

## CITY COUNCIL PROCEEDINGS

City Council Chambers, Aberdeen Recreation and Cultural Center, 225 Third Avenue, SE Alumni Room #101, Aberdeen, South Dakota, March 24, 2014, 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, Todd Campbell, Alan Johnson, Mark Remily on teleconference call, Rob Ronayne, Clint Rux, Jennifer Slight-Hansen and Laure Swanson. City staff present were Lynn Lander, Adam Altman, Robin Bobzien, Brett Bill, Karl Alberts, and Don Lanpher.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Johnson moved, Rux seconded to approve the minutes of March 17, 2014, as circulated. Upon roll call, all voting aye, motion carried.

PROCLAMATION

Mayor read and proclaimed March as "Multiple Sclerosis Awareness Month".

OPEN FORUM –

Police Chief Don Lanpher was present to discuss License Plate Readers. Rich Hilgemann, Mary Carole Ellestad, and Laura Saunders were present to oppose the use of the license plate readers. Mike Herman was present to discuss the Aberdeen Boys and Girls Club.

OLD BUSINESSTAX INCREMENT FINANCE DISTRICT NO. 20

The continued discussion was held on the Tax Increment Finance District No. 20 for D & H Development Corporation for Lot 5, Fifth Addition and Lots 1 – 21, Ninth Addition in Ashwood Heights Subdivision including adjacent Birchwood Circle. Campbell moved, Rux seconded to approve the following Resolution No. 14-03-04R for Tax Increment Finance District No. 20:

WHEREAS, a public hearing was held before the Planning Commission of the City of Aberdeen, South Dakota, on February 18, 2014 at 7:00 p.m. in the Courthouse basement in the Brown County Courthouse at 25 Market Street, Aberdeen, South Dakota, pursuant to notice of such hearing for the purpose of considering the creation of Tax Incremental District No. 20 and its proposed boundaries; and

WHEREAS, the Planning Commission of the City of Aberdeen did at its regular meeting on February 18, 2014, pass a resolution establishing the boundaries of such tax incremental district and did submit a recommendation to the City Council of the City of Aberdeen, South Dakota, recommending the creation of the said Tax Incremental District No. 20; and

WHEREAS, the Planning Commission of City of Aberdeen, South Dakota, at its regular meeting on February 18, 2014, held in the Courthouse basement in the Brown County Courthouse at 25 Market Street, Aberdeen, South Dakota, did pass a Resolution adopting the Project Plan for the proposed Tax Incremental District No. 20 and did recommend to the City Council of the City of Aberdeen, South Dakota, that it approve and adopt the project plan; and

WHEREAS, such action by the Planning Commission of the City of Aberdeen was in accordance with SDCL Chapter 11-9 and such action by the Planning Commission was done at a regular meeting of the said Planning Commission after notice properly given and after due hearing and after due hearing and being appropriately and properly advised;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Aberdeen, South Dakota, that the boundaries of the proposed Tax Incremental District No. 20 be and the same are hereby designated as;

and that specific lots to be included in said Tax Incremental District No. 20 are as set forth and identified in the Project Plan on file in the office of the City Finance Officer of the City of Aberdeen, South Dakota, located at 123 South Lincoln Street, Aberdeen, South Dakota 57401 and in the office of Planning and Zoning of the City of Aberdeen, South Dakota, located at 123 South Lincoln Street, Aberdeen, South Dakota 57401; and

BE IT FURTHER RESOLVED that such Tax Incremental District No. 20 contains property not less than 25% by area of which is blighted because a portion of the property is in the flood plain which limits or restricts the useful purpose; defective or inadequate street layout; lack of attention and general unrepaired and unattended lack of usage in relationship to size, adequacy, accessibility, and usefulness in that such area significantly and substantially impairs or arrests the solid growth of that area of the City of Aberdeen, South Dakota and constitutes an economic liability in its general present condition and use and that further, the improvement of the area is likely to enhance significantly the value of substantially all other real property within the area and immediately adjacent thereto, and if such tax incremental District is created that there is a likelihood that there will be residential homes in the proposed Tax Incremental District No. 20 enhancing the area and improving the tax base of the City of Aberdeen; and

BE IT FURTHER RESOLVED that the district is hereby created with an effective date of March 24, 2014.

