

CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln Street, Aberdeen, South Dakota, October 29, 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, Jennifer Slaight-Hansen, and Laure Swanson. Council Member Clint Rux was absent. City staff present were Lynn Lander, Adam Altman, Robin Bobzien, Karl Alberts, and Ken Hubbart and Mark Hoven.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Mitchell moved, Swanson seconded to approve the minutes of October 22 and 23, 2012, as circulated. All present voting aye, motion carried.

OPEN FORUM – Mark Hoven spoke about Mosquito Control activities in 2012.

PROCLAMATION - Mayor read and proclaimed the Veterans of Foreign Wars Sale of Buddy Poppies from November 7, 2012 to November 12, 2012 as symbols of appreciation for sacrifices of our honored dead.

OLD BUSINESS

ORDINANCE NO. 12-10-01

Campbell moved Bunsness seconded the second reading and final adoption of Ordinance No. 12-10-01 to rezone from Section 704 (R-2)/Section 711 (R-4) and Section 704 (R-2) to Section 704 (R-2)/Section 711 (R-4) Lot 6, Block 2, Lakeview First Replat in the NE ¼ of Section 10, T123N, R64W. Upon roll call, all present voting aye, motion carried.

ORDINANCE NO. 12-10-05

Mitchell moved, Campbell seconded the second reading and final adoption of Ordinance No. 12-10-05 providing for the issuance of Revenue Bonds for the Water Treatment Plant Intake Project, approving the form of the loan agreement, pledging project revenues, and providing for the rate surcharge. Upon roll call, all present voting aye, motion carried.

CONTINUED – TAX INCREMENTAL FINANCING DISTRICT NO. 17

Swanson moved, Mitchell seconded the motion to take the discussion of the Tax Incremental Financing District No. 17 for Roosevelt and Washington Projects off the table. All present voting aye, motion carried. Mitchell moved, Rux seconded the original motion to approve Resolution No. 12-10-04R creating Tax Incremental Financing District No. 17. RESOLUTION ADOPTING A PROJECT PLAN FOR TAX INCREMENTAL DISTRICT NO.

17

WHEREAS, a public hearing was held before the Planning Commission of the City of Aberdeen, South Dakota, on October 16, 2012, at 7:00 P.M. in the Community Room of the Brown County Courthouse, Aberdeen, South Dakota, pursuant to notice of such hearing for the purpose of considering the creation of Tax Incremental District No. 17 and its proposed boundaries; and

WHEREAS, the Planning Commission of the City of Aberdeen did at its regular meeting on October 16, 2012, pass a resolution establishing the boundaries of such tax incremental district and did submit a recommendation to the City Council of the City of Aberdeen, South Dakota, recommending the creation of the said Tax Incremental District No. 17; and

WHEREAS, the Planning Commission of City of Aberdeen, South Dakota, at its regular meeting on October 16, 2012 did pass a Resolution adopting the Project Plan for the proposed Tax Incremental District No. 17 and did recommend to the City Council of the City of Aberdeen, South Dakota, that it approve and adopt the project plan as amended; and WHEREAS, such action by the Planning Commission of the City of Aberdeen was done in

accordance with SDCL Chapter 11-9 and such action by the Planning Commission was done at a regular meeting of the said Planning Commission after notice properly given and after due hearing and being appropriately and properly advised; and

WHEREAS, on even date herewith, the City Council of the City of Aberdeen did pass a Resolution Creating Tax Incremental District No. 17 with the following boundaries:

Premier Auto Add (Lt 20-22 & Lt 24, Block 66, Hagerty & Lloyd Add); W. 92' of Lot 1 & W. 92' of Lots 3-4 & W. 92' of N. 5' of Lot 5, Block 66, Hagerty & Lloyd Add; E. 50' of Lot 1-6, Block 66, Hagerty & Lloyd Add & W. 33' v/s (Arch) Adj. to said Lots; Lot 1, Brown's Flooring Add (Block 66, Hagerty & Lloyd's Add); Lot 7-18, Block 66, Hagerty & Lloyd's Add; Lots 19-24, Block 67, Hagerty & Lloyd's Add & E. 33' v/s (Arch); Lot 1, Hagerty & Lloyd's 5th Subd. (Lot 1 & 3-6, Block 67, Hagerty & Lloyd's Add); Lots 7-8, Block 67, Hagerty & Lloyd's Add; Lots 17-18, Block 67, Hagerty & Lloyd's Add; Lots 14-16, Block 67, Hagerty & Lloyd's Add; Lot 13, Block 67, Hagerty & Lloyd Add; Lot 3, Isaac Lincoln's RAR of Block 67, Hagerty & Lloyd Add; Lot 2, Lincoln's RAR of Lots 9-12, Block 67, Hagerty & Lloyd's Add; Lot 1, Lincoln's RAR of Lots 9-12, Block 67, Hagerty & Lloyd's Add; N. 91' of W. 15' of Lot 11 & N. 91' of Lot 12, Block 75, Hagerty & Lloyd Add; N. 91' of Lot 10 & E. 10' of N. 91' of Lot 11, Block 75, Hagerty & Lloyd's Add; N. 91' of W. 2' of Lot 8 & N. 91' of Lot 9, Block 75, Hagerty & Lloyd's Add; S. 44' of W. 2' of Lot 8 & S. 44' of Lots 9-12, Block 75, Hagerty & Lloyd's Add; Lot 7 & E 2' of Lot 8, Block 75, Hagerty & Lloyd's Add; W. 2' of Lot 5 & Lot 6, Block 75, Hagerty & Lloyd's Add; Lot 4 & E. 2' of Lot 5, Block 75, Hagerty & Lloyd's Add; Lot 3, Block 75, Hagerty & Lloyd's Add; N. 85' of Lots 1-2, Block 75, Hagerty & Lloyd's Add; S. 50' of Lots 1-2, Block 75, Hagerty & Lloyd's Add; Lot 13, Block 75, Hagerty & Lloyd's Add; Lots 15-16, Block 75, Hagerty & Lloyd's Add; W. 115' of Lots 17-18, Block 75, Hagerty & Lloyd's Add; E. 27' of Lots 17-18, Block 75, Hagerty & Lloyd's Add; Lot 23, Block 75, Hagerty & Lloyd's Add; Lots 21-22, Block 75, Hagerty & Lloyd's Add; Lots 19-20, Block 75, Hagerty & Lloyd Add; N. 40' of Lots 19-22, Block 74, Hagerty & Lloyd's Add; 53' S. of N. 40' of Lots 19-22, Block 74, Hagerty & Lloyd's Add; Lot 1, H & H 1st Cons. Subd; (Block 74, Hagerty & Lloyd's); E. 17' of Lot 23 & Lot 24, Block 74, Hagerty & Lloyd Add; Lots 1-2, Block 74, Hagerty & Lloyd Add; Lots 3-4, Block 74, Hagerty & Lloyd's Add; Lots 5-6 & N ½ of Lot 7, Block 74, Hagerty & Lloyd's Add; Lot 1, Voights Subd, Block 74, Hagerty & Lloyd's Add; Lot 2, Voights 2nd Subd., Block 74, Hagerty & Lloyd's Add; Lot 1, Voights 2nd Subd., Block 74, Hagerty & Lloyd's Add; Lot 3, Voights 2nd Subd, Block 74, Hagerty & Lloyd's Add; Lot 2, Sacred Heart 1st Subd (Block 80 & 81, Hagerty & Lloyd's); Lot 3, Sacred Heart 1st Subd (Block 80 & 81, Hagerty & Lloyd's); Lot 1, Sacred Heart 1st Subd (Block 80 & 81, Hagerty & Lloyd's); Lot 3, Hagerty's Resd, Block 73, Hagerty & Lloyd's Add; Lot 1, Avera St Luke's Subd (Block 73 & 82, Hagerty & Lloyd's); Lot 1, Avera St Lukes Add (Block 86, 87, 96, Hagerty & Lloyd's)

All within the City of Aberdeen, Brown County, South Dakota.

WHEREAS, the City Council of the City of Aberdeen, South Dakota hereby finds that the project plan is feasible and in conformity with the City of Aberdeen's Master Plan.

NOW, THEREFORE, BE IT RESOLVED that the project plan attached hereto and incorporated herein by reference be and hereby is adopted as the official Project Plan for Tax Incremental District No. 17 of the City of Aberdeen, South Dakota.

