

## JOINT CITY/COUNTY PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, March 30, 2009, 5:30 p.m., Joint City/County meeting, Mayor Mike Levsen presiding. Present at roll call were Council Members Tom Agnitsch, Nancy Aman, David Bunsness, Todd Campbell, Lloyd Hodgins, Jim Kraft, Jeff Mitchell and Clint Rux.

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

### ORDINANCE NO. 09-03-02-374

Mitchell moved, Aman seconded to approve second reading and final adoption of Ordinance No. 09-03-02. Upon roll call, all voting aye, motion carried.

Commissioner Sutton moved, Commissioner Elliot seconded to approve second reading and final adoption of Ordinance No. 09-03-02-374. All present voting aye, motion carried.

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

Prepared by Cathy Feickert  
For the Finance Office

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Finance Officer

## CITY COUNCIL PROCEEDINGS

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

Mayor Levsen led the Pledge of Allegiance.

### MINUTES

Mitchell moved, Hodgins seconded to approve the minutes of March 23, 2009 as circulated. All voting aye, motion carried.

## **OLD BUSINESS**

ORDINANCE NO. 09-03-01

Bunsness moved, Aman seconded to approve second reading and final adoption of Ordinance No. 09-03-01. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 09-03-03

Rux moved, Agnitsch seconded to approve second reading and final adoption of Ordinance No. 09-03-03. Upon roll call, all voting aye, motion carried.

## **CONSENT CALENDAR**

Hodgin moved, Kraft seconded to approve the following items on the consent calendar:

NOMINATING PETITIONS – Tom Burgard for Mayor – receive and place on file.

SET HEARING DATE – April 13, 2009 at 5:30 p.m. for application for Special One Day Retail On-Off Sale Malt Beverage license on April 23, 2009 for Aberdeen Area Chamber of Commerce dba Avera St. Luke's State Street Medical Square.

REVOCAION OF LIQUOR LICENSES – set hearing date of April 13, 2009 at 5:30 p.m. for the following: Retail Liquor License RL-5424 (Americlnn); Retail Liquor License RL-5419 (Mazatlan Restaurant); and Retail Liquor License RL-5402 (Ward Plaza Restaurant).

LICENSES – Residential Building Contractors – Darrel Tuscherer and Scott Klebsch; Taxi Cab Driver – Anthony D Zerr; Master Plumber – Tracy Swart; Master Electricians – Terry Winegar, Eric J Brenner, Richard Muth; Journeyman Electricians – Brad Burdette, Don Bonn, Daryl D Kiefer, Douglas Eric Yost, Dan Opp and Troy Hofer.

LOTTERY NOTICE – Dakota Midland Association for the Education of Young Children – receive and place on file.

DEPARTMENT REPORTS & MINUTES – Aberdeen Regional Airport Board Minutes; Alexander Mitchell Library Board Minutes; Park & Recreation Board Minutes; Brown County/Aberdeen City Planning Commission Minutes; Aberdeen City Planning Commission Minutes; Board of Zoning Adjustment Minutes.

All voting aye, with Bunsness abstaining, motion carried.

## **NEW BUSINESS**

RESOLUTION NO. 09-03-02 R

Hodgin moved, Aman seconded to approve the following resolution:

A RESOLUTION EXTENDING THE DURATION OF  
TAX INCREMENTAL DISTRICT NO. 12

WHEREAS, a public hearing was held before the Planning Commission of the City of Aberdeen, South Dakota, on June 17, 2008, 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. 12 and its proposed boundaries; and

WHEREAS, the Planning Commission of the City of Aberdeen did at its regular meeting on June 17, 2008, 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. 12; and

WHEREAS, the Planning Commission of City of Aberdeen, South Dakota, at its regular meeting on June 17, 2008 did pass a Resolution adopting the Project Plan for the proposed Tax Incremental District No. 12 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; and

WHEREAS, on July 7, 2008, the City Council of the City of Aberdeen did pass a Resolution adopting the Project Plan for Tax Incremental District No. 12, which resolution directed the City to enter into an agreement with Developer which dissolved TIF 12 on November 2, 2013; and

WHEREAS, the national economy has experienced a significant downturn which has and decreased the likelihood that the project costs will be repaid by November 2, 2013, as previously projected.

NOW, THEREFORE, BE IT RESOLVED that the City and the Developer of Tax Incremental District No. 12 shall enter into a Developer's agreement which provides, in part, that:

1. Tax Increment District No. 12 shall dissolve and cease to exist upon the earlier of (a) payment of all project costs; or (b) action by this Council dissolving Tax Incremental District No. 12; or (c) November 2, 2015; and

2. That if Tax Incremental District No. 12 is dissolved on November 2, 2015 by the terms of the Developer's Agreement, Developer shall be entitled to all positive tax incremental payments for the property through the tax year 2016, payable 2017.

BE IT FURTHER RESOLVED, that nothing herein shall be construed as changing the project plan, the creation or boundaries of the Tax Incremental District, or any other aspect of the creation of Tax Incremental District No. 12.