BE IT FURTHER RESOLVED that the district shall be named and designated as Tax Incremental District No. 20 of the City of Aberdeen, South Dakota; and

BE IT FURTHER RESOLVED that the Project Plan approved by the Planning Commission of the City of Aberdeen, South Dakota, at its regular meeting held on February 18, 2014, be and the same is hereby approved and adopted and that such plan is feasible and in conformity with the master plan of the City of Aberdeen, South Dakota, a municipal corporation of the State of South Dakota; and

BE IT FURTHER RESOLVED that the aggregate assessed valuation of the taxable property in the district plus the tax incremental base of the all other existing districts does not exceed 10% of the total assessed value of taxable property in the City of Aberdeen, South Dakota

Upon roll call, all voting aye, motion carried.

#### ABERDEEN MASTER TRANSPORTATION PLAN

Campbell moved, Johnson seconded to approve the following Resolution No. 14-02-03R adopting the Aberdeen Master Transportation Plan:

WHEREAS, the City of Aberdeen, in partnership with the South Dakota Department of Transportation and Federal Highway Administration, have prepared the Aberdeen Master Transportation Plan for adoption; and,

WHEREAS, the Master Transportation Plan will serve as a reference to guide short, medium, and long-range transportation system decisions over a 20-year planning period; and,

WHEREAS, interested persons were invited to participate in the development of the Master Transportation Plan during its development and comment on the plan at public meetings held in 2012 and 2013; and,

WHEREAS, the City of Aberdeen City Council desires to reflect its approval of the Master Transportation Plan by adoption of the plan in its entirety and by this Resolution;

NOW THEREFORE BE IT RESOLVED by the City of Aberdeen City Council, State of South Dakota, that the Aberdeen Master Transportation Plan is hereby adopted on this 24<sup>th</sup> day of March, 2014.

Upon roll call, all voting aye, motion carried.

#### CONSENT CALENDAR

Ronayne moved, Slaughter-Hansen seconded to approve the following items on the consent calendar except the Plat of Central Villas:

NOMINATING PETITIONS – for Mayor of the City of Aberdeen for a five-year term for Mike Levsen and for City Council Member – NW District for a five-year term for Jennifer Slaughter-Hansen – receive and place on file.

SET BID DATE – of April 8, 2014 at 2:00 p.m. for acceptance of sealed bids for a five-year lease of hay land – portion of the NW ¼ of the NW ¼ of Section 16, T124N, R63W, Brown County, South Dakota (14.0 acres near Water Treatment Plant).

SET BID DATE – of April 8, 2014 at 2:00 p.m. for bids on Lime Sludge Removal Project at Water Treatment Plant.

PLATS – Plat of Heritage Estates Addition to the City of Aberdeen in the SW ¼ of Section 7, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota with stipulation that secondary means of ingress/egress is approved prior to plat being filed at the Brown County Register of Deeds Office; Plat of Dohn's Outlot 1 in the NW ¼ of Section 27, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota.

LOTTERY NOTICE – Aberdeen Family Y Camp Dreammakers – receive and place on file.

Upon roll call, all voting aye, motion carried.

#### NEW BUSINESS

##### ORDINANCE NO. 14-03-01

Ordinance No. 14-03-01 amending Ordinance No. 1164 to rezone from (I-2) District and (R-3) District to (I-2) District property described as Lot 1, UPS Addition to Aberdeen in the NW ¼ of Section 24, T123N, R64W of the 5<sup>th</sup> P.M., Aberdeen, Brown County, South Dakota was presented. Bunsness moved, Johnson seconded to approve first reading of Ordinance No. 14-03-01. Upon roll call, all voting aye, motion carried.

##### ORDINANCE NO. 14-03-02

Ordinance No. 14-03-02 amending Ordinance No. 1164 to rezone from (C-2) District to (R-3) District property described as Lot 379 and South 17' of Lot 380, Morning Heights Addition in the NE ¼ of Section 19, T123N, R63W of the 5<sup>th</sup> P.M., Aberdeen, Brown County, South Dakota was presented. Campbell moved, Rux seconded to approve first reading of Ordinance No. 14-03-02. Upon roll call, all voting aye, motion carried.

##### ORDINANCE NO. 14-03-03

Ordinance No. 14-03-03 amending Ordinance No. 1164 to rezone from (C-3) District/(R-4) District to (R-3) District property described as the South 50' of Lots 1 – 2, Block 40, Second Addition to Aberdeen in the NW ¼ of Section 24, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota was presented. Ronayne moved, Swanson seconded to approve first reading of Ordinance No. 14-03-03. Upon roll call, all voting aye, motion carried.

