

## CITY COUNCIL PROCEEDINGS

City Council Chambers, Aberdeen Recreation and Cultural Center, 225 Third Avenue, SE Alumni Room #101, Aberdeen, South Dakota, December 15, 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, 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 Jay Tobin.

Mayor Levsen led the Pledge of Allegiance.

## MINUTES

Ronayne moved, Johnson seconded to approve the minutes of December 8, 2014, as circulated. All present voting aye, motion carried.

OPEN FORUM

Kellie Jones was present with a petition signed by 75 residents in the neighborhood of 15<sup>th</sup> Avenue, SW and 9<sup>th</sup> Street requesting a yield or stop sign at that intersection. Duane Riedel was present to discuss renovation of the current library rather than building a new structure. Tom Hurlbert was present to discuss a "Construction Manager at Risk" for the new library project.

OLD BUSINESS

## CONTINUED – DEMOLITION PERMIT IN HISTORIC DISTRICT

Campbell moved, Ronayne seconded to accept the recommendation of the Planning & Zoning Department and to enter a final determination approving the issuance of a demolition permit for the house and accessory structure at 405 4<sup>th</sup> Ave., SE (a/k/a 311 Kline St. S.), which property is located within the Hagerty & Lloyd Historic District. Motion carried by voice vote. Resolution No. 14-12-01R is hereby adopted as follows:

WHEREAS, the owner of the property at 405 4<sup>th</sup> Ave., SE (a/k/a 311 Kline St. S.), which property is located within the Hagerty & Lloyd Historic District, applied to the Aberdeen Planning & Zoning Department ("Department") for the issuance of a demolition permit for the house and accessory structure located thereon (hereafter "historic property"); and

WHEREAS, the Department completed a review of the entire file, including the case report submitted by the property owner, the investigation conducted by Aberdeen Code Enforcement, and the recommendations of the Aberdeen/Brown County Landmarks Commission and the South Dakota State Historical Society; and

WHEREAS, Planning and Zoning Director, Brett Bill, 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 demolition permit for the historic property; and

WHEREAS, the City Council considered the application and the factors set forth in SDCL §1-19A-11-1; and

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

1. The property owner provided estimates from various contractors to renovate the house on the historic property. Those estimates show necessary interior and structural repair costs of approximately \$175,000 before considering the cost of exterior renovations, including siding, roofing, etc. Total project costs to make the house habitable would likely exceed \$200,000. Such costs make renovation of the house prohibitive for the current owner.
2. If the historic property was listed for sale in its current condition, location, and lot size, the projected renovations costs likely would hinder a sale of the historic property.
3. It is unlikely that an occupying owner in the historic property's market range could or

would have the financial ability to restore the historic property, thus leading to further deterioration of the historic property.

4. There is no possibility of renting the historic property either in its current condition or with varying amounts of renovations and remodeling that could bring a positive return on investment.
5. Comparisons of similar houses on the market in Aberdeen demonstrate that the expected fair market value of the renovated historic property, for financing and resale purposes, would be less than the projected \$200,000 cost of improvements.
6. It is not economically feasible for the property owner to incur the projected renovations costs.
7. The effects of the proposed demolition should have little negative impact on neighboring properties. This historic property is currently a detriment to the neighborhood due to its state of deterioration. Demolition would benefit properly-maintained residences in the neighborhood.
8. The Aberdeen Code Enforcement Office has been in communication with the property owner in regards to the deteriorated condition of the historic property since 2010.
9. Code Enforcement has determined that the historic property is inhabitable and is a public nuisance in violation of Aberdeen City Code §26-118.
10. Concerned citizens in the neighborhood have requested abatement of the nuisance by repair or demolition of the historic property in question.
11. Professional assessments of the value and basic structural condition of the historic property and estimates of a range of rehabilitation or mitigation options all point towards demolition of the structure as the only feasible and prudent alternative.
12. No other feasible and prudent alternative to demolition exists and all possible planning to minimize harm to the historic property has been fairly considered.
13. A public hearing was held by the Aberdeen/Brown County Landmarks Commission on October 16, 2014. No person appeared before the Commission in opposition of the property owner's application for a demolition permit. The property owner, through its representative Dan Zumbaum, and Aberdeen Code Enforcement Officer Mike Olson, spoke in support of demolition of the historic property at the hearing.
14. The decision of the Aberdeen/Brown County Landmarks Commission dated October 20, 2014, has been reviewed and considered in making this determination.
15. The November 6, 2014 letter entitled "SDC: §1-19A-11.1 Consultation" from the South Dakota State Historical Society has been reviewed and considered in making this determination.
16. The Aberdeen City Code has no ordinance requiring property owners to maintain historic properties or landmarks against decay and deterioration.
17. The historic property provides little contribution to the historic district and its removal will not impact other historic resources within the community or region.
18. Removal of the historic property is unlikely to have adverse effects on surrounding historic resources, community reservation plans, or long-range community opportunities.
19. The appearance and condition of the historic property pose dangers and nuisances to adjacent properties and greatly reduce the appearance of the other properties within the Hagerty & Lloyd Historic District. The integrity of the district will not be jeopardized by removal of the historic property.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The application for a demolition permit for the house and accessory structure at 405 4<sup>th</sup> Ave., SE (a/k/a 311 Kline St. S.), which property is located within the Hagerty & Lloyd Historic District, is hereby approved.

