

CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, October 5, 2009, 5:30 p.m., regular meeting, Mayor Mike Levsen presiding. Present at roll call were Council Members Tom Agnitsch, David Bunsness, Todd Campbell, Jim Kraft, Jeff Mitchell, Clint Rux and Jennifer Slight-Hansen. Lloyd Hodgins was absent.

Mayor Levsen led the Pledge of Allegiance.

OPEN FORUM – No one was present.

CONSENT CALENDAR

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

SET HEARING DATE – October 26, 2009 at 5:30 p.m. for Petition to Rezone from Section 708 (C-3) and Section 711 (R-4) to Section 705 (R-3) property described as the E. 38' of the S. 100' of Lot 14, Block 40, Second Addition in the NW ¼ of Section 24, T123N, R64W, Aberdeen, Brown County, SD.

LICENSES – Residential Building Contractor – Christopher Demarce, Angela Wagner, Rick Ellis.

STREET USE REQUEST – Gypsy Day Parade.

All present voting aye, motion carried.

NEW BUSINESS

RESOLUTION NO. 09-10-01 R

Campbell moved, Rux seconded to approve the following resolution:

A RESOLUTION TO ESTABLISH CONSOLIDATED BOARD OF EQUALIZATION
PURSUANT TO SDCL 10-11-66 THROUGH SDCL 10-11-77

BE IT RESOLVED that a consolidated Board of Equalization as authorized by SDCL 10-11-66 shall be established pursuant to the Resolution of the Governing Boards of Brown County, City of Aberdeen, and the Aberdeen School District 6-1. The consolidated Board of Equalization as created by this Resolution shall be authorized to exercise all powers contained in SDCL 10-11.

BE IT FURTHER RESOLVED that three members from the Brown County Commission, one member of the Aberdeen City Council and one member of the

Aberdeen School District 6-1 School Board shall constitute a consolidated Board of Equalization as provided by SDCL 10-11-66.

BE IT FURTHER RESOLVED that the Aberdeen City Council, Brown County Commission and the Aberdeen School District 6-1 shall be responsible for the per diem, salary, and mileage costs of the respective members that serve on the consolidated Board of Equalization. Brown County Commission shall be responsible for the ordinary and customary expenses associated with the equalization of property including appeals to the State Board of Equalization. The financial responsibilities contained in this resolution shall remain unless either the Aberdeen City Council, Brown County Commission, or the Aberdeen School District 6-1 shall request that they be modified prior to December 1st of each year.

THIS RESOLUTION shall be binding upon the Aberdeen City Council, Aberdeen, South Dakota and upon each governing body adopting this Resolution according to law.

All present voting aye, motion carried.

HEARING – ONE DAY LICENSE

This being the time and place set for a hearing on application for Special One-Day Retail On-Off Sale Malt Beverage License on October 10, 2009 for Aberdeen Downtown Association dba Brews & Blues, 201 South Main Street, no one was present to testify, recommendations for approval were received, Kraft moved, Campbell seconded to approve the license. All present voting aye, motion carried.

QUIT CLAIM DEED

Mitchell moved, Bunsness seconded to approve and authorize the City Manager and Finance Officer to sign Quit Claim Deed – a 33' strip of land to Brown County. All present voting aye, motion carried.

PROPOSAL TO EXCHANGE PROPERTY

A proposal to exchange property with Dennis Hellwig (old city landfill and Hub City Livestock Sites) was presented. Bunsness moved, Agnitsch seconded to declare the old city landfill as surplus, accept the valuations and authorize the trade. All present voting aye, motion carried.

JANITORIAL SERVICE AGREEMENT

Rux moved, Kraft seconded to authorize 6 month agreement with the Adjustment Training Center for Janitorial Services for the Public Safety Building in the amount of \$17,562.36. All present voting aye, motion carried.

PAY ESTIMATES

Mitchell moved, Bunsness seconded to approve payment and authorize the City Manager to sign the pay estimates #4 – WWTP Improvements – Phase 2B – Lien Transportation - \$113,128.58. Upon roll call, all present voting aye, motion carried. Bunsness moved, Rux seconded to approve payment and authorize the City Manager to sign #13 – WWTP Improvements – Phase 2B – PKG Contracting - \$246,244.06. Upon roll call, all present voting aye, motion carried.

