

City Council met for a Work Session at 4:00 p.m. on September 22, 2014 in City Council Chambers, 225 Third Avenue, SE, for a discussion on Deer Management with Nick Cochran, SD Wildlife Conservation Officer and Jacquie Ermer, Regional Wildlife Manager. No action was taken.

CITY COUNCIL PROCEEDINGS

City Council Chambers, Aberdeen Recreation and Cultural Center, 225 Third Avenue, SE Alumni Room #101, Aberdeen, South Dakota, September 22, 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, Rob Ronayne, Clint Rux, Jennifer Slaughter-Hansen and Laure Swanson by telecommunication. City staff present were Lynn Lander, Ron Wager, Robin Bobzien, Brett Bill, Karl Alberts, Shirley Arment, Doug Johnson, Dave McNeil, and Janel Ellingson.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Ronayne moved, Johnson seconded to approve the minutes of September 15, 2014, as circulated. All voting aye, motion carried.

OPEN FORUM

Mark Rich was present to discuss downtown sign ordinances. Heidi Appl of the Aberdeen Downtown Association also spoke about the sign ordinances. Peter Ramey was present to discuss the Library Project.

OLD BUSINESS

ORDINANCE NO. 14-09-06

Campbell moved, Rux seconded to approve second reading and final adoption of Ordinance No. 14-09-06 setting the fees and charges for certain services provided by the City of Aberdeen for 2015. Upon roll call, all voting aye, motion carried.

RESOLUTION NO. 14-09-02R

Resolution No. 14-09-02R continued from last week's City Council Meeting approving the 2015-2019 Capital Improvement Program with or without amendments was presented. Campbell moved, Remily seconded to amend to reduce the bond payment for Library Bonds to \$350,000 from \$450,000 per year. Upon roll call, Rux, Swanson, Campbell, and Remily voting aye, Bunsness, Johnson, Slaughter-Hansen, Ronayne, and Mayor Levsen voting nay, motion failed. Rux moved, Remily seconded to approve Resolution No. 14-09-02R as follows:

WHEREAS, the Aberdeen Home Rule Charter provides for the submission of a Five Year Capital Program to be proposed no later than the final date for submission of the budget, and

WHEREAS, the City Manager has presented a capital program as required by his duties as City Manager with a public hearing being held on August 18, 2014 with the published notice on August 7, 2014, stating the meeting time and place, and

WHEREAS, the City Council is required to adopt the capital program by resolution after the public hearing with or without amendments to the capital program.

NOW, THEREFORE BE IT RESOLVED, that the City Council approves the capital program as presented by the City Manager and proposed at the public hearing held on August 18, 2014, without any amendments.

Upon roll call, Rux, Bunsness, Johnson, Slaughter-Hansen, Ronayne, Remily, and Mayor Levsen voting aye, Swanson and Campbell voting nay, motion carried.

CONSENT CALENDAR

Ronayne moved, Johnson seconded to approve the following items on the consent

calendar:

SET BID DATE – of October 7, 2014 at 2:00 p.m. for an advertisement for bids on Traffic Signal Improvements Project TRAFFIC-2014-2.

SET HEARING DATE – of October 14, 2014 at 5:30 p.m. for a petition to vacate public right-of-way for 3,507 sq. ft. Portion of Oakwood Lane Right-Of-Way being a part of Luitjens Addition to Ashwood Heights Subdivision to the City of Aberdeen in the SW ¼ of Section 8, T123N, R63W of the 5th P.M.

PLATS – 1) O'Reilly Addition to the City of Aberdeen in the NE ¼ of Section 19, T123N, R63W of the 5th P.M., Brown County, South Dakota; 2) Park Ridge Estates Seventh Addition in the SE ¼ of Section 10, T123N, R64W of the 5th P.M., Brown County, South Dakota with stipulation that property be rezoned to Medium Density Residential District; 3) Luitjens Addition to Ashwood Heights Subdivision to the City of Aberdeen in the SW ¼ of Section 8, T123N, R63W of the 5th P.M., Brown County, South Dakota; 4) Markovetz 1st Improvement Subdivision in Aberdeen, South Dakota located in the SE ¼ of Section 14, T123N, R64W of the 5th P.M.; 5) Rivett Sixth Ave. Second Addition to Aberdeen in the SW ¼ of Section 17, T123N, R63W of the 5th P.M., Brown County, South Dakota

LICENSES – Sidewalk Contractor – Terumm Contractors Inc.; Taxi Cab Driver – Justin Hammond and Ted Watson; Private Security – Brandon Mills and Jeffrey Black.

LOTTERY NOTICE – Presentation College Advancement – receive and place on file.

Upon roll call, all voting aye, motion carried.

