

## CITY COUNCIL PROCEEDINGS

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, July 29, 2019 at 5:30 p.m., regular meeting of the Board of City Council Members, Mayor Mike Schaunaman presiding. Present at roll call were City Council Members Mark Remily, Dave Lunzman, Josh Rife, Alan Johnson, David Bunsness, Dennis “Mike” Olson, and Clint Rux. City Council Member Rob Ronayne was absent. City Staff present were Lynn Lander, Ron Wager, Robin Bobzien, Brett Bill, Karl Alberts, and Eric Duvan.

Mayor Schaunaman led the Pledge of Allegiance.

MINUTES

Motion by Bunsness, second by Lunzman to approve the minutes of the City Council Meeting of July 22, 2019, as circulated. All present voting aye, motion carried.

OPEN FORUM – No one was present.

OLD BUSINESS

## ORDINANCE NO. 19-07-01

Motion by Johnson, second by Olson to approve second reading and final adoption of Ordinance No. 19-07-01 to rezone Lot 2, Jensen Rock and Sand First Addition (909 South 8<sup>th</sup> Street) from (I-2) Unrestricted Industrial District to (R-3) High Density Residential District. Upon roll call, all present voting aye, motion carried.

## ORDINANCE NO. 19-07-02

Motion by Bunsness, second by Rux to take off the table for further discussion the possible first reading of Ordinance No. 19-07-02 amending the zoning regulations of the City Code regarding illuminated and electronic message board signs and signs in the Aberdeen Commercial Historic District. All present voting aye, motion carried. Discussion followed. Marshall Lovrien, the attorney representing Lamar Advertising, was present for the discussion. City Attorney Ron Wager explained the administration’s proposed amendments to the Ordinance. Motion by Olson, second by Remily to amend Sec. 60-341(a)(2)c to delete “300 feet to any other off-premises sign structure on the same side of the right-of-way nor closer than” so the subsection reads as follows: c. Off-premises signs shall not be displayed closer than ~~300 feet to any other off-premises sign structure on the same side of the right-of-way nor closer than~~ a 600-foot 150-foot radius to any other off-premises sign structure. All present voting aye, motion carried. Motion by Johnson, second by Rux to amend Sec. 60-341(a)(4) the language to create a new heading and two subsections that read as follows: (4) Location to access point. a. Static off-premises signs shall not be located closer than 50 feet to any intersection of public street rights-of-way nor access point (driveway, approach, etc.) to a public street. b. Off-premises electronic message board signs shall not be located closer than 75 feet to any intersection of public street rights-of-way. All present voting aye, motion carried. Motion by Rife, second by Remily to amend approving the Alt. 3 language revising Sec. 60-344 by creating a new subsection (e) that reads as follows: (e) Conversion of existing nonconforming off-

premises sign to electronic message board sign. Notwithstanding any other provision of this Code, any legal nonconforming off-premise sign may be converted by alteration and reconstruction to an electronic message board sign structure by the current permit holder at the same height and within a 10-foot radius of the same location of the sign cabinet as it currently exists, as long as the new location is not closer to the nearest roadway or residential area. A converted electronic message board sign structure may not be displayed closer than 600 feet to any other off-premises electronic message board sign structure. A converted electronic message board sign shall comply with all other provisions of the Code. A sign building permit is required to make the conversion allowed by this subsection. Upon roll call, Rux, Bunsness, and Johnson voting nay, Olson, Rife, Lunzman, Remily, and Mayor Schaunaman voting aye, 3 nays and 5 ayes, motion carried. On the original motion to approve first reading of Ordinance No. 19-07-02 as amended, upon roll call, Remily, Lunzman, Rife, Olson, and Mayor Schaunaman voting aye, Johnson, Bunsness, and Rux voting nay, 5 ayes and 3 nays, motion carried.

#### ORDINANCE NO. 19-07-04

Motion by Bunsness, second by Remily to approve second reading and final adoption of Ordinance No. 19-07-04 to rezone Lot 1, Jensen Rock and Sand First Addition (911 South 8<sup>th</sup> Street) from (C-1) Neighborhood Commercial District and (I-2) Unrestricted Industrial District to (I-2) Unrestricted Industrial District. Upon roll call, all present voting aye, motion carried.

#### CONSENT CALENDAR

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

LICENSE – Solicitor/Canvasser – Marko Nahkor and Joosep Kalbus

DEPARTMENTS’ BOARD REPORTS AND MINUTES – Aberdeen Airport Board Meeting Minutes, Aberdeen City Planning Commission Meeting Minutes, Brown County/Aberdeen City Planning Commission Meeting Minutes, Board of Zoning Adjustment Meeting Minutes, Park & Recreation Board Meeting Minutes – receive and place on file.

