

## CITY COUNCIL PROCEEDINGS

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, April 25, 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 David Bunsness, Todd Campbell, Alan Johnson, Mark Remily, Rob Ronayne, Clint Rux, and Jennifer Slight-Hansen. City Council Member Laure Swanson was absent. City Staff present were Lynn Lander, Ron Wager, Robin Bobzien, Brett Bill, Karl Alberts, Dave McNeil, Cody Roggatz, Kevin VanMeter, and Tim Medenwald.

Mayor Levsen led the Pledge of Allegiance.

## MINUTES

Rux moved, Bunsness seconded to approve the minutes of April 18, 2016, as circulated. All present voting aye, motion carried.

PROCLAMATION – Mayor Levsen read and proclaimed April 29, 2016 as “Arbor Day”.

OPEN FORUM – A presentation of a lifesaving award by the Aberdeen Fire/Rescue Department and a presentation of a distinguished service by a civilian award by the Aberdeen Police Department was made to Alexis Skinner.

CONSENT CALENDAR

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

NOTICE OF PUBLIC SALE – of City Surplus Items on May 13, 2016 at 5:30 p.m. at Public Works Shop at the 1000 Block of Third Avenue, SW or near the corner of Tenth Street South and Third Avenue, SW.

SET HEARING DATE – of May 16, 2016 at 5:30 p.m. for a Petition to Vacate Public Right-Of-Way described as the 16’ East/West Alley Public Right-Of-Way located in Block 48, Howard & Hedger’s Replat of the Northwestern Addition; 66’ wide section of Second Avenue, NE Public Right-Of-Way commencing at the East Side of Jackson Street North and lying adjacent to and to the West of Lot 2, Northwestern Gas Plant Addition; The Entire 16’ x 300’ North/South section of Alley Public Right-Of-Way located in Block 37, Howard & Hedger’s Replat of the Northwestern Addition; The 66’ wide section of Congress Street North Public Right-Of-Way commencing at the South Side of Third Avenue, NE lying adjacent and to the West of Lot 2, Northwestern Gas Plant Addition and adjacent to the East of Lots 1 – 6, Howard & Hedger’s Replat of Northwestern Addition. (214 North Jackson Street and 102 North Jackson Street)

PLATS – 1) Performance Rentals Second Subdivision in the SW ¼ of Section 21, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, SD (38422 Hwy #12 West and 13340 – 384<sup>th</sup> Avenue); 2) Jacob Jundt 1<sup>st</sup> Consolidation Addition in Block 23, Hagerty & Lloyd’s Addition in Aberdeen, SD (418 and 420 North Jay Street); 3) Browne Park Addition to the City of Aberdeen in the NW ¼ of Section 18, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, SD; (102 and 214 North Jackson Street and 1106 Third Avenue, NE); 4) Yelduz Corner Subdivision in Aberdeen, SD (802 South Main Street); 5) AGP Addition to Aberdeen in Section 9, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, SD with stipulation that new railroad spur property be annexed. (4816 Eighth Avenue, NE and 2001 – 391<sup>st</sup> Avenue, North); 6) C & P Addition to Ashwood Heights Subdivision to the City of Aberdeen in the SW ¼ of Section 8, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, SD with stipulation that all Board of Zoning Adjustment approvals are granted. (1232 and 2626 Oakwood Lane); 7) HAPI Fourth Central Subdivision to Aberdeen in the W ½ of NE ¼ of Section 30, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, SD with stipulation that a minimum of 14’ wide access road to the retention pond be platted. (2309 South Lawson Street); 8) Rivett Family Second Addition to Aberdeen in the SW ¼ and NW ¼ of Section 9, T123N, R63W of the 5<sup>th</sup>

P.M., Brown County, SD with stipulation that property be annexed and that newly created railroad spur be platted together with adjacent property. (4407 Eighth Avenue, NE).

LICENSES – Residential Building Contractor – James Diede dba JD Acoustics; Residential Building Contractor – Brady Kleffman dba Glacier Homes; Sidewalk Contractor – Midwest Masonry.

