

## CITY COUNCIL PROCEEDINGS

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, September 24, 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 Council Members David Bunsness, Alan Johnson, Dave Lunzman, Dennis “Mike” Olson, Mark Remily, Rob Ronayne, Clint Rux, and Jennifer Slight-Hansen. City Staff present were Lynn Lander, Ron Wager, Robin Bobzien, Brett Bill, Karl Alberts, Dave McNeil, and Shirley Arment.

Mayor Levsen led the Pledge of Allegiance.

## MINUTES

Olson moved, Johnson seconded to approve the minutes of September 17, 2018, as circulated. All voting aye, motion carried.

## OPEN FORUM

Mike McHugh was present to introduce himself and announced that he’s a candidate for SD House of Representatives. Paul McDonald of the Library Board and Library Director Shirley Arment presented a recommendation plan for Sunday hours at the Library. McDonald stated that a trial period for the Library to be open would be from December 1<sup>st</sup> to May 19<sup>th</sup> on Saturdays from 10:00 a.m. to 2:00 p.m. and on Sundays from 1:00 p.m. to 5:00 p.m.

OLD BUSINESS

## ORDINANCE NO. 18-08-01

Bunsness moved, Ronayne seconded to approve final adoption of Ordinance No. 18-08-01 expanding the number of projects eligible for sales tax refund. Upon roll call, all voting aye, motion carried.

## ORDINANCE NO. 18-09-02

Johnson moved, Bunsness seconded to approve second reading and final adoption of Ordinance No. 18-09-02 to lease Airport property for FBO hangar areas. Upon roll call, all voting aye, motion carried.

## RESOLUTION NO. 18-08-01R

An amended Resolution No. 18-08-01R to vacate the entire 66’ wide Fifteenth Avenue, SE public right-of-way commencing at the west side of State Street South public right-of-way and continuing west 525’ located between Northern State College Lot 3A and Blocks 1 and 2 of Melgaard Park Addition was presented. Planning/Zoning Director Brett Bill and City Engineer Robin Bobzien explained the following amended Resolution No. 18-08-01R and conditions as indicated:

BE IT RESOLVED, by the Aberdeen City Council, Aberdeen, Brown County, South Dakota, that the Petition to Vacate the Public Right-of-Way filed by Veronica Paulson, for and on behalf of Northern State University (hereafter “Petitioner”), shall be granted and the public right-of-way vacated for the following described area:

The entire 66’ Wide Fifteenth Avenue SE Public Right-Of-Way commencing at the West Side of State Street South Public Right-Of-Way and continuing West 525’ Located between Northern State College Lot 3A and Blocks 1 and 2 of Melgaard Park Addition (15<sup>th</sup> Avenue SE – South of Barnett Center), upon the following conditions:

1. Petitioner, within twelve (12) months of the date of its acceptance of this Resolution, shall replat the adjacent property and incorporate the vacated right-of-way into the adjacent lots;
2. Petitioner shall not erect or construct any permanent structures over the existing water and sewer lines within the vacated right-of-way unless such structures span the right-of-way with a bottom height of fourteen feet (14’) ~~twenty feet (20’)~~ from the ground surface and such span is of sufficient width to permit the passage of emergency and maintenance vehicles and equipment;
3. Petitioner, within sixty (60) days of the date of its acceptance of this Resolution, shall provide a ~~sixty-six foot (66’) wide~~ an access easement to the vacated right-of-way for all current

utilities and described as “PROPOSED PERMANENT EASEMENT” in the drawing attached hereto and incorporated herein as Exhibit A; and

4. Petitioner, within twelve (12) months of the date of its acceptance of this Resolution unless such time period is extended by written agreement of the City of Aberdeen, shall provide additional paved and landscaped off-street parking in the green space south of the existing parking lot and adjacent to Herret Street South and 17th Avenue Southeast; and

5. Petitioner shall acknowledge and accept this Resolution by executing the same and agreeing to be bound by all terms and conditions contained herein, and only upon delivery of its acceptance by the Petitioner shall this Resolution be deemed the grant of this vacation for all purposes.

BE IT FURTHER RESOLVED that the City Manager is authorized to accept or execute all documents necessary to complete such acceptance by Northern State University, upon approval by the City Attorney of the form of such documents.

