

The City Council met for a work session at 4:00 p.m. on October 26, 2015 at the Public Safety Building Community Room, 114 Second Avenue, SE, for a discussion on parking. Present were Mayor Mike Levsen and City Council Members David Bunsness, Todd Campbell, Mark Remily, Rob Ronayne, Clint Rux, Jennifer Slight-Hansen, and Laure Swanson. No action was taken by the Council.

CITY COUNCIL PROCEEDINGS

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, October 26, 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, 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, Shirley Arment, Mark Hoven, and Aaron Kiesz.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Johnson moved, Slight-Hansen seconded to approve the minutes of October 19, 2015, as circulated. All voting aye, motion carried.

OPEN FORUM – No one was present.

PROCLAMATION

Mayor read and proclaimed November 1, 2015 as “EXTRA MILE DAY”.

OLD BUSINESS

ORDINANCE NO. 15-09-02

Bunsness moved, Swanson seconded to approve second reading as amended and final adoption of Ordinance No. 15-09-02 setting the fees and charges for certain services provided by the City of Aberdeen for the year 2016. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 15-10-03

Bunsness moved, Johnson seconded to approve second reading and final adoption of Ordinance No. 15-10-03 revising Section 46-368 of the Aberdeen City Code regarding designation of snow emergency routes. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 15-10-04

Ronayne moved, Rux seconded to approve second reading and final adoption of Ordinance No. 15-10-04 amending the Aberdeen City Code regarding changes to Chapter 56 – Vegetation. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 15-10-05

Swanson moved, Bunsness seconded to approve second reading and final adoption of Ordinance No. 15-10-05 amending the Aberdeen City Code regarding the conduct of City Officers in certain decision-making processes. Upon roll call, all voting aye, motion carried.

CONSENT CALENDAR

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

SET HEARING DATE – of November 9, 2015 at 5:30 p.m. for applications for Special One-Day Retail Malt Beverage and Wine Licenses on November 12, 2015 for Aberdeen Area Chamber of Commerce dba Business After Hours, Western Corporate Image, 701 N. Enterprise Street and for a Special Nine-Day Retail Liquor License on November 11 – 15, 2015 and November 19 – 22, 2015 for ACT 2, Inc. dba Aberdeen Community Theatre, 417 S. Main Street.

LICENSE – Private Security – Luke Couchey

SET HEARING DATE – of November 16, 2015 at 5:30 p.m. for a Petition to Vacate Public Right-Of-Way for Lot AB1 and portion of 19th Street South Public Right-Of-Way

commencing at the South Side of Hwy #12 Public Right-Of-Way and continuing South 247' excluding Lots H-9 and H-5 (602 6th Avenue, SW)

PLATS – 1) Royer First Subdivision in the SW ¼ of Section 28, T124N, R64W of the 5th P.M., Brown County, SD; 2) RSR Subdivision in the NE ¼ of Section 16, T123N, R63W of the 5th P.M., Brown County, SD; 3) Lot 1, Dahme Pit Addition in the NW ¼ of Section 35, T123N, R64W of the 5th P.M., Brown County, SD; 4) Tenth 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, SD; 5) Mutual of Omaha Seventh Addition to the City of Aberdeen in the SW ¼ of Section 17, T123N, R63W of the 5th P.M., Brown County, SD; 6) Erika's Corner Subdivision in Aberdeen, SD with stipulation that all plans be submitted for Planning Commission approval prior to any building permits being issued.

LOTTERY NOTICE – ACT 2 Inc. dba Aberdeen Community Theatre – receive and place on file.

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

All voting aye, motion carried.

NEW BUSINESS

GRANT AGREEMENT WITH SDDOT

Rux moved, Bunsness seconded to approve a Transportation Alternatives Program (TAP) Grant Agreement with SD Department of Transportation for trail development along 15th Avenue, NE. All voting aye, motion carried.

