

## JOINT CITY COUNCIL/COUNTY COMMISSION PROCEEDINGS

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, July 2, 2018, at 5:30 p.m., Joint City Council and County Commission Meeting. Mayor Mike Levsen presiding. Present at roll call were City Council Members David Bunsness, Alan Johnson, Dave Lunzman, Dennis "Mike" Olson, Mark Remily, Clint Rux by teleconference call, and Jennifer Slight-Hansen. City Council Member Rob Ronayne was absent. Brown County Commissioners present were Tom Fischbach, Nancy Hansen, Duane Sutton, and Rachel Kippley. Brown County Commissioner Doug Fjeldheim was absent. City Staff present were Lynn Lander, Ron Wager, Robin Bobzien, Brett Bill, Karl Alberts, and Dave McNeil. County Auditor Maxine Fischer was present.

Mayor Levsen led the Pledge of Allegiance.

## ORDINANCE NO. 18-06-03

Bunsness moved, Johnson seconded to approve second reading and final adoption of Ordinance No. 18-06-03 to rezone proposed Lot 1, Bogenhagen Subdivision in the SE ¼ of Section 4, T122N, R63W of the 5<sup>th</sup> P.M., Brown County, SD (13671 – 391<sup>st</sup> Avenue) from (A-1) Agricultural District to (M-AG) Mini-Agricultural District. Upon roll call, all present voting aye, motion carried.

Fischbach moved, Sutton seconded to approve second reading and final adoption of Ordinance No. 18-06-03 (476). All present voting aye, motion carried.

## ORDINANCE NO. 18-06-04

Ordinance No. 18-06-04 to rezone proposed Lot 1, J & J Hedges Subdivision in the SE ¼ of Section 21, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, SD (1750 - 385<sup>th</sup> Avenue South) from (A-1) Agricultural District to (M-AG) Mini-Agricultural District was presented to the City Council for second reading. The County Commission rejected the first reading of Ordinance 18-06-04 (477) at the June 25, 2018 Joint City/County Meeting. City Attorney Ron Wager informed those persons present that had not signed a list for opposition of the Ordinance to do so at the meeting for the record in the minutes. The following persons appeared at the joint meeting to object to the proposed zoning ordinance change for Ordinance No. 18-06-04 (477): Wyatt Scepaniak, 1752 Droog Court; Ken Reinbold, 1802 Derian Drive; Deborah Maddock, 1823 – 385<sup>th</sup> Avenue South; Francis Maddock, 1823 – 385<sup>th</sup> Avenue South; Sherri Bierman, 1741 Droog Court; Arlene Redler, 1805 – 385<sup>th</sup> Avenue South; Barry Marcuson, 1744 Droog Court; Tricia Marcuson, 1744 Droog Court; Jodi Leidholt, 1757 Droog Court; Linda Dykema, 2733 W. Melgaard Road; Sandra Tople, 38382 – 133<sup>rd</sup> Avenue; Dustin Tople, 1808 12<sup>th</sup> Avenue, SE; Deb Droog, 1401 – 385<sup>th</sup> Avenue South; Ron Droog, 1401 – 385<sup>th</sup> Avenue South; Rebecca Woehl, 1749 Droog Court; Sheri Weisgram, 1753 Droog Court; Pat Weisgram, 1753 Droog Court; Tom Leidholt, 1757 Droog Court; Steve Redler, 1805 – 385<sup>th</sup> Avenue South; Amy Scepaniak, 1752 Droog Court; Pam Martyn, 1733 Droog Court; Kimberly Byram, 1747 Droog Court; Klarissa Neys, 1745 Droog Court. Bunsness moved, Johnson seconded to approve second reading of Ordinance No. 18-06-04. Upon roll call, Rux voting nay, Olson, Bunsness, Johnson, Slight-Hansen, Lunzman, and Mayor Levsen voting aye, motion carried. The petitioner, Janet Hedges, was present to comment on the rezoning process that they followed for the rezoning request and the platting of the property.

## SET JOINT HEARING DATE FOR PETITIONS TO REZONE

A request to set a joint hearing date of July 24, 2018 at 8:45 a.m. in County Commission Chambers was presented for the following petitions to rezone: 1) Rezone from (A-1) Agricultural District to (M-AG) Mini-Agricultural District for property described as Lot 14, Block 3, Moulton's First Subdivision in the SE ¼ of Section 2, T122N, R64W of the 5<sup>th</sup> P.M., Brown County, SD (Directly west of 13687 – 387<sup>th</sup> Avenue); 2) Rezone from (C-2) Highway Commercial District to (R-2) Medium Density Residential District for property described as Lots

1 and 2, Peter Reinbold Exception in the SW ¼ of Section 2, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, SD (1402 and 1412 – 24<sup>th</sup> Avenue, NW). Olson moved, Lunzman seconded to set the joint hearing date of July 24, 2018 at 8:45 a.m. All present voting aye, motion carried.