BE IT FURTHER RESOLVED by the Aberdeen City Council, Brown County, Aberdeen, South Dakota, that only upon Acceptance of the Resolution by Northern State University shall it become effective and a certified copy of this Resolution be filed for record and duly recorded in the Office of the Register of Deeds in Brown County. Dr. Timothy Down, NSU President, and Tom Hurlbert, Architect from CO-OP Architecture, were present to answer questions. After discussion on the green space in the project design and parking issues, Ronayne moved, Olson seconded to approve the Resolution No. 18-08-01R as amended. Upon roll call, Lunzman, Olson, Remily, Ronayne, Slight-Hansen, and Mayor Levsen voting aye, Bunsness, Johnson, and Rux voting nay, 6 ayes and 3 nays, motion carried.

#### CONSENT CALENDAR

Mayor Levsen stated that applications for Taxi Cab Driver Licenses for Veniessa Todorova and George Donovan on the Consent Calendar were withdrawn at the request of R & A Taxi Company. Rux moved, Bunsness seconded to approve the following items on the Consent Calendar:

LICENSES – Private Security – Wanyae Walker; Sidewalk Contractor – Fusion Services LLC  
DEPARTMENTS’ BOARD REPORTS AND MINUTES – Aberdeen Airport Board Meeting Minutes; Aberdeen City Planning Commission Meeting Minutes; Board of Zoning Adjustment Meeting Minutes; K.O. Lee Aberdeen Public Library Board of Trustees Meeting Minutes; Parks & Recreation Special Board Meeting Minutes – receive and place on file.

REQUEST FOR STREET USE – from Roncalli Primary School at 419 – 1<sup>st</sup> Avenue, NE to Mother Joseph Manor at 1002 N. Jay Street to Roncalli High School at 1400 N. Dakota Street for the Roncalli Homecoming Parade on September 28, 2018.

All voting aye, motion carried.

#### NEW BUSINESS

##### CHANGE ORDER/PAYMENT FOR MILL AND OVERLAY PROJECT

City Engineer Robin Bobzien explained a request for a Change Order in the amount of \$214,391.45 and a Payment Request in the amount of \$523,763.73 to Lien Transportation for work on the Mill and Overlay Improvements Project (ST-2018-3). Ronayne moved, Bunsness seconded to approve Change Order #2 in the amount of \$214,391.45 and Payment Request #3 in the amount of \$523,763.73 to Lien Transportation. Upon roll call, all voting aye, motion carried.

##### CHANGE ORDER/PAYMENT FOR ACCESSIBLE QUADRANT IMPROVEMENTS

City Engineer Robin Bobzien explained a request for a Change Order in the amount of \$23,297.75 and Payment Request in the amount of \$40,425.75 to CWF Masonry & Construction for work on the Accessible Quadrant Improvements Project (CONC-2018-2). Olson moved, Ronayne seconded to approve Change Order #3 in the amount of \$23,297.75 and

Payment Request #4 in the amount of \$40,425.75 to CWF Masonry & Construction. Upon roll call, all voting aye, motion carried.

#### CHANGE ORDER/PAYMENT FOR 8<sup>TH</sup> AVE., NW RECONSTRUCTION

City Engineer Robin Bobzien explained a request for a Change Order in the amount of \$41,494.61 and Payment Request in the amount of \$218,564.46 to Reede Construction for work on the 8<sup>th</sup> Ave., NW Reconstruction Project (ST-2018-1). Olson moved, Ronayne seconded to approve of Change Order #4 in the amount of \$41,494.61 and Payment Request #4 in the amount of \$218,564.46. Upon roll call, all voting aye, motion carried.

#### BILLS

Bunsness moved, Olson seconded to approve the following audited bills for services, supplies, repairs, and maintenance: Northwestern Energy 24,095.54; At Cleaning 856.25; Fleet Services 258.08; Business Improvement District 508.28; Convention & Visitors Bureau 34,519.52; SD One Call 425.60; Frederickson Law Office 300.21; Amanda Fischer 66.00; Peggi Badten 343.20; United Parcel Service 146.38; DOI US Geological Survey 19,480.00; Verizon Wireless 31.76; Aman Enterprises 30.72; Kevin Adam 129.16; Nicole Renner 100.29; Olawunmi Abiodu Lawal 11.80; Bob Hamak 85.17. Upon roll call, all voting aye, motion carried.

#### CITY MANAGER'S REPORT

Lynn Lander presented the City Manager's Report including the new I PAWS System for alert warnings and water wells and ground water expansion.

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

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