ORDINANCE NO. 15-10-01

Ordinance No. 15-10-01 to rezone from (R-2A) District to (R-2) District property described as Lot 3, Plat of Menzia Second Subdivision in the NE ¼ of Section 23, T123N, R64W of the 5th P.M., Brown County, SD (1224 S. 9th Street) was presented. Johnson moved, Bunsness seconded to approve first reading of Ordinance No. 15-10-01. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 15-10-06

Ordinance No. 15-10-06 revising Section 34-76 of the City Code regarding carrying a concealed weapon was presented. Ronayne moved, Bunsness seconded to approve first reading of Ordinance No. 15-10-06. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 15-10-07

Ordinance No. 15-10-07 revising Section 34-241 of the City Code regarding curfew for underage persons was presented. Bunsness moved, Swanson seconded to approve first reading of Ordinance No. 15-10-07. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 15-10-08

Ordinance No. 15-10-08 revising Chapter 14 of the City Code regarding businesses and business regulations was presented. Bunsness moved, Johnson seconded to approve first reading of Ordinance No. 15-10-08. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 15-10-09

Ordinance No. 15-10-09 revising the City Code noise regulations in Sections 34-108 and 34-109 was presented. Rux made the motion to amend to strike “designee” from subsection (d). Motion fails for lack of a second. Campbell moved, Ronayne seconded to approve first reading of Ordinance No. 15-10-09. Upon roll call, all voting aye, motion carried.

LIBRARY REFERENDUM PETITION

Finance Officer Karl Alberts presented to the City Council a petition referring

Ordinance No. 15-09-07 to a vote of the voters of the municipality. Duane Reidel spoke about the cost of the proposed library. Rux moved, Slaight-Hansen seconded to approve the following Resolution No. 15-10-09R ordering a Special Election and setting the Election date:

WHEREAS, the City of Aberdeen adopted Ordinance No. 15-09-07, entitled “AN ORDINANCE RELATING TO SALES TAX REVENUE BONDS, SERIES 2015; AUTHORIZING THE ISSUANCE AND MAKING PROVISIONS FOR THEIR PAYMENT,” which Ordinance was adopted September 28, 2015, and published October 1, 2015; and

WHEREAS, within the twenty-day period after the publication of the Ordinance, a petition to refer the Ordinance to a vote of the people was filed with the Finance Office as provided by SDCL Ch. 9-20, which petition bears the required number of signatures and is a valid referendum petition; and

WHEREAS, the Finance Officer presented the petition to the City Council at its first ensuing regular meeting on October 26, 2015; and

WHEREAS, the City Council is required to submit the question to the electors at the next annual municipal election scheduled to be held on June 7, 2016; however the City Council may expedite the date of the election by ordering, within ten days of receiving the petition from the Finance Officer, a special election to be held on a Tuesday not less than thirty days from the date of the order for special election; and

WHEREAS, expediting the date of the election to determine the approval or rejection of the Ordinance best serves the public interest in the efficient and orderly administration of municipal government,

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY OF ABERDEEN AS FOLLOWS:

1. A special election is ordered to be held in the City of Aberdeen, at which time there shall be submitted to the qualified voters of the city the question of approval or rejection of Ordinance No. 15-09-07; the special election to be held on Tuesday, December 15, 2015, between the hours of 7:00 a.m. and 7:00 p.m., in the establishing polling places in the voting centers within the city as shall be identified by the Brown County Auditor.

2. The Finance Officer and the Brown County Auditor shall conduct the special election as provided by law for municipal elections, and the City of Aberdeen shall pay the costs of said special election.

3. The Finance Officer is hereby authorize and directed to cause notice of the special election to be published in the official newspaper of the City of Aberdeen once a week for two successive weeks, the latest publication being not less than ten days prior to the date of the election, which notice shall set forth the date, polling hours, and polling places for the election, and shall set forth the proposition to be voted upon and shall likewise cause the referred Ordinance No. 15-09-07 to be published once a week for two successive weeks immediately preceding the election, which said publication of said Ordinance shall contain a notice that on the 15th day of December, 2015, the Ordinance will be submitted to the electors of the City of Aberdeen for approval or rejection.

4. The Finance Officer is hereby authorized and directed to cause official ballots to be prepared to vote upon said proposition substantially as follows:

OFFICIAL BALLOT
SPECIAL ELECTION
CITY OF ABERDEEN
BROWN COUNTY, SOUTH DAKOTA

DECEMBER 15, 2015

EXPLANATORY STATEMENT OF CITY ATTORNEY

Ordinance No. 15-09-07 is entitled "AN ORDINANCE RELATING TO SALES TAX REVENUE BONDS, SERIES 2015; AUTHORIZING THE ISSUANCE AND MAKING PROVISIONS FOR THEIR PAYMENT."

