

JOINT CITY/COUNTY PROCEEDINGS

Brown County Commission Chambers, 25 Market Street, Aberdeen, South Dakota, September 4, 2012, 8:45 a.m., Joint City/County Meeting, Mayor Mike Levsen presiding. Present at roll call were Council Members Tom Agnitsch, David Bunsness, Todd Campbell, Jeff Mitchell, and Laure Swanson. Council Members Mark Remily, Clint Rux, and Jennifer Slight-Hansen were absent. County Commissioners present were Tom Fischbach, Mike Wiese, Nancy Hansen, Duane Sutton, and Burt Elliot. City staff present were Brett Bill, Karl Alberts, and Lynn Lander.

ORDINANCE NO. 12-07-01

Campbell moved, Bunsness seconded to approve second reading and final adoption of Ordinance No. 12-07-01 to rezone from Section 710 (I-2) to Section 714 (M-AG) Wahlen's First Subdivision in the NE ¼ of Section 8, T123N, R63W of the 5th P.M., Brown County, South Dakota. Upon roll call, all present voting aye, motion carried.

Fischbach moved, Elliot seconded to approve second reading and final adoption of Ordinance No. 12-07-01-407 to rezone Wahlen's First Subdivision. All voting aye, motion carried.

ORDINANCE NO. 12-08-01

Bunsness moved, Campbell seconded to approve second reading and final adoption of Ordinance No. 12-08-01 to rezone from Section 701 (A-1) to Section 714 (M-AG) Lots 1 and 2, Mohr's Third Subdivision in the SW ¼ of the SW ¼ of Section 36, R64W, T124N, of the 5th P.M., Brown County, South Dakota. All present voting aye, motion carried.

Hansen moved, Elliot seconded to approve second reading and final adoption of Ordinance No. 12-08-01-408 to rezone Mohr's Third Subdivision. All voting aye, motion carried.

PETITION TO REZONE – BITZ OUTLOT

Swanson moved, Agnitsch seconded to approve to set a joint hearing of September 25, 2012 at 8:45 a.m. for a petition to rezone from Section 701 (A-1) to Section 714 (M-AG) property described as Bitz Outlot 1 in the NW ¼ of Section 19, T123N, R62W of the 5th P.M., Brown County, South Dakota. All present voting aye, motion carried.

Elliot moved, Fischbach seconded to set a joint hearing of September 25, 2012 at 8:45 a.m. for a petition to rezone Bitz Outlot 1. All voting aye, motion carried.

There being no further business before the Joint Council, Mitchell 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.

CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln Street, Aberdeen, South Dakota, September 4, 2012, 5:30 p.m., regular meeting of the Board of Council Members, Mayor Mike Levsen presiding. Present at roll call were Council Members Tom Agnitsch, David Bunsness, Todd Campbell, Jeff Mitchell, Mark Remily, Clint Rux, and Laure Swanson. Council Member Jennifer Slight-Hansen was absent. City staff present were Lynn Lander, Adam Altman, Robin Bobzien, Brett Bill, Karl Alberts, and Don Lanpher.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Mitchell moved, Rux seconded to approve the minutes of August 27 and 28, 2012, as circulated. All present voting aye, motion carried.

OPEN FORUM – No one was present.

OLD BUSINESS

ORDINANCE NO. 12-08-02

Bunsness moved, Agnitsch seconded to approve second reading and final adoption of Ordinance No. 12-08-02 to rezone from Section 708 (C-3) to Section 705 (R-3) the West 34' of Lot 10 and the East 16' of Lot 11, Block 53, Second Addition and Lot 3, Block 40, Thomas Addition. Upon roll call, all present voting aye, motion carried.

CONTINUED – DEVELOPMENT AGREEMENT FOR REUSE OF ROOSEVELT BUILDING

Bunsness moved, Mitchell seconded to approve the Development Agreement with Roosevelt Apartments, LLC for the adaptive reuse of the Roosevelt Middle School currently owned by the City into rental housing. Rux moved, Remily seconded the motion to strike from the agreement Section 14 – Developer shall be entitled to right of first refusal on the adaptive reuse of the Washington Building. Motion carried by voice vote with Campbell abstaining. Rux moved, Swanson seconded a motion to amend to include direction to City staff to complete an RFP for Washington Building. Motion passes by voice vote with Campbell abstaining. On the original motion to approve the Development Agreement with Roosevelt Apartments, LLC, motion passes as amended by voice vote with Campbell abstaining.

