

CITY COUNCIL PROCEEDINGS

City Council Chambers, Aberdeen Recreation and Cultural Center, 225 Third Avenue, SE Alumni Room #101, Aberdeen, South Dakota, October 27, 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 Slight-Hansen and Laure Swanson. City staff present were Lynn Lander, Ron Wager, Robin Bobzien, Brett Bill, Karl Alberts, Dave McNeil, and Shirley Arment.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Ronayne moved, Rux seconded to approve the minutes of October 20, 2014, as circulated. All voting aye, motion carried.

OPEN FORUM – no one was present.

OLD BUSINESS

ORDINANCE NO. 14-10-02

Johnson moved, Ronayne seconded to approve second reading and final adoption of Ordinance No. 14-10-02 supplementing the 2014 Budget for various unanticipated projects, activities, and expenses. Upon roll call, all voting aye, motion carried.

CONSENT CALENDAR

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

LICENSE – Home Day Care – Jennifer L. Bruce

SET HEARING DATE – of November 17, 2014 at 5:30 p.m. for the petition to vacate public right-of-way for the 1 wide x 5 long alley lying east and adjacent to Lot 23 and Lot 24, Block 38, Hagerty and L Addition to Aberdeen in the NE ¼ of Section 13, T123N, R64W.

PLATS – 1) Double D Body Shop Addition to the City of Aberdeen in the NW ¼ of Section 13, T123N, R64W of the 5th P.M., Brown County, South Dakota; 2) Hagerty and L Eighth Subdivision in the NE ¼ of Section 13, T123N, R64W of the 5th P.M., Aberdeen, South Dakota.

LOTTERY NOTICE – Catholic Daughters of the Americas – receive and place on file.

~~D E P R E P O R T S A N D M I N U T E S~~ Aberdeen City Planning Commission Minutes; Alexander Mitchell Library Board Minutes; Board of Zoning Adjustment Minutes; Brown County/Aberdeen City Planning Commission Minutes – receive and place on file.

RESOLUTION NO. 14-10-05R – Resolution affirming the determination of the Planning and Zoning Director finding a nuisance and ordering abatement of such nuisance by the property owner. Swanson moved, Bunsness seconded to approve to affirm the decision of the Planning and Zoning Director dated September 24, 2014, and thereby declare a nuisance at 1415 8th Ave., SW and the abatement thereof. Motion carried by voice vote. Resolution No. 14-10-04R is hereby submitted in the minutes as follows:

WHEREAS, the City Council on October 14, 2014, heard the Appeal of Steven D. Smith, owner of the property at 1415 8th Ave., SW in Aberdeen, of the determination by the Planning and Zoning Director affirming notice of violation and order of Code Enforcement Office to abate the nuisance at 1415 8th Ave., SW; and

WHEREAS, Steven D. Smith appeared personally and presented evidence and argument; and

WHEREAS, Planning and Zoning Director, Brett Bill, appeared personally and presented evidence and argument; and

WHEREAS, the Council received and reviewed the following documents:

1. Narrative and photographs of property obtained by CO Rob Baumgartner;

2. Notice and Order of Code Enforcement Office dated 9-18-14;
3. Mr. Smith handwritten appeal dated 9-19-14;
4. Determination of Planning and Zoning Director dated 9-24-14;
5. Mr. Smith handwritten appeal of determination dated 9-29-14;
6. Article V. Nuisances, Chapter 26 – Health and Sanitation;
7. Article VIII. Abandoned or Inoperative Vehicles, Chapter 52 – Traffic and Vehicles, Sec. 52-365; and
8. Mr. Smith handwritten letter dated 10-8-14; and

WHEREAS, a majority of the Council finds that all notices were timely provided to Mr. Smith and the procedure set forth in Sec. 26-123 is lawful and was followed in all respects; and

WHEREAS, a majority of the Council finds that at the time of the D i r determination a nuisance existed at 1415 8th Ave., SW in, violation of Sec. 26-118(c)(5), in that unlicensed motor vehicles, as defined by Sec. 52-635, were stored, collected, accumulated or piled and were not stored inside a building, and that such unlicensed motor vehicles were not in a solid fenced enclosure on the licensed premises of a licensed junk dealer or in an appropriate storage place/depository maintained in a lawful place and manner by the City; and

WHEREAS, a majority of the Council finds that the Property Owner shall abate the nuisance; and

WHEREAS, a majority of the Council finds the failure by the Property Owner to comply with the notice and order will result in further action by the City, including the abatement of said nuisance and the assessment of costs associated with the same, as provided for by Ordinance.

IT IS HEREBY RESOLVED as follows:

1. The determination of the Planning and Zoning Director dated September 24, 2014, is Affirmed as the Director acted lawfully and did not abuse his discretion in affirming the Notice and Order of the Code Enforcement Office dated September 19, 2014;
2. A nuisance exists at 1415 8th Ave., SW in, violation of Sec. 26-118 (c)(5), in that unlicensed motor vehicles, as defined by Sec. 52-635, were stored, collected, accumulated or piled and were not stored inside a building, and that such unlicensed motor vehicles were not in a solid fenced enclosure on the licensed premises of a licensed junk dealer or in an appropriate storage place/depository maintained in a lawful place and manner by the City;
3. The failure or refusal of the Property Owner to comply with the Notice and Order of the Code Enforcement Office will result in further action by the City, including the abatement of said nuisance and the assessment of costs associated with the same, as provided for by Ordinance.

