

CITY COUNCIL PROCEEDINGS

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, August 31, 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, 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 Lynn Lander, Ron Wager, Stuart Nelson, Brett Bill, Karl Alberts, John Pantzlaff, and Shirley Arment.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Slight-Hansen moved, Rux seconded to approve the minutes of August 24 and 25, 2015, as circulated. All present voting aye, motion carried.

OPEN FORUM – Tom Grimmond of Dougherty & Company presented library funding options to the City Council.

OLD BUSINESS

ORDINANCE NO. 15-08-01

Ronayne moved, Remily seconded to approve second reading and final adoption of Ordinance No. 15-08-01 to rezone from (C-1)/(R-4) Districts to (C-3) District property described as Lot 2A, Block 43 of Thomas Addition (1108 South Main Street). Upon roll call, all present voting aye, motion carried.

CONSENT CALENDAR

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

AUDITED 2014 FINANCIAL STATEMENTS – for the City of Aberdeen by EideBailly – receive and place on file.

LICENSES – Taxi Cab Driver – Meredith Haney; Home Day Care – Caylee Hertel.

PETITION OF VOLUNTARY ANNEXATION – for property described as Lots 1-3, Plat of Menzia Second Subdivision in the NE ¼ of Section 23, T123N, R64W of the 5th P.M. and adjacent 33' of South 12th Street Right-Of-Way, Brown County, SD (1003 and 1121 South 12th Street) – refer to City Attorney, City Engineer, and Planning/Zoning Director for review and recommendations.

SET HEARING DATE – of September 21, 2015 at 5:30 p.m. for the following petitions to rezone: 1) Rezone from (C-2) District to (R-2) District property described as Lot 1, Dial Second Addition to the City of Aberdeen and Replat of Dial Subdivision in the S ½ of Section 17, T123N, R63W of the 5th P.M., except Lot H-1 thereof (3324 North Milwaukee Avenue); 2) Rezone from (I-1) District to (I-2) District property described as Lots 1-4, Safeguard/ADC Subdivision, Bellikka's Prairie Tool Addition, Outlots 1-4, 6-8, 13-15, 17, and 18, Lots 1 and 2, ADC 2004-1 Subdivision, Lots 1 and 2, Aberdeen Development Corp. 1997-1 Subdivision, Lot 1, Aberdeen Development Corp. 1998-1 Subdivision, Lots 1 and 2, Aberdeen Development Corp. 1999-1 Subdivision, Lots 1 and 2, Aberdeen Development Corp. 2003-1 Subdivision, Lot 1, Aberdeen Development Corp. Addition 19, N.W.P.S. Co. Outlot 1 all in the NE ¼ of Section 17, T123N, R63W of the 5th P.M., and Aberdeen Development Corp. Outlot 21 in the NW ¼ of Section 17, T123N, R63W of the 5th P.M.. (Industrial Park); 3) Rezone from (C-2) District and (C-2)/(HC) Districts to (R-2) District property described as Lot 1, Mutual of Omaha Fourth Addition and Lots 1 and 2, Mutual of Omaha Sixth Addition in the SW ¼ of Section 17, T123N, R63W of the 5th P.M. (2910, 3012, and 3104 Milwaukee Avenue, NE).

REQUEST FOR PERMISSION – to serve and permit the consumption of alcoholic beverages at the Wylie Park Pavilion on August 5, 2016 for a SPURS Fundraiser.

REQUEST FOR STREET USE – on South Washington Street between 2nd Avenue, SE to the North and 3rd Avenue, SE to the South for a Northern Electric Annual Meeting.

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

All present voting aye, motion carried.

NEW BUSINESS

RESOLUTION NO. 15-08-05R

A Resolution declaring public necessity to appropriate private property for a retention pond on South Rock as required by State Law. Remily moved, Rux seconded to approve the Resolution No. 15-08-05R as follows:

WHEREAS, it is necessary for the City of Aberdeen, South Dakota, to appropriate private property for the purpose of storm water collection and retention in the South Rock Street area (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 Ch. 9-48 authorizes a municipality to acquire land within a municipality to carry storm and surface waters; 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:

Lot 1, Harty Addition to the City of Aberdeen, also known as 622 South Rock Street.

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 prepared by 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 a 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.

PAYMENT REQUEST – KLINE STREET SEWER PROJECT

Bunsness moved, Johnson seconded to approve and authorize the City Manager to sign payment request #2 in the amount of \$157,602.99 to B & B Contracting for work on the Kline Street Storm Sewer Improvements Project SS-2015-1. Upon roll call, all present voting aye, motion carried.

BILLS

Johnson moved, Swanson seconded to approve the following audited bills for services, supplies, repairs, and maintenance: United Parcel Service 80.88; Business Improvement District 134.24; Convention Visitors Bureau 35,918.96; J & K Mowing Service 670.32; MARCO Inc 25.50; Dakota Doors Inc 632.00; Avera St. Luke's 475.99; Fleet Services 282.59; Dakotacare 125,251.42; Geist Skid Steer Service 1,757.97; Rich Blaedorn 59.38; B & B Contracting 183,422.97; Matt Cler 1,020.00. 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, Bunsness 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 Chambers, 25 Market Street, County Courthouse Building, Aberdeen, South Dakota, September 1, 2015, 8:45 a.m., Joint City/County Meeting, Mayor Mike Levsen presiding. Present at roll call were City Council Members Todd Campbell, Alan Johnson, Rob Ronayne, Clint Rux, and Jennifer Slaughter-Hansen. City Council Members David Bunsness, Mark Remily, and Laure Swanson were absent. Brown County Commissioners Tom Fischbach, Doug Fjeldheim, Nancy Hansen, Duane Sutton, and Rachel Kippley were present. City Staff present were Brett Bill and Karl Alberts.

ORDINANCE NO. 15-08-02

Johnson moved, Rux seconded to approve second reading and final adoption of Ordinance No. 15-08-02 to rezone from (A-1) District to (R-2) District property described as Lot H, Pendroy's Green Acres Subdivision in the SW ¼ of Section 21, T123N, R63W of the 5th P.M., Brown County, SD (1635 Melgaard Road South). Upon roll call, all present voting aye, motion carried.

Kippley moved, Hansen seconded to approve second reading and final adoption of Ordinance No. 15-08-02-446. All voting aye, motion carried.

ORDINANCE NO. 15-08-03

Rux moved, Johnson seconded to approve second reading and final adoption of Ordinance No. 15-08-03 to rezone from (A-1) District to (M-AG) District property described as Lot 26, Evelo's Outlot in the NE ¼ of Section 2, T122N, R64W of the 5th P.M., Brown County, SD (13645 Pontiac Drive). Upon roll call, all present voting aye, motion carried.

Fischbach moved, Fjeldheim seconded to approve second reading and final adoption of Ordinance No. 15-08-03-447. All voting aye, motion carried.

SET HEARING DATE

A Petition to Rezone from (A-1) District to (M-AG) District property described as Lot 1, P and L Aman Addition in the SE ¼ of Section 2, T122N, R64W of the 5th P.M., Brown County, SD (13659 – 387th Avenue) was presented. Johnson moved, Slaughter-Hansen seconded to set a joint hearing date of September 22, 2015 at 8:45 a.m. for the petition to rezone Lot 1, P and L Aman Addition. All present voting aye, motion carried.

Fjeldheim moved, Kippley seconded to set a joint hearing date of September 22, 2015

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at 8:45 a.m. for the petition to rezone property described as Lot 1, P and L Aman Addition.
All voting aye, motion carried.

There being no further business, Rux moved, Campbell 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.