

CITY COUNCIL PROCEEDINGS

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, May 28, 2019 at 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 Alan Johnson, Dave Lunzman, Dennis “Mike” Olson, Mark Remily, Rob Ronayne, Clint Rux, and Jennifer Slaughter-Hansen. City Council Member David Bunsness was absent. City Staff present were Lynn Lander, Ron Wager, Robin Bobzien, Brett Bill, Karl Alberts, Dave McNeil, and Bob Braun.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Motion by Slaughter-Hansen, second by Rux to approve the minutes of the City Council Meeting of May 20, 2019, as circulated. All present voting aye, motion carried.

OPEN FORUM - No one was present.

CONSENT CALENDAR

Motion by Johnson, second by Rux to approve the following items on the consent calendar:

SET HEARING DATE – of June 10, 2019 at 5:30 p.m. for the following: Special One-Day Retail On-Sale Liquor License on June 13, 2019 for Aberdeen Downtown Association dba Summer Concert Series, South Main Street from 2nd Avenue to Railroad Avenue including an application for a Community Event Permit for the same; Retail On-Off Sale Wine & Cider License for One Legged Pheasant Brewery LLC dba One Legged Pheasant Brewery, 723 South Main Street.

SET HEARING DATE – of June 17, 2019 at 5:30 p.m. for the following: Ordinance No. 19-05-04 amending the City Code and repealing extraterritorial zoning jurisdiction; Petition to vacate public right-of-way described as the south 15’ of 12th Avenue, NW public right-of-way adjacent to Lots 1 – 12, Block 4, Corrected Plat of the Highlands of Aberdeen commencing at the west right-of-way line of North 3rd Street public right-of-way and continuing west for 300.66’ to a point of termination at the east right-of-way line of North 4th Street public right-of-way. (1123 North 3rd Street and 1120 North 4th Street).

PLATS: 1) Marnette First Subdivision to Aberdeen in the SW ¼ of Section 6, T123N, R63W of the 5th P.M., Brown County, SD (909 and 913 – 29th Avenue, NE) with stipulation that one of two water/sewer services is retired from service; 2) NSU-SDSBVI Addition to the City of Aberdeen in the SE ¼ of Section 24, T123N, R64W of the 5th P.M., Brown County, SD (1300 South Dakota Street) with stipulation that no structures are to be placed within existing 16 foot sanitary sewer easement that runs on west end of proposed Lot 2; 3) Spaulding’s Sixth Addition to the City of Aberdeen in the SE ¼ of Section 12, T123N, R64W of the 5th P.M., Brown County, SD (1411 and 1421 North Kline Street) with stipulation that petitioners have sidewalk installed, where missing, along all platted rights-of-way within five years of the plat

filing date; 4) Family Dental Care Addition to the City of Aberdeen in the SE ¼ of Section 13 and the NE ¼ of Section 24, all in T123N, R64W of the 5th P.M., Brown County, SD (503 North Kline Street) with stipulation that this lot may not take access off 6th Avenue, SE); 5) Wylie Meadows First Addition to Aberdeen in the NW ¼ of Section 11, T123N, R64W of the 5th P.M., Brown County, SD (1701 and 1719 Holiday Circle and 2002 North 19th Street) with stipulation that a developer's agreement is established and any dedicated right-of-way that is not fully developed and exceeds 150 feet will need to have a cul-de-sac or hammerhead turnaround installed that is hard surfaced and approved by the Fire Marshall.

LICENSES – Private Security – Morgan Millim; Residential Building Contractor – Mylun Tikka; Taxi Cab Driver – Andrew Johnson.

DEPARTMENTS' BOARD MEETING MINUTES AND REPORTS – Aberdeen Airport Board Meeting Minutes; Board of Zoning Adjustment Meeting Minutes; K.O. Lee Aberdeen Public Library Board of Trustees Meeting Minutes – receive and place on file.

2018 UNAUDITED FINANCIAL REPORT – for the City of Aberdeen, SD – receive and place on file.

All present voting aye, motion carried.

NEW BUSINESS

ORDINANCE NO. 19-05-01

City Planning/Zoning Director Brett Bill presented a petition to rezone the property described as Lot 1, T. and S. Jones Consolidation Subdivision in Aberdeen in the NW ¼ of Section 24, T123N, R64W of the 5th P.M., Brown County, SD (1122 South Main Street) from (C-1) Neighborhood Commercial District to (C-3) Central Business District. Motion by Johnson, second by Slight-Hansen to approve first reading of Ordinance No. 19-05-01 to rezone the property. Upon roll call, all present voting aye, motion carried.