NEW BUSINESS

ORDINANCE NO. 14-09-01

Ordinance No. 14-09-01 amending Ordinance No. 1164 to rezone certain described property from (C-2) District to (R-3) District for Lot 6, Block 49, Bennett & Thomas Addition in the NW ¼ of Section 13, T123N, R64W of the 5th P.M. was presented. Ronayne moved, Remily seconded to approve first reading of Ordinance No. 14-09-01. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 14-09-02

Ordinance No. 14-09-02 amending Ordinance No. 1164 to rezone certain described property from (C-2) District to (R-3) District for Lots 76 and 77, Morning Heights Addition in the NW ¼ of Section 19, T123N, R64W of the 5th P.M. was presented. Johnson moved, Rux seconded to approve first reading of Ordinance No. 14-09-02. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 14-09-03

Ordinance No. 14-09-03 amending Ordinance No. 1164 to rezone certain described property from (C-3) District to (R-3) District for the North 24' of Lot 3, Block 15, North Aberdeen Addition in the NW ¼ of Section 13, T123N, R64W of the 5th P.M. was presented. Rux moved, Bunsness seconded to approve first reading of Ordinance No. 14-09-03. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 14-09-04

Ordinance No. 14-09-04 amending Ordinance No. 1164 to rezone certain described property from (C-2) District to (R-3) District for Lots 7 – 12, Block 15, Thomas Addition in the NE ¼ of Section 24, T123N, R64W of the 5th P.M. was presented. Johnson moved, Bunsness seconded to approve first reading of Ordinance No. 14-09-04. Upon roll call, all voting aye, motion carried.

TAX INCREMENT FINANCE DISTRICT NO. 23

Tax Increment Finance District No. 23 Project Plan for the Depot Revival, LLC was presented. Attorney Rod Tobin, Attorney Matt Campbell, and Tom Hurlbert of Depot Revival, LLC were present to describe the project. Campbell moved, Remily seconded to

approve Resolution No. 14-09-03R as follows:

WHEREAS, a public hearing was held before the Planning Commission of the City of Aberdeen, South Dakota, on September 16, 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. 23 and its proposed boundaries; and

WHEREAS, the Planning Commission of the City of Aberdeen did at its regular meeting on September 16, 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. 23; and

WHEREAS, the Planning Commission of the City of Aberdeen, South Dakota, at its regular meeting on September 16, 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. 23 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 done 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 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. 23 be and the same are hereby designated as:

Lot 1A and Lot 2A in Block 43 of Thomas Addition to the City of Aberdeen, Brown County, South Dakota

Spitzer-Miller First Addition to the City of Aberdeen in the NW ¼ of Section 24, T123N, R64W of the 5th P.M., Brown County, South Dakota

and that specific lots to be included in said Tax Incremental District No. 23 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. 23 contains property not less than 25% by area of which is blighted because of dilapidation, age, obsolescence, deterioration of the site and other improvements, lack of use 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 significantly enhance the value of substantially all other real property within the area and immediately adjacent thereto, and if such Tax Incremental District is created there is a likelihood that there will be additional development in the proposed Tax Incremental District No. 23 enhancing the area and improving the tax bases of the City of Aberdeen; and

BE IT FURTHER RESOLVED that the district is hereby created with an effective date of September 22, 2014.

BE IT FURTHER RESOLVED that the district shall be named and designated as Tax Incremental District No. 23 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 September 16, 2014, be and the same is hereby approved and adopted and 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 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.

COMMUNITY EVENT PERMIT AND SPECIAL ALCOHOL LICENSE

Remily moved, Ronayne seconded to approve a Community Event Permit for the Aberdeen Oktoberfest at the Civic Arena and Central Park including Special One-Day Retail Malt Beverage and Wine Licenses for Pounders, Inc. at the Event to be held on October 11, 2014 from 12:00 noon to 12:00 midnight. Upon roll call, all voting aye, motion carried.

HEARING ON TRANSFER OF ALCOHOL LICENSE

This being the time and place set for a hearing on a transfer of a Retail On-Sale Liquor License, recommendations for approval were received, Remily moved, Ronayne seconded to approve the transfer of Retail On-Sale Liquor License from Jeton Avidiu dba Roma Ristorante Italiano, 104 South Main Street to Refik R. Ismaili dba Roma Ristorante Italiano, 104 South Main Street. Upon roll call, all voting aye, motion carried.

ARCHITECTUAL SERVICES FOR NEW LIBRARY

Ronayne moved, Johnson seconded to select and enter into an agreement with CO-OP Architecture as the City's Architect to design a new library for a fee of \$389,984, which includes subconsultant fees for mechanical engineer, electrical engineer, structural engineer, civil engineer, landscape architect and cost estimator. Upon roll call, Rux, Swanson, Business, Johnson, Slight-Hansen, Ronayne, and Mayor Levsen voting aye, Campbell and Remily voting nay, motion carried.