Sutton moved, Hansen seconded to set the joint hearing date of July 24, 2018 at 8:45 a.m. for the petitions to rezone as presented. All present voting aye, motion carried.

There being no further business, Fischbach moved, Hansen 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.

#### CITY COUNCIL PROCEEDINGS

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, July 2, 2018 at 5:42 p.m., regular meeting of the Board of City Council Members, Mayor Mike Levsen presiding. Present at roll call were City Council Members David Bunsness, Alan Johnson, Dave Lunzman, Dennis “Mike” Olson, Mark Remily, Clint Rux by teleconference call, and Jennifer Slight-Hansen. City Council Member Rob Ronayne was absent. City Staff present were Lynn Lander, Ron Wager, Robin Bobzien, Brett Bill, Karl Alberts, Dave McNeil, and Code Roggatz.

#### MINUTES

Johnson moved, Bunsness seconded to approve the minutes of June 25, 2018, as circulated. Upon roll call, all present voting aye, motion carried.

OPEN FORUM – No one was present.

#### OLD BUSINESS

##### ORDINANCE NO. 18-06-01

Slight-Hansen moved, Johnson seconded to approve second reading and final adoption of Ordinance No. 18-06-01 to rezone Lot 1, Klebsch First Subdivision in the SW ¼ of Section 13, T123N, R64W of the 5<sup>th</sup> P.M., Aberdeen, Brown County, SD (116 South Third Street) from (I-2) Unrestricted Industrial District to (R-3) High Density Residential District. Upon roll call, all present voting aye, motion carried.

##### ORDINANCE NO. 18-06-02

Lunzman moved, Bunsness seconded to approve second reading and final adoption of Ordinance No. 18-06-02 to rezone Lot 16, Block 41, Thomas Addition to Aberdeen in the NW ¼ of Section 24, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, SD (919 South First Street) from (C-3) Central Business District to (R-3) High Density Residential District. Upon roll call, all present voting aye, motion carried.

##### ORDINANCE NO. 18-06-05

Olson moved, Remily seconded to approve second reading and final adoption of Ordinance No. 18-06-05 to rezone proposed Lots 1-21, Block 1, Lots 1-25, Block 2, Lots 1-13, Block 3, Lots 1-16, Block 4, Lots 1-8, Block 5, and Lot 1, HAPI 1<sup>st</sup> North Subdivision to the City of Aberdeen in the NW ¼ of Section 6, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, SD (3030 North Dakota Street) from (A-1) Agricultural District to (R-3) High Density Residential District. Upon roll call, all present voting aye, motion carried.

#### CONSENT CALENDAR

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

DESIGNATION OF OFFICIAL DEPOSITORIES: Aberdeen Federal Credit Union; CorTrust Bank; Dacotah Bank; Great Western Bank; Great Plains Bank; Plains Commerce Bank; SD Public Funds Investment Trust; US Bank; Wells Fargo Bank and Advisors.

DESIGNATION OF OFFICIAL NEWSPAPER – Aberdeen American News

SET HEARING DATE – of July 9, 2018 at 5:30 p.m. for applications for Special One-Day Retail On-Sale Liquor Licenses for Aberdeen Downtown Association for the following events:

July 12, 2018 and August 9, 2018 – Summer Concert Series on South Main Street from Railroad Avenue to First Avenue; August 24, 2018 – Summer Concert Series – off of South Main Street on 3<sup>rd</sup> Avenue SE/SW to alleys; August 25, 2018 – Sizzlin Summer Nights – off of South Main Street on 3<sup>rd</sup> Avenue, SE/SW to alleys.

SET HEARING DATE – of July 16, 2018 at 5:30 p.m. for an application for a new Package Off-Sale Liquor License for ZBC, Inc. dba Lucky's Drinkery, 420 South Main Street.

PETITION OF VOLUNTARY ANNEXATION – for the SE ¼ of the NW ¼ and West 640' of the SW ¼ of the NE ¼ (except the North 250' thereof) and the North 100' of the East 1200' of the NE ¼ of the SW ¼, all in Section 20, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, SD (Willowwood Fourth Addition) – refer to the City Attorney, City Engineer, and City Planning/Zoning Director for review and recommendations.

PETITION OF VOLUNTARY ANNEXATION – for proposed Lot 1, Steele-Teigen Addition in the NW ¼, SW ¼ of Section 16, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, SD (115 Brown County 19 South) – refer to the City Attorney, City Engineer, and City Planning/Zoning Director for review and recommendations.

SET HEARING DATE – of July 23, 2018 at 5:30 p.m. for a petition to rezone from (C-3) Central Business District to (R-3) High Density Residential District for Lot 10, Block 10, North Aberdeen Addition in the NW ¼ of Section 13, T123N, R64W of the 5<sup>th</sup> P.M., Aberdeen, Brown County, SD (116 North First Street).

REQUEST TO SERVE AND PERMIT – the consumption of alcoholic beverages at the Wylie Park Pavilion on September 15, 2018 for a Kassa Wedding Reception.