REQUEST FOR STREET USE – 1200 and 1300 Block of North Penn Street for a Neighborhood Street Picnic on August 10, 2019.

All present voting aye, motion carried.

#### NEW BUSINESS

#### ORDINANCE NO. 19-07-07

Motion by Bunsness, second by Rux to approve first reading of Ordinance No. 19-07-07 for supplementing the 2019 Budget for various unanticipated projects, activities, and expenses. City Finance Officer Karl Alberts explained Ordinance No. 19-07-07. Upon roll call, all present voting aye, motion carried.

#### RESOLUTION NO. 19-07-05R - ANNEXATION

Motion by Bunsness, second by Rux to approve Resolution No. 19-07-05R to annex property described as Lot 27A, Hall-Nichols Replat of a portion of Lot 4, Culbert’s Subdivision

of the NW ¼, Section 25, T123N, R64W of the 5<sup>th</sup> P.m., Brown County, SD (Area West of 1871 Eisenhower Circle) into the city limits.. City Planning/Zoning Director Brett Bill explained the petition from Roger Hutcheson to voluntarily annex the described 80' x 63' lot into the city limits. Upon roll call, all present voting aye, number of ayes: 8, number of nays: 0, motion carried to approve Resolution No. 19-07-05R.

**RESOLUTION NO. 19-07-06R - TAX INCREMENT FINANCING DISTRICT NO. 31**

Motion by Bunsness, second by Remily to approve Resolution No. 19-07-06R to creating Tax Increment Financing District No. 31 for Wylie Meadows, LLC for property described as lots in Blocks 1, 2, 3, 4, and 5, Wylie Meadows First Addition in the NE ¼ of Section 11, T123N, R64W. City Planning/Zoning Director Brett Bill explained the request from Wylie Meadows, LLC for a Tax Increment Finance District with the intention of creating a new residential subdivision. Upon roll call, all present voting aye, number of ayes: 8, number of nays: 0, motion carried to approve Resolution No. 19-07-06R as follows:

**RESOLUTION CREATING TAX INCREMENT FINANCING DISTRICT NO. 31**

**WHEREAS**, a public hearing was held before the Planning Commission of the City of Aberdeen, South Dakota, on July 16, 2019, at 7:00 p.m., in Council Chambers in the Municipal Building, 123 South Lincoln Street, Aberdeen, South Dakota, pursuant to notice of such hearing, for the purpose of considering the creation of Tax Increment Financing District No. 31 and its proposed boundaries, such public hearing also being the time and place for its regular meeting; and

**WHEREAS**, the Planning Commission at such regular meeting did pass a resolution establishing the boundaries of such Tax Increment Financing District and did submit a recommendation to the City Council of the City of Aberdeen, South Dakota, recommending the creation of the said Tax Increment Financing District No. 31; and

**WHEREAS**, the Planning Commission at such regular meeting did pass a resolution adopting the Project Plan for the proposed Tax Increment Financing District No. 31 and did recommend to the City Council that it approve and adopt the project plan; and

**WHEREAS**, such action by the Planning Commission was done in accordance with SDCL Chapter 11-9 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 Increment Financing District No. 31 be and the same are hereby designated as:

All Lots contained in Blocks 1, 2, 3, 4, and 5, Wylie Meadows First Addition to Aberdeen in the Northwest Quarter of Section 11, Township 123 North, Range 64 West to the 5<sup>th</sup> P.M., Brown County, South Dakota, according to the plat thereof;

Lots 2 – 17, Hardin's North Park Subdivision in the Southwest Quarter of Section 11, Township 123 North, Range 64 West to the 5<sup>th</sup> P.M., Brown County, South Dakota, according to the plat

thereof; and

All Lots contained in the First Addition to Hardin's North Park Subdivision in the Southwest Quarter of Section 11, Township 123 North, Range 64 West to the 5<sup>th</sup> P.M., Brown County, South Dakota, according to the plat thereof,

all as set forth in the TIF 31 District Boundaries map attached hereto and incorporated herein by reference, and that the specific lots to be included in said Tax Increment Financing District No. 31 are as set forth in the Project Plan on file in the offices of the Finance Officer and the Planning and Zoning Department of the City of Aberdeen, South Dakota, both located at 123 South Lincoln Street, Aberdeen, South Dakota.

**BE IT FURTHER RESOLVED** that such Tax Increment Financing District No. 31 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 increment financing district is created that there is likelihood that there will be residential homes in the proposed Tax Increment Financing District No. 31 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 July 29, 2019.

**BE IT FURTHER RESOLVED** that the district shall be named and designated as "Tax Increment Financing District No. 31, City of Aberdeen, South Dakota."