REQUEST FOR PERMISSION – to serve and permit the consumption of alcoholic beverages at the Wylie Park Pavilion on July 9, 2016 for a Truebenbach/Andrews Wedding Reception.

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

All present voting aye, motion carried.

#### NEW BUSINESS

##### ORDINANCE NO. 16-04-01

Ordinance No. 16-04-01 amending Zoning Ordinance No. 1164 to rezone from (R-2) District, (R-3) District, (A-2) District, and (M) District to (M) District property described as Lot 1, 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, SD (1202 and 1214 Tenth Avenue, SE and 1101 East Melgaard Road) was presented. Bunsness moved, Ronayne seconded to approve first reading of Ordinance No. 16-04-01. Upon roll call, all present voting aye, motion carried.

##### ORDINANCE NO. 16-04-02

Ordinance No. 16-04-02 amending Zoning Ordinance No. 1164 to rezone from (A-1) District to (M) District property described as Lot 1, 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, SD (1005 North Brown County Hwy #19 and 3800 Eighth Avenue, NE) was presented. Rux moved, Johnson seconded to approve first reading of Ordinance No. 16-04-02. Upon roll call, all present voting aye, motion carried.

##### ORDINANCE NO. 16-04-03

Ordinance No. 16-04-03 amending Zoning Ordinance No. 1164 to rezone from (R-3) District and (A-2) District to (A-2) District property described as Lot 2, Senior Center Subdivision in Aberdeen, SD (1502 Sixth Avenue, SE) was presented. Bunsness moved, Ronayne seconded to approve first reading of Ordinance No. 16-04-03. Upon roll call, all present voting aye, motion carried.

##### ORDINANCE NO. 16-04-04

Ordinance No. 16-04-04 amending Zoning Ordinance No. 1164 to rezone from (I-2) District to (M) District property described as Lot 1, Brown County 19 Pond Addition to the City of Aberdeen in the SE ¼ of Section 17, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, SD (108 North Brown County Hwy #19) was presented. Johnson moved, Bunsness seconded to approve first reading of Ordinance No. 16-04-04. Upon roll call, all present voting aye, motion carried.

##### ORDINANCE NO. 16-04-05

Ordinance No. 16-04-05 amending Zoning Ordinance No. 1164 to rezone from (R-3) District to (M) District property described as Lot 2, Family Homes 1<sup>st</sup> Subdivision in Aberdeen, SD (1325 McGovern Avenue, SE) was presented. Ronayne moved, Rux seconded to approve first reading of Ordinance No. 16-04-05. Upon roll call, all present voting aye, motion carried.

## ORDINANCE NO. 16-04-06

Ordinance No. 16-04-06 amending Zoning Ordinance No. 1164 to rezone from (R-3) District to (M) District property described as Lot 1, Harty Addition to the City of Aberdeen, Brown County, SD (622 South Rock Street) was presented. Bunsness moved, Johnson seconded to approve first reading of Ordinance No. 16-04-06. Upon roll call, all present voting aye, motion carried.

## ORDINANCE NO. 16-04-07

Ordinance No. 16-04-07 amending Zoning Ordinance No. 1164 to rezone from (I-1) District to (M) District property described as Lot 1, Brown County 19 Pond 2<sup>nd</sup> Addition to the City of Aberdeen in the NW ¼ of Section 16, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, SD (320 North Brown County Hwy #19) was presented. Slaughter-Hansen moved, Remily seconded to approve first reading of Ordinance No. 16-04-07. Upon roll call, all present voting aye, motion carried.

## ORDINANCE NO. 16-04-08

Ordinance No. 16-04-08 amending Zoning Ordinance No. 1164 to rezone from (A-2) District and (R-2) District to (A-2) District property described as Lot 2, 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, SD (1719 South Dakota Street) was presented. Ronayne moved, Remily seconded to approve first reading of Ordinance No. 16-04-08. Upon roll call, all present voting aye, motion carried.

