

CITY COUNCIL PROCEEDINGS

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, March 30, 2015, 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, Mark Remily, Rob Ronayne, Clint Rux, and Laure Swanson. City Council Members Alan Johnson and Jennifer Slight-Hansen were absent. City staff present were Lynn Lander, Ron Wager, Robin Bobzien, Brett Bill, Karl Alberts, Jordan McQuillen, and Dave McNeil.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Ronayne moved, Rux seconded to approve the minutes of March 23, 2015, as circulated. All present voting aye, motion carried.

OPEN FORUM – No one was present.

OLD BUSINESS

ORDINANCE NO. 15-03-01

Bunsness moved, Swanson seconded to approve second reading and final adoption of Ordinance No. 15-03-01 amending Ordinance No. 1164 to rezone from (R-5) District and (I-2) District to (I-2) District property described as Lot 1, F & J Ludwig Consolidation Addition (1311 9th Avenue, SW and 927 S. 14th Street). Upon roll call, all present voting aye, motion carried.

CONSENT CALENDAR

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

2014 UNAUDITED FINANCIAL REPORT – for the City of Aberdeen, SD – receive and place on file.

REQUEST FOR STREET USE – for a Color Run on April 11, 2015 for Friends of Rachel (FOR) Club from Aberdeen Central and Roncalli High School

REQUEST FOR STREET USE – for a Squire Lane Block Party for the Residents on Dakota Street and Squire Lane.

REQUEST FOR PERMISSION – to serve and permit the consumption of alcoholic beverages at the Wylie Park Pavilion on May 14, 2015 for a Janusz Rehearsal Dinner.

LOTTERY NOTICE – Aberdeen Curling Club – receive and place on file.

DEPARTMENTS' REPORTS AND MINUTES – Aberdeen Regional Airport Board Minutes; Alexander Mitchell Library Board Minutes; Aberdeen City Planning Commission Minutes; Board of Zoning Adjustment Minutes; Brown County/Aberdeen City Planning Commission Minutes – receive and place on file.

LICENSE – Sewer Builder – Gregory Johnson

All present voting aye, motion carried.

NEW BUSINESS

RESOLUTION NO. 15-03-04R

Campbell moved, Ronayne seconded to approve the adoption of Resolution No. 15-03-04R as follows:

**RESOLUTION OF NECESSITY FOR ACQUISITION OF REAL PROPERTY
WATER INTAKE PROTECTION AND CHANNEL IMPROVEMENTS
PROJECT FOR WATER TREATMENT PLANT**

WHEREAS, it is necessary for the City of Aberdeen, South Dakota, to appropriate private property for the purpose of water intake protection and channel improvements for the Water Treatment Plant (hereafter “the public project”), which public project is being undertaken by the City of Aberdeen; and

WHEREAS, SDCL §9-27-1 authorizes a municipality to acquire real property for any purpose authorized by law; and

WHEREAS, SDCL §9-27-1 provides that a municipality must, prior to commencing proceedings in eminent domain, determine that such appropriation is necessary by a "Resolution of Necessity" passed by a two-thirds majority of the members of the City Council; and

WHEREAS, SDCL §9-27-1 requires that any resolution of necessity must state the purpose and intent of such appropriation.

NOW THEREFORE BE IT HEREBY RESOLVED by the City Council for the City of Aberdeen that the appropriation of the following real property is necessary for the construction and improvement of the public project:

Legal ownership of approximately 6.52 acres, the total to be determined by survey, of the Northwest Quarter of Section 15, Township 124 North, Range 63 West of the 5th P.M., Brown County, South Dakota, except that portion described as McHugh's Outlot 1, in Brown County, South Dakota; and

A temporary construction easement on approximately 2.10 acres, the total to be determined by survey, of the Northwest Quarter of Section 15, Township 124 North, Range 63 West of the 5th P.M., Brown County, South Dakota, except that portion described as McHugh's Outlot 1.