CONSENT CALENDAR

Mitchell moved, Agnitsch seconded to approve the following items on the consent calendar:

LICENSES – Residential Building Contractor – Jason Hassebroek and Chad Olson dba Homestead Homes Inc.

REQUESTS FOR STREET USE – Block Party on Melody Lane for Carolyn Trautman; Block Party for 16th Ave., NE for Brian Schumacher; SMS Homecoming for Simmons Middle School.

SET HEARING DATE – of September 24, 2012 at 5:30 p.m. for the following petitions to rezone: 1) From Section 704 (R-2) to Section 705 (R-3) Lot 1 and Lot 2, Roosevelt Estates 3rd Subdivision in the SE ¼ of Section 19, T123N, R63W of the 5th P.M., Aberdeen, South Dakota; 2) From Section 704 (R-2) to Section 707 (C-2) Lot 1, Guthmiller's First Subdivision in the SE ¼ of Section 7, T123N, R63W of the 5th P.M., Aberdeen, Brown County, South Dakota; 3) From Section 706 (C-1) and Section 707 (C-2) to Section 707 (C-2) Lot 1, Rent All Addition to the City of Aberdeen in the NW ¼ of Section 13, T123N, R64W of the 5th P.M., Aberdeen, Brown County, South Dakota; 4) From Section 708 (C-3) to Section 705 (R-3) Lot 1, D & G McLaughlins 1st Subdivision of the N. 80' of Lots 1 – 2, Fosters 1st Subdivision of Block 24, First Addition in the SW ¼ of Section 13, T123N, R64W, Aberdeen, Brown County, South Dakota.

All present voting aye, motion carried.

NEW BUSINESS**ORDINANCE NO. 12-09-06**

Campbell moved, Swanson seconded to approve the first reading of Ordinance No. 12-09-06 for the 2013 Annual Appropriations. Bunsness moved, Remily seconded the motion to increase the Promotion Fund budget up to \$15,000.00 for the 2013 Air Show if 2013 Promotion Fund revenue exceed \$967,600.00. Rux, Swanson, Campbell, Remily, Levsen voting nay, Bunsness, Agnitsch, Mitchell voting aye, motion fails. Bunsness moved, Mitchell seconded the motion to increase Special Sales Tax Fund budget by \$25,000.00 for Parking District Improvements and decrease the Street Department budget by \$25,000.00. Remily, Campbell, Swanson, Rux, and Mayor Levsen voting nay, Mitchell, Agnitsch, Bunsness voting aye, motion fails. On the original motion to approve first reading of Ordinance No. 12-09-06, upon roll call, all present voting aye.

BIDS FOR 2012-2013 SNOW REMOVAL SERVICES

Bids were opened and publicly read for 2012-2013 Snow Removal Services. A detailed list is on file in the Finance Office. Mitchell moved, Bunsness seconded to award all bids for Snow Removal Services and to rent equipment as needed in order of price and authorize the City Manager and Finance Officer to sign the documents after approval by the City Attorney. All present voting aye, motion carried.

VIOLATION/SETTLEMENT AGREEMENT

Rux moved, Swanson seconded to approve of the Consent Notice of Violation and Settlement Agreement with the SD Department of Environment and Natural Resources for City's discharges of untreated effluent into the Moccasin Creek and to approve payment of \$37,352.00 to the SD Department of Environment and Natural Resources. Upon roll call, all present voting aye, motion carried.

BILLS

Remily moved, Rux seconded to approve the following audited bills for services, supplies, repairs and maintenance: United Parcel Service 84.52; SD Coalition of Citizens with Disabilities 75.00; AT & T 1,788.47. Upon roll call, all present voting aye, motion carried.

There being no further business, Bunsness moved, Rux 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.