## ORDINANCE NO. 16-04-09

Ordinance No. 16-04-09 to lease Airport Property for hay for five years was presented. Remily moved, Johnson seconded to approve first reading of Ordinance No. 16-04-09. Upon roll call, all present voting aye, motion carried.

## RESOLUTION NO. 16-04-08R

Rux moved, Campbell seconded to approve Resolution No. 16-04-08R declaring firearms as surplus property and providing for the trade-in on new item as follows:

BE IT HEREBY RESOLVED by the Aberdeen City Council that the following described property is declared surplus property and may be disposed of in accordance with SDCL §23A-37-13, said property is described as follows:

20 Gauge single barrel shotgun Serial #R115168, Tag No. 08-55958, Incident No. 08001606; Remington 870 12 gauge shotgun Serial #B399464M, Tag No. 13-2038, Incident No. 13AP24016; .22 Mossberg Serial #ELM3046177, Tag No. 11-4254, Incident No. 11002603; J.C. Higgins shotgun, Tag No. 75-1250, Incident No. 75-31216; Winchester/no bar Serial #L541159, Tag No. 10-2268, Incident No. 10001038; Jennings 390 Serial #217299, Tag No. 11-3381, Incident No. 11001703; Ruger 9mm Serial #322-00132, Tag No. 14-1008, Incident No. 14AP13050; 12 gauge Winchester Serial #102202, Tag No. 11-3577, Incident No. 11002151; .22 Winchester Serial #B123857, Tag No. 11-3578, Incident No. 11002151; Remington 1100 12 Serial #L750635M, Tag No. 11-3580, Incident No. 11002151; Winchester 30/30 Serial #4183149, Tag No. 11-3581, Incident No. 11002151; Springfield 9mm, Tag No. 13-1679, Incident No. 13AP21215; Springfield Magazine, Tag No. 13-1241, Incident No. 13AP14930; Magazine, Tag No. 15-2968, Incident No. 15AP27021; Ruger Magazine, Tag No. 13-1681, Incident No. 13AP21215; Ruger .22 Magazine, Tag No. 14-0055, Incident No. 14AP00963.

BE IT FURTHER RESOLVED that the Chief of Police may trade this surplus property to any licensed firearms dealer, as allowed by law.

All present voting aye, motion carried.

## TAX INCREMENTAL FINANCE DISTRICT NO. 26

The Project Plan and Resolution No. 16-04-09R to create Tax Incremental Finance

District No. 26 for Homes Are Possible, Inc. at 2309 South Lawson Street was presented. Ronayne moved, Bunsness seconded to amend the Resolution to add "Blocks 1 - 4" to the boundaries description of Homes Are Possible Fourth Central Subdivision. All present voting aye, motion carried. Ronayne moved, Rux seconded to approve amended Resolution No. 16-04-09R creating Tax Incremental Finance District No. 26 for Homes Are Possible, Inc. as follows:

WHEREAS, a public hearing was held before the Planning Commission of the City of Aberdeen, South Dakota, on April 19, 2016, at 7:00 p.m., in the Courthouse Basement in the Brown County Courthouse at 25 Market Street, Aberdeen, South Dakota, pursuant to notice of such hearing for the purpose of considering the creation of Tax Incremental District No. 26 and its proposed boundaries and;

WHEREAS, the Planning Commission of the City of Aberdeen did at its regular meeting on April 19, 2016, pass a resolution establishing the boundaries of such tax incremental district and did submit a recommendation to the City Council of the City of Aberdeen, South Dakota, recommending the creation of the said Tax Incremental District No. 26 and;

WHEREAS, the Planning Commission of the City of Aberdeen, South Dakota, at its regular meeting on April 19, 2016, held in the Courthouse Basement in the Brown County Courthouse at 25 Market Street, Aberdeen, South Dakota, did pass a Resolution adopting the Project Plan for the proposed Tax Incremental District No. 26 and did recommend to the City Council of the City of Aberdeen, South Dakota, that it approve and adopt the project plan and;