FIREWORKS PUBLIC DISPLAY PERMIT – for Aberdeen Hot Shots at 3800 – 8<sup>th</sup> Avenue, NE on July 4, 2018.

LICENSES – Home Day Care – Jennifer Belmore; Residential Building Contractor – Dylan Langford; Taxi Cab Driver – Dominique St. Pierre.

Upon roll call, all present voting aye, motion carried.

#### NEW BUSINESS

##### ELECTION OF DEPUTY MAYOR

Mayor Levsen opened the floor for the nomination and election of a Deputy Mayor for a two-year term to expire on July 1, 2020. Slight-Hansen moved, Olson seconded to nominate and elect Rob Ronayne for Deputy Mayor. Upon roll call, all present voting aye, motion carried.

##### APPOINTMENT TO ABERDEEN LIBRARY BOARD OF TRUSTEES

Remily moved, Johnson seconded to approve the appointment of Paul McDonald to the Aberdeen Library Board of Trustees effective July 2, 2018 for a three-year term ending June 30, 2021. Upon roll call, all present voting aye, motion carried.

##### DECLARE SURPLUS PROPERTY

A request from the Fire Department to declare cardiac monitors and Lucas devices surplus property was presented. Olson moved, Johnson seconded to approve the request from the Fire Department to declare cardiac monitors and Lucas devices surplus property to be traded-in for new equipment. Upon roll call, all present voting aye, motion carried.

##### PFC APPLICATION TO FAA

Transportation Director Cody Roggatz requested approval to submit the Airport's 2018 Passenger Facility Charge (PFC) Application with the estimated amount of \$528,964 to the Federal Aviation Administration (FAA). Johnson moved, Slight-Hansen seconded to approve the submittal of the Airport's 2018 Passenger Facility Charge Application to the Federal Aviation Administration. Upon roll call, all present voting aye, motion carried.

##### BILLS

Olson moved, Bunsness seconded to approve the following audited bills for services, supplies, repairs, and maintenance: Wellmark Blue Cross/Blue Shield 134,000.00; ETS

Corporation 1,250.00; Dacotah Bank 5,000.00; Plug N Pay 1,000.00; Infintech 1,000.00; CO-OP Architecture 6,000.00; Morrison Construction 5,872.18; Tim Gisi 800.00; Northwestern Energy 69.43; SD Dept. Environmental/Natural Resources 10,000.00; Ringgenberg Electric 1,005.92; Scott Ganje 147.00; Brian Jarvis 147.00; Ramkota Hotel 190.00; Jefferson Partners LP 2,836.52; J Gross Equipment 13,900.00; B & B Contracting 41,222.76; J & K Mowing Service 154.17; MARCO Technologies LLC 72.52; AT & T 1,020.35. Upon roll call, all present voting aye, motion carried.

#### CITY MANAGER'S REPORT

Lynn Lander presented the City Manager's Report including a notice of a vacancy on the Airport Board.

#### EXECUTIVE SESSION

Bunsness moved, Olson seconded to move into executive session to consult with legal counsel about contractual matters and preparing for contract negotiations pursuant to SDCL §1-25-2(3) and (4). All present voting aye, motion carried. Bunsness moved, Lunzman seconded to move out of executive session. All present voting aye, motion carried.

#### DECLARE SURPLUS PROPERTY

City Attorney Ron Wager presented a request to declare the Federal Courthouse Building and parking areas surplus property and to direct the disposal of such real property according to State Law. Council Member Rux left the meeting at 6:10 p.m. Bunsness moved, Johnson seconded to approve the following Resolution No. 18-07-03R declaring the Federal Courthouse Building and Parking Lot surplus property and to accept an offer to purchase the property in an amount not less than \$850,000.

BE IT RESOLVED by the Aberdeen City Council, that the following real property, as shown on the attached map, is declared to be surplus property, said surplus property described as follows:

All of the City of Aberdeen's right, title, and interest in:

Lot 3, Block 28, First Addition to Aberdeen, according to the plat thereof record, Brown County, South Dakota; and

Lot 10, Block 28, First Addition to Aberdeen, according to the plat thereof of record, Brown County, South Dakota; and

Lots 1, 2, 3, 4, 5, and 6, Hagerty's Subdivision of Lots 1 and 2, Block 28, First Addition to Aberdeen, according to the plat thereof of record, Brown County, South Dakota; and

Lots 7, 8, 9, 10, 11, and 12, Hagerty's Subdivision of Lots 11 and 12, Block 28, First Addition to Aberdeen, according to the plat thereof of record, Brown County, South Dakota; and

together with all of the vacated alley lying adjacent to said Lots (collectively, the Property).

BE IT FURTHER RESOLVED by the Aberdeen City Council that the Finance Officer shall dispose of the said surplus library property by sale in accordance with the laws of the State of South Dakota.

Upon roll call, all present voting aye, motion carried.

There being no further business, Bunsness moved, Olson 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.