

CITY COUNCIL PROCEEDINGS

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, October 22, 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, Mark Remily, Rob Ronayne, Clint Rux, and Jennifer Slight-Hansen. City Council Member Dennis "Mike" Olson was absent. City Staff present were Lynn Lander, Ron Wager, Robin Bobzien, Ken Hubbart, Karl Alberts, Eric Duven, Doug Johnson, and Bob Braun.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Rux moved, Bunsness seconded to approve the minutes of October 15, 2018, as circulated. All present voting aye, motion carried.

OPEN FORUM – No one was present.

OLD BUSINESS

ORDINANCE NO. 18-10-07

Bunsness moved, Johnson seconded to approve second reading and final adoption of Ordinance No. 18-10-07 revising the City Code regarding excavation contractors. Upon roll call, all present voting aye, motion carried.

ORDINANCE NO. 18-10-08

Ronayne moved, Lunzman seconded to approve second reading and final adoption of Ordinance No. 18-10-08 amending Chapter 24 – Fire Prevention and Protection of the City Code regarding marking and obstructing fire lanes. Upon roll call, all present voting aye, motion carried.

CONSENT CALENDAR

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

SET BID DATE – of November 13, 2018 at 2:00 p.m. for advertisement for bids on 2019 Chemicals for the Water Treatment Plant.

LICENSES – Advertising/Sign Hanging – Mega Construction LLC; Private Security – Lela Martin; Taxi Cab Driver – Jayme Reihe

PLATS – 1) Teton Development First Subdivision to the City of Aberdeen in the SW ¼ of Section 17, T123N, R63W of the 5th P.M., Brown County, South Dakota (2727 and 2901 – 6th Avenue, SE); 2) South Dakota Department of Transportation First Subdivision in the NW ¼ of Section 22, T123N, R64W of the 5th P.M., Brown County, South Dakota with stipulation that the accompanying petition to rezone is accepted (2609 and 2731 Hwy. 12 West); 3) Willowood Fourth Addition to the City of Aberdeen in Section 20, T123N, R63W of the 5th P.M., Brown County, South Dakota with stipulations that the accompanying petition to rezone is accepted and a Developer's Agreement is established. (2703, 2704, and 2802 – 11th Avenue, SE, 2800 – 13th Avenue, SE, 901 South Roosevelt Street, and 1020 South Melgaard Road); 4) Brown County Commissioners Third Subdivision to the City of Aberdeen in the SW ¼ of Section 18, T123N, R63W of the 5th P.M., Brown County, South Dakota with stipulation that the petitioner has sidewalks installed where missing along the newly dedicated Congress Street South within five years of the plat filing date. (1019 – 1st Avenue, SE); 5) G.P.H.C. First @ N. Main Auto Center in Aberdeen in the NW ¼ of Section 13, T123N, R64W of the 5th P.M., Brown County, South Dakota with stipulation that all of the conditions for approval of the special exception set forth by the Aberdeen Board of Zoning Adjustment are followed (101 and 115 North Main Street).

All present voting aye, motion carried.

NEW BUSINESS

ORDINANCE NO. 18-10-01

City Planner Ken Hubbard presented a petition to rezone from Randall Weber and Ordinance No. 18-10-01 to rezone property described as Lot 1, Weber 1st Corner Subdivision in Aberdeen, South Dakota in the NW ¼ of Section 13, T123N, R64W of the 5th P.M., Brown County, South Dakota (208 North 2nd Street) from (C-2) Highway Commercial District and (R-3) High Density Residential District to (C-2) Highway Commercial District. Bunsness moved, Remily seconded to approve first reading of Ordinance No. 18-10-01 as presented. Upon roll call, all present voting aye, motion carried.