ORDINANCE NO. 19-05-03

City Planning/Zoning Director Brett Bill presented a petition to rezone the property described as proposed Wylie Meadows First Addition to Aberdeen, excluding Lot 17, Block 1, Lot 7, Block 2, and Lot 14, Block 4, located in the NW ¼ of Section 11, T123N, R64W of the 5th P.M., Brown County, SD (1701 and 1719 Holiday Circle and 2002 North 19th Street) from (C-2) Highway Commercial District to (R-2) Medium Density Residential District. Motion by Rux, second by Olson to approve first reading of Ordinance No. 19-05-03 to rezone the property. Upon roll call, all present voting aye, motion carried.

RESOLUTION NO. 19-05-01R

City Attorney Ron Wager explained Resolution No. 19-05-01R setting the fee for a full service on-sale Restaurant Liquor License. Motion by Rux, second by Remily to approve Resolution No. 19-05-01R as follows:

RESOLUTION SETTING FULL SERVICE
RESTAURANT ON-SALE LIQUOR LICENSE FEE

WHEREAS, the City of Aberdeen adopted Ordinance No. 08-12-06 authorizing the issuance of full service restaurant on-sale liquor licenses pursuant to SDCL § 35-4-111, which ordinance became effective January 23, 2009; and

WHEREAS, the City Council thereafter adopted Resolution No. 09-09-01R determining the then-current fair market value of an on-sale liquor license and setting the fee for a full service on-sale restaurant liquor license in the amount of \$100,000; and

WHEREAS, SDCL §§ 35-4-116 and 35-4-117 permit the City to change the fee after ten years from the date of adoption of Ordinance No. 08-12-06; to wit, January 23, 2019; and

WHEREAS, the City is not required to set the price of the full-service restaurant on-sale license at or above the current fair market value after the ten-year period has elapsed; and

WHEREAS, the City is required to charge as a fee for such license at least one dollar for each person residing within the municipality as measured by the last preceding decennial federal census; and

WHEREAS, the population of the City as measured by the last decennial federal census in 2010 was 26,091; and

WHEREAS, a survey of full service restaurant on-sale liquor license fees set and licenses issued by other first class municipalities in the state identified the following:

City	Fee Amount	Year Fee Last Set	No. of Licenses Issued
Aberdeen	\$100,000	2009	1
Brookings	\$100,000	2011	2
Mitchell	\$190,000	2012	0
Pierre	\$110,000	2010	1
Rapid City	\$100,000	2019	2
Sioux Falls	\$260,000	2009	4
Spearfish	\$130,000	2014	2
Watertown	\$205,000	2009	0

NOW, THEREFORE, BE IT HEREBY RESOLVED that the fee for a full service on-sale restaurant liquor license shall be \$100,000.

The foregoing Resolution was adopted at a regular meeting of the Aberdeen City Council on the 28th day of May, 2019. Number of AYES: 8; Number of NAYS: 0. All present voting aye, motion carried.

BIDS FOR MILL AND OVERLAY IMPROVEMENTS

City Engineer Robin Bobzien presented bids received for the 2019 Mill and Overlay Improvements Project (ST-2019-1) and recommended the acceptance of the bid from Jensen Rock & Sand Inc. in the amount of \$511,636.92. Motion by Ronayne, second by Lunzman to award the Mill and Overlay Improvements Bid to Jensen Rock & Sand Inc. in the amount of

\$511,636.92 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.

BIDS FOR PRETREATMENT DOME REPLACEMENT

Water Treatment Superintendent Bob Braun presented bids received for the 2019 Pretreatment Dome Replacement Project at the Water Treatment Plant and recommended the acceptance of the bid from B & B Contracting in the amount of \$44,000.00. Motion by Ronayne, second by Johnson to award the Pretreatment Dome Replacement Bid to B & B Contracting in the amount of \$44,000.00 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.

CHANGE ORDER/PAYMENT FOR ACCESSIBLE QUADRANT IMPROVEMENTS

City Engineer Robin Bobzien presented Change Order #1 in the amount of \$17,438.30 and a Payment Request #1 in the amount of \$61,562.22 to Wright & Sudlow for work on the Accessible Quadrant Improvements Project (CONC-2019-2). Motion by Rux, second by Slight-Hansen to approve Change Order #1 in the amount of \$17,438.30 and Payment Request #1 in the amount of \$61,562.22 to Wright & Sudlow. Upon roll call, all present voting aye, motion carried.

