

## CITY COUNCIL PROCEEDINGS

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, March 21, 2016, 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 Todd Campbell, Alan Johnson, Mark Remily, Rob Ronayne, and Clint Rux. City Council Members David Bunsness, Jennifer Slight-Hansen, and Laure Swanson were absent. City Staff present were Lynn Lander, Ron Wager, Robin Bobzien, Brett Bill, Karl Alberts, Dave McNeil, Kevin VanMeter, Cody Roggatz, Peggi Badten, and Chris Gross.

Mayor Levsen led the Pledge of Allegiance.

## MINUTES

Campbell moved, Johnson seconded to approve the minutes of March 14, 2016, as circulated. All present voting aye, motion carried.

OPEN FORUM – Ron Krogman from the 40 and 8 Veterans Organization presented the Law Enforcement Officer of the Year Award to Aberdeen Police Detective Jeff Neal.

OLD BUSINESS

## ORDINANCE NO. 16-03-02

Johnson moved, Ronayne seconded to approve second reading and final adoption of Ordinance No. 16-03-02 to lease Airport property to the Federal Aviation Administration (FAA) for use as a garage building site for 10 years. Upon roll call, all present voting aye, motion carried.

CONSENT CALENDAR

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

SET BID DATE – of April 5, 2016 at 2:00 p.m. for an advertisement for Bids for South Washington Street Parking Lot Improvements Project (PARKING-2016-1).

SET HEARING DATE – of April 11, 2016 at 5:30 p.m. for the following Petitions to Vacate Public Right-Of-Way: 1) Portions of South Harrison Street and South Riverside Drive Public Rights-Of-Way lying South of Tenth Avenue, SE and lying North of Twelfth Avenue, SE; Portions of Eleventh Avenue, SE and Twelfth Avenue, SE Public Rights-Of-Way lying East of South Riverside Drive and West of South Cochrane Street; Portion of Twelfth Avenue, SE commencing at the NE Corner of Lot 1, Hatterscheidt Subdivision and point of beginning, thence N89°2'12"E 67.56', thence 88.89' along a curve to the right with a radius of 200', thence S30°11'2"W 76.31', thence N1°8'13"W 146.97' to the point of beginning (South of 1120 - 1230 Tenth Avenue, SE and West of 1100 - 1230 South Cochrane Street); 2) The 187.5' by 16' Alley Public Right-Of-Way lying to the South of and adjacent to Lots 1 – 7 and the E ½ of Lot 8, and lying to the North of and adjacent to Lots 24 – 30 and the E ½ of Lot 23 in Block 49, West Aberdeen Addition (1107 – 4<sup>th</sup> Ave., SW and 1116 – 6<sup>th</sup> Ave., SW); 3) East/West Alley running through Block 37, West Aberdeen Addition to the City of Aberdeen, Brown County, South Dakota (1015 - 3<sup>rd</sup> Avenue, SW); 4) East 10' of Market Street South Public Right-Of-Way commencing at the South Side of Railroad Avenue, SE Public Right-Of-Way and continuing South 301.8' to North Side of First Avenue, SE Public Right-Of-Way (101 First Avenue, SE).

PLATS – 1) Lincoln Community Hockey Rink Addition to the City of Aberdeen in the SE ¼ of Section 14, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (1107 – 4<sup>th</sup> Avenue, SW and 1116 – 6<sup>th</sup> Avenue, SW); 2) Garfield Park Addition to the City of Aberdeen in the NE ¼ of Section 24, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, SD (503 – 8<sup>th</sup> Avenue, SE); 3) Frontier Park Addition to the City of Aberdeen in the SE ¼ of Section 14, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (1015 – 3<sup>rd</sup> Avenue, SW); 4) Aberdeen's South Athletic Complex Addition to the City of Aberdeen in the E ½ of Section

19, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota with stipulation that property be rezoned (1101 Melgaard Road East and 1202 – 10<sup>th</sup> Avenue, SE); 5) Aberdeen's North Athletic Complex Addition to the City of Aberdeen in the SE ¼ of Section 8, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (3800 – 8<sup>th</sup> Avenue, NE and 1005 N. Brown County Hwy #19).

