

**MINUTES****ABERDEEN CITY COUNCIL MEETING**

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, June 1, 2020 at 5:30 p.m., regular meeting of the Board of City Council Members, Mayor Travis Schaunaman presiding. Present at roll call were City Council Members Mark Remily by teleconference, Rob Ronayne, Dave Lunzman by teleconference, Josh Rife, Alan Johnson, David Bunsness by teleconference, Dennis “Mike” Olson by teleconference, and Clint Rux. City Staff present were Lynn Lander by teleconference, Ron Wager by teleconference, Robin Bobzien by teleconference, Karl Alberts, Dave McNeil by teleconference, Bob Braun, and Rich Krokkel by teleconference.

Mayor Schaunaman led the Pledge of Allegiance.

**MINUTES**

Motion by Johnson, second by Rux to approve the minutes of the City Council Meeting of May 26, 2020, as circulated. Upon roll call vote, all voting aye, motion carried.

**OPEN FORUM**

Nate Kessler was present to discuss truck traffic using dynamic braking on Roosevelt Street and any forecasting information for COVID and business operations.

**CONSENT CALENDAR**

Motion by Rux, second by Rife to approve the following items on the consent calendar:

LICENSE – Sidewalk Contractor – R & K Concrete LLC

SET HEARING DATE – of June 15, 2020 at 5:30 p.m. for transfer of Retail On-Sale Liquor License from LaHaise Management, LLC dba Buffalo Wild Wings, 3401 – 6<sup>th</sup> Avenue, SE to W & P of Aberdeen LLC dba Buffalo Wild Wings, 3401 – 6<sup>th</sup> Avenue, SE

SET BID DATE – of June 16, 2020 at 2:00 p.m. for bids on 2020 Soda Ash System Improvements

Upon roll call vote to approve, all voting aye, motion carried.

**NEW BUSINESS****DISCUSSION AND RESOLUTION NO. 20-06-01R – EXTENDING EMERGENCY ORDINANCE NO. 3**

Motion by Bunsness, second by Ronayne to approve first reading and passage of Resolution No. 20-06-01R extending Ordinance No. 20-04-05 (COVID-19 Emergency Ordinance No. 3). Upon roll call vote to approve resolution, Remily, Ronayne, Lunzman, Bunsness, Olson, and Rux voting aye, Rife, Johnson, and Mayor Schaunaman voting nay, motion carried.

RESOLUTION NO. 20-06-01R

RESOLUTION EXTENDING ORDINANCE NO. 20-04-05

COVID-19 EMERGENCY ORDINANCE NO. 3

## AND EASING CERTAIN RESTRICTIONS OF THE ORDINANCE

WHEREAS, the Aberdeen City Council adopted COVID-19 Emergency Ordinance No. 3 (Ordinance No. 20-04-05) (“emergency ordinance”) implementing certain measures which it deemed necessary to slow the community spread of the virus responsible for the COVID-19 disease; and

WHEREAS, aided by the voluntary compliance of most residents and businesses with the social distancing and hygiene practices recommended by the CDC, such measures have helped in slowing the community spread of the virus and providing a basis to begin reopening businesses and other public gathering places within the community; and

WHEREAS, the emergency ordinance shall be repealed, in part or in whole, on the day following each regular or special meeting of the City Council, *unless* the City Council at such regular or special meeting by resolution affirms (1) the continued existence of the public health emergency, and (2) the necessity of all or certain parts of the social distancing measures set forth in Section A, Paragraphs 1 - 7, and extends all or any part of the ordinance for the day following the next regular or special meeting of the City Council.

WHEREAS, based on the number of cases in Brown County, the almost complete lack of hospitalization in the City, and the available modeling, the City Council believes some of the social distancing restrictions can be modified to allow businesses to resume on-site services of customers without causing the number of cases in the city to rise to the level that it will overwhelm the hospitals’ capacity if proper procedures are put in place.

## NOW, THEREFORE, BE IT RESOLVED:

1. The City Council affirms that some, but not all, of the social distancing measures set forth in Section A, Paragraphs 1, 2, 3, 4, 5, 6, and 7 of the emergency ordinance are necessary for the prevention and spread within the City of Aberdeen of the contagious virus.

