South Dakota, and municipal corporation of the State of South Dakota.

BE IT FURTHER RESOLVED that a Development Agreement setting forth the rights and responsibilities of the developer of the Project Plan shall be executed by the City of Aberdeen and the developer as a condition for the creation of Tax Incremental District No. 28.

BE IT FURTHER RESOLVED that the aggregate assessed valuation of the taxable property in the district plus the tax incremental base of all other existing districts does not exceed 10% of the total assessed value of taxable property in the City of Aberdeen, South Dakota.

All present voting aye, motion carried.

2018 BUDGETED TRANSFERS

City Finance Officer Karl Alberts requested approval of 2018 Budget Transfers between funds as needed and provided for in Ordinance No. 17-09-01, "2018 Annual Appropriation Ordinance". Ronayne moved, Johnson seconded to approve the 2018 Budget Transfers between funds as requested by the Finance Office. All present voting aye, motion carried.

APPOINTMENT TO BUSINESS IMPROVEMENT DISTRICT II

Remily moved, Ronayne seconded to approve the appointment of Nate Kessler as an alternate to the Business Improvement District II Board of Directors when board members of the Hampton Inn and Holiday Inn Express are absent from the meetings. All present voting aye, motion carried.

COMMUNITY EVENT PERMIT FOR ROHLY'S BAR

Remily moved, Olson seconded to approve a Community Event Permit for Rohly's Bar at 1524 – 6th Ave., SW on May 25, 2018 for an Outdoor Music and Karaoke Event including a request for a time extension for the music until 12:00 midnight. All present voting aye, motion carried.

BILLS

Slaight-Hansen moved, Rux seconded to approve the following audited bills for services, supplies, repairs, and maintenance: Northwestern Energy 23,578.34; United Parcel Service 106.58; NVC 532.66; HACH Co. 1,242.55; Water & Environmental Engineering 51.50; First National Bank 238,836.25; DTC 20,272.50; MacQueen Emergency Group 370,163.00; Verizon Wireless 31.84; SD Governmental Human Resource Assn. 100.00. Upon roll call, all present voting aye, motion carried.

EXECUTIVE SESSION

Ronayne moved, Johnson seconded to move into executive session to consult with legal counsel about contractual matters pursuant to SDCL §1-25-2(3). All present voting aye, motion carried. Rux moved, Slaight-Hansen seconded to move out of executive session. All present voting aye, motion carried.

There being no further business, Ronayne moved, Johnson seconded that the meeting be adjourned. All present voting aye, motion carried.

Prepared by Mary Campton for the Finance Office. /s/ Karl Alberts, Finance Officer.