

MINUTES**ABERDEEN CITY COUNCIL MEETING**

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, October 24, 2022 at 5:30 p.m., regular meeting of the City Council.

CALL TO ORDER**MEETING ROLL CALL**

Present at roll call were City Council Members Rob Ronayne, Erin Fouberg, Charlotte Liebelt, Josh Rife, Alan Johnson, Justin Reinbold, Tiffany Langer, David Novstrup by teleconference, and Mayor Travis Schaunaman.

City Staff present were Joe Gaa, Ron Wager, Robin Bobzien, Brett Bill, Jordan McQuillen, Dave McNeil, Bob Braun, John Weaver, and Joel Weig by teleconference.

PLEDGE OF ALLEGIANCE

Mayor Schaunaman led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Schaunaman asked for a motion to add Resolution No. 22-10-03R to the agenda under New Business-Item D Replacement of Windows at Masonic Lodge. Motion by Fouberg, second by Liebelt to approve of the additional agenda item and the agenda as amended. Voice vote to approve, all voting aye, motion carried.

MINUTES

Motion by Rife, second by Johnson to approve the minutes of the October 17, 2022 City Council Meeting, as circulated. Voice vote to approve, all voting aye, motion carried.

OPEN FORUM

No one appeared in open forum to address the Council.

CONSENT CALENDAR

Motion by Reinbold, second by Ronayne to approve the following items on the consent calendar:

SET HEARING DATE – of November 7, 2022 at 5:30 p.m. – Special Five-Day Retail On-Sale Liquor License on November 16 – 20, 2022 for ACT2, Inc. dba Aberdeen Community Theatre, 417 South Main Street and New Retail On-Off Sale Malt Beverage and SD Farm Wine License for Golden Ticket Cinemas Inc. dba Golden Ticket Cinemas Aberdeen 9, 3315 – 6th Avenue, SE, Suite 4

REQUEST FOR SPECIAL FOUR-DAY RETAIL ON-SALE LIQUOR LICENSE – on October 28 – 31, 2022 for Pounders, Inc. at Aberdeen Community Theatre, 417 South Main Street.

LICENSE – Taxi Cab Driver – Henry Marshall Earl Cooks

PLATS – 1) JT Properties Investments First Addition to the City of Aberdeen in the SE¼ of Sec. 7, T123N, R63W of the 5th P.M., Brown County, South Dakota (1409 North Roosevelt Street and 2024 – 15th Avenue, NE); 2) Prairie's Edge Fourteenth Addition to the City of

Aberdeen in the NW¼ of Sec. 8, T123N, R63W of the 5th P.M., Brown County, South Dakota (2618 Water View Drive and 3102 – 24th Avenue, NE)

REPORTS AND MINUTES FROM CITY BOARDS – 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

PROCLAMATION – Annual Sale of “V.F.W. Buddy Poppies” November 3 – 11, 2022

Voice vote to approve, all voting aye, motion carried.

OLD BUSINESS

ORDINANCE NO. 22-10-05 – SECOND READING AND FINAL ADOPTION

Motion by Johnson, second by Rife to approve second reading and final adoption of Ordinance No. 22-10-05 supplementing the 2022 Budget for various unanticipated projects, activities, and expenses. Roll call vote to approve, all voting aye, motion carried.

NEW BUSINESS

ORDINANCE NO. 22-10-06 AMENDING CHAPTER 8–ANIMALS AND FOWL – FIRST READING

City Attorney Ron Wager presented Ordinance No. 22-10-06 amending Chapter 8 – Animals and Fowl of the City Code and explained the proposed ordinance amendment for repealing, replacing, and changing sections of Chapter 8 dealing with animals running at large, dangerous animals, regulations on guard dogs, defining and regulating commercial kennel operations, and allowing permits for temporary foster care of animals. Discussion followed. Motion by Ronayne, second by Langer to approve first reading of Ordinance No. 22-10-06 as presented by the City Attorney. Roll call vote to approve, all voting aye, motion carried.