Motion to approve items on the consent calendar passes by voice vote.

NEW BUSINESS

RESOLUTION NO. 14-10-04R

Bunsness moved, Slaight-Hansen seconded to approve Resolution No. 14-10-04R as follows:

RESOLUTION LEVYING AN ANNUAL SPECIAL ASSESSMENT FOR PARKING FACILITIES

WHEREAS, the City of Aberdeen did adopt an ordinance creating an appointive board to manage public parking facilities, and

WHEREAS, the board appointed to manage said parking facilities has determined that there is needed the total sum of Ninety-one thousand one hundred dollars (\$91,100) to operate

said parking facilities for the year 2015 and have recommended to the Aberdeen City Council that they cause to be levied a special assessment in the parking district sufficient to raise said sum to be used for the purpose of operating, maintaining and repairing the public parking facilities to be managed by the board so appointed, and

WHEREAS, the Board so appointed is to manage and operate all City-owned parking lots and facilities, except on-street parking, in the area defined in the Revised Ordinances of Aberdeen, South Dakota, and

WHEREAS, the governing body of the City of Aberdeen has determined that there is to be during the year 2014 (collectible in 2015) levied an annual special assessment (collectible in 2015) against all real property in the parking district the amount as recommended for the purpose of operating, maintaining and repairing said public parking facilities for the year 2015, and

WHEREAS, it has been determined that the annual special assessment shall be apportioned against the real property within the boundaries of the area designated according to the benefits to accrue to said property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNCILMEMBERS, and they hereby find, determine and declare that it is necessary to levy during the year 2014 a total annual special assessment for the purpose of operating, maintaining and repairing the public parking facilities managed by the board the sum of Ninety-one thousand one hundred dollars (\$91,100) to be used during the year 2015, and that said sum shall be assessed against all assessable lots and tracts of land within the boundaries of the areas so designated, according to the benefits to accrue to said property, and said Board of Councilmembers hereby determine that the benefit formula to be used in said district shall be arrived at by determining the total value of all assessable property in said district, and to make a determination as to real property that is used 100% as residential property, and that property used 100% for residential purposes is only to be assessed at 25% of its total assessed value for the purpose of this special assessment, and that based upon said assessable value determine a levy sufficient to raise the total sum required for operation of said parking district, and that the amount of assessed valuation of real property will be the same as the amount shown on the Notice of Assessed Valuation. Each lot shall be assessed the pro rata+ share of the total sum of the special assessment per its assessed valuation.

BE IT FURTHER RESOLVED that the City of Aberdeen hereby directs that the amount of assessment above described to the general assessment to the County Auditor to be collected as municipal taxes for general purposes, and the property owners are to be notified of said special assessment in the same manner that they are notified of general assessment, and the assessment shall be subject to review and equalization in the same manner as assessments or taxes for general purposes.

All voting aye, motion carried.

LIBRARY CONTRACT WITH BROWN COUNTY

Campbell moved, Rux seconded to approve a contract for \$12,000 with Brown County for City Library Services. All voting aye, motion carried.

REQUEST TO PURCHASE SWEEPER

Ronayne moved, Campbell seconded to approve the purchase of an Elgin Street Sweeper for the Street Department from Sanitation Products in the amount of \$183,196.00 and authorize the City Manager and City Finance Officer to sign all necessary documents after approval by the City Attorney. All voting aye, motion carried.

BILLS

Johnson moved, Rux seconded to approve the following audited bills for services, supplies, repairs and maintenance: Northwestern Energy 34,979.57; Dakotacare 218,499.94;

Wageworks 384.00; Sanford 2,460.00; Homes Are Possible Inc 1,050.00; Taylor Laundry 52.50; Fleet Services 260.09; Elmer Zahn 15.00; United Parcel Service 134.84; Aberdeen CVB 44,185.28; B & B Contracting 22,308.88; Dependable Sanitation 52.00; MARCO Inc 25.50; Terry Goldade 26.73; Presentation College 387.51; Jacob Keller 26.45; Aberdeen Area Arts Council 7,204.80. Upon roll call, all voting aye, motion carried.

CITY MANAGER'S REPORT

City Manager Lynn Lander presented his report to the Council. City Engineer Robin Bobzien updated the Council on the Kline Street and Roosevelt Street Projects.

There being no further business, Bunsness moved, Rux seconded that the meeting be adjourned. All 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, October 28, 2014, 8:45 a.m., Joint City/County Meeting. Mayor Mike Levsen presiding. Present at roll call were City Council Members Todd Campbell, Alan Johnson, Mark Remily, Rob Ronayne, and Clint Rux. City Council Members David Bunsness, Jennifer Slight-Hansen, and Laure Swanson were absent. Brown County Commissioners present were Mike Wiese, Nancy Hansen, Duane Sutton, and Rachel Kippley. Brown County Commissioner Tom Fischbach was absent. City staff present were Brett Bill and Karl Alberts.

ORDINANCE NO. 14-10-01

Ordinance No. 14-10-01 amending Ordinance No. 1164 to rezone certain described property from (A-1) District to (R-2) District property described as Lot 1, Parkway Subdivision in the SE ¼ of Section 20, T123N, R63W was presented. Rux moved, Remily seconded to approve first reading of Ordinance No. 14-10-01. Upon roll call, all present voting aye, motion carried.

Hansen moved, Wiese seconded to approve first reading of Ordinance No. 14-10-01-440 as presented. All present voting aye, motion carried.

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

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