2. The City Council makes this determination, based upon the consideration of all relevant factors, that there is no feasible and prudent alternative to the demolition 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.

#### CONSENT CALENDAR

Bunsness moved, Johnson seconded to approve the following items on the consent calendar:

RENEWAL OF 2015 RETAIL ON-SALE LIQUOR LICENSE – for the Flame Inc. dba Flame Café-Lounge, 2 S. Main Street.

SET HEARING DATE – of December 29, 2014 at 5:30 p.m. for an application for a Special One-Day Sale Wine and Retail On-Off Sale Malt Beverage Licenses for Aberdeen Area Chamber of Commerce dba Business After Hours, Aberdeen Development Corp., 416 Production Street.

LICENSES – Taxi Cab Driver – Michael Bertsch; Private Security – Lesley Farmen; Private Security – Gene Storly.

All present voting aye, motion carried.

#### NEW BUSINESS

##### ORDINANCE NO. 14-12-02

Ordinance No. 14-12-02 supplementing the 2014 Budget for various unanticipated projects, activities, and expenses was presented. Rux moved, Slight-Hansen seconded to approve first reading of Ordinance No. 14-12-02. Upon roll call, all present voting aye, motion carried.

##### REQUEST FOR EASEMENT

Ronayne moved, Rux seconded to approve a request from William Schaubman for a temporary easement to allow a wheelchair ramp to extend into the public right-of-way at 1002 S. Dakota Street. All present voting aye, motion carried.

##### PENNY OF SALES TAX FOR INFRASTRUCTURE

Ronayne moved, Rux seconded the motion to approve the request by the South Dakota Municipal League for the City of Aberdeen to support legislative action for a local option additional penny of Municipal Sales Tax, with the approval of voters, for specific infrastructure projects. Upon roll call, Rux, Swanson, Ronayne, and Mayor Levensen voting aye, Bunsness, Johnson, Slight-Hansen, and Campbell voting nay, motion fails with a tie vote.

##### REQUEST TO PURCHASE PICKUPS

Bunsness moved, Johnson seconded to approve the purchase of two Chevrolet ¾ ton 4x4 Pickups for the Public Works Department – Street Division off of State Contract #16674 from Billion Auto in the amount of \$27,177 per vehicle. All present voting aye, motion carried.

#### BILLS

Johnson moved, Swanson seconded to approve the following audited bills for services, supplies, repairs and maintenance: Dakotacare 122,311.03; Northern Electric 7,590.35; Western Area Power Adm 5,279.25; Municipal Code Corp 2,052.10; Wright & Sudlow 21,526.00; Homes Are Possible Inc. 7,665.50; United Parcel Service 65.03; American News 2,339.52; Aberdeen Development Corp 14,166.67; ASPIRE Inc 1,876.60; Douglas Johnson 213.00; MARCO Inc 556.10; RDO Equipment Co 3,947.32; Br Co Landfill 16,691.05; Br Co Treasurer 303,770.91; IMLA 625.00; Overhead Door 138.78; Hawkins Inc 5,999.61; Dakota Electronics 4,081.05; Matt Vogel 1,128.00; Dennis Gavin 349.02; Lynn L