REQUEST FOR STREET USE – from 24<sup>th</sup> Ave., NW to North 5<sup>th</sup> Street to 15<sup>th</sup> Avenue, NE to North Main Street for Color Run on April 16, 2016 for “Friends of Rachel” – United Way/Central High School

LOTTERY NOTICE – GROW South Dakota – receive and place on file.

All present voting aye, motion carried.

#### NEW BUSINESS

##### ORDINANCE NO. 16-02-06

Ordinance No. 16-02-06 amending Ordinance No. 1164 to rezone from (R-3) District/(A-2) District and (M) District to (A-2) District property described as Lot 3, Moccasin Creek Park Addition to the City of Aberdeen in the NW ¼ of Section 19, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (Moccasin Creek and adjacent Bike Path dba 1111 – 10<sup>th</sup> Avenue, SE) was presented. Campbell moved, Johnson seconded to approve first reading of Ordinance No. 16-02-06. Upon roll call, all present voting aye, motion carried.

##### ORDINANCE NO. 16-03-01

Ordinance No. 16-03-01 amending Ordinance No. 1164 to rezone from (C-1) District, (R-2) District and (R-3) District to (M) District property described as Lot 1, Wesley Replat; Lots R-1 through R-12 to NSC Subdivision; Blocks 24 – 25, Thomas Addition; Melgaard's Outlots A and B; Northern State College Outlot 1; Aberdeen Steel Buildings Outlot A; Aberdeen's Outlot 2 of Block 4, Addison's Addition; Block 8, Thomas Addition; Lot 1, Block 4, Addison's Addition; Northern State College Lot 3A; Lots 1 – 3, Light's Addition; the North 16' of the West 90' of Lot 21, and the West 90' of Lot 22, Block 1, Normal Addition; the North 10' of Lot 20, and the South 12' of the East 52' of Lot 21, and the South 34' of the West 90' of Lot 21, Block 1, Normal Addition; Huffman's Outlot 1 excluding the South 33' thereof; the South 61' of Lot 4, and Lots 5 – 7, Block 5, Addison's Addition (1215 S. Lincoln St., 1215 S. Washington St., 1300 S. Dakota St., 1214 S. Lloyd St., 1505 S. Grant St., 1505, 1515, and 1607 S. Herret St., 1202, 1211, 1215, 1302, and 1416 S. State St., 204, 404, 502, 516, and 520 – 12<sup>th</sup> Ave., SE; 121 – 14<sup>th</sup> Ave., SE; 121, 302, 305, 401, and 403 – 15<sup>th</sup> Ave., SE) was presented. Campbell moved, Rux seconded to approve first reading of Ordinance No. 16-03-01. Upon roll call, all present voting aye, motion carried.

##### RESOLUTION NO. 16-03-02R

Resolution No. 16-03-02R designating the Aberdeen Commercial Historic District as an urban renewal area for purposes of making certain improvements in the district eligible for the discretionary formula was presented. Ronayne moved, Rux seconded to approve Resolution No. 16-03-02R as follows:

WHEREAS, the City of Aberdeen may identify and create incentives to persons and businesses to renew, build, and improve industrial and commercial properties located in designated areas of the City; and

WHEREAS, one such incentive, pursuant to SDCL §10-6-35.22, is the adoption or affirmation of a discretionary formula for relief from property taxes as the result of new industrial or commercial structures or additions, renovation, or reconstruction to existing structures, which new structures or additions, renovation, or reconstruction have a full and true value of thirty thousand dollars (\$30,000) or more, located within a designated urban renewal area as defined in SDCL §11-8-4; and

WHEREAS, pursuant to Aberdeen City Code §60-1, the Aberdeen Commercial Historic District is the area in the City of Aberdeen within the border of 6<sup>th</sup> Avenue, SE/SW on the south, Railroad Avenue, SE/SW on the north, the public alley right-of-way between Main Street South and 1<sup>st</sup> Street South on the west, and the public alley right-of-way between Main Street South and Lincoln Street South on the east;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Aberdeen, South Dakota, that the Aberdeen Commercial Historic District is hereby designated an urban renewal area with qualifying structures to be eligible for the discretionary formula adopted by the Brown County Board of Commissioners or the City Council.