BE IT FURTHER RESOLVED that the City and the Developer of Tax Incremental District No. 17 shall enter into a Developer's Agreement which provides for the design, execution, and funding of the work contemplated in the Project Plan.

Passed by voice vote.

CONSENT CALENDAR

Mitchell moved, Slaight-Hansen seconded to approve the following items on the

consent calendar:

SET HEARING DATE – of November 13, 2012 at 5:30 p.m. for applications to Transfer a Retail On-Sale Liquor License from Thomas Linngren dba 337 North Roosevelt Street (Inactive Status) to Emerald Pub LLC dba Emerald Pub, 23 6th Avenue, SW (Inactive Status) and to Transfer a Retail On-Off Sale Malt Beverage License with video lottery from G & T Gaming Inc. dba 121 North Roosevelt Street (Inactive Status) to G & T Gaming Inc. dba Aberdeen Pit Stop, Inc., 2323 8th Avenue, NE.

SET BID DATE – of November 13, 2012 at 2:00 p.m. for the advertisements for bids on One New Refuse Collection Unit for Public Works Department – Solid Waste Division, One New 2013 Single Axle Truck Cab/Chassis, Box and Hoist – Public Works Department – Utility Division, and One 2013 Tandem Truck/Box and Hoist for Public Works Department – Street Division.

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

All present voting aye, motion carried.

NEW BUSINESS

ORDINANCE NO. 12-10-06

Campbell moved, Swanson seconded to approve first reading of Ordinance No. 12-10-06 renewing Northern Valley Communications Cable TV Franchise. Upon roll call, all voting aye, motion carried.

RESOLUTION NO. 12-10-05R

Bunsness moved, Agnitsch seconded to approve the Resolution No. 12-10-05R:

RESOLUTION NO. 12-10-05R

RESOLUTION LEVYING AN ANNUAL SPECIAL ASSESSMENT FOR PARKING FACILITIES

WHEREAS, the City of Aberdeen did adopt an ordinance creating an appointive board to manage public parking facilities, and

WHEREAS, the board appointed to manage said parking facilities has determined that there is needed the total sum of Eighty-three thousand eight hundred dollars (\$83,800) to operate said parking facilities for the year 2013 and have recommended to the Aberdeen City Council that they cause to be levied a special assessment in the parking district sufficient to raise said sum to be used for the purpose of operating, maintaining and repairing the public parking facilities to be managed by the board so appointed, and

WHEREAS, the Board so appointed is to manage and operate all City-owned parking lots and facilities, except on-street parking, in the area defined in the Revised Ordinances of Aberdeen, South Dakota, and

WHEREAS, the governing body of the City of Aberdeen has determined that there is to be during the year 2012 (collectible in 2013) levied an annual special assessment (collectible in 2013) against all real property in the parking district the amount as recommended for the purpose of operating, maintaining and repairing said public parking facilities for the year 2013, and

WHEREAS, it has been determined that the annual special assessment shall be apportioned against the real property within the boundaries of the area designated according to the benefits to accrue to said property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNCILMEMBERS, and they hereby find, determine and declare that it is necessary to levy during the year 2012 a total annual special assessment for the purpose of operating, maintaining and repairing the public parking facilities managed by the board the sum of Eighty-three

thousand eight hundred dollars (\$83,800) to be used during the year 2013, and that said sum shall be assessed against all assessable lots and tracts of land within the boundaries of the areas so designated, according to the benefits to accrue to said property, and said Board of Councilmembers hereby determine that the benefit formula to be used in said district shall be arrived at by determining the total value of all assessable property in said district, and to make a determination as to real property that is used 100% as residential property, and that property used 100% for residential purposes is only to be assessed at 25% of its total assessed value for the purpose of this special assessment, and that based upon said assessable value determine a levy sufficient to raise the total sum required for operation of said parking district, and that the amount of assessed valuation of real property will be the same as the amount shown on the Notice of Assessed Valuation. Each lot shall be assessed the pro rata share of the total sum of the special assessment per its assessed valuation.

BE IT FURTHER RESOLVED that the City of Aberdeen hereby directs that the amount of assessment above described to the general assessment to the County Auditor to be collected as municipal taxes for general purposes, and the property owners are to be notified of said special assessment in the same manner that they are notified of general assessment, and the assessment shall be subject to review and equalization in the same manner as assessments or taxes for general purposes.