2. The City Council hereby extends paragraphs 1, 2, 3, 4, 5, and 7 of Section A of the emergency ordinance for the day following the next regular or special meeting of the City Council, except that part of each paragraph that prohibits or closes on-site consumption, sales, or services *if* such business, facility, club, shop, organization, or other entity complies with the following restrictions:

- (a) Maintains a minimum six-foot space between tables, chairs, and barstools if occupants are not members of the same household or dining party of not more than 10 persons;
- (b) Limits capacity in indoor recreational facilities and fitness businesses to a number of persons that can safely and reliably ensure social distancing;
- (c) Requires handwashing at regular intervals of at least once per hour for all restaurant, bar, and food service employees;
- (d) Cleans and disinfects video lottery machines between each customer and at

the start of business;

- (e) Reduces seating to allow for social distancing by removing chairs or marking certain seats as “not available due to social distancing”;
- (f) Posts for customers the regular cleaning and disinfecting schedule;
- (g) Maintains a six-foot space between customers waiting for service or entry into the facility; and
- (h) Employees of beauty and hair salons, nail salons, tattoo parlors, spas, massage studios, and barber shops wear masks which cover their nose and mouth during customer contact times. Customer seating must be at least six (6) feet apart.
- (i) Implements daily health screening protocol per South Dakota Department of Health guidelines for all employees.
- (j) Employees shall wear a mask that covers the face and nose when social distancing guidelines cannot be met with, or a barrier to the public is not provided.
- (k) Equipment and mats in health, fitness, athletic, and weight training facilities must be cleaned and disinfected between each use.

3. In addition to the specific requirements listed above, businesses shall operate in a manner consistent with CDC guidelines and any applicable state regulation or executive orders. Employers should plan to respond in a flexible way to varying levels of disease transmission in the community and be prepared to refine their business response plans as needed.

4. The City encourages all individuals within the City to continue to follow the CDC guidelines and recommended hygiene practices.

5. The City encourages grocery and retail stores to limit customers to a number of persons that can safely and reliably ensure social distancing, and, where practicable, to clearly mark one-way shopping aisles and install a plexiglass or similar divider between the customer and the cashier.

6. The City encourages enhanced cleaning and disinfecting requirements for motel and hotel rooms.

7. The City Council hereby extends paragraph 6 of Section A and all of Section B of the emergency ordinance for the day following the next regular or special meeting of the City Council.

The foregoing Resolution was approved after first reading and passed at a regular meeting of the Aberdeen City Council on the 1<sup>st</sup> day of June, 2020. Number of AYES: 6; Number of NAYS: 3.

Discussion followed. Council Members requested more guidance regarding the COVID-19 public health crisis from medical professionals. City Attorney Ron Wager

proposed to draft three options to an Emergency Ordinance No. 4 which would be presented to the Council for consideration at the Special City Council Meeting already scheduled on Friday, June 5, 2020 at 9:00 a.m., Brown County Courthouse Conference Room-Basement, to canvass election results with the county auditor.

**RESOLUTION NO. 20-06-02R – QUIT CLAIM DEEDS TO CITY**

City Attorney Ron Wager explained Resolution No. 20-06-02R accepting quit claim deeds transferring ownership of Aberdeen Development Corporation properties to the City of Aberdeen. Motion by Bunsness, second by Rux to approve first reading and passage of Resolution No. 20-06-02R accepting ownership of the following real property by quit claim deeds from Aberdeen Development Corporation: Lot 2, Centennial Commons Third Addition to the City of Aberdeen in the Northwest Quarter of Section 17, Township 123 North, Range 63 West of the 5<sup>th</sup> P.M.; Wetland Lot A and B, Aberdeen Industrial Park East Addition to Aberdeen in the Northeast Quarter of Section 16, Township 123 North, Range 63 West of the 5<sup>th</sup> P.M.; Lot 2, ADC 2019-1 First Subdivision to the City of Aberdeen in the Northeast Quarter of Section 16, Township 123 North, Range 63 West of the 5<sup>th</sup> P.M.; Lot 1, Safeguard/ADC Subdivision in Aberdeen, South Dakota. Upon roll call vote, all voting aye, motion carried.

**RESOLUTION NO. 20-06-02R**

**RESOLUTION TO ACCEPT REAL PROPERTY TRANSFERS**

WHEREAS, Aberdeen Development Corporation, a South Dakota nonprofit corporation, as owner of the real property described below, without compensation transferred by quit claim deeds recorded on April 14, 2020, in Book 305 of Deeds at pages 253 and 254, all right, title, and interest in said property to the City of Aberdeen for use in its storm and surface water management plan and for other City purposes, as shown on the Quit Claim Deeds attached hereto as Exhibit A; and

WHEREAS, said real property is legally described as:

LOT 2, CENTENNIAL COMMONS THIRD ADDITION TO THE CITY OF ABERDEEN IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5<sup>TH</sup> P.M.