BILLS

Mitchell moved, Agnitsch seconded to approve and authorize the City Manager to sign the following audited claims for services, supplies, repairs and maintenance: United Parcel Service 70.07; Jefferson Partners LP 3,138.58; Executive Management 32.00; Douglas Klippel 27.58; Larry Krause 9.54; Olga Maack 48.15; Cindy Mehlhaff 6.41; Joel Vetter 72.57; Erwin Wiest 9.86; Wagner Holding LLC 51.30; Russell Saylor 6.32; Janet Kent 28.63; Mary Lou Adams 18.10; Mark Elhardt 155.70; Gerald Ehli 18.02. Upon roll call, all present voting aye, motion carried.

RESCHEDULE OCTOBER 13 REGULAR MEETING TO OCTOBER 19, 2009 – no action taken.

RESOLUTION NO. 09-10-02 R

Bunsness moved, Rux seconded to approve the following resolution:

WHEREAS, as City Council, duly elected to represent the citizens of Aberdeen, South Dakota, and

WHEREAS, as a means to demonstrate our commitment in seeking ways to improve the quality of life and the environment in our community, and

WHEREAS, one focus of such attention is Moccasin Creek, an asset that runs through the heart of Aberdeen that has been the victim of years of neglect and environmental insult, and

WHEREAS, the US Environmental Protection Agency, through the Small Business Liability Relief and Brownfield's Revitalization Act, is offering Brownfield's Assessment Grants to communities that apply and meet their important criteria, and

WHEREAS, our City working in concert with the James River Water Development District is applying for a Brownfield's Assessment Grant, so

THEREFORE, as City Council we affirm by resolution our support of our City's application for this US EPA Grant and encourage all members of our community to actively support and participate in this process to make Moccasin Creek a vital and wonderful centerpiece of our community, its heritage, and its future.

All present voting aye, motion carried.

OTHER

Matt Walberg was present to discuss "Steps for Shep" run. No action was taken.

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

Prepared by Cathy Feickert
For the Finance Office

Finance Officer

JOINT CITY/COUNTY PROCEEDINGS

Brown County Commission Chambers, 25 Market Street, Aberdeen, South Dakota, October 6, 2009, 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 and Jeff Mitchell. Lloyd Hodgins, James Kraft, Clint Rux and Jennifer Slight-Hansen were absent.

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

ORDINANCE NO. 09-09-01-377

Mitchell moved, Agnitsch seconded to approve second reading and final adoption of Ordinance No. 09-09-01. Upon roll call, all present voting aye, motion carried.

Commissioner Sutton moved, Commissioner Elliot seconded to approve second reading and final adoption of Ordinance No. 09-09-01-377. All present voting aye, motion carried.

ORDINANCE NO. 09-09-02-378

Campbell moved, Bunsness seconded to approve second reading and final adoption of Ordinance No. 09-09-02. Upon roll call, all present voting aye, motion carried.

Commissioner Elliot moved, Commissioner Sutton seconded to approve second reading and final adoption of Ordinance No. 09-09-02-378. All present voting aye, motion carried.

SET JOINT HEARING DATE

Mitchell moved, Agnitsch seconded to set a joint hearing date of October 27, 2009 at 8:45 a.m. for Petition to Rezone from Section 714 (M-AG) and Section 704 (R-2) to Section 704 (R-2) property described as Lot 1, Bud Smith First Addition in the SE ¼ of Section 20, T123N, R63W of the 5th P.M., Brown County, South Dakota. All present voting aye, motion carried.

Commissioner Sutton moved, Commissioner Elliot seconded to set a joint hearing date of October 27, 2009 at 8:45 a.m. for the above Petition to Rezone. All present voting aye, motion carried.

There being no further business before the Joint Council, Campbell moved, Bunsness seconded that the meeting be adjourned. All present voting aye, motion carried.

Prepared by Cathy Feickert
For the Finance Office

Finance Officer