BE IT FURTHER RESOLVED that the purpose and intent of such appropriation is for the construction and improvement of the public project, together with such additional public improvements as are attendant thereto, according to the plans on file with the City Engineer; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed, or that such actions by the City Manager are hereby ratified and approved, to acquire from the private party such real property and/or temporary construction easement rights as are necessary to effectuate the public project; and

BE IT FURTHER RESOLVED that, if acquisition of the real property and/or temporary construction easement rights cannot be obtained with the consent of the private party, the City Attorney is hereby authorized and directed to file a proceeding for condemnation under eminent domain, pursuant to SDCL Ch. 21-35, to acquire such real property and/or temporary construction easement rights as are necessary to effectuate the public project; and

BE IT FURTHER RESOLVED that this Resolution shall be passed by two-thirds majority of all the elected members of the City Council in order to become effective as an authorization or ratification of such appropriation.

All present voting aye, motion carried.

RESOLUTION NO. 15-03-05R

Resolution No. 15-03-05R of the Council affirming \$8.50 as the minimum hourly wage for any City employee was presented. Bunsness moved, Ronayne seconded to continue the discussion of the resolution for one week. All present voting aye, motion carried.

HEARING – ALCOHOL LICENSES FOR YELDUF SHRINERS

This being the time and place set for a hearing on applications for Special One-Day Retail Liquor Licenses for Yelduf Shriners, recommendations to approve were received, Rux moved, Swanson seconded to approve Special One-Day Retail On-Sale Liquor Licenses for the Yelduf Shriners for Events on April 4, 2015 and April 25, 2015 at the Yelduf Shrine Center, 802 South Main Street. All present voting aye, motion carried.

CHANGE ORDER FOR AIRPORT PROJECT

Bunsness moved, Swanson seconded to approve and authorize the City Manager to sign Change Order #1 for B & B Contracting for the Airport Wetland Mitigation and Stormwater Improvements, Phase 1 Project decreasing the contract amount by \$27,827.60 "pending receipt of approved Change Order from FAA". All present voting aye, motion carried.

DECLARE LIGHT BARS SURPLUS PROPERTY

Campbell moved, Rux seconded to approve the request from the Police Department to declare surplus two Vehicle Emergency Tomar Light Bars to be given to the Aberdeen Rural Fire Department. All present voting aye, motion carried.

SET HEARING DATE FOR STORM WATER PROGRAM PRESENTATION

Bunsness moved, Ronayne seconded to set a hearing date of April 13, 2015 at 5:30 p.m. at the City Council Chambers for the presentation of the 2014 Storm Water Program (MS4). All present voting aye, motion carried.

2015-2016 FUEL PURCHASES

Rux moved, Remily seconded to approve the request from the Public Works Department to purchase 2015-2016 Fuels off the State Contracts for this area. All present voting aye, motion carried.

BIDS FOR SANITARY SEWER PIPE LINING

Bids were received and publicly opened for the Sanitary Sewer Pipe Lining Project SA-2015-1. A detailed list of the bids is on file at the Finance Office. Campbell moved, Rux seconded to award the Sanitary Sewer Pipe Lining Base Bid and Add Alternates to Municipal Pipe Tool Company in the amount of \$489,815.00 and authorize the City Manager and City Finance Officer to sign all necessary documents after approval by the City Attorney. All present voting aye, motion carried.

BILLS

Rux moved, Bunsness seconded to approve the following audited bills for services, supplies, repairs and maintenance: Business Improvement District 6,290.49; United Parcel Service 54.43; Dakotacare 41,924.31; Wageworks 444.00; Wex Fleet Universal 196.61; Convention & Visitor's Bureau 22,459.64; Dependable Sanitation 54.00; Kasseburg Canine Training Center 6,500.00; CO-OP Architecture 633.75; Automatic Building Control 220.00; SD Assoc. Code Enforcement 150.00; Aberdeen Lawn Care 55.00; AE2S 4,240.00. 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, Rux 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.