

CITY COUNCIL PROCEEDINGS

City Council Chambers, Aberdeen Recreation and Cultural Center, 225 Third Avenue, SE Alumni Room #101, Aberdeen, South Dakota, August 25, 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, Alan Johnson, Mark Remily, Rob Ronayne, Clint Rux, Jennifer Slight-Hansen and Laure Swanson. City Council Member Todd Campbell was absent. City staff present were Robin Bobzien, Adam Altman, Brett Bill, Karl Alberts, and Al Ruhlman.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Remily moved, Johnson seconded to approve the minutes of August 18, 2014, as circulated. All present voting aye, motion carried.

PROCLAMATION

Mayor Levsen read and proclaimed September 7 – 13, 2014 as “Direct Support Professionals Recognition Week”.

OPEN FORUM - No one was present.

CONSENT CALENDAR

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

LICENSE – Home Day Care – Audra Roettele

PLATS – 1) Jensen Farms Outlots located in the SW ¼ of Section 34, T123N, R63W of the 5th P.M., Brown County, South Dakota; 2) Yeske Second Addition to the City of Aberdeen located in the NW ¼ of Section 7, T123N, R63W of the 5th P.M., Brown County, South Dakota; 3) GASCO Consolidation Subdivision located in the NE ¼ of Section 24, T123N, R64W of the 5th P.M., Aberdeen, South Dakota; 4) T. Rux Addition to the City of Aberdeen, South Dakota located in the NW ¼ of Section 24, T123N, R64W of the 5th P.M., Brown County, South Dakota; 5) Joe Ludwig Addition to the City of Aberdeen, South Dakota located in the NW ¼ of Section 13, T123N, R64W of the 5th P.M., 6) Charles Edwards Addition to the City of Aberdeen, South Dakota in the SE ¼ of Section 12, T123N, R64W of the 5th P.M.

DEPARTMENTS’ REPORTS AND MINUTES – Alexander Mitchell Library Board Minutes; Aberdeen Regional Airport Board Minutes; Board of Zoning Adjustment Minutes – receive and place on file.

LOTTERY NOTICES – Reach and Rise Youth Mentoring and Aberdeen ABATE, Inc. – receive and place on file.

All present voting aye with Rux abstaining, motion carried.

NEW BUSINESS

ORDINANCE NO. 14-08-02

Ordinance No. 14-08-02 amending Ordinance No. 1164 to rezone from (C-3) District/(R-4) District to (R-3) District property described as Lot 2, DG McLaughlin’s First Subdivision of the N. 80’ of Lots 1 – 2, Foster’s First Subdivision, Block 24, First Addition in the SW ¼ of Section 13, T123N, R64W of the 5th P.M. was presented. Remily moved, Swanson seconded to approve first reading of Ordinance No. 14-08-02. Upon roll call, all present voting aye, motion carried.

ORDINANCE NO. 14-08-04

Ordinance No. 14-08-04 amending the Aberdeen Municipal Code making certain changes to the Building Codes and related provisions was presented. Remily moved, Ronayne seconded to approve first reading of Ordinance No. 14-08-04. Upon roll call, all present voting aye, motion carried.

RESOLUTION NO. 14-08-03R

Resolution No. 14-08-03R to designate the law firm of Bantz, Gosch & Cremer, LLC as the City's interim legal counsel effective August 26, 2014 was presented. Remily moved, Bunsness seconded to approve Resolution No. 14-08-03R. Ronayne moved, Bunsness seconded to amend the Resolution to include compensation for legal services for Adam Altman if needed. All present voting aye, motion carried to amend Resolution No. 14-08-03R as follows:

**RESOLUTION DESIGNATING THE EMPLOYMENT OF AN INTERIM
CITY ATTORNEY FOR THE CITY OF ABERDEEN, SOUTH DAKOTA**

WHEREAS, the City Council of the City of Aberdeen finds it necessary to establish legal counsel on an interim basis to represent the City of Aberdeen in all City matters.

WHEREAS, Bantz, Gosch & Cremer, LLC in Aberdeen, South Dakota is an experienced law firm with extensive knowledge of local government law; and

WHEREAS, Attorney Ron Wager of Bantz, Gosch & Cremer, LLC shall be the primary attorney to perform the Statutory and City Code duties and responsibilities for the City of Aberdeen; and

WHEREAS, Attorney Marshall Lovrien of Bantz, Gosch & Cremer, LLC will also share in performing the Statutory and City Code duties and responsibilities as needed; and

WHEREAS, Attorney Adam Altman may also be utilized by the City of Aberdeen on an hourly basis at the discretion of the City Manager and be compensated at the rate of \$175.00 per hour for any legal services contracted; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Aberdeen, in accordance with SDCL §9-14-23, hereby contracts for legal services with, and appoints Bantz, Gosch & Cremer, LLC for the purpose of being the City of Aberdeen's primary legal counsel on an interim basis to perform the Statutory and City Code duties and responsibilities when necessary.