Known as the "new library ordinance," the Ordinance authorizes the City of Aberdeen to issue sales tax revenue bonds not to exceed \$7,100,000, plus amounts necessary for a reserve fund and to pay costs of issuance of the bonds. The sales tax revenue bonds are for the purpose of paying the costs for the acquisition, construction, and equipping of a new municipal library upon the property described as Lot 1, Aberdeen Public Library Addition in the SE ¼ of Section 13, T123N, R64W of the 5th P.M., Brown County, South Dakota. This property is the block located directly south of the Aberdeen Recreation & Cultural Center at 225 3rd Ave., SE

A vote "YES" is the favor of approving the Ordinance, and a vote "NO" is against approving the Ordinance.

Electors desiring to vote "YES" shall fill in the oval before the word "YES", and those desiring to vote "NO" shall fill in the oval before the word "NO".

QUESTION SUBMITTED

Shall Ordinance No. 15-09-07 become effective as an Ordinance of the City of Aberdeen? Yes or No

5. The election shall be conducted and votes cast thereat shall be counted, returned, and canvassed as provided by law for municipal elections.

6. This Council shall meet on the Thursday immediately following the election, to wit: December 17, 2015, at 4:00 p.m. for the purposes of canvassing the returns and taking such other and further action relative to the matter voted on as may be deemed necessary and expedient.

All voting aye, motion carried.

RESOLUTION FOR LEVYING SPECIAL PARKING ASSESSMENT

The City Council made a motion to consider approval of a substituted resolution for Resolution No. 15-10-07R for levying an annual special assessment for parking facilities. Bunsness moved, Campbell seconded the motion to exempt the Finley house. All voting aye, motion carried. Ronayne moved, Swanson seconded to approve the following substituted Resolution No. 15-10-07R:

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-six thousand one hundred ninety-eight dollars (\$96,198) to operate said parking facilities for the year 2016 and have recommended to the Aberdeen City Council that it 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 2015 (collectible in 2016) levied an annual special assessment (collectible in 2016) 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 2016, 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 ABERDEEN CITY COUNCIL and it hereby finds, determines and declares that it is necessary to levy during the year 2015 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-six thousand one hundred ninety-eight dollars (\$96,198) to be used during the year 2016, 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 Aberdeen City Council hereby determines 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 single family dwelling property, and property used 100% for single family dwelling 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 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. The lot located at 211 - 2nd Ave., SW shall be exempt from assessment.

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.

RESOLUTION NO. 15-10-01R

Ronayne moved, Remily seconded to approve the following Resolution No. 15-10-01R to establish a Consolidated Board of Equalization:

BE IT RESOLVED that a consolidated Board of Equalization as authorized by SDCL 10-11-66 shall be established pursuant to the Resolution of the Governing Boards of Brown County, City of Aberdeen, and the Aberdeen School District 6-1. The Consolidated Board of Equalization as created by this Resolution shall be authorized to exercise all powers contained in SDCL 10-11.

BE IT FURTHER RESOLVED that three members from the Brown County Commission, one member of the Aberdeen City Council, and one member of the Aberdeen School District 6-1 School Board shall constitute a Consolidated Board of Equalization as provided by SDCL 10-11-66.

BE IT FURTHER RESOLVED that the Aberdeen City Council, Brown County Commission, and the Aberdeen School District 6-1 shall be responsible for the per diem,

salary, and mileage costs of the respective members that serve on the Consolidated Board of Equalization. Brown County Commission shall be responsible for the ordinary and customary expenses associated with the equalization of property including appeals to the State Board of Equalization. The financial responsibilities contained in this resolution shall remain unless either the Aberdeen City Council, Brown County Commission, or the Aberdeen School District 6-1 shall request that they be modified prior to December 1st of each year.

THIS RESOLUTION shall be binding upon the Aberdeen City Council, Aberdeen, South Dakota and upon each governing body adopting this Resolution according to law.