PROPOSED 2023 ECONOMIC DEVELOPMENT SERVICES

City Attorney Ron Wager informed the Council of Mayor Schaunaman’s abstention on the possible action on proposed 2023 Economic Development Services and turned to the Deputy Mayor, Alan Johnson, to preside over the discussion of this agenda item. City Manager Joe Gaa explained the proposed options to consider for economic development services: 1) adopt the City Manager’s proposed plan and authorize moving forward with filling the Economic Development Manager position or 2) allow the Aberdeen Development Corporation to propose an alternative plan no later than November 3, 2022 for consideration at the November 7, 2022 City Council Meeting. Deputy Mayor Johnson called for a vote on the possible action on the options for 2023 Economic Development Services. Motion by Langer, second by Foberg to approve of option 2 to allow the Aberdeen Development Corporation to propose an alternative plan no later than November 3, 2022 for consideration at the November 7, 2022 City Council Meeting. Voice vote to approve, all 8 members voting aye, Mayor Schaunaman abstaining, motion carried. Deputy Mayor Johnson turned the

meeting back over to Mayor Schaunaman, the presiding officer.

LICENSE TO PERMIT WHEELCHAIR RAMP ENCROACHMENT AT 519 SOUTH ARCH STREET

City Attorney Ron Wager explained the request by Alano Society for a license to permit wheelchair ramp encroachment on right-of-way abutting 519 South Arch Street. Discussion followed. Motion by Ronayne, second by Reinbold to approve the request by Alano Society for a license to encroach upon the right-of-way abutting the west property line at 519 South Arch Street for a wheelchair ramp and to authorize the City Manager to execute the same. Roll call vote to approve, all voting aye, motion carried.

BUILDING PERMIT AND RESOLUTION NO. 22-10-03R TO REPLACE NINETY-SIX (96) WINDOWS AT 505 SOUTH MAIN STREET

City Planning/Zoning Director Brett Bill presented a request for a building permit to replace ninety-six (96) windows at the Masonic Lodge, 505 South Main Street. Brett Bill explained that the property is located within the Aberdeen Commercial Historic District and the State Historic Preservation Office had determined that the proposed vinyl window replacements would not meet the requirements for a historically registered property but acknowledged no feasible or prudent alternatives. Brett Bill said that the replacement of the windows would not hurt the historical nature of the building and staff recommends approval of the issuance of a building permit to the Masonic Temple. City Attorney Ron Wager provided the Council with Resolution No. 22-10-03R that complies with the statutory requirements for notice to the SD Historical Preservation Society of the City of Aberdeen's determination. Motion by Ronayne, second by Langer to approve the request for a building permit to replace windows at the Masonic Lodge, 505 South Main Street, and Resolution No. 22-10-03R approving a building permit for historic property within the Aberdeen Commercial Historic District. Roll call vote to approve, all voting aye, number of ayes 9, number of nays 0, members abstaining 0, motion carried.

RESOLUTION NO. 22-10-03R

A RESOLUTION APPROVING A BUILDING PERMIT FOR HISTORIC PROPERTY WITHIN THE ABERDEEN COMMERCIAL HISTORIC DISTRICT

WHEREAS, Masonic Temple, the owner of the property at 505 Main Street South, which property is located within the Aberdeen Commercial Historic District, applied to the Aberdeen Planning & Zoning Department ("Department") for the issuance of a building permit for the replacement of 96 windows located thereon (hereafter "historic property"); and

WHEREAS, the Department completed a review of the entire file, including the project bid submitted by the property owner and the recommendation of the South Dakota State Historical Society; and

WHEREAS, City Planner, Eric Miller, presented the findings of the Department to the City Council and affirmed the Department's recommendation that the City Council

approve the issuance of a building permit for the historic property; and

WHEREAS, the City Council, as required by SDCL § 1-19A-11.1, considered all relevant factors; and

WHEREAS, the City Council makes the following findings in support of its determination:

1. The property owner provided an estimate for new windows that do not meet historical standards at their historic property. That estimate shows costs of approximately \$68,000. The applicant's alternate choice for windows that meet historical standards had a materials cost of approximately \$145,000.
2. The property owner applied for grants in the amount of \$10,000 and \$20,000 for the project. These grants were contingent on the utilization of materials that meet historical standards.
3. The possible approval of multiple grants would not be enough to make it economically feasible for the property owner to incur the projected renovation costs.
4. The effects of the proposed building project should have little negative impact on neighboring properties. This historic property is in dire need of new windows as the existing windows leak water and air. Replacement of the windows would reduce the risk of structural damage from water leaking, reduce climate control costs, and improve the appearance of the subject property.
5. No other feasible and prudent alternative to replacement exists and all possible planning to minimize harm to the historic property has been fairly considered.
6. The September 27, 2022, letter entitled "SDCL 1-19A-11.1 Consultation" from the South Dakota State Historical Society has been reviewed and considered in making this determination.
7. The Aberdeen City Code has no ordinance requiring property owners to maintain historic properties or landmarks against decay and deterioration.
8. Replacement of the windows is unlikely to have adverse effects on surrounding historic resources, community preservation plans, or long-range community opportunities.
9. A majority of the existing windows do not appear to be original to the structure and are in poor condition; therefore, the integrity of the Aberdeen Commercial Historic District will not be jeopardized by the replacement of the windows in question.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The application for a building permit for the replacement of windows at the

