

CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln Street, Aberdeen, South Dakota, September 24, 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, Jennifer Slaughter-Hansen, and Laure Swanson. 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 September 17, 2012, as circulated. All voting aye, motion carried.

OPEN FORUM – No one was present.

PROCLAMATION – Mayor Levsen read and proclaimed “Staff Sergeant Sean Johnson Day” on September 25, 2012.

OLD BUSINESS

CONTINUED – ORDINANCE NO. 12-09-06

The 2013 Budget Ordinance No. 12-09-06 was presented for second reading as amended and final adoption. Rux moved, Campbell seconded the motion to amend the Wastewater Fund (Utility Wastewater) capital expense line item by an increase of \$500,000.00 and the use of Unexpended Balance by \$500,000.00. Motion carries by voice vote. Swanson moved, Campbell seconded the motion to increase the Wastewater monthly service charge by \$1.00 and the usage charge by \$0.35 per thousand. Rux, Bunsness, Agnitsch, Slaughter-Hansen, Mitchell voting nay, Swanson, Campbell, Remily, Levsen voting aye, motion failed 4 aye, 5 nays. Rux moved, Campbell seconded the motion to increase in the Wastewater usage fees by \$0.20 per thousand. Motion carries by voice vote. Swanson made a motion to increase Stormwater unit finance charge to \$0.288 per 1,000 sq. ft. Motion failed for lack of a second. Upon roll call of the original motion for second reading as amended and final adoption of the 2013 Budget Ordinance No. 12-09-06, Agnitsch, Bunsness, Campbell, Remily, Mitchell, Rux, Slaughter-Hansen, Swanson voting aye, Mayor Levsen voting nay, motion carried.

CONTINUED – RESOLUTION NO. 12-09-02R

Mitchell moved, Rux seconded to approve Resolution No. 12-09-02R for the 2013-2017 Capital Improvement Program:

WHEREAS, the Aberdeen Home Rule Charter provides for the submission of a Five Year Capital Program to be proposed no later than the final date for submission of the budget, and

WHEREAS, the City Manager has presented a capital program as required by his duties as City Manager with a public hearing being held on August 20, 2012 with the published notice on August 9, 2012, stating the meeting time and place, and

WHEREAS, the City Council is required to adopt the capital program by resolution after the public hearing with or without amendment to the capital program.

NOW, THEREFORE BE IT RESOLVED, that the City Council approves the capital program as presented by the City Manager and proposed at the public hearing held on August 20, 2012, without any amendments.

All voting aye, motion carried.

CONSENT CALENDAR

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

2011 AUDITED FINANCIAL STATEMENTS – for the City of Aberdeen – receive and

place on file.

PLATS – 1) Eastgate Second Subdivision in Aberdeen, South Dakota, located in the NE ¼ of Section 19, T123N, R63W of the 5th P.M., Aberdeen, Brown County, South Dakota; 2) Rent All Addition to the City of Aberdeen, South Dakota, located in the NW ¼ of Section 13, T123N, R64W of the 5th P.M., Aberdeen, Brown County, South Dakota; 3) Dakota Estates Subdivision, Block 4 in the SW ¼ of Section 6, T123N, R63W of the 5th P.M., Aberdeen, Brown County, South Dakota; 4) Bitz Outlot 1 in the NW ¼ of Section 19, T123N, R62W of the 5th P.M., Brown County, South Dakota

LICENSE – Residential Building Contractor – Tyler Pomplun

LOTTERY NOTICE – Presentation College Women’s Softball/Basketball Teams Events – receive and place on file.

DEPARTMENTS’ BOARD REPORTS – Aberdeen Regional Airport Board Minutes, Alexander Mitchell Library Board Minutes, Brown County/Aberdeen City Planning Commission Minutes, Aberdeen City Planning Commission Minutes, Board of Zoning Adjustment Minutes – receive and place on file.

All voting aye, motion carried.

NEW BUSINESS

ORDINANCE NO. 12-09-02

An Ordinance amending Ordinance No. 1164 to rezone certain described property 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, Brown County, South Dakota was presented. Rux moved, Swanson seconded to approve first reading of Ordinance No. 12-09-02. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 12-09-03

An Ordinance amending Ordinance No. 1164 to rezone certain described property 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, was presented. Rux moved, Campbell seconded the motion to amend the six month Planning Commission stipulation to nine months. All voting aye, motion carried. Swanson moved, Campbell seconded to approve first reading of Ordinance No. 12-09-03 with Planning Commission stipulations. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 12-09-04

An Ordinance amending Ordinance No. 1164 to rezone certain described property 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 was presented. Bunsness moved, Agnitsch seconded to approve first reading of Ordinance No. 12-09-04. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 12-09-05

An Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 708 (C-3) and Section 711 (R-4) to Section 705 (R-3) Lot 1, D & G McLaughlins 1st Subdivision of the N. 80’ of Lots 1 – 2, Foster’s 1st Subdivision of Block 24, First Addition in the SW ¼ of Section 13, T123N, R64W of the 5th P.M., Aberdeen, Brown County, South Dakota was presented. Upon roll call, all voting aye, motion carried.