ORDINANCE NO. 18-10-03

City Planner Ken Hubbard presented a petition to rezone from Lamont Enterprises L.P. and Ordinance No. 18-10-03 to rezone property described as the North 200' of the NE ¼ of the SW ¼ of Section 20, T123N, R63W except land deeded, Brown County, South Dakota (North 200' of 2800 – 13th Avenue, SE) from (A-1) Agricultural District to (R-2) Medium Density Residential District. Johnson moved, Lunzman seconded to approve first reading of Ordinance No. 18-10-03 as presented. Upon roll call, all present voting aye, motion carried.

RESOLUTION NO. 18-10-01R

Ronayne moved, Slight-Hansen seconded to approve Resolution No. 18-10-01R as follows:

BE IT RESOLVED that a consolidated Board of Equalization as authorized by SDCL 10-11-66 shall be established pursuant to the Resolution of the Governing Boards of Brown County, City of Aberdeen, and the Aberdeen School District 6-1. The consolidated Board of Equalization as created by this Resolution shall be authorized to exercise all powers contained in SDCL 10-11.

BE IT FURTHER RESOLVED that three members from the Brown County Commission, one member of the Aberdeen City Council, and one member of the Aberdeen School District 6-1 School Board shall constitute a consolidated Board of Equalization as provided by SDCL 10-11-66.

BE IT FURTHER RESOLVED that the Aberdeen City Council, Brown County Commission, and the Aberdeen School District 6-1 shall be responsible for the per diem, salary, and mileage costs of the respective members that serve on the consolidated Board of Equalization. Brown County Commission shall be responsible for the ordinary and customary expenses associated with the equalization of property including appeals to the State Board of Equalization. The financial responsibilities contained in this resolution shall remain unless either the Aberdeen City Council, Brown County Commission, or the Aberdeen School District 6-1 shall request that they be modified prior to December 1st of each year.

THIS RESOLUTION shall be binding upon the Aberdeen City Council, Aberdeen, South Dakota and upon each governing body adopting this Resolution according to law.

All present voting aye, motion carried.

RESOLUTION NO. 18-10-03R

Parks, Recreation & Forestry Director Doug Johnson presented Resolution No. 18-10-03R authorizing the Parks, Recreation and Forestry Department to apply for a Land and Water Conservation Grant for construction of three pickleball courts at Manor Park, 1102 North Jay Street. The grant request totals \$185,000 for the construction of the three courts and the grant will provide \$75,000 reimbursement for approved projects. Doug Johnson introduced Mark Zerr, President of the Aberdeen Pickleball Club, who explained the history of pickleball. Bunsness moved, Rux seconded to approve Resolution No. 18-10-03R as follows:

WHEREAS, the United States of America and the State of South Dakota have authorized the making of grants from the Land and Water Conservation Fund (LWCF) to public bodies to aid in financing the acquisition and/or construction of specific public outdoor

recreation projects;

NOW, THEREFORE BE IT RESOLVED:

1. That Doug Johnson is hereby authorized to execute and file an application on behalf of the City of Aberdeen, South Dakota with the National Park Service, U.S. Department of the Interior, through the State of South Dakota, Department of Game, Fish and Parks, Division of Parks and Recreation, for an LWCF Grant to aid in financing the construction of pickleball courts at Manor park for the City of Aberdeen, South Dakota and its Environs.
2. That Doug Johnson, Director is hereby authorized and directed to furnish such information as the above mentioned federal and/or state agencies may reasonably request in connection with the application which is hereby authorized to be filed.
3. That the City of Aberdeen shall provide 50% of the total cost of the project; and will assume all responsibility in the operation and maintenance of the project upon completion of construction, for the reasonable life expectancy of the facility.
4. That the City of Aberdeen shall dedicate for park and recreation purposes in perpetuity, or for the length of the lease if land is leased, the real property identified in the authorized application.

All present voting aye, motion carried.

PUBLIC PROGRESS HEARING

Mayor Levsen opened a hearing concerning the Aberdeen Home Demolition Project and its funding. Ted Dickey of Northeast Council of Governments gave an update to the project for a Community Development Block Grant for Homes Are Possible, Inc. for the demolition of two houses. Mayor Levsen closed the hearing.