STATE FINANCIAL AGREEMENT FOR RIDE LINE

Ronayne moved, Remily seconded to approve and authorize the City Manager to sign the SD Department of Transportation Financial Agreement under Section 5311 of the Surface Transportation Assistance Act for Aberdeen Ride Line. Upon roll call, all voting aye, motion carried.

BIDS FOR STORM SEWER PIPING PROJECT

Bids were received and publicly opened for the Storm Sewer Piping Material Project SS-2014-2. A detailed list of the bids is on file at the City Finance Office. Bunsness moved, Johnson seconded to award the Storm Sewer Piping Material Bid to Milbank Winwater in the amount of \$76,500 and authorize the City Manager and City Finance Officer to sign all necessary documents after approval by the City Attorney. Upon roll call, all voting aye, motion carried.

RESOLUTION NO. 14-09-04R

Ronayne moved, Remily seconded to approve Resolution No. 14-09-04R as follows:

WHEREAS, the City of Aberdeen proposes to construct walking/biking paths in Aberdeen; and

WHEREAS, the City of Aberdeen now requests financial assistance to complete the proposed project; and

WHEREAS, the project is eligible for the Transportation Alternative Program grant funds under the Federal Highway Administration.

NOW THEREFORE, BE IT RESOLVED that the proposed project will meet all local planning, zoning and City Ordinances requirements; and

NOW, THEREFORE BE IT RESOLVED that the City of Aberdeen supports the project and the submittal of a Transportation Alternatives Program application; and

THEREFORE, BE IT ALSO RESOLVED that, if funded, the City of Aberdeen will pay for the required local match for the project.

THEREFORE, BE IT ALSO RESOLVED that the City of Aberdeen agrees to maintain the project, if funded, throughout its useful life and that the city understands that a project maintenance agreement will be required by the South Dakota Department of Transportation and the Federal Highway Administration; and

THEREFORE, BE IT ALSO RESOLVED that the City of Aberdeen authorizes the Mayor to execute the Transportation Alternatives Program application.

Upon roll call, all voting aye, motion carried.

BILLS

Ronayne moved, Remily seconded to approve the following audited bills for services, supplies, repairs and maintenance: Northwestern Energy 13,703.88; Dependable Sanitation 52.00; Dakotacare 38,142.87; Wameworks 384.00; Sanford 40.00; Cardinal Tracking Inc. 2,588.40; J & K Mowing Service 362.50; M & T Fire and Safety 6,129.58; DEX Media 20.35; Mike Levsen 132.15; United Parcel Service 109.71; Olson's Pest Technicians 900.00; B & B Contracting 1,382.60; Sertoma Club 73,750.00; Beverly Werner 19.23; Eddie Falcon 69.28; GPHC, LLC 425.38; Mervin Goehring 26.24; Stuart L. Gulden 12.96; Aberdeen Area Autism Support Group 50.00; Cody Wells 100.00; Fallout Creative Community 50.00; Morrison Construction 78,915.29; Homes Are Possible Inc. 9,310.00. Upon roll call, all voting aye with Mayor Levsen abstaining, motion carried.

PAYROLL

Remily moved, Slaight-Hansen seconded to approve the payroll for period from September 7, 2014 through September 20, 2014 and City's share of social security, old age & survivor's insurance, retirement, health & life insurance: Wells Fargo 112,496.65; SD Retirement System 61,590.80; Governing Body 3,192.28; City Manager 6,650.71; Fiannce 13,577.93; HR 7,408.00; Building 294.35 ; Computer 3,809.60; Planning/Zoning 12,479.20; Engineering 11,096.39; Police 101,619.79, Dave McNeil 2,890.18/bw, Eric Duven 2,149.01/bw; Fire 87,296.27, Matthew Cler 14.99/hr; Zachary Hanson 14.99/hr, Joshua Poppen 14.99/hr, Nathan Sturgeon 14.99/hr; Fire Prevention 4,235.20; Housing/Building 5,390.40; Street 24,564.80; Traffic 4,287.30; Solid Waste 17,919.20; Transportation 14,749.73; Library 21,947.71; Parks, Rec & Forestry 88,720.64, Mikayla Braun 9.00/hr, Morgan Kadoun 9.25/hr, Kacy Lanphere 9.50/hr or 16.00/hr, Lauren McCafferty 9.00/hr, Sarah Meland 9.52/hr, Nicole Outka 8.50/hr, Jennifer Schell 9.50/hr or 16.00/hr, Tanner White 11.00/hr; Airport 12,566.86; Pipe 21,339.88; Water Treatment 15,954.52; Meter 4,076.00; Wastewater 16,824.04; Pump 5,378.64. Upon roll call, all voting aye, motion carried.

CITY MANAGER'S REPORT

Lynn Lander presented the City Manager's Report.

EXECUTIVE SESSION

Remily moved, Rux seconded to move into executive session for personnel performance discussion. All voting aye, motion carried. Bunsness moved, Rux seconded to move out of executive session. All voting aye, motion carried.

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

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