TAX INCREMENTAL FINANCE DISTRICT NO. 16

Resolution No. 12-09-03R adopting a Project Plan to create Tax Incremental Finance District No. 16 for Rubloff Tri-State Lakewood Portfolio, LLC was presented. Swanson moved, Remily seconded the motion to deny the TIF, with Campbell abstaining, motion carries by voice vote. Swanson moved, Bunsness seconded the motion to direct

staff to accept building permits at the Lakewood Mall without regard to the landscape ordinances. Motion carries by voice vote.

HEARINGS - ALCOHOLIC BEVERAGE LICENSES

This being the time and place set for a hearing on an application for Special Alcoholic Beverage Licenses, recommendations to approve were received, Mitchell moved, Rux seconded to approve a Special One-Day Retail On-Off Sale Malt Beverage License and a Retail On-Off Sale Wine License on September 29, 2012 to Yelduz Shriners dba Yelduz Wine and Stine Event, 802 South Main Street. All voting aye, motion carried.

This being the time and place set for a hearing on applications for Special Alcoholic Beverage Licenses, recommendations to approve were received, Agnitsch moved, Slight-Hansen seconded to approve Special One-Day Retail On-Off Sale Malt Beverage Licenses to the Aberdeen Chamber of Commerce on October 11, 2012 at Boys and Girls Club dba 1111 – 1st Avenue, NE and on November 8, 2012 at Northwestern Energy dba 113 Centennial Street. All voting aye, motion carried.

COMMUNITY EVENT PERMIT – SLACKERS BAR

Mitchell moved, Rux seconded the motion to continue for one week the discussion of an application for a Community Event Permit for Slackers Bar & Hobby's October Fest on October 3, 2012. All voting aye, motion carried.

GRANT AGREEMENT – RIDE LINE

Mitchell moved, Campbell seconded to approve and authorize the City Manager to sign a grant agreement with the SD Department of Transportation in the amount of \$317,527.00 for administrative and operating expenses for the City's Ride Line Transportation Program. All voting aye, motion carried.

REIMBURSEMENT FOR UTILITIES

Bunsness moved, Rux seconded to reimburse Ron Fischer in the amount of \$9,100.00 for overpayment of water and sewer utilities charged at the Northview Trailer Park. Upon roll call, all voting aye, motion carried.

CHANGE ORDER/PAYMENT - BIRCH DRIVE STORM SEWER PROJECT

Bunsness moved, Slight-Hansen seconded to approve and authorize the City Manager to sign Change Order #2 in the amount of \$1,456.50 and Payment Request #3 in the amount of \$52,949.86 to B & B Contracting for work completed on the Birch Drive Storm Sewer Project. Upon roll call, all voting aye, motion carried.

PAYMENT – KLINE STREET STORM SEWER PROJECT

Bunsness moved, Campbell seconded to approve and authorize the City Manager to sign the Payment Request #6 in the amount of \$250,238.81 to B & B Contracting for work completed on the Kline Street Storm Sewer Project. Upon roll call, all voting aye, motion carried.

BILLS

Rux moved, Mitchell seconded to approve the following audited bills for services, supplies, repairs and maintenance: Northwestern Energy 17,990.70; Eide Bailly LLP 4,503.00; J & K Mowing Service 433.34; Dakotacare 33,768.11; Guardian 100.40; United Parcel Service 76.07; Jefferson Partners LP 2,820.97. Upon roll call, all voting aye, motion carried.

PAYROLL

Mitchell moved, Rux seconded to approve the payroll for period from September 9, 2012 through September 22, 2012 and city share of social security, old age and survivor's insurance, retirement, health and life insurance: Wells Fargo 98,332.48; SD Retirement System 58,297.36; Governing Body 3,192.28; City Manager 6,240.31; City Attorney 3,574.40; Finance 12,954.66; HR 6,810.40; Building 273.59; Computer 3,503.20; Planning/Zoning 9,963.20; Engineering 10,106.02; Police 93,270.35; Fire 82,953.59; Fire

Prevention 2,529.60; Matt Cler 13.79/hr, Zachary Hanson 13.79/hr, Joshua Poppen 13.79/hr, Nathan Sturgeon 13.79/hr; Housing/Building 4,956.80; Street 23,114.00; Traffic 4,012.00; Solid Waste 17,260.80; Transportation 12,217.37; Library 20,868.32; Parks, Recreation & Forestry 81,763.63, Joyce Levsen 25.00/class, Ivori Moser 7.25/hr, Andie Portra 7.25/hr; Airport 11,096.81; Pipe 19,103.49; Water Treatment 15,845.00; Meter 3,802.40; Wastewater 17,829.34; Pump 5,094.58. Upon roll call, all voting aye, motion carried.

EXECUTIVE SESSION

Bunsness moved, Mitchell seconded to move into executive session to discuss legal matters. All voting aye, motion carried. Bunsness moved, Slaughter-Hansen seconded to move out of executive session. All voting aye, motion carried.

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

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

JOINT CITY/COUNTY PROCEEDINGS

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

ORDINANCE NO. 12-09-01

An Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 701 (A-1) to Section 714 (M-AG) Bitz Outlot 1 in the NW ¼ of Section 19, T123N, R62W of the 5th P.M., Brown County, South Dakota was presented. Rux moved, Swanson seconded to approve first reading of Ordinance No. 12-09-01. Upon roll call, all present voting aye, motion carried.

Fischbach moved, Wiese seconded to approve first reading of Ordinance No. 12-09-01-409 as presented. All voting aye, motion carried.

There be no further business before the Joint Council, Rux 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.