

CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln Street, Aberdeen, South Dakota, October 28, 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 David Bunsness, Todd Campbell, Alan Johnson, Mark Remily, Rob Ronayne, Clint Rux, Jennifer Slight-Hansen, and Laure Swanson. City staff present were Lynn Lander, Robin Bobzien, Brett Bill, Karl Alberts, and Mark Hoven.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Johnson moved, Slight-Hansen seconded to approve the minutes of October 21, 2013, as circulated. All voting aye, motion carried.

OPEN FORUM – Mark Hoven, Parks Superintendent, presented a Mosquito Report to the City Council.

PROCLAMATION

Mayor read and proclaimed November 1, 2013 as “Extra Mile Day”.

OLD BUSINESSORDINANCE NO. 13-10-01

Ronayne moved, Rux seconded to approve second reading and final adoption of Ordinance No. 13-10-01 amending Ordinance No. 1164 to rezone from (I-2) District to (R-3) District property described as Lot 1 and Lot 2, Christenson-Fjeldheim Addition in the NE ¼ of Seciton 13, T123N, R64W of the 5th P.M., Aberdeen, Brown County, South Dakota. Upon roll call, all voting aye, motion carried.

CONSENT CALENDAR

Bunsness moved, Johnson seconded to approve the following items on the consent calendar:

SET HEARING DATE – of November 12, 2013 at 5:30 p.m. for applications for transfers of Retail On-Off Sale Malt Beverage and Wine Licenses from Slackers Bar LLC dba Slackers, 115 ½ S. Main Street to Slackers Bar LLC dba Slackers, 320 S. Main Street.

LOTTERY NOTICE – James Valley Model Railroad Association – receive and place on file.

D E P REPORTS AND MINUTES – Aberdeen Regional Airport Board Minutes; Alexander Mitchell Library Board Minutes; and Aberdeen City Planning Commission Minutes – receive and place on file.

All voting aye, motion carried.

NEW BUSINESSRESOLUTION NO. 13-10-04R

Swanson moved, Rux seconded to approve Resolution No. 13-10-04R as follows:

RESOLUTION RELATING TO THE FINANCING OF A PROPOSED PROJECT;
ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS
UNDER THE INTERNAL REVENUE CODE

BE IT RESOLVED by the City Council of the City of Aberdeen, South Dakota (the “City”), as follows:

1. Recitals.

(a) The Internal Revenue Service has issued Section 1.150-2 of the Income Tax Regulations (the “Regulations”) dealing with the issuance of bonds all or a portion of the proceeds of which are to be used to reimburse the City for project expenditures made by the City prior to the date of issuance.

(b) The Regulations generally require that the City make a declaration of its official intent to reimburse itself for such prior expenditures out of the proceeds of a subsequently issued series of bonds within 60 days after payment of the expenditures, that the bonds be

issued and the reimbursement allocation be made from the proceeds of such bonds within the reimbursement period (as defined in the Regulations), and that the expenditures reimbursed be capital expenditures or costs of issuance of the bonds.

(c) The City desires to comply with requirements of the Regulations with respect to a project hereinafter identified.

2. Official Intent Declaration.

(a) The City proposes to undertake a project (the "Project") consisting of (i) the acquisition and renovation of an existing building located at 102 4th Avenue, SE in the City and (ii) the renovation of the existing City Hall located at 123 S. Lincoln Street. The City intends to make original expenditures with respect to the Project prior to the issuance of reimbursement bonds, and reasonably expects to issue reimbursement bonds for the Project in the approximate principal amount of \$5,000,000.

(b) Other than (i) de minimis amounts permitted to be reimbursed pursuant to Section 1.150-2(f)(1) of the Regulations or (ii) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, the City will not seek reimbursement from proceeds of tax-exempt bonds for any original expenditures with respect to the Project paid more than 60 days prior to the date of adoption of this resolution. All original expenditures for which reimbursement is sought will be capital expenditures or costs of issuance of the reimbursement bonds.

3. Budgetary Matters. As of the date hereof, there are no City funds reserved, pledged, allocated on a long term basis or otherwise set aside (or reasonably expected to be reserved, pledged, allocated on a long term basis or otherwise set aside) to provide permanent financing for the original expenditures related to the Project, other than pursuant to the issuance of the reimbursement bonds. Consequently, it is not expected that the issuance of the reimbursement bonds will result in the creation of any replacement proceeds.

4. Reimbursement Allocations. The City Finance Officer shall be responsible for making the "reimbursement" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the reimbursement bonds to reimburse the source of temporary financing used by the City to make payment of the original expenditures relating to the Project. Each reimbursement allocation shall be made within 30 days of the date of issuance of the reimbursement bonds, shall be evidenced by an entry on the official books and records of the City maintained for the reimbursement bonds and shall specifically identify the original expenditures being reimbursed.

All voting aye, motion carried.

COMBINED ELECTION AGREEMENT

Remily moved, Johnson seconded to approve and authorize the Mayor to sign the Combined Election Agreement between the City of Aberdeen, Brown County, and Aberdeen School District #6-1. Bunsness moved, Campbell seconded the motion to table the election agreement because of concerns regarding the date set for elections. All voting aye, motion carried.

BIDS FOR CITY HALL RENOVATION

Bids were opened and publicly read for the City Hall Renovation Project. A detail list of the bids is on file at the City Finance Office. Bunsness moved, Ronayne seconded to award the low bid of \$2,877,350 for the City Hall Renovation to Huff Construction with project completion in 334 days. All voting aye, motion carried.

BILLS

Bunsness moved, Rux seconded to approve the following audited bills for services, supplies, repairs and maintenance: SD Public Assurance Alliance 2,056.00; Midstates Printing 14,741.47; Sanford 465.00; Wameworks 348.00; Dakotacare 158,336.08; Guardian 530.84; Jefferson Partners LP 1,303.28; United Parcel Service 77.58; Aberdeen Area Arts

Council 11,300.00. Upon roll call, all voting aye, motion carried.

CITY MANAGER'S REPORT

Lynn Lander presented the City Manager's Report.

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

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