WHEREAS, such action by the Planning Commission of the City of Aberdeen was done in accordance with SDCL Chapter 11-9 and such action by the Planning Commission was done at a regular meeting of the said Planning Commission after notice properly given and after due hearing and being appropriately and properly advised:

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Aberdeen, South Dakota that the boundaries of the proposed Tax Incremental District No. 26 be and the same are hereby designated as:

Blocks 1 – 4 in Homes Are Possible Fourth Central Subdivision to Aberdeen in the W ½ of the NE ¼ of Section 30, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota,

and that the specific lots to be included in said Tax Incremental District No. 26 are as set forth and identified in the Project Plan on file in the office of the City Finance Officer of the City of Aberdeen, South Dakota, located at 123 S. Lincoln Street, Aberdeen, South Dakota 57401-4215 and in the office of Planning and Zoning of the City of Aberdeen, South Dakota, located at 123 South Lincoln Street, Aberdeen, South Dakota 57401-4215.

BE IT FURTHER RESOLVED that such Tax Incremental District No. 26 contains property not less than 25% by area of which is blighted because of faulty layout deterioration, lack of attention and general unrepaired and unattended normal wear and tear and lack of usage in relationship to size, adequacy, accessibility, and usefulness in that such area significantly and substantially impairs or arrests the solid growth of that area of the City of Aberdeen, South Dakota, and constitutes an economic liability in its general present condition and use and that further, the improvement of the area is likely to enhance significantly the value of substantially all other real property within the area and immediately adjacent thereto, and if such tax incremental district is created that there is likelihood that there will be residential homes in the proposed Tax Incremental District No. 26 enhancing the area and improving the tax base of the City of Aberdeen.

BE IT FURTHER RESOLVED that the district is hereby created with an effective

date of April 25, 2016, subject to any conditions thereon.

BE IT FURTHER RESOLVED that the district shall be named and designated as Tax Incremental District No. 26 of the City of Aberdeen, South Dakota.

BE IT FURTHER RESOLVED that the Project Plan approved by the Planning Commission of the City of Aberdeen, South Dakota, at its regular meeting held on April 19, 2016, be and the same is hereby approved and adopted and that such plan is feasible and in conformity with the master plan of the City of Aberdeen, South Dakota, and municipal corporation of the State of South Dakota.

BE IT FURTHER RESOLVED that a Development Agreement setting forth the rights and responsibilities of the developer of the Project Plan shall be executed by the City of Aberdeen and the developer as a condition for the creation of Tax Incremental District No. 26.

BE IT FURTHER RESOLVED that the aggregate assessed valuation of the taxable property in the district plus the tax incremental base of all other existing districts does not exceed 10% of the total assessed value of taxable property in the City of Aberdeen, South Dakota.

All present voting aye, motion carried.

#### CHANGE ORDER AND PAYMENT FOR KLINE ST. STORM SEWER PROJECT

Campbell moved, Slaight-Hansen seconded to approve Change Order #2 in the amount of \$17,434.28 and Pay Request #6 in the amount of \$139,987.22 for B & B Contracting for work performed on the Kline Street Storm Sewer Improvements Project SS-2015-1. Upon roll call, all present voting aye, motion carried.

#### BILLS

Johnson moved, Slaight-Hansen seconded to approve the following audited bills for services, supplies, repairs, and maintenance: Northwestern Energy 5,523.79; Dakotacare 94,423.21; MetLife 514.24; Business Improvement District 1,740.55; Danko Emergency Equipment 340.00; MSA Safety Company 638.00; Sanford Health Occupational Medical Clinic 4,209.00; Taylor Laundry 112.50; United Parcel Service 172.97; CVB 26,201.28; Dakota Supply Group 98,558.42; SD Electrical Commission 100.00; Quantum Properties 2,500.00; Justin Steiger 91.64; Brian Decker 375.72; J Gross Equipment 118,672.26; Alliance Contracting 28.72; Prairie Builders 24.81; Ericksons & Associates 25.72; Eric Brenner 65.98; Linear Title & Closing 260.99. 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, Ronayne 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.