HEARING ON TRANSFER OF MALT BEVERAGE LICENSE

Mayor Levsen opened a hearing on an application for transfer of Retail On-Off Sale Malt Beverage & SD Farm Wine License with Video Lottery from Jessie L. Nelson to James D. Frericks at the Golden Aces Casino, 614 – 6th Avenue, SW. No comments were received in opposition of the transfer of the malt beverage license. Mayor Levsen closed the hearing. Ronayne moved, Remily seconded to approve the transfer of the Retail On-Off Sale Malt Beverage & SD Farm Wine License with Video Lottery from Jessie L. Nelson to James D. Frericks at the Golden Aces Casino, 614 – 6th Avenue, SW. All present voting aye, motion carried.

QUOTE FOR PIPE AND BORING WORK

City Engineer Robin Bobzien explained the quote received for storm sewer pipe and boring work under Brown County #19. Johnson moved, Rux seconded to approve the quote from K & H Electric in the amount of \$37,200 for a 24” storm sewer pipe and boring work. All present voting aye, motion carried.

BILLS

Slaight-Hansen moved, Johnson seconded to approve the following audited bills for services, supplies, repairs, and maintenance: Northwestern Energy 14,490.66; SD Public Assurance Alliance 638.26; Harrison Truck Center 80,652.00; Olympic Sales Inc. 16,900.00; CenturyLink 3,926.38; Verizon Wireless 31.76; AT & T 174.72; MARCO Inc. 64.23; NVC 654.30; Fleet Services 499.30; United Parcel Service 255.68; Clark Engineering Corp. 55,048.80; Calgon Carbon Corp. 26,013.00; James Valley Telecommunications 97.59; SD One Call 305.76; FOHO I, LLC 147.82; Avera St. Luke’s 41.22; Erlene Ragatz 27.76; David Koslowski 24.87; Shirley Mack 32.73; Jay Erickson 35.65; Aberdeen Housing 26.47; South Brown Conservation 25.15; Kenneth Zens 41.04. Upon roll call, all present voting aye, motion carried.

CITY MANAGER’S REPORT

Lynn Lander presented the City Manager’s Report including potential changes for holiday meetings.

EXECUTIVE SESSION

Ronayne moved, Bunsness 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. Ronayne moved, Slaight-Hansen seconded to move out of executive session. All present voting aye, motion carried.

There being no further business, Ronayne moved, Remily 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.

JOINT CITY COUNCIL/COUNTY COMMISSION PROCEEDINGS

Brown County Commission Chambers, 25 Market Street, Aberdeen, South Dakota, October 23, 2018 at 8:45 a.m., Joint City Council/County Commission Meeting. Mayor Mike Levsen presiding. Present at roll call were City Council Members Alan Johnson, Mark Remily, Rob Ronayne, and Jennifer Slaight-Hansen. City Council Members David Bunsness, Dave Lunzman, Dennis "Mike" Olson, and Clint Rux were absent. Brown County Commissioners present were Tom Fischbach, Doug Fjeldheim, Nancy Hansen, Duane Sutton, and Rachel Kippley. City staff present were Ken Hubbart and Karl Alberts. County Auditor Maxine Fischer was present.

ORDINANCE NO. 18-10-02

A petition to rezone from the State of South Dakota and Ordinance No. 18-10-02 was presented to rezone property described as Lot 2, South Dakota Department of Transportation First Subdivision in the NW ¼ of Section 22, T123N, R64W of the 5th P.M., Brown County, South Dakota (2609 Hwy. 12 West) from (M) Municipal, State, and County Use District, (A-1) Agricultural District, and (A-2) Green Belt District to (M) Municipal, State, and County Use District and (A-2) Green Belt District. Remily moved, Ronayne seconded to approve first reading of Ordinance No. 18-10-02. Upon roll call, all present voting aye, motion carried.

Fischbach moved, Sutton seconded to approve first reading of Ordinance No. 18-10-02(480) as presented. All voting aye, motion carried.

There being no further business, Johnson moved, Remily 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.