Hanson 1,156.15; Eddie's Northside 1,560.00; Cole Papers Inc 2,643.31; Farm Power Mfg Inc 377.23; GCR Tires & Service 2,451.88; Becker Arena Products Inc 12,430.00; Jensen Rock & Sand Inc 11,297.40; Carquest Auto 572.95; Graham Tire Co 523.28; Nikolas Zimney 95.28; HACH Co 735.67; I State Truck Center 153.88; Hedahls Inc 1,197.93; House of Glass 2,046.02; Kesslers Inc 121.83; Automatic Building Controls 240.00; Aberdeen Taxi Service 318.75; Lawson Products Inc 194.63; MAC's Inc 79.64; North Star Energy LLC 102.59; Mattern Diesel Service 100.50; Aberdeen School & Office Supplies 50.00; Farnums Genuine Parts 659.48; Richard Allan Ward III 55.50; Jesse Cantalope 80.00; A & B Business Solutions 24,076.48; Dakota Supply Group 112.63; Graymont Capital Inc 11,098.10; Midstates Group 656.10; SHARE Corp 801.00; Crawford Trucks & Equipment 1,038.68; SD Dept of Transportation 182.00; Stan Houston Equipment 124.50; Pro-Build 9.78; Wright & Sudlow 1,350.00; Diesel Machinery Inc 1,749.89; Aberdeen Area Arts Council 3,500.00; SD Water & Wastewater 40.00; Tanner White 32.00; John David Rohrbach 48.00; Praxair, Inc 2,510.82; Aberdeen Awards 58.00; Chris Heier 351.00; Mitchell A Johnson 126.00; Cody Roggatz 150.00; Harms Oil Co 17,918.74; Daren Lorenz 42.00; Dependable Sanitation 7,633.50; HARR Motors 810.00; Aberdeen Community Theatre 7,500.00; Janitor's Closet 134.75; Taylor Laundry 32.00; Bantz, Gosch & Cremer, LLC 21,875.00; First National Bank 224,288.75; M & T Fire & Safety Inc 315.08; Cartney Bearing Co 22.40; Titan Access Acct 1,652.64; Foerster Testing 765.00; Executive Management 54.92; Pierson Ford-Lincoln-Mercury 259.90; West Payment Center 419.75; North Central Farmers Elevator 8,456.98; Traffic Control Corp 295.00; SD Dept of Revenue 9,087.74; Lily's Floral Design & Gifts 108.00; The Sewing Shoppe 68.25; Northern Valley Communications 30.10; Dwayne Schueller 411.15; Lien Transportation 8,266.34; McMaster-Carr Supply Co 43.27; Dr Steve Redmond 500.00; CNA Surety 50.00; Towing Plus 4,048.75; Fire Safety First 220.10; Quill Corp 214.82; Dale Jensen's Plbg & Htg 246.21; Bookpage 15,017.75; Ronald E Parker 300.00; Sanford Health 120.00; Joshua Ochsner 24.00; Menards 617.06; Allied Electronics Inc 130.37; Bound Tree Medical LLC 3,127.90; Pheasant Country Express 9,309.88; Allegiant Emergency Services 35,632.81; Dakota Fluid Power Inc 971.54; EZ-Liner 75.35; Borns Group 1,202.84; Killoran Trucking & Brokerage Inc 9,810.19; AT & T Cell 2,503.10; Rod Kurtz 126.00; NCL of Wisconsin 89.91; Kevin Bourdon 936.00; Dr Thomas Flamboe 300.00; Zach Hanson 12.00; Matheson Tri-Gas Inc 322.57; Aberdeen Shuttle 193.25; Pomp's Tire Service 6,203.42; Forest Rux 1,570.50; R B Upholstery 317.21; GALLS Inc 184.43; Kevin Roseland 800.00; Anthony Morrissey 69.00; JK Sales & Towing 547.50; Matt Parrott & Sons Co 585.94; Brett Bill 139.98; North Central Rental/Leasing 29,963.60; Budget Furniture 2,200.00; MVTL Laboratories Inc 2,070.00; Howes Oil Co 24,125.37; Steve Markley 126.00; Kerry Wenbourne 84.00; J R Huebner 84.00; Aberdeen Plumbing & Heating 808.39; 3D Specialties Inc 804.66; State Bar of SD 375.00; TAPCO 675.33; Mark Lovrien 92.50; OCCS 2,240.00; Vigilant Solutions 2,900.00; Logan Jerard Crown 300.00; Emergency Medical Products, Inc 71.64; AmericInn Ft Pierre 305.97; Butler Machinery Co 9,230.60; Grainger 121.61; Darcy Schock 12.00; Geffdog Designs 529.80; Ameripride Services Inc 376.48; Crescent Electric Supply 27.45; Mario Gourde 24.00; Midwest Pump & Tank 74.20; LexisNexis Risk Data Mgmt 50.00; Knight Towing 3,240.00; Harlow's Bus Sales 24.70; G & R Controls Inc 3,400.77; Tri-State Water 20.00; Bonn Express LLC 100.00; Public Risk Management 385.00; Haar Plumbing & Heating 879.39; Runnings Supply Inc 2,358.74; Interstate Battery Arlington 709.15; First United Methodist Church 200.00; Keith Falken 300.00; Keigwin & Co 1,250.00. Upon roll call, all present voting aye, motion carried.

#### PAYROLL

Johnson moved, Rux seconded to approve the payroll for period from November 30,

2014 through December 13, 2014 and City's share of social security, old age & survivor's insurance, retirement, health & life insurance: Wells Fargo 106,361.60; SD Retirement System 62,546.35; Governing Body 3,192.28; City Manager 6,641.88; City Attorney 4,854.40; Finance 13,552.26; HR 7,408.00; Building 597.11; Computer 4,262.64; Planning/Zoning 12,264.80; Engineering 10,460.80; Police 95,813.44; Fire 86,910.37; Fire Prevention 4,235.20; Housing/Building 5,390.40; Street 24,474.40; Traffic 4,300.07; Solid Waste 15,305.60; Transportation 14,793.40; Library 22,082.44; Parks, Rec & Forestry 74,884.27, Jaime Kessler 10.50/class; Airport 12,434.15; Pipe 20,415.33, Travis Weiszhaar 14.85/hr; Water Treatment 15,182.65; Meter 4,276.61; Wastewater 15,289.18; Pump 4,984.00. Upon roll call, all present 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 present voting aye, motion carried.

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