Bunsness moved to make an amendment to remove "sunset" clause. Motion died for lack of second.

On the vote of the original motion, all voting aye, motion carried.

RESOLUTION NO. 09-03-03 R

Rux moved, Aman seconded to approve the following resolution:

A Resolution establishing priorities for the STIP-Local Transportation Program

WHEREAS, the Transportation Equity Act substantially affects highway funding based on the Functional Classification of highways and streets; and

WHEREAS, the U.S. Department of Transportation has set forth policies and procedures for identifying a communities priorities for the STIP-Local Transportation Program; and

WHEREAS, the Aberdeen City Council annually establishes it's priorities for the STIP-Local Transportation Program;

NOW, THEREFORE BE IT RESOLVED, that the following are the City's priorities for the years 2010 to 2014, to wit:

| Priority Location  | Year | Description, Length,   | Cost      |
|--|------|--|-----------|
| 1 BC #19(8 <sup>th</sup> Ave N to 6 <sup>th</sup> Ave S) | 2010 | Grade, C&G 1.0 mi,<br>Storm Sewer, Lighting, Conc Surf, Bike Path    | \$3.6 mil |
| 2 Roosevelt St (8 <sup>th</sup> Ave to FGR)              | 2012 | Grade, C&G, 1.0 mi,<br>Storm Sewer, Lighting, Conc Surf, Bike Path   | \$3.7 mil |
| 3 8 <sup>th</sup> Ave NW (281 to 281 Bypass)             | 2014 | Grade, C & G, 0.5 mi,<br>Storm Sewer, Lighting, Conc Surf, Bike Path | \$2.0 mil |

All voting aye, motion carried.

## RESOLUTION NO. 09-03-04 R

Rux moved, Hodgkin seconded to approve the following resolution:

A Resolution establishing minimum construction requirements for Local Road

WHEREAS, the City of Aberdeen desires to reduce future road maintenance costs;  
and

WHEREAS, the roads built by developers and others which are consequently dedicated to the City for future maintenance;

NOW, THEREFORE BE IT RESOLVED, that the following are the City's current requirements for streets built in subdivisions constructed hereafter:

- 1) Proof-rolled sub grade to verify soil stability
- 2) Geotextile separator fabric, full width
- 3) 8" Gravel Base
- 4) 3" Asphalt Mat

All voting aye, motion carried.

## RECOMMENDATION ON BIDS

Bunsness moved, Mitchell seconded to approve the following recommendations from the department head and award the bids as follows. A detailed bid tabulation is on file at the Finance Office: 2009 ANNUAL CONCRETE WORK – TNT Concrete Inc., Aberdeen, SD - \$647,636.10. CONCRETE STREET REHABILITATION – Wright & Sudlow Inc., Aberdeen, SD - \$151,081.50; ACCESSIBLE SIDEWALK QUADRANT IMPROVEMENTS – B & B Contracting Inc., Aberdeen, SD - \$139,990.60.

All voting aye, motion carried.

## CONTRACT AND BONDS

Mitchell moved, Hodgkin seconded to approve and authorize the Mayor to sign contract and bonds for watermains, pvc fittings and pipe – Dakota Supply Group. All voting aye, motion carried.

## PAY REQUEST

Mitchell moved, Rux seconded to approve payment of pay request for Sprinter Van for Ride Line – Superior Transit Sales in the amount of \$13,887.80. Upon roll call, all voting aye, motion carried.

## BILLS

Aman moved, Kraft seconded to approve the following audited claims for services, supplies, repairs and maintenance: United Parcel Service 44.01; SDML Workers Compensation 1,345.00; Business Improvement District 110,000.00; Sun Life 504.00; Dakotacare Administration Service 55,605.80; Fleet Services 92.07. Upon roll call, all voting aye, motion carried.

## PAYROLL

Hodgin moved, Rux seconded to approve payroll for the period March 15 through 28, 2009 and city share of social security, old age and survivor's insurance, retirement, and health and life insurance: Governing Body 6,185.94; Attorney 3,285.60; Finance 13,618.40; HR 6,712.80; Building 213.59; Computer 3,258.40; Planning/Zoning 10,756.00; Engineer 9,275.64; Police 81,709.16; Fire 81,360.12; Fire Prevention 2,325.60; Housing/Building 4,592.80; Street 24,433.10; Traffic 4,130.33; Solid Waste 16,174.58; Transportation 12,172.33; Library 20,586.84, Kimberly Bonen 12.87/hr, Sabrina Olson 12.87/hr; Parks, Recreation & Forestry 64,834.33, Connor Hulshof 7.50/hr, Amy LeBeau 8.25/hr; Airport 10,976.98; Pipe 19,319.12; Water Treatment 15,606.97; Meter 8,594.83; Wastewater 16,477.14; Pump 4,633.25; Wells Fargo 94,351.44; SD Retirement System 55,483.48. Upon roll call, all voting aye, motion carried.

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

Prepared by Cathy Feickert  
For the Finance Office

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