Masonic Temple building at 505 Main Street S., which property is located within the Aberdeen Commercial Historic District, is hereby Approved.

2. The City Council makes this determination based upon the consideration of all relevant factors and concludes that there is no feasible and prudent alternative to the issuance of the building permit and that the program includes all possible planning to minimize harm to the historic property resulting from such use.

3. Notice of this final determination shall be given, by certified mail, to the South Dakota State Historical Society at least ten (10) days before demolition of the subject property.

The foregoing Resolution was approved after first reading and passed at a regular meeting of the Aberdeen City Council on the 24th day of October, 2022.

TEMPORARY PLACEMENT OF INFLATABLE POLAR BEAR AT 1314 – 8TH AVENUE, NW FOR SD SPECIAL OLYMPICS

City Planning/Zoning Director Brett Bill presented a request for the temporary placement of a large inflatable polar bear at the Village Bowl, 1314 – 8th Avenue, NW, for the SD Special Olympics State Bowling Tournament from November 4 – 6, 2022. Motion by Langer, second by Johnson to approve of a temporary placement of a large inflatable polar bear at the Village Bowl, 1314 – 8th Avenue, NW, for the SD Special Olympics State Bowling Tournament from November 4 – 6, 2022. Roll call vote to approve, all voting aye, motion carried.

RECOMMENDATION ON BIDS FOR 2023 WATER TREATMENT CHEMICALS

Water Treatment Superintendent Bob Braun requested approval of the bids received for the 2023 Water Treatment Chemicals. A list of the chemical bids is on file at the City Finance Office. Motion by Ronayne, second by Reinbold to award the bids for the 2023 Water Treatment Chemicals as recommended. Roll call vote to approve, all voting aye, motion carried.

CHANGE ORDER/PAYMENT FOR KLINE STREET STORM SEWER IMPROVEMENTS

City Engineer Robin Bobzien requested approval of Change Order #1 in the amount of \$26,432.00 and Payment #3 in the amount of \$823,546.90 to B & B Contracting for work on the Kline Street Storm Sewer Improvements. Motion by Rife, second by Reinbold to approve of Change Order #1 in the amount of \$26,432.00 and Payment #3 in the amount of \$823,546.90 to B & B Contracting for the Kline Street Storm Sewer Improvements. Roll call vote to approve, Fouberg, Liebelt, Rife, Johnson, Reinbold, Langer, Novstrup, and Mayor Schaunaman voting aye, Ronayne abstaining, motion carried.

PAYMENT FOR NORTH DAKOTA STREET ROADWAY IMPROVEMENTS

City Engineer Robin Bobzien requested approval of Payment #5 in the amount of \$217,847.20 to Reede Construction for the work on the North Dakota Street Roadway

Improvements. Motion by Johnson, second by Ronayne to approve of Payment #5 in the amount of \$217,847.20 to Reede Construction for the North Dakota Street Roadway Improvements. Roll call vote to approve, all voting aye, motion carried.

REVIEW AND APPROVAL OF CLAIMS AND PAYROLL

Motion by Reinbold, second by Liebelt to approve payment of the bills listed for October 24, 2022 and payroll for the period from October 9, 2022 through October 22, 2022.

