

City Council met on May 3, 2010 at 4:30 p.m. for a work session to discuss the Wind Energy Ordinance.

#### JOINT CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, May 3, 2010, 5:30 p.m., Joint City/County meeting, Mayor Mike Levsen presiding. Present at roll call were Council Members Tom Agnitsch, David Bunsness, Todd Campbell, Lloyd Hodgin, Jim Kraft, Jeff Mitchell, Clint Rux, and Jennifer Slight-Hansen. Staff members present were Lynn Lander, Adam Altman, Robin Bobzien, Brett Bill and Jerry Kost.

County Commissioners present were Wiese, Elliot and Sutton. Commissioners Hansen and Fischbach were absent.

#### CONTINUED - ORDINANCE NO. 10-01-03-383

Bunsness moved, Rux seconded to table Ordinance No. 10-01-03 – An Ordinance amending the Official Zoning Ordinance of the city of Aberdeen, providing for the regulation of Wind Energy Systems. All voting aye, motion carried.

Commissioner Sutton moved, Commissioner Elliot seconded to table above Ordinance No. 10-01-03-383. All present voting aye, motion carried.

#### RESOLUTION NO. 10-05-01 R

Bunsness moved, Agnitsch seconded to approve the following resolution:

#### ABERDEEN CITY RESOLUTION NO. 10-05-01 R BROWN COUNTY RESOLUTION #44-10

WHEREAS, the City of Aberdeen exercises exclusive planning and zoning jurisdiction within its corporate limits and shares planning and zoning jurisdiction with Brown County for three miles from the corporate limits; and

WHEREAS, at a joint meeting of the City Council and the County Commission on or about February 8, 2010, the City Council voted to place a temporary moratorium on the construction and erection of new wind energy systems, pending adoption of a comprehensive regulatory scheme; and

WHEREAS, the City Manager has convened a committee to recommend a regulatory framework for wind energy systems to the Joint Planning Commission; and

WHEREAS, the committee studying wind energy regulation requires additional time to prepare its recommendation and to present it to the Joint City/County Planning Commission; and

WHEREAS, the construction or erection of wind energy systems absent the adoption of a comprehensive regulatory framework will be detrimental to the health and safety of the community.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT no wind energy systems shall be constructed or erected within the corporate limits of the City of Aberdeen, nor in the three-mile extraterritorial zoning jurisdiction for the duration of this moratorium.

BE IT FURTHER RESOLVED that this moratorium shall be in effect for sixth (60) days from the date written below, at which time it shall expire of its own accord, unless extended by the joint action of the City Council and the County Commission.

All voting aye, motion carried.

Commissioner Elliot moved, Commissioner Sutton seconded to approve the above Resolution No. 44-10 – A Joint Resolution extending the existing moratorium on the construction and erection of wind turbines and wind energy systems. All present voting aye, motion carried.

#### SET JOINT HEARING DATE

Bunsness moved, Kraft seconded to set a joint hearing date of May 24, 2010 at 5:30 p.m. for petition to rezone from Section 701 (A-1) to Section 714 (M-AG) property described as Gary Dahme Addition in the NW ¼ of Section 35, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota. All voting aye, motion carried.

Commissioner Sutton moved, Commissioner Elliot seconded to set a joint hearing date of May 24, 2010 at 5:30 p.m. on the above petition to rezone. All present voting aye, motion carried.

There being no further business before the joint council, Commissioner Sutton moved, Commissioner Elliot seconded that the meeting be adjourned. All present voting aye, motion carried.

Prepared by Cathy Feickert  
For the Finance Office

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Deputy Finance Officer

#### CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, May 3, 2010, 5:30 p.m., regular meeting, Mayor Mike Levsen presiding. Present at roll call were Council Members Tom Agnitsch, David Bunsness, Todd Campbell, Lloyd Hodgin, Jim Kraft, Jeff

Mitchell, Clint Rux and Jennifer Slaughter-Hansen. Staff members present were Lynn Lander, Adam Altman, Robin Bobzien, Brett Bill and Jerry Kost.

Mayor Levensen led the Pledge of Allegiance.

#### MINUTES

Mitchell moved, Kraft seconded to approve the minutes of April 26, 2010 as circulated. All voting aye, motion carried.

#### OPEN FORUM

Duane Sutton, County Commissioner, appeared before the council asking for support for the County's Opt-Out of state imposed property tax limits on the June 8, 2010 primary ballot. No action was taken.

#### PROCLAMATION

Mayor Levensen read and proclaimed May 8, 2010 as "NALC National Food Drive Day".