BE IT FURTHER RESOLVED that in support of this designation the City Council finds, pursuant to SDCL §11-8-3, that the Aberdeen Commercial Historic District is a blighted area by reason of the presence of a substantial number of deteriorated and deteriorating structures, deterioration of site and other improvements, and the existence of conditions which can endanger life or property by fire and other cause, and substantially impairs or arrests the sound growth of the City, retards the provision of housing accommodations, constitutes an economic and social liability and poses a menace to the public health, safety, and welfare in its present condition and use.

BE IT FURTHER RESOLVED that in support of this designation the City Council finds pursuant to SDCL §11-8-8, that the rehabilitation, conservation, and redevelopment of the Aberdeen Commercial Historic District is necessary in the interest of the public health, safety, and welfare of the residents of the City of Aberdeen.

BE IT FURTHER RESOLVED that this designation of an urban renewal area shall not be construed to be an approval by the City Council of an urban renewal plan or urban renewal project of the City as set forth in SDCL Ch. 11-8.

The foregoing Resolution was considered at a regular meeting of the City Council on the 21<sup>st</sup> day of March, 2016, and upon Roll Call vote the Resolution was adopted.

AYES: Council Members Rux, Johnson, Campbell, Ronayne, Remily, and Mayor Levsen  
NAYS: None.

All present voting aye, motion carried.

#### TAX INCREMENT FINANCE DIST. NO. 25

Tax Increment Finance District No. 25 Project Plan for Schumaker Development, LLC located in Meadowlark Acres dba 800 and 900 Blocks of Ibis Street South, Willet Street South, and Dunlin Street South and the 5000 to 5300 Blocks of Kingfisher Avenue, SE was presented. Ronayne moved, Campbell seconded the motion to continue for one week the discussion and possible approval of Resolution No. 16-03-03R for creation of TIF District No. 25 and adoption of the TIF Project Plan for Schumaker Development, LLC. Rod Tobin, Attorney representing Schumaker Development, LLC, noted potential bidding concerns with the delay. All present voting aye, motion carried.

#### WRITE OFF UNPAID ASSESSMENT BALANCES

Remily moved, Campbell seconded to approve the request to declare certain unpaid assessments totaling \$7,420 as uncollectible and allow the Finance Office to write off the following unpaid assessment balances: Justin D. Shultis, 710 S. Ninth St., \$6,820 for the year 2008 and Countrywide Home Loans, 314 S. Harrison St., \$600 for the years 2014 and 2015. All present voting aye, motion carried.

#### REQUEST TO PURCHASE

Ronayne moved, Rux seconded to approve the request to purchase a Stryker Power Load Cot with upgrade kit in the amount of \$21,028.10 from Stryker Corporation for the Fire/Rescue Department. All present voting aye, motion carried.

#### APPOINTMENT TO HOUSING AUTHORITY BOARD

Rux moved, Remily seconded to confirm Mayor Levensen's appointment of Connie Kusler to the Aberdeen Housing Authority Board. All present voting aye, motion carried.

#### APPOINTMENT TO THE PLANNING COMMISSION

Campbell moved, Johnson seconded to approve the appointment of Dean Marske to replace Heath Johnson on the Planning Commission. All present voting aye, motion carried.

#### BIDS FOR SIDEWALK QUADRANT IMPROVEMENTS

Bids were received and opened on March 15, 2016 for the 2016 Accessible Sidewalk Quadrant Improvements Project CONC-2016-2. A detailed list of the bids is on file at the Finance Office. Ronayne moved, Remily seconded to award the Access Sidewalk Quadrant Bid to Wright & Sudlow, Inc. in the amount of \$121,615.10 and authorize the City Manager and Finance Officer to sign the necessary documents after approval by the City Attorney. All present voting aye, motion carried.