Passed by voice vote.

JOINT FUNDING AGREEMENT FOR STREAM GAGING

Mitchell moved, Slight-Hansen seconded to approve and authorize the City Manager to sign the Joint Funding Agreement with US Geological Survey in the amount of \$18,995.00 for operation and maintenance of Stream Gaging Stations. All present voting aye, motion carried.

BIDS FOR SANITARY SEWER PIPE LINING

Bunsness moved, Campbell seconded to award the bid to A-Tech Sewer of Watertown, South Dakota in the amount of \$51,420.00 for lining the Asbestos Cement Pipe on 10th Avenue, SE and authorize the City Manager and Finance Officer to sign all necessary documents after approval by the City Attorney with approval to spend up to \$85,000 if needed. All present voting aye, motion carried.

LIBRARY DRAIN TILE PROJECT

Mitchell moved, Bunsness seconded to approve and authorize the City Manager to sign Change Order #2, a decrease in the contract amount of \$6,769.07 for changes in project and Pay Estimate #4 (Final) in the amount of \$21,337.36 to B & B Contracting for work done on the Library Drain Tile Project. Upon roll call, all present voting aye, motion carried.

ASBESTOS REMOVAL AT FORMER BETHLEHEM LUTHERAN CHURCH

Business moved, Swanson seconded to approve and authorize the City Manager to sign Pay Estimate #1 (Final) in the amount of \$24,034.00 to Gary Snow and Associates for Asbestos Abatement at the Former Bethlehem Lutheran Church. Upon roll call, all present voting aye, motion carried.

BILLS

Bunsness moved, Agnitsch seconded to approve the following audited bills for services, supplies, repairs and maintenance: Northwestern Energy 9,955.30; SD Dept. of Transportation 1,113.61; Flex One 276.00; Dakotacare 82,466.54; Guardian 476.44; CVB 27,326.32; Rhodes Anderson Insurance 30.00; SD Secretary of State 30.00; H F Jacobs & Son \$217,083.12; Fleet Services 452.45; United Parcel Service 113.89; Northern Valley Communications 2,766.16. Upon roll call, all present voting aye with Mitchell abstaining, motion carried.

There being no further business, Bunsness moved, Slight-Hansen 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.

JOINT CITY/COUNTY PROCEEDINGS

Brown County Commission Chambers, 25 Market Street, Aberdeen, South Dakota, October 30, 2012, 8:45 a.m., Joint City/County Meeting. Mayor Mike Levsen presiding. Present at roll call were Council Members David Bunsness, Todd Campbell, Jeff Mitchell, and Jennifer Slaughter-Hansen. City Council Members Tom Agnitsch, Mark Remily, Clint Rux, and Laure Swanson were absent. City staff present were Karl Alberts and Ken Hubbart. County Commissioners present were Tom Fischbach, Mike Wiese, Duane Sutton, and Burt Elliot. County Commissioner Nancy Hansen was absent.

ORDINANCE NO. 12-10-02

Campbell moved, Mitchell seconded to approve second reading and final adoption of Ordinance No. 12-10-02 to rezone from Section 701 (A-1) to Section 707 (C-2) the West 200' of the East 1,400' of the North 670.16' in the NW ¼ of Section 23, T123N, R63W (Proposed DFP Outlot 1). Upon roll call, all present voting aye, motion carried.

Fischbach moved, Elliot seconded to approve second reading and final adoption of Ordinance No. 12-10-02-410. All present voting aye, motion carried.

ORDINANCE NO. 12-10-03

Slaughter-Hansen moved, Campbell seconded to approve second reading and final adoption of Ordinance No. 12-10-03 to rezone from Section 701 (A-1) to Section 714 (M-AG) Lots 24 and 25 of Evelos Outlot in the NE ¼ of Section 2, T122N, R64W. Upon roll call, all present voting aye, motion carried.

Elliot moved, Wiese seconded to approve second reading and final adoption of Ordinance No. 12-10-03-411. All present voting aye, motion carried.

There being no further business before the Joint Council, Bunsness moved, Slaughter-Hansen 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.