#### PUBLIC HEARING

This being the time and place set for a Public Hearing regarding the City of Aberdeen's Application to the State of South Dakota for \$515,000 of Community Development Block Grant Funds to assist in the construction of the Boys and Girls Club and on the City of Aberdeen community development and housing needs, Mayor Levsen opened the hearing to receive comments from members of the community. Jennifer Sietsema from NECOG was present to discuss the application. Mayor Levsen closed the hearing. Ronayne moved, Campbell seconded to approve the following Resolution No. 14-03-02R:

WHEREAS, the City of Aberdeen proposes to execute an application for \$515,000 Community Development Block Grant funds to help replace the Boys and Girls Club facility in the City of Aberdeen; and

WHEREAS, the City of Aberdeen is eligible for Federal assistance for the proposed

project; and

WHEREAS, with the submission of the Community Development Block Grant application, the City of Aberdeen assures and certifies that all Community Development Block Grant program requirements will be fulfilled; and

WHEREAS, the City of Aberdeen has held the required public hearing on Monday, March 24, 2014, for the Community Development Block Grant; and

WHEREAS, the City of Aberdeen is required to designate a certifying officer for the purpose of signing documents pertaining to this grant; and

WHEREAS, the City of Aberdeen is required to designate an environmental certifying officer for the purpose of signing required environmental documents pertaining to this grant;

NOW, THEREFORE BE IT RESOLVED, that the City Manager of the City of Aberdeen, will be authorized to execute the Community Development Block Grant application for the City of Aberdeen;

AND BE IT FURTHER RESOLVED, that the City Manager of the City of Aberdeen, be hereby designated as the City's certifying officer for the purpose of signing correspondence, pay requests, and other required documents;

AND BE IT FURTHER RESOLVED, that the City Manager of the City of Aberdeen, be hereby designated as the City's environmental certifying officer for the purpose of signing correspondence and other required documents and forms.

Upon roll call, all voting aye, motion carried.

#### RESOLUTION OF NECESSITY – ABERDEEN HOUSING AUTHORITY PROJECT

Reconsideration of a Resolution of Necessity No. 14-02-02R for the Central Villas Housing Project at 1901 South Merton Street for Aberdeen Housing Authority was presented. Joop Bollen, George Cross, Dan Zumbaum, and Grant Manhart were present to oppose the resolution. Ronayne moved, Rux seconded to renew the motion to approve the Resolution of Necessity No. 14-02-02R for the Central Villas Housing Project, to grant a waiver for building permit fees and utility hookup fees for one water and sewer connection and allow Aberdeen Housing Authority to pay a 5% Payment In Lieu of Taxes on the Central Villas Low Income Housing Project as allowed by State Statute. Upon roll call, Rux, Swanson, Slight-Hansen, Ronayne, and Mayor Levsen voting aye, Bunsness, Johnson, Campbell, and Remily voting nay, 5 ayes, 4 nays, motion carried to approve the following Resolution No. 14-02-02R:

WHEREAS, the Aberdeen Housing Authority is charged with providing and developing safe, decent, and sanitary housing within the City of Aberdeen and the surrounding area; and

WHEREAS, there is a shortage of safe, decent, and sanitary housing within the City of Aberdeen; and

WHEREAS, the Aberdeen Housing Authority proposed to construct a new low rent housing project, to be named "Central Villas", and to be located at 1901 South Merton Street in the City of Aberdeen; and

WHEREAS, pursuant to SDCL §11-7-49 et seq., the Aberdeen Housing Authority must pass a resolution of necessity prior to initiating a low rent housing project, which resolution of necessity must then be approved by the governing body of the municipality in which the project is to be located.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Aberdeen Housing Authority finds that, due to the lack of safe, decent, sanitary low rent housing within the City of Aberdeen, there is a necessity to construct a new low rent housing project in the City of Aberdeen; and

BE IT FURTHER RESOLVED that a copy of this resolution of necessity shall be presented to the City Council for the City of Aberdeen for publication and consideration.

Slaight-Hansen moved, Ronayne seconded to approve from the consent calendar the Plat of Central Villas First Addition to Aberdeen in the W1/2NE1/4 of Section 30, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota. Upon roll call, all voting aye, motion carried.