BE IT FURTHER RESOLVED that the law firm of Bantz, Gosch & Cremer, LLC shall serve with bond or undertaking, and shall be compensated at \$12,500 per month.

BILLS

Johnson moved, Slaight-Hansen seconded to approve the following audited bills for services, supplies, repairs and maintenance: Northwestern Energy 25,059.80; Dakotacare 109,705.67; Business Improvement District 279.78; CVB 26,173.84; Dakota Transit Association 300.00; Alex Air Apparatus, Inc. 505.13; Fleet Services 304.72; CenturyLink 3,431.76; J & K Mowing Service 167.50. Upon roll call, all present voting aye, motion carried.

PAYROLL

Rux moved, Johnson seconded to approve the payroll for period from August 10, 2014 through August 23, 2014 and City's share of social security, old age & survivor's insurance, retirement, health & life insurance: Wells Fargo 137,292.74; SD Retirement System 64,319.57; Governing Body 3,374.97; City Manager 6,650.71; City Attorney 3,887.20; Finance 13,507.29; HR 7,408.00; Building 222.87; Computer 3,809.60; Planning/Zoning 12,479.20; Engineering 11,044.64; Police 103,887.31, Carla Bierne 61.88/bw, Aaron Chittum 21.51/hr, Debbie Dell 223.50/bw, Vickie Hoerner 61.88/bw, Samantha Huber 50.63/bw, Katie Kirchgasser 101.25/bw, Holly Roggow 123.75/bw, Kaylene Sauer 50.63/bw, Cindie Stoebner 101.25/bw, Tammy Wasem 223.50/bw; Fire 90,044.04; Fire Prevention 4,086.80; Housing/Building 5,390.40; Street 25,319.24; Traffic 4,529.79; Solid Waste 21,519.90; Transportation 14,279.53; Library 22,092.44, Joanne Freitag 8.00/hr, Debra Smith 8.00/hr; Parks, Rec & Forestry 143,598.16, Ashton Bjur 8.75/hr, McKayla Carda 8.25/hr, Michele Fritz 9.50/hr, Kiernan McCranie 8.25/hr, Jennifer Mesmer 8.50/hr,

Athony Morrissey 11.00/hr, Morgan Morrissey 8.50/hr, Ivori Moser 9.25/hr or 15.75/class, Kaitlin O'Neill 8.75/hr, Arionne Reiter 8.00/hr, Denae Schatz 9.75/hr, Andrea Sjomeling 9.50/hr, Tyler Weathersby 9.25/hr or 15.75/class, Nathan Wiley 9.25/hr or 15.75/class, Nicole Zelmer 9.00/hr; Airport 13,119.61; Pipe 23,964.19, Brian Hansen 14.86/hr; Water Treatment 16,018.27; Meter 4,166.73; Wastewater 18,930.97; Pump 5,976.93. Upon roll call, all present voting aye, motion carried.

EXECUTIVE SESSION

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

There being no further business, Johnson moved, Swanson 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/COUNTY PROCEEDINGS

Brown County Commission Chambers, 25 Market Street, Aberdeen, South Dakota, August 26, 2014, 8:45 a.m., Joint City/County Meeting. Deputy Mayor Rob Ronayne presiding. Present at roll call were City Council Members David Bunsness, Alan Johnson, Jennifer Slaight-Hansen, and Laure Swanson. Mayor Mike Levsen and City Council Members Todd Campbell, Mark Remily, and Clint Rux were absent. City staff present were Brett Bill and Karl Alberts. Brown County Commissioners present were Tom Fischbach, Mike Wiese, Nancy Hansen, Duane Sutton, and Rachel Kippley.

ORDINANCE NO. 14-08-01

Ordinance No. 14-08-01 amending Ordinance No. 1164 to rezone from (A-1) District to (C-2) District property described as the East 488.98' of the West 1,037.3' of the North 670.16' of the NW ¼ of Section 23, T123N, R63W except the highway was presented. Bunsness moved, Swanson seconded to approve first reading of Ordinance No. 14-08-01. Upon roll call, all present voting aye, motion carried.

Wiese moved, Hansen seconded to approve first reading of Ordinance No. 14-08-01-438 as presented. All voting aye, motion carried.

ORDINANCE NO. 14-08-03

Ordinance No. 14-08-03 amending Ordinance No. 1164 to rezone from (A-1) District and (M-AG) District to (M-AG) District property described as Fonder Outlot 1 and Lots 11, 12, and 13, Block 3, Moulton's First Subdivision in the SE ¼ of Section 2, T123N, R64W of the 5th P.M. was presented. Johnson moved, Swanson seconded to approve first reading of Ordinance No. 14-08-03. Upon roll call, all present voting aye, motion carried.

Kippley moved, Wiese seconded to approve first reading of Ordinance No. 14-08-03-439 as presented. All voting aye, motion carried.

There being no further business, Bunsness moved, Slaight-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.