**BE IT FURTHER RESOLVED** that the Project Plan submitted by Wylie Meadows, LLC, as owner and developer, approved by the Planning Commission at its regular meeting held on July 16, 2019, 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 the Development Agreement dated July 24, 2019, entered into by and between Wylie Meadows, LLC, as owner and developer, and the City of Aberdeen specifying conditions for development of the landowner's property in the district is expressly incorporated herein and adopted by reference, and the City Manager is authorized to amend it from time to time in the best interests of the City of Aberdeen and upon mutual agreement with Wylie Meadows, LLC, its successors or assigns.

**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.

**BE IT FURTHER RESOLVED** that the City Manager and Finance Officer are authorized to execute those documents necessary to create and certify Tax Increment Financing District No. 31 as of the effective date of creation of the district.

The foregoing Resolution No. 19-07-06R was adopted at a regular meeting of the Aberdeen City Council on the 29<sup>th</sup> day of July, 2019.

**MOTHER JOSEPH MANOR RETIREMENT COMMUNITY EASEMENT AGREEMENT**

Motion by Remily, second by Lunzman to approve of the “Mother Joseph Manor Retirement Community Easement Agreement” regarding the relocation of a portion of the storm sewer and the construction of an access road and vehicle parking, and to authorize the City Manager to execute the same. City Engineer Robin Bobzien and City Attorney Ron Wager explained the reason for the agreement with Avera St. Luke’s. All present voting aye, motion carried to approve the agreement.

**AGREEMENT FOR PROJECT PH 0010(140)**

Motion by Johnson, second by Bunsness to approve of an agreement for Project PH 0010(140) PCN 06C5 with the SD Department of Transportation for safety funding for installation of retro-reflective borders on the backshields for signals along Highway #12. City Engineer Robin Bobzien explained the agreement with the SD Department of Transportation. All present voting aye, motion carried to approve the agreement.

**APPOINTMENT TO LIBRARY BOARD**

Motion by Rux, second by Remily to approve the appointment of Lynn Klundt to the K.O. Lee Aberdeen Public Library Board of Trustees effective August 6, 2019 through June 30, 2020. All present voting aye, motion carried.

**APPOINTMENT TO BOARD OF ZONING ADJUSTMENT**

Motion by Olson, second by Rife to approve the appointment of Clarence Fjeldheim to the Aberdeen Board of Zoning Adjustment. All present voting aye, motion carried.

**CHANGE ORDER FOR ANNUAL CONCRETE WORK**

Motion by Bunsness, second by Remily to approve of Change Order #1 in the amount of \$10,795.80 for additional work by DeGroot Concrete & Construction, LLC on the Annual Concrete Work Project. City Engineer Robin Bobzien explained the reason for the additional work on the project. Upon roll call, all present voting aye, motion carried.

**CHANGE ORDER/PAYMENT FOR MILL & OVERLAY PROJECT**

Motion by Johnson, second by Bunsness to approve of Change Order #1 in the amount of \$2,899.94 and Payment Request #1 in the amount of \$51,074.74 for Jensen Rock & Sand Inc. for work on the Mill & Overlay Improvements Project. City Engineer Robin Bobzien explained the reason for the change order and the payment request for Jensen Rock & Sand Inc. Upon roll call, all present voting aye, motion carried.

**PAYMENT FOR ACCESSIBLE QUADRANT IMPROVEMENTS**

Motion by Johnson, second by Lunzman to approve of Pay Estimate #3 in the amount of

\$22,219.56 to Wright & Sudlow for work on the Accessible Quadrant Improvements Project. City Engineer Robin Bobzien explained the payment request to Wright & Sudlow. Upon roll call, all present voting aye, motion carried.

#### BILLS

Motion by Lunzman, second by Olson to approve payment of the bills listed for July 29, 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: APO, LLC 15,000.00; Business Improvement Dist. 23,023.71; CVB 36,083.60; ETS Corp. 1,500.00; Dacotah Bank 5,000.00; Plug N Pay 1,000.00; Infintech 1,000.00; United States Treasury 840.35; Crawford Trucks & Equipment 2,573.38; NVC 29.14; J & K Mowing Service 400.00; George Donovan 50.00; CLIA Laboratory Program 180.00; Geoff Stoltenburg 540.00; Tanner Venard 540.00; Clark Engineering Corp. 1,507.50; Timothy Mantz 67.01; Cory Gollnick 40.35; Ashley Cahoy 23.26; Reif Project Services, LLC 76.29; United Parcel Service 126.33; DeGroot Concrete & Construction, LLC 48,208.98; SD Dept. of Transportation 69,004.52. Upon roll call, all present voting aye, motion carried.

#### CITY MANAGER'S REPORT

Lynn Lander presented the 2020-2024 Capital Outlay Program and the 2020 Budget Proposal for the City of Aberdeen.

#### ADJOURN

There being no further business, motion by Bunsness, second by Lunzman to adjourn the meeting. All present voting aye, motion carried.

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