#### RESOLUTION NO. 14-03-05R

Rux moved, Johnson seconded to approve the following Resolution No. 14-03-05R :

BE IT RESOLVED by the Aberdeen City Council, Aberdeen, Brown County, South Dakota, that the Voluntary Petition to annex the following described property filed by City Manager Lynn Lander for the City of Aberdeen, South Dakota is hereby granted and the following described property is hereby added to the municipal boundaries of the City of Aberdeen, South Dakota and shall be within the city limits of said city. Said property described as follows:

Lot A in Lot 3, Pheasant Run Subdivision located in the SW ¼ of Section 11, T123N, R64W of the 5<sup>th</sup> P.M., Aberdeen, Brown County, SD and adjacent Right-Of-Way

BE IT FURTHER RESOLVED by the Aberdeen City Council, Brown County, Aberdeen, South Dakota, that the Mayor of the City of Aberdeen shall cause an accurate map of such territory together with a copy of this Resolution duly certified to be recorded in the Office of the Register of Deeds, Brown County.

Upon roll call, all voting aye, motion carried.

#### UNPAID ACCOUNTS UNCOLLECTIBLE

Rux moved, Bunsness seconded to approve to declare \$7,708.72 in unpaid ambulance accounts uncollectible and allow the Finance Office to write-off these amounts. Upon roll call, all voting aye, motion carried.

#### TRANSFER FUNDS

Ronayne moved, Johnson seconded to approve the transfer of \$300,000 from the City Hall Project Fund and \$700,000 from the Old Federal Building Fund to the Special Sales Tax Fund and supplement the respective budgets for the transferred amounts. Upon roll call, all voting aye, motion carried.

#### BIDS FOR WATERMAINS, FRAMES/GRATES, HYDRANTS AND PIPE

Bids were opened and publicly read for 2014 Watermains, Frames/Grates, Hydrants, and Sewer Pipe for the Public Works Department – Utility Division. A detailed list is on file at the City Finance Office. Bunsness moved, Swanson seconded to approve to award the Bids as follows: Schedule A - Pipe, Valves and Fittings in the amount of \$117,875.71 to HD Supply Waterworks, Schedule B – Fire Hydrants in the amount of \$31,710.00 to HD Supply Waterworks, Schedule C – Manholes and Inlets in the amount of \$18,463.00 to Ferguson Waterworks, and Schedule D – Sewer couplings and pipe in the amount of \$5,816.00 to Milbank Winwater Works, and authorize the City Manager and Finance Officer to sign all necessary documents after approval by the City Attorney. Upon roll call, all voting aye, motion carried.

#### BIDS FOR SURFACE MOUNTED HOIST

Bids were opened and publicly read for One New Four Post Surface Mounted Hoist for the Public Works Department – Street Division. A detailed list is on file at the City Finance Office. Campbell moved, Johnson seconded to award the Post Surface Mounted Hoist Bid Item #1 in the amount of \$16,410.00 to D & J Equipment Sales & Service, approve the transfer of the existing hoist to the Parks & Recreation Department, and authorize the City Manager and Finance Officer to sign all the necessary documents after approval by the City

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

**BILLS**

Ronayne moved, Rux seconded to approve the following audited bills for services, supplies, repairs and maintenance: SD Secretary of State 30.00; SD Municipal League 180.00; Wageworks 384.00; Dakotacare 38,006.63; Sanford 585.00; Aberdeen Development Corp. 25,000.00; United Parcel Service 71.61; Shirley Jacobs 33,597.91; Business Improvement District 4,954.66; RDO Equipment 11,100.00; Northwestern Energy 33,444.12. Upon roll call, all voting aye, motion carried.

**PAYROLL**

Rux moved, Swanson seconded to approve the payroll for period from March 9, 2014 through March 22, 2014 and City's share of social security, old age & survivor's insurance, retirement, health & life insurance: Wells Fargo 105,181.56; SD Retirement System 60,068.02; Governing Body 3,192.28; City Manager 6,650.71; City Attorney 3,887.20; Finance 13,534.04; HR 7,408.00; Building 529.84; Computer 3,809.60; Planning/Zoning 12,479.20; Engineering 10,460.80; Police 92,415.05; Fire 82,873.63; Fire Prevention 4,235.20; Housing/Building 5,390.40; Street 24,547.42; Traffic 4,256.58; Solid Waste 18,624.26; Transportation 14,466.54; Library 22,312.70; Parks, Rec & Forestry 73,467.74, Dennis Dahme 9.25/hr, Jessica Rappe 12.00/hr, Dan Thayer 10.50/hr; Airport 7,510.37; Pipe 21,196.10; Water Treatment 16,216.91; Meter 4,411.92; Wastewater 14,994.26; Pump 5,023.32. Upon roll call, all voting aye, motion carried.

**CITY MANAGER'S REPORT**

Lynn Lander presented the City Manager's Report.

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

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