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: Joseph Strull 500.00; Aberdeen Chamber of Commerce 20.00; KONE Inc. 247.45; Hawkins Inc. 8,352.65; Don's Builders Hardware 63.25; Jensen Rock & Sand Inc. 30,979.76; Direct Automation LLC 664.98; Auto Value Parts/Hedahls 78.93; House of Glass Inc. 391.71; SD Redbook Fund 60.00; Lawson Products Inc. 474.03; B & B Contracting 823,546.90; SHARE Corp. 4,054.98; Crawford Trucks & Equipment 68.83; Keith Sharisky 754.47; Stan Houston Equipment Inc. 229.00; Badger Meter Inc. 2,380.74; Olson's Pest Technicians 400.00; Dependable Sanitation 23,976.01; Flsmidth Krebs Inc. 2,606.58; Titan Access Productivity 21.00; Landon Seaman 180.00; Pierson Ford-Lincoln-Mercury 77,565.00; NVC 251.00; Reede Construction 217,847.20; SD One Call 393.12; Century Business Products 70.00; Menards Inc. 606.72; Convention Visitors Bureau 30,926.84; EZ-Liner 130.65; NCL of Wisconsin 2,916.44; Tyler Technologies 1,138.00; Schmidt Construction Inc. 336.73; ATCO International 1,033.31; Aberdeen Shuttle 8.50; POMP's Tire Service 725.75; L & T Lawn Care LLC 37.50; General Traffic Controls Inc. 15,714.00; Trace Analytics LLC 432.39; Dakota Oil 724.35; Cooper Animal Clinic PC 135.00; J Gross Equipment 602.24; A-1 Sanitation 5,752.24; Aberdeen Area Humane Society 5,400.00; Legacy Design Group LLC 512.68; Diversified Inspection Inc. 526.30; United Parcel Service 435.77; NAPA Central 638.15; James Valley Coop 43.02; Jarrod Zaruba 180.00; Haar Plumbing & Heating, Inc. 90.53; Ethan Traster 180.00; Runnings Supply Inc. 209.93; Interstate Battery 278.90; Crouch Irrigation 320.00; SD Law Enforcement Training 75.00; Mechanical Seal Repair 717.00; Dustin Schmiere 60.00.

Payroll for the period from October 9, 2022 through October 22, 2022 and city share of social security, old age & survivor's insurance, retirement, health and life insurance: EFTPS 143,859.37; SD Retirement 87,518.42; Governing Body 3,351.93; City Manager 8,357.92; City Attorney 7,354.72; Finance 15,172.14; HR 8,017.90, Building 1,887.37; Computer 5,083.24; Planning/Zoning 16,499.36; Engineering 14,539.76; Police 156,300.39; Fire 126,338.23; Housing/Building 7,233.75; Street 33,286.32; Traffic 7,827.98; Solid Waste 21,858.12; Transportation/Ride Line 24,808.43; Library 29,089.09; Parks, Rec & Forestry 106,025.27, Rernleitner, Roberta 13.75 hr, Menken, Jordan 12.75 hr, Arsenault, Daniel 18.00 hr, Ford, Eden 12.00 hr, Miller, Makylie 12.25 hr, Gonsor, Laney 12.25 hr, McCafferty, Aiden 12.50 hr, Trenhaile, Cade 12.50 hr, Thorstensen, Taryn 12.25 hr,

Stoltenburg, Ali 12.25 hr, Brockhaus, Ashley 12.00 hr, Gross, Jenny 12.75 hr, Opp, Mike 12.00 hr, Hoffman, Aidan 12.25 hr, Russell, Kade 12.25 hr, Kusler, Megan 12.00 hr, Kluver, Allison 12.25 hr, Donat, Adeline 12.00 hr, Swanson, Lachelle 13.00 hr; Airport 19,031.66; Pipe 25,953.00; Water Treatment 21,765.12; Meter 1,780.80; Water Reclamation 22,766.94; Pump 8,169.94. Roll call vote to approve, Fouberg, Liebelt, Rife, Johnson, Reinbold, Langer, and Novstrup voting aye, Ronayne abstaining on payment to B & B Contracting and voting aye on remainder of the payments, Mayor Schaunaman abstaining on payment to House of Glass and voting aye on remainder of the payments, motion carried.

CITY MANAGER'S REPORT

City Manager Joe Gaa reminded the Council of no meeting on October 31, 2022 and mentioned City Staff wearing Breast Cancer Awareness shirts this week.

ADJOURNMENT

There being no further business, motion by Johnson, second by Rife to adjourn the meeting. Voice vote to adjourn, all voting aye, motion carried. The meeting adjourned at 6:27 p.m.

Prepared by Mary Campton for the Finance Office. /s/ Jordan McQuillen, Finance Officer.