BILLS

Motion by Ronayne, second by Olson to approve payment of the bills listed for May 28, 2019, and any additions thereto, such bills having been audited by the Finance Officer and fully itemized and authorize the Mayor or City Manager to sign, and the Finance Officer to countersign, all warrants for payment of the following approved bills: Northwestern Energy 10,854.25; ETS Corp. 1,500.00; Dacotah Bank 5,000.00; Plug N Pay 1,000.00; Infintech 1,000.00; Brown County Treasurer 6.00; Verizon Wireless 31.89; NVC 29.14; Farnums Genuine Parts 459.57; Business Improvement Dist. 16,880.76; CVB 28,247.52; Environmental Sys. Research Institute 8,000.00; B & B Contracting 200,011.61; UPS 163.66; AGTEGRA Coop. 99.95; Electric Pump 780.00; Devin Hebeisen 400.00; Evers Excavation 316.00; Prairie Home Inspector 7,250.04. Upon roll call, all present voting aye, motion carried.

PAYROLL

Motion by Johnson, second by Olson to approve the payroll for the period from May 12, 2019 through May 25, 2019 and city share of social security, old age & survivor's insurance, retirement, health and life insurance: Wells Fargo 148,969.08; SD Retirement 75,553.65; Governing Body 3,192.28; City Manager 8,313.35; City Attorney 6,701.91; Finance 14,139.70; HR 7,643.85, Building 1,711.35; Computer 4,530.70; Planning/Zoning 14,905.28; Engineering 13,046.20, Conner Torrence 12.00 hr; Police 133,548.44, Justine Charles 23.39 hr, Braxton Farmen 22.82 hr, Jakob Heyd 22.82 hr, Tanner Jondahl 29.95 hr, Kasey Kurtz 22.82 hr, Jeff Neal 25.82 hr, Kory Pickrel 29.95 hr, Fire 101,174.01, Landon Binfet 15.14 hr, Carter Deyo 15.14 hr, Austin Nath 15.14 hr, Chad Nilson 2,709.99 bw, Taylor Rozell 13.00 hr, Blair Smith

21.39 hr; Housing/Building 4,477.75; Street 30,758.95; Traffic 6,227.57; Solid Waste 21,874.15; Transportation/Ride Line 16,822.17, Kim Runnels 12.00 hr; Library 27,281.01; Parks, Rec & Forestry 148,115.00, Dorien Ah Sam Jr 10.75 hr, Scott Albrecht 10.25 hr, Claire Angerhofer 48-54 team, 9.25 hr, Alex Bartlett 14.00 hr, Boston Bauer 10.75 hr, Aubrey Clark 10.50 hr, Trey Cramer 9.75 hr, Keisean Deehr 52-58 team, 14-24 game, 9.25 hr, Grace Douglas 9.25 hr, Shelby Edwards 44-50 team, 9.25 hr, Taryn Fergel 44-50 team, 9.25 hr, Samantha Fletcher 10.00 hr, Mirra Frohling 19-25 class, 9.25 hr, Gabriel Goetz 44 team, 9.25 hr, Cannon Hannigan 10.75 hr, Aaron Knox 10.50 hr, Steve Markley 530 week, 10.00 hr, Kristin McCafferty 530 week, 10.25 hr, Allen Miller 14-24 game, 9.25 hr, Itagia Pomele 10.75 hr, Sydney Rapp 10.25 hr, John Rohrbach 10.25 hr, Samuel Sather 44 team, 14-24 game, 9.25 hr, Tabor Schabot 52-58 team, 14-24 game, 9.25 hr, Ronald Sieler 9.25 hr, Jaynie Spier 10.75 hr, Joshua Steinwandt 14-24 game, 9.25 hr, Amy Thompson 12.25 hr, Elizabeth Tobin 10.25 hr, David Vilhauer 350 half season, 10.25 hr, Christopher Weber 14-24 game, 9.25 hr, Airport 16,115.98; Pipe 28,906.17; Water Treatment 19,197.52; Meter 1,594.08; Water Reclamation 21,317.27; Pump 9,543.09, Old Federal Crths Bldg 1,660.60. Upon roll call, all present voting aye, motion carried.

CITY MANAGER'S REPORT

Lynn Lander gave the City Manager's Report including a discussion of painting crosswalks downtown with the support of the Aberdeen Downtown Association.

ADJOURN

There being no further business, motion by Ronayne, second by Slight-Hansen to adjourn the meeting. All present voting aye, motion carried.

Prepared by Mary Campton for the Finance Office. /s/ Karl Alberts, Finance Officer.