#### BIDS FOR 8<sup>TH</sup> AVE., NW PROJECT

Bids were received and opened on March 15, 2016 for the 8<sup>th</sup> Avenue, NW Street Reconstruction Project ST-2016-1. A detailed list of the bids is on file at the Finance Office.

Council Member Bunsness arrived at the Council Meeting at 5:51 p.m. Campbell moved, Rux seconded to award the 8<sup>th</sup> Avenue, SW Project Bid to Reede Construction, Inc. in the amount of \$2,196,614.16 and authorize the City Manager and Finance Officer to sign the necessary documents after approval by the City Attorney. All present voting aye, motion carried.

#### PURCHASE OF ROAD OILS

Rux moved, Johnson seconded to accept the quote for Road Oils of \$459.27 per ton for a total amount of \$229,635 from JEBRO Inc. of Sioux City, Iowa and authorize the City Manager and Finance Officer to sign the necessary documents after approval by the City Attorney. All present voting aye, motion carried.

#### BILLS

Rux moved, Ronayne seconded to approve the following audited bills for services, supplies, repairs, and maintenance: Northwestern Energy 19,100.86; Borns Group 3,940.70; CenturyLink 3,776.75; Business Improvement District 7,588.61; Max Stoltenburg 195.00; Nathan Sturgeon 195.00; Sanford Health Occupational 2,971.00; Modern Marketing 1,145.26; Jonathan Borg 25.00; SD Municipal League 50.00; SD Code Enforcement Association 150.00; Moody's Investor Services 17,000.00; United Parcel Services 28.41; Sterling Jones 40.17; Randal Grote 83.29; James Arneson 53.32; Rhonda Haglund 39.87; Lawrence Schile 25.08; Ellsbee Properties 74.35; Jason Terry 26.82; Steven Rhodes 40.15; Kathy Mitzel 26.24; Luella Lambert 32.59; Dougherty & Company LLC 86,767.50; Build America Mutual Assurance 21,694.61. All present voting aye, motion carried.

#### PAYROLL

Johnson moved, Remily seconded to approve the payroll for period from March 6, 2016 through March 19, 2016 and city share of social security, old age & survivor's insurance, retirement, health and life insurance: Wells Fargo 117,060.15; SD Retirement 66,041.51; Governing Body 3,192.28; City Manager 7,358.71; City Attorney 5,166.55; Finance 12,654.66; HR 8,055.20; Buildings 383.78; Computer 4,253.19; Planning/Zoning 13,030.55; Engineering 11,439.00; Police 105,702.33; Fire 92,257.30; Fire Prevention 4,605.60; Housing/Building 5,877.75; Street 27,417.90; Traffic 4,622.94; Solid Waste 17,612.15; Transportation/Ride Line 15,902.73; Library 23,653.84, Courtney Henschel 8.70 hr, Hannah Johnson 8.70 hr; Parks, Rec & Forestry 81,250.12, Miranda Kallenberger 12.75 hr, Spencer Lux 10.50 hr, Caleb Ryan 8.75 hr, Bridget Solsaa 9.25 hr; Airport 14,613.44; Pipe 18,740.44; Water Treatment 17,152.47; Meter 2,665.68; Water Reclamation 17,843.10; Pump 5,380.15; Old Federal Crths Bldg 1,620.00. Upon roll call, all present voting aye,

motion carried.

**EXECUTIVE SESSION**

Bunsness moved, Rux seconded to move into executive session to discuss proposed litigation and contractual matters with legal counsel per SDCL §1-25-2(3). All present voting aye, motion carried.

Johnson moved, Ronayne seconded to move out of executive session. All present voting aye, motion carried.

There being no further business, Rux moved, Johnson 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.