

JOINT CITY/COUNTY PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln Street, Aberdeen, South Dakota, March 4, 2013, 5:30 p.m., Joint City/County Meeting. Mayor Mike Levsen presiding. Present at roll call were City Council Members Tom Agnitsch, Todd Campbell, Mark Remily, Clint Rux, Jennifer Slaughter-Hansen, and Laure Swanson. City Council Members David Bunsness and Jeff Mitchell were absent. City staff present were Lynn Lander, Robin Bobzien, Brett Bill, Karl Alberts, Don Lanpher, and Pete Hesla. County Commissioners present were Tom Fischbach, Mike Wiese, and Duane Sutton. County Commissioners Nancy Hansen and Rachel Kippley were absent.

ORDINANCE NO. 13-02-01

Remily moved, Rux seconded to approve second reading and final adoption of Ordinance No. 13-02-01 to rezone from Section 701 (A-1) to Section 714 (M-AG) Lot 1, Weiszhaar Second Subdivision in the SE ¼ of Section 34, T124N, R64W. Upon roll call, all present voting aye, motion carried.

Fischbach moved, Wiese seconded to approve second reading and final adoption of Ordinance No. 13-02-01-415. All present voting aye, motion carried.

There being no further business before the Joint Council, Wiese moved, Fischbach 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, March 4, 2013, 5:30 p.m., regular meeting of the Board of City Council Members, Mayor Mike Levsen presiding. Present at roll call were City Council Members Tom Agnitsch, Todd Campbell, Mark Remily, Clint Rux, Jennifer Slaughter-Hansen, and Laure Swanson. City Council Members David Bunsness and Jeff Mitchell were absent. City staff present were Lynn Lander, Robin Bobzien, Brett Bill, Karl Alberts, Don Lanpher, and Pete Hesla. Mayor Levsen led the Pledge of Allegiance.

MINUTES

Slaughter-Hansen moved, Agnitsch seconded to approve the minutes of February 25, 2013, as circulated. All present voting aye, motion carried.

OPEN FORUM – No one was present.

CONSENT CALENDAR

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

2012 ANNUAL UNAUDITED FINANCIAL REPORT – for the City of Aberdeen, SD – receive and place on file.

SET BID DATE – of March 19, 2013 at 2:00 p.m. for the advertisement for bids on 2013 Watermains and Fittings, Manhole Covers and Inlet Frames and Grates, PVC Sewer Pipe.

SET BID DATE – of March 29, 2013 at 2:00 p.m. for the advertisement for bids on Small Vehicle Directional Signs.

REQUESTS FOR PROPOSALS – for Consulting Services on Channel and Aesthetic Improvements of Moccasin Creek and for Consulting Services on Roadway Improvements for 8th Avenue, NW.

LICENSES – Residential Building Contractor – Ryan Pederson of Suburban Dream Homes LLC; Taxi Cab Driver – Kristi Lappegard; Delivery For Hire/Taxi Cab Driver – Kenneth Simon; Taxi Cab Driver – Roxane Roberts.

SET HEARING DATE – of March 18, 2013 at 5:30 p.m. for New Retail On-Off Sale Malt Beverage License and New Retail On-Off Sale Wine License for Jeton Avidiu dba Roma Ristorante Italiano, 104 South Main Street; Transfer of Retail On-Off Sale Malt Beverage License with Video Lottery from Midwestern-Flack, LLC dba Jokers Wild Casino, 416

South Dakota Street, Suite #3 to Midwestern-Flack, LLC dba Jokers Wild Casino, 1715 6th Avenue, SE #B.

SET HEARING DATE – of March 25, 2013 at 5:30 p.m. for a petition to rezone from Section 701 (A-1) to Section 713 (M) property described as Levee Lot 1, Baird Lot 1, and City Lot 1, Baird Subdivision in the SE ¼ of Section 6, T123N, R63W and Aberdeen Railroad Right-Of-Way in the NE ¼ of Section 6, T123N, R63W of the 5th P.M., Aberdeen, Brown County, South Dakota.

All present voting aye, motion carried.

NEW BUSINESS

TAX INCREMENT FINANCE DISTRICT NO. 18

Campbell moved, Swanson seconded to approve Tax Increment Finance District No. 18 and the following Resolution No. 13-02-04R

WHEREAS, a public hearing was held before the Planning Commission of the City of Aberdeen, South Dakota, on February 19, 2013 at 7:00 p.m. in the City Council Chambers in the Municipal Building at 123 South Lincoln Street, Aberdeen, South Dakota, pursuant to notice of such hearing for the purpose of considering the creation of Tax Incremental District No. 18 and its proposed boundaries and;

WHEREAS, the Planning Commission of the City of Aberdeen did at its regular meeting on February 19, 2013, 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. 18, and;

WHEREAS, the Planning Commission of the City of Aberdeen, South Dakota, at its regular meeting on February 19, 2013 held in the City Council Chambers in the Municipal Building at 123 South Lincoln Street, Aberdeen, South Dakota, did pass a Resolution adopting the Project Plan for the proposed Tax Incremental District No. 18 and did recommend to the City Council of the City of Aberdeen, South Dakota, that it approve and adopt the project plan, 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:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Aberdeen, South Dakota, that the boundaries of the proposed Tax Incremental District No. 18 be and the same are hereby designated as:

Lots 1, 2, 3, 4, and 5, Arbor Springs Second Addition to the City of Aberdeen, South Dakota

and that specific lots to be included in said Tax Incremental District No. 18 are as set forth and identified in the Project Plan on file in the office of the City Finance Officer of the City of Aberdeen, South Dakota, located at 123 South Lincoln Street, Aberdeen, South Dakota 57401-4215 and in the office of Planning and Zoning of the City of Aberdeen, South Dakota, located at 123 South Lincoln Street, Aberdeen, South Dakota 57401-4215.