WETLAND LOTS A AND B, ABERDEEN INDUSTRIAL PARK EAST ADDITION TO ABERDEEN IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5<sup>TH</sup> P.M.;

LOT 2, ADC 2019-1 FIRST SUBDIVISION TO THE CITY OF ABERDEEN IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5<sup>TH</sup> P.M.; and

LOT 1, SAFEGUARD/ADC SUBDIVISION IN ABERDEEN, SOUTH DAKOTA;

all as shown on the map attached hereto as Exhibit B and incorporated herein by

reference; and

WHEREAS, said properties will be beneficial to the City for general purposes and In furtherance of the City's storm and surface water management program.

NOW, THEREFORE, BE IT RESOLVED that the City of Aberdeen shall accept ownership of the above-described real property by said Quit Claim Deeds from Aberdeen Development Corporation.

The foregoing Resolution was approved after first reading and passed at a regular meeting of the Aberdeen City Council on the 1<sup>st</sup> day of June, 2020. Number of AYES: 9; Number of NAYS: 0.

#### **PURCHASE OF REAL PROPERTY**

City Engineer Robin Bobzien requested the purchase of Lot H8 at the intersection of Roosevelt Street and 8<sup>th</sup> Avenue, NE for traffic control needs from Mary A. Cutler in the amount of \$1,000. Motion by Olson, second by Rux to approve the purchase of the real property described as Lot H8 in the NW ¼ of 17-123N-63W, from Mary A. Cutler in the amount of \$1,000, and to authorize the City Manager to sign purchase and closing documents as approved by the City Attorney. Upon roll call vote, all voting aye, motion carried.

#### **AMENDMENT NO. 1 TO AIP GRANT**

Transportation Director Rich Krokkel asked authorization for the City Manager to sign Amendment No. 1 to the AIP Grant Agreement #3-46-0001-38-2018 for the Airport Passenger Loading Bridge Project for a financial closeout. Motion by Johnson, second by Rife to authorize the City Manager to sign Amendment No. 1 to grant agreement for AIP #3-46-0001-38-2018 Airport Passenger Loading Bridge Project. Upon roll call vote, all voting aye, motion carried.

#### **CHANGE ORDER/PAYMENT FOR ST. MAINTENANCE CONCRETE REPAIR**

City Engineer requested approval of a Change Order in the amount of \$73,337.70 and a Payment Request in the amount of \$213,818.76 to Wright & Sudlow for work on the Street Maintenance Concrete Repair Project. Motion by Ronayne, second by Rux to approve Change Order #1 in the amount of \$73,337.70 and Payment #2 in the amount of \$213,818.76 to Wright & Sudlow for work on the project. Upon roll call vote, all voting aye, motion carried.

#### **BILLS**

Motion by Rife, second by Olson to approve payment of the bills listed for June 1, 2020, and any additions thereto, such bills having been audited by the Finance Officer and fully itemized and authorize the Mayor or City Manager to sign, and the Finance Officer to countersign, all warrants for payment of the following approved bills: JGE Rental Equipment 501.39; SRF Consulting Group, Inc. 490.00; Nationwide Employee Benefits 222.18; Wellmark Blue Cross/Blue Shield 164,000.00; UPS 224.90; Dougherty & Company LLC 51,300.00; RDO Equipment-Aberdeen 20,825.80; AT & T 1,070.12; US Bank

5,581.25. Upon roll call vote, Rux, Olson, Johnson, Rife, Lunzman, Ronayne, Remily, and Mayor Schaunaman voting aye, Bunsness abstaining, motion carried.

**NO CITY MANAGER'S REPORT**

**OTHER**

There was discussion on a traffic light at the corner of Melgaard Road and South Lawson Street. Police Chief Dave McNeil spoke on police preparedness for protesting in the City.

**ADJOURN**

There being no further business, motion by Johnson, second by Rux to adjourn the meeting. Upon roll call vote, all voting aye, motion carried. Meeting adjourned at 6:11 p.m. Prepared by Mary Campton for the Finance Office.

  
\_\_\_\_\_

Finance Officer