All voting aye, motion carried.

RESOLUTION NO. 15-10-08R

Campbell moved, Slaughter-Hansen seconded to approve the following Resolution No. 15-10-08R appointing a City Health Officer:

WHEREAS, Section 26-54 of the Aberdeen City Code requires the City Council to select and appoint, at such times as it shall deem advisable, some suitable person to act as Health Officer, whose duty it shall be to carry out the instructions of the board of health and to cause to be enforced all health ordinances of the City; and

WHEREAS, Planning and Zoning Director, Brett Bill, is competent to carry out the duties and functions of Health Officer for the City of Aberdeen; therefore,

IT IS HEREBY RESOLVED that Brett Bill, as Planning and Zoning Director, shall be appointed the Health Officer of the City of Aberdeen and is authorized to carry out the duties and functions of Health Officer, and shall serve until a successor is appointed. If Brett Bill is unable or unwilling to carry out the duties of Health Officer or the position of Planning and Zoning Director becomes vacant, then a successor shall be appointed by the City Council as soon as practicable at a regularly scheduled City Council meeting.

All voting aye, motion carried.

HEARING ON ALCOHOL LICENSE

This being the time and place set for a hearing on applications for Special One-Day Retail Liquor Licenses for the Yelduz Shriners at 802 S. Main Street, recommendations for approval were received, Rux moved, Campbell seconded to approve the Special One-Day Retail Liquor Licenses for Yelduz Shriners at 802 S. Main Street on October 31, 2015 for a Chili Cook-Off, on November 14, 2015 for a Bean Bag Tournament, and on November 21, 2015 for a Turkey Shoot. All voting aye, motion carried.

BIDS FOR CITY HALL BOILER

Bids were received and publicly opened for the City Hall Boiler Replacement Project. A detailed list of the bids is on file at the Finance Office. Bunsness moved, Johnson seconded to award the City Hall Boiler Replacement Bid to Climate Control in the amount of \$107,873.55 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.

PAYMENT REQUEST FOR KLINE ST. STORM SEWER PROJECT

Johnson moved, Rux seconded to approve and authorize the City Manager to sign Payment Request #3 in the amount of \$289,167.18 for B & B Contracting for work performed on the Kline Street Storm Sewer Improvement Project (SS-2015-1). Upon roll call, all voting aye, motion carried.

BILLS

Bunsness moved, Swanson seconded to approve the following audited bills for services, supplies, repairs, and maintenance: Dakotacare 63,720.50; Northwestern Energy 12,224.21; Wameworks 444.00; SD Public Assurance Alliance 1,618.00; United Parcel Service 104.42; Quantum Properties 2,500.00; Dependable Sanitation 54.00; Ryan

DeRouchey 37.08; Midwest Pump & Tank 279.36; Dakota Oil 1,266.90; CVB 33,156.34; Business Improvement Dist. 816.13. Upon roll call, all voting aye, motion carried.

CITY MANAGER'S REPORT

Lynn Lander presented the City Manager's Report.

There being no further business, Remily moved, Bunsness 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 Chambers, 25 Market Street, County Courthouse Building, Aberdeen, South Dakota, October 27, 2015, 8:45 a.m., Joint City/County Meeting. Mayor Mike Levsen was presiding. Present at roll call were City Council Members Todd Campbell, Alan Johnson, Mark Remily, and Rob Ronayne. City Council Members David Bunsness, Clint Rux, Jennifer Slight-Hansen, and Laure Swanson were absent. Brown County Commissioners present were Doug Fjeldheim, 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. 15-10-02

Ordinance No. 15-10-02 to rezone from (A-1) District and (A-2) District to (M-AG) District and (A-2) District property described as Lot 1, Dahme Pit Addition in the NW ¼ of Section 35, T123N, R64W of the 5th P.M., Brown County, SD (1715 – 135th Street, SW) was presented. Remily moved, Johnson seconded to approve first reading of Ordinance No. 15-10-02. Upon roll call, all present voting aye, motion carried.

Hansen moved, Fjeldheim seconded to approve first reading of Ordinance No. 15-10-02-450 as presented. All present voting aye, motion carried.

There being no further business, Ronayne 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.