BE IT FURTHER RESOLVED that such Tax Incremental District No. 18 contains property not less than 25% by area of which is blighted because of faulty layout deterioration, lack of attention and general unrepaired and unattended normal wear and tear and lack of usage in relationship to size, adequacy, accessibility, and usefulness in that such area significantly and substantially impairs or arrests the solid growth of that area of the City of Aberdeen, South Dakota and constitutes an economic liability in its general present condition and use and that further, the improvement of the area is likely to enhance significantly the value of substantially all other real property within the area and

immediately adjacent thereto.

BE IT FURTHER RESOLVED that the district is hereby created with an effective date of March 4, 2013.

BE IT FURTHER RESOLVED that the district shall be named and designated as Tax Incremental District No. 18 of the City of Aberdeen, South Dakota.

BE IT FURTHER RESOLVED that the Project Plan approved by the Planning Commission of the City of Aberdeen, South Dakota, at its regular meeting held on February 19, 2013, be and the same is hereby approved and adopted and that such plan is feasible and in conformity with the master plan of the City of Aberdeen, South Dakota, a municipal corporation of the State of South Dakota.

BE IT FURTHER RESOLVED that the aggregate assessed valuation of the taxable property in the district plus the tax incremental base of all other existing districts does not exceed 10% of the total assessed value of taxable property in the City of Aberdeen, South Dakota.

All present voting aye, motion carried.

ORDINANCE NO. 13-03-02

Ordinance No. 13-03-02 amending Chapter 52 of the Aberdeen Municipal Code by adding a new section dealing with enforcement of truck regulations was presented. Campbell moved, Rux seconded to approve first reading of Ordinance No. 13-03-02. Upon roll call, all present voting aye, motion carried.

RESOLUTION NO. 13-03-02R

Remily moved, Agnitsch seconded to approve the following Resolution No. 13-03-02R:

A Resolution to confirm Mayor Levsen's appointment of a Business Improvement District II Board Member.

WHEREAS, the City of Aberdeen has enacted Ordinance No. 08-08-03 creating Business Improvement District No. 2, and

WHEREAS, South Dakota Codified Law (SDCL) 9-55-5 provides that the Mayor shall, with the approval of the governing body, appoint a Business Improvement District Board consisting of property owners, residents, business operators or users of space within the business area to be improved, and

WHEREAS, SDCL 9-55-6 provides that the Board shall consist of no less than five members to serve such terms as the governing body, by resolution, determines, and

WHEREAS, the duties of the appointed Business Improvement District II Board members are to make recommendations to the governing body for the establishment of a plan for improvements to the Business Improvement District area, and

WHEREAS, Christi Barrus shall be appointed by the Mayor to serve as a BID II Board Member representing the Comfort Inn, and

IT IS HEREBY RESOLVED that all Business Improvement District II Board Members shall be appointed by the Mayor with the approval of the governing body at the March 4, 2013 City Council Meeting. Each Business Improvement District II Board Member shall serve until his or her successor is appointed. If the Business Improvement District II Board Member's position becomes vacant, then his or her successor shall be appointed by the Mayor and approved by the governing body as soon as practicable at a regularly scheduled City Council meeting. The successor shall fill the remainder of the predecessor's term.

All present voting aye, motion carried.

REQUEST TO DECLARE ACCOUNTS UNCOLLECTIBLE

Swanson moved, Campbell seconded to approve to declare \$35,259.09 in unpaid ambulance accounts uncollectible and assign these accounts to collections. All present

voting aye, motion carried.

BIDS FOR COLD STORAGE BUILDING

Bids were opened and publicly read for a Cold Storage Building Project at the Wastewater Treatment Plant. A detailed list of the bids is on file at the Finance Office. Rux moved, Campbell seconded to award the Building Project Bid to Steel Structures of Aberdeen in the amount of \$139,400.00 and authorize the City Manager and Finance Officer to sign all necessary documents after approval by the City Attorney. All present voting aye, motion carried.

BILLS

Swanson moved, Agnitsch seconded to approve the following audited bills for services, supplies, repairs and maintenance: Northwestern Energy 39,586.36; Midcontinent Communications 137.07; David Land 525.00; Fleet Services 571.83; Aberdeen Ride Line 23.76; AT & T Mobility 421.50; US Bank 36,539.75; Convention Visitor's Bureau 27,057.80; JDH Construction 247,495.51; Sanitation Products 175,000.00; RDO Equipment 71,500.00; James Harr 75.25; Robert Imberi 18.79; First American Title 184.21; Kyla Williamson 53.01; Kelsey Bistodeau 29.21; Clayton Randall 25.86; Joan Walter 40.59. Upon roll call, all present voting aye, motion carried.

There being no further business, Rux moved, Agnitsch 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.