#### **OLD BUSINESS**

##### ORDINANCE NO. 10-04-01

Mitchell moved, Campbell seconded to approve second reading and final adoption of Ordinance No. 10-04-01. Upon roll call, all voting aye, motion carried.

##### ORDINANCES

Bunsness moved, Agnitsch seconded to approve second reading and final adoption on the following ordinances: Ordinance No. 10-04-02; Ordinance No. 10-04-03; Ordinance No. 10-04-04; Ordinance No. 10-04-05 and Ordinance No. 10-04-06. Upon roll call, all voting aye, motion carried.

##### ORDINANCE NO. 10-02-02

Hodgin moved, Rux seconded to table Ordinance No. 10-02-02 – Ordinance amending the Aberdeen Municipal Code by prohibiting wind turbines from the city limits and the 1-mile jurisdiction. All voting aye, motion carried.

#### **CONSENT CALENDAR**

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

RECEIVE AND PLACE ON FILE – letter of appreciation to Aberdeen Fire & Rescue from Groton Fire Department.

WILDLIFE MANAGEMENT PLAN DEVELOPMENT EXTENSION AGREEMENT – with Bill Antonides dba Gander Island Consulting Service, Inc.

LICENSES – Sidewalk Contractor – M & H Construction, Inc., and Scott Suedmeier.

PETITIONS TO REZONE – set hearing date of May 24, 2010 at 5:30 p.m. for the following: 1) rezone from Section 708 (C-3) and Section 711 (R-4) to Section 705 (R-3) property described as Lot 10, Block 21, First Addition in the SW ¼ of Section 13, T123N, R64W, Aberdeen, Brown County, SD (309 S. 4<sup>th</sup> Street); 2) rezone from Section 706 (C-1) and Section 711 (R-4) to Section 705 (R-3) and Section 711 (R-4) property described as Lots 8, 9, and 10, Block 23, Thomas Addition in the NE ¼ of Section 24, T123N, R64W (1121, 1115, and 1109 S. Jay Street); 3) rezone from Section 707 (C-2) to Section 713 (M) property described as Lot B of Lot 1 of Howards Outlot B in the NE ¼ of Section 14, T123N, R64W (608 N. 6<sup>th</sup> St. – Shopko Holding Pond); 4) rezone from Section 704 (R-2) to Section 713 (M) property described as Outlot A, Homes are Possible 2<sup>nd</sup> Subdivision in the SW ¼ of Section 23, T123N, R64W (1600 S. 12<sup>th</sup> St. – Southwest Holding Pond); 5) rezone from Section 707 (C-2) to Section 713 (M) property described as Lot 2, Northwest Pond Addition (PT, L32, Auto Plaza) in the NE ¼ of Section 14, T123N, R64W (220 East Drive – Conlin’s Holding Pond).

All voting aye, motion carried.

### **NEW BUSINESS**

#### **REQUEST FOR SUPPLEMENTAL APPROPRIATION**

A request for a supplemental appropriation of \$1,200.00 to the Aberdeen Police Department Travel and Conference Budget for grant related expenses was presented. Campbell moved, Agnitsch seconded to approve the supplement of \$1,200.00 to the Police Department Travel and Conference Budget. All voting aye, motion carried.

#### **SET DATE SURPLUS AUCTION**

Mitchell moved, Bunsness seconded declare various items as surplus and set sale date as May 21, 2010 at 5:30 p.m. at the Public Works Shop and adding one generator to the original list. All voting aye, motion carried.

#### **RECOMMENDATION ON BIDS**

Bids for 8<sup>th</sup> Avenue NE Street Improvements (Project ST-2010-2) (State to Washington Street) were opened and publicly read. A detailed bid list is on file at the Finance Office. Rux moved, Bunsness seconded to award the bid to T & R Contracting, Inc. in the amount of \$1,027,669.77 and authorize the City Manager and Finance Officer to sign the necessary documents after approval by the City Attorney. All voting aye, motion carried.

## EASEMENT

Bunsness moved, Hodgin seconded to approve a request from Jeff Andrews for an easement to allow for the encroachment of an existing structure in to the right-of-way at 819 Riverside Drive, Aberdeen, South Dakota. All voting aye, with Rux and Mitchell abstaining, motion carried.

## BILLS

Mitchell moved, Hodgin seconded to approve a bill for US Bank in the amount of \$24,587.83 for credit card purchases. Upon roll call, all voting aye, motion carried.

There being no further business, Bunsness moved, Agnitsch seconded that the meeting be adjourned. All voting aye, motion carried.

Prepared by Cathy Feickert  
For